

CHESHIRE EAST COUNCIL

Constitution Committee

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| Date of Meeting: | 29 th January 2015 |
| Report of: | Tracey Bettaney |
| Subject/Title: | Antisocial Behaviour, Crime and Policing Act 2014 |
| Portfolio Holder: | Cllr Les Gilbert, Localism and Enforcement |

1.0 Report Summary

- 1.1 This report provides a summary of the key implications of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and details proposed amendments to the scheme of Delegation of Functions within the Council's Constitution to enable enforcement powers under the Act to be exercised.

2.0 Recommendations

- 2.1 To note the update on the Anti-social Behaviour, Crime and Policing Act 2014 as set out in this report.
- 2.3 That Constitution Committee approve the proposed changes to the Council's Scheme of Delegation of Functions to officers within the Constitution as set out in Appendix 2 of this report.

3.0 Reasons for Recommendations

- 3.1 To ensure the effective implementation of the Anti-social Behaviour, Crime and Policing Act 2014.

4.0 Wards Affected

- 4.1 All Wards

5.0 Local Ward Members

- 5.1 All Ward Members

6.0 Policy Implications

- 6.1 The Antisocial Behaviour, Police and Crime Act will be incorporated into the ongoing update of the Cheshire East Enforcement Policy as appropriate.

- 6.2 Where necessary existing protocols and procedures currently used to deal with Anti-Social Behaviour will be updated in line with the new legislative requirements.

7.0 Implications for Rural Communities

- 7.1 There are no specific implications for rural communities; the legislation will be implemented across the whole of Cheshire East.

8.0 Financial Implications

- 8.1 It is anticipated that the discharge of powers and duties that the Act provides will be met by existing staff and currently approved budgets in the short term; for example additional costs of Fixed Penalty Notices, relevant signage etc. At the current time it is not known the level demand that will be placed on the various services through the implementation of the legislation and this will be subject to review over the coming months.

9.0 Legal Implications

- 9.1 The legal implications are set out in the report.

10.0 Risk Management

- 10.1 Failure to implement these amendments will result in delays to implementation locally of a number of provisions within the Act related to anti-social behaviour. This could have negative implications for quality of life and community safety and could leave the Authority open to criticism.

11.0 Background and Options

- 11.1 The Anti-Social Behaviour, Crime and Policing Act 2014 received Royal Assent on 13th March 2014. It aims to put victims at the heart of the response to anti-social behaviour and give practitioners greater flexibility to deal with issues as they arise. Other measures in the Act relate to dangerous dogs, forced marriages and firearms and policing standards in England and Wales. Statutory guidance for front line professionals was provided by the Home Office in July 2014.
- 11.2 The Act seeks to rationalise the previous suite of tools and powers to tackle anti-social behaviour, by reducing them from 19 previous remedies to six; this transition is set out in Appendix. 1. The provisions in relation to anti-social behaviour came into force on the 20th October 2014, apart from the Civil Injunction element where it is expected that an announcement will be made in January 2015.
- 11.3 The effect of these changes is to focus on the impact of the behaviour on the victim rather than on the nature of the behaviour e.g. Litter

Clearing Notices and Graffiti/Defacement Removal Notices being replaced by Community Protection Notices which do not relate to specific types of behaviour but are focussed on the impact on the local community's quality of life.

- 11.4 Whilst the government has sought to reduce bureaucracy by minimising the requirements for consultation, there is a need at a local level to ensure that action is co-ordinated across services and agencies and information and intelligence shared to reduce duplication, ensure the most effective action is taken at a time of decreasing resources and see that victims receive a swift and effective response. As such, consultation is taking place with a range of relevant Council services and partner agencies and organisations in relation to the local implementation and operation of this legislation. Through this consultation process a multi-agency operational handbook (protocol) for practitioners is being developed, which will seek to set out agreed standards for local liaison in relation to the use of the six new powers, levels of authorisation and sharing of information. This includes the identification of Council officers that require authorisation/designation by the Council to execute these powers.
- 11.5 The Scheme of Delegations of Functions to Officers within the Council's Constitution therefore requires amendment to ensure that Cheshire East Council can properly seek to utilise all of the powers and duties conferred by the Act.

12.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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