

<b>ANTI-SOCIAL BEHAVIOUR ACT 2014 ENFORCEMENT AND DELEGATION SUGGESTIONS FOR CHESHIRE EAST COUNCIL</b>
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<b>Community Trigger</b>	
<b>Power Description:</b>	Will give victims the ability to demand action, starting with a review of their case, if locally defined threshold is met
<b>Breach:</b>	<b>NA</b>
<b>Delegation/Action</b>	Threshold has been agreed and placed within a draft protocol for Cheshire East Council. This has been locally approved via the Safer Cheshire East Board. Members of staff have been identified across the Eastern area headed up by CEC Anti-Social Behaviour Team and Communities and Partnerships manager. Relevant contacts will be called upon as and when a Trigger request is made in order to carry out any Trigger review and actions. Appeal criteria have also been set. Trigger advertised on CEC website with points of contact. Inform Local Ward Member.

<b>Criminal Behaviour Orders</b>	
<b>Power Description:</b>	Will be available to apply for following a conviction for any criminal offence. Its aim being to tackle the most persistently anti-social individuals who are also engaged in criminal activity. The CBO can also address the underlying causes of the behaviour through new, positive requirements.
<b>Breach:</b>	Will be a criminal offence with a maximum penalty of up to five years in prison, a fine or both for adults and a maximum of up to two years detention and training order for those under the age of 18.
<b>Delegation/Action</b>	A CBO can be requested by CEC to the Crown Prosecution Service. It is anticipated that requests of this type may be considered mainly through any criminal conviction following enforcement action carried out by the relevant CEC department (e.g. Trading Standards, Licensing, Environmental Health, Benefits etc.). Requests of this nature can be centralised via the CEC Anti-Social Behaviour Team who will liaise with the appropriate legal teams and departments. Inform Local Ward Member.

<b>Civil Injunctions (<i>will come into power 30/03/2015</i>)</b>	
<b>Power Description:</b>	Available in the County Court for Adults and in the Youth Court for 10 to 17 year olds. It will allow CEC to deal quickly with anti-social individuals, nipping behaviour in the bud before it escalates.
<b>Breach:</b>	Breach of injunction is not a criminal offence, but must be proved to the criminal standard, that is, beyond reasonable doubt. Over 18's breach is a civil contempt of court with an unlimited fine or up to two years in prison. Under 18's – a supervision order, or as a very last resort, civil detention order of up to three months for 14-17 year olds.
<b>Delegation/Action</b>	<u><i>In the case of a CEC led application:</i></u> The application process and prosecution of this order will be via CEC legal, CEC Anti-Social Behaviour team will lead on production of any application alongside any other relevant CEC department.  Upon breach of the injunction CEC legal must apply to the court for a warrant for arrest. The power of arrest can be attached to conditions at the time of the order if the relevant tests and thresholds are met.

<b>Community Protection Notice (CPN)</b>	
<b>Power Description:</b>	Intended to deal with particular, ongoing problems or nuisances which negatively affect the community's quality of life by targeting those responsible. It is intended to stop a person aged 16 or over, business or organisation committing anti-social behaviour which spoils the community's quality of life.
<b>Breach:</b>	Breach is a criminal offence which is dealt with via the issuing of a Fixed Penalty Notice of up to £100 if appropriate, a fine of up to level 4 (for individuals), or £20,000 for businesses.
<b>Delegation/Action</b>	All of the above fines will be Local Authority Fines. Consideration for delegation of the FPN's up to £100 to be given to those officers whom already have the training authority to issue LA FPN's. Police Officers and PCSO whom already have the delegated power to issue LA FPN's should also have this power added. Consideration should also be given to delegating the powers to officers within LA Registered Social Providers and "arm's length" companies (e.g. ANSA). All other fines will be re application/summons to magistrates court via CEC legal.

Closure Powers	
<b>Power Description:</b>	<p>This would allow CEC to close premises where Anti-Social Behaviour was being committed, or was likely to be committed. This power comes in two stages;</p> <p><b>Closure notice:</b> Can be issued for 24 hours or extended up to 48 hours to any persons who are not habitually living at the property.</p> <p><b>Closure order:</b> An application to the magistrates court made following a closure notice, which will close the property for up to 3 months – including any persons habitually living there</p>
<b>Breach:</b>	<p>For a Closure “notice” – this is a criminal offence carrying a penalty of either imprisonment for a period of up to three months or an unlimited fine or both.</p> <p>For a Closure “order” – This is a criminal offence carrying a penalty of either imprisonment for a period of up to six months or an unlimited fine, or both.</p>
<b>Delegation/Action</b>	<p><u>In the case of a CEC led application:</u> The application process of this order will be via CEC legal, CEC Anti-Social Behaviour team will lead on production of any application alongside any other relevant CEC department.</p> <p>Powers of delegation will have to be decided with reference to the authorisation of a <b>Closure Notice</b>. Notices can be for 24 and 48 hours. As a guide authority within the police lie as follows:</p> <p>24 hour notice – at least the ranking of Police Inspector</p> <p>48 hour notice – Police Super Intendant – Guidance states <b>“by the Council’s chief executive officer (head of paid service) or designate thereof.</b></p> <p>There will be no requirement to delegate powers with reference to the application of a closure order as this will be led by an application to the Magistrates courts by CEC legal.</p>

<b>Public Spaces Protection Order (PSPO)</b>	
<b>Power Description:</b>	Intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. Councils only issue a PSPO <b>after</b> consultation with the Police, Police and Crime Commissioner and other relevant bodies.
<b>Breach:</b>	Breach is a criminal offence which is dealt with via the issuing of a Fixed Penalty Notice of up to £100 if appropriate or a fine of up to level 3 on prosecution.
<b>Delegation/Action</b>	<p><b>Consultation:</b> Consultation will have to be evidenced upon any approved application for a PSPO. The application process will be overseen by CEC Legal.</p> <p><b>Breach:</b> Consideration for delegation of the FPN's up to £100 to be given to those officers whom already have the training and authority to issue LA FPN's. Police Officers and PCSO's whom already have the delegated power to issue LA FPN's should also have this power added. Consideration should also be given to delegating the powers to officers within LA Registered Social Providers and "arm's length" companies (e.g. ANSA) with an agreement that the appropriate training and guidance undertaken first via CEC.</p> <p>All other fines will be re application/summons to magistrate's court via CEC legal.</p>