

Subject:	Anti-social Behaviour, Crime and Policing Act 2014		
Date of Meeting:	6 October 2014		
Report of:	Linda Beanlands		
Contact Officer:	Name:	Peter Castleton	Tel: 01273 292607
	Email:	peter.castleton@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The purpose of this report is to outline new powers contained in the Anti-social Behaviour Policing and Crime Act 2014 and local arrangements to ensure effective implementation

2. RECOMMENDATIONS:

- 2.1 That the contents of this report are understood and the local arrangements acknowledged.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The new Anti-social Behaviour, Crime and Policing Act comes in to force on the 20th of October 2014 following a number of amendments to the draft Bill first published in 2012. The Act repeals 19 existing powers in relation to ASB and reduces them to seven broad ranging powers. The Act and the accompanying guidance firmly put the victim at the heart of responses to ASB and aim to give professionals the flexibility they need to deal with varying situations.

- 3.2 Part six of the Act and Part one of the Guidance focus on putting victims first giving victims a say through the Community Trigger and Community Remedy. Brighton and Hove trialled the Community Trigger on behalf of the Home Office. This has proved to be advantageous for a number of reasons:

- providing an opportunity to shape primary legislation and guidance around the Trigger and other parts of the Act
- enabling officers locally to consider implications early regarding implementation
- enabling officers to lead countywide and ensure common practices

Outlined here are the relevant sections of the Act and how they may be used locally.

3.3 Community Trigger

The Community Trigger enables victims who feel they have not received an adequate response to ASB to call for a review of their case. The Community Trigger can also be activated by a third party with the victims consent. To activate the Trigger victims will need to evidence that they have reported three separate incidents in the last six months and no action has been taken. Within three working days an officer will confirm whether the threshold is met and within ten working days from confirmation a case review will be conducted and recommendations made as necessary to progress the case in consultation with the victim. A flier informing victims how they can use the Community Trigger is appended.

3.4 Community Remedy

The Community Remedy gives victims a say in the resolution of ASB incidents that are below the criminal threshold. They will be able to choose from a range of remedies. The Police and Crime Commissioner is currently reviewing options following consultation on a range of punitive, reparative or rehabilitative actions that would be considered appropriate. Interesting suggestions so far have included perpetrators apologising for their behaviour via social media.

3.5 Civil Injunctions

These replace the anti-social behaviour order and reduce the burden of proof from a criminal to a civil standard that is 'on the balance of probabilities'. Injunctions are intended to stop a person's ASB escalating and set a clear standard of behaviour. They can include prohibitions and positive requirements and apply to perpetrators aged 10 or over.

When positive requirements are made and perpetrators are required to engage with services capacity needs to be ensured. Evidence will be gathered using existing processes for consideration of enforcement and will be overseen by the Multi Agency Risk Assessment Meeting (MARAT).

3.6 Criminal behaviour order

Replace and are very similar to crime related anti-social behaviour orders. They enable a court to tackle ASB and are applied following a conviction for a criminal offence they can include prohibitions and positive requirements. Our existing processes will be reinforced with closer liaison with the Crown Prosecution Service. When positive requirements are made and perpetrators are required to engage with services capacity needs to be ensured.

3.7 Dispersal power

This enables the police to remove a person from a specific locality for up to 48 hours if authorised by an inspector or above where there is ASB or the likelihood of ASB. Locally authorisation may be escalated to a superintendent.

3.8 Community protection notice

A notice to stop persistent ASB by an individual, organisation or business. It can include requirements to stop or do things or to take steps to avoid further ASB. This could be used for noise disturbance that can't be dealt with under the Environmental Protection Act 1990. Following a warning notice perpetrators will be summonsed, the process will be overseen by MARAT to ensure a sound rational.

3.9 Public spaces protection order

This is an order designed to protect public spaces from persistently anti-social individuals or groups and can include reasonable restrictions and requirements. For example this will eventually replace the existing Designated Public Protection Order which enables alcohol to be confiscated from those behaving or likely to behave in an anti-social manner where refusal can result in arrest.

Following a warning notice perpetrators will be summonsed, the process will be overseen by MARAT to ensure a sound rational.

3.10 Closure powers

Makes provision for premises to be closed for up to 48 hours out of court via a notice or up to 6 months via the court. This can be used in relation to licensed premises or residential premises and is similar to the previously existing closure powers. Locally this is likely to require authorisation from a superintendent for licensed premises and a superintendent and a senior council officer for residential premises. This is to ensure the power is used proportionately.

3.11 Absolute ground for possession

A power which offers protection and faster relief for victims by quickly evicting the most anti-social tenants where the tenant, a household member, or a person visiting has been convicted of a serious offence or has breached certain ASB interventions. This is most likely to be used to regain possession of premises that have been used for drug dealing.