

Report To: Cabinet

Date of Meeting: 30th June 2015

Lead Member / Officer: David Smith, Lead Member for Public Realm

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Title: Delegation of Powers under the Anti-Social Behaviour, Crime and Policing Act 2014 and amendments required to the Officer Scheme of Delegation in respect of powers previously delegated to the Head of Housing.

1. What is the report about?

The report provides an overview of the new provisions for tackling anti-social behaviour contained within the Anti-Social Behaviour, Crime and Policing Act 2014.

The report also seeks authority to provide the Monitoring Officer with authority to amend the Officer Scheme of Delegation in respect of executive functions, given the fusion of the Head of Planning and Public Protections role with certain Housing functions following a senior officer restructure.

2. What is the reason for making this report?

A decision is required in respect of approval by Cabinet that the powers contained under this legislation are delegated to the relevant Heads of Service as set out in Appendix 1 in order to ensure effective implementation of the new powers; to also at the same time to 'tidy up' the Officer Scheme of Delegation with regard to Housing /housing related functions and changes in the law.

3. What are the Recommendations?

- 3.1 That the Officers listed in Appendix 1 are given delegated authority to exercise the new powers and additional functions brought in under the Anti-Social Behaviour, Crime and Policing Act 2014 in order to enable the Council and its partners to tackle anti-social behaviour in an appropriate, consistent and proportionate way and within resource constraints.
- 3.2 That the level of fines for Fixed Penalty Notices issues as a sanction for breaching Community Protection Notices and Public Spaces Protection Notices be set at £100 which is the maximum under the legislation.
- 3.3 That the Monitoring Officer is instructed to amend the Officer Scheme of Delegation to reflect these new and amended powers in respect of anti social behaviour.
- 3.4 That the Monitoring Officer is also instructed to amend the Officer Scheme of Delegation to reflect that the Head of Planning and Public Protection has taken on the responsibilities under a recent restructure in respect of the Councils housing functions and to carry out a 'tidy up' of the listed

legislation set out in the Scheme due to repeals and amendments of legislation which are within the purview of the public protection service.

4. Report details.

Anti-social behaviour is a broad term used to describe the day to day incidents of crime, nuisance and disorder that can make people's lives a misery – from litter and vandalism to public drunkenness or aggressive dogs. Such a wide range of behaviours means that responsibility for dealing with anti-social behaviour is shared between a number of agencies particularly the police, councils and social landlords.

Central Government and the Home Office have designed these reforms to put victims at the heart of the response to anti-social behaviour, and give professionals the flexibility they need to deal with any given situation.

The new provisions streamline tools for tackling anti-social behaviour with six new powers replacing the 19 existing ones. There are two new powers namely the Community Trigger and the Community Remedy.

These key changes can be summarised as follows:

- Replacement of Anti-Social Behaviour Orders (ASBOs) with a range of other court orders targeted at anti-social individuals with two new tools: (1) Injunctions (2) Criminal Behaviour Orders. The new orders can have positive requirements attached to them to support perpetrators and address the root causes of their offending behaviour.
- The tools available have been consolidated in order to simplify the range of remedies available to address a wide range of behaviours that negatively affect the quality of life or residents living in a particular area. These now include Community Protection Notices, Public Spaces Protection Orders, Closure Powers and also Police Dispersal Powers.
- The introduction of Absolute Grounds for Possession in assured tenancies (the private rented sector) and secure tenancies (social housing) where criminality has already been proved by another court.
- The introduction of a new Community Remedy which uses restorative justice approach to deal with low level crime and anti-social behaviour. The North Wales Police and Crime Commissioner is responsible for publishing a 'Community Remedy' document following community consultation.
- The introduction of a ASB Case Review (Community Trigger). This will then impose a duty on statutory partners from the Community Safety Partnership where victims or communities have complained about ASB on a number of occasions and they perceive local agencies have failed to respond effectively. Community Trigger Case Review - The Conwy and Denbighshire Community Safety Partnership (CSP) have developed procedures for dealing with case review applications. These applications will then be heard by the Anti Social Behaviour Tasking Group of the CSP to determine whether the response had been adequate. Officers are in discussions with our customer services officers to act as our single point of contact for receiving applications for community trigger reviews.

5. How does the decision contribute to the Corporate Priorities?

The decision contributes to keeping streets clean and tidy, dealing with anti social activities which may impact on well being of residents and visitors, and living and working in a safe environment, and where vulnerable persons are protected from harm.

6. What will it cost and how will it affect other services?

There are no additional costs to services in relation to adoption of the Act and amending the scheme of delegation. Activities or Orders carried out or made under the legislation will however need to be monitored and the Council will need to work in partnership with other agencies in respect of enforcing some of the provisions, such as the service of notices.

There is also potential for an impact on the workload of the Council's legal team if there are breaches of Community Protection Notices and appeals and applications for Court Injunctions.

There is provision where there is a breach of a Community Protection Notice for the Council to take remedial action to address the issue in question. This could be clearing rubbish or cleaning off graffiti. Although reasonable charges for the work, equipment and administration can be charged to the perpetrators there is a risk of appeal and also a risk of not being able to recover the full costs incurred, if at all in certain situations, hence the need for proportionality in approach.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.

The legislation and guidance has been developed by the UK Government to mitigate the risks and consequences of any adverse impacts, should they occur.

8. What consultations have been carried out with Scrutiny and others?

No specific consultations have taken place. However training has been undertaken by DCC officers on the detail of the Act and the Head of Planning and Public Protection has been consulted on the Act.

9. Chief Finance Officer Statement

There are unlikely to be additional costs associated with the Act and changes to the delegation process. The administration of the processes noted should be reviewed in due course to ensure the changes can be managed within the resources available.

10. What risks are there and is there anything we can do to reduce them?

Managing expectations of the community as the Council and it's partners need to manage expectations in relation to ASB and the use of these powers within a challenging financial climate.

11. Power to make the Decision

Anti-Social Behaviour, Crime and Policing Act 2014 ; s. 2 Local Government Act 2000 and Denbighshire County Councils Constitution at 3.26