

COUNCIL SEMINAR
3rd March, 2015

Present:- Councillor Godfrey (in the Chair); Councillors The Mayor (Councillor John Foden), Ahmed, Atkin, Buckley, Burton, Clark, Dalton, Ellis, Gosling, Kaye, McNeely, Pitchley, Sansome, Sims, Smith, C. Vines, Watson, Whelbourn and Wyatt.

Apologies for absence were received from Councillor Cutts .

ANTI-SOCIAL BEHAVIOUR (CRIME AND POLICING ACT, 2014) AND DESIGNATED PUBLIC PLACE ORDERS.

Councillor M. Godfrey, The Former Cabinet Member for Safe and Attractive Neighbourhoods, welcomed the Elected Members in attendance to the seminar, she also introduced Steve Parry, Neighbourhood Crime and ASB Manager. Steve had prepared a presentation for the Seminar that would cover two different areas in two separate sections. The first section would cover the Anti-Social Behaviour, Crime and Policing Act (2014), and the second section would cover the Rotherham Designated Public Place Order.

1. Anti-Social Behaviour, Crime and Policing Act (2014): -

- Reducing ASB is a priority: -
 - Coalition commitment;
 - 3 million incidents reported each year;
 - 1 in 7 people thought that they had high levels of ASB in their area.
- White Paper: -
 - The then current set of tools did not provide the flexibility that practitioners required to deal with ASB quickly and effectively;
 - A focus on the impact ASB had on victims was required;
 - Victims were best supported when responses were quick and accurate;
 - Multi-agency approach to manage high-risk cases.
- Streamlining toolkit: -
 - Existing powers were combined into: -
 - **Injunction to Prevent Nuisance and Annoyance (IPNA);**
 - **Criminal Behaviour Order (CBO);**
 - **Community Protection Notice (CPN);**
 - **Public Spaces Protection Order (PSPO);**
 - **Closure Notice and Order;**
 - **Dispersal Powers.**

- These powers were used against: -
 - Tackling problem individuals;
 - Tackling environmental ASB;
 - Police Powers to Disperse.

- Local involvement and accountability: -
 - Community Trigger – victims and communications had the right to request a review of their case and bring agencies together for a problem-solving approach. Agencies included local councils, the Police, Clinical Commissioning Groups in England and Local Health Boards in Wales. Registered providers of social housing could be co-opted onto the group;
 - Threshold – three complaints in the previous six-month period;
 - Persistence of ASB, harm and potential harm caused by ASB and the adequacy of response to the anti-social behaviour;
 - Community remedy – victims of low-level crime and ASB will have a say in the punishment of offenders out of court;
 - Police and Crime Commissioners had a duty to consult with members of the public and community representatives on what punitive, restorative or rehabilitative actions they would consider appropriate;
 - Punishments could include offenders signing an acceptable behaviour contract, paying compensation to the victim, doing un-paid work in the local community or for the victim;
 - If the offender did not accept the action offered to them, the alternative would be to face formal action. Breaches of the agreed action could also lead to the offender facing formal action.

- Mandatory possession - Four triggers: -
 - Criminal conviction;
 - Breach of an injunction to Prevent Nuisance and Annoyance or a Criminal Behaviour Order;
 - Closure of premises;
 - Breach of a Noise Abatement Notice.

Discussion and questions followed Steve's presentation and the following matters were raised: -

- Q - Councillor Wyatt – The Community Protection Order can only be issued on convictions by Council Officers. What were the tools and toolkits available to ask someone to stop doing something? – A – The process of issuing warnings before an Order was made was outlined. The Service was currently delivering training to frontline staff on how to issue. There could be some duplications across agencies – a central database would be used to ensure that letters were not issued repeatedly.
- Q - Councillor Dalton – Could these powers be used in relation to Travellers camped illegally? - A – There was a county-wide protocol for this, which should be used first.
- Q - Councillor Kaye – Burden of proof is very complex. What is the public understanding of the powers? Would some of the instruments not be used? – A - Joint training with South Yorkshire police and this was being cascaded down to Housing Officers. Powers only good if used proportionately and effectively. It was not a criminal burden of proof, but a civil burden of proof with lower threshold that was required.
- Q - Councillor Whelbourn – Were Area Assemblies and Parish Councils aware? A leaflet signposting Elected Members to the mechanisms would be useful, including contact numbers and email addresses. – A – Yes, this is a useful suggestion.
- Q - Councillor McNeely – Are the powers Borough-wide or restricted to specific areas? Issues relating to photographing without consent. If a Community Trigger was enacted would you inform Ward councillors? – A - The DPPO is Borough-wide. It should be aimed more specifically at problem areas as the spirit of the original Act was not aimed at Borough-wide. Issues relating to photographs still had to be tested, although the Police do this already. The Service had not formally notified local Members yet but would ensure they were communicated with when a Community Trigger was enacted.
- Q - Councillor Ellis – I would normally see this as very useful however, it does concern me; there is a potential for this to be very punitive at a very early stage. CSE Victims first came to notice through drinking, hanging around in gangs etc. Could these powers make victims more vulnerable and criminalised? Children and young people should not be criminalised. – A – Every time an ASB contract is issued a referral is made to the Contact and Referral Team in Children’s Social Care. I am aware that there are a high number of referrals at the moment.

- Q - Councillor Godfrey referred to a reference in the Casey Report where enforcement tools were not being used appropriately. Was this being addressed? – A – That was a reference to a Civil Injunction under the new Act. These powers can and should be used to disrupt perpetrators.
- Q - Councillor Atkin asked about dispersal notices being used in Wath town centre for anti-social behaviour including kicking footballs against shutters and disrupting people in the flats above. For an Anti-Social Behaviour Contract to be agreed, a parent must sign it and a PC must witness the issue. Can a PCSO witness the issue too? – A – A PCSO could witness, yes. There was consultation underway in the Wath area.

2. Rotherham Designated Public Place Order: -

- Background: -
 - The Rotherham DPPO was approved by the Licensing Board on 21st March, 2012. This was enforceable across the full Borough area;
 - The decision was made following the regulatory process and full consultation undertaken with the public and premises affected;
 - The DPPO replaced three Alcohol Exclusion Zones that were in force in the Borough at the time.
- Legislation: -
 - The Criminal Justice and Police Act (2001), Sections 12-16;
 - Replaced by Community Protection Notice and Public Space Protection Order – ASB, Crime and Policing Act (2014);
 - Existing DPPO can be retained for up to three years from the commencement of the new Act.
- Displacement: -
 - DPPOs could lead to anti-social drinking or nuisance being displaced into areas not designated for this purpose.
- Powers and penalties: -
 - It is not an offence to drink alcohol within a designated area;
 - DPPO is not a 'ban' on drinking in public places;
 - Failure to comply with an Officer's request to stop drinking and surrender alcohol without reasonable excuse is;
 - Penalties included not to consume alcohol in a public place, surrender any alcohol or container for alcohol in his possession, Penalty Notice for Disorder (PND) of £50.00 or arrest and prosecution for a Level 2 fine, maximum of £500.

In Rotherham Police Officers and Police Community Support Workers enforced the DPPO. Under new shared/accreditation powers, RMBC Wardens, but they would not be able to issue a Penalty Notice for Disorder.

The Police had not kept records on the amount of time spent using DPPO powers. Quarterly reports were to be issued.

Councillor Godfrey thanked Steve for his informative presentation and contribution to the discussion.

Resolved: - That the information shared be noted.