



COUNCIL
16 September 2015

Report of the Monitoring Officer

ITEM 11

Anti-Social Behaviour, Crime and Policing Act 2014

SUMMARY

- 1.1 The Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) received Royal Assent on 13 March 2014. The Act introduces significant changes to the way local authorities, police and other agencies respond to anti-social behaviour (ASB).
- 1.2 The provisions in the Act consolidate 19 existing anti-social behaviour powers into six more flexible powers. Two new measures, the community trigger and community remedy, have been introduced to help focus the response to such behaviour on the needs of victims. As of 23 March 2015 all powers under the Act are now in force. Appendix 2 contains a diagram showing the replacement powers introduced by the Act.
- 1.3 To enable the Council continue to have a whole range of tools available to it for dealing with ASB within the City, the report recommends to resolve that the new ASB new powers are implemented by the Council by way of appropriate amendments to the Council's Scheme of Delegation and officer authorisations.
- 1.4 To Act also enables the Council to secure civil injunctions as a standalone application within the County Court and the Youth Court and to secure criminal behaviour orders following a conviction in the criminal courts.

RECOMMENDATION

- 2.1 That the Strategic Director, Communities and Place in be authorised to exercise the Council's enforcement powers under the Anti-Social Behaviour, Crime and Policing Act 2014, including:
 - (i) issuing closure notices and securing closure orders;
 - (iv) issuing community protection notices;
 - (v) implementing public space protection orders; and
 - (vi) appointing authorised officers.

2.2

To amend the scheme of delegation in Part 3 of the Constitution by inserting into the list of statutory functions, Part A, new functions to be numbered 71, 72 and 73, as follows:

2.3

Function	Responsible Body	Responsible Officer
71. Power to issue closure notices and secure closure orders		Director of Strategic Partnerships, Planning and Streetpride
72. Power to issue Community Protection Notices		Director of Strategic Partnerships, Planning and Streetpride Director of Communities, Environment and Regulatory Services
73. Power to create Public Space Protection Orders		Director of Strategic Partnerships, Planning and Streetpride

REASONS FOR RECOMMENDATION

- 3.1 To ensure the Council has an effective framework to meet its statutory requirements and duties provided for by the Act.

SUPPORTING INFORMATION

- 4.1 As detailed in paragraphs 1.1 to 1.4 of this report.

OTHER OPTIONS CONSIDERED

- 5.1 No alternative options are available as the Act sets out specific significant changes which will require review and adaptation of existing policies and procedures.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Olu Idowu, Head of Legal Services Toni Nash, Head of Finance Sam Divall, Corporate Capital Programme Manager Diane Sturdy - Acting Head of Service - Organisational Development Ann Webster - Lead on Equality and Diversity Lynda Innocent- Head of Information Software Support Chris Newbold – Senior Health and Safety Advisor
For more information contact: Background papers:	Lucie Keeler 01332 643582 lucie.keeler@derby.gov.uk Anti-Social Behaviour, Crime and Policing Act 2014 http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted Anti-Social Behaviour, Crime and Policing Act 2014: Reform of Anti-Social Behaviour Powers – Statutory Guidance for Frontline Professionals (July 2014) https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour
List of appendices:	Appendix 1 – Implications Appendix 2 - Table showing existing and new powers

IMPLICATIONS

Financial and Value for Money

- 1.1 The will implement the provisions of the Act within existing resources. However, there may be financial implications and we will keep this under review. Potential costs include:
 - staff costs for enforcement;
 - legal costs for undertaking more anti-social behaviour related action; and
 - staff training costs.
- 1.2 The relevant service areas will bring a further report to Full Council should these resource implications require additional financial provision.

Legal

- 2.1 The Act provides the Council with new provisions and powers for dealing with anti-social behaviour. These are explained in the report. The recommendations will ensure that Council officers are properly authorised to exercise the available powers.
- 2.2 Use of the powers contained in the Act may result in additional legal action by the Council. For example, the Council will become the prosecuting authority for any breaches of public space protection orders and community protection notices.

Personnel

- 3.1 Enforcement of the new powers will have implications for frontline staff. There may also be an impact on the Council's Legal Services team if more anti-social behaviour related action is taken. These impacts cannot be assessed accurately at this time and, as referred to in the financial implications section, will be discussed in a further report to the Full Council if required.
- 3.2 The Council has an Aggression and Violence Policy and Procedure and staff will be encouraged to report any issues so that potential remedial action can be taken.

IT

- 4.1 Financial systems will need to be updated to receive payment of fines in respect of the Community Protection Notices.

Equalities Impact

- 5.1 Anti-social behaviour has a devastating effect on people, particularly those with

protected characteristics identified in the Equality Act 2010. These new more flexible powers will have a positive impact on victims as the changes will focus on their needs much more.

Health and Safety

- 6.1 Some officers in receipt of delegated powers may be required to undergo training on how to deal with difficult situations, violence and aggression.

Environmental Sustainability

- 7.1 None arising from this report.

Property and Asset Management

- 8.1 None arising from this report.

Risk Management

- 9.1 None arising from this report.

Corporate objectives and priorities for change

- 10.1 Not applicable.

