**Friday June 7th, 2013**

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**Item 12**

**Old Restaurant, Wakefield Town Hall**

**Impact of the Anti-Social Behaviour, Crime and Policing Bill**

**1. Purpose**

* 1. The purpose of this report is to inform Panel about the Anti-Social Behaviour, Crime and Policing Bill. Whilst the Bill still has to pass through the Parliamentary process, the Panel will need to be mindful of implications for the Police and Crime Commissioner and partner bodies, including:
* Focusing the response to anti-social behaviour on the needs of victims;
* Empowering communities to get involved in tackling anti-social behaviour;
* Ensuring professionals can protect the public quickly through faster, more effective powers and proposals to speed up the eviction of the most anti-social tenants;
* Extending the dangerous dogs legislation to private property; and,
* Making forced marriage a criminal offence.
	1. It is recommended that the Panel notes the report for information as it provides a good overview of current changes on anti-social behaviour policy and possible further duties for Police and Crime Commissioners. Subject to progress in Parliament, the Bill may offer a good opportunity for Panel to monitor the future impact of the Commissioner in galvanising a multi-agency approach to the Community Remedy.

**2. Details of the Bill**

2.1 In addition to the reforms summarised in the table below, there are two important new measures to help focus the response to anti-social behaviour on the needs of victims:

* A **“Community Trigger”** to give victims and communities the right to require agencies to deal with persistent anti-social behaviour that has previously been ignored. The trigger council be activated by a member of the public, a community or a business if repeated complaints about anti-social behaviour have been ignored.
* A **“Community Remedy”** to give victims of low-level crime and anti-social behaviour a say in the punishment of offenders out of court. This means victims will get justice quickly and the offender has to face immediate and meaningful consequences for actions.

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| Part 1 – Injunctions to prevent nuisance and annoyance (replacing ASBOs) | * Enables youth courts, county courts or the High Court to grant an injunction against anyone aged 10 or over where they have engaged or threaten to engage in anti-social behaviour.
* Anti-social behaviour is defined as conduct capable of causing nuisance or annoyance to any person.
* Councils, housing providers, the Police and other agencies can all apply for injunctions.
* The injunctions can be indefinite for adults (but must be time-limited for under-18s).
* Any requirements in the injunction must specify who is responsible for supervising compliance.
* Injunctions can prohibit activity and/or require positive activity.
* A power of arrest can be attached to any prohibition or requirement in the injunction if the respondent has engaged in violence or the court believes there is significant risk of harm to others. Where the power of arrest has been exercised, the court can either remand the person in custody or bail them.
* Councils and social housing providers can apply for ‘tenancy injunctions’ where tenants have breached their tenancy agreement by engaging or threatening to engage in anti-social behaviour.
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| Part 2 – Criminal Behaviour Orders | * Courts can grant these orders on application by the prosecution where an offender has been convicted or been given a conditional discharge.
* These orders can prohibit certain behaviour or require the offender to undertake positive activities.
* Any requirements in the injunction must specify who is responsible for supervising compliance, similar to the injunctions in Part 1.
* The prosecution has to consult the youth offending team before seeking an order against someone under 18.
* Breach of an Order is an offence punishable on summary conviction by up to six months in prison or a fine, or both. Where someone is convicted of breaching an order, the court cannot grant a conditional discharge.
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| Part 3 – Dispersal Powers | * Dispersal powers allow police officers (at least the rank of Inspector) to authorise the use in a specified locality of dispersal powers for a maximum of 48hours, provided that doing so will reduce or remove the likelihood of people being harassed, alarmed or distressed or of crime and disorder occurring.
* Where an authorisation is in force, a police officer or PCSO can direct people to leave a public place, provided the officer has reasonable ground for suspecting the person will result in people being harassed, alarmed or distressed. Officers must, if possible, put this in writing and record to whom they have given a direction, when and its terms.
* Failure to comply with a direction to leave is an offence liable on summary conviction to up to three months in prison or a fine.
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| Part 4 – Community Protection NoticesClosure Notices and Orders | * Community Protection Notices are designed to deal with particular, on-going instances of environmental anti-social behaviour. They can be used against individuals over 16, businesses or organisations and issued by the police, council officers or the staff of social housing providers.
* In issuing the notice, there must be belief that behaviour is detrimental to the local community’s quality of life, is unreasonable and having a detrimental effect. They can be issued even where the behaviour takes place on premises owned, leased or controlled by the person responsible for the behaviour.
* A Notice can only be given if the individual or body has already been warned they must cease their behaviour and can be appealed by going to a Magistrate’s court.
* The Notices impose requirements to either: stop doing something; do something specific or take reasonable steps to achieve a specified result.
* Breach of a Notice is a criminal offence and guilty parties will be subject to a fine. As an alternative to prosecutions, police and councils can issue fixed penalty notices of not more than £100.
* A closure notice prohibits access to the premises for a specified period of up to 48 hours. A closure order prohibits access to a premise for up to three months.
* A local authority or police officer (at least Inspector) can issue closure notices. Applications for closure orders must be heard by Magistrates.
* Anyone guilty of accessing a premise subject to a closure order is punishable by up to 51 weeks imprisonment or a fine; a breach of a closure notice is punishable by up to three months in prison or a fine.
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| Part 5 – Recovery of possession of dwellings: anti-social behaviour grounds | * This seeks to amend the Housing Acts of 1985 and 1988 so that if it is proved the tenant has been involved in anti-social behaviour, then the court must evict them.
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| Part 6 – Local involvement and accountability | * Police and Crime Commissioners will be required to consult, prepare and publish a community remedy document for their force area.
* This will set out what reasonable and proportionate ‘punishment’ they think it would be appropriate for an offender to undertake where there is an out of court disposal.
* A duty is implied for councils, the police, health providers and social housing providers to set up a community trigger mechanism (with a nationally-set threshold of three complaints) to carry out a review of the response to anti-social behaviour.
* Any public body cited in the recommendations from the review must have regard to the recommendation.
* Information has to be published about the number of applications and number of reviews undertaken.
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| Part 7 – Dangerous dogs | * The Dangerous Dogs Act 1991 is amended so the legislation is extended to private property.
* There is an exception if the person affected by the dog is either a trespasser or believed to be a trespasser.
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| Part 8 - Firearms | * Introduces a new offence of possessing unauthorised firearms for transfer or sale. Maximum penalty life imprisonment.
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| Part 9 – Forced marriage | * Makes breach of a forced marriage protection order an offence with a penalty of up to five years in prison.
* Creates a new offence of forced marriage, including forcing or deceiving someone to go abroad for the purpose of forcing them to marry.
* Punishable by a fine or six months in prison (summary conviction) or on conviction or indictment by seven years in prison.
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| Part 10 – Policing  | * Transfers powers for the Home Secretary to make regulations on the administration and terms of service for police officers and special constables to the College of Policing, with the Home Secretary able to decline regulations proposed by the College.
* Changes are made to the provisions about making police grants so that PCCs will be able to use the police grant for all the functions they are responsible for, and not just policing purposes.
* PCCs will also be able to make grants to support victims and witnesses of crime and anti-social behaviour.
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| Part 11 – Extradition | * Various changes to the provisions or legislation.
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| Part 12 – Criminal justice and court fees | * Low-level shoplifting is made a summary offence other than where an adult defendant elects for trial in the Crown Court. It occurs when less than £200 in goods is stolen. Maximum penalty is six months imprisonment.
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| Part 13 – General  | * A number of transitional provisions made by the legislation.
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**3. Recommendations**

3.1 Whilst Panel Members may wish to clarify any emerging aspects of the Bill, it is suggested that detailed work on the implications be included in the work programme once the Bill is close to the enactment.

3.2 Panel Members may wish to explore with relevant Community Safety Partnerships the practical implications of the Bill and refer any concerns back to the Panel for discussion with the Commissioner.