

Briefing Note – Anti Social Behaviour, Crime and Policing Act 2014

1. Background

In March 2014, Parliament passed the ASB, Crime and Policing Act 2014, with commencement of the provisions set for 20th October 2014. The purpose of the Act was to reduce the bureaucracy associated with tackling ASB, and put the focus firmly on giving the power back to communities to raise issues and expect action.

One of the major factors is to enable authorities to act at a much earlier stage, including early intervention before something becomes a problem.

2. The New Act

The Act has 14 parts, being:

- Part 1-6 deals with ASB
- Part 7-10 covers dangerous dogs, firearms, protection from sexual offences and prohibitions on forced marriages
- Part 11-14 Policing, Extradition and General

There are currently 19 ASB powers in place which are to be condensed down to 6 broader powers, which will allow the addressing of a much wider remit of ASB. These are:

- Civic Injunction
- Criminal Behaviour Order
- Dispersal Power (Police)
- Community Protection Notice
- Public Space Protection Order
- Closure Power

Additionally, the legislation sets out a new aspect of a “Community Trigger”, which underpins the community involvement in getting action against ASB matters. This gives victims the ability to demand action, starting with a review of their case, where the locally defined threshold is met

3. Community Trigger Threshold

This has been trialled by a number of Councils, led by Richmond. Harrow is adopting the threshold model from this, being:

“If you (as an individual) have complained to the Council, Police or a Registered Housing Provider (social landlord) about three separate incidents in the last six months and you consider there has been no action taken.”

Once they have asked for a Community Trigger, all the agencies involved to provide details of their complaints and actions that they have considered and taken. A meeting will take place between the appropriate agencies, or the Registered Housing Provider and other partners (if they are involved) to discuss the anti-social behaviour and what actions have been considered and taken. The group will review how the Partnership has responded and make recommendations on how the problem can be resolved.

A response will be sent to the person who instigated the trigger, explaining the action taken and also suggestions on how the Partnership can attempt to resolve the anti-social behaviour.

Harrow will seek to address the matters of Community Triggers through the Anti Social Behaviour Advisory Group (ASBAG) forum that is conducted between all partners on a monthly basis. A victim support representative will be invited, to take into account the victims views and ensure their physical and emotional needs are met. Additionally all other agencies as required will be invited.

This does not replace current complaint processes, or cover matters of crime including hate crime.

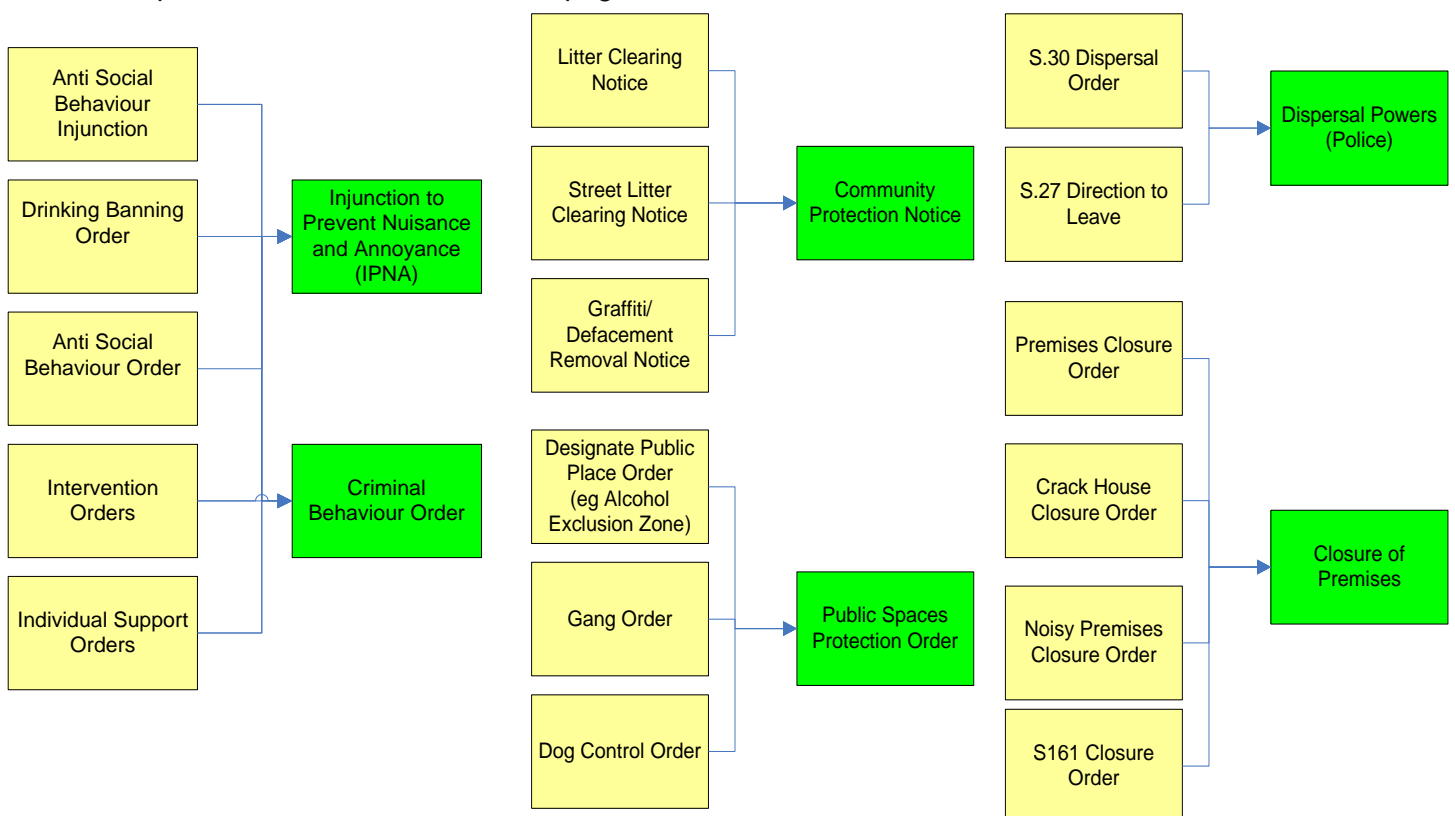
4. ASB Powers

Early and Informal Intervention:

- Verbal / Written Warnings – covers where ASB has or is likely to occur
- Community Resolution – informal agreement between perpetrators and victims to provide an out of court disposal
- Mediation – to seek resolution between all parties
- Acceptable Behaviour Contracts – written agreement between agencies and perpetrator, placing down conditions.
- Parenting Contracts – similar to ABCs but signed by parents / guardians
- Support and Counselling – positive intervention including against alcohol and drug use

Formal Powers

These are shown below, including the powers they replace. The actual processes involved in each process are shown on the next pages.



5. Community Remedy

The new Act introduces the Community Remedy, which is an alternative to court sanctions. This falls in line with information interventions, but with the victim consulted on the sanction to be offered to the offender. The sanctions can include monetary restitution, ABCs, mediation and community service. Failure to accept or conduct the remedy would result in court action.

6. Positive Measures

The new powers do not just concentrate on enforcement in terms of the “stick” approach, but also looks to address the underlying causes. When a prosecution takes place, and an injunction or order is produced, “positive measures” can be (and are actively encouraged to be) added. For instance, instead of banning a person from drinking in an area, the Court can add a condition that they must also attend a substance misuse awareness session.

There are third party organisations preparing to take on the provision of such interventions, these will need to be paid for by the prosecuting authorities, where other funding cannot be established.

7. Responsibilities

The Act puts most responsibilities on the Council, Social Landlords and the Police. With the use of the Community Trigger, responsibilities are monitored by other partners, with them able to intervene should the appropriate action not take place. For instance, if a Social Landlord does not address matters of reported ASB, the Council can seek to take action and recover costs. The format to do this is being investigated, including the potential use of Service Level Agreements.

8. Initial Work

The new Act requires a number of actions to be taken by the Council, and its partners. Harrow has agreed the community trigger, in line with London as a whole, with agreement from the Mayors Office of Policing and Crime (MOPAC). Additionally, the forum for addressing the trigger (ASBAG) has been agreed.

Work is taking place to highlight the new powers and requirements. All forums that are likely to be involved are being consulted upon, including the Youth Offending Team (YOT). Policies and procedures will be addressed to ensure they take on the new powers.

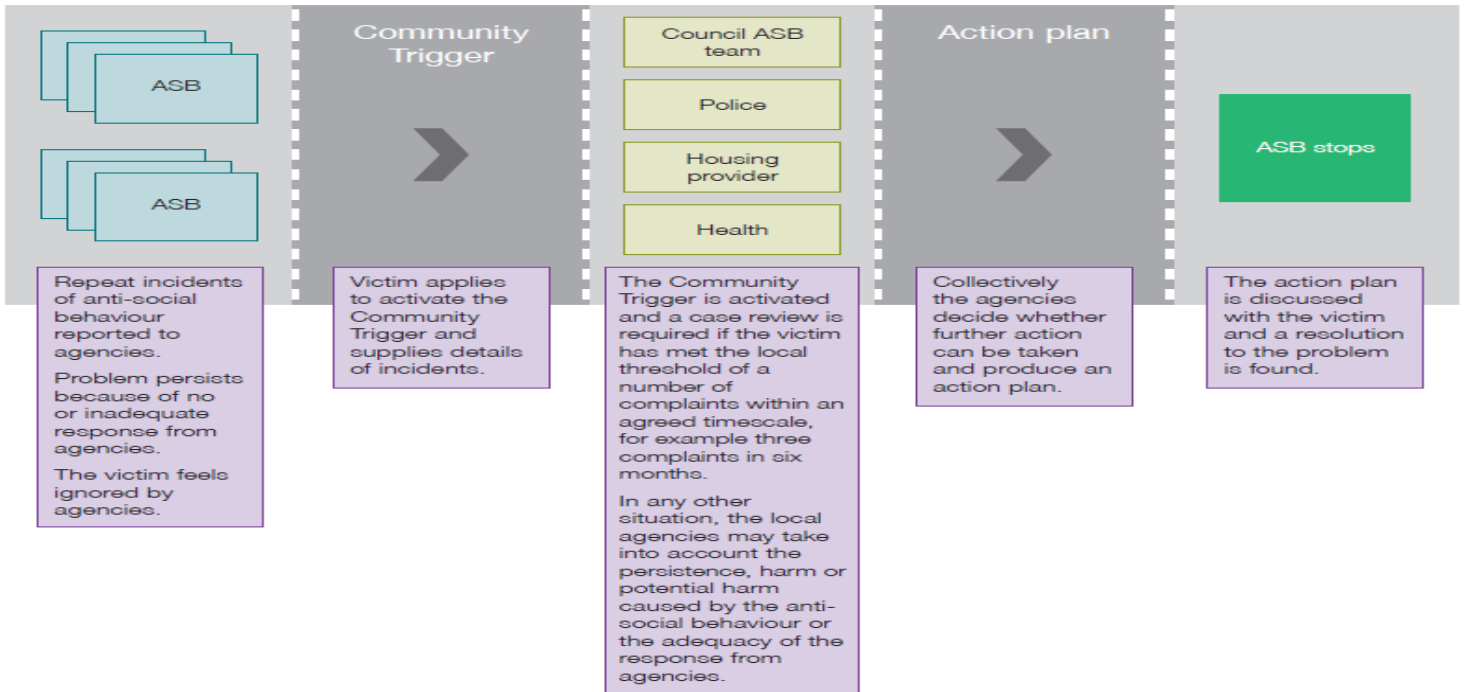
Areas such as current dispersal zones and alcohol exclusion zones will be replaced by Public Space Protection Orders, and work is taking place with legal and Police to ensure a smooth transition.

9. Conclusion

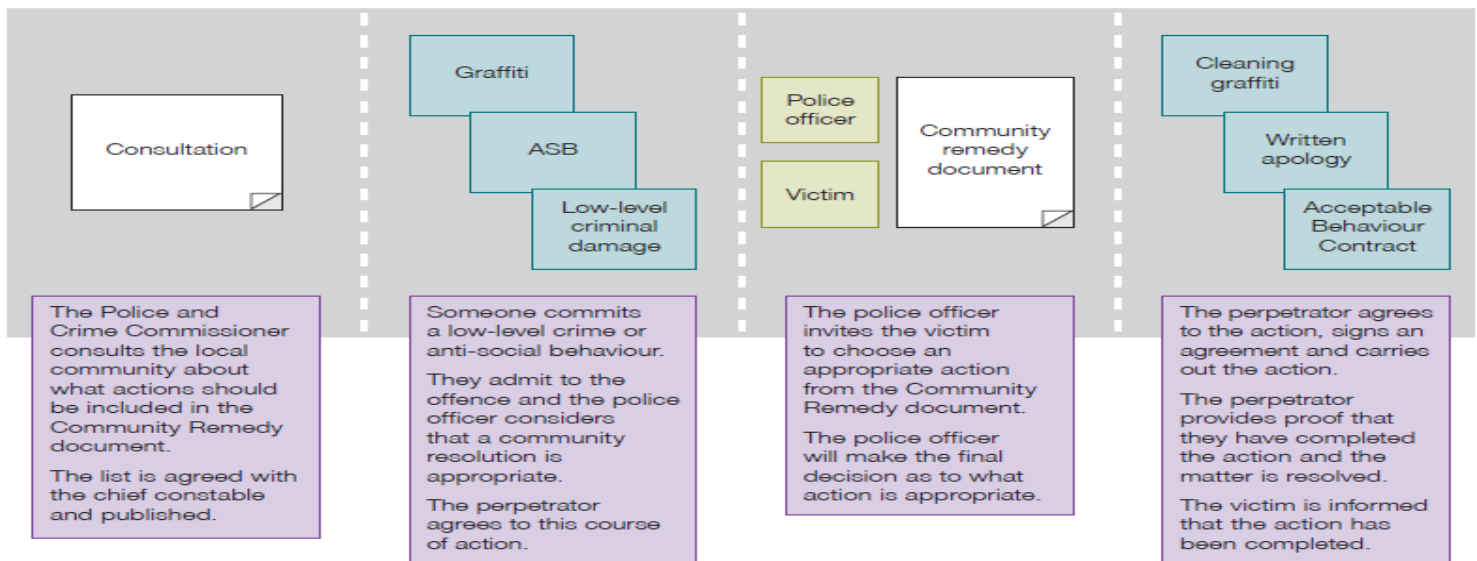
The new powers open up opportunities going forward to address ASB, including before it happens. It removes any restrictive element to the definition of ASB, and puts in place the framework that requires partners to work closely to resolve issues in the community not in isolation.

An overview, taken from the Statutory Guidance, is available covering the above areas. Additionally, a copy of the Statutory Guidance can be provided on request electronically.

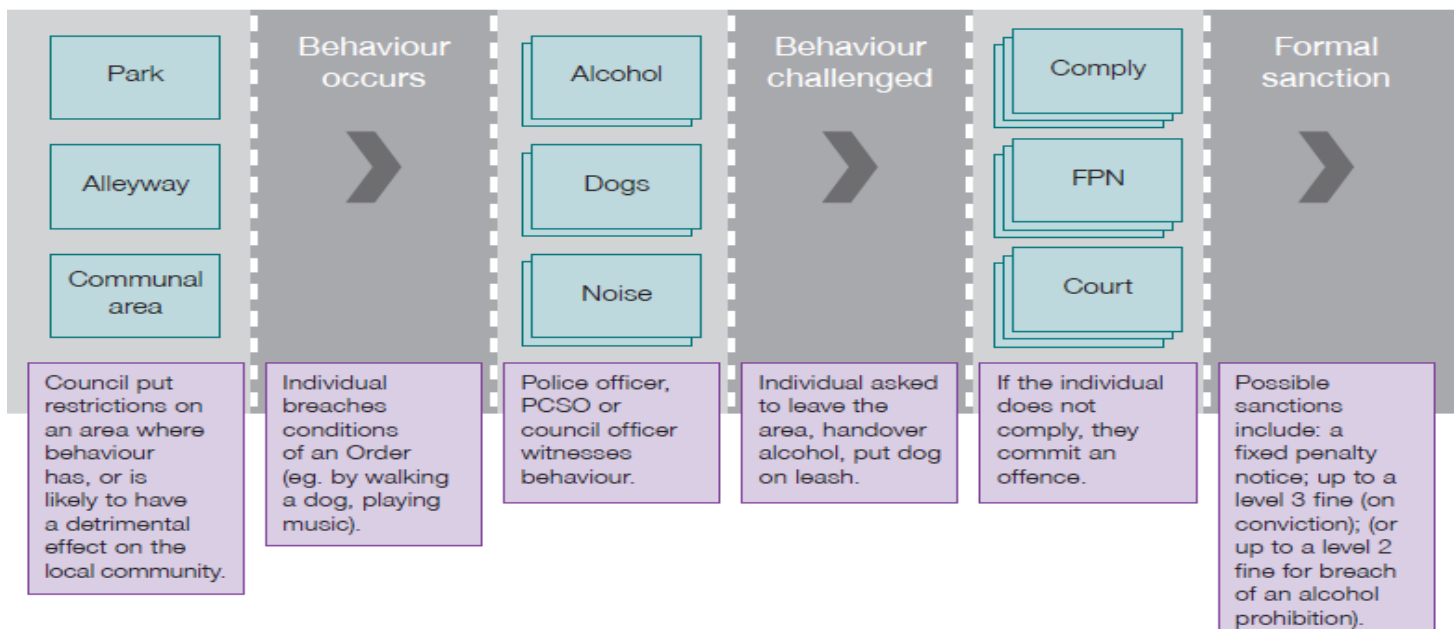
Community Trigger



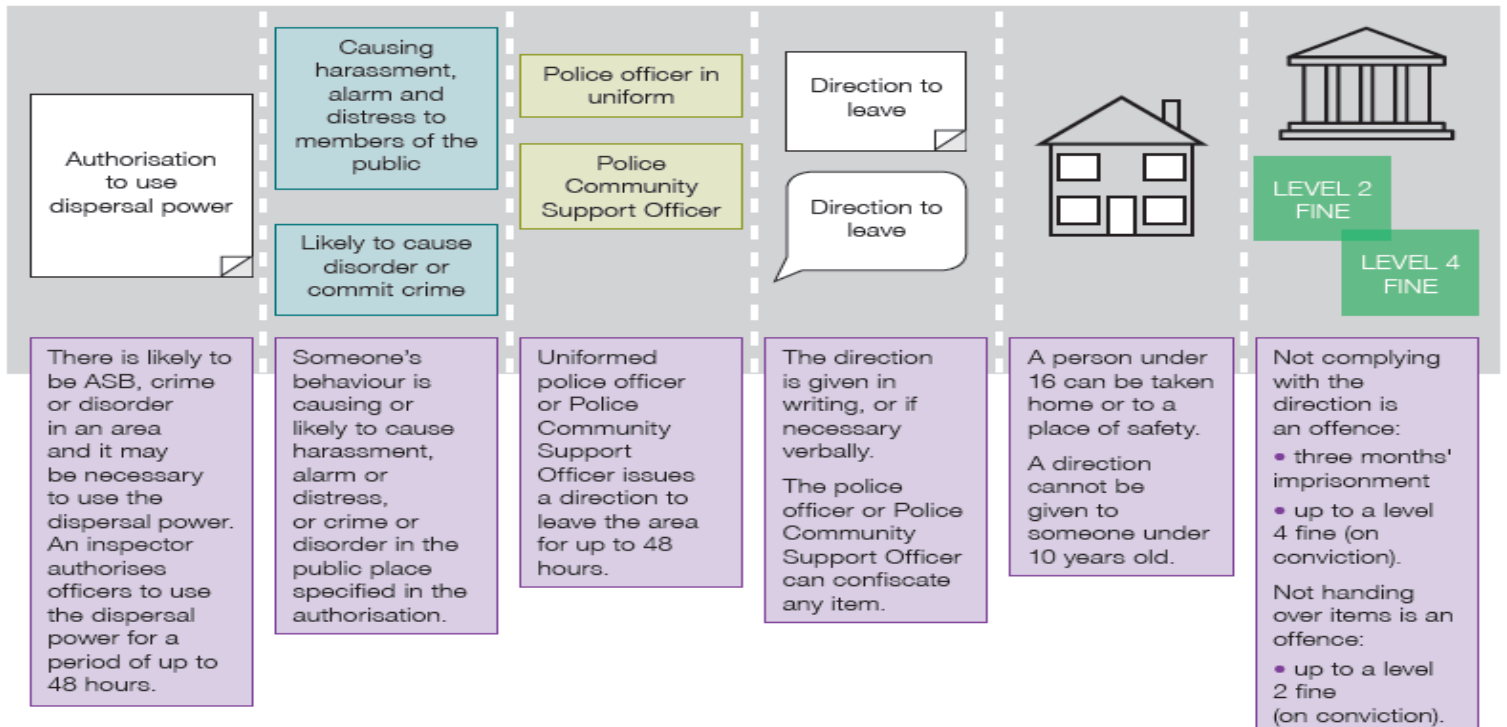
Community Remedy



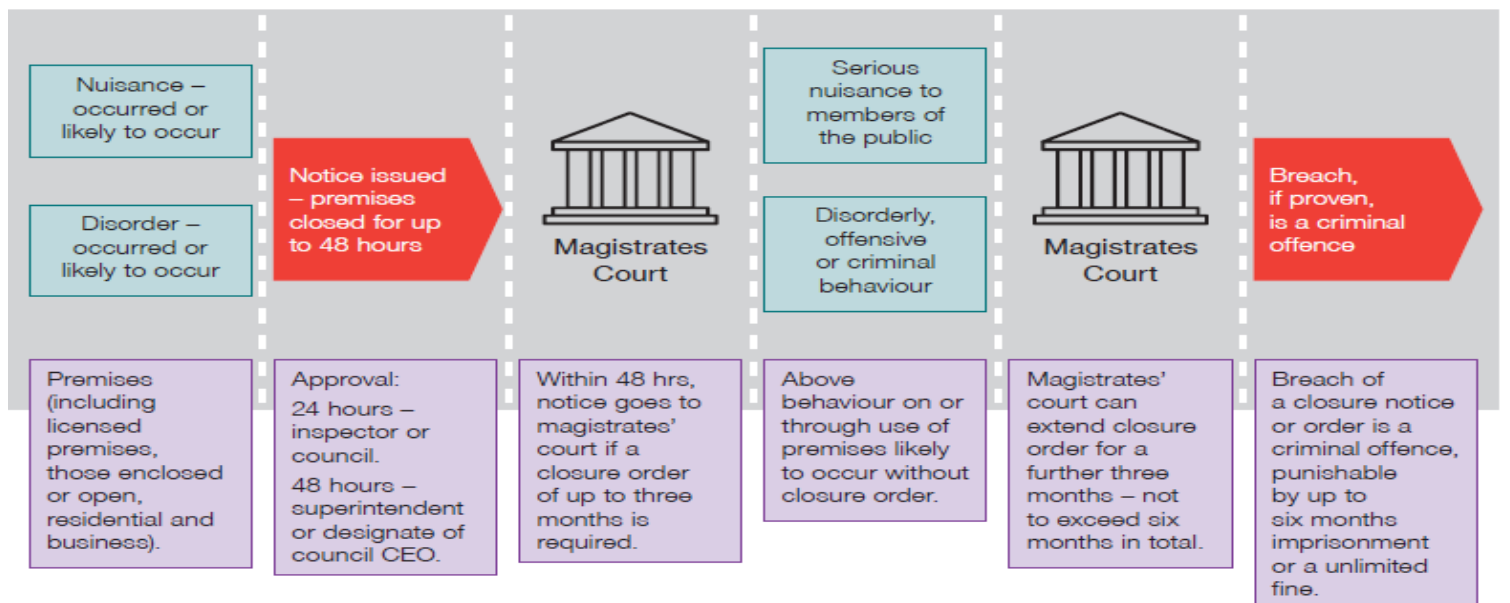
Public spaces protection order



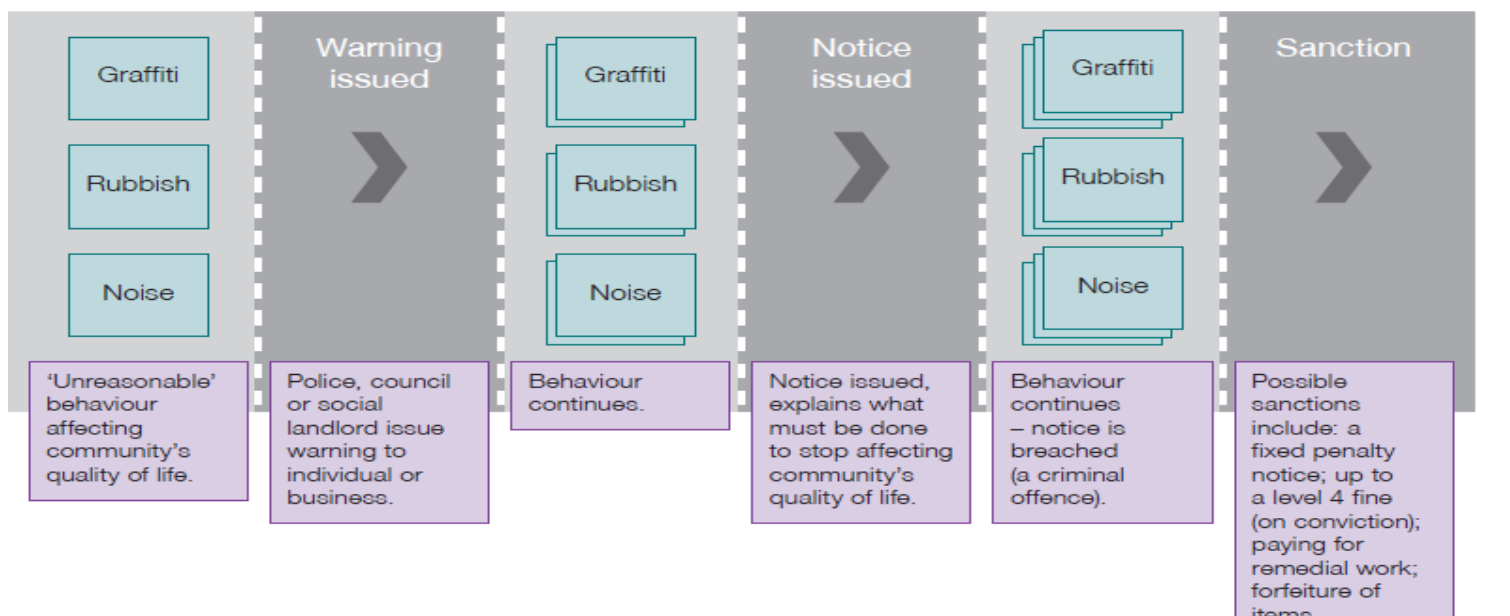
Dispersal power



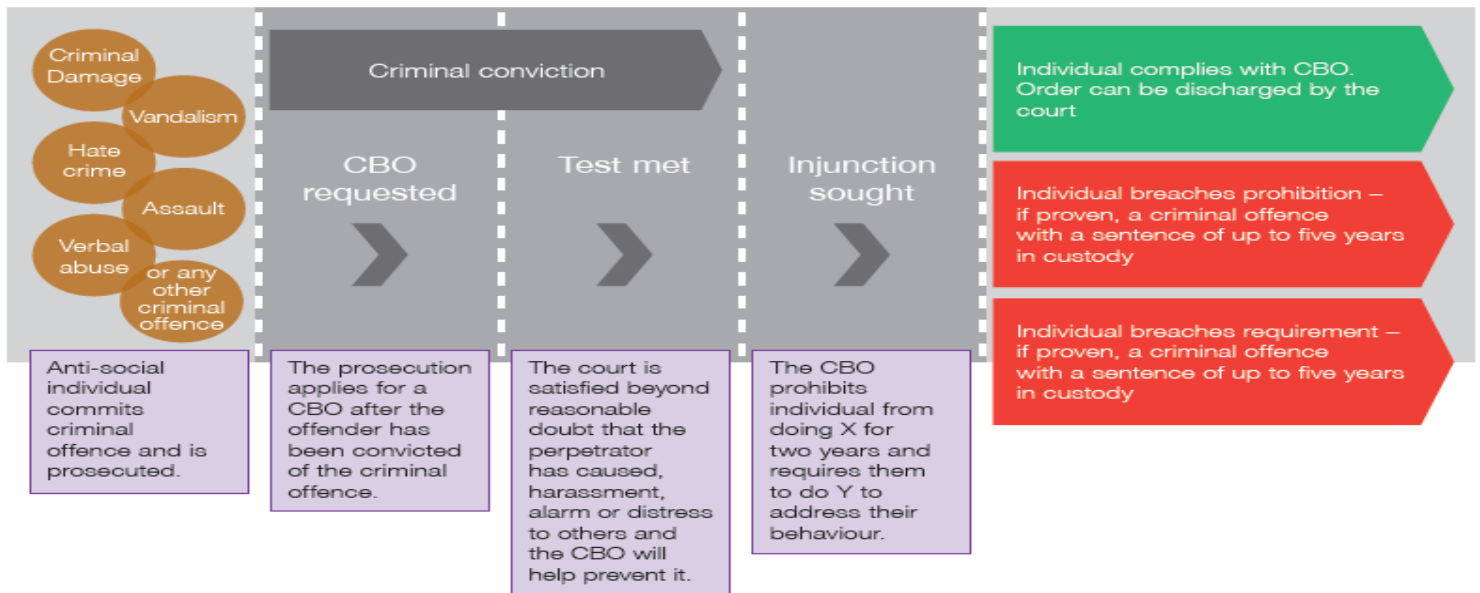
Closure powers



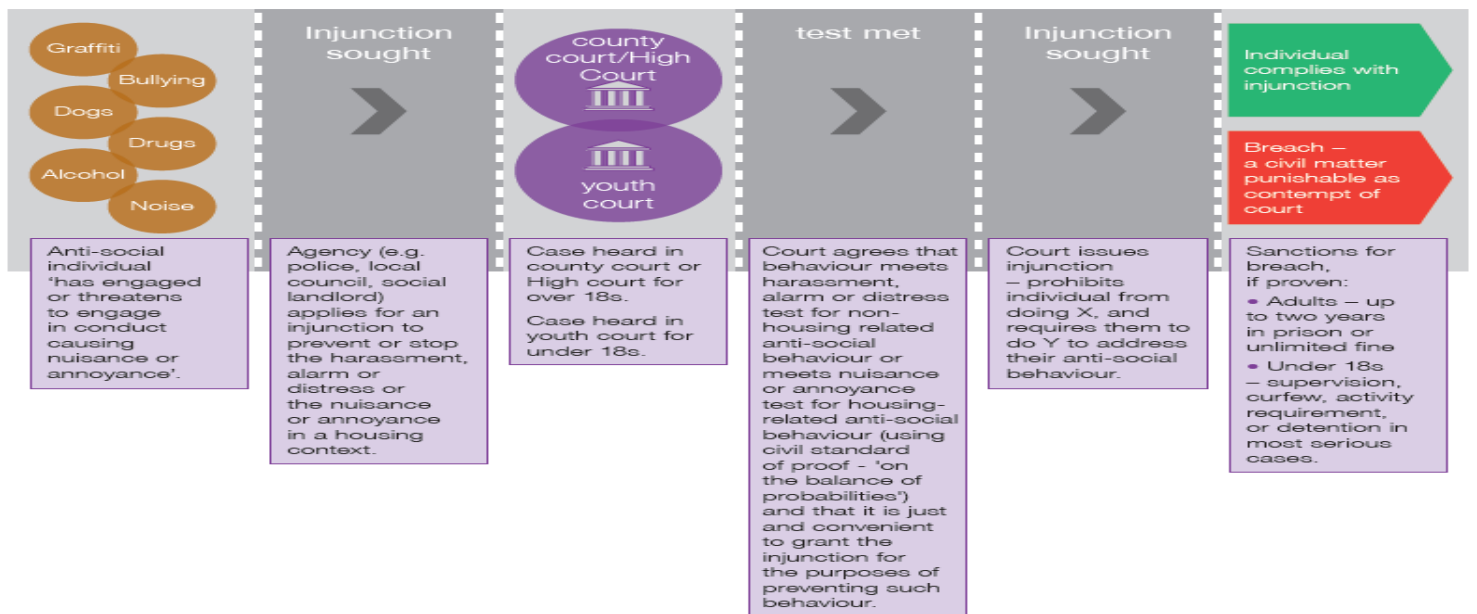
Community protection notice



Criminal behaviour order



Civil injunction



New absolute ground for possession

