

NORTH LINCOLNSHIRE COUNCIL

**HIGHWAYS AND NEIGHBOURHOODS
CABINET MEMBER**

**ANTI-SOCIAL BEHAVIOUR, CRIME & POLICING ACT 2014
COMMUNITY PROTECTION NOTICES**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 The Anti-social Behaviour, Crime & Policing Act 2014 (the 2014 Act) gives new powers to councils to deal with anti-social behaviour (ASB).
- 1.2 The new powers will put victims at the heart of the response and provide a more flexible multi agency response to deal with ASB.

2. BACKGROUND INFORMATION

- 2.1 The 2014 Act gives new powers to councils, the Police and social landlords to deal with ASB. ASB describes the day to day incidents of crime, nuisance and disorder that impact on our communities. These can include litter, vandalism, aggressive dogs and noisy and abusive neighbours.
- 2.2 The 2014 Act seeks to rationalise existing powers available to deal with ASB. It will provide a more streamlined toolkit, for use across a number of agencies to tackle ASB. The new law will put victims at the heart of the response to ASB. It is broad enough to allow agencies to deal with new ASB issues without the need for new laws.
- 2.3 Although the 2014 Act brings in a range of powers, the focus of this report is the new Community Protection Notice (CPN) that is intended to deal with particular, ongoing problems or nuisances which negatively affect the community's quality of life.
- 2.4 CPN's apply to anyone aged 16 or over, or a business or organisation which spoils the community's quality of life. The behaviour 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
- 2.5 Council Officers, Police Officers, Police Community Support Officers (PCSO's) and designated social landlords can issue CPNs.

- 2.6 CPN's are the new tool to deal with all persistent environmental nuisances such as litter and graffiti. They also provide an opportunity to deal with noise and visual amenity issues that do not currently meet the test of statutory nuisance but are unreasonable and affect the community's quality of life.
- 2.7 Before a CPN can be issued the person causing the problem behaviour must have been given a written warning, asking them to stop and telling them what will happen if they continue. CPN's can ask them to stop doing something, or that they take reasonable steps to avoid further ASB. Breaching of a CPN is a criminal offence. This can be dealt with by way of a fixed penalty notice (FPN) or prosecution.
- 2.8 Given the new Police powers to serve CPN's it is likely that councils will see an increase in the number of requests for service for noise and other ASB. The Police have confirmed that they expect local councils to lead on the new law and take all enforcement action related to CPN's.
- 2.9 Officers in Environmental Health currently deal with issues such as noise, litter and graffiti. The new arrangements provide an opportunity to consider how the council responds to the new legislation across a broader range of enforcement staff.

3. OPTIONS FOR CONSIDERATION

- 3.1 Option 1 - To note the new powers under the 2014 Act but take no further action.
- 3.2 Option 2 – To authorise the Director of Places under the 2014 Act. The Director of Places can then delegate the authority to issue written warnings, CPN's and fixed penalty notices in accordance with the 2014 Act to appropriate officers.
- 3.3 Option 3 – In addition to option 2, explore the opportunity for the wider authorisation of staff from various council departments who may benefit from the provisions of the new legislation.
- 3.4 Option 4 – In addition to option 2 and 3, consider authorising registered social landlords (subject to review of their procedures) to serve written warnings, CPN's and fixed penalty notices should they request authorisation by the council.
- 3.5 Option 5 - To set a maximum charge for a fixed penalty notice of £80, with a reduced fee of £50 payable for an early settlement. The FPN procedure will be aligned with existing processes.

4. ANALYSIS OF OPTIONS

- 4.1 Option 1 will leave the council failing in its duties under the 2014 Act which will have a detrimental impact on local communities and victims of ASB.

- 4.2 Option 2 will provide the council with the powers to continue to deal with littering and graffiti and additional scope to deal with noise and amenity issues that don't currently meet the statutory nuisance threshold.
- 4.3 Option 3 provides the opportunity for officers from other council departments to become the eyes and ears of the council. The new powers may also provide additional tools to obtain improvements in behaviour across other departments
- 4.4 Option 4 – Should a registered social landlord request authorisation to serve CPN's this will provide opportunities for them as landlords to deal with tenants who cause ASB in their communities.
- 4.5 Option 5 - The council has previously adopted an early payment reduction for fixed penalty notices. Analysis shows that many people take the opportunity to pay early to reduce the financial impact of the notice.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

- 5.1 The new powers may result in increased numbers of complaints and information about non-compliance with legal notices, particularly outside of the council's normal operating hours. This will result from the new Police power to respond to such incidents and refer CPN's issued to the council. This may result in a greater number of complaints progressing to more formal action, although this is an unknown quantity at the current time.
- 5.2 The impact of the new law on staff resources will need to be reviewed, to determine if the new powers do in fact generate significant additional work across the council.
- 5.3 It is envisaged that any additional revenue generated by the service of fixed penalty notices will be minimal however this will need to be reviewed in light of the increased workload.

6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

- 6.1 The new legislation will put victims at the heart of the response to ASB. The use of fixed penalty notices will prevent some offenders conducting low level ASB entering the criminal justice system.

7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED

- 7.1 The report was circulated to the Head of Safer Neighbourhoods, Head of Operational Housing, Legal & Democratic Services and Finance. All comments received were incorporated into the report.

8. RECOMMENDATIONS

- 8.1 To authorise the Director of Places under the 2014 Act and allow the Director of Places to delegate the authorisation as he considers appropriate to serve written warnings, Community Protection Notices and fixed penalty notices to officers within the council.
- 8.2 That an officer working group is established to identify opportunities across the council for officers to carry out the powers within this report.
- 8.3 That registered social landlords be authorised by the Director of Places to serve CPN's should they submit a request to the council setting out satisfactory procedures in accordance with the Act.
- 8.4 To set a maximum charge for a fixed penalty notice of £80, with a reduced fee of £50 payable for an early settlement.

DIRECTOR OF PLACES

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Date: 10th October 2014

Background Papers used in the preparation of this report – n/a
Home Officer – Antisocial Behaviour, Crime & Policing Act 2014: Reform of anti-social behaviour powers – Statutory guidance for frontline professional (July 2014)