

ASB Crime and Policing Act 2014

Steven Hume

Community Safety and Security Manager

Marc Stephenson

Neighbourhood Enforcement Supervisor

Crime and Disorder Audit 2013

6 Key priorities identified by 5,488 respondents:

- 1. Anti Social Behaviour**
2. Violent crime and Robbery
3. Drug related offending
4. Criminal damage
5. Alcohol related crime and ASB
6. Domestic Abuse

The types of ASB that most concern our residents

1. Vandalism
2. Poor parental responsibility
3. Threats/verbal abuse
4. Alcohol misuse
5. Littering/dumping rubbish
6. Dog fouling

Community Safety and Security

- ASB and Neighbourhood Enforcement Officers (increased patrols, van, foot, bikes and boat)
- Civil Enforcement Officers
- CCTV and Security
- Prevention and support (victim and family support, mediation, counselling)
- Performance and analysis
- Work in schools
- Safe at Home/Landlord Liaison
- Part funded Community Safety Officer, Seconded Fire ASB Officer
- Partnership working with Thirteen Group



ASB – Tackling problems early

- Increased patrols in hotspot areas (joint patrolling)
- Regular attendance at resident meetings
- Joint Action and Problem Solving groups
- Task groups and specific operations
- ‘Don’t Suffer in Silence’ – promotion of ASB hotline and support services
- Weekly Councillor patrol reports (named officer contacts)
- Customer satisfaction



ASB – The current picture

- Anticipated 8.3% increase at the end of the financial year
- Largest increase for nuisance, 26% (approx 168 extra calls per month)
- Largest increase in ASB – Youth related
- 711 AS13's issued to date
- 20 ABC's to date this financial year
- 17 ASBO's, 1 CRASBO, 1 interim ASBO
- 5 pending ASBO applications
- 105 Section 27 notices issued to date



ASB Crime and Policing Act

- Royal assent in May 2014
- Consists of a number of powers/duties for Local Authorities, Police and Registered Social Landlords (RSL's)
- Most of the powers come into effect on **20th October 2014**
- Civil Injunction power delayed until January 2015 to allow for amendments to Legal Aid legislation. ASBO applications will continue until further notice
- Orders currently in place through the old legislation will remain until the end of their duration or for a period of three years

Civil Injunction

- Will replace the ASBO and can be granted against anyone aged 10 years and over
- Civil injunction – proceedings take place in County Court (over 18) Youth Court (under 18)
- Lower standard of proof – i.e. person is likely to commit or committed ASB
- Two strands:
 - Local Authority – ‘likely to cause alarm, harassment, distress’
 - Housing – ‘likely to cause nuisance or annoyance

Civil Injunction

- Injunction can include positive requirements as well as prohibitions
- Injunction must have a specified time period up to a maximum of 2 years for under 18's (previously no limits)
- No power of arrest attached to injunction (unless risk of violence/significant harm can be proven)
- Not a criminal offence – breach dealt with as contempt of court

Civil Injunction

- Penalty for breach of the Injunction for over 18's, unlimited fine or up to two years in prison,
- under 18's supervision order or, as a very last resort, a detention order of up to three months.
- As the order is not a criminal offence, the Local authority will have to instigate breach proceedings
- Estimated cost £700 per order, plus costs to address breaches – est £30K minimum per annum

Criminal Behaviour Order

- Will replace the CRASBO, although there is very little difference with the new order
- Civil orders attached to a criminal conviction to tackle ASB associated with the criminal activity
- CPS applies for the order on own initiative or at the request of the Council or Police
- Can also include positive requirements as well as prohibitions

Criminal Behaviour Order

- The terms for the CBO for over 18's is a minimum of two years up to an indefinite period
- For under 18's the order must be between one and three years.
- Breach of the order is a criminal offence. The penalty for breach for over 18's maximum of five years in prison or a fine or both. under 18's a maximum sentence of a two year detention and training order.

Dispersal Power

- Replaces the current Dispersal order and Sec 27 Direction to Leave Police powers
- Used to deal with ASB, crime or disorder in a specified area
- Authorised by an Inspector – 48 hours maximum
- Police Officer or PCSO can give a direction to leave
- Can be used where it is felt person is likely to/has been causing alarm, harassment, distress
- Failure to comply – criminal offence

Public Spaces Protection Order

- Replaces Gating Orders, Dog Control Orders, Designated Public Place Orders
- Stop individuals/groups committing ASB in public places
- Issued by Local Authority to deal with detrimental effect on quality of life – persistent unreasonable behaviour
- Breach – behaviour challenged, failure to comply is an offence
- Valid for a period of three years – can be extended beyond that following review

Closure Power

- Replaces Crack House Closure Order
- Power to close premises quickly that are being used/likely to be used to commit nuisance/disorder
- Local authority/Police issue closure notice (48 hours max)
- Can apply for a closure order through courts (6 months max)
- Breach – Criminal offence

Community Protection Notice

A Community Protection Notice (CPN) is intended to deal with on going problems and nuisances. A CPN can be issued to anyone over the age of 16, business or organisation committing anti-social behaviour which spoils the communities quality of life and has a detrimental effect on a area. A CPN can be issued by Council Officers, Police Officers and PCSO's. It is widely expected that Council Officers will take the lead on most matters dealt with by way of a CPN.

In order for a CPN to be issued, the behaviour of a person or business has to;

- Have a detrimental effect on the quality of life of those in the locality;
- Be of a persistent or continuing nature; and
- Be unreasonable.

Process and Penalties

In the first instance a written warning will be issued, informing the person(s) involved of the problem behaviour, requesting them to stop, and the possible consequences of continuing. If the behaviour is not stopped a Community Protection Notice (CPN) is served including a requirement to stop things, do things or take reasonable steps to avoid further community impact. This Council can carry out the works in default and recharge the person involved if in the public interest.

Breaching a CPN is a criminal offence. A fixed penalty notice can be issued up to a value of £100.00 if appropriate. Should the fixed penalty notice not be paid, the case will be progressed to court where a maximum fine of £2,500 can be issued to an individual and a maximum fine of £20,000 to a business.



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Impact?

Currently this Council deals with matters such as waste accumulation on private land under the Environmental Protection Act 1990. Both Section 92 and 93 of this act will be repealed by the Anti-Social Behaviour, Crime and Policing Act 2014. Both sets of legislation have the same level of fixed penalty notice and the new act will not add any un-necessary work when compared to the current legislative framework. The CPN can be also be used for litter accumulation outside of fast food premises and noise nuisance.



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Community Trigger

- New measure introduced to provide victims and communities with the right to request a review of their case
- Agencies including Local Authority, Police, nominated RSL and CCG have a duty to review a case when requested, provided it meets the locally defined threshold
- Stockton Threshold is as follows:
 1. An individual has reported **three** or more **separate** ASB incidents relating to the same problem in the past 6 months to the Council, Police or RSL
 2. **Five** individuals from **five** different households have reported separately the same ASB issue to the Council, Police or RSL in the past 6 months

Community Trigger

- Qualifying trigger issue is if ASB has been reported within one month of the incident occurring and within the 6 months timeframe
- Vulnerability of the victim, nature and persistence of the ASB its impact and the adequacy of response by services all need to be considered
- Set process for the trigger – copy provided.
- Will be publicised on the website for residents
- **Not a complaints process**
- SBC legal will determine whether the trigger has been activated and communicate initially with complainant
- Appeals process is in place for residents



Questions?



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