

Date of Meeting	19 April 2007
Title of Report	Tackling Crime and Disorder and Anti Social Behaviour
Portfolio	Partnership Working
Link to Corporate Priorities	Partnership Working
Key Decision	No
Executive Workplan Ref	B322
Public Report	Yes

Summary of Report

The Crime and Disorder Act 1998 and the Anti Social Behaviour Act 2003 provide both a duty and powers for Local Authorities to reduce crime and disorder and anti social behaviour.

This report seeks delegated authority for the Community Partnerships Team Leader to give consent to authorise the use of these powers should the need arise. This would be in response to a need to consider an Injunction or stand alone Anti Social Behaviour Order or a request from the Police to give Council consent to the authorisation of a dispersal order.

This report also advises of the use by the Chief Executive of an existing delegation to give the Council's consent to the authorisation of dispersal powers under Section 30 of the Anti Social Behaviour Act in the Pippin in Calne.

Officer Recommendations

It is recommended that the Executive approve the following

- 1. That the Community Partnership Team Leader, in consultation with the Portfolio Holder for Partnerships and the local Member be given delegated authority to give consent under section 31 of the Anti Social Behaviour Act 2003 in any part of the District where group dispersal powers are proposed by the Police in accordance with the powers conferred by Sections 30-36 of the Anti Social Behaviour Act 2003.**
- 2. That the Community Partnership Team Leader, after consultation with the Portfolio Holder for Partnerships and the Legal Services Team Leader be given delegated authority to authorise applications for Injunctions or stand alone Anti Social Behaviour Orders (under section 1 of the Crime and Disorder Act 1998). Any such action would also be taken in accordance with the Anti-Social Behaviour Protocol for Wiltshire's Community Safety Partnerships 2004.**

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.

Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
No	No	No	No	No
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1. Introduction

- 1.1. Under Section 17 of the Crime and Disorder Act 1998 the District Council has a duty to *exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area*
- 1.2. This report presents Members with a request to agree specific Officer delegation for Local Authority Powers that may be exercised in the pursuit of reducing Crime and Disorder.
- 1.3. North Wiltshire District Council is one of a number of responsible authorities who have a duty to actively promote the reduction of crime and disorder. Section 17 of the Act clearly stresses that the Council must consider the reduction of crime and disorder in all that we do. However much of the activity and work that takes place with other partners that targets crime and disorder is coordinated and organised through the Crime and Disorder Reduction Partnership more commonly referred to as the Community Safety Partnership.

2. Options and Options Appraisal

- 2.1. **Option One** It is recommended that Members approve the following
 - 2.1.1. That the Community Partnership Team Leader, in consultation with the Portfolio Holder for Partnerships and the local Member be given delegated authority to give consent under section 31 of the Anti Social Behaviour Act 2003 in any part of the District where group dispersal powers are proposed by the Police in accordance with the powers conferred by Sections 30-36 of the Anti Social Behaviour Act 2003.
 - 2.1.2. That the Community Partnership Team Leader, after consultation with the Portfolio Holder for Partnerships and the Legal Services Team Leader be given delegated authority to authorise applications for Injunctions or stand alone Anti Social Behaviour Orders (under section 1 of the Crime and Disorder Act 1998). Any such action would also be taken in accordance with the Anti-Social Behaviour Protocol for Wiltshire's Community Safety Partnerships 2004.
- 2.2. **Option two** Members do not approve the recommendations listed in paragraph 2.1 above and consider an alternative process for giving Council consent.

3. Background Information

- 3.1. Anti-Social Behaviour Orders (ASBOs) were introduced by section 1 of the Crime and Disorder Act 1998 and have been available since April 1999. The powers to impose ASBOs were strengthened by the Police Reform Act 2002 with the introduction of post-conviction ASBOs and amended by the Anti Social Behaviour Act 2003.
- 3.2. The Anti Social Behaviour Act 2003 also made provision for dispersal orders which enhance Police powers to be able to move individuals from a specified area. These powers can be authorised with Local Authority consent.
- 3.3. There is comprehensive guidance that sets out when it is appropriate to exercise powers under these Acts and how they can be utilised. This guidance is followed by all authorities that have the powers under the Crime and Disorder Act (known as *relevant authorities*). The approach in Wiltshire centres around the fact that anti social behaviour can rarely be solved by any one agency alone. Responses and actions to

address anti social behaviour are coordinated at an Officer level through the Anti Social Behaviour Panels and Police tasking meetings. Information sharing protocols enable confidential information to be shared amongst agencies for the purposes of working to reduce crime and disorder.

3.4. The Crime and Disorder Act defines anti-social behaviour (ASB) as *“acting in a manner that causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household (as the complainant)”*.

3.5. ASB can include a wide range of actions such as harassment, damage to property, vandalism, drunken and rowdy behaviour and noise nuisance.

4. Powers that can be used to tackle Anti Social Behaviour

4.1. Warnings

Written or verbal warnings can be effective in stopping people behaving anti-socially. Warning letters set out clear standards of behaviour reinforcing messages that ASB will not be tolerated. A warning outlines the type of behaviour, which is unacceptable, and advises that such future behaviour should not continue.

4.2. Acceptable Behaviour Contracts (ABC)

This is a written voluntary agreement between a person involved in ASB and the Partnership. ABCs last for 6 months and are a quick, effective way of responding to ASB. It lists the behaviour that is not permitted.

4.2.1. The stages of identifying the problem, issuing warning letters and discussing the matter with the individual and parents often results in the behaviour ceasing without having to issue the voluntary ABC.

4.3. Injunctions

A range of injunctions are available and being used by local authorities to tackle ASB. Injunctions are flexible, straightforward and fast – a court can make an injunction within hours of a complaint and before the problem escalates allowing for immediate protection for others. Injunctions are civil remedies subject to civil rules of evidence and civil standard of proof. They can be an affective tool against those aged 18 or over. Breach of an injunction can result in a prison sentence of up to 2 years and / or an unlimited fine for contempt of court.

4.3.1. Injunctions offer immediate protection and set a clear standard of behaviour. They prohibit the person from engaging in conduct capable of causing nuisance or annoyance. Injunctions are available to deal with housing related or public nuisance.

4.4. Possession

Eviction is a very serious sanction that should be used when other interventions have failed or when the nature of the ASB is very serious. It is important that the perpetrators of ASB are aware of the consequences of their behaviour.

4.5. Dispersal Powers

Dispersal Orders can be used to tackle ASB and disorder in public spaces, such as shopping arcades or parks. Part 4 of the Anti-social Behaviour Act 2003 gives the Police powers to designate an area where there has been significant and persistent ASB and where groups of people have caused intimidation, alarm or distress to members of the public. In a designated dispersal area, the police can direct individuals to leave the locality and they may be excluded from the area for up to 24 hours.

4.6. Anti-Social Behaviour Orders (ASBO)

This is an order imposed in the Civil Court, or following conviction from criminal offences in the Magistrates, Youth and Crown Courts. An ASBO sets down prohibitions on an individual including exclusions from places, contact with individuals and certain actions, which are specific to preventing ASB. The minimum duration is two years, depending on the age of the person and seriousness of the behaviour.

4.6.1. Failure to carry out the conditions of the order is a criminal offence punishable by imprisonment of up to five years, a fine not exceeding £5,000, or both.

4.6.2. A stand Alone ASBO would be sought by one of the Statutory Partners, whilst a Post Conviction ASBO is taken on advice from the CPS and is heard at the same time the criminal trial takes place.

5. District Council Delegation

5.1. The Council's current scheme of delegation does not make specific provision for delegated use of powers relation to Anti Social Behaviour Orders and Dispersal Orders.

5.2. Officers recommend that this delegation be granted to Community Partnerships Team Leader as the manager of the Team containing the Council's approach to both Community Safety and Anti Social Behaviour Reduction.

5.3. Given the potential level of impact on the community any use of this delegated authority should take place after consultation with the Portfolio Holder for Partnerships and where appropriate the local Member.

5.4. With respect to Dispersal Orders any such consent should only be given if the Community Partnership Team Leader is satisfied following discussions with the Police and partners that this is an appropriate course of action for the proposed area. Consent to this course of action should only be given where these powers will be used alongside a programme of actions designed to address the problems in the proposed area.

5.5. Similarly with respect to Anti Social Behaviour Orders the Community Partnerships Team Leader would need to be satisfied that all other avenues had been exhausted before consenting to application for a stand alone Anti Social Behaviour Order.

5.6. Given that there is a legal implication to Anti Social Behaviour Orders the Community Partnerships Team Leader as the Manager responsible for Community Safety in should consult with the Legal Services Team Leader should the need to consider an Injunction or stand alone ASBO arise. Any such action would also be taken in accordance with the Anti-Social Behaviour Protocol for Wiltshire's Community Safety Partnerships 2004.

6. Crime and Anti Social Behaviour Reduction in Practice

6.1. The realities are that work and actions to reduce Anti Social Behaviour are championed through effective partnership working. Rarely can a single agency solve an anti social behaviour problem alone, that factors that influence the cause and or effects of anti social behaviour usually span across the responsibilities of multiple agencies. The strength and quality of partnership working in Wiltshire and in North Wiltshire particularly has resulted in successful reduction campaigns that have not required Anti Social Behaviour Orders.

- 6.2. The Strategy for reducing Crime, Anti Social Behaviour and Drug and Alcohol Misuse in North Wiltshire 2005-2008 sets out 8 priority areas that all partners will work towards to reduce crime in the District. There are elements that will be delivered by individual agencies and actions and projects that will be delivered by groups of partners. The Safer and Stronger block of the Local Area Agreement for Wiltshire highlight key outcomes and actions that will see those targets and outcomes achieved.
- 6.3. The use of Anti Social Behaviour Orders and Section 30 Dispersal orders is not common place but the Council must be suitably ready to respond if this action is required. If Members are not minded to delegate this authority to give consent on behalf of the Council to Officers there is a risk that any such action will take weeks to agree whilst reports are added to the agenda for Members to approve.

7. Section 30 Dispersal Order – The Pippin Calne

- 7.1. Members may be aware that officers from the Council have been working closely with other officers from the Community Safety Partnership to identify actions that will address anti social behaviour problems in the Town Centre in Calne.
- 7.2. There have been a number of high profile incidents including some serious problems last Halloween. Continued review of the situation has identified that there have been a number of challenging occurrences that the Police have attended, some of which have required the Police to deploy additional resources to the Town Centre.
- 7.3. The Community Safety Partnership's Anti Social Behaviour Panel that includes the District Council, County Council, Police, Fire, Probation and Town Council Officer representatives have been working together on a comprehensive course of action to address the problems. Within this course of action there is room for both enforcement and a community development approach that will seek to establish the causes of some of the problems and identify projects and actions to overcome them.
- 7.4. Wiltshire Police made a request to the Council to approve the authorisation of Police Powers under the Anti Social Behaviour Act 2003 commonly known as a Dispersal Order or a Section 30 Dispersal Order. This order gives the Police temporary powers to disperse groups of people in a designated area. Police made the request as a matter of urgency so that the order would be effective for the Easter Holiday period. The Chief Executive under an existing delegation to make urgent decisions provided authorisation for this power in consultation with the Portfolio Holder for Partnerships and the local Member.
- 7.5. The area in Calne that is subject of the request is shown in the shaded area on the map in Appendix One located in the area around the Pippin. The order will last for 6 months and will be in place from April 3 2007.
- 7.6. Within designated areas the police and PCSOs will have the power to:
- disperse groups where the relevant officer has reasonable grounds for believing that their presence or behaviour has resulted, or is likely to result, in a member of the public from being harassed intimidated, alarmed or distressed.
 - Individuals can be directed to leave the locality and may be excluded from the area for up to 24 hours.
 - return young people under 16 home, who were out on the streets and not under the control of an adult, after 9pm if they are either:
 - at risk or vulnerable from anti-social behaviour, crime etc; or
 - causing, or at risk of causing, anti-social behaviour.

7.7. This area does include the recently installed Youth Shelter. Officers from the Anti Social Behaviour Panel have discussed this fact. The dispersal order does not prevent young people from using the Youth Shelter provided that they are using it in a responsible fashion there would not no need to exercise the power and move them from this location.

7.8. Enforcement is just one tool in tackling anti social behaviour. Consent from this Council was dependant upon a comprehensive action plan aimed at addressing a wide range of issues and potential causes of the anti social behaviour problems.

8. Financial Implications

8.1. There is no requirement or request within this report for Members to commit financial resources. However should there be a requirement for an injunction or stand alone ASBO, there would be legal and court costs involved. The Council would seek to recover those costs from the offender.

9. Legal Implications

9.1. Any legal implications are covered in the main body of the report.

10. Community and Environmental Implications

10.1. The Council’s approach to reducing crime and disorder and anti social behaviour has a positive impact on the community through the reduction of crime and so the fear of crime and promotion of opportunities to positively engage those groups who may otherwise be engaged in crime or anti social behaviour.

11. Human Resource Implications

11.1. There are no human resource implications to this report, the community partnerships team are resourced to lead the Council’s approach to Community Safety and Anti Social Behaviour Reduction.

Appendices:	<ul style="list-style-type: none"> • Appendix 1 – Map showing area in the Pippin, Calne
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none"> •