



AGENDA ITEM: 1C

**CORPORATE AND
ENVIRONMENTAL OVERVIEW &
SCRUTINY COMMITTEE**

**MEMBERS UPDATE: 2015/16
ISSUE. 2**

Article of: Assistant Director Community Services

Relevant Managing Director: Managing Director (People and Places)

Relevant Portfolio Holder: Councillor K Wright

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**SUBJECT: ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 – AN
UPDATE**

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To update Members on the Anti-Social Behaviour, Crime and Policing Act 2014, almost twelve months after it was enacted, as per minute 27(c) from the Cabinet meeting of 16th September 2014.

2.0 BACKGROUND

2.1 In October 2014 new legislation to tackle Anti-Social Behaviour (ASB) was introduced and this was reported to Cabinet prior to this in September 2014. A detailed summary of the legislation was included with this report. At the time no additional resources were requested, but it was agreed that a further update report should be produced in 12 months' time to detail the use of the Act and any impacts that had been noticed.

2.2 The Act brought in several new or updated powers for Local Authorities which were detailed fully in the previous Cabinet report. These included:

- Anti-Social Behaviour Injunctions (ASBIs) - these effectively replaced Anti-Social Behaviour Orders (ASBOs).
- Criminal Behaviour Orders (CBOs) - these effectively replaced Criminal Anti-Social Behaviour Orders (CRASBOs).
- Community Protection Notices (CPNs) – these were a new way of tackling on-going ASB.

- Public Space Protection Orders (PSPOs) – these updated/replaced other powers and were a way of restricting behaviour/activities within any designated area.
- Closure Orders –the legislation that allows the Police or the Council to close a premises to reduce ASB was refreshed
- Absolute grounds for possession – this allowed Councils to remove a tenant from a property following certain convictions
- The Community Trigger – this was a new community remedy and provided residents the opportunity to have their ASB complaints reviewed (if certain criteria were met) by the Council’s Environmental Protection and Community Safety Manager.

2.3 Essentially, the main users of the legislation are the Environmental Protection and Community Safety team, which incorporates the Environmental Health Officers who deal with noise and the Council’s ASB team who deal with ASB tenancy enforcement work. It is worth noting that the ASB team, as it deals with tenancy enforcement work, is funded out of the Council’s HRA monies.

3.0 IMPACT OF THE LEGISLATION

3.1 At the time of writing no requests have been received from any residents to invoke the Community Trigger. Additionally, WLBC have not needed to apply for any ASBIs, possessions following the relevant convictions, CBOs and not closed any premises. Officers have provided information to the Police to assist them with CBO applications. PSPOs have been tentatively discussed with the Police, but due to the high level of monitoring and enforcement needed, particularly by the Police, other measures were prioritised. Some of the powers are supposed to be the Council’s “last resort” after exhausting all other available options. Other existing legislation is still extensively used and the ASB team have been involved in a record 10 evictions since the start of 2014, with many of them associated with organised crime and drugs cases.

3.2 So far, for WLBC, the most used power from the new legislation is the CPN procedure. Prior to the service of a full CPN, a warning letter must be issued. Sixteen warning letters have been issued in relation to thirteen separate premises and so far these have proved successful as complaints have diminished following their service and full CPNs have not yet been necessary. The CPN procedure is to be used where other legislation (for example noise legislation) is not suitable. As such the legislation has allowed us to take action in relation to these 13 cases, and officers have therefore helped the people who made these ASB complaints, where previously we may not have been able to assist.

4.0 ISSUES ARISING

4.1 Public Space Protection Orders (PSPOs) are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community’s quality of life. As such they can clearly be used to restrict types of behaviour, but can also be used to place restrictions on, for example, dogs and their owners. The Council already has four Dog Control Orders in place which cover;

- The exclusion of dogs from 43 enclosed Council and Parish Council play areas.
- The requirement to keep a dog on a lead next to a road where the speed limit is 40mph or over.
- The requirement to walk no more than 6 dogs at any one time, and
- The requirement to put a dog on a lead if requested to do so by an authorised officer of the Council.

and full details of these are available on the Council's website.

- 4.2 From 3 years after the commencement of the Act (i.e. in October 2017) all existing orders, such as these, automatically transfer to PSPOs, which last for 3 years. They can be converted any time before this if a Local Authority wants to "simplify its enforcement landscape". However, given the automatic change and the existing satisfactory use of the current powers this is not thought to be necessary at this time.
- 4.3 One thing that Members could give thought to, is whether any new PSPOs should be considered in relation to dogs. Nationally, over the last 10 years, there has been an increase in Dangerous Dog incidents. During this time at least 8 adults and 13 children have been killed as a result of attacks. It has also been recorded that nationally in 2014 6740 people required hospital treatment following a dog attack. This was a rise of 6% when compared with the previous 12 months. In 2014 93 complaints were made to the Council about dog behaviour. One way of trying to keep some dogs under further control would be to increase the number of areas within the Borough where dogs have to be kept on a lead. Some of the parks and other open spaces that have a higher footfall could be either entirely or partially designated as areas where dogs must be kept on a lead. Care must be taken to ensure there are still sufficient areas where dogs can be exercised off their leads. Greater controls on dogs may increase the use of the areas in question and should lead to a reduction in fouling in these areas.
- 4.4 Since the initial 2009 orders, the Council and some local Parish Councils have introduced new enclosed play areas and enclosed other existing ones as part of any upgrading. As such it is estimated that there are around 10-15 enclosed play areas which could be designated as areas where dogs are prohibited. Dogs in these areas could injure and or scare young children and the potential impact of dog faeces and children is well documented. Enclosed areas make it much easier to categorically state that any dog was in a restricted area and it also aids signage.
- 4.5 When the original Dog Control Orders were put in place, as well as a comprehensive consultation exercise, external surveyors were used to map the areas and comprehensive metal signage was also necessary. In 2009 for the 43 areas this cost was around £5,000. I have received requests from some Parish Councils to include their areas on the list and it may be that some are prepared to contribute towards any capital costs. In addition to any financial outlay, clearly the Council would be generating a public expectation that any new PSPOs would be appropriately monitored and relevant enforcement action taken. The Council employs three Environmental Enforcement Officers and only part of their duties

relates to dogs. They also have a responsibility in relation to litter and fly-tipping. If they are required to monitor more areas in relation to dogs, there is a danger that other areas of either their work or the Borough will suffer. This issue will be raised through the budget setting process for 2016/17.

5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 5.1 Reducing anti-social behaviour can have a clear positive impact on the quality of life of individuals, including reducing crime and disorder, and this therefore links to the Sustainable Community Strategy. There are also direct links to the Council's values and Corporate Priorities.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 6.1 It was always envisaged that as the legislation can be applied to a wider range of circumstances and to some extent to a lesser legal standard, more cases could be taken. As a result, although not so far, this could impact on the resources of the Council's ASB and Legal teams. Additionally, the greater administrative requirements of the County Court may impact on the time that is available to commence and deal with cases. Consequently consideration may still need to be given to the resource requirements of the Act through future Housing Revenue Account Budget setting processes, alongside other bids. This can then ensure that the decision on whether to allocate additional resources to this area takes into account other HRA spending priorities as well as the views of tenants. Clearly, if it is decided to designate new PSPOs, there will be a cost associated with this and this may also impact on the available staffing resources.

7.0 RISK ASSESSMENT

- 7.1 The Council must exercise its powers under the Act appropriately, and failure to do so may render it liable to challenge, and which may result in a finding of a breach of its responsibilities under the Act. This may result in ombudsman complaints, costs awards and damages claims as well as a detrimental reputational impact. By not responding appropriately to ASB the Council may be leaving residents in a vulnerable position and would not be acting in accordance with its Corporate Priorities.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this article.

Equality Impact Assessment

There is a direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this article, the results of which have been taken into account when undertaking actions detailed within this article.

Appendices

1. Equality Impact Assessment.