

COUNCIL

Agenda Item:

Ward: All

Portfolio: Cross-cutting

FROM: Deputy Leader and
Portfolio Holder for
Services

Date: 9 May 2016

SUBJECT: Anti-social Behaviour, Crime and Policing Act 2014

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Report Sign off	Seen by:	Name	Date
	Legal	Lesley Dolan	26/04/16
	Finance		
	Chief Executive Officer	Stuart Brown	26/04/16
	Corporate Manager	Donna Nolan	26/04/16
Summary:	<p>The purpose of this report is to seek approval to implement the use of the new tools and powers as provided by the Ant-Social Behaviour, Crime and Policing Act 2014 ("the Act") and to seek delegated authority under the Council's Scheme of Delegation of Functions Officers for the Corporate Manager, Regulatory Services to be able to issue Community Protection Notices/Order (CPNs) in appropriate circumstances.</p> <p>This matter has been considered and approved by Cabinet which recommended to full Council.</p>		
Recommendation:	<p>That Council</p> <ol style="list-style-type: none">1. Notes the new tools and powers granted by the Act.2. Approves the use of the new tools and powers (with the exception of the Public Spaces Protection Order (PSPO) which has already been considered by Cabinet and will be the subject of further consultation) within the Council's area.3. Delegates authority to the Corporate Manager, Regulatory Services to issue Community Protection Notices.4. Delegates author to the Corporate Manager, Governance Assets and Public Spaces and Monitoring Officer to update the Constitution, and in particular the Scheme of Delegation of Functions to Officers to give effect to the issue of Community		

	Protection Notices.
Direct and/or indirect impact on service delivery to our customers and communities	The work will form part of the 2016-17 Enforcement team work plan and once complete will assist the council and its partners in controlling and where possible reducing levels of anti social behaviour in public spaces.
Financial Implications:	Any financial implications resulting from amendment to the Scheme of Delegation of Functions to Officers will be met from existing resources.
Legal Implications:	Acting without the appropriate authority under the Scheme of Delegation of Functions to Officers will be <i>ultra vires</i> and will render a CPN invalid and unenforceable.
Crime and Disorder Implications:	Use of the new tools and powers will assist the Council in controlling and where possible reducing anti-social behaviour in public places.
Equalities Implications:	This report does not specifically highlight any equalities implications however, in discharging its responsibilities the Council is required to comply with the public sector equality duty.
Risk Assessment and Adverse Impact on Corporate Actions:	There are no additional risks to the Council's business as a result of making these changes to the Scheme of delegation of Functions to Officers.

INTRODUCTION

1. The Anti-Social Crime and Policing Act 2014 ("the Act") received Royal Assent on 13 March 2014. Most provisions relating to anti-social behaviour came into force on the 20 October 2014.
2. The Act is intended to simplify and provide more effective powers to tackle anti-social behaviour (ASB) and give better protection for victims and communities

THE NEW TOOLS AND POWERS

3. The tools and powers identified in the Act seek to streamline and replace the existing framework for tackling ASB and environmental nuisance.
4. The Act introduces 7 new powers that replace the previous 19 and there are two new initiatives that are all designed to improve services to victims. Whilst it replaces all the existing ASB tools, legislation to tackle statutory noise nuisance is still in place, as are powers to deal with stray dogs and dangerous dogs. All of the tools are discretionary with the exception of the Community Trigger. Details of the new tools and powers are set out at Appendix 1.

CURRENT POSITION

5. Cabinet on the 8 February 2016 has already considered Public Spaces Protection Orders and resolved to approve a review of existing Designated Public Space Orders relating to the consumption of alcohol in certain designated public spaces and replace with appropriate Public Space Protection Orders. Following the review a statutory consultation is to be undertaken in accordance with powers contained within the Act and that thereafter a further report is brought to Cabinet setting out the proposals for the district, for approval.
6. In terms of the new Community Protection Notice/Order (CPN) Officers have attended workshops organised by the Safer Somerset Partnership. Discussions have been held, and are continuing, with the Police and other local authorities within the constabulary area with a view to developing procedures around how agencies will work together and share information. Notice templates and documents have been developed and agreed and are now available for use.
7. Before officers are able to commence their use of the powers in relation to CPNs, the Council needs to approve the implementation of the new tools and powers and in regard to CPNs to delegate specific authority for issue of these notices to the Corporate Manager, Regulatory Services under the Council's Scheme of Delegation of Functions to Officers.
8. On the 7 April 2016 the new tools and powers granted by the Act was considered by Cabinet who resolved to note the new tools and powers granted by the Act; to recommend to Council that the new tools and powers (with the exception of the Public Spaces Protection Order (PSPO) which has already been considered by Cabinet), be implemented; that the Corporate Manager, Regulatory Services be authorised to issue Community Protection Notices (CPNs) and that the Scheme of Delegation of Functions to Officers be updated accordingly.

RECOMMENDATION

That Council

1. Notes the new tools and powers granted by the Act.
2. Approves the use of the new tools and powers (with the exception of the Public Spaces Protection Order (PSPO) which has already been considered by Cabinet and will be the subject of further consultation) within the Council's area.
3. Delegates authority to the Corporate Manager, Regulatory Services to issue Community Protection Notices.
4. Delegates author to the Corporate Manager, Governance Assets and Public Spaces and Monitoring Officer to update the Constitution, and in particular the Scheme of Delegation of Functions to Officers to give effect to the issue of Community Protection Notices.

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Background Papers

Appendix 1 The new tools and powers under the Anti-social Behaviour, Crime and Policing Act 2014