



SCRUTINY COMMISSION – 30 APRIL 2014

ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

REPORT OF THE DIRECTOR OF CHILDREN AND FAMILY SERVICES

Purpose of Report

1. This report provides the Scrutiny Commission with an overview of the Anti-Social Behaviour (ASB), Crime and Policing Act 2014 and the work taking place to implement the Act across Leicestershire.

Policy Framework and Previous Decision(s)

2. There is a statutory requirement in the Crime and Disorder Act 1998 to consider crime and disorder and work in partnership when doing so.

Background

3. In 2010 the Home Office launched a consultation paper (More Effective Responses to ASB) that proposed a transformation in the way anti-social behaviour is dealt with. It also outlined the findings of a review of ASB tools and powers that found the current system inefficient, slow and not fit for purpose.
4. The Anti-Social Behaviour, Crime and Policing Act 2014 has stream-lined the current ASB toolkit (reducing the number of orders from 19 to 6, as illustrated at Appendix 1) so that the remedies are more flexible and faster at stopping ASB. The Act also focuses on giving better witness satisfaction and making agencies more accountable to witnesses and communities when agencies fail to act. The Act will come into enactment in September 2014.
5. Key changes as a result of the Act:-
 - (i) To replace the Anti-Social Behaviour Orders and a range of other court orders targeted at anti-social individuals with two new tools; a Criminal Behaviour Order and a Crime Prevention Injunction. The new orders will have positive requirements attached to them to support the perpetrators and address their offending behaviour.

- (ii) To consolidate the tools to deal with place specific anti-social behaviour into a two tier Community Protection Order and a simplified police power to direct people away from an area on grounds of anti-social behaviour.
- (iii) Introduction of a new 'Community Remedy' which uses a restorative justice approach to deal with low level crime and anti-social behaviour.

It should be noted that what is being described as 'Community Remedies' was introduced into Leicestershire in 2008 as part of a National Pilot and is now an embedded process. This is not the case elsewhere in the country as Leicestershire was one of only 4 pilot areas. However, the process in Leicestershire has locally been described as 'Restorative Justice', a description which the Home Office is now using for the process by which victims interact with offenders as part of the process to prevent re-offending.

The Police and Crime Commissioner will be required to publish a Community Remedy Document based on evidence of consultation.

- (iv) Introduction of a new 'Community Trigger' which will impose a duty on the statutory partners in a Community Safety Partnership (CSP) to take action in cases where victims or communities have complained about ASB on a number of occasions or when a number of people report the same ASB and it is perceived that local agencies have failed to respond.

There have been a number of pilot areas across the Country where officers have described this process as becoming an 'escalated complaints procedure'. Furthermore these areas state that most Triggers have been activated by professionals as opposed to members of the community

5. Further detail on these changes is outlined at Appendix 2.

Implementation

- 6. The Government is expecting local areas to make local plans for implementation of the Act. In order to take this forward in Leicestershire a Leicester, Leicestershire and Rutland ASB Act Task and Finish Group has been established, chaired by Gurjit Samra-Rai from the

County Council and made up of representatives from Leicestershire Police, Rutland County Council, Leicester City Council, Charnwood Borough Council, Hinckley & Bosworth Borough Council (& Chair of Chief Housing Officers Group), Social Crime and Landlords Group & Fire & Rescue Service. Legal services and an officer from the PCCs office will be invited as and when required.

7. The Task and Finish group has considered:-
 - What the sub region should consider doing differently in light of these new powers;
 - What the changes are in practice and how we should prepare for them;
 - Training requirements and the development of a sub regional training plan and associated costs;
 - A review of current policies and procedures to ensure they are fit for purpose (e.g Joint Action Groups (JAGs) and the Incremental Approach).
8. A 'light touch' JAG review is underway; this is to ensure that the Terms of Reference and Minimum Standards for JAGs are still fit for purpose. The review report with recommendations, shall be circulated to all Local Authority Chief Executives, Chairs of the CSPs and Chairs of the JAGs.
9. A multi-agency training plan has been prepared. This consists of a modular, tiered approach including locality events, e-learning packages and briefings, for officers, managers and members.
10. Having considered the experiences from the pilot areas, a sub regional Community Trigger document has been drafted.

Potential Implications for Leicestershire County Council

12. The County Council has not, to date, used the current ASB legislation and it is unlikely that these changes will alter that.
13. There will be training requirements for officers from within the organisation, for example the Youth Offending Service (YOS). Officers will require multi agency training on any changes to current practices and procedures and on changes to the legislation, particularly around the positive requirements attached to orders.
14. As mentioned above there will be a member training programme, particularly around the restorative justice aspect of the legislation. This will cover Community Resolutions, Community Triggers and Neighbourhood Justice Panels.

15. Furthermore, the County Council will be co ordinating the multi agency communication across the County that will inform residents about the changes and impact of the new legislation on them.

Consultations

16. Leicestershire County Council provided a response to the Home Office Consultation Paper – More Effective Responses to Anti-Social Behaviour in May 2011.
17. In order to take this forward in Leicestershire a Leicester, Leicestershire and Rutland ASB Act Task and Finish Group has been established, made up of representatives from a number of agencies from across the sub region.

Resource implications

18. There will be resource implications when delivering training on the new legislation, but this will be absorbed by individual agencies within the partnership.

Timetable for Decisions

19. The Act will come into enactment in September 2014.

Conclusions

20. The report outlines the key aspect of the Act and the work underway in preparation for its implementation.

Background Papers

None.

Circulation under Local Issues Alert Procedure

None.

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List of Appendices

Appendix 1: Table of current and new orders

Appendix 2: Detail of changes

Appendix 3: Action Plan

Relevant Impact Assessments:**Equal Opportunities Implications**

An Equalities Impact Assessment (EIA) will be completed on all new policies and processes arising from the new legislation.

Environmental Implications

There are no particular environmental implications arising out of the Plan.

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