

ISLE OF ANGLESEY COUNTY COUNCIL

Report to:	The Executive and Full Council
Date:	25/04/2016 and 12/05/2016
Subject:	For the Council to adopt powers contained within the Anti-social Behaviour, Crime and Policing Act 2014 and for their delegation to appropriate officers as listed in the report.
Portfolio Holder(s):	Councillor Aled Morris Jones, Councillor J Arwel Roberts, Councillor Richard A Dew, Councillor Alwyn Rowlands
Heads of Service:	Lynn Ball – Head of Function (Council Business) / Monitoring Officer; Shan L Williams – Head of Housing; Dewi R Williams – Head of Highways, Waste and Property; Jim Woodcock – Head of Planning and Public Protection.
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Local Members:	N/A

A –Recommendation/s and reason/s

1. That full Council:

- 1.1 Adopt powers contained in the Anti-social Behaviour, Crime and Policing Act 2014 in respect of civil injunctions, community protection notices and orders, closure notices and orders, absolute ground for possession of dwelling houses, public spaces protection orders and premises closure orders;
- 1.2 Agrees to amend the scheme of delegation to officers in the Constitution to delegate the exercise of the powers as adopted amongst the relevant Heads of Service as detailed in this report;
- 1.3 Authorises the Council's Head of Function (Council Business) / Monitoring Officer to make the necessary changes to the scheme of delegation to officers in the Constitution to reflect the adoption and delegations of the powers contained within the Act as provided for by this report.

2. Introduction

2.1 The Anti-social Behaviour, Crime and Policing Act 2014 ("the Act") makes provision in respect of anti-social behaviour, crime and disorder and various other associated matters to include recovery of possession of dwelling houses and sundry other provisions in respect of crime and policing.

2.2 Officers in the following Council Departments have considered the provisions of the

Act and require the Council to adopt various provisions and delegate their exercise to the respective Heads of Service: Housing, Highways, Waste and Property, Planning and Public Protection.

3. Housing Department

3.1 The Department requests the adoption of the following powers and the delegation of their exercise on behalf of the Council to the Head of Service (Housing):

- 3.1.1 The powers of the Council with regards to injunctions in Part I of the Act
- 3.1.2 The powers of the Council relating to community protection notices as contained in Chapter 1 of Part 4 of the Act;
- 3.1.3 The powers of the Council with regard to closure of premises associated with nuisance or disorder as contained in Chapter 3 of Part 4 of the Act; and
- 3.1.4 The recovery and possession of dwelling houses on anti-social behaviour grounds as those powers are given to the Council by Part 5 of the Act.

3.2 Reasons and Justification

3.2.1 Civil Injunction: The Housing Service will be able apply to the court for an injunction to swiftly address housing related anti-social behaviour, where the conduct has caused or is likely to cause harassment, alarm or distress to any person in relation to their occupation of residential premises or where the conduct can cause housing related nuisance or annoyance to any person. The civil injunction can also be used against perpetrators who are not tenants. A power of arrest can be attached to the injunction.

NB The definition of 'housing-related' means behaviour which directly or indirectly relates to the housing management function.

3.2.2 Community Protection Notices (CPN's): Where a perpetrator has previously been issued with a written warning but has failed to modify their behaviour, the Housing Service will be able to use this power to deal with any behaviour which is unreasonable, ongoing or has a negative effect on the community, by directly targeting the person (aged over 16), business or organisation responsible. The CPN will either impose a requirement for the perpetrator to stop doing something specific or require the perpetrator to take reasonable steps to achieve a specific result. Graffiti, rubbish and noise are the three areas.

3.2.3 Closure Notice and Closure Orders: The Housing Service will be able to use these powers to quickly close premises which are being used or are likely to be used as a place to commit nuisance or disorder. A closure notice is issued out of court and can close a property for 48 hours to anyone but the habitual occupiers. Following on from the closure notice, the Housing Service can where necessary apply to the court for a closure order whereby premises can be closed to all parties including the habitual occupiers for up to six months.

3.2.4 Absolute Ground For Possession: The Housing Service will be able to apply to the court

for possession of a dwelling under this power where any one of 5 conditions identified within the Act is met.

Conditions 1,2, and 3 are met if a tenant, a member of the tenant's household or a person visiting the property has been :

- (a) convicted of a serious offence;
- (b) found by a court to have breached an injunction obtained under the Act;
- (c) convicted for breaching a Criminal Behaviour Order obtained under the Act;

Condition 4 is met if a tenant's property has been closed under a closure order as a result of ASB in or in the vicinity of the property and the period of the order was more than 48 hours.

Condition 5 is met if the tenant, a member of the tenant's household or a person visiting the property has been convicted for breach of a notice or order to abate noise in relation to the tenant's property under the Environmental Protection Act 1990.

4. Highways, Waste and Property Department

4.1 The Council is requested to adopt the following powers contained within the Act and to delegate the exercise of those powers on behalf of the Council to the Head of Service (Highways, Waste and Property):

- 4.1.1 The powers in sections 64 and 65 of the Act relating to restrictions on public rights of way and the other necessary powers contained within Chapter 2 of Part 4 of the Act.

4.2 Reasons and Justification

4.2.1 Public Rights of Way – The Highways, Waste and Property Service will be able to use these powers to prevent persistent anti-social behaviour on public footpaths

5. Planning and Public Protection Department:

5.1 The Council is requested to adopt the following powers contained within the Act and to delegate the exercise of those powers on behalf of the Council to the Head of Service (Planning and Public Protection):

- 5.1.1 The powers of the Council relating to injunctions as contained within Part 1 of the Act;
- 5.1.2 The part of the Council relating to community protection notices as contained within Chapter 1 of Part 4 of the Act;
- 5.1.3 The powers of the Council with regard to public spaces protection orders as contained within Chapter 2 of Part 4 of the Act;
- 5.1.4 The powers of the Council as regards closure of premises associated with nuisance

or disorder as those powers are contained within Chapter 3 of Part 4 of the Act.

5.2 Reasons and Justification

5.2.1 Injunction within Part 1 of the Act – to prevent or stop non-trivial anti-social behaviour such as irresponsible dog ownership, noisy neighbours or aggressive begging.

Community Protection Notices within Chapter 1 of Part 4 of the Act – to stop a person, business committing anti-social behaviour which spoils the community's quality of life such as noise nuisance or persistently straying dogs.

Public Spaces Protection Order within Chapter 2 of Part 4 of the Act – designed to stop individuals or groups committing anti-social behaviour in a public place such as excluding dogs or the consumption of alcohol or the playing of loud music in a particular locality.

Closure of Premises Associated with Nuisance or Disorder within Chapter 3 of Part 4 of the Act – to allow the local authority to quickly close residential or business premises which are used or likely to be used to commit nuisance or disorder such as playing loud music or carrying on unlicensed events e.g. Raves.

B – What other options did you consider and why did you reject them and/or opt for this option?

The Council has the option of not delegating the exercise of these powers, but relevant Departments feel that adopting and delegating the powers to officers will enable the Council to operate a fuller range of powers to deal with anti-social behavior and associated problems.

If the powers are not adopted, we will continue to be limited in the range of powers available to address anti-social behavior and achieve successful outcomes for victims, perpetrators and the community as a whole.

C – Why is this a decision for the Executive?

As the report proposes to amend the scheme of delegation to officers which is part of the Council's constitution then such a report must first be forwarded to the Executive for a recommendation before being sent to full Council.

CH – Is this decision consistent with policy approved by the full Council?

This is a new piece of legislation but many of the powers will be consistent with other policies already adopted by the Council.

D – Is this decision within the budget approved by the Council?

The cost of exercising these new powers by officers will fall within the operational budget for each service. Potential costs will be one (but one only) of the considerations taken into account before the powers will be used on a case by case basis.

DD – Who did you consult?		What did they say?
1	Chief Executive / Strategic Leadership Team (SLT) (mandatory)	No comments
2	Finance / Section 151 (mandatory)	No comments
3	Legal / Monitoring Officer (mandatory)	No comments
4	Human Resources (HR)	n/a
5	Property	n/a
6	Information Communication Technology (ICT)	n/a
7	Scrutiny	n/a
8	Local Members	n/a
9	Any external bodies / other/s	n/a

E – Risks and any mitigation (if relevant)

1	Economic	n/a
2	Anti-poverty	Exercise of the powers based on the merit of the circumstances will benefit poorer and deprived areas as much as any other area.
3	Crime and Disorder	Many of the powers in the Act are aimed at addressing issues of crime and disorder together with anti-social behavior where these are problematic for local neighborhoods.
4	Environmental	Exercise of some of the powers to be delegated to officers will seek to curb what may be regarded as general public nuisances.
5	Equalities	Use of the powers will enable the Council to better deal with behaviour which may be targeted at members of minority groups and so ensure better compliance with the Council's duties on equalities
6	Outcome Agreements	n/a

7	Other	n/a
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F - Appendices:
None

FF - Background papers (please contact the author of the Report for any further information):
None

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