

SLOUGH BOROUGH COUNCIL

REPORT TO: Cabinet **DATE:** 15th September 2014

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WARD(S): All

PORTFOLIO: Councillor Sohail Munawar, Commissioner for Social and Economic Inclusion
Councillor James Swindlehurst, Commissioner for Neighbourhoods and Renewal

PART I KEY DECISION

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 - NEW ANTI-SOCIAL BEHAVIOUR POWERS

1 Purpose of Report

To provide Members with an overview of the important new measures for tackling anti-social behaviour contained within the Anti-Social Behaviour and Police Act 2014 (the Act). The local plans for its implementation and for Members to consider the implications for the Council, as a 'relevant body', for the purposes of the Act.

2 Recommendation(s)/Proposed Action

The Cabinet is requested to resolve that the ASB new powers are utilised by the Council with appropriate amendments to the Council's Scheme of Delegation, officer authorisations, policies and procedures for implementation.

3. The Slough Joint Wellbeing Strategy, the JSNA and the Corporate Plan

3a. Slough Joint Wellbeing Strategy Priorities –

Priorities:

- **Health** - The Act is designed to ensure that the council and its partners provide accountable support to the wellbeing of victims of anti-social behaviour and as such will contribute to reducing health inequalities particularly for the more vulnerable.
- **Housing and Safer Communities** - The Act is designed to reduce crime and disorder and the impact of crime and disorder on our communities. By responding to the requirements of the ACT, applying the principles and intervention framework clearly and consistently the Council will contribute together with partners to addressing anti-social behaviour in Slough.

Cross-Cutting themes:

Civic responsibility - the part that residents can play in delivering the Strategy and in improving Slough for the benefit of everyone. Application of the Act will provide clearer accountability of services in terms of the Council's response to anti-social behaviour particularly once arrangements are agreed and published for the Community Trigger and Community Remedy.

How does the report inform the theme of **Improving the image of the town** - The Act supports the statutory role of the Council as a housing provider, lead partner of the Safer Slough Partnership and in its role in environmental protection.

The **Slough JSNA** notes that, Crime and Anti Social Behaviour (ASB) rates are key factors for local residents in determining a good place to live. The impact of crime on wellbeing is significant and negatively affects new business start ups, ill-health, hospital admissions, and community cohesion. Residents living in areas of high deprivation tend to suffer disproportionately from the impacts of ASB. Co-ordinated partnership action based around the new powers in the Act may help to alleviate the impact of ASB and improve community cohesion and the health & wellbeing of those suffering the effects of ASB

4 **Other Implications**

(a) Financial

It is anticipated that implementation will be resourced from within existing budgets. However, the future resource implications for dealing with for example, Community Trigger reviews and set up costs for Public space which require consultation are as yet unknown. There is an immediate need to provide training for officers and and it has been agreed that the the costs for initial training will shared between Slough Police and the Council.

(b) Risk Management

This section should set out whether there are any risks under the headings on the table below. Describe the risk and explain any mitigating action that has or will be taken (write 'none' in this column if the risk does not apply). Please also describe any positives or potential opportunities under each heading.

Risk	Mitigating action	Opportunities
Legal	Adaptation to meet new statutory duties	Simpler processes
Property	None	
Human Rights	None the Act supports human rights	Increased transparency
Health and Safety	None. Risk assessments will be reviewed	
Employment Issues	None	None
Equalities Issues	Equality impact assessments will be completed for all new policies	
Community Support	None.The Act puts victims at the heart of the response	Potential improvement in community cohesion and

	to ASB	the health & wellbeing of those suffering the effects of ASB
Communications	Communications plan particularly around the Community Trigger will be agreed.	National publicity will support local awareness
Community Safety	The Act supports and enhances the councils ability to deal effectively with	The Act provides victims with the clearer accountability
Financial	Please see 'Finance' section above	
Timetable for delivery	End of September 2014 and quarterly reviews on implementation thereafter,	
Project Capacity	From existing partnership teams	
Other	None	

(c) Human Rights Act and Other Legal Implications

The Act does give due consideration to human rights in terms of reinforcing the councils duties and that if it's partners (responsible bodies) to respect and support the rights of individuals to private and family life.

(d) Equalities Impact Assessment

Assessments will be completed for all amended and new policies resulting from the implementation of the Act.

(e) Workforce

Training will be required for officers and it is possible that there may be a need to review job descriptions for example with the management of Community Trigger reviews.

5 Supporting Information

5.1 The Council and partners through the Safer Slough Partnership (SSP) already provide a robust response to anti-social behaviour (ASB) issues in Slough and the council is committed to meeting it's responsibilities as a lead partner in the SSP, as a housing provider and in protecting the local environment. The council has a legal duty under the Crime & Disorder Act 1998 to work in partnership to tackle crime and disorder.

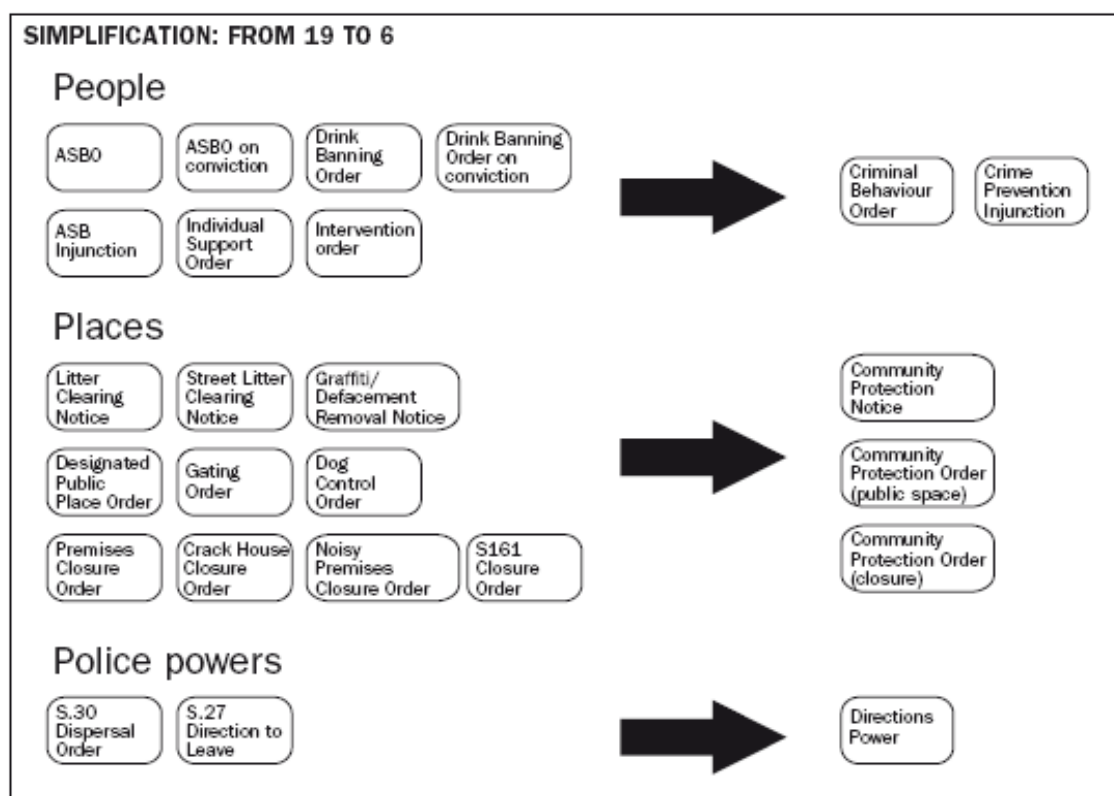
5.2 During 2013 the council teams dealt with 1,738 reports of antisocial behaviour; a reduction of 15.5 % on 2012 figures and in the same period Slough Police received 3,337 ASB reports, a reduction of 21.7%. Analysis of the reports made to the council shows that during 2013, fly-tipping accounted for 33.4% of ASB reports and noise nuisance for 29.1%.

During 2012 and 2013, the ASB Caseworker, together with the relevant crime reduction partners, used the following ASB tools and powers to tackle anti-social behaviour in Slough:

	2012	2013	2104 to date
Anti-social behaviour orders (ASBOs)	2	2	0
Anti-social behaviour injunctions (ASBIs)	1 ASBI 4 interim gang injunctions	2	0
Acceptable Behaviour Contracts (ABCs)	13 (11 signed & 2 refused)	13 (9 signed & 4 refused)	7 (6 signed and 1 failed to attend)
Parenting Contracts (PCAs)	3 (3 offered & 3 signed)	3 (3 offered & 3 signed)	4 (3 signed and 1 failed to attend)

Currently, there are 4 ASBOs, 7 injunctions (incl. 4 gang injunctions), 8 ABCs and 2 PCAs in place in Slough.

5.3 The Act is designed to place the victim of ASB at the heart of the response and provide great flexibility for local authorities and their partners to deal with any given situation. The Act has stream-lined the current ASB toolkit reducing the number of orders from 19 to 6 (as illustrated below), so that the remedies are more flexible and faster at stopping ASB. The Act also focuses on giving better witness satisfaction and making agencies more accountable to witnesses and communities when agencies fail to act. The Act will come into enactment in October 2014.



5.4 Key changes as a result of the Act:

- 5.4.1** To replace the Anti-Social Behaviour Orders and a range of other court orders targeted at anti-social individuals with two new tools; a Criminal Behaviour Order and a Civil Injunction. The new orders will have positive requirements attached to them to support the perpetrators and address their offending behaviour.
- 5.4.2** The introduction of a new 'Community Remedy' which uses a restorative justice approach to deal with low level crime and antisocial behaviour. The Police and Crime Commissioner will be required to publish a Community Remedy Document based on evidence of consultation.
- 5.4.3** The introduction of a new 'Community Trigger' which will impose a duty on the statutory partners in the Safer Slough Partnership to take action in cases where victims or communities have complained about ASB on a number of occasions or when a number of people report the same ASB and it is perceived that local agencies have failed to respond.
- 5.4.4** To consolidate the tools to deal with place specific anti-social behaviour into a Community Protection Notice and a simplified police power to direct people away from an area on grounds of anti-social behaviour.

5.5 The Anti-Social Behaviour, Crime and Policing Act 2014 sets out the following 6 tools:

- 5.5.1 Criminal Behaviour Orders** — issued by the courts after conviction, the order will ban an individual from certain activities or places and require them to address their behaviour for example attending drug treatment programmes - a combination of prohibitions and positive activities, designed to be preventative and not punitive. A breach would see an individual face a maximum five year prison term.
- 5.5.2 Civil injunctions** – a purely civil injunction available in the county court for adults and the youth court for 10 to 17 year olds. Designed to nip bad behaviour in the bud before it escalates. The injunction would carry a civil burden of proof, making it quicker and easier to obtain than previous tools. For adults, breach of the injunction could see you imprisoned or fined. For under-18's, a breach could be dealt with through curfews, supervision or detention.
- 5.5.3 Community Protection Notices**— one order for local authorities to stop persistent environmental ASB like graffiti, neighbour noise or dog fouling; and for police, social landlords and local authorities to deal with more serious disorder and criminality in a specific place such as closing a property used for drug dealing (level 2). Designated powers will need to be given to police and social landlords to issue the notices.
- 5.5.4 Police Dispersal Power** – a Police power to direct any individual causing or likely to cause ASB, crime and disorder away from a particular place and to confiscate related items. A person can be removed from an area for up to 48hrs, if authorized by a Police Inspector or above. PCSO's will be given designated power to use the directions power.

5.5.5 Public spaces protection orders (PSPO's) – intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can enjoy public spaces, safe from ASB. This will replace the DPPO, Gating Order and dog control orders. PCSO's will be able to confiscate and dispose of alcohol.

5.5.6 Closure Powers – this power is a fast, flexible power that can be used to protect victims and communities by quickly closing premises that are causing nuisance or disorder. Both local authority and police can use this power to close residential or business premises. The notice is for a 48hr period, and the closure is for a period up to 6 months.

5.5.7 Absolute grounds for possession – to speed up the possession of secure and assured tenancies in cases where ASB or criminality has already been proven by another court. Local authorities, social and private landlords will no longer need to prove that it is reasonable to grant possession, the court will be more likely to determine cases in a single, short hearing. The new absolute ground is intended for the most serious cases of anti-social behaviour and landlords should ensure that the ground is used selectively.

5.6 To enable **local involvement and accountability**, the Act also includes the following 2 measures:

- **Community Remedies** – this tool gives victims a say in the out-of-court punishment of offenders for low level crime and ASB. The Act places a duty on the PCC to consult with members of the public and community representatives on what punitive, restorative or rehabilitative actions they would consider appropriate to be on the Community Remedy document. This could include
 - The offender signing an acceptable behaviour contract – where they agree not to behave anti-socially in the future, or face more formal consequences
 - Reparation for the victim (e.g. repairing damage or scrubbing graffiti off a wall)
 - Reparation for the Community (e.g. going local unpaid work for up to 10 hours)
- **Community Trigger (Response to Complaints)** – To give victims and communities the right to request a review of their case and bring agencies together to take a joined up, problem-solving review of the situation and agree an approach to find a solution. For the Slough Community Trigger it has been agreed that the trigger will be at least 3 reports from one person within a 6 month period or 5 reports from different people within a 6 month period are made either to the Council, Slough Police or a registered social landlord. Gatekeepers have been identified as the Neighbourhood Inspectors (TVP) and Neighbourhood Managers (SBC) and the procedure will be published at the end of September 2014. Appeals will go to the SBC Community Safety Manager in consultation with the DCI at Slough Police responsible for the Police Neighbourhood Teams and the SBC Head of Consumer Protection & Business Compliance

5.6 Local Implementation

- 5.6.1** The Act recognise that dealing with ASB is rarely simple and that the new powers are likely to work best when complimented by working in partnership, sharing information and using early and informal interventions. The SSP already has an Information Sharing protocol in place and signatures to that protocol will be updated during September 2014
- 5.6.2** Collaborative working across teams and services will be essential and the existing system of ASB case reviews will support the sharing of information to ensure that the best remedies for a situation are identified collectively and any safeguarding issues are flagged.
- 5.6.3** Detailed statutory guidance was issued in July 2014 and ca be accessed at and can be found via:-<https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour>
- 5.6.4** The Council, with partners, will initially seek restorative and informal solutions to ASB reports and use the new powers as a last resort unless the severity of the incident or issue warrants earlier use of the powers.
- 5.6.5** An ASB Implementation Meeting was held on 15/07/2014, made up of representatives from Thames Valley Police, Slough Borough Council, Social Landlords and Legal Services. The group discussed and considered:-
- what the changes will mean in practice for our services and how we should prepare for them
 - a review of current policies and procedures to ensure they remain fit for purpose
 - agreeing the local threshold publicising the Community Trigger procedure
 - training requirements for all staff and associated costs
 - reviewing the current DPPO and identifying potential new areas based on evidence
 - ensuring a multi-agency communication across Slough that will inform residents about the changes and impact of the new legislation on them.

Progress on the action plan and any shared learning from pilot areas will be covered at the next implementation meeting on 19 September 2014 and preparations are well under way to ensure that Slough is prepared for the implementation of the changes for 1st October 2014, when the new Act comes into force.

5.7 Consideration of other options. No alternative options are available as the Act sets out specific significant changes which will require review and adaptation of existing policies and procedures and a new procedure to be in place for the Community Trigger.

A further report will be available to members on the roll out of the changes, together with a review of the impact upon services. At present it is difficult to fully assess the impact of the changes; particularly the likely resources need to respond to Community Trigger review.

6 Comments of Other Committees

The Safer Slough Partnership is aware of the work being done to prepare for the implementation of the Act in Slough and quarterly progress reports will be given to the SSP. Governance around delivery will rest with the SSP

7 Conclusion

The Anti –social Behaviour, Crime and Policing Act 2014 requires the Council to adopt provisions of the Act which will entail the Councils Scheme of Delegation to be amended.

The Act provides for effective powers to deal with ASB that are quicker and more practical than previous powers to help provide better protection to victims and our communities whilst acting as a deterrent to perpetrators

Implementation will require the continuation of effective and co-ordinated working and information sharing across services and teams as supported by the Safer Slough Partnership to deliver the best remedies.

It is as yet difficult to fully assess the impact of upon services

8 Background Papers

‘1’ Home Office: Anti-social Behaviour, Crime and Policing Act: Reform of anti-social behaviour powers. Statutory Guidance for frontline professionals
<https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour>