

**REPORT TO:** Safer Policy and Performance Board  
**DATE:** 11 November 2014  
**REPORTING OFFICER:** Strategic Director, Communities  
**PORTFOLIO:** Community Safety  
**SUBJECT:** ASB New Tools and Powers  
**WARDS:** Borough Wide

## **1.0 PURPOSE OF THE REPORT**

1.1 To provide a verbal update to the Policy and Performance Board on the commencement of the new tools and powers on the 20<sup>th</sup> October 2014.

**2.0 RECOMMENDATION: That the report be received.**

## **3.0 SUPPORTING INFORMATION**

3.1 Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers

The new ASB tools and powers act commenced on the 20th October 2014. This act has introduced new powers that may be useful in dealing with problem premises.

Part 1-6 of the Anti-Social Behaviour Crime and Policing Act 2014 ("the Act") has created new tools and powers that organisations are able to use in order to deal with anti-social behaviour (ASB) in their communities thereby replacing a number of other existing tools and powers.

One of the purposes of the Act is to ensure that any response to anti-social behaviour is victim focussed. In light of this it is important to ensure that there is a co-ordinated approach to dealing with ASB so that local areas can meet the needs of victims of ASB.

### Civil injunction

The injunction under Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014 is a civil power which can be applied for to deal with anti-social individuals. The injunction can offer fast and effective protection for victims and communities and set a clear standard of behaviour for perpetrators, stopping the person's behaviour from escalating.

Although the injunction is a civil power, it is still a formal sanction and many professionals will want to consider informal approaches before resorting to

court action, especially in the case of under 18s. However, where informal approaches have not worked or professionals decide that a formal response is needed more quickly, they should be free to do so.

## **Applicants**

A number of agencies can apply for the injunction to ensure that the body best placed to lead on a specific case can do so. These are:

- A local council;
- A housing provider
  
- The chief officer of police for the local area;
- The chief constable of the British Transport Police;
- Transport for London;
- The Environment Agency and Natural Resources Wales;
- NHS Protect and NHS Protect (Wales).

For anti-social behaviour in a housing context the nuisance or annoyance test will apply, that is, where the conduct is capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises or the conduct is capable of causing housing-related nuisance or annoyance to any person. Only social landlords, local councils or the police will be able to apply for an injunction under these provisions in the legislation. In the case of social landlords only, "housing-related" means directly or indirectly relating to their housing management function.

The injunction can be applied for by the police, local councils and social landlords against perpetrators in social housing, the private-rented sector and owner-occupiers. This means that it can be used against perpetrators who are not even tenants of the social landlord who is applying for the order.

The injunction can also be used in situations where the perpetrator has allowed another person to engage in anti-social behaviour, as opposed to actively engaging in such behaviour themselves. For example, in a case where another person, such as a visitor or lodger, is or has been behaving anti-socially, the injunction could be used against the problem visitor, lodger or owner if applicable. An agency seeking to apply for the injunction must produce evidence (to the civil standard of proof, that is, 'on the balance of probabilities') and satisfy the court that it is both 'just and convenient' to grant the order.

## **Closure Power**

The power comes in two stages: the closure notice and the closure order which are intrinsically linked. The closure notice can be used by the council or the police out of court. Following the issuing of a closure notice, an application must be made to the magistrates' court for a closure order, unless the closure notice has been cancelled.

## The test

A closure notice can be issued for 24 hours if the council or police officer (of at least the rank of inspector) is satisfied on reasonable grounds:

that the use of particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public; or

That there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises, and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

The closure notice can be issued in the first instance for 48 hours or extended from 24 hours up to a maximum of 48 hours by the council's chief executive officer (head of paid service) or designate thereof, or by a police superintendent.

The Community Safety Manager is currently developing a multi-agency protocol for the use of the new tools and powers in readiness for the commencement date of the 20<sup>th</sup> October.

## **Community Trigger**

The Community Trigger is a process which allows members of **the** community to ask the Community Safety Partnership to review their response to complaints of Anti-Social Behaviour

Victims will be able to use the Community Trigger to request action, starting with a review of their case. Agencies including councils, the police, local health teams and registered providers of social housing will have a duty to undertake a case review when someone requests one and the case meets a **locally defined threshold**.

The Community Trigger can also be used by any person on behalf of a victim, for example a family member, friend, carer, councillor, Member of Parliament or other professional person. This is intended to ensure that all victims are able to use the Community Trigger. However, the victim's consent should be sought by the person using the Community Trigger on their behalf.

The Community Trigger can be used by a person of any age, and agencies should make it as accessible as possible to all victims.

## **Reporting Thresholds**

A complainant has reported the same problem 3 or more times in the past 6 months to the Council, Police, or their Landlord, and inappropriate action has been taken in line with the relevant agencies policy and procedure.

Or

Different complainants have made reports about the same problem 5 times in the past 6 months to the Council, Police, or their Landlord, and inappropriate action has been taken in line with the relevant agencies policy and procedure.

### **What is not suitable for a trigger**

If someone has reported Anti-Social Behaviour and received a service but the problems and the investigation are on-going;

***They will be advised to contact the agency they are working with to tell them what is happening***

If someone has reported Anti-Social Behaviour and received a service but they're unhappy with the service received or action taken;

***They will be advised to submit a complaint under the agency's complaints procedures***

## **4.0 POLICY IMPLICATIONS**

4.1 None associated with this report

## **5.0 RISK ANALYSIS**

5.1 None associated with this report

## **6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

6.1 Children and Young People in Halton

At this stage there are no current implications

6.2 Employment, Learning and Skills in Halton

None

6.3 A Healthy Halton

At this stage there are no current implications

6.4 A Safer Halton

The new tools and powers will assist the community safety team and its partners in dealing with Anti-Social behaviour in the borough.

6.5 Urban Renewal

None

## **7.0 EQUALITY AND DIVERSITY**

None

**8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE  
LOCAL GOVERNMENT ACT 1972**

8.1 Home Office Document

[Reform of Anti-Social Behaviour Powers](#)