

Overview and Scrutiny Panel

25th April 2017

ASB tools and powers

Jessica Bailey : Community Safety Team Leader



Anti Social Behaviour

“Conduct that has causes, or is likely to cause, harassment, alarm or distress”

OR

“Conduct capable of causing housing related nuisance or annoyance”

(ASB, Crime and Policing Act 2014)

⇒ Neighbour nuisance

⇒ Street drinking

⇒ Flytipping

⇒ Graffiti

⇒ Misuse of public space



⇒ Nuisance dogs

What is NOT Anti-Social Behaviour?

- Occasional problems – eg. one off parties
- Day – to – day domestic activity
- Children playing in public



Anti Social Behaviour levels

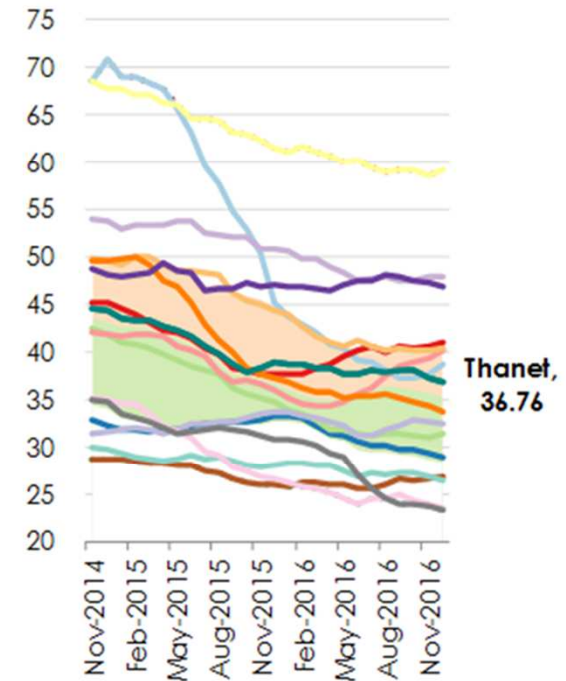
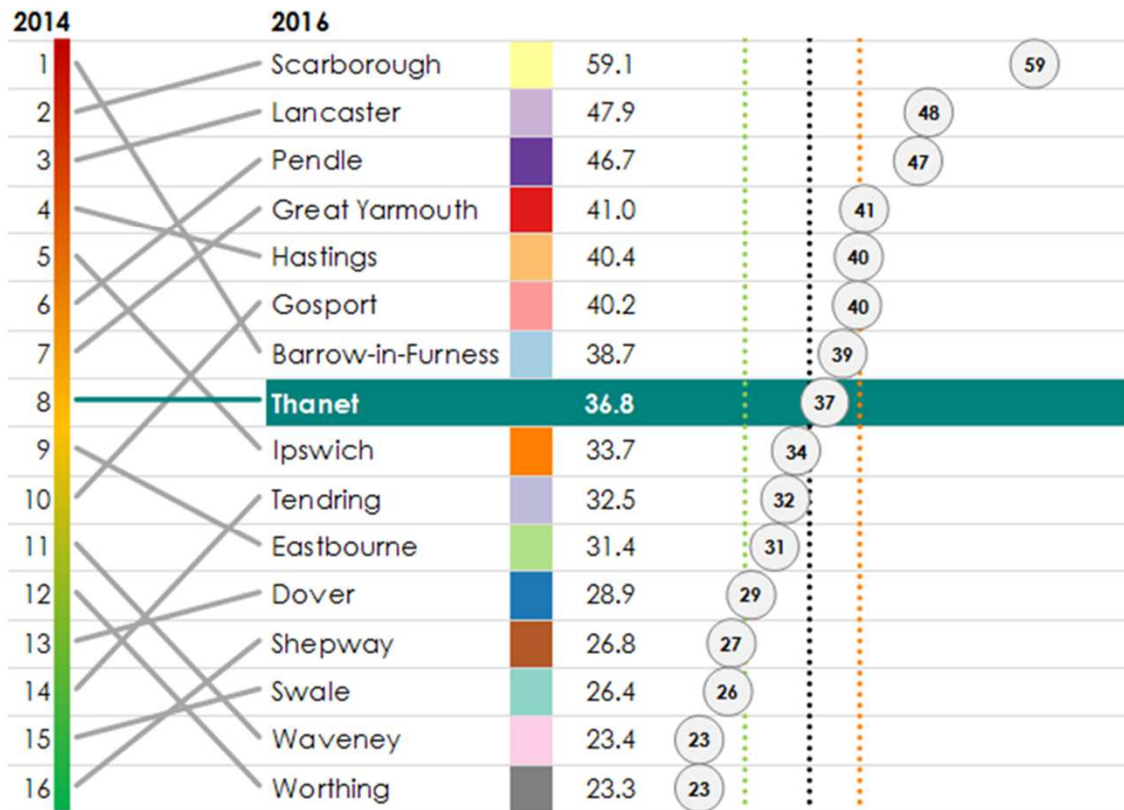
District	Oct-14	Trend	Dec-16	% change	Population	Rate per 1000 of the population					
						15	20	25	30	35	40
Ashford	1822		1920	5%	124,300	15	15				
Sevenoaks	2142		1953	-9%	118,400	16	16				
Tonbridge & Malling	2542		2358	-7%	125,700	19	19				
Tunbridge Wells	2331		2212	-5%	116,200	19	19				
Maidstone	3714		3680	-1%	164,500	22		22			
Canterbury	4395		3691	-16%	160,000	23		23			
 FORCE	50133		46036	-8%	1,801,200	26		26			
Swale	4170		3803	-9%	142,400	27		27			
Shepway	3190		2983	-6%	110,000	27		27			
Dartford	2902		2945	1%	103,900	28		28			
Dover	3698		3295	-11%	113,200	29		29			
District Total	50042		45939	-8%	1,524,700	30		30			
Gravesham	3621		3257	-10%	106,300	31		31			
Medway council	9289		8640	-7%	276,500	31		31			
 Thanet	6226		5202	-16%	139,800	37					37

Kent Police Published Data (Oct 14 - Dec 16)



Anti Social Behaviour – most similar group comparison

Anti-social behaviour - Crimes per 1,000 of the population - Ranking



Data

Crime Data

Population Data

CIPFA Nearest Neighbour Benchmark

Source

<https://data.police.uk/data/>

<https://www.ons.gov.uk/>

<http://www.cipfastats.net/resources/nearestneighbours/>

District Benchmarking –

Use of ‘new’ ASB tools powers (where available)

	Thanet	Dover	Shepway	Swale	Canterbury	Maidstone
CPNW	72 (Council) 2 (Police)	10	4	5	40	4 (Police)
CPN	9 (Council)	0	2	1	13 (Police)	2 (Police)
Injunction	4	u/k	1	0	1	0
Closure	2	u/k	2	1	1	0
CBO	5 (Police) *	u/k	2	1	2	1
PSPO	0	1	2	0	0	1

* 2 Thanet Council applications : 1 pending, 1 refused



'New' ASB tools and powers

Recap

- ⇒ ASB Crime and Policing Act 2014
- ⇒ July 2015 guidance
- ⇒ Incremental approach
- ⇒ Task and Finish cross department officer group
- ⇒ Awareness inputs, staff and members briefings,
- ⇒ Back office work – administration, books, training
- ⇒ Processes agreed – cross district, cross agency
- ⇒ Expertise and best practice - Mallard Consultancy > case law



OLD

Anti-Social Behaviour Order (ASBO)
ASBO on Conviction
Drinking Banning Order (DBO)
DBO on Conviction
Anti-Social Behaviour Injunction (ASBI)
Individual Support Order (ISO)
Intervention Order



Civil Injunction
Criminal Behaviour Order (CBO)

Litter Clearing Notice
Street Litter Clearing Notice
Graffiti/Defacement Removal Notice
Designated Public Place Order
Gating Order
Dog Control Order
ASB Premises Closure Order
Crack House Closure Order
Noisy Premises Closure Order
Section 161 Closure Order



Community Protection Notice (CPN)
Public Spaces Protection Order (PSPO)
Closure Powers

Section 30 Dispersal Order
Section 27 Direction to Leave



Dispersal Powers



Community Trigger

- Right to apply for ASB case review
- Responsible authorities for case review :
Council, Police, Social Landlords, Clinical Commissioning Groups
- Agreed county process:
Threshold: 3 or more incidents reported to any of the agencies within 6 month period
- Review conducted within 25 days and recommendations made (if threshold met)

⇒ 5 applications

⇒ 1 met threshold

⇒ 3 recommendations made



Civil Injunctions

: To prevent individuals from engaging in ASB quickly, setting requirements through the court as boundaries, before behaviours escalate.

- February 2015
- Civil order (pre criminal) court decides
- Age 10+
- Lower level of proof
- Prohibitions and positive requirements
- Power of arrest can be attached
- Max penalty on breach: unlimited fine, 2 years imprisonment



Civil Injunctions: Case Study

5 successful applications : 5 applied for (1 Police 4 TDC)

⇒ 1 aged 16-18 , 4 over 25

⇒ All still current (2 years)

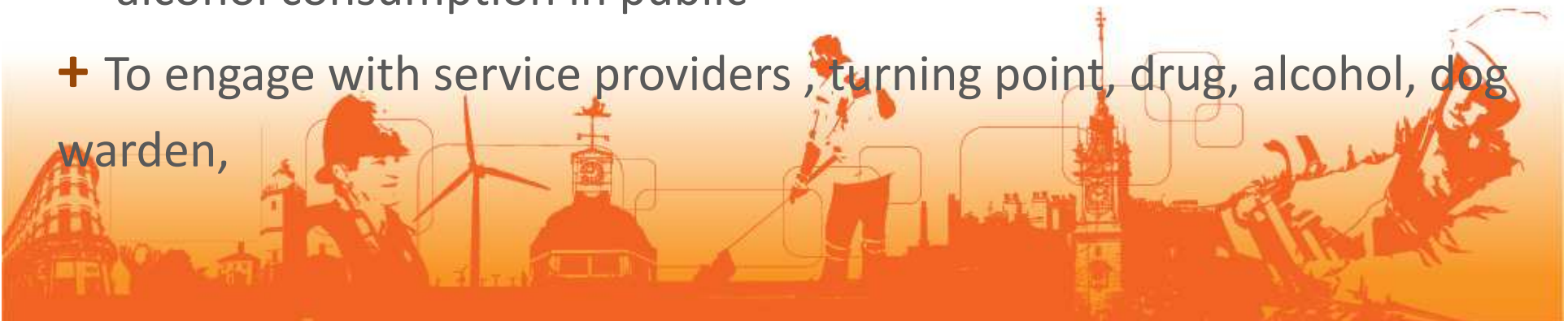
⇒ 1 breached and prosecuted : night in custody

⇒ Current application in court for 1, case builds on further 4

Types of requirements :

⇒ Geographical restrictions, restricting camping, street drinking, urinating in public, storing bedding in public, aggressive begging, alcohol consumption in public

+ To engage with service providers , turning point, drug, alcohol, dog warden,



Criminal Behaviour Orders

: To tackle serious ASB on the most persistent individuals, who are engaged in criminality

- October 2014
- Must be charged with any criminal offence to apply for CBO
- Court decides
- Can be applied to u18s
- Prohibitions and positive requirements
- Breach: 5 years imprisonment



Criminal Behaviour Orders

4 successful applications :

- ⇒ 7 applied for (5 Police 2 TDC – 1 currently in court)
- ⇒ 3 aged 16-20 , 1 over 50
- ⇒ 2 still current (2 expired after 12 months)
- ⇒ 2 breached and prosecuted
- ⇒ Current case builds on 5 further individuals

Types of requirements :

- ⇒ Geographical restrictions, named and group non associations
- ⇒ Restriction of carrying items, alcohol consumption in public
- + To engage with service providers to support desistance



Criminal Behaviour Order: Case Study

Nuisance youths – on Police conviction of public order offences

- **Example requirements obtained:**
 - ⇒ Not to be found drunk in a public place
 - ⇒ Not to be in possession of alcohol
 - ⇒ Not to enter specific places – defined by boundaries
 - ⇒ Not to associate with specified people
 - ⇒ Not to enter specific properties
 - ⇒ Not to congregate in a group of 4 or more
- **Positive requirements:**
 - ⇒ Engage with specified support services
 - ⇒ Attend educational provision
 - ⇒ To accept referral to addiction drug / alcohol support
 - ⇒ Attend early help sessions as specified



Community Protection Notice



: To tackle persistent ASB having a detrimental effect on quality of life

- October 2014
- Can be issued on individuals, businesses, property owners or organisations
- Formal notice issued by officers (Police or Council)
- Warning notice issued first
- Specifies requirements to stop and start doing
- Breach is a criminal offence
- FPN (up to £100 or court prosecution, up to £20,000 for businesses)
- Enables seizure of items or remedial action taken by Council



Community Protection

Warning

COMMUNITY PROTECTION NOTICE (WARNING)
Pursuant to Section 43(5)(a) of the Anti-Social Behaviour, Crime and Policing Act 2014

THIS WARNING NOTICE IS ISSUED TO:

NAME: _____
ADDRESS/LOCATION: _____

ISSUING OFFICER

NAME: _____
AGENCY: _____
RANK: _____ DATE: _____

TAKE NOTICE This is a formal warning, given to advise you to **STOP** committing **Anti-Social Behaviour**, that is deemed to be having a detrimental impact on the quality of life of others.

The behaviour that you have engaged in is considered **persistent / continuing and unreasonable**

1) _____
2) _____
3) _____

This Notice means that by (Date) _____ Time) _____


You must cease the behaviour stated above

PLEASE NOTE: If you do not comply with this notice and cease the outlined actions you will be issued with a:

COMMUNITY PROTECTION NOTICE
in accordance with Section 43 of the Anti-Social Behaviour and Policing Act 2014.

If you fail to comply with a Community Protection Notice you will be committing further offences and be liable for further prosecution, which could include:

- ◆ A fixed Penalty Notice of £80
- ◆ Further prosecution and upon conviction liable:
 - ◆ To be charged for any repairs for damage caused
 - ◆ To forfeit or have assisting items confiscated or seized
 - ◆ A fine of up to £2,500 (Individual)
 - ◆ A fine of up to £20,000 (Business)



██████████
██████████
██████████

Direct Line: (01843) 577000
E-mail: community.safety@thanet.gov.uk
Our Ref: WK/201642887
Date: 23/09/16

Dear Mr ██████████

Warning Notice

A COMMUNITY PROTECTION NOTICE COULD BE ISSUED AGAINST YOU
Pursuant to Section 43(5)(a) of the Anti-Social Behaviour, Crime and Policing Act 2014

Take notice that this letter has been sent to you as a warning that a Community Protection Notice may be issued against you following complaints of Anti-Social Behaviour and that Thanet District Council (The Council) is satisfied, on reasonable grounds, that the conduct of George Moses is having a detrimental effect on the quality of life of those living in the locality, and that said behaviour is continuing or of a persistent nature.

This conduct is unreasonable and **must stop immediately:**

- Work within the profession of building or maintenance, unless employed by a company which has been incorporated for at least 5 years.
- Entering residential properties without the consent of the owner.
- Carrying out works on residential properties without the consent of the owner.
- Being aggressive, abusive and causing harassment, alarm and distress to members of the public.

Failure to comply with the actions outlined below will result in The Council issuing you with a Community Protection Notice in accordance with Section 43 of the Anti-Social Behaviour and Policing Act 2014.

Action to be taken	You must do this by
To stop carrying out works on residential properties, ██████████	Immediately
Engage with Turning Point regarding any alcohol or drug problems you may have until such time that Turning Point take a view that further treatment is not required or necessary.	Immediately
To stop entering residential properties in the district of Thanet without the express consent of the owner/occupier.	Immediately
To stop acting in a manner likely to cause harassment, alarm and distress to members of the public.	Immediately

Please do not ignore this letter. This warning provides you with an opportunity to rectify the situation or modify your behaviour before further legal action is taken against you.

Final Notice

Our Ref: WK/201702787



You are hereby required to comply with the following requirements immediately:

- Engage with the Gateway in Cecil Street, Margate or Porchlight regarding housing needs until such a time that you are in substantive accommodation.
- Engage with Turning Point regarding any alcohol or drug problems you may have until such time that Turning Point take a view that further treatment is not required or necessary.
- Not to enter for any purpose, the Victorian Shelter Marine Drive, Margate, Kent, CT9 1DH
- To not use offensive or aggressive words or behaviour or engage in any behaviours capable of causing nuisance or annoyance to others in the community
- To not encourage others or participate with others in behaviours capable of causing nuisance or annoyance to others in the community.
- To cease sleeping and/or storing belongings in any outdoor shelter or public place.
- To not urinate, defecate or otherwise deposit any bodily fluids in any public place save for designated toilets

Community Protection Notices

⇒ **59 warnings issued** (All TDC : Community Safety & Streetscene)

- 32 : Neighbour disputes, illegal encampments, street drinking, absence of tenancy management!
- 27: Fly tipping , Rubbish contraventions

⇒ 90% compliance rate... so far!

⇒ Only 6 progressed to full notices

⇒ 4 notice breaches > further prosecution

⇒ First notices breaches still being prosecuted



Community Protection Notice: Case Study

- Historic problems with commercial and domestic waste in and around bin storage area.
- Numerous s46 EP Act 1990 Notices served
- Problem resolved for a short time only
- Numerous complaints from residents
- New approach....
- CPW served in November 2016 on and for:
 - ⇒ Public House, Restaurant, Letting Agents, Residents, Owner of the building



Community Protection Notice Issued

Action to be taken	You must do this by
Occupants are to place their domestic waste into the 1280 litre bin provided by Thanet District Council.	Immediately
Occupants are to refrain from dumping domestic waste or household goods into the public area outside your premise.	Immediately
Occupants are to stop dumping domestic waste, household waste onto the pavement outside your premise.	Immediately
Occupants are to stop dumping domestic waste onto the roof at the rear and into the rear garden areas of your premise.	Immediately
Resident domestic and household waste is to be checked for and dealt with immediately	Weekly Check

A Community Protection Notice is a legal sanction. If you fail to comply with the conditions attached to the Notice further action could be taken that may include;

- 1. A Fixed Penalty Notice of £80;**
- 2. Prosecution in the Magistrates Court which could result in;**
On summary conviction a fine not exceeding £2,500 for a person or £20,000 for a business.



Before... and after!



Premises Closure

: To enable Police or Council to quickly close premises which are being used, or likely to be used to commit nuisance or disorder

- Covers residential, business and licensed premises
- 2 stage process, closure notice then order
- Notice by senior officer, Order by court application within 48 hours
- If granted, prevents operation or inhabiting for up to 6 months
- Breach is criminal offence, imprisonment up to 6 months



Case Study: Closure Orders

- Significant calls to Police and Council
- Vulnerable persons address being used for criminal purposes
- Fear of reprisals
- To date, Police have closed **2 premises for 3 months**



Police Dispersal powers

: Police power, once initiated, requires a person to leave a designated area if they are committing or likely to commit ASB

⇒ 82 dispersals initiated

⇒ Solely Police power

⇒ No longer requirement to consult with Local Authority

⇒ 'Immediate', Inspector authority, no lengthy case build

⇒ Maximum of 48 hours (can be rolled over)



Public Spaces Protection Order

: Prohibits specific things done in a restricted area

To stop individuals or groups committing ASB in a public place

- ⇒ Can only be implemented by the Local Authority
- ⇒ Consult with Police and Police Crime Commissioner
- ⇒ Publicise to stakeholders
- ⇒ Can restrict access, associations or activities
- ⇒ Justified and proportionate
- ⇒ Need to ensure enforcement capability or pointless
- ⇒ 3 year duration (with one further 3 year extension only)
- ⇒ £100 'on the spot' FPN (up to £1000 if goes to court)



Public Spaces Protection Order

Will impact existing:

Dog Control Order(s)

- Fouling on any public land
- Taking dogs onto prescribed beaches (between 01 May – 30th Sept)
 - Minnis Bay, Birchington, Viking Bay, Walpole Bay, Cliftonville, Margate and Ramsgate Main sands (24 hrs)
 - Stone Bay, Louisa Bay, Westbrook, West Bay, Westgate and St Mildreds Bay (10am-6pm).

Designated Public Places Order (DPPO)

- Alcohol consumption (when likely to cause ASB & asked not to)
- Breach is criminal offence
- To be enforced by Council and Police



Next steps

Challenges

- ⇒ Transition of existing orders
- ⇒ Review of what's required, consultation, enforcement
- ⇒ New guidance restricts standard or blanket orders
- ⇒ Evolving case law & legal challenges

Opportunities

- ⇒ Quick and flexible to obtain and issue
- ⇒ Broader opportunities for increased use
- ⇒ Planned expansion across departments & other agencies



Questions ?

