

# **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

## **Policy and Resources Cabinet Board**

3<sup>rd</sup> September 2015

### **Report of the Head of Corporate Strategy and Democratic Services**

K.Jones

#### **Matter for Decision**

**Wards Affected:** All Wards

#### **Anti-Social Behaviour, Crime and Policing Act 2014**

#### **Purpose of Report**

1. To inform the Cabinet Board of changes to anti-social behaviour powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014.
2. To seek delegated authority for relevant officers from the Cabinet Board to implement the provisions of the Act.

#### **Executive Summary**

3. The UK Government has legislated to replace some anti-social behaviour powers with new powers.
4. Anti-social behaviour orders and anti-social behaviour injunctions are replaced by a new civil injunction.
5. Criminal behaviour orders replace criminal anti-social behaviour orders and drink banning orders.
6. Community protection notices and public space protection notices are introduced. Community protection notices in addition to existing Powers under the Environmental Protection Act .
7. A new closure power is introduced.

8. This report provides a summary of the changes and seeks authority to amended officer delegations in order to bring the new powers into use.

## **Background**

9. The UK Government has legislated to implement commitments made by the former coalition government to reform the powers available to deal with anti-social behaviour and low level crime.
10. The legislation seeks to radically streamline the range of powers available to address anti-social behaviour, in particular, to replace some of the tools available for tackling anti-social behaviour with a new suite of powers.
11. The legislation also seeks to focus the response to anti-social behaviour on the needs of victims; to empower communities to get involved in tackling anti-social behaviour; to ensure professionals are able to protect the public quickly; and to focus on long-term solutions by addressing the underlying issues that cause anti-social behaviour.

## **New Powers and Duties**

12. A table listing the new powers and duties introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 is attached at Appendix 1 for the Cabinet Board's information, together with a comparison, where relevant with powers and duties repealed by the Act.
13. The Cabinet Board is asked to authorise the Head of Corporate Strategy and Democratic Services, the Head of Public Protection and Housing, the Head of Legal Services, the Head of Streetcare and the Head of Planning to exercise the new powers available under the Act for the purposes of tackling anti-social behaviour and low level crime.

## **Financial Appraisal**

14. There are no new recurring revenue funds allocated to local authorities to implement the new provisions within the Act.

15. Training for Anti-Social Behaviour Co-ordinators has been provided at no cost to the council. Some minimal costs will be incurred in communicating the changes to local partners.
16. As these are replacement powers, it is not anticipated that there will be a significant financial impact on the Council but the position will be kept under review.

### **Equality Impact Assessment**

17. The Equality Act 2010 requires public bodies to “pay due regard to the need to:
  - Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - Foster good relations between persons who share a relevant protected characteristics and persons who do not share it.”
18. Local data related to cases of anti-social behaviour does not identify any particular group with a protected characteristic as being disproportionately affected by anti-social behaviour. Consequently, the impact of this legislation is considered to be neutral as far as the equality impact is concerned. Case data will be developed to ensure that monitoring takes full account of groups with a protected characteristic.

### **Workforce Impact**

19. The main impact of the changes is for staff training which is being facilitated by government. Monitoring of the impact of the new powers will be undertaken to identify if there are any unexpected impacts that flow from the new arrangements.

## **Legal Impact**

20. The changes to anti-social behaviour powers are set out in this report, together with details of the amendments required to officer delegations to bring the new powers into use.

## **Crime and Disorder Impact**

21. The Council has a legal duty under Section 17 of the Crime and Disorder Act 1998 to carry out all its various functions with “due regard to the need to prevent Crime and Disorder in its area”.
22. The powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 will assist the Council in discharging this duty as far as anti-social behaviour and low level crime is concerned.

## **Risk Management**

23. There is a risk that local authorities could adopt different approaches in the use of some of the powers which could create difficulties, in particular in working with the police. Authorities are however working collaboratively with community safety partners, including South Wales Police to ensure that there is a consistent approach where this is necessary.

## **Consultation**

24. There is no requirement for consultation on this item.

## **Recommendations**

25.
  - (1) That the Cabinet Board authorises the Head of Corporate Strategy and Democratic Services, the Head of Public Protection and Housing, the Head of Legal Services, the Head of Streetcare and the Head of Planning to exercise the new powers available under the Anti-Social Behaviour, Crime and Policing Act 2014 for the purposes of tackling anti-social behaviour and low level crime.

- (2) That the delegated authorities provided by the Cabinet Board are reported to Council in due course in order that authorisation to reflect the delegated authorities in the Council's Constitution can be obtained.

### **Reason for Proposed Decision**

26. To formally authorise officers to exercise the powers available under the Anti-Social Behaviour, Crime and Policing Act 2014 for the purposes of tackling anti-social behaviour and low level crime across the Neath Port Talbot County Borough.

### **Implementation of Decision**

- 27.. The decision is proposed for implementation after the three day call in period.

### **Appendices**

28. Appendix 1 – List of New Powers

### **List of Background Papers**

29. Anti-Social Behaviour, Crime and Policing Act 2014

### **Officer Contact**

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<b>New Power</b>	<b>Description</b>	<b>Current Powers</b>	<b>Current use</b>	<b>Key Issues &amp; Differences</b>
Civil Injunction	A legal order to stop anti-social behaviour caused by anyone aged 10 or older. Contains requirements / prohibitions which can be dealt with by the courts if breached.	<ul style="list-style-type: none"> <li>• Anti-Social Behaviour Order (ASBO)</li> <li>• Anti-Social Behaviour Injunctions (ASBI)</li> </ul>	<ul style="list-style-type: none"> <li>• ASBIs are a ‘landlord’ power, primarily used to enforce tenancy conditions.</li> <li>• The Police and Council must confirm that they have consulted with each other as part of the ASBO application.</li> </ul>	<ul style="list-style-type: none"> <li>• Injunctions for young people will be dealt with by the Youth Courts</li> <li>• Civil standard of proof</li> <li>• Breach is contempt of court, not a civil offence, but criminal standard of proof applies; breach may result in prison or fine for adults or Supervision or Detention Order for 10-17 year olds.</li> <li>• Can contain ‘positive requirements’ (e.g. attend alcohol awareness course)</li> <li>• Injunction can be applied for by agencies other than the Council e.g. Police and Social Landlords,</li> <li>• Organisation applying for the Injunction (e.g. Police or Council) must consult with the Youth Offending Service for applications against people aged 10-17 years old, and for any injunction application must inform any other body or individual thought appropriate</li> </ul>

<b>New Power</b>	<b>Description</b>	<b>Current Powers</b>	<b>Current use</b>	<b>Key Issues &amp; Differences</b>
Criminal Behaviour Order (CBO)	May be made by any criminal court against a person who has been convicted of an offence, to tackle the most persistently anti-social individuals who are also engaged in criminal activity	<ul style="list-style-type: none"> <li>• Order on Conviction (also known as Criminal Anti-Social Behaviour Order or 'CRASBO')</li> <li>• Drink Banning Order on Conviction</li> </ul>	<ul style="list-style-type: none"> <li>• The Police and Crown Prosecution Service seek 'CRASBOs' where there are multiple similar offences and/or asb related to the offence.</li> </ul>	<ul style="list-style-type: none"> <li>• The prosecutor - most likely the Crown Prosecution Service but potentially the Council - can apply for the CBO on its own initiative or at the request of the Council or Police.</li> <li>• The offence for which someone has been convicted does not have to be linked to the behaviour which the CBO seeks to address.</li> <li>• The prosecutor must "find out the views of" (not just "consult") the Youth Offending Team before making an application for someone under 18.</li> </ul>

New Power	Description	Current Powers	Current use	Key Issues & Differences
Community Protection Notice (CPN)	Issued by officers to stop a person aged 16 or over, business or organisation committing antisocial behaviour which spoils the community's quality of life. A warning must be made before the CPN is issued.	<ul style="list-style-type: none"> <li>• Statutory Powers under the Environmental Protection Act (<b>CPN does not replace these powers</b>)</li> <li>• Litter Clearing Notice</li> <li>• Street Litter Control Notice</li> <li>• Litter Abatement Notice</li> </ul>	<ul style="list-style-type: none"> <li>• Statutory powers are used by the Environmental Health Service to address issues such as noise and accumulations. This will not change.</li> <li>• Litter Notices are frequently used by Environmental Protection Services</li> </ul>	<ul style="list-style-type: none"> <li>• Can be used for noise outside of a residential property (e.g. in the street) – not covered by Environmental Protection Act.</li> <li>• Can be used for 'animal nuisance' issues not covered by current powers (e.g. allowing dogs to stray).</li> <li>• Has effect of creating criminal offence for behaviour which may not otherwise be criminal.</li> <li>• Breach is a criminal offence which can be dealt with by a Fixed Penalty Notice or prosecution. The Council can also take remedial action to remedy the breach and charge costs back to the perpetrator.</li> </ul>
Public Space Protection Order (PSPO)	Designed to stop individuals or groups committing anti-social behaviour in a	<ul style="list-style-type: none"> <li>• Designated Public Place Order (DPPO)</li> <li>• Gating Orders</li> <li>• Dog Control Orders</li> </ul>	<ul style="list-style-type: none"> <li>• The Police lead on Section 30 Orders in consultation with the Council.</li> <li>• The local authority has the</li> </ul>	<ul style="list-style-type: none"> <li>• The Council can make a PSPO in consultation with the Police, Police &amp; Crime Commissioner, community representatives and affected landowners.</li> <li>• PSPOs can be used to address a variety of issues affecting the community – for</li> </ul>



	public place.		power to make a DPPO; in <ul style="list-style-type: none"><li>• NPT this is reserved to the Trading Standards Service</li></ul>	example animal nuisance, alcohol misuse, rowdy behaviour.
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<b>New Power</b>	<b>Description</b>	<b>Current Powers</b>	<b>Current use</b>	<b>Key Issues &amp; Differences</b>
Closure Power	Allows the Police or Council to quickly close residential or business premises which are being used or likely to be used, to commit nuisance or disorder	<ul style="list-style-type: none"> <li>• Premises Closure Order</li> <li>• Drug Closure Order (also known as 'Crack House Closure Order')</li> </ul>	<ul style="list-style-type: none"> <li>• Closure orders are granted by the Magistrates Court</li> </ul>	<ul style="list-style-type: none"> <li>• A Closure Notice can be issued by Police and Council Officers. These close a property for up to 48hours without a court order.</li> <li>• An application for a Closure Order must be made to the court if a Closure Notice is issued unless the notice is subsequently cancelled</li> <li>• A Closure Order is made by the court and can close a property for up to 3months (which can be extended for a further 3 months).</li> </ul>