



## Report – Port Health and Environmental Services Committee

### New Anti-Social Behaviour, Crime and Policing Act 2014 – Delegated Powers

*To be presented on Thursday, 15<sup>th</sup> January 2015*

*To the Right Honourable The Lord Mayor, Aldermen and Commons of the  
City of London in Common Council assembled.*

#### **SUMMARY**

1. This Act replaced the nineteen measures previously available to tackle antisocial behaviour within the Anti-social Behaviour Act 2003 with a new set of six powers, outlined in Appendix 1, intended to provide a simpler and more streamlined framework. It introduces new mechanisms with the aim of giving victims and local communities a greater say in the treatment of anti-social behaviour and low-level crime, and it strengthens the ability of landlords to terminate tenancies on grounds relating to anti-social behaviour.
2. A copy of the Act is available in the Members' Reading Room or upon request from the Town Clerk's Department.

#### **RECOMMENDATIONS**

3. That the Court of Common Council delegate authority, for the certain areas of responsibility relating to the Anti-Social Behaviour, Crime and Policing Act 2014, to the Port Health and Environmental Services Committee and the Community and Children's Services Committee, with responsibility for Housing Services, and that the Scheme of Delegation be amended accordingly to allow Officers to institute proceedings and enforcement remedies in relation to part 1-6 of the Anti-Social Behaviour, Crime and Policing Act 2014.

#### Civil Injunctions to Prevent Nuisance and Annoyance (IPNA)

4. That the Director of Built Environment, Director of Markets and Consumer Protection and Director of Community and Children Services or their authorised Deputy be given delegated authority to seek an Injunction to Prevent Nuisance and Annoyance in accordance with Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014.

### Closure Power

5. That the Director of the Built Environment, the Director of Markets and Consumer Protection and the Director of Community and Children Services, or their authorised Deputy, be granted delegated authority to apply for Closure Orders and to authorise their officers to issue Closure Notices and in accordance with Part 3 of the Anti-social Behaviour, Crime and Policing Act 2014.

### Community Protection Notice (CPN)

6. That the Director of Built Environment, the Director of Markets and Consumer Protection and the Director of Community and Children Services be given delegated authority to authorise officers to serve Community Protection Notices and, Fixed Penalty Notices in the event of a breach, in accordance with Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014;
7. That approval be granted to enable the Director of Built Environment, the Director of Markets and Consumer Protection and the Director of Community and Children Services to be able to designate Registered Social Landlords to issue Community Protection Notices, in accordance with Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014; and
8. That approval also be granted to the Director of Built Environment, the Director of Markets and Consumer Protection and the Director of Community and Children Services to be able to authorise Police Community Support Officers and other Police staff to serve Community Protection Notices and Fixed Penalty Notices, in accordance with Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014.

### Criminal Behaviour Orders

9. That the Director of Built Environment, the Director of Markets and Consumer Protection and the Director of Community and Children Services or their authorised Deputy be granted delegated authority to seek Criminal Behaviour Orders, in accordance with Part 2 of the Anti-Social Behaviour, Crime and Policing Act 2014.
10. It is also recommended that:-
  - The Community Safety Team, within the Town Clerks Department be the 'Single Point of contact for the Community Trigger as required under the Act and the Safer City Partnership oversee/scrutinise any community triggers and appeals; and
  - The Police Committee, in partnership with the City Of London Police, be responsible for the production of a Community Remedies document.

## MAIN REPORT

1. The Anti-Social Behaviour, Crime and Policing Act 2014 received Royal Assent on 13 March 2014 and came into effect on the 20<sup>th</sup> October 2014 (some parts being delayed until January 2015). The Act proposed a number of reforms to existing legislation and to put the victim at the heart of the response to anti-social behaviour by providing professionals and organisations with greater flexibility to deal with any given situation.
2. The reforms set out in Parts 1-6 of the Act are intended to ensure that professionals have effective powers that are quick, practical and easy to use to provide better protection to victims and communities and act as a deterrent to perpetrators. Nineteen existing powers are replaced with six simpler and more flexible ones.
3. In setting out the new powers, the City of London Corporation will always to seek restorative solutions to issues and only use these powers as a last resort. This will mean that appropriate Service Units across the City Corporation and partners working with the people and communities affected by these powers must be engaged and involved in the decision making.
4. The Scheme of Delegated Powers would be amended to allow the Director of the Built Environment, the Director of Markets and Consumer Protection, and the Director of Community and Children's Services to institute proceedings and enforcement remedies in relation to Parts 1-6 of the Act. The existing Scheme of Delegations to Officers can be viewed at <http://www.cityoflondon.gov.uk/about-the-city/how-we-work/corporate-governance/Documents/Scheme-of-Delegations-to-Officers.pdf>.
5. The new powers are summarised below:

### Civil Injunctions to Prevent Nuisance and Annoyance (IPNA)

6. The IPNA is a civil power which can be applied for to deal with anti-social behaviour. It replaces six orders formerly available to local authorities/ the City and Police. An injunction can offer fast and effective protection for victims and communities and set a clear standard of behaviour for perpetrators, stopping the person's behaviour from escalating.

### Public Spaces Protection Orders (PSPOs)

7. PSPOs may be made in relation to activities carried out (or likely to be carried out) in a public place, which are reasonably considered to have a detrimental effect, persistent or continuing in nature, on the quality of life in the locality. The PSPO must be issued after consultation with the Police and community representatives as taken place and may restrict the activity through prohibition or the imposition of requirements, although these restrictions may not go beyond what is reasonable in relation to the detrimental effect sought to be tackled.
8. The long-standing position under the City of London Corporation's Constitution and Terms of Reference is that the promotion of byelaws is authorised by the Court of Common Council. Given that PSPO's are intended to be of a similar nature, and may concern issues which fall under the remit of several committees it is not currently proposed that Court of Common Council delegate authority to make PSPO's. However, this can be kept under review.

### Closure Power

9. Closure Power allows the Police or the City of London Corporation to issue a Closure Notice (CN) and a Closure Order (CO). A CN can close premises for up to 48 hours but cannot stop the owner or those who live there accessing the premises. A CO can close premises for up to 6 months and can restrict all access.
10. Breaching a Closure Order will be a criminal offence that can result in 6 months imprisonment. Breaching a Closure Notice can carry a custodial sentence of up to 3 months and both carry an unlimited fine for residential and non-residential premises.

### Community Protection Notice (CPN)

11. A CPN is intended to deal with particular, on-going problems or nuisances which negatively affect the community's quality of life by targeting those responsible. These include graffiti, rubbish and noise.
12. Under the procedure outlined in the Guidance which accompanies the Act, a written warning has to be served followed by the CPN then at a later stage a Fixed Penalty Notice (FPN) may be issued for non-compliance. In addition, the CPN can be appealed within 21 days of service. All these processes need to be recorded and evidenced and the City and its partners will need to ensure that there is an effective monitoring arrangement in place because of the appeal process and potential for prosecution. Some form of 'gate keeping' arrangement may be required in order to avoid duplicate actions by partner organisations. Coordination may fall to the responsibility of the Community Safety Team within the Town Clerks department who have the remit of the Safer City Partnership.

### Criminal Behaviour Orders

13. Criminal Behaviour Orders may be issued following a conviction by the Criminal Courts to rehabilitate offenders by tackling the underlying cause of anti-social behaviour, such as misuse of drugs and alcohol etc. They are normally sought by the Crown Prosecution Service but a Local Authority can also apply for these in cases of serious and persistent anti-social behaviour.

### Community Trigger

14. If three complaints about anti-social behaviour are received within a 6 month period, upon request, the City is obliged to formally review the actions taken/planned with relevant Partners (Police, Housing Associations etc.) and inform the victim of the outcome. This part of the law could impact on many Departments across the City of London Corporation and any partners. For example, the response to noise complaints, irresponsible dog owners, planning enforcement etc. could all come under scrutiny.
15. If a 'Trigger' request is made, a formal review would have to be held and the case scrutinised. A multi-agency panel would ultimately review the case and make recommendations for action, for the City, the Community Safety Team within the Town Clerks Department will act as the single point of contact for the Community Trigger where they will coordinate any processes with other departments.

## Community Remedy

16. This new power allows the Police to choose an alternative punitive/rehabilitation action against offenders, other than proceeding through the courts. The victim and perpetrator of the crime would be involved in deciding the reparation action required.
17. The Police Committee and Community Safety Partnership in partnership with the City Of London Police will produce a Community Remedies document. This will contain a list of:
  - Restorative actions – achieving restitution/reparation for the victim
  - Punitive actions – reflecting the effect on the victim or the community
  - Rehabilitative actions – addressing the causes of the behaviour
  - All or any part of the above in combination
18. The use of the Community Remedy will be restricted to Police Officers, PCSOs (if authorised by the Police Commissioner) and Investigating Officers (who are persons employed by a police force or by the Office of the Police Crime Commissioner) who are authorised to offer and give conditional cautions or youth conditional cautions.

### **Conclusion**

19. The provisions of the 2014 Act will give the City of London Corporation and its partner organisations a more effective means of tackling anti-social behaviour in certain areas if/ where it is prevalent. However there will be a need for an effectively coordinated monitoring process to be established with partner bodies and the requirement for a single point of contact within the City Corporation. It will be essential that all officers involved in these new processes are effectively trained and that the additional workload is monitored in the first year of operation.

### **Appendices**

- Appendix 1 – Diagram showing old and new powers

All of which we submit to the judgement of this Honourable Court.

DATED this 15<sup>th</sup> January 2015.

SIGNED on behalf of the Committee.

**Wendy Mead  
Chairman**

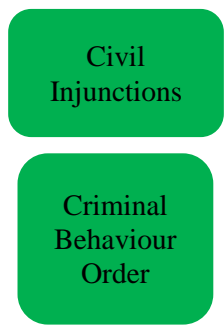
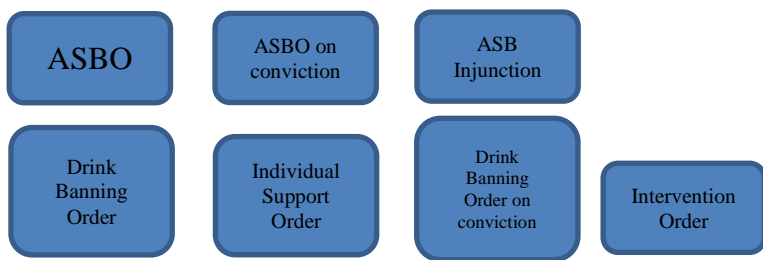
Anti-social Behaviour, Crime and Policing Act 2014

Changes in powers – 19 down to 6

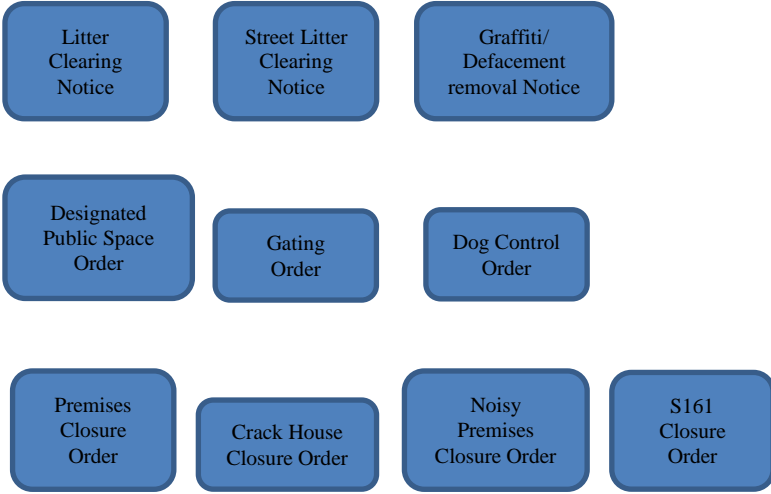
Old Powers

New Powers

People



Places



Police Powers

