

New Tools and Powers Anti-Social Behaviour, Crime and Policing Act 2014

1. Community Trigger

The Community Trigger gives victims and communities the right to a review of actions taken, where there is an ongoing problem of reported anti-social behaviour, but feel has not been resolved appropriately. Anyone can request a Community Trigger. If the following criteria are met the trigger will be actioned;

- Victim has reported a minimum of 3 incidents of ASB within a six month period.
- The victim feels that at least one of these incidents has not been dealt with adequately.
- None of the incidents are on-going.

Any individual or group from the same community can ask for a trigger to be actioned.

2. Community Remedy

This gives victims a say in the out-of-court punishment of perpetrators for the low level crime and ASB. The Police will use this (restorative Justice) to deliver a conclusion that a victim has agreed to. The PCC is responsible for setting the criteria, developing the documentation for the Police and possibly others to use.

3. Civil Injunction

Civil injunctions can be used to stop or prevent persons engaging in ASB. An application can be made to the County Court by a Local Authority, Social Landlords, Police, British Transport Police, Environment Agency and NHS Protect. It is for each agency to decide on how this tool is used.

4. Criminal Behaviour Orders

Criminal Behaviour Orders are issued by the court at the request of the prosecutor on conviction of a crime to help stop further crime or related ASB. The Crown Prosecution Service is taking the lead in support from Police, although applications for a CBO can be made by the local authority.

5. Community Protection Notice/Order (CPN)

The CPN is an enforcement tool that can be used by the Council or the Police to deal with problems of reported anti-social behaviour. It is a statutory notice that can be served by enforcement agencies with requirements to stop things, do things or take reasonable steps to avoid further anti-social behaviour. A Community Protection

Notice can be served on any person aged 16 or over, or a body, including a business.

The use of a CPN is a discretionary power. To issue a notice the enforcing agency must be satisfied that the following tests are met and the behaviour in question has to be:

- Having a detrimental effect on the quality of life of those in the locality
- Persistent or continuing in nature
- Unreasonable.

Before issuing a notice the relevant agency must first issue a written warning stating what the alleged anti-social behaviour is and giving a reasonable time for it to stop. If a CPN is not complied with the Council and the Police have the following enforcement options:

- Issue a Fixed Penalty Notice (FPN). Maximum penalty £100 although there is discretion on setting the amount charged and possibly to set a lower charge if the FPN is paid early in a similar way to the other FPN notices issued. If this is accepted and paid then this discharges the liability for prosecution.
- Bring a prosecution (except where an FPN is issued and paid)
- Carry out remedial works (on land open to the air). This option is not available to Police

The Police are able to use these notices for anti-social matters that come to their attention. Within Mendip District Council the powers are most likely to be used by Environmental Health to deal with matters that are currently already reported to them, but for which existing legislative controls are not either appropriate or proportionate. For example:

- inert rubbish in garden low level noise (not sufficient to be a statutory nuisance) bonfires
- litter
- persistent straying dogs

It is possible for local authorities to delegate the power to issue CPNs to others, for example social landlords, although this part of the legislation is not yet enabled. Further consideration of this option is needed and it is proposed and this decision be delegated to the Portfolio Holder for Regulatory and Democratic Services.

6. Public Spaces Protection Order (PSPO)

PSPO's are designed to stop individuals or groups committing ASB in a public space. It is similar to the Designated Public Places Order but can be used for much more than just alcohol zones. For example a PSPO may be used for areas where inappropriate games continue to be played after other interventions have failed. Ignoring the order could lead to conviction and a £5,000 fine. PSPOs will also replace Dog Control Orders which currently set the areas subject to dog fouling

enforcement. Existing Alcohol Zones, Dog Control Orders, and other orders will need to be reviewed between now and March 2017 when the existing orders become obsolete. The PSPO is issued by the Local Authority after consultation with the Police, PCC and other relevant bodies. A request for a PSPO can come from any community or organisation where continued annoyance has not been dealt with. The new PSPO will be time serving (Maximum 3 years) with minimum annual review.

7. Premises Closure Order

Premises Closure Orders are most likely to be used by the Police, but Environment Protection, Licensing and Legal Team will adopt a view on the practicalities of this being used by the Council. Requests may come from the community and other agencies to use this power under which the Police or the Local Authority is able to close premises which are used or likely to be used to commit nuisance or disorder. A Closure Notice can be issued to close premises for 48 hours by the Police without reference to the courts, but the courts can issue a Closure Order for up to six months.

8. Absolute Ground for Possession

This is a brand new tool to possess and secure assured tenancies where ASB or criminality has already been proven in court or the tenant's property has been closed for more than 48hrs under a Closure Order. Social Landlords are most likely to be the users of this tool but is available to any landlords.

9. Dispersal Power

The Police now have the power with an inspector's authorisation to remove a person or persons likely to commit or are committing ASB, crime or disorder to leave an area for up to 48 hours. This tool carries the power to confiscate items used, or likely to contribute to the behaviour. This is a Police power which could lead to a request for a Public Spaces Protection Order in problem areas to deal with particular problems.