

 <b>Executive</b> <b>14<sup>th</sup> January, 2014</b>		<b>Agenda Item No.</b>  <b>6</b>
<b>Title</b>	<b>Changes to Anti-Social Behaviour legislation</b>	
<b>For further information about this report please contact</b>	Pete Cutts Safer Communities Manager <a href="mailto:pete.cutts@warwickdc.gov.uk">pete.cutts@warwickdc.gov.uk</a> 456021	
<b>Wards of the District directly affected</b>		
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	n/a	
<b>Background Papers</b>	Anti-Social Behaviour, Crime and Policing Act (2014) Dog Control Orders (Executive 30/07/14) Ranger Service (Executive 03/09/14)	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	Yes
<b>Included within the Forward Plan? (If yes include reference number)</b>	Yes
<b>Equality Impact Assessment Undertaken</b>	No
There are no equalities issues with the recommendations in this report.	

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	19/12/14	Andrew Jones
Head of Service	19/12/14	Richard Hall
CMT	19/12/14	
Section 151 Officer	19/12/14	Mike Snow
Monitoring Officer		
Finance	27/11/14	Jenny Clayton
Portfolio Holder(s)	19/12/14	Cllr Michael Coker, Cllr Shilton, Cllr Vincett, Cllr Gallagher
Consultation & Community Engagement		
The Public Space Protection Orders require some consultation. This will be subject to a further report.		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		
Review Bye laws relating to public open spaces and consider evidence for use of Public Space Protection Orders.		

## 1. **SUMMARY**

- 1.1 The Anti-Social Behaviour, Crime and Policing Act (2014) comes in to force on October 20<sup>th</sup> 2014. There are duties on this authority (in partnership) to respond to concerns about anti-social behaviour and support victims. There are also a number of new powers and of particular interest are the Public Space Protection Orders.

## 2. **RECOMMENDATIONS**

- 2.1 Note the new powers and responsibilities as set out in Appendix 1
- 2.2 Agree the Community Remedies as set out in Appendix 2
- 2.3 Agree the threshold for the Community Trigger as set out in Appendix 3
- 2.4 Agree the Anti-Social Behaviour Officer as the Single Point of Contact for the Community Trigger.
- 2.5 Approve delegated authority to the Head of Health & Community Protection for the above powers.

## 3. **REASONS FOR THE RECOMMENDATION**

- 3.1 This authority has a statutory duty to work in partnership to reduce crime, disorder and substance misuse. This authority is the lead agency in tackling anti-social behaviour as part of the South Warwickshire Community Safety Partnership Plan.
- 3.2 The Police & Crime Commissioner has a duty to consult on these remedies and whilst these are not controversial this Council has a duty to respond.
- 3.3 The criteria have been developed following four successful national pilot projects and these are agreed across Warwickshire and in line with Home Office guidance. .
- 3.4 The ASB Officer chairs the partnership ASB case management group that will receive and coordinate a response to any activation of the Community Trigger.
- 3.5 To enforce the new legislation delegated authority must be given to a nominated officer.

## 4. **POLICY FRAMEWORK**

- 4.1 Policy Framework -Work in tackling anti-social behaviour is a significant part of the council's vision for Safer Communities:

*Protecting our communities from harm with an emphasis on the prevention of incidents, whilst focusing on the most vulnerable to make them feel safer*

- 4.2 Fit for the Future – Tackling ASB impacts significantly on the quality of life of residents, businesses and visitors and is therefore a significant service. The level of crime and disorder is cited as the top consideration when deciding on where to live.

## **5. Impact Assessments**

- 5.1 This Council has a run a victim centred approach for 3 years. The legislation will not change our approach but through the Community Trigger residents can challenge the partnership response to tackling anti-social behaviour.
- 5.2 Victims can now work with Police to identify the most appropriate community remedies.

## **6. Budgetary Framework**

- 6.1 There are no costs associated with this report but new signage would be required for any Public Space Protection Orders. This would be the subject of a separate report.
- 6.2 Any increase in officer workload can be met from within existing resources.

## **7. Risks**

- 7.1 The risks associated with new powers are no different to the old powers. This Council has consulted with Warwickshire Police, other Warwickshire authorities, the Office of the Police & Crime Commissioner and attended a number of training events.
- 7.2 Legal Services have been consulted in the production of associated notices.

## **8. Alternative Option(s) considered**

- 8.1 No alternative.
- 8.2 A county-wide Community Safety Officers working group has commented on these remedies and argued successfully against the inclusion of any Housing Enforcement. This was not deemed to be a community remedy and of course is subject to its own legal requirements and is independent of partnership processes.
- 8.3 There isn't much leeway in the legislation and the threshold proposed is in line with the pilot project for our most similar authority area (Avon & Somerset).
- 8.4 As the district/boroughs are the lead agencies for tackling anti-social behaviour it follows that the single points of contacts should be from those agencies.
- 8.5 No alternative.

## **9. BACKGROUND**

- 9.1 Levels of crime, disorder, substance misuse and anti-social behaviour are at the lowest level since the advent of our statutory responsibilities under the Crime & Disorder Act (1998).
- 9.2 Total recorded crime is down from a high of 11,274 (2003/04) to 6,530 in 2013/14. Violent crime is down 557 or 28% since 2004/05. Domestic Burglary is down from a high of 804 (1998/99) to 401 in 2013/14 whilst vehicle crime has reduced by 74% in the same period.

- 9.3 There were 7,218 anti-social behaviour incidents in 2007/08 and although recording changed for this in 2012 there have been year on year reductions from 5,068 to 4,795. Criminal Damage is down from 2,670 in 2006/07 to 1,008 in 2013/14, a reduction of 62%.
- 9.4 As significant crimes reduce tolerance of lower level disorder and anti-social appears to be reducing. The new powers are timely in this regard and will allow this Council to address these concerns quickly and supporting victims better.
- 9.5 Our approach to tackling violence, rowdy behaviour and anti-social behaviour will remain unchanged but some of the new powers may assist in addressing issues that bye-laws cannot.
- 9.6 Police lose some powers too including S27 direction to leave which has been a useful early intervention tool and the power of dispersal moves from a six month order to a 48 hour order with no requirement to consult with this authority.
- 9.7 There is an opportunity to set out what it is that is unacceptable in our public spaces and together with Police this Council will produce some generic conditions and some site specific conditions based on evidence in those areas.
- 9.8 The advent of the Ranger Service will provide additional authorised officers supporting Police Officers and PCSO's in the enforcement of these conditions.