

Report to: Executive Board - 21st October 2002

**CRIME AND DISORDER ACT – IMPLICATIONS FOR OXFORD CITY
COUNCIL**

		WARDS AFFECTED
Report of:	Strategic Director with responsibility for the Housing Management and Neighbourhood Renewal Business Units	ALL
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Lead Member Responsible:	Councillor Susan Brown and Councillor Val Smith	
Overview and Scrutiny Committee Responsibility:	Social Well-Being and Housing Overview and Scrutiny Committees	
Key Decision:	Yes	
SUMMARY AND RECOMMENDATIONS		
<p>The Council has a duty under section 17 of the Crime & Disorder Act 1998 to exercise its various functions with due regard to the likely effect of those functions on and the need to do all that it reasonably can to prevent crime and disorder in its area. The Crime and Nuisance Action Team (“CANAcT”) was established to address the issue of anti social behaviour and associated multi-agency working which is one aspect of that duty.</p> <p>This report outlines the way in which CANAcT works with other agencies to prevent anti-social behaviour and describes in particular its role in the use of and applications to the Magistrates’ Court for Anti-Social Behaviour Orders (ASBOs). The Executive Board is recommended to:-</p> <ul style="list-style-type: none"> • approve the process at paragraph 9 of the report for determining when the Council or Thames Valley Police will be the “lead authority” in applications for ASBOs 		

This report meets the Council's strategic aims and objectives in the following ways;-

- **“Sound management” - the report outlines beneficial partnership arrangements for tackling anti social behaviour and clearly indicates prudent use of existing resources.**
- **“Strengthening local communities” - the report details initiatives for supporting local communities in taking action against anti social neighbours and others.**
- **“Reducing poverty and inequality” - the report demonstrates how a multi-agency approach beneficially enhances quality of life for all sections of society through the Council's work in the field of anti-social behaviour.**
- **“Improving the physical environment” - the report touches upon work that is carried out to introduce effective structural crime prevention measures as a result of the activities of the council in the field of anti social behaviour.**
- **“Reducing our use of natural resources” - the Council uses all resources as prudently as possible in this field.**

The financial implications of the report are set out in paragraphs 10-12.

There are no staffing implications attaching to this report.

Background

1. The Crime and Disorder Act 1998 was introduced to give new powers for tackling anti-social behaviour. Joint responsibility is placed on Local Authorities and Police Authorities to establish, implement and review a Crime and Disorder Reduction Strategy in consultation with the Health and Probation Services. These powers complement the Council's existing powers within the Local Government, Housing and Environmental Protection Acts.
2. In practice the main techniques for dealing with cases of anti-social behaviour have been through the “problem solving” approach. The CANAct team has developed an approach that incorporates a low-level “problem solving” meeting either involving the alleged perpetrators or outside agencies connected with the case and taking forward a range of possible solutions that lie within the powers of the agencies represented around the table. Should this approach fail the team calls a case conference under the Crime and Disorder Act. As a result

formal legal solutions are only occasionally needed as other approaches are more effective in solving the problem.

Anti Social Behaviour Orders

3. Anti Social Behaviour Orders were introduced to “plug the gaps” in housing legislation and are community based Orders similar in nature to injunctions. Applications for ASBOs are civil proceedings in the Magistrates’ Court and are intended to enable either the Police or the Council to intervene to protect one or more members of the community from further anti-social acts by a person where other solutions (such as mediation, introductory tenancies or more robust housing management) are not as appropriate or effective. As a general rule the behaviour justifying an application for an ASBO will be of a persistent and serious anti-social nature and not, for example, private disputes between neighbours.
4. An ASBO can be made in respect of any person aged 10 or over if they have behaved in a manner which has caused or was likely to cause harassment alarm or distress to one or more people and if it is necessary to protect people in the area. Any application must be brought within six months of the last act complained of and if the relevant conditions are made out the Magistrates’ Court may make an Order prohibiting the subject from doing anything described within the area for a minimum of two years.
5. If a police officer has reason to believe that the terms of an ASBO have been breached the defendant can be arrested and brought before the Court. If found guilty of the breach the defendant can be fined or receive a term of up to six months imprisonment in the Magistrates’ Court.

Lead Authority

7. When the need for an ASBO has been identified and either the Police or the Council has consulted the other parties an application can be made to the Magistrates’ Court. A framework is needed so that each agency will know where its responsibilities lie and in which circumstances it will become the “lead authority” charged with co-ordinating the case.
8. Which agency will lead on an application will be determined by a common sense approach to the facts of the case and the skills, resources and respective roles of the Police and the Council. The lead authority will:-
 - meet the all costs of the application to the Magistrates’ Court*;
 - co-ordinate the compilation of evidence;

- after consultation make the final decision about whether an ASBO is the right course of action;
- make the application for the ASBO;
- manage the case after the grant of the order; and
- call additional case conferences to report and review progress if necessary.

(* If the Council acts on behalf of a Registered Social Landlord (RSL) in seeking an ASBO all costs will be sought from that RSL.)

9. Preliminary discussions with the Police have highlighted the sorts of cases in which it might be appropriate for the Police or the Council to be the “lead authority” as follows: -
- where a problem is located on a Local Authority housing estate the Council will lead;
 - where a problem is predominantly in the owner-occupied sector or the city centre the police will lead;
 - where a problem is located amongst properties owned by a Registered Social Landlord the Council will lead;
 - if the police refer a case to CANAcT the Neighbourhood Renewal Business Manager will negotiate with the Police but the presumption will be that the police will be the lead authority;
 - if a referral has come from the Environmental Health Business Unit or another Council Business Unit the Neighbourhood Renewal Business Manager will negotiate with the Police but the presumption will be that the Council will be the lead authority; and
 - negotiations will take place between the Neighbourhood Renewal Business Manager and the Police about who will be the lead authority in cases which are not clear cut.

Cost Implications

10. Each ASBO case incurs costs. There has been a wide disparity in the costs experienced by other Councils in making applications. The Council obtained its first ASBO in November last year and the total cost of bringing the case was in the region of £15,000. However, the Magistrates only awarded two thirds of the Council's costs in the first case (this is because anti poverty considerations were taken into account when the award was made). It is anticipated that, at the present time, existing budgets can cover any Court cost requirements that may be imposed.
11. Whilst there is likely to be a need to call upon the Housing Revenue Account to fund most actions, clearly, anti-social behaviour will be caused and experienced by council tenants and those not living in public sector housing in equal measure. The Housing Revenue

Account should fund ASBO applications which relate to Council tenants and the General Fund should fund ASBO applications where the alleged perpetrator is not a Council tenant.

12. It is believed that the General Fund cost pressure for CANAcT work is approximately £35,000. However, subject to Council approval on the 14th October, budget provision will be made for this. A similar amount is already available to fund ASBO work from the Housing Revenue Account (CANAcT base budget).

Partnering Arrangements

13. Negotiations have been taking place with RSLs and other Councils within the County with a view to the CANAcT team providing professional, technical and administrative services to them under the Local Authorities (Goods and Services) Act 1970. If appropriate, a report will be submitted to a future meeting of the Executive Board to explain the proposals and the staffing and financial implications for the City Council.

**THIS REPORT HAS BEEN SEEN AND APPROVED BY THE
NEIGHBOURHOOD RENEWAL, FINANCIAL MANAGEMENT AND LEGAL
SERVICES BUSINESS MANAGERS**

Background papers: ATMOSPHERE constitution
 Crime and Disorder Act information sharing
 protocol between more than 20 voluntary and
 statutory agencies
 Safer Communities Agreement between Thames
 Valley Police, the strategic Health Authority, the
 County Council and the City Council