

Report to Safer, Cleaner, Greener Scrutiny Panel

Date of meeting: 7th April 2011

Subject: Home Office Consultation – “More effective Responses to Anti-Social Behaviour”

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Committee Secretary: A Hendry



Recommendations/Decisions Required:

- (1) To note the receipt of the Home Office consultation paper on more effective responses to Anti-social Behaviour;**
- (2) To consider responses to the questions set by the consultation document; and**
- (3) To make appropriate recommendations to the Overview & Scrutiny Committee.**

Report:

Introduction

1. On the 7th February 2011 the Home Secretary, Theresa May MP, launched a consultation document entitled “More Effective Responses to Anti-Social Behaviour”. This consultation follows the Government’s stated intention to review the way anti-social behaviour is dealt with by police and professionals and to ensure they have the tools and powers they need to deal with this type of behaviour providing the type of service that local communities wish to see.

2. The consultation runs until the 3rd May 2011, and this Panel’s responses will go forward to Overview and Scrutiny Committee on the 11th of April. The Community Safety Partnership may also choose to submit its own response as well as individual partners within the partnership, such as the police.

3. The consultation document is divided into six parts and the report which follows sets them out with a summary of the main issues. The full consultation document has been circulated with the agenda. The consultation document poses a number of questions which are set out in tabulated form towards the end of the report, with suggested responses for discussion and consideration. The Government proposes to streamline many of the varied statutory powers currently available to deal with all forms of ASB. The proposed powers are designed to cut bureaucracy and improve effectiveness and flexibility in dealing with complaints. They are designed to be used against persons who are above the age of criminal responsibility, that is 10 years and above.

The Consultation

Chapter 4.1 The Criminal Behaviour Order

This will be a civil order available on conviction for any criminal offence. It will include both prohibitions and support to stop ASB. It will be very similar to the ASBO with breaches dealt with in the same way. Maximum penalty for breach proposed is 5 years imprisonment.

Chapter 4.2 The Crime Prevention Injunction

This will be a civil order with civil burden of proof (balance of probabilities), making it easier to obtain. It will contain prohibitions and support and there will be a number of civil sanctions for breach. This is intended for use when action are not of as criminal nature and would address the cumulative impact of ASB.

These two new powers are intended to replace the existing Anti-social Behaviour Orders, Anti-social Behaviour Injunctions, Individual Support Orders and intervention orders. The government is considering that a breach of either may also be grounds for eviction from social housing.

Chapter 4.3 The Community Protection Order

Community Protection Order Level 2 (CPO)

This power will be available to police and local authorities to restrict the use of a place or close premises linked to persistent ASB. Breaches would be a criminal offence.

This power replaces Dog Control Order, Gating Order, Designated Public Place Order, Premises Closure Order, Crack House Closure Order and Brothel Closure Order.

Community Protection Order Level 1 (CPO)

This power will relate to council and housing association staff. It will take the form of a notice to stop persistent ASB affecting quality of life. It will carry a financial penalty for non-compliance together with other sanctions such as the power to seize noise making equipment.

This power will replace Litter Clearing Notice, Noise Abatement Notice and Graffiti/Defacement Removal Notice.

Chapter 4.4 Police Direction Power

This power allows any police officer to direct any individual causing or likely to cause crime and disorder away from a particular place and confiscate relevant items, such as alcohol. It will be available to police and PCSOs. The power will exclude individuals from a defined geographic area for up to 48 hours. It would also include the power to return home youths under 16.

This power would replace the Direction to Leave (Section 27 Violent Crime Reduction Act 2006) and Groups Dispersal Order.

Chapter 4.5 Informal tools and out-of-court disposals

Home Office and Ministry of Justice are exploring informal tools for dealing with ASB taking a more rehabilitative and restorative approach. This would require greater community engagement to make enhance the restorative approach. For example by introducing Acceptable Behaviour Contract (ABC) piloting panels chaired by trained local volunteers. Restorative solutions for low level ASB which would address community issues would take perpetrators outside the criminal justice system providing immediate and proportionate responses and saving time and money.

A Green paper proposes amending the Penalty Notice for Disorder (PND) scheme to allow suspects to pay to attend appropriate educational courses as an alternative to paying a financial penalty.

It is proposed to end the current system of automatic escalation of out of court disposals for young persons (under 18). It is proposed to return discretion to front line professionals which will slow the pace of young persons being put into the court and custody more rapidly than should be the case. Out of court disposals for young people will include restorative sanctions with consequences for non-compliance.

Chapter 4.6 The Community Trigger

This will be a new power given to local residents to ensure ASB is being dealt with by the relevant authorities in their area. It would apply when:-

- 5 different households in the same area complained about the same ASB and no action is taken; **or**
- The ASB has been reported to authorities on 3 separate occasions and no action has been taken; **and**
- A CSP could reject the complaint if it was deemed to be malicious.

Complaints meeting this criteria would trigger a collective duty on the statutory partners of the CSP to take action and address the problem. Any proposed planned responses would have to be sent to the Police and Crime Commissioner (PCC).

Consultation Responses

Each chapter of the consultation has within it a number of questions. These, with some suggested responses, are set out in following table. The responses have been put forward from a district council perspective and not from that of the Community Safety Partnership which may well have a different response in some areas.

Reason for decision:

Options considered and rejected:

Consultation undertaken:

Resource implications:

Budget provision:

Personnel:

Land:

Community Plan/BVPP reference:

Relevant statutory powers:

Background papers:

Environmental/Human Rights Act/Crime and Disorder Act Implications:

Key Decision reference: (if required)