

EXECUTIVE – 16 JULY 2020

WOKING COMMUNITY SAFETY ANTI SOCIAL BEHAVIOUR POLICY

Executive Summary

This report provides the Executive with the opportunity to agree the proposed new Anti Social Behaviour Policy and requests delegated powers from the Anti Social Behaviour Crime and Policing Act 2014 to appropriate officers to enable the implementation of these provisions.

Recommendations

The Executive is requested to:

RECOMMEND TO COUNCIL That

- (i) the Anti Social Behaviour Policy be adopted;
- (ii) authority be delegated to the Chief Executive to review the Anti Social Behaviour Policy from time to time, in consultation with the Portfolio Holder, to ensure that it is updated to reflect good practice, current legislation and case law;
- (iii) the level of Fixed Penalty Notice for a breach of a Community Protection Notice be set at £75.00 and reduced to £50.00 if payment is received within 14 days;
- (iv) authority be delegated to the Chief Executive to issue Closure Notices under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014;
- (v) authority be delegated to the Chief Executive to:-
 - a. issue Community Protection Notices;
 - b. authorise registered social landlords to issue Community Protection Notices;
 - c. issue Fixed Penalty Notices for breach of a Community Protection Notice;
 - d. authorise any persons to issue Community Protection Notices and issue Fixed Penalty Notices for breach of a Community Protection Notice;
 - e. take remedial action when a Community Protection Notice has not been complied with.

under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.

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Reasons for Decision

Reason: This report requests the agreement of the new Anti Social Behaviour Policy to provide clear guidance to residents and agree suitable delegated powers to appropriate officers to implement the provisions of the Anti Social Behaviour, Crime and Policing Act 2014 to help manage and reduce anti social behaviour.

The item(s) above will need to be dealt with by way of a recommendation to Council.

Background Papers: [Anti-Social Behaviour, Crime and Policing Act 2014](#)
[Home Office Guidance July 2014](#)

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1.0 Introduction

- 1.1 The Anti Social Behaviour, Crime and Policing Act 2014 (the Act) is the primary piece of legislation providing the Council with powers to tackle anti social behaviour (ASB).
- 1.2 The Act is designed to reduce crime and disorder and the impact of these on our communities. These flexible powers enable us to work more effectively with our key partners, such as Surrey Police and registered providers of housing, to tackle anti-social behaviour. Registered providers of housing can only be given delegated authority by applying to Woking Borough Council.
- 1.3 A new Anti Social Behaviour Policy has been written in order to provide clear guidance to the public as to what can be expected following any report of anti social behaviour, as well as standardising working practices when dealing with enforcement of offenders.

2.0 Background

- 2.1 The Anti Social Behaviour Policy (Policy) has been written to specifically address how we promote our response to anti social behaviour within the Borough, as well as how people can report to us directly any anti social behaviour they are experiencing. The Policy details a fair and transparent approach and strives to ensure the victim's considerations are taken into account at all times when addressing behaviours. A copy of the Policy can be found at Appendix 1 to this report.
- 2.2 The Policy shall be reviewed from time to time and updated in line with good practice, current legislation and case law.
- 2.3 The Act and relevant guidance are both large documents. However, these are the key powers available to the Council and Police to tackle anti social behaviour:
 - Civil Injunction
 - Criminal Behaviour Orders
 - Police Dispersal Powers
 - Community Protection Notices
 - Public Spaces Protection Order
 - Closure Notices
 - New Absolute Ground for Possession for ASB for secure and assured tenancies
 - Community Remedy (Police power in consultation with the Local Authority)
 - ASB Case review (Community Trigger)

Enforcement

- 2.4 The powers contained within the Act come with enforceable penalties and, in some cases, Woking Borough Council will be the lead authority. The Council is also the prosecuting authority for any breaches of public space protection orders and community protection notices. Both orders have sanctions for fixed penalty notices (up to £100) for breaches where a warning letter has previously been issued. It is recommended that the Council set the level of a fixed penalty notice for a breach of a Community Protection Notice at £75 and reduced to £50 if payment is received within 14 Days. The Council will receive all income from any enforcement activity, including fixed penalty notices.
- 2.5 Enforcement will only be considered once all requirements from the Act have been satisfied. Community Protection Warnings will be issued giving clear guidance as to timeframes in which we expect the conditions set are adhered to. Community Protection Warnings will only be issued if Woking Borough Council is satisfied that should they not be adhered to then we

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have the ability to proceed to a full Community Protection Notice and the potential then for subsequent prosecution. As per the Community Protection Warning the Community Protection Notice must detail relevant timescales for the notice to be fulfilled. Only on breach of Community Protection Notice will there be a need to consider how the breach is prosecuted with Fixed Penalty Notices being the first consideration prior to any court summons.

Next Steps

- 2.6 Officers from the Council have been working with relevant internal services and partner agencies to develop and agree processes and procedures to form the new Policy document to ensure the consistent and transparent implementation of these powers. These arrangements will be put into place in the event that the Policy is adopted by Council.
- 2.7 Training in relation to best practice is ongoing and revisited when appropriate. Considerations are given to recognised organisations and consultancies in order to maintain staff competency.

3.0 Implications

Financial

- 3.1 It is anticipated that we can continue to implement the provisions of the Act within existing resources. However, if enforcement of the Act increases substantially, there may be some future additional legal costs associated with court proceedings. An application for costs payable by the defendant shall be made following successful Court proceedings.

Human Resource/Training and Development

- 3.2 There will be implications for front line staff on the implementation and enforcement of the powers both in terms of staff time and training. There may also be an impact on Legal Services if more anti social behaviour action occurs.

Community Safety

- 3.3 The Anti Social Behaviour, Crime and Policing Act 2014 provides tools and powers that will support our work around community safety and our Community Strategy priority of providing a clean, healthy and safe environment. It helps the Council fulfil its statutory duty to reduce crime and disorder. Having a clear and concise policy will assist the Community Safety Team to undertake this role and will allow victims to understand the steps the team shall take to address the issues.
- 3.4 The use of the ASB legislation will be monitored and reported in the quarterly Safer Woking Partnership reports which are routinely sent to Members, and will also be reported to the Community Safety Task Group.

Risk Management

- 3.5 None.

Sustainability

- 3.6 None.

Equalities

- 3.7 None.

Safeguarding

3.8 None.

REPORT ENDS