



Council
Date 8 th September 2014

Subject: Anti-Social Behaviour Crime and Policing Act 2014

Report by:

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Purpose / Summary:

To notify members to the changes likely to affect West Lindsey District Council under the Anti-Social Behaviour, Crime and Policing Act 2014, and to approve recommendations made for the implementation and management of new powers under the said Act.

RECOMMENDATION(S):

1. That members approve the amendments to the constitution as detailed in Section 3(a) and 3(b)

IMPLICATIONS

Legal: Anti-Social Behaviour is a statutory function under the Crime and Disorder Act 2008. The changes to legislation will significantly affect how we carry out this statutory function, and prior preparation and approval will allow for better use of legal remedies.

Failure to implement and use the legislation could leave the council open to legal challenge.

Financial : FIN/49/15

Cost implications from need for new literature, publicity, and staff resource in preparation, training and using the legislation. These should be minimal.

Possible higher legal costs associated with Civil Injunction breaches.

Fixed penalty notices for new offences will be available.

Staffing : Staff will require training. This will be provided by the county partnership and internally. There should be no impact on staff grades.

Staff from several different departments will be affected. Managers have been involved with consultation and will be involved in developing processes.

Delegation of new powers will be required to relevant staff.

Equality and Diversity including Human Rights :

Risk Assessment :

Climate Related Risks and Opportunities : None

Title and Location of any Background Papers used in the preparation of this report:

Home Office Report: Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers. Statutory guidance for frontline professionals.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/332839/StatutoryGuidanceFrontline.pdf

Call in and Urgency:

Is the decision one which Rule 14 of the Scrutiny Procedure Rules apply?

Yes

No

Key Decision:

Yes

No

1. Introduction

The Anti-Social Behaviour, Crime and Policing Act was given Royal Assent on 13th March 2014. The Act has rewritten much of the legislation currently in use by local authorities for dealing with matters of anti-social behaviour, environmental crime and other enforcement. The new legislation comes in to force on 20th October 2014.

The legislation will impact on the following functions:

- Anti-Social Behaviour and CCTV
- Environmental Protection
- Planning and Housing Enforcement
- Home Options
- Safeguarding
- Domestic Abuse
- Empty Properties
- Building Control
- Customer Services

2. Action required

From a review of the legislation it has been noted that changes in the constitution will be required to allow for delegation to appropriate officers. Failure to delegate powers prior to the Act coming in to force could leave the council open to legal challenge or damage the councils' reputation by leaving officers unable to use the legislation to tackle anti-social behaviour.

a) Changes to the Constitution

We propose that the Constitution of the Council is amended as follows:

Part 4, page 30, under Head of Public Protection, paragraph 3, insert Anti-Social Behaviour, Crime and Policing Act 2014 into list of legislation delegations can be made under.

Part 4, page 32, under Head of Localism, insert paragraphs 2 and 3 to read as follows:

2. To appoint, authorise, nominate, named persons or organisations to
 - (a) Administer, exercise powers, give direction, exercise the powers of entry, agree notices, act, take enforcement action including prosecutions, serving notice, carrying out work in default, including cost recovery
 - (b) Act as inspectors
 - (c) Act as a competent person
 - (d) Act in a statutory role
 - (e) Administer the provisions
 - (f) Determine confidential matters

Under the provisions in the acts, regulations, and any associated orders and regulations listed in paragraph 3 below.

3. The powers in paragraph 2 above apply to the following legislation:
Anti-Social Behaviour Act 2003
Anti-Social Behaviour, Crime and Policing Act 2014

The wording in Paragraph 2 would allow delegation to RSLs of power to issue CPN if decided on at a later date.

Although this legislation supersedes and amends sections of other Acts it does not repeal any Act. There will therefore be no Act to be removed from these sections of the Constitution.

b) Power to authorise a Public Space Protection Order (PSPO)

A PSPO will replace Dog Control Orders (covering dogs on leads, dog exclusion areas), Gating Powers and Designated Public Place Orders (drinking in public places). It has been recommended that the decision to put a PSPO in place should sit with members.

It is recommended that the Licencing and Regulatory Committee be the responsible body for the granting of PSPOs, and that this function be added to its Terms of Reference.

3. Process

A full paper including overview of the new powers will be heard at Prosperous Communities Committee on 2nd September 2014. The full paper can be read via the following link.

<http://minerva.wldc.private/dept/cds/Member%20Bookmarked%20PDFs/Prosperous%20Communities%20Agenda%20and%20Reports%202%20September%202014.pdf>

A second paper will be heard at Policy and Resources Committee in November 2014 to consider resource and financial implications of the new legislation.

4. Communications and training

It will be important to ensure that Parish and Town Councils, plus residents of West Lindsey, are aware of the changes in the legislation. Work will be on-going with the communications team to ensure messages are delivered effectively.

Internally, training and awareness sessions will be held to ensure the new processes and powers are understood and consistent across all departments.

This will include awareness sessions for Members prior to the implementation date of 20th October.

5. Conclusion

The implementation of the new legislation offers West Lindsey an opportunity to set an example as a leader in the management of anti-social behaviour and environmental crime. The steps as detailed in this report will assist in setting the framework that the internal procedures and processes for use of the powers will be based on. By ensuring we have altered our constitution in good time we will ensure the reputation of the council is not damaged and officers are able to take all actions possible as part of their statutory function.