



CABINET – 26TH NOVEMBER 2014

**SUBJECT: ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 –
AMENDMENT TO AUTHORISATION OF OFFICERS**

REPORT BY: ACTING DEPUTY CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To inform Cabinet of required changes to legal powers arising from the Anti-Social Behaviour, Crime and Policing Act 2014 for Officers of the Public Protection Division, Housing and Community and Leisure Services prior to the presentation of the report to Council.

2. SUMMARY

- 2.1 Officers within the Public Protection Division, Housing Services and Community and Leisure Services require additional authorisation under the Anti-Social Behaviour, Crime and Policing Act 2014 in order to be able to enforce new legislative provisions to deal with anti-social behaviour that came into force on the 20th October 2014.
- 2.2 The Act provides a new range of powers to tackle anti-social behaviour affecting communities, and the ability of members of the public to enjoy public spaces, through two new tools with enforcement responsibilities; Community Protection Notices and Public Space Protection Orders.
- 2.3 The Act further provides a fast, flexible remedy for the closure of premises associated with nuisance or disorder through the ability to issue Closure Notices for 24/48 hours. A decision is required on the designation of Officers able to issue Closure Notices.
- 2.4 The Act provides for fixed penalty notices to be issued for breach of Community Protection Notices and Public Space Protection Orders.

3. LINKS TO STRATEGY

- 3.1 The new powers provide additional tools to tackle anti-social behaviour which contribute to the Safer Caerphilly priorities within the single integrated plan 'Caerphilly Delivers', Objective 1 of the Council's Strategic Equality Plan 2012, and the Community Strategy aim for people to feel safe in their own homes, neighbourhoods and town centres.

4. THE REPORT

- 4.1 There are a range of new provisions under the Act, however, this report deals with three areas only:
- Community Protection Notices – issue and fixed penalty notices
 - Public Space Protection Orders – enforcement and fixed penalty notices
 - Closure Notices/Orders – level of designation.

- 4.2 Community Protection Notices (CPNs) can be issued by authorised local authority staff, police officers and registered social landlords (if designated by the local authority). As yet no registered social landlords have requested designation.

CPNs are intended to deal with anti-social behaviour affecting a community e.g. graffiti, litter or noise and can be issued against the person, business or organisation responsible, following an initial warning letter.

CPNs specify the matter to be resolved and the timescale to achieve it. Breach of a CPN is a criminal offence that may be dealt with by prosecution or fixed penalty notice. Should the work required not be carried out it may be undertaken by the local authority at the responsible person's cost. Alternatively a court may order that the work is done by the person responsible.

Categories of staff who would make use of CPNs under the appropriate circumstances are:

- The Community Safety Manager and Community Safety Wardens
- Environmental Health Officers and Enforcement Officers
- Tenancy Enforcement Officers
- Community and Leisure Services (Waste Management)

- 4.3 Public Space Protection Orders (PSPOs) replace Designated Public Place Orders, Gating Orders and Dog Control Orders with a three year subsistence period for existing orders in place across the Authority.

PSPOs can be used to deal with a wider range of anti-social behaviour issues than current orders.

Local authority staff may be authorised to enforce PSPOs and to issue fixed penalty notices to persons who contravene.

Categories of staff who would make use of PSPO's under appropriate circumstances are:

- Community Safety Wardens
- Environmental Health Officers and Enforcement Officers.

- 4.4 Closure Notices may be issued ordering that closure of premises, the use of which has, or is likely to, result in disorder or nuisance to members of the public.

The issue of a Closure Notice must be followed by application to the Magistrates Court for a proposed Closure Order within set timescales.

Closure Notices may be issued for up to 24 hours by a designated Local Authority Officer or Police Inspector.

Closure Notices may be issued for up to 48 hours by a designated Local Authority Officer or Police Superintendent.

The proposed designations for Local Authority Officers are:

- Up to 24 hours the Head of Public Protection, a Director, or the Deputy Chief Executive;
- Up to 48 hours a Director or the Deputy Chief Executive.

5. EQUALITIES IMPLICATIONS

- 5.1 There are no potential equalities implications in this report and its recommendations on groups or individuals who fall under the categories identified in Section 6 of the Council's Strategic Equality Plan. There is no requirement for an Equalities Impact Assessment Questionnaire to be completed for this report.

6. FINANCIAL IMPLICATIONS

- 6.1 None directly arising from the authorisation of officers under this Act since additional workload will be absorbed within existing staffing.
- 6.2 Local Authority costs may be incurred in
- Performing works in default for Community Protection Notices not complied with, however prosecution and court orders requiring works to be done are other options available.
 - Denoting Public Space Protection Orders by means of adequate signage of geographical areas
 - Securing, maintaining and repairing premises subject to Closure Notices/Orders, however a court may order that expenditure be reimbursed.
- 6.3 Some small revenue may be obtained from the payment of fixed penalty notices. However, these are punitive and not income generation measures.

7. PERSONNEL IMPLICATIONS

- 7.1 None directly arising from the authorisation of officers under this Act since it will be used to supplement existing enforcement activities and absorbed into normal workload. The workload will be monitored and consultation with staff and their representatives will be undertaken as appropriate.

8. CONSULTATIONS

- 8.1 The report has been sent to the Consultees listed below, and there are no consultation responses, which have not been reflected in the body of the report.

9. RECOMMENDATIONS

- 9.1 That Cabinet note the implementation of this legislation and refer the recommended changes to the Council's Constitution to Council for determination. The Council's Monitoring Officer make the necessary amendments to the Council's Constitution.
- 9.2 That the Council's Constitution and Terms of Reference be amended by adding the following:
Anti-Social Behaviour, Crime and Policing Act 2014.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 In order to ensure the proper and effective enforcement of the legislation and alleviate anti-social behaviour problems in communities.

11. STATUTORY POWER

- 11.1 Anti-Social Behaviour, Crime and Policing Act 2014. The discharge of duties under the above legislation is a Cabinet function. The proposed change to the Council's Constitution is a Council function.

Author: Kathryn Peters, Community Safety Manager
Consultees: Councillor David Poole, Cabinet Member for Community and Leisure Services
Sandra Aspinall, Acting Deputy Chief Executive

Rob Hartshorn, Head of Public Protection
Gail Williams, Interim Head of Legal Services
Ceri Edwards, Environmental Health Manager
Tony White, Waste Strategy and Operations Manager
Graham North, Public Sector Housing Manager
Tim Stephens, Development Control Manager
David A. Thomas, Senior Policy Officer (Equalities and Welsh Language)
Sian Phillips, Human Resources Manager
Mike Eedy, Finance Manager