

AGENDA ITEM: 9

SUMMARY

Report for:	Cabinet
Date of meeting:	20 January 2015
Part:	1
If Part II, reason:	

Title of report:	Adoption of Anti- Social Behaviour Policies and Procedures
Contact:	Councillor Neil Harden, Portfolio Holder for Regulatory and Resident Services Author/Responsible Officer Nicola Bryant – Team Leader Anti-social Behaviour Team /Julie Still – Group Manager Resident Services
Purpose of report:	To advise Cabinet of the changes to anti-social behaviour legislation introduced by the Anti-social Behaviour, Crime and Policing Act 2014 and to seek approval for amendments to the Council's policies and procedures on anti-social behaviour.
Recommendations	That Cabinet notes the changes to the anti-social behaviour legislation and recommends Council to approve: 1. The adoption of the Council's revised 'Anti-social Behaviour Policy', the 'Policy for Dealing with Anti-social Behaviour Affecting Tenants and Leaseholders' and the 'Anti-social Behaviour Procedures' as attached to this report. 2. The revised scheme of delegation to officers as set out in paragraph 11 of the report.
Corporate Objectives:	Clean and Safe Environment Dacorum Delivers
Implications:	<u>Financial</u> Within Existing Budgets.
'Value For Money Implications'	<u>Value for Money</u> None relating to this report.
Risk Implications	The intention of this report is to comply with legislation and therefore avoid the risk of non-compliance.

Community Impact Assessment	Not applicable
Health And Safety Implications	n/a
Monitoring Officer/S.151 Officer Comments	<p>Monitoring Officer:</p> <p>No further comments to add to the report.</p> <p>S.151 Officer</p> <p>No further comments to add to the report.</p>
Consultees:	<p>Legal, Environmental Health, Housing, Police, Registered Social Landlords, Dacorum Community Safety Partnership</p> <p>Housing and Community Scrutiny Committee, December 2014.</p>
Background papers:	Statutory Guidance – Anti-social Behaviour, Crime and Police Action 2014.
Glossary of acronyms and any other abbreviations used in this report:	

Background

- On 13th March 2014, the Anti-social Behaviour, Crime and Policing Bill received royal assent and there was a staged introduction to different sections of the new act from 13th May 2014 until the bulk of the anti-social behaviour elements came into force on 20th October 2014. The exception to this is the use of the new injunctive powers which have been delayed until this month (January 2015) and we are awaiting formal notice of the exact date they will come in to use. Anti-social Behaviour Orders and Anti-social Behaviour Injunctions remain in use for the interim period.
- The following chart shows the 6 new powers which replace all of the previous legislation.

Tool/Power/Replaces	Criteria	Age	Applicants
Injunction – replaces Anti-social Behaviour Injunction/ ASBO / Drink Banning Order/ Individual Support Order	<p>Nuisance and annoyance relating to a residential property</p> <p>Harassment, alarm and distress relating to non-residential – ie Town Centre, shopping centres.</p>	10 years and over	<p>Local Authority</p> <p>Police</p> <p>Social Housing Providers</p> <p>British Transport Police</p> <p>Environment Agency</p> <p>NHS</p>

	Power of arrest is applicable where there is a risk or threat of violence		
Criminal Behaviour Order – Replaces ASBO on conviction	Convicted offence which caused harassment alarm or distress and to prevent further behaviour	10 Years and over	Police/Prosecutor
Dispersal Powers – replaces previous dispersal powers	The presence or behaviour of an individual has caused harassment, alarm, distress, crime, or disorder and direction will remove or reduce likelihood of reoccurrence	10 years and over	Uniformed Constable or person with delegated power
Public Space Protection Orders (PSPO's) – Replace - gating orders, Dog Control Orders, Designated Public Place Orders (restrictions on alcohol in a public place)	Activities in an area have had a detrimental effect on quality of life and are likely to continue, or, these activities are likely to occur and; the activities are continuing/persistent, unreasonable and justify restrictions being made.	Not applicable	Local Authority
Closure of Premises associated with nuisance or disorder – Replaces Premises Closure Order and Class A Closure	For use where the use of the premises has resulted, or is likely to result , in nuisance or disorder has occurred, or is likely to occur in an area near to premises and is associated. The order is necessary to prevent	Not applicable	Local Authority Police

	the behaviour form continuing, reoccurring or occurring		
Community Protection Notice Replaces some Environmental Powers, eg. Littering notices	Behaviour causing continuing or persistent detrimental effect on quality of life and is unreasonable. There must have been a written warning and time to right the wrong before issued	16 years and over	Local Authority Constable Person with delegated powers

3. In addition to the above powers the new legislation introduces an absolute ground for possession for social landlords. This gives mandatory possession to landlords in cases where the following new powers/existing powers are breached: -
 - Injunction
 - Criminal Behaviour Order
 - Breach of an abatement notice
 - Closure of Premises
 - Certain criminal convictions
4. The absolute ground is discretionary and Landlords do not have to use this power. It has been agreed that the use of this power for Dacorum Borough Council tenants will be subject to the usual procedures and go to the Housing Panel for a decision and if approved the formal established review process (as is used for introductory tenancy appeals) is applied.
5. Due to the new legislation it is necessary to review the corporate and the Tenant and Leaseholder Policy and Procedures for anti-social behaviour and they are attached at appendices 1, 2 and 3.
6. In addition to the anti-social behaviour enforcement legislation the new Act introduces the Community Trigger. The trigger introduces a right for victims or victims' representatives to ask local agencies to review how they have responded to previous ASB complaints, if they have met a locally agreed threshold.
7. If the threshold is met then the agencies will meet and consider what further action might be taken where the behaviour persists.
8. The Community Trigger is managed through the Community Safety Partnership and the single point of contact for the Dacorum Partnership is the Anti-Social Behaviour Team at Dacorum Borough Council.

9. Details of the Trigger procedures are on the website <http://www.dacorum.gov.uk/home/community-living/community-safety-asb/anti-social-behaviour/community-trigger> and the information on how to access this process is also on other agencies websites eg. Police and other registered social landlords who have been involved in and consulted on the development of the trigger locally.
10. The trigger has been widely advertised in Digest and the local press and aims to offer a 'safety net' for vulnerable victims and help to avoid individuals being passed between agencies without resolution.

Delegation to officers

11. It is recommended that the Council adopts the following delegation of powers to officers for the exercise of the new powers introduced by the Anti-social Behaviour, Crime and Policing Act 2014. It should be noted that the issue of a closure notice which has a specified duration of more than 24 hours can only be authorised by the Chief Executive (section 76 of the 2014 Act). The maximum duration is 48 hours.

Anti-social Behaviour (Resident Services)

To authorise the application for an injunction against a person aged 10 or over under Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014.

Assistant Director (Neighbourhood Delivery) in consultation with the relevant Assistant Director and the Assistant Director (Chief Executive's Unit).

To authorise the issue of a closure notice and application for a closure order in respect of premises used or likely to be used to commit nuisance or disorder under Part 4, Chapter 3 of the Anti-social Behaviour, Crime and Policing Act 2014.

Chief Executive in consultation with the relevant Assistant Director and the Assistant Director (Chief Executive's Unit) where the specified duration of the closure notice exceeds 24 hours.

The Assistant Director (Neighbourhood Delivery) in consultation with the relevant Assistant Director and the Assistant Director (Chief Executive's Unit) in all other cases.

To authorise the issue of Community Protection Notices under Part 4, Chapter 1 of the Anti-social Behaviour, Crime and Policing Act 2014.

Assistant Director (Neighbourhood Delivery) in consultation with the relevant Assistant Director and the Assistant Director (Chief Executive's Unit)

To authorise the application for a public spaces protection order under Part 4, Chapter 2 of the Anti-social Behaviour, Crime and Policing Act 2014.

Assistant Director (Neighbourhood Delivery) in consultation with the relevant Assistant Director and the Assistant Director (Chief Executive's Unit)

Anti-social Behaviour (Tenants and Leaseholders)

To serve a notice of proceedings for possession on absolute ground for anti-social behaviour in respect of any dwelling let under a secure tenancy under Part 5 of the Anti-social Behaviour, Crime and Policing Act 2014.

Group Manager (Tenants and Leaseholders)

To conduct a review of a decision to seek possession on absolute ground for anti-social behaviour in respect of any dwelling let under a secure tenancy under Part 5 of the Anti-social Behaviour, Crime and Policing Act 2014.

Assistant Director (Housing).

Appendices:

- Appendix A - Anti-Social Behaviour Policy
- Appendix B - Anti-Social Behaviour Procedures
- Appendix C - Landlord Anti-Social Behaviour Policy