

REPORT TO: Safer Policy and Performance Board

DATE: 14th November 2023

REPORTING OFFICER: Executive Director - Environment and Regeneration

PORTFOLIO: Community Safety

SUBJECT: Anti-social Behaviour tools and powers

WARD(S) Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To provide Members with an overview of the tools and powers available to the Council in response to anti-social behaviour

2.0 **RECOMMENDED: That the Board note the content of the report and comment on any key matters.**

3.0 SUPPORTING INFORMATION

3.1 The Anti-Social Behaviour, Crime and Policing Act 2014, was first published in 2014 setting out powers to tackle anti-social behaviour. Guidance for local authorities has been refreshed on several occasions since the Act's implementation, most recently in March 2023.

The application of any measures needs to be proportionate and supported by appropriate evidence.

3.2 Early and Informal Interventions

Early intervention and the use of informal approaches are effective in most cases of anti-social behaviour. These interventions set out clear standards of behaviour, highlight the impact of the behaviour on the victims, and warn of the potential for more formal action should the anti-social behaviour persist. In most cases, informal interventions need to be evidenced before any further action can be taken.

Informal interventions include: -

- A verbal or written warning – this is an appropriate course of action where the local authority is satisfied that anti-social behaviour is likely to occur or has occurred. A verbal or written warning is specific about the behaviours, its impact and the consequences of this behaviour continuing.
- Mediation – this can be an effective tool to resolve neighbour disputes, noise complaints or lifestyle differences. Mediation is

only an option if both parties are willing to engage and seek their own solution. Mediation can be used to create a 'Good Neighbour Agreement' which is signed by both parties.

- Acceptable Behaviour Contracts – this is a written agreement between a perpetrator of anti-social behaviour and agencies trying to prevent anti-social behaviour. This is a tool used with young people to try and prevent their behaviour escalating and to divert them into more positive activities. A breach of this contract does not automatically result in a more formal sanction. However, a breach or refusal to sign can form part of the evidence pack for court if the threshold for further sanction is met.

3.3 **Civil Injunction**

Civil injunctions are available to local authorities to utilise to stop or prevent individuals engaging in anti-social behaviour quickly. Where an individual has engaged or has threatened to engage in conduct causing harassment, alarm, distress, nuisance, or annoyance the local authority can apply to the court to issue a civil injunction. A civil injunction prohibits an individual from engaging in certain acts or behaviours, it can also include positive requirements to address the underlying causes of anti-social behaviour.

Although civil injunctions are civil, the legal test for granting an injunction is robust. Civil injunctions can be used against individual aged ten and above, however when applying for a civil injunction against a person under eighteen, the Youth Offending Service must be consulted.

Breaching a civil injunction is not a criminal offence. An injunction can include a power of arrest in cases where the perpetrator has used or threatened violence, or if there is a significant risk of harm to others. For those over the age of eighteen a breach can result in an unlimited fine or up to two years in prison. For those under eighteen a supervision order is applied for.

3.4 **Criminal Behaviour Order**

Criminal behaviour orders can be issued to a person who has been convicted of a criminal offence and is engaging in anti-social behaviour. Criminal behaviour orders can be applied for by the Crown Prosecution Service at the request of the local authority or the police and must be issued on conviction. Like a civil injunction, a criminal behaviour order can be applied for against those aged ten and above, but for anyone younger than eighteen, the youth offending service must be consulted.

Breach of a criminal behaviour order is a criminal offence and is dealt with by the relevant court depending on the age of the individual.

3.5 **Community Protection Notice**

Community protection notices can be used to stop a person over the age of sixteen, business or organisation engaging in anti-social behaviour that affects the community's quality of life. Council officers can apply for community protection notices where there are ongoing issues, most suitably where this anti-social behaviour relates to waste or noise nuisance. Before issuing a notice, a written warning must be issued. This is known as the Community Protection Warning.

Non-compliance with a community protection notice is an offence. The penalty for this offence can be a fixed penalty notice, remedial action, forfeiture order or seizure.

3.6 **Public Space Protection Order**

Public Spaces Protection Orders are intended to deal with a particular nuisance or problem in a specific area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are intended to help ensure that the majority can use and enjoy public spaces, safe from anti-social behaviour.

The breach of a public space protection order is a criminal offence, which is punishable by a fine of up to £100.

- 3.7 The Council is often working in a collaborative approach to tackle anti-social behaviour along with partner organisations. There can be other powers called upon to assist in tackling the problem. This could be housing providers with tenancy enforcement which could include grounds for possession or Police who have other measures they can implement. Dispersal powers enables Police officers to require a person who has committed, or is likely to commit, antisocial behaviour to leave a specified area and not return for up to 48 hours.

4.0 **POLICY IMPLICATIONS**

- 4.1 The Community Safety & Protection division accords with the statutory functions and requirements set out in:-

Crime & Disorder Act 1988

Anti-Social Behaviour, Crime & Policing Act 2014

5.0 **FINANCIAL IMPLICATIONS**

- 5.1 There are no new financial implications to this report.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children & Young People in Halton

The anti-social behaviour powers afforded to the local authority impact directly on this priority through its work on tackling the causes and effects of anti-social behaviour and approaches to deliver diversionary activities and work towards making neighbourhoods safer.

6.2 Employment, Learning & Skills in Halton

Responsibility for anti-social behaviour sits in a newly formed division, there is further scoping work and service remodelling to define the services functions which will generate further training, development and employment opportunities, growing the workforce and enabling skills development.

6.3 A Healthy Halton

Response to anti-social behaviour contribute directly to supporting a Healthy Halton by improving open spaces making them more accessible to the community.

6.4 A Safer Halton

Work around anti-social behaviour contributes directly to a Safer Halton. Programmes of work vary from reactive to pro-active, providing support to victims were needed, working to shift outcomes and build resilient communities in Halton.

6.5 Halton's Urban Renewal

The overall function strives to reduce crime, protect vulnerable residents, and create safer neighbourhoods, all of which contribute to building strong and vibrant communities.

7.0 RISK ANALYSIS

7.1 There are no risks associated with this report.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 None to report.

9.0 CLIMATE CHANGE IMPLICATIONS

9.1 None identified.

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

None identified