

COMMUNITY SAFETY AND HOUSING PORTFOLIO DECISION SCHEDULE



Tuesday, 29 March 2011

at 2.00 pm

in Committee Room C, Civic Centre, Hartlepool

The Mayor, Stuart Drummond responsible for Community Safety and Housing will consider the following items.

1. KEY DECISIONS

No items

2. OTHER ITEMS REQUIRING DECISION

No items

3. ITEMS FOR INFORMATION

3.1 Government Review Of Anti-Social Behaviour – Assistant Director
(Neighbourhood Services)

4. REPORTS FROM OVERVIEW OF SCRUTINY FORUMS

No items

**COMMUNITY SAFETY AND HOUSING
PORTFOLIO**

Report to Portfolio Holder
29 March 2011



Report of: Assistant Director (Neighbourhood Services)

Subject: GOVERNMENT REVIEW OF ANTI-SOCIAL
BEHAVIOUR

SUMMARY

1. PURPOSE OF REPORT

To update the portfolio holder on proposals for change in the field of anti-social behaviour, with an overview of possible implications for their implementation in Hartlepool.

2. SUMMARY OF CONTENTS

This report gives an overview of the scope of changes currently being consulted on in the field of anti-social behaviour.

3. RELEVANCE TO PORTFOLIO HOLDER

Community Safety Issue

4. TYPE OF DECISION

Non key

5. DECISION MAKING ROUTE

Report is for information only

6. DECISION REQUIRED

That the Portfolio Holder comments on the proposed changes and their implications and notes the content of the report.

Report of: Assistant Director (Neighbourhood Services)

Subject: GOVERNMENT REVIEW OF ANTI-SOCIAL BEHAVIOUR

1. PURPOSE OF REPORT

1.1 To update the Portfolio Holder on proposals for change in the field of anti-social behaviour, with an overview of possible implications for their implementation in Hartlepool.

2. INFORMATION

2.1 In February 2011 a consultation paper “More Effective Responses to Anti-social Behaviour” was published. The consultation runs until 4th May 2011.

2.2 The consultation proposes a streamlining of powers; with a view to the sanctions being more speedily available to practitioners; together with a desire to have the available sanctions play a rehabilitative and restorative role.

2.3 The consultation criticises the incremental approach to dealing with anti-social behaviour, whereby all options of warning and support are exhausted before enforcement is resorted to, and makes clear that orders do not have to be an option of last resort.

2.4 It is proposed the Anti-social Behaviour Order (ASBO) is to be replaced with a Crime Prevention Injunction, (CPI) to be applied for by the police, local authority or Registered Social Landlord. There will be a requirement to consult the Youth Offending team where the subject of the proposed injunction is under 18.

2.5 Breach of this order would require proof to the criminal standard but would not result in a criminal record. Importantly, as a breach will not a crime, prosecution for breach would fall to the organisation which applied for the original order. This has implications for the workload and budget of the Anti-social Behaviour Unit and legal teams within the Council. It has not yet been decided if these orders will be applied for through the Magistrates’ or County Courts - this question is posed as part of the consultation.

- 2.6 Currently ASBOs may only contain prohibitions; the proposal is that the CPI will also contain positive requirements, such as attendance at courses aimed to support them to change behaviour. Whilst this in itself is positive, it does raise the possibility of a higher level of breaches, e.g. for failure to attend sessions.
- 2.7 The paper also asks for comments on the proposal that the Criminal Anti-social behaviour order (CRASBO) is to be replaced by the Criminal Behaviour Order (CBO), which could be applied for by the prosecutor alongside prosecution for a criminal offence. For the under 16s there is a suggestion that a report could be prepared on the family circumstances to ensure that the order was appropriate to the individual. Again there would be positive, as well as negative sanctions.
- 2.8 The Community Protection Order Level 1 would be an order available to a range of Council staff and landlords replacing a number of existing powers as indicated in the table at 2.10. Failure to comply would be a criminal offence, as is the case with the tools it is designed to replace, and generally punishable by a Fixed Penalty Notice
- 2.9 The Community Protection Order Level 2 would be available to the police or local authority, and would not require a court order except for those orders where premises are to be closed, when the Magistrates' Court would need to approve the order.
- 2.10 The table overleaf summarises the proposed new powers and how they relate to the existing sanctions.

<u>Existing System</u>	<u>Proposed Changes</u>
ASBO on conviction	' Criminal Behaviour Order ' – available on conviction for any criminal offence, and including both prohibitions and support to stop future behaviour likely to lead to further anti-social behaviour or criminal offences.
ASBO	
Interim ASBO	
ASB Injunction	
Individual Support Officer (ISO)	
Intervention Order	
Crack House Closure Order	' Crime Prevention Injunction ' – a purely civil order with a civil burden of proof, making it much quicker and easier to obtain. The injunction would also have prohibitions and support attached, and a range of civil sanctions for breach.
Premises Closure Order	
Brothel Closure Order	
Designated Public Place Order	
Special Interim Management Orders	
Gating Order	
Dog Control Order	
Litter Clearing Notice	' Community Protection Order (Level 2) ' – a local authority/police power to restrict use of a place or apply to the courts to close a property linked with persistent anti-social behaviour.
Noise Abatement Notice	
Graffiti/Defacement Removal Notice	
Direction to Leave	' Community Protection Order (Level 1) ' – a notice issued by a practitioner to stop persistent anti-social behaviour that is affecting quality of life in an area or neighbourhood, with a financial penalty for non-compliance, or other sanctions where relevant e.g. the seizure of noise-making equipment.
Dispersal Order	
	' Police 'Direction' power ' – a power to direct any individual causing or likely to cause crime or disorder away from a particular place and to confiscate related items.

2.11 The Community Trigger is a proposal aimed at giving local people the power to shape the response to issues by responsible agencies. The proposed criteria are:-

- That five individuals, from five different households in the same neighbourhood had complained about the same issue, and no action had been taken OR
- that the behaviour in question had been reported to the authorities by an individual a minimum of three times and no action had been taken, AND
- a Community Safety Partnership (CSP) could reject the complaint if they deemed it to be malicious.

Once the trigger has been set in motion, there would be a duty for the Community Safety Partnership (CSP) to take action within a set period, with their response monitored by the Police and Crime Commissioner.

- 2.12 The Directions Power is a new power combining the existing power a Police Constable has to direct an individual to leave a designated area for up to 48 hours with the Dispersal power. The consultation poses the question whether the power should be extended to Police Community Support Officers (PCSOs), and proposes that there is no requirement to designate an area to be subject to the power in advance.

3. IMPLICATIONS OF THE PROPOSALS

- 3.1 As stated in 2.5 above there are workload and budget implications for the Council in some of the proposals. The extent of these is difficult to quantify as yet, as there are a number of variables to factor in.
- 3.2 The amount of work to gain a CPI order will be different if the orders go through the Magistrates' or County courts; the number of orders applied for; which may well be higher than in the past, and the level of breaches. The ASB Unit would also need to set up means of notification of breaches of the positive elements of the orders.
- 3.3 Set against this is the expectation that the power to issue a level 2 Community Protection Order may be sufficient to solve a number of issues early.
- 3.4 These changes will not take effect until after new legislation comes into force so the situation will need to be monitored, and accounted for in budget planning from 2012/13, by which time the situation may become clearer.
- 3.5 There is concern that the demand for service from those agencies offering support in relation to the positive elements of orders, could outstrip their capacity to deliver, or, that if the needs of those on orders are prioritised, that this may impact detrimentally on other service users.
- 3.6 There is concern that the proposed criteria for the Community Trigger are susceptible to misuse by individuals or small groups and that a disproportionate amount of work could be generated to little effect.
- 3.7 The new Directions Power could prove an effective alternative to the issuing of repeated AS13s, but there is a danger that its use could fuel tensions between young people and Neighbourhood Police Teams so it would need to be used judiciously.

4 NEXT STEPS

- 4.1 The Social Behaviour Manager is currently liaising with colleagues within the Council and Partners across the Safer Hartlepool Partnership to submit a co-ordinated response to this consultation on behalf of the Safer Hartlepool Partnership.
- 4.2 It may be anticipated that moves to introduce legislation will follow swiftly on the ending of the consultation period, and thus the ASB Unit is planning to commence work to review its policy and working procedures in advance of the changes.

5. RECOMMENDATION

- 5.1 That the Portfolio Holder comments on the proposed changes and their implications and note the content of the report.

6. BACKGROUND PAPERS

- 6.1 Consultation Paper “More Effective Responses to Anti-social Behaviour” 2011

7. CONTACT OFFICER

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