

ANTI-SOCIAL BEHAVIOUR CRIME & POLICING ACT 2014 - UPDATE

Legal & Democratic Services Advisory Committee - 18 October 2016

Report of Chief Officer Communities and Business

Status: For information

Key Decision: No

Executive Summary: The Anti-social Behaviour, Crime and Policing Act 2014 (the Act) received Royal Assent on 13th March 2014 and took effect on 20th October 2014.

The Act replaces nineteen pre-existing measures with six new measures for tackling anti-social behaviour and introduces a new absolute ground for possession of secure and assured tenancies associated with anti-social behaviour or criminality.

This report supports the Key Aim of Community Plan - Safe and Caring Environments

Portfolio Holder Cllr. Roddy Hogarth

Contact Officer Kelly Webb, Ext 7474.

Introduction and Background

The Anti-Social Behaviour Crime & Policing Act 2014 introduced simpler, more effective powers to tackle anti-social behaviour that provide better protection for victims and communities.

Since the last update there have been

- No community triggers
- Fixed Penalty Notices for litter at former Convent of Mercy site, Swanley and Oakview Stud Farm, Horton Kirby
- We are in the process of gathering information for a civil injunction for a young male regarding ASB in Swanley

Key Implications

Financial

Certain offences within the Act can be discharged by payment of a fixed penalty notice to the local authority, a proposal is that these fines contribute towards legal costs if any.

The Council is likely to incur legal costs when applying for the new Injunction to Prevent Nuisance and Annoyance or for example if it prosecutes an individual, or body, for failure to comply with a notice, etc.

It is anticipated that the powers will be used by existing staff within current budgets.

Legal Implications and Risk Assessment Statement.

The Crime and Disorder Act 1998, places a duty upon local authorities to seek to prevent crime and disorder in its area in carrying out its duties. The Anti-social Behaviour and Policing Act 2014, provides a new set of powers for tackling anti-social behaviour.

The vast majority of these powers are unlikely to be used frequently by the Council, as they are in many cases a last resort, where other options have been tried and failed. However in some circumstances their use may be both proportionate and appropriate.

As the Council is a regulatory authority for the legislation given in the report there are no alternative options. Failure to update the Scheme of Delegations to reflect changes in legislation could mean that the Council may be subject to legal challenge if regulatory action is taken by unauthorised officers, or that any legal action taken under these regulations would be invalid.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

Members are asked to note the report.

Background Papers: N/A.

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Chief Officer Communities and Business