Antisocial behaviour reforms & noise

Review of Powers of Entry

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Reducing ASB is a Government priority

- A Coalition Commitment:
  - Around three million incidents of ASB reported every year
  - 1 in 7 people think there are high levels of ASB in their area

- In 2011 Home Office asked practitioners for their views on how the system works
- The consultation also asked victims for their views
- In May 2012, Home Office published their White Paper: “Putting Victims First: More effective responses to anti-social behaviour”
- Forms the bones of what will be the Antisocial Behaviour Bill
Key points:

• The current set of tools do not provide the flexibility that practitioners require to deal with ASB quickly and effectively

• There needs to be more focus on the impact ASB has on victims – especially repeat or vulnerable victims

• Victims are best supported when responses are quick and effective

• Using a more efficient, multi-agency approach to managing high-risk cases
Streamlining the Toolkit

Anti-Social Behaviour Order (ASBO)
ASBO on Conviction
Drinking Banning Order (DBO)
DBO on Conviction
Anti-Social Behaviour Injunction (ASBI)
Individual Support Order (ISO)
Intervention Order

Criminal Behaviour Order (CBO)
Crime Prevention Injunction (CPI)

Community Protection Notice (CPN)
Community Protection Order (Public Space)
Community Protection Order (Closure)

Litter Clearing Notice
Street Litter Clearing Notice
Graffiti/Defacement Removal Notice
Designated Public Place Order
Gating Order
Dog Control Order
ASB Premises Closure Order
Crack House Closure Order
Noisy Premises Closure Order
Section 161 Closure Order

Community Protection Notice (CPN)
Community Protection Order (Public Space)
Community Protection Order (Closure)

Section 30 Dispersal Order
Section 27 Direction to Leave

Directions Powers
• The **Community Protection Notice** will be issued to deal with a particular problem negatively affecting the community.

• It could be used to tackle a range of anti-social behaviour (for example graffiti, littering, dog fouling or using a skateboard somewhere inappropriate).

• The notice would be issued to stop persistent, unreasonable behaviour that is detrimental to the amenity of the locality or is having a negative impact on the local community’s quality of life.
Community Protection Notices

• Also intended that the Community Protection Notice will be used to deal with noise disturbance, particularly if demonstrated to be occurring in conjunction with other anti-social behaviour - this was seen as a benefit in the consultation

• New notices can be issued by more people: local authorities, police and registered providers of social housing (if approved by local authorities) - the most appropriate agency can deal with the situation, or work together

• Can apply to businesses and individuals (which is the same as for some of the notices it will replace but not all); and

• Criminal offence if an individual does not comply, with a sanction of a fine (or fixed penalty notice) for non-compliance
Safeguards

• Legislation will make clear that noise disturbances that meet the requirements of the **statutory nuisance regime** should be dealt with using that process

• Guidance will make explicitly clear that Community Protection Notices could only be issued where there was **no ‘reasonable excuse’** for the problem and there would be a **defence of having taken ‘all practical measures’** to address the issue;

• Notices would **not be issued for a single incident** – guidance will make clear that informal measures should be used at first to try to deal with the problem
Family own their home, a semi-detached property where the attached property is part of the council’s social housing. They have complained to their local authority about noise from new neighbours. Almost every evening, between 5-8pm - and sometimes later - the noise of slamming doors and the sound of the neighbour screaming and swearing at her children can be heard through the adjoining wall, which is where the complainants main living room is. The complainant says their main concern – apart from the noise being upsetting and disturbing their evening - is the fact that individual words used by the neighbour can be heard clearly through the wall and their 8 year-old-daughter shouldn’t have to listen to that kind of language. Local authority officers have investigated by asking the complainant to complete a noise diary and taking sound recordings and have concluded that the noise does not constitute a statutory nuisance. After a number of interventions to try and resolve the issue informally, a CPN could be issued.
• A person shops at the same local store 2 or 3 times a week. Each time, they tie their dog to a cycle-rack at the shop entrance and spend around 30-45 minutes inside the shop. During that time, the dog outside barks almost constantly at passers-by. A house-bound resident living opposite the store has complained to the local authority about the noise.
Mandatory Possession

• The draft ASB bill will include mandatory possession clauses that **DCLG** have been working on. Landlords will be able to seek to evict a tenant under a new 'absolute ground for possession' for anti-social behaviour.

There will be four ‘triggers’ for mandatory possession:

• Criminal conviction;

• Breach of a Crime Prevention Injunction;

• Closure of premises; or

• **Breach of a Noise Abatement Notice**
Next steps

• Draft Antisocial Behaviour Bill will be published very soon

• Home Affairs Select Committee are scrutinising the draft Bill before it is laid before Parliament and will call for evidence as soon as the Bill is published – will allow practitioners, victims and others who have a stake in the reforms to help get them right first time

• Look at the detailed clauses in the Bill – particularly those on Community Protection Notices

• Any concerns – respond directly to the Home Affairs Select Committee

• The pre-legislative scrutiny by Home Affairs Select Committee likely to continue through to Jan-Feb 2013 – but suggest you consider before then
Review of Powers of Entry
Outline

1. Background
2. What we want to know and why
3. Our 4 Powers of Entry
4. Safeguards
5. Questions and your feedback
6. Knowledge Hub
Protection of Freedoms Act 2012

• There are over 1,300 separate Powers of Entry

• Seek to reduce this number and strengthen existing safeguards

• Intended to restore the balance between protecting the public and strengthening the rights and protection of homeowners and businesses
What we want to know and why

• All government Departments are required by law to review all the powers of entry under the legislation that they are responsible for...
• ...and speak to those who use the powers.
• To maintain Powers of Entry there should be:
  – a compelling case
  – clear safeguards
• We are very keen to make sure that crucial powers are not lost simply due to lack of representation or information.
Our 4 Powers of Entry

• Section 81(7) of the Environmental Protection Act 1990
  – Statutory Nuisance

• Sections 77-79 of the Clean Neighbourhoods and Environment Act 2005
  – Audible intruder alarms

• Sections 91-92 of the Control of Pollution Act 1974
  – Managing noise from construction sites, in the street, from plants and machinery

• Section 10 of the Noise Act 1996
  – Seize equipment at night
Safeguards

- Private dwellings
- Warrant
- Reasonable notice
- Reasonable time
- Authorised persons
Questions and feedback

• How often is the power used?
• What would be the consequence / impact of repealing this power?
• Could we group these and other powers under a single power, and what benefits might that have?
• Who is allowed to enter, and why?
• Any case studies?
• Please let us know what YOU think. The more information we have, the more robust our case to the Home Office
Knowledge Hub

- https://knowledgehub.local.gov.uk/
- Professional social network which helps people in local government connect and share online in a secure environment
- Find, share and discuss information that's relevant to you and your work
- Offers real benefits:
  - Forum style discussions where experiences can be shared and questions answered
  - Engagement in issues that affect you – including debate on Government policy
THANK YOU