

SOUTH HOLLAND DISTRICT COUNCIL

Report of: The Portfolio Holder for Community Development, and the Community Development and Health Manager

To: Cabinet - 21 July 2015

Author: Dee Bedford (Anti-Social Behaviour Officer)

Subject: Delegations for the Anti-Social Behaviour, Crime and Policing Act 2014

Purpose: To seek delegated authority in respect of powers pursuant to the Anti-Social Behaviour, Crime and Policing Act 2014.

Recommendation:

It is recommended to Cabinet that

- 1) New delegations and amendments to existing delegations as a result of the enactment of the Anti-Social Behaviour, Crime and Policing Act 2014 be approved in accordance with Appendix A.
- 2) That the Executive Director – Commissioning and Governance and the Executive Manager – Governance, be authorised to make such amendments to these delegations as may be required to reflect changes in staffing structures and post titles.

1.0 BACKGROUND

- 1.1 The Anti-Social Behaviour, Crime and Policing Act 2014 received Royal Assent on 13 March 2014. The Act has amended much of the legislation currently in use by local authorities for dealing with anti-social behaviour. The majority of the new legislation came into force on 20 October 2014.
- 1.2 The new Act is designed to place the victim of Anti-Social Behaviour at the heart of the response of local authorities and their partners and provides more flexibility to deal effectively with any reports. The Act has streamlined the previous nineteen powers down to six; Civil Injunction, Criminal Behaviour Order, Community Protection Notice, Public Space Protection Orders, Closure Orders and Dispersal Powers for Police. An outline of the new enforcement powers along with information on the new Community Trigger and Community Remedies can be found at Appendix B.
- 1.3 Work has been ongoing at a county level to prepare for the new legislation and a county wide strategy has been agreed alongside associated procedures. The county wide documents will be the basis for amendments to the current Anti-Social Behaviour Policy. The county wide strategy can be found at Appendix C and the current South Holland District Council Anti-Social Behaviour Policy can be found at Appendix D
- 1.4 An internal working group has been set up to consult, develop and review internal procedures to inform updates to the Anti-Social Behaviour Policy.
- 1.5 Relevant officers have received countywide training. Further training and awareness raising sessions are being arranged which will include members and staff whether or not directly using the powers.

1.6 Current delegations need to be updated to allow the Council to use the new enforcement powers under the Anti-Social Behaviour, Crime and Policing Act 2014.

2.0 **OPTIONS**

2.1 Option 1 - Approval of delegations in Appendix A which will allow the Council to use the new tools and powers appropriately.

2.2 Option 2 - Do Nothing. The Council would not be meeting its statutory duties.

2.3 Option 3 – Approve some but not all of the proposed delegations

3.0 **REASONS FOR RECOMMENDATIONS**

3.1 To enable the Council to manage Anti-Social Behaviour cases effectively utilising the powers available to the Council under the new legislation.

4.0 **EXPECTED BENEFITS**

4.1 The expected benefits are as follows: -

- Officers will be clear on which tools and powers are available to them.
- Cases will be dealt with effectively and in line with the revised legislation.
- Public and Partner expectations will be managed.
- Victims of Anti-Social behaviour will be supported when issues are resolved through using the powers.

5.0 **IMPLICATIONS**

5.1 **Carbon Footprint / Environmental Issues**

5.1.1 It is the opinion of the Report Author that there are no implications.

5.2 **Constitution & Legal**

5.2.1 The Anti-Social Behaviour, Crime and Policing Act 2014 received Royal Assent on 13 March 2014. The Act has amended much of the legislation currently in use by local authorities for dealing with anti-social behaviour. The majority of the new legislation came into force on 20 October 2014.

5.2.2 The powers that have currently been enacted that are relevant to the Council are; Criminal Behaviour Orders, Community Protection Notices, Public Space Protection Orders, Closure Powers, Recovery of Possession of a dwelling.

5.2.3 Legal advice was sought in relation to the delegations in Appendix A to ensure that they were in line with the legislation.

5.3 **Contracts**

5.3.1 Briefing on the new tools and powers will be offered to Compass Point Business Services customer service staff.

5.4 **Corporate Priorities**

- 5.4.1 The delegations and the use of the powers contribute towards the Council's new corporate priority; *'To develop safer, stronger and more independent communities whilst protecting the most vulnerable'*.

5.5 **Crime and Disorder**

- 5.5.1 The delegation will allow the Council to effectively support victims of anti-social behaviour, and reduce crime and disorder.

5.6 **Equality and Diversity / Human Rights**

- 5.6.1 The Council is subject to the public sector equality duty under s149 of the Equality Act 2010. The Council is also subject to the European Convention on Human Rights and the various rights contained therein (examples being a fair trial, privacy, non-discrimination and enjoyment of possessions). The delegated powers set out in Appendix A to this report will be exercised in accordance with those duties.

5.7 **Financial**

- 5.7.1 It is the opinion of the Report Author that there are no implications.

5.8 **Health & Wellbeing**

- 5.8.1 The delegation will allow the Council to effectively support victims of anti-social behaviour which directly impacts on their health and wellbeing.

5.9 **Risk Management**

- 5.9.1 There is a potential risk of challenge should the Council not have the correct delegations in place.
- 5.9.2 Should the delegations not be agreed there would be a practical delay in their implementation by officers.
- 5.9.3 Should the delegations not be in place and correct the Council could be legally challenged when trying to implement the legislation
- 5.9.4 There would be a potential risk to the Council's reputation if delegations are not in place and correct.
- 5.9.5 There would be a risk to vulnerable victims should delegations not be in place to allow appropriate and timely action to be taken.

5.10 **Staffing**

- 5.10.1 It is the opinion of the Report Author that there are no implications.

5.11 **Stakeholders / Consultation / Timescales**

- 5.11.1 Consultation with practitioners and service managers took place on the level of delegations as part of the working group to inform Appendix A.

6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 All wards and communities would be affected.

7.0 **ACRONYMS**

7.1 None used.

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Key Decision: Yes

Exempt Decision: No

This report refers to a Mandatory Service

Appendices attached to this report:

Appendix A	New delegations and amendments to existing delegations
Appendix B	Anti-Social Behaviour, Crime and Policing Act 2014
Appendix C	Anti-Social Behaviour Strategy, Lincolnshire Community Safety Partnership
Appendix D	Anti-Social Behaviour Policy and Procedures