

Area West Committee – 22nd January 2014

8. Anti-social Behaviour, Crime and Policing Bill

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Purpose of the Report

To update members on the anti-social behaviour (ASB) tools being developed through the 'Anti-social Behaviour, Crime and Policing Bill' and other Community Safety related initiatives.

Public Interest

The District Council, Police and other agencies are given powers, through legislation, to help protect individuals and communities from Anti-social behaviour and crime that occurs in our area. Those powers are changing through new legislation being introduced by the Government. The intention is that the powers and tools will be easier and quicker to use and in doing so will enhance the protection we are able to give to our communities. This report gives an overview of the specific legislation changes but concentrates focus on the Public Spaces Protection Orders and dispersal powers as together they not only improve but enhance existing powers to deal with alcohol related problems and replaces the existing Designated Public Places Orders. The new legislation will not only allow us to allocate true 'no drinking zones' in problem areas but allows officers to deal with any individuals or groups causing or likely to cause problems, when and where ever it takes place.

Recommendations

- (1) That the report be noted; and
- (2) Agree to accept and consider a further report when the new tools and powers are available for implementation.

Background

The 'Anti-social Behaviour, Crime and Policing Bill' seeks to streamline and replace some of the existing framework for tackling ASB and environmental nuisance. It will replace the existing ASB tools. The 'Anti-social Behaviour, Crime and Policing Bill' completed its passage through the House of Commons on 15 October and had its Second Reading in the Lords on 29 October.

New Tools and Powers

- **Public Spaces Protection Orders:** replacing Designated Public Places Orders, Dog Control Orders and Gating Orders. These orders are intended to deal with a particular nuisance or problem in a particular area and can apply to everyone, specified categories of people (set by councils), or everyone except specific categories. The orders relate to a restricted area and can impose a requirement to stop or carry out specified activity for a maximum of three years, with the possibility to extend the order for up to a further three years.

The PSPO can be used to deal with the consumption of alcohol where it is, or is likely to be, detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone.

For example, where groups regularly congregate in a town centre or a play park to consume alcohol, resulting in their behaviour having a detrimental effect on the area, the council can make a PSPO prohibiting the consumption of alcohol, either at all times or during specific times when the problem is more likely to occur. This effectively means that the area would be a true 'no drinking zone'. Consideration will also need to be given to displacement of the issue to other geographical areas which might be dealt with by the new enhanced dispersal powers.

The dispersal power is a new flexible power which could be used in a range of situations to disperse anti-social individuals and provide immediate respite to a local community. At the moment, agencies would have to go through a cumbersome process for designating the area a dispersal zone before they could deal with the problem, potentially leaving victims at the mercy of the ASB for months.

The new dispersal power will give the police the power to disperse individuals or groups causing or likely to cause ASB in public places. Police officers and police community support officers (if designated the power by their chief constable) will be able to require a person to leave an area and not return for up to 48 hours.

The power can be used in any public place and in common areas of private land with the landowner or occupier's consent (such as shopping centres). The enhanced power combines the most effective elements of the current legislation into a single tool.

The current power under section 30 of the Anti-social Behaviour Act 2003 requires consultation with the local council to designate a dispersal zone in advance and as a result victims and communities can suffer for a number of months before the police can act. It also means that in a fast-moving situation, where groups can quickly convene to cause ASB or disorder and then move to different areas, the current powers are not effective.

The new power will be authorised by an officer of at least the rank of inspector and will not require consultation with the local authority.

The enhanced power is preventative as it allows an officer to deal instantly with someone's behaviour and nip the problem in the bud before it escalates. The police will be able to deal quickly with emerging trouble spots providing immediate respite to victims.

Two conditions will need to be met for a dispersal order to be given. Firstly, the officer has to have reasonable grounds to suspect that the behaviour of the person has contributed or is likely to contribute to, members of the public in the locality being harassed, alarmed or distressed, or the occurrence of crime or disorder.

Secondly, the officer has to consider that giving a dispersal order to the person is necessary for the purpose of removing or reducing the likelihood of ASB, crime or disorder.

Recognised good practice in relation to the use of current dispersal powers will continue. In many forces, officers carry a pre-printed notepad to provide details of the dispersal, the consequences of a failure to comply, where to collect any confiscated items, and a map to clarify the area a person is excluded from.

The direction can be given to anyone over the age of 10. The officer will be able to return children under 16 home or to another place of safety if they are behaving anti-socially and are not accompanied by an adult. Police forces already have safeguarding arrangements in place to ensure that children are not returned to unsafe homes or placed in potentially harmful situations.

The police officer or PCSO will be able to require the individual to hand over items causing or likely to cause ASB such as alcohol, fireworks, or spray paint.

Confiscated items will be held at the police station and can be collected after the period of the dispersal.

Failure to comply with the dispersal will be a criminal offence and will carry a maximum penalty of a £2,500 fine and/or three months imprisonment. Failure to hand over confiscated items would also be a criminal offence and would have a penalty of up to a £500 fine. These sanctions are in line with current equivalent powers and will ensure there are serious consequences for those failing to comply.

- **Community Trigger:** to give victims and communities the right to require agencies, including district councils, to deal with persistent ASB that has previously been ignored. The trigger could be activated by a member of the public, a community or a business if repeated complaints about ASB have been ignored.
- **Community Remedy:** to give victims of low-level crime and ASB a say in the punishment of offenders out of court. This means victims will get justice quickly, and the offender has to face immediate and meaningful consequences for their actions. (see Community Justice Panel below).
- **Closure notices and orders:** A closure notice prohibits access to the premises for a specified period up to a maximum of 48 hours. A closure order prohibits access to a premise for a maximum of three months. A district council or a police officer of at least the rank of inspector can issue a closure notice if they believe that the use of a particular premise has resulted or is likely to result in nuisance to the public, or there is or likely to be such nuisance nearby, and the notice will prevent the nuisance or disorder from occurring.
- **Dangerous dogs:** The provisions of the Dangerous Dogs Act 1991 are amended so that an owner or person in charge of a dog are guilty of an offence if the dog is dangerously out of control in any place, thereby extending the effect of the legislation on to private property.
- **Eviction powers for social landlords:** Currently the court is left with discretion as to whether to evict a tenant under Housing Acts 1985 and 1988 when landlords seek possession of secure and assured tenancies because the tenant has been involved in ASB. The Bill seeks to amend these Acts so landlords can seek to evict tenants involved in ASB or criminal activity. Under the Bill, if it is proved the tenant has been involved in ASB, then the court must evict them.
- **Injunction to Prevent Nuisance and Disorder:** Replacing the standalone Anti-Social Behaviour Order (ASBO). District councils, can apply for the injunction in their own right.
- **Community Protection Notices:** These are designed to deal with particular, on-going, instances of environmental ASB (i.e. litter clearance or removal of graffiti or fly posting). They can be used against individuals over 16, businesses or organisations, and can be issued by the police, council officers or staff of social housing providers.

Some aspects of the bill are being piloted. For instance, the Community Trigger is being piloted through the direction of the Safer Somerset Partnership in the Mendip District Council area. There is scope for districts to work with neighbouring authorities, and other partners in many areas of the Bill.

Scrap Metal Dealers Act 2013

The Act brings forward a revised regulatory regime for scrap metal dealing and vehicle dismantling industries. It gives local authorities (district councils in two-tier areas) the power to greater regulate these industries through providing the power to refuse the granting of a licence and revoking licences for dealers considered as unsuitable. The key features of the bill include the requirement of all individuals and businesses to complete an enhanced application process to obtain a scrap metal dealer licence; new powers for the police and local authorities to enter and inspect sites and the creation of a central public register hosted by the Environment Agency.

Implications for District Councils

Local Government, (district councils in two-tier areas) are now responsible for the licensing of scrap metal dealers and enforcement of the licensing regime alongside the police. District councils will need to make new provisions for issuing scrap metal dealer licences. Districts will also need to put in place a procedure to consider whether an applicant is suitable to be a scrap metal dealer. Furthermore, district councils will also need to have a procedure to ensure that any licences issued are placed on the national register of Licences maintained by the Environment Agency. Councils will also be able to decide how and what fees are going to be charged for the issuing of a licence. Furthermore councils need to consider how the provisions will be enforced.

The LGA has produced detailed guidance for local authority implementation. District councils will need to find a way to provide scrap metal dealer licences. One way is for existing licencing departments to add the responsibility of scrap metal licencing to their responsibilities for alcohol, gambling and taxi licencing.

District councils will also need to decide which applications should be considered by their licensing committee. If a licence application is to be refused, revoked or varied; if an officer recommends one of these options it is appropriate for members to be heard.

When charging fees, district councils will have to refer to Home Office guidance. On enforcement District councils need to be aware of requirements to keep records. They also need to be aware of their rights when entering sites and procedures for making a closure order.

Surveillance Camera Code of Practice

The new code of practice provides guidance on the appropriate and effective use of surveillance camera systems by relevant authorities in England and Wales who must have regard to the code when exercising any functions to which the code relates. The code has been laid before Parliament for approval under the Protection of Freedoms Act 2012. The code sets out 12 guiding principles designed to provide a framework for operators and users of surveillance camera systems so that there is proportionality and transparency in their use of surveillance, and systems are capable of providing good quality images and other information which are fit for purpose. For instance, licensing authorities will no longer be able to make CCTV a legal condition of every pub licence as a matter of course. A Surveillance Camera Commissioner will be appointed by the Home

Secretary to encourage compliance with the code, review its operation and provide advice about the code.

Implications for District Councils

Local Authorities will have to abide by the general principles identified within the Act and use surveillance by consent. The code will be self-regulated; the breach of the code by Local Authorities will lead to criminal or civil proceedings against them; however any evidence obtained by an authority not following the guidelines may be discredited by a court.

The Surveillance Camera Commissioner is preparing for the implementation of the code and will provide authorities with information and advice to follow the code.

Safer Somerset Partnership

The Safer Somerset Partnership has been successful in applying to the Police Crime Commissioner (PCC) for recognition of the merged partnership. This gives formal recognition of the four existing partnerships in Somerset, Mendip & South Somerset, West Somerset, Taunton Dean and Sedgemoor, who have been working together for a trial period. Given the support of the PCC, the Home Office will make the required changes.

The Safer Somerset Partnership has the statutory responsibility for reducing crime and disorder, carrying out an annual strategic assessment and delivery plan and carrying out Domestic Homicide Reviews. SSDC maintains a statutory responsibility to work in partnership to reduce crime and disorder.

Local Delivery

The PCC has produced the Police and Crime Plan which identifies the focus for delivery over the next five years. This will be refreshed annually through to 2017 and is available for download from the PCC web site at:
<http://www.avonandsomerset-pcc.gov.uk/Your-PCC/Police-and-Crime-Plan.aspx>.

The Safer Somerset Partnership has a clearly defined structure dealing with strategy, tactics and delivery. The strategic element of the partnership is dealt with by the Gold Group being the top level decision making group whose membership is made up of high ranking officers from each of the partnership agencies and elected members from the local authorities.

The Gold Group gives direction to the Silver Group whose function is to deal with the tactical delivery. This group is made up of specialist officers from the agencies who have delegated responsibility for the various delivery groups, across the county. These bronze groups are made up of, for example, Community Speed Watch, ASB Steering groups, Youth Offending Team, Probation, Business Crime Reduction Teams and other groups that have a direct impact on Crime and Disorder in the area.

The current priorities for Somerset have been decided upon following the production of the Annual Strategic Assessment that informed the Strategic Delivery Plan. They can be seen below with the lead agency identified:

Reducing the impact of alcohol and drug use (NHS Somerset)
Reducing re-offending (Probation)
Reducing acquisitive offending (Police)

Protecting vulnerable people against violence, harm and victimisation (SCC)
Reducing road casualties (Somerset Road safety)
Addressing environmental crime (District Councils)

The Safer Somerset Partnership has not had access to any core funding since its inception and do not anticipate any change to this now that all of the funding sits with the PCC. There is however opportunity for partnerships, agencies and community groups to bid for funding to carry out specific projects.

Somerset Community Justice Panel

[Emma Bourne in attendance]

The re-launched Community Justice Panel went live on the 22nd August 2013. The new charity, Somerset Community Justice Panel now operates out of Yeovil Police Station. Funding has been achieved for this year giving an overall budget of £17,000.

Service level agreements or letters of understanding are in place with the Police, Yarlington Housing Group and Taunton Deane Borough Council. Should these organisations continue with funding next year, all agreements will be upgraded to service level agreements.

Sixteen cases have been referred to the panel with others in the pipe line. Four of these cases have since been withdrawn by the referring agency, and seven are in process of preparing for a panel. The remaining five have all been dealt with through panels and resulted in Acceptable Behaviour Contracts, or Acceptable Agreements which are in place for between 3 and 12 months depending on the offence.

At present there are 18 fully trained volunteers and 8 are undergoing their initial 3 day training course at the beginning of December. A one day refresher course for all volunteers is being proposed early in the new year.

Recruitment of an administrative assistant has been completed and will start working one day a week from the beginning of December.

Financial Implications

There are no financial implications directly related to this report.

Corporate Priority Implications

Ensure, with partners, that we respond effectively to community safety concerns raised by local people and that the strategic priorities for policing and crime reduction in South Somerset reflect local needs.

Enable a district-wide network of free standing Community Justice Panels.

Carbon Emissions & Adapting to Climate Change Implications (NI188)

There are no Climate Change implications directly related to this report.

Equality and Diversity Implications

There are no Equality and Diversity Implications directly related to this report.

Background Papers: *Anti-social Behaviour, Crime and Policing Bill*
