

Appendix 4

Community Protection Notice Use in Oxford

1. The Anti-Social Behaviour, Crime and Policing Act 2014 introduced a range of new powers to address anti-social behaviour. The guidance for the act can be found here: <https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour>
2. The guidance states that these powers are intended to put victims first by providing quicker and more flexible tools for the police and local authorities to respond to problems within their communities.

Community Protection Notice (CPN)

3. CPNs were introduced to address persistent, unreasonable behaviour detrimental to the quality of life of those in the area. A Notice is preceded by a Community Protection Warning (CPW) that advises the recipient that the police or local authority require the person to cease certain behaviours. It can include positive requirements, such as keep an area tidy or attend a support group.
4. A breach of the CPW results in the serving of a CPN, often but not always identical in its requirements. A breach of the CPN is a criminal offence and can result in a Fixed Penalty Notice and/or prosecution in the Magistrates Court, and gives the Council the power to take remedial action to resolve the problem. Contrary to recent publicity surrounding the use of CPNs in Oxford, only the court can fine a person for breaching a CPN. Fines are up to a maximum of £2500 for a person, or unlimited for a business.

Use of CPNs and PSPO in Oxford

Since April 2017 Oxford City Council has issued:

	April 2015-16	April 2016-17	April – October 2017
CPW	156	140	109
CPN	38	24	24
FPN	0	1	4

5. The most common reasons for using CPNs are waste, other environmental problems and noise complaints.
6. CPN usage can be compared to Newham BC whose statistics for October 2014 to October 2015 are illustrated in the table below. The most common use of CPNs was noise, street drinking, rough sleeping and waste in gardens.

CPW	9,109
CPN	1,486
FPN	37
Prosecution	N/A

7. In 2015, Slough Borough Council issued 200 CPWs and 50 CPNs mainly for street drinking, aggressive begging, nuisance neighbours and noise complaints.
8. Our Antisocial Behaviour Service deal with around 1,500 cases per year; CPNs are used in relatively few cases. We find that giving advice and intervening at the earliest opportunity often avoids formal sanctions. Similar to Newham, about 1 in 5 CPWs are breached and lead to a CPN. This ratio is repeated from CPN to FPN.
9. The Council's approach to challenging behaviours restricted by the PSPO adheres to the Corporate Enforcement Policy which requires officers to take the lowest form of intervention suitable to the case. To support this approach a Frequently Asked Questions slip was created and issued to people who are in breach of the PSPO restrictions. The FAQ answers a number of questions and contains the full Order on the rear of the sheet. Since the introduction of the Order on 1st February 2016, the compliance rate on first engagement is extremely high as illustrated in the table below. There have been no prosecutions at court.

Type of restriction	FAQs issued	FPNs issued
Alcohol disorder	9	0
Aggressive begging	38	0
Cycling in a restricted area	308	0
Dog control	9	0
Pedlar restrictions	92	4
Street entertainment restrictions	15	0
Remaining in a toilet restriction	0	0
Urination or defecation	0	0

10. The numbers of FAQs for cycling do not reflect the number of requests by Council officers for people to stop cycling in the restricted area.
11. Although there has been no FAQs issued for toilet restrictions there is a serious and growing problem regarding drug misuse and discarded paraphernalia in public toilets in the city centre.