

Meeting:	Cabinet	Date:	9 March 2022
Subject:	To Approve the Use of Community Protection Notices		
Report Of:	Cabinet Member for Communities and Neighbourhoods		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
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Appendices:	1. Community Protection Notice Policy		

FOR GENERAL RELEASE

1.0 Purpose of Report

1.1 This report outlines how the council intends to implement Community Protection Notices provided in Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014, including setting the threshold for cases to be considered for these enforcement powers.

2.0 Recommendations

2.1 Cabinet is asked to **RESOLVE** that:

- (1) the new enforcement powers contained within the Anti-Social Behaviour Crime and Policing Act 2014, be adopted;
- (2) the threshold for the council to take action, currently set at two or more complainants over a six-month period, be agreed.

3.0 Background and Key Issues

3.1 Adoption of The Anti-Social Behaviour, Crime and Policing Act 2014 was agreed my cabinet on 15th October 2014. (copy attached – see supporting documents). This ‘Act’ has introduced a range of new measures to tackle lower-level anti-social behaviour.

3.2 This legislation has introduced Community Protection Warning and Community Protection notices (CPN) and replaces the old ‘ASBO’ notices.

3.3 The legislation gives powers to issue fixed penalty notices, prosecute offenders who breach the Community Protection Notice (CPN) and remedial action where possible for offences, plus a range of other sanctions (noted in the practice guidance supporting documents)

- 3.4 The purpose of this legislation is intended to deal with on-going problems of nuisance from an individual or from a business, which have a negative effect on the community's quality of life.
- 3.5 Community Protection Notices can be issued by council officers, police officers and social landlords where powers have been delegated.
- 3.6 Circumstances where a Community Protection Notice can be used are where there are reasonable grounds to believe the conduct is:
- Having a detrimental effect on the quality of those in the locality, and
 - Is unreasonable, and
 - The behaviour is of a persistent or continuing nature.
- 3.7 Community Protection Notices should not be used for annoyances, single incidents or where the impact is insignificant. The intention is using these where other powers are not appropriate or where there is more than one complainant. Impact on the community is required to be 'significant'.
- 3.8 This 'Act' is enabling legislation which provides discretionary powers but not statutory duties.
- 3.9 Solace will continue to deal with low to medium level ASB and officers will continue to work alongside Solace officers.
- 3.10 Those being affected by ASB can have a voice. They will be required to submit witness statements for any future court action.

4.0 Social Value Considerations

- 4.1 The 'Act' is designed to give 'victims' a voice

5.0 Environmental Implications

- 5.1 There may be some positive impacts where this legislation is used to stop environmental harm.

6.0 Alternative Options Considered

- 6.1 This report does not change statutory powers under section 79 of The Environmental Protection Act 1990. Where cases involve statutory nuisance, officers will still utilise the most appropriate course of action and carry out statutory duties. (i.e. for noise, odour, light and dust nuisance).

7.0 Reasons for Recommendations

- 7.1 Approval of this report will reinforce officer's enforcement tools to ensure community safety is maintained and enhanced.
- 7.2 This legislation will allow officers to deal with persistent cases of anti-social behaviour where statutory nuisance powers are not relevant.

- 7.3 Setting the threshold at two or more complainants over a six-month period ensures this legislation is only used where it is intended. This threshold is in line with other regulatory bodies and other local authorities and practice guidance notes. It reduces the incidence of neighbour on neighbour disputes which is not what this legislation is intended for. Setting a higher threshold is possible (for example three or more complainants) but this may discount some community issues. The threshold could be reviewed later once officers have become familiar with the process.

8.0 Future Work and Conclusions

- 8.1 Working with Registered Social Landlords (including Gloucester City Homes) within the City of Gloucester to ensure they have delegated powers to carry out this enforcement on behalf of the council.
- 8.2 This legislation allows council teams to interact and strengthen relationships with other agencies such as Gloucestershire Constabulary, Restorative Gloucestershire, Solace and community safety partnerships. Future work could include setting a memorandum of understanding between agencies for sharing information to facilitate case management and resolution.

9.0 Financial Implications

- 9.1 Officer time is the main impact. Officers are required to be suitably trained and initial costs of training courses will be covered by the community wellbeing training budget.
- 9.2 Managers will need to consider officer resources before considering a case for a community protection notice. There is considerable officer time required for the process and there will need to be a period of training and familiarisation for teams. If the use of Community Protection Notices becomes in demand additional resources would be required in the team to deal with the higher demand on the service.
- 9.3 The use of fixed penalty notices may bring in a very small income.

10.0 Legal Implications

- 10.1 A policy has been drafted with consultation with One Legal.
- 10.2 As this is enabling legislation there is no implications for 'the council' for not adopting or the decision where to set the threshold.
- 10.3 Officers have been designated to use the powers set by this Act.

(One Legal have been consulted in the preparation of this report.)

11.0 Risk & Opportunity Management Implications

- 11.1 There is very little risk in the adoption or threshold setting. There may be service challenges in ensuring the threshold is met and to manage expectations of the use of this legislation.

11.2 The use of Community Protection Notices and the threshold will be reviewed on its progress to ensure this legislation is used in the right circumstances.

11.3 A Community Protection Notice review panel is required as part of this process and will review cases which may be considered for a Community Protection Notice and review progress on existing cases. This review panel may consist of team leaders/managers, Solace, Registered Social Landlords, Gloucestershire Constabulary and/or community safety representatives depending on the case.

12.0 People Impact Assessment (PIA) and Safeguarding:

12.1 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

13.0 Community Safety Implications

13.1 This legislation is integral to the work of the community safety partnership.

14.0 Staffing & Trade Union Implications

14.1 None

Background Documents:

The Anti-Social Behaviour, Crime and Policing Act 2014



Anti-social
Behaviour, Crime and

Professional Practice Note (Chartered Institute of Environmental Health – CIEH)



guidance-on-the-us
e-of-community-pro

Home office ASB statutory guidance



ASB_Statutory_Guid
ance 2021.pdf

Cabinet report 2014



CPN cabinet
report.pdf