

# Cherwell District Council

## Executive

7 November 2016

### Joint Anti-Social Behaviour Policy

#### Report of Public Protection Manager

This report is public

#### Purpose of report

To consider a draft Joint Anti-social Behaviour Policy, for Cherwell District Council and South Northamptonshire Council subject to public and stakeholder consultation.

#### 1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the draft Joint Anti-social Behaviour Policy (Appendix 1).
- 1.2 To delegate authority to the Public Protection Manager to consider responses and, if necessary amend the policy in consultation with the Lead Member for Public Protection.
- 1.3 To delegate authority to the Public Protection Manager to take all necessary steps to enforce the policy including the setting of the amounts of fixed penalties and the authorisation of individual officers to issue fixed penalty notices.

#### 2.0 Introduction

- 2.1 In April 2014, the Anti-social Behaviour, Crime and Policing Act 2014 came into force. The new Act did not replace any of the previous Anti-social Behaviour Acts in their entirety but amended and updated them. Several powers from existing legislation were renamed and it introduced new concepts such as the 'Community trigger' referred to later in the Policy.

#### 3.0 Report Details

- 3.1 The current policies as detailed on the CDC and SNC websites need updating as they do not reflect current legislation or practice. In particular, some sections of The Anti-social Behaviour, Crime and Policing Act 2014 Act require policies and procedures to be published on council websites. Therefore, it is timely that we review our policies to publish accurate information for our communities.

- 3.2 In April 2016, a new shared Public Protection Service with South Northamptonshire Council was formed including a new shared Safer Communities Team. The draft policy seeks to set out a common approach for dealing with anti-social behaviour for each local authority, so that a proportionate and consistent service is delivered in the communities of both councils. In developing the policy, regard has been given to the Regulators Code and the joint corporate Enforcement Policy.

## **4.0 Conclusion and Reasons for Recommendations**

- 4.1 It is recommended that the joint draft Cherwell and South Northamptonshire Council Anti-Social Behaviour Policy is approved.
- 4.2 Delegated authority to the Public Protection Manager is also recommended to consider responses and, if necessary amend the policy in consultation with the Lead Member for Public Protection.
- 4.3 In order to implement, it is proposed to delegate authority to the Public Protection Manager to take all necessary steps to enforce the policy including the setting of the amounts of fixed penalties and the authorisation of individual officers to issue fixed penalty notices.

## **5.0 Consultation**

It is proposed to publish the draft proposal if approved, on both the CDC and SNC web sites for a period of four weeks. In addition to this, consultation with all relevant statutory partners will be undertaken.

## **6.0 Alternative Options and Reasons for Rejection**

- 6.1 The only alternative is to reject the proposal and retain two individual updated policies, one for each Council.
- 6.2 Rejecting the new shared policy will require separate updated policies for each Council so that both Councils carry out regulatory activities in a way which is accountable, consistent, fair, proportional and transparent.

## **7.0 Implications**

### **Financial and Resource Implications**

- 7.1 Other than staff resource being appropriate to the threat and risk in each area, little or no financial impact is anticipated.

Comments checked by:

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## **Legal Implications**

7.2 There are no specific legal implications

Comments checked by:

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## **Risk Implications**

7.3 The Council is required by the Act to carry out certain duties. Without a policy and guidance therein the Council could be vulnerable to complaints of failure to deliver the statutory obligations in the relevant Act.

7.4 As the services are shared it is highly beneficial that the Councils have the same policy to deal with any complaints of anti-social behaviour in a fair and equitable manner. All risks will be managed as per the operational risk register and escalated to the corporate risk register as and when necessary.

Comments checked by:

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## **Equality Implications**

7.4 An Equality Impact Assessment has been completed (Appendix 2) and no impacts have been identified.

Comments checked by:

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## **8.0 Decision Information**

### **Key Decision**

**Financial Threshold Met: No**

**Community Impact Threshold Met: No**

### **Wards Affected**

All

### **Links to Corporate Plan and Policy Framework**

Cherwell: safe, green, clean: Work with partners to help ensure the District remains a low crime area, reducing fear of crime, tackling anti-social behaviour and focusing on safeguarding our residents and businesses.

## Lead Councillor

Councillor Tony Ilott, Lead Member for Public Protection

## Document Information

<b>Appendix No</b>	<b>Title</b>
Appendix 1	Draft Joint ASB policy
Appendix 2	Equality Impact Assessment
<b>Background Papers</b>	
None	
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