

## **Report to Cabinet**

**Subject:** Anti-Social Behaviour, Crime and Policing Act 2014, *Reform of Anti-Social Behaviour Powers*.

**Date:** 13<sup>th</sup> November 2014

**Author:** Corporate Director

### **Wards Affected**

All Gedling Borough Wards

### **Purpose**

To inform Members of the new tools and powers that came into force on 20<sup>th</sup> October 2014 with the implementation of the new Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act").

To recommend delegation to Corporate Director level to carry out the functions under the Act and authorise the Corporate Director in consultation with the Council Solicitor and Monitoring Officer to instigate legal proceedings under the Act.

To obtain Member approval of the financial level for Fixed Penalty Notices issued by the council for failing to comply with a Community Protection Notice.

### **Key Decision**

This is a key decision

### **Background**

- 1.1 Anti-social behaviour is a broad term that is used to describe the day to day incidents of crime, nuisance and disorder that makes residents lives a misery. As there are a wide range of behaviours, partner agencies have a shared responsibility for dealing with anti-social behaviour, particularly the police, council and social landlords.
- 1.2 Victims, when passed from one agency to another can feel helpless. In many cases, anti-social behaviour is targeted against the most vulnerable individuals and communities in our society and even though it may be perceived as 'low level' anti-social behaviour, when persistent, can have devastating effects on a victim's life.
- 1.3 The Government has reviewed the existing powers and in place of nineteen different tools and powers, there are now just six, which the council could utilise. Below is an overview of all the new powers available.

#### 1.4 Community Trigger

The Community Trigger gives victims and communities the right to request a review of their case where they feel there have been repeated incidents of anti-social behaviour reported to agencies and the response from the agencies has not been satisfactory. The Community Trigger brings agencies together to take a joined up, problem-solving approach to find a solution. A request for the Community Trigger can be made by residents, community groups and councillors in respect of problems reported to agencies including the council, police, local health teams and registered providers of social housing. When a request for the Community Trigger is activated, the request will be received by a Single Point of Contact (SPOC) at Gedling Borough Council, who will determine if the thresholds for the Community Trigger have been met. It is envisaged that this SPOC will be the Community Safety and Safeguarding Manager with the support of the Anti-Social Behaviour Coordinator. The thresholds for the Community Trigger are currently being finalised by the Safer Nottinghamshire Board and the Police and Crime Commissioner (PCC). The application form for the Community Trigger once completed would be submitted to the SPOC. For the purpose of the Community Trigger, anti-social behaviour is defined as behaviour causing harassment, alarm and distress to a member, or members, of the public. It is proposed that the County and City will adopt the same thresholds to provide consistency across Nottingham and Nottinghamshire. The proposed threshold will more than likely be three separate reports/incidents of anti-social behaviour in the past six months to the agencies listed above. If the proposed thresholds are met then a review will be carried out at a partnership meeting. It is proposed that the review would be carried out at the existing monthly anti-social behaviour meeting as all the required agencies are in attendance. If there are a large number of reviews or a case is particularly complex, then a Partnership meeting will take place outside of the monthly anti-social behaviour meeting.

- 1.5 The Community Trigger has been piloted in 5 areas (Manchester, Brighton and Hove, Boston, West Lindsey and the London Borough of Richmond). The pilots have shown that there have been a small number of activated triggers which have met proposed threshold for reviews to be taken place. However, after discussion with agencies at the monthly anti-social behaviour meeting it is thought that when the Community Trigger is communicated with members of the public there could be a number of requests that will not meet the proposed thresholds but will have to be assessed if they potentially meet the threshold by the SPOC. Any appeals by a victim where the threshold has been deemed not to be met will be carried out by the PCC.
- 1.6 The Community Trigger procedure and details of the SPOC must be publicised by the council as must information about the number of times the trigger is used, the number of times the threshold is not met and

numbers of reviews and recommendations resulting from the Community Trigger. The Community Trigger could have a significant impact on the council in the first instance following any communications put in the public arena regarding its purpose, as the SPOC will have to determine which requests meet the thresholds or not. The Community Trigger is a tool which requires multi-agency involvement throughout and is likely to impact on all agencies. The process of setting up the procedure and review process has involved input from all agencies and a focus on partnership problem solving approaches.

#### **1.7 Community Remedy**

The Community Remedy is intended to give the victims of anti-social behaviour and low-level crime more say in the punishment of perpetrators outside of the court setting. The victim's involvement in the process is voluntary and the victim must not be made to feel that they should be taking part in the process if they are not comfortable, if they think they may be put at risk, or that they do not believe that it will benefit them. The perpetrator has to admit guilt that they have engaged in the behaviour and they agree to take part in the process. The various Community Remedies will be outlined in the community remedy document attached at Appendix 1.

1.8 The impact of the Community Remedy on the council is minimal as the PCC's office are leading on the development of the policy and scheme across the County. The Anti-Social Behaviour Coordinator and the Community Safety and Safeguarding Manager will ensure that the partner agencies that attend the monthly anti-social behaviour meeting are aware of it and how to make referrals when required.

1.9 Attendees at the anti-social behaviour meeting will be aware of what remedies are available, what the thresholds are and how to make referrals when required.

1.10 The police will be the principle agency that will be using the Community Remedy document (Appendix 1) and making referrals.

#### **1.11 Injunction to Prevent Nuisance and Annoyance (Civil Injunction).**

This is a civil injunction aimed at stopping or preventing individuals engaging in anti-social behaviour quickly, nipping problems in the bud before they escalate. This power has not yet come into force and is expected to come in early 2015. The civil injunction is available to a wider range of agencies than the previous anti-social behaviour Injunctions which were used by social housing providers. The Injunctions to Prevent Nuisance and Annoyance are obtainable on a civil standard of proof (the balance of probability) unlike the Anti-Social Behaviour Order which is a criminal standard of proof (beyond all reasonable doubt). There is no need to prove 'necessity' unlike Anti-Social Behaviour Orders. Breach of the Injunction is not a criminal offence and there is also scope for positive

requirements to be included and to focus on long term solution. The conditions for the imposition of the new injunction are two fold, firstly the court must be satisfied that the respondent has engaged or threatens to engage in anti-social behaviour and secondly the court must consider it just and convenient to grant the injunction for the purpose of preventing the respondent from engaging in anti-social behaviour. Anti-social behaviour is further categorised into housing and non-housing related anti-social behaviour.

- 1.12 A number of agencies can apply for the injunction to ensure that the agency best placed to lead on a specific case can do so. The agencies are Gedling Borough Council, housing providers (such as Gedling Homes), Chief Officer of Police for the local area, Chief Constable of the British Transport Police, Environment Agency and NHS Protect. NHS Protect leads to identify and tackle crime and anti-social behaviour across the health service. The aim is to protect NHS staff and resources from activities that would otherwise undermine their effectiveness and their ability to meet the needs of patients and professionals. Due to the various agencies being able to apply for the Injunction to Prevent Nuisance and Annoyance the Anti-Social Behaviour Coordinator will request that agencies, especially the local neighbourhood police teams and Gedling Homes, provide a monthly update of any injunctions that have been obtained.
- 1.13 The Injunction can be issued against anyone 10 years of age and over. Applications made against those individuals that are 18 years and younger are made in the Youth Court and applications against those individuals who are over 18 years are made in the County Court or High Court.
- 1.14 The Injunction can be used to tackle a wide range of behaviours. These can include vandalism, public drunkenness, aggressive begging, irresponsible dog ownership, noisy or abusive behaviour towards neighbours or bullying. Before any injunction can be applied for agencies must make proportionate and reasonable judgments before applying for the injunction. The injunction should not be used to prevent reasonable, trivial or benign behaviours that have not caused, or are not likely to cause anti-social behaviour to victims or communities.
- 1.15 The injunction will include relevant prohibitions to prevent behaviour occurring and it can also include positive requirements to get the perpetrator to tackle the possible underlying cause of their behaviour. An example of a positive requirement is attending an alcohol or drugs awareness programme. In terms of duration, where the perpetrator is 18 or under the prohibitions or requirements must have a specified time limit and the maximum term is twelve months. For those over 18 the prohibitions and requirements can be for a fixed or indefinite period. The court can attach a power of arrest to any prohibition or requirement except a positive requirement if the anti-social behaviour involves violence or the threat of

violence or there is a significant risk of harm to others from the perpetrator.

1.16 Breach of the injunction is not a criminal offence as a breach is dealt with as contempt of court for adults, which is punishable by up to 2 years in custody and/or unlimited fine. With regards to youths, breaches are dealt with by the Youth Courts and could result in a supervision order, curfew or activity requirement. In the most serious cases where there is no alternative the court may impose a detention order on a young person who are aged between 14 years and 18 years. Although breach is not a criminal offence the criminal standard of proof applies and breaches must be proved beyond reasonable doubt.

1.17 The impact that the Injunction to Prevent Nuisance and Annoyance is likely to have is a medium impact on the council. Given that the injunction has a civil level of proof requirement and can be used for a wide range of anti-social behaviours it may be a tool the council use more frequently than the current stand-alone applications to the Magistrates' Court for Anti-Social Behaviour Orders. The new injunctions will allow the council to use hearsay evidence such as anonymous witness statements which under the current regime carry less weight.

#### 1.18 **Criminal Behaviour Order**

The Criminal Behaviour Order (CBO) is now in force and is to be issued by a criminal court against a person who has been convicted of an offence to tackle the most persistently anti-social individuals who are also engaged in criminal activity. (This is similar to the Anti-Social Behaviour Order on Conviction CRASBO). The Crown Prosecution Service will usually be the applicant either of its own initiative or following a request for a CBO by the police or council. The CBO hearing can be heard at the same time as the sentencing for the original criminal conviction. The criminal conviction does not have to have an anti-social element.

1.19 There is a requirement to consult with Youth Offending Teams for under 18s but they cannot veto the application. There is also the scope for positive requirements as well as prohibitions to focus on long-term solutions. There is no need to prove 'necessity' unlike Anti-Social Behaviour Orders. For a CBO to be made the court must be satisfied beyond all reasonable doubt, that the offender has engaged in behaviour that has caused or was likely to cause, harassment, alarm or distress to any person and that the court considers making the order will help in preventing the offender from engaging in such behaviour. When an order is obtained against an adult it will last for a minimum of two years, for a juvenile it will last between one and three years.

1.20 The impact to the council is likely to be low to medium as the Crown Prosecution Service will usually apply for the CBO but in some cases the local council may apply after the offender has been convicted of a criminal offence. The prosecution can apply for a CBO of its own initiative or

following a request from the council or police.

#### **1.21 Community Protection Notice**

A Community Protection Notice (CPN) is issued to stop a person aged 16 years or over, a business or organisation committing ASB which spoils the community's quality of life. It is intended to deal with particular, ongoing problems or nuisances which negatively affect the community's quality of life by targeting those responsible. The police and council are able to issue CPN after a written warning has been issued requesting the perpetrator to stop the problem behaviour and what the consequences are if they continue. The agency issuing the CPN can carry out works in default. When investigating a complaint which is already covered by statutory nuisance legislation (noise/accumulation) the investigating officer should use the nuisance legislation in the first instance.

1.22 Police officers, police community support officers and councils can issue CPNs. Also local councils can designate social landlords, for example Gedling Homes. It is not envisaged at this time that there will be a designation to social landlords to issue CPNs but this will be reviewed in the future.

1.23 The CPN is designed to be broad and focuses on the impact that the anti-social behaviour is having on the community and victims. The CPN can be issued by designated officers if they are satisfied on reasonable grounds that the conduct of an individual, business or organisation is having a detrimental effect on the quality of life of those in the locality, is persistent or continuing in nature and is unreasonable. It is to be decided on a case by case basis if a CPN is to be issued. The CPN may contain requirements to stop the behaviours or to take steps to achieve specified results.

1.24 The issuing officer has to prove that the person issued with the CPN can be reasonably expected to control or affect the behaviour. So, in relation to a business, the manager could be the person responsible to carry out the requirements of the CPN and not the owner of the business as the manager deals with the day to day running of the business activities.

1.25 Before a CPN can be issued a written warning has be issued to the person committing the anti-social behaviour. The written warning must be clear that if the anti-social behaviour does not stop they could be issued with a CPN.

1.26 Failure to comply with the CPN is an offence which can be dealt with by a number of options:

- a Fixed Penalty Notice (FPN)
- remedial action (works in default)
- prosecution in the Magistrates' Court

- remedial orders – obtained on conviction
- forfeiture order – obtained on conviction
- seizure - the court issue a warrant authorising the seizure of items used in the commission of an offence of failing to comply with a CPN.

The Notice can be appealed to the Magistrates' Court within 21 days of issue. Any costs of works undertaken on behalf of the offender by the council can be challenged by the offender if they think they are disproportionate. In relation to the issuing of FPNs for failing to comply with a CPN, it is proposed that the council issue fixed penalties for £100. This is the maximum figure set out in the legislation. It is also proposed that there is no option for a reduced rate for early payment. Offenders will be given 14 days to pay the FPN. This is in line with the timings for payment of fixed penalties issued by the council under other legislation for example fixed penalties issued for littering offences under the Environmental Protection Act 1990. The rate of £100 is higher than the rate for fixed penalties issued by the council for littering and dog fouling which is £50. It is felt that the behaviour warranting the service of a CPN is behaviour of a more complex nature and will require more officer time to investigate than other FPN related offences. In addition, under the CPN process the perpetrator will already have been formally warned regarding behaviour before the Notice is issued and so by the time the FPN is served the behaviour will have been repeated meriting a higher penalty.

- 1.27 The impact that a CPN will have on the council is likely to be a medium impact as it depends on the evidence that has been available and gathered by the investigating officers. The CPN replaces some powers under the Environmental Protection Act 1990 in respect of street clearance and litter clearance notices so will simply replace the work officers currently undertake in relation to that. The CPN is a useful tool for low level anti-social behaviour and is something the council is likely to utilise.

#### 1.28 **Public Spaces Protection Order**

Public Spaces Protection Order (PSPO) 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. This can be done by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour. The PSPO can be applied on any land which members of the public have access. This includes car parks, shopping malls and parks. District and Borough councils are the lead agency responsible for the orders although enforcement powers will be broader. Parish councils will not be able to make a PSPO.

- 1.29 The PSPOs are designed to be broad and focus on the impact anti-social behaviour has on victims and communities. A PSPO can be made by the council if they are satisfied on reasonable grounds that the anti-social

behaviour/activities that are being carried out, or likely to be carried out in a public place:

- have had, or likely to have a detrimental effect on the quality of life of those in the locality
- is, or is likely to be persistent or continuing in nature
- is, or likely to be unreasonable and
- justifies the restriction imposed.

1.30 When considering a PSPO the council must consult with police via the Chief of police officer and PCC, however, the details can be agreed by working with local leads. Also any community representative groups should be consulted, if they are directly affected, for example a local resident association.

1.31 Multiple restrictions and requirements can be included in the PSPO, the order can prohibit certain activities, for example, drinking alcohol, can also place requirements on individuals carrying out certain activities, for example, keeping dogs on a lead. The order can also be used to restrict access to public rights of way. The order is to be designed to reflect local issues and to make public spaces more accessible to the law abiding majority, and not used simply to restrict access. The order can last for a maximum of 3 years but can be shorter. The council can extend the order by a further 3 years if necessary but the consultation process should take place again.

1.32 It is an offence to breach the terms of the PSPO without reasonable excuse. Depending on the behaviour, the enforcing officer (who can be police officer, police community support officer, council officer or a designated person) could decide if a FPN is suitable. The levels of fixed penalty in relation to such offences are not proposed to be fixed at this time as no such orders are in place. Any appeal of an order can be made to the High Court by an interested person within six weeks of the order being made.

1.33 The impact that the PSPO may have on the council is assessed as low/medium and will be dependent on the numbers considered and their complexity.

#### 1.34 **Closure Power**

The Closure Power is a fast, flexible power that can be used to protect victims and communities by quickly closing premises that are causing nuisance or disorder. This power is in two parts. The Notice which is issued in the first instance for 24 hours by the council or police (can be extended to 48 hours by Chief Executive or Police Superintendent). The Notice cannot prohibit the residents of the property from residing at the address however, the order can. The application for an order has to be made to the Magistrates' Court with every issue of a Closure Notice. The



courts are required to hear an application within 48 hours of serving the notice, unless the Notice has been cancelled.

1.35 A Closure Notice can be issued for 24 hours if the council or police officer (at least Inspector) is satisfied on reasonable grounds:

- that the use of a particular premises has resulted, (if the notice is not issued) is likely 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.

1.36 A Closure Order remaining in force for up to 6 months can be subsequently issued if the Court is satisfied:

- that a person has engaged, or (if the order is not made) is likely to engage, in disorderly, offensive or criminal behaviour on the premises; or
- that the use of the premises has resulted, or (if the order is not made) is likely to result in serious nuisance to members of the public; or
- that there has been, or (if the order is not made) is likely to be disorder near those premises associated with the use of those premises, and that the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring.

1.37 Consultation is required as part of the Closure Notice. The police and the council must ensure that they consult with appropriate people/agencies. This includes any persons or agencies that will be affected by the closure of the property. An offence is committed when a person, without reasonable excuse, remains on or enters premises in contravention of a Closure Notice or order. A Closure Notice cannot be appealed but a Closure Order can be appealed to the Crown Court within 21 days beginning with the date of the decision to make the Closure Order.

1.38 The Closure Powers will have a minimal impact on the council as, historically; similar powers under other legislative frameworks have been rarely used.

#### 1.39 **Dispersal Power**

The Dispersal Power (DP) is a police power that is designed to be flexible so the police can use the power in a range of situations to disperse individuals that are acting in an anti-social manner and to provide an immediate short-term respite to the local community.

1.40 The DP is a preventative tool as it allows a police officer to deal with an individual's behaviour straight away before it escalates. In areas where there is a regular issue, the police force should work with the council to find a sustainable long-term solution. The impact of the DP should always

be commensurate to the impact that it may have on the local community.

- 1.41 The DP is to be used by police officers in uniform and also police community support officer (if designated to use the power by the Chief Constable). The use of the DP must be authorised by a police officer of at least the rank of Inspector before use. The Inspector (or above) must record the authorisation in writing, stating the grounds on which the DP is given and sign the authorisation. The decision should be objective, may include local knowledge of the area and intelligence that there is likely to be problems at a specific time. The impact on the wider community should also be considered. The written authorisation may be admitted in evidence if the making of the authorisation is in dispute. The authorising police officer must have regard to Articles 10 and 11 of the European Convention on Human Rights that provide the right for lawful freedom of expression and freedom of assembly.
- 1.42 Where practical the authorising police officer may wish to consult with the council or community representatives before making the authorisation.
- 1.43 When a police officer or police community support officer (where designated) gives an individual the direction to leave, the direction must be given in writing, unless that is not reasonable practicable. All the necessary information must be included in the direction and the officer must ensure that the individual understands the information provided.
- 1.44 When an officer is dispersing a young person over the age of 10 years and under the age of 16 years, the officer can take them home or to another place of safety under the provisions of the Children's Act 2004.
- 1.45 The officer can require the individual given the direction to hand over property that is causing or likely to cause anti-social behaviour. This item could be anything but likely examples include alcohol, fireworks or spray paints. The officer does not have the power to seize the item, however, it is an offence for the individual not to hand over the item when requested to do so.
- 1.46 The DP is likely to have minimal impact on the council as it is a police power.

#### 1.47 **New Absolute Ground for Possession**

The purpose of the New Absolute Ground for Possession (NAGP) is to speed up the possession process in cases where anti-social behaviour or criminality has already been proven by another court. The NAGP is available for secure and assured tenancies which will allow both social landlords, local authority/housing associations and private rented sector landlords to use the Absolute Ground.

- 1.48 Private landlords are likely to generally use the 'no fault' ground for possession, in section 21 of the Housing Act 1988, where this is available. However, this can only be used at the end of the fixed term of the tenancy, which must be at six months from the initial inception of the tenancy. The

NAGP should assist private rented sector landlords to end tenancies quickly in cases of serious anti-social behaviour or criminality that occur during the fixed term of an assured short-hold tenancy.

1.49 The court must grant possession (subject to any available human rights defence raised by the tenant, including proportionality) provided the landlord has followed the correct procedure and at least one of the following five conditions is met:

- the tenant, a member of the tenant's household, or person visiting the property has been convicted of a serious offence;
- the tenant, a member of the tenant's household, or person visiting the property has been found by a court to have breached a civil injunction;
- the tenant, a member of the tenant's household, or person visiting the property has been convicted of breaching a Criminal Behaviour Order;
- the tenant's property has been closed for more than 48 hours under a Closure Order for anti-social behaviour; or
- the tenant, a member of the tenant's household, or person visiting the property has been convicted for breaching a Noise Abatement Notice or Order.

The offence or anti-social conduct must have been committed in, or in the locality of, the property, affected a person with the right to live in the locality of the property or affected the landlord or the landlord's staff or contractors.

1.50 The NAGP is a landlord power so will have minimal impact on the council.

#### 1.51 **Partnership Working**

Across the county, partner agencies have worked together over the past 12 months to apply a common, joined up approach to the implementation of this new legislation. By approaching it in this way, call handling, risk assessments, data sharing and case management practices can be more standardised.

### **Proposal**

- 2.1 It is requested that Members note the new tools and powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014.
- 2.2 That Members delegate all functions and responsibilities under the Anti-Social Behaviour, Crime and Policing Act 2014 and any regulations made thereunder to the Corporate Director.
- 2.3 That Members authorise the Corporate Director in consultation with the Council Solicitor and Monitoring Officer to authorise legal proceedings under the Anti-Social Behaviour, Crime and Policing Act 2014.
- 2.4 That Members agree a fixed penalty level of £100 payable within 14 days of service of a FPN for failing to comply with a Community Protection

Notice issued by the council.

- 2.5 To propose that once the new Anti-Social Behaviour, Crime and Policing Act 2014 has been in force for approximately six months officers will report back to Members in relation to whether to designate powers to social landlords to issue Community Protection Notices with regards to their residents. An example where the social landlords could use the power would be to instruct tenants to clear their gardens.

### **Alternative Options**

- 3 The alternative option is that Members do not delegate functions under the new legislation to the Corporate Director who could then effectively delegate responsibilities to the appropriate officers. This would not ensure efficient decision making and would lead to the Executive being overwhelmed by a large number of operational matters.

Members could also approve a lower fixed penalty level than £100 for issuing a fixed penalty for failing to comply with a Community Protection Notice but this would not reflect the gravity of the offence or the investigative time required in such matters. Members could decide on a reduced rate if payment of a fixed penalty is made within a specified period but this would not be in line with the council's current processes and procedures for the payment of FPNs for littering and dog fouling offences.

Members could designate social landlords now to issue FPNs for failing to comply with Community Protection Notices. It is felt that this would be too soon and a review is required to see how the new legislation is affecting social landlords, whether the designation would be necessary and ensure those designated have the appropriate training to ensure Community Protection Notices are issued correctly and all the necessary evidential requirements are met.

### **Financial Implications**

- 4.1 There will be minimal financial implications for Public Protection Service as the officers will adopt the new tools and powers available in the Anti-Social Behaviour, Crime and Policing Act 2014 into their day to day working practices. There may be additional legal costs if there are a significant number of applications for injunctions to the County Court or a number of prosecutions and appeals dealt with under the new legislation at the Magistrates' Court. It is unclear at this stage and until the authority start utilising the legislation the likely level of costs to be incurred and the impact on resources in both Public Protection and the Legal Department.

### **Appendices**

- 5.1 Community Remedy Document – Appendix 1

## **Background Papers**

- 6 Anti-Social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers. Statutory guidance for frontline professionals. July 2014.

## **Recommendation(s)**

- 7.1 That Members note the new tools and powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014
- 7.2 That Members delegate all functions and responsibilities under the Anti-Social Behaviour, Crime and Policing Act 2014 and any regulations made thereunder to the Corporate Director.
- 7.3 That Members authorise the Corporate Director in consultation with the council Solicitor and Monitoring Officer to authorise legal proceedings under the Anti-Social Behaviour, Crime and Policing Act 2014.
- 7.4 That Members approve a fixed penalty level of £100 payable within 14 days of service of a FPN for failing to comply with a Community Protection Notice
- 7.5 That Members agree a formal review of the tools and powers after a 6 month implementation period.

## **Reasons for Recommendations**

- 8.1 There are significant changes to how agencies tackle anti-social behaviour in the new Anti-Social Behaviour, Crime and Policing Act 2014 which replaces powers in the Anti-Social Behaviour Act 2003. Members need to be made aware of these new tools and powers and how they will impact upon how the council tackles anti-social behaviour.
- 8.2 To ensure efficient decision making and to ensure the Executive are not overwhelmed with a large number operational matters.
- 8.3 To ensure efficient decision making and to ensure any proceedings brought are legally sound.
- 8.4 To ensure the level of FPN is appropriate to the offending involved and to keep the time for payment of FPNs under this legislation in line with the council's current processes and procedures for the payment of FPNs.

## **5.1 Appendix**

### **Community Remedy Document – Appendix 1.**

This document is produced by the Police and Crime Commissioner to provide guidance on what remedies are available to perpetrators of anti-social behaviour.

## **6 Background Papers**

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

Statutory guidance for frontline professionals.

July 2014.