

Report for: ACTION
Item Number: 8iii



Contains Confidential or Exempt Information	No – Part I
Title	Anti-Social Behaviour, Crime and Policing Act 2014 – Key Implications for the Borough
Responsible Officer(s)	Craig Miller, Brian Martin
Contact officer, job title and phone number	Craig Miller – Community, Protection & Enforcement Service Lead 01628 683598 Brian Martin – Community Safety Manager 01628 796337
Member reporting	Cllr Cox – Lead Member for Environmental Services
For Consideration By	Cabinet
Date to be Considered	30 October 2014
Implementation Date if Not Called In	Immediately
Affected Wards	All
Keywords/Index	Anti-Social Behaviour, Crime, Night-Time Economy, Community Trigger, Community Remedy

Report Summary

1. This report deals with the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act).
2. It recommends that members note the implications of the Act for RBWM's approach to crime and anti-social behaviour (ASB) issues and agree with the proposed timetable for implementing the legislation as set out in section 15.
3. It recommends that authority for some provisions in the Act are delegated to the Director of Operations in consultation with the Head of Legal Services.
4. These recommendations are being made because RBWM is required to comply with the new legislation.
5. Parts 7 – 14 of the Act are not covered in this paper as they do not specifically pertain directly to RBWM's statutory duties to reduce crime and anti-social behaviour.
6. This report seeks ratification of the way in which RBWM will work as part of the Community Safety Partnership to implement the Community Trigger, which

came into effect on 20th October 2014.

If recommendations are adopted, how will residents benefit?	
Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
1. A new Community Trigger process for the review of ASB Cases will increase transparency and make RBWM and its partners more accountable.	20 October 2014
2. Professionals will have new, flexible tools and powers to protect residents from the perpetrators of ASB.	Phased introduction from 20 October 2014

1. Details of Recommendations

RECOMMENDATION: That Cabinet:

- i) Notes the implications of the Anti-Social Behaviour, Crime & Policing Act 2014;**
- ii) Agrees with the proposed timetable of actions to implement the new legislation**
- iii) Delegates authority to the Director of Operations, in consultation with the Head of Legal Services, to complete all necessary steps to enable officers to be authorised to serve Community Protection Notices in accordance with Part 4 of the Anti Social Behaviour, Crime and Policing Act 2014 and agree processes with partners**
- iv) Delegates authority to the Director of Operations in conjunction with the Lead Member for Environmental Services and Head of Legal Services to work with the Community Safety Partnership to agree enforcement processes for Parts 1 - 6 of the Anti Social Behaviour, Crime and Policing Act 2014**
- v) Requests that a paper be presented to Cabinet in May 2015 detailing a review of existing Designated Public Space Protection Orders (DPPOs) with an evidence base and recommendations for replacing them as appropriate with Public Space Protection Orders in accordance with Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014**
- vi) Requests that a paper be presented to Cabinet in December 2014 proposing arrangements for alley gating that are compliant with Public Space Protection Orders in accordance with Chapter 2 of the Anti-Social Behaviour, Crime and Policing Act 2014**
- vii) Ratifies the process for the Community Trigger agreed by the Community Safety Partnership**

2. Reason for Recommendation(s) and Options Considered

Background Information

2.1 The Anti-Social Behaviour, Crime and Policing Act 2014 makes extensive changes to the legislation surrounding anti-social behaviour. Firstly, it consolidates existing powers from 19 down to 6 and these changes are summarised in Appendix 1. Secondly, the Act includes two new measures which are designed to give victims and communities a say in the way anti-social behaviour is dealt with. These are:

- The Community Trigger, which gives victims the ability to demand action, starting with a review of their case, where the locally defined threshold is met.
- The Community Remedy, gives victims a say in the out-of-court punishment of perpetrators for low-level crime and anti-social behaviour.

Full guidance on implementation is provided in the Home Office Document "Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers: Statutory guidance for frontline professionals" (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final__2_.pdf).

2.2 Some of the Act requires action solely by local authorities, e.g. with respect to rescinding Designated Public Place Orders and potentially replacing them with the new Public Space Protection Orders, while much of it relates to multi-agency work via the Community Safety Partnership.

2.3 The Council is required to ensure that its constitution is up to date so that its decision making is accountable and transparent for the powers it employs. If Cabinet is minded to approve the above recommendations it will be necessary to amend the Council's scheme of delegation to incorporate these new functions.

Option	Comments
1 Note the implications of the Act, agree delegated authority and timetable for implementation Recommended	Members informed of implications. Enables efficient implementation and compliance with the Act. Changes made in a timely manner and residents benefit from new legislation.
2 Take no action	Compliance with the Act will not take place and RBWM will not deliver benefits to residents.

3. Key Implications

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
Community Trigger process agreed and published by	After 20 October 2014	20 October 2014	n/a	n/a	20 October 2014
Review of DPPOs and completed by	After 30 April 2015	30 April 2015	31 March 2015	28 February 2015	30 April 2015
100% of	After 31 July	31 July 2015	30 June	31 May 2015	31 July

actions in the implementation timetable delivered by	2015		2015		2015
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4. Financial Details

a) Financial impact on the budget (mandatory)

Following the implementation of the Act the council will need to review all current Designated Public Place Orders (also known as Alcohol Free Zones) and determine whether to rescind or replace them with Public Space Protection Orders (PSPO's). Existing DPPO signage will need to be removed from the 120 locations currently in place. There are approximately four signs on average per DPPO (with the exception of Windsor & Maidenhead town centres – approximately 25-30 signs each). If Cabinet determines that it wishes to retain all 120 locations it would equate to approximately 520 signs to be fixed in place. The cost of removing the existing signage, purchasing and implementing new signs is projected to be approximately £16k. A capital bid has been submitted as part of the 2015/16 capital programme for this work.

	Year1 (2015/16)
	Capital £000
Addition	16
Reduction	0

5. Legal Implications

5.1 The Council has a statutory duty under the Crime and Disorder Act 1998 to work with partners such as the police to reduce crime, anti-social behaviour and the fear of crime.

Parts 1 – 6 of the Act make provision for:

- a new Community Trigger
- new Community Remedies
- replacement of existing ASB tools with new powers including:
 1. Civil Injunctions
 2. Criminal Behaviour Orders
 3. Dispersal Powers
 4. Community Protection Notices
 5. Public Space Protection Orders
 6. Closure of Premises

Parts 7 – 14 of the Act also make provisions and amendments relating to a range of areas including: recovery of possession of dwelling-houses, dangerous dogs, terrorism and extradition, firearms, sexual harm and violence, forced marriage, the police, the Independent Police Complaints Commission, the Serious Fraud Office, invalid travel documents, criminal justice and court fees.

6. Value For Money

Full compliance with our statutory obligations will mitigate potential challenge and any costs and associated officer time.

7. Sustainability Impact Appraisal

None

8. Risk Management

Risks	Uncontrolled Risk	Controls	Controlled Risk
Practitioners unable to start employing new tools and powers to reduce crime and ASB	High	Approval given to proceed with implementation in a timely manner and delivery monitored	Low
Lack of planning for new measures and processes e.g. Community Trigger	High	Timely review and adaptation of policies and procedures	Low

9. Links to Strategic Objectives

These recommendations assist in the following strategic objectives:

Residents First

- Support Children and Young People
- Encourage Healthy People and Lifestyles
- Work for safer and stronger communities

Delivering Together

- Enhanced Customer Services
- Deliver Effective Services
- Strengthen Partnerships

Equipping Ourselves for the Future

- Equipping Our Workforce
- Developing Our systems and Structures

10. Equalities, Human Rights and Community Cohesion

None

11. Staffing/Workforce and Accommodation implications:

Awareness-raising activity and training will be necessary to ensure that staff are aware of the change in law.

12. Property and Assets

None

13. Any other implications:

None

14. Consultation This report will be circulated to the Crime and Disorder Overview and Scrutiny Panel and also to the Community Safety Partnership (CSP for information). Any comments will be incorporated prior to consideration by Cabinet.

15. Timetable for Implementation

20 October 2014	Community Trigger thresholds agreed by Community Safety Partnership (CSP)
20 October 2014	Provisional Community Trigger arrangements published
30 October 2014	Cabinet agrees proposals in this paper and ratifies the Community Trigger Threshold
December 2014	Paper on proposed arrangements for alley gating under the act submitted to Cabinet for approval
May 2015	Review of DPPOs and Alley Gatings completed and proposals for replacement by Public Space Protection Orders (PSPOs) submitted to Cabinet for approval
July 2015	DPPOs rescinded and replaced by PSPOs as appropriate.

16. Appendices

Appendix 1 – Overview of the Anti-Social Behaviour, Crime and Policing Act 2014

17. Consultation (Mandatory)

Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
Internal				
Cllr Burbage	Leader of the Council	06/10/14	07/10/14	
Cllr Cox	Lead Member Environmental Services	03/10/14	06/10/14	
Cllr Hilton	Chair, Crime and Disorder Overview & Scrutiny Panel	10/10/14	18/10/14	
Michael Llewelyn	Cabinet Policy Assistant	03/10/14	06/10/14	
Cathryn James	Strategic Director Operations	03/10/14		
Craig Miller	Community, Protection & Enforcement Services Lead	02/10/14	03/10/14	
Maria Lucas	Head of Legal Services	06/10/14	16/10/14	

Report History

Decision type:	Urgency item?		
Key decision August 2014	No		
Full name of report author	Job title	Full contact no:	
Brian Martin	Community Safety Manager	01628 796337	

Appendix 1

Overview of the Anti-Social Behaviour, Crime and Policing Act 2014

Tools / powers established in Parts 1 – 6 of the Act

New Tool / Power	What It Does	Previous Tools / Powers	Stakeholders	Comments	Required for Success
Injunctions (implementation now delayed until early 2015)	<p>Places a civil injunction on a person barring certain actions and/or places a positive requirement on them.</p> <p>Available on application to a civil court.</p> <p>Breach is contempt of court. A power of arrest may be attached by the court.</p>	<ul style="list-style-type: none"> • Anti-Social Behaviour Order (ASBO) • Drink Banning Order (DBO) • Individual Support Order • Anti Social Behaviour Injunction (ASBI) • Intervention Order 	<ul style="list-style-type: none"> • Thames Valley Police • Community Safety / ASB Team • Youth Offending Team (under-18s) • Drug and Alcohol Action Team • Housing Associations 	<p>Injunctions and CBOs are similar to existing measures.</p> <p>Ability to set positive requirements will make the orders more flexible, allowing for terms such as “You will attend drug treatment sessions.”</p> <p>High quality of evidence will be required for successful applications, as for current orders.</p> <p>Effectiveness cannot be known until cases fully test new law.</p>	<p>Community Safety Partnership (CSP) will need to agree when each agency will lead on applications.</p> <p>RBWM enforcement policy will need to be reviewed in line with the new legislation.</p> <p>CSP will need to set out clear ASB escalation process from informal intervention up to and including new orders.</p> <p>CSP will need to deliver training and awareness-raising to ensure that members, professionals and residents know what can be expected.</p>
Criminal Behaviour Order (CBO)	<p>Prohibits a person from certain actions and/or places a positive requirement on them.</p> <p>Available as sentencing following conviction for a criminal offence.</p> <p>Breach is an arrestable criminal offence (contempt of court).</p>	<ul style="list-style-type: none"> • ASBO on Conviction • DBO on Conviction 			

Tool / Power	What It Does	Previous Tools / Powers	Stakeholders	Comments	Required for Success
Dispersal Powers	<p>This empowers PCs / PCSOs to disperse those causing or likely to cause ASB by asking them to leave a specified area and not return for up to 48 hours.</p> <p>A police officer of Inspector rank or higher can authorise the dispersal of individuals from a specified area within a time period.</p> <p>Returning to the area before the expiry of the direction is an arrestable criminal offence.</p>	<ul style="list-style-type: none"> • S.27 Direction to Leave • S.30 Dispersal Order 	<ul style="list-style-type: none"> • Thames Valley Police • Community Safety Team • Trading Standards & Licensing • CCTV • Town Centre Management 	<p>Provides greater flexibility for the police to tackle disorder in the Night Time Economy (NTE)</p> <p>Reduces bureaucracy by removing lengthy consultation process.</p> <p>Police will be required to provide transparent reporting about how the power is being used.</p> <p>To be effective, dispersals will require front-line resources to monitor, e.g. CCTV and police.</p> <p>It can be hope that the power will reduce levels of ASB and violent crime in the NTE.</p>	<p>The Police will need to revise arrangements for policing / regulating the NTE.</p> <p>Police will need to review resourcing / training of staff able to use dispersal power.</p> <p>Police will need to provide data / reporting on effectiveness of power, which could take place via CSP and/or Crime & Disorder Overview and Scrutiny Panel.</p>

Tool / Power	What It Does	Previous Tools / Powers	Stakeholders	Comments	Required for Success
Community Protection Notices (CPN)	<p>Allows a notice to be issued for persistent behaviour detrimental to community quality of life e.g. noise, rubbish, graffiti.</p> <p>Breach of the notice can be dealt with via a fixed penalty or prosecution.</p> <p>CPNs will be issued by both local authority and police, but duty to prosecute will lie with local authority.</p>	<ul style="list-style-type: none"> Litter Clearing Notice Street Litter Clearing Notice Defacement Removal Notice Designated Public Place Order Gating Order Dog Control Order Premises Closure Order Crack House Closure Order Noisy Premises Closure Order S. 161 Closure Order 	<ul style="list-style-type: none"> Thames Valley Police Environmental Protection Community Safety/ ASB Team Street Care Trading Standards & Licensing Drug and Alcohol Action Team Housing Associations 	<p>Fixed penalties provide a quicker and cheaper enforcement mechanism than court proceedings.</p> <p>CPNs will allow for greater flexibility by focusing on the effect of behaviour on residents.</p> <p>Statutory Nuisance regime will continue to operate in parallel.</p>	<p>CSP will need to agree a protocol relating to ownership of process, and consider different enforcement scenarios.</p> <p>CSP will need to agree clear process from warning through to prosecution to avoid inconsistency.</p> <p>Legal Services will need to consider potential cost of pursuing prosecutions.</p>
Public Space Protection Orders	<p>Allows setting of conditions on an area to restrict specified behaviours.</p> <p>Replaces Designated Public Place Orders (DPPOs) e.g. no-drinking zones.</p> <p>Breach of the notice can be dealt with via a fixed penalty or prosecution.</p>			<p>Establishment of an order will require consultation with Chief Constable, PCC, and community.</p> <p>Publicity and signage will be required for new PSPOs, which will cost.</p> <p>Existing DPPOs will remain in force for three years to allow review.</p>	<p>CSP will need to undertake review of existing DPPOs and consider which may be converted into PSPOs.</p> <p>Stakeholders will need to adjust policies to decide which behaviours are in the public interest to restrict under PSPOs.</p>
Community Protection Order (Closure)	<p>Allows for the police or local authority to close premises causing nuisance or disorder (e.g. drug dens).</p> <p>If necessary, this can be an on the spot closure for up to</p>			<p>Provides a flexible mechanism for short-term responses to premises causing serious issues.</p> <p>3-6 month closure may</p>	<p>CSP will need to agree a protocol relating to ownership of process, and consider different enforcement scenarios.</p> <p>CSP will need to agree</p>

	48 hrs. This can be extended (3 - 6 months) by application to a magistrate.			exclude persons from their home if required. Enforcement has implications around risk of homelessness, particularly for children.	clear process from warning through to prosecution in order to avoid duplication / inconsistency.
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Tool / Power	What It Does	Previous Tools / Powers	Stakeholders	Comments	Required for Success
'Community Trigger' (ASB Case Reviews)	<p>Creates duty for Community Safety Partnership to review ASB cases where victims feel insufficient action has been taken by agencies.</p> <p>CSP will reject applications that do not meet agreed thresholds, or are malicious, vexatious or historic.</p> <p>Allows for third-party representation of victims (e.g. vulnerable persons) by carers, family members etc.</p>	<ul style="list-style-type: none"> Regular Case Conferences Ad hoc case reviews FOI / Data Protection applications Complaints processes 	<ul style="list-style-type: none"> Thames Valley Police RBWM Clinical Commissioning Group Housing Associations Residents Resident advocates 	<p>Case review process is not a complaints procedure.</p> <p>Process requires multi-agency information sharing, and applications must be resolved transparently from the point of view of the victim.</p> <p>Most details of the process to be agreed locally by CSP, not dictated by legislation.</p>	<p>Approval of policy for introduction of Case Reviews, ratified by CSP.</p> <p>Production of process by Community Safety Team for approval by CSP.</p> <p>Publication of Case Review process, and corresponding training for all staff dealing with vulnerable people.</p> <p>Strengthening of information-sharing arrangements between all CSP stakeholders including Health.</p>
Community Remedies	Creates duty for each policing body to create a document listing actions which might be carried out as an alternative to court proceedings for ASB / low-level offending.	<ul style="list-style-type: none"> Adult Restorative Disposals (ARDs) Youth Restorative Disposals (YRDs) Acceptable Behaviour Contracts Good Neighbour Agreements 	<ul style="list-style-type: none"> Thames Valley Police Community Safety/ ASB Team Youth Offending Team (under 18s) Intensive Family Support Project 	<p>Increases victim involvement in the outcome of cases.</p> <p>Community reparation makes for more visible justice.</p>	<p>Confirmation from Police / PCC of the menu of remedies.</p> <p>Adaptation of policies for implementing restorative justice, e.g. whether this sits within the</p>

	<p>These out-of-court disposals may intend to punish or rehabilitate the perpetrator, or 'make good' to the victim.</p> <p>The community remedy chosen should take account of the views of the victim.</p>	<ul style="list-style-type: none"> • Restorative justice projects (e.g. litter picking, painting) • Informal resolutions 	<ul style="list-style-type: none"> • Housing Associations • Residents & Community Groups 	<p>Aims to produce quicker results than waiting for court time.</p> <p>For young people, allows avoidance of unnecessary criminalisation.</p>	<p>enforcement policy.</p> <p>Protocol will need to be agreed between RBWM and Police as to when remedy usage is appropriate.</p> <p>Strengthening of information-sharing to ensure continuity in use of remedies.</p>
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