

**For General Release**

<b>REPORT TO:</b>	<b>CABINET 17 November 2014</b>
<b>AGENDA ITEM:</b>	<b>7</b>
<b>SUBJECT:</b>	<i>Anti-Social Behaviour Policy and Procedure and Public Confidence</i>
<b>LEAD OFFICER:</b>	<i>Jo Negrini, Executive Director, Development and Environment</i>
<b>CABINET MEMBER:</b>	<i>Cllr Mark Watson, Cabinet Member for Safety and Justice</i>
<b>WARDS:</b>	<b>All</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT:</b> This report highlights programmes of work to reduce anti-social behaviour and improve feelings of safety for people that live, work and visit Croydon. The report therefore shows how we are making Croydon a safer and more attractive place, improving people's satisfaction with the Borough, which supports the Growth and Liveability priorities for the Council.	
<b>AMBITIOUS FOR CROYDON &amp; WHY ARE WE DOING THIS:</b> This supports the ambitious for Croydon priorities to make Croydon a safer and more attractive place to live, work and visit.	
<b>FINANCIAL IMPACT</b> There is limited financial impact with this report. The delivery of the ASB policy will be picked up by the existing ASB team and various internal and external partners. The programme of activity to improve public confidence is already funded, with no additional money requested.	
<b>KEY DECISION REFERENCE NO.:</b> this is not a key decision	

The Leader of the Council has delegated to the Cabinet the power to make the decisions set out in the recommendations below

**1. RECOMMENDATIONS**

Cabinet is recommended to:

- 1.1 To agree the commencement of a consultation with relevant stakeholders, including the Police and Housing Associations within the Borough on the provisions of the Council Anti-Social Behaviour (ASB) Policy and Procedure, such consultation to include the Community Trigger process and setting of potential FPN levels. An initial draft of the ASB Policy and Procedure for

- consultation purposes is attached at Appendix 1 which includes a draft Community Trigger process for consultation.
- 1.2 To delegate to the Executive Director of Development and Environment in consultation with the Cabinet Member for Safety and Justice and Director of Democratic and Legal Services, responsibility for consideration of the outcome of the consultation and approval of the final ASB Policy and Procedure, including the Community Trigger process, Community Trigger threshold and FPN levels for breaches of Community Protection Notices and Public Spaces Protection Orders as set out in the body of this report.
  - 1.3 To note progress on actions to support the Borough's Growth Strategy through increasing public confidence in the Borough.

## **2. EXECUTIVE SUMMARY**

- 2.1 On 20 October 2014 the Anti-Social Behaviour and Policing Act 2014 ("the Act") came into force. This act replaced most of the powers available to the police and local authorities to deal with anti-social behaviour. The Act has required many changes to organisational and partnership processes so it has been necessary to redraft the Council's anti-social behaviour policy to reflect these changes. This reports sets out the key changes to the powers available to the Council and seeks approval to consult on the draft policy.
- 2.2 In July 2014 Full Council adopted the 2014-2017 Community Safety Strategy for Croydon. The strategy specified four key priorities that the Safer Croydon Partnership would be working on. One of these priorities is to improve public confidence and community engagement. The successful delivery of this priority is important not only for the wellbeing of the people that live, work and visit Croydon but it clearly links to the Borough's Growth Strategy and the need to make Croydon an attractive place for businesses to invest in and people to come and live.

## **3. DETAIL**

### **Anti-Social Behaviour (ASB) Policy**

- 3.1 The Act has necessitated changes to the organisational and partnership processes meaning that the existing ASB policy requires updating. A summary of the key changes introduced by the Act is included below and is set out in detail in the policy at Appendix 1.
- 3.2 Anti-social behaviour is defined in the Act as :
  - (a) Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person
  - (b) conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
  - (c) conduct capable of causing housing related nuisance or annoyance to any person.

3.3 The Act sets out a range of new powers that are designed to be simpler and more effective for tackling anti-social behaviour. The Act replaces 19 former powers to deal with anti-social behaviour with six which are designed to be quicker and more flexible. The interplay between the old and new powers is set out in the table below.

<b>Previous powers</b>	<b>New powers</b>
1. Anti-Social Behaviour Order (ASBO) 2. ASBO on conviction 3. Drinking Banning Order (DBO) 4. DBO on conviction 5. Anti-Social Behaviour Injunction (ASBI) 6. Individual Support Order 7. Intervention Order	Injunction to Prevent Nuisance and Annoyance (IPNA)  Criminal Behaviour Order (CBO)
8. Litter Cleaning Notice 9. Street Litter Cleaning Notice 10. Graffiti/Defacement Removal Notice 11. Designated Public Place Order 12. Gating Order 13. Dog Control Order 14. ASB Premises Closure Order 15. Crack House Closure Order 16. Noisy Premises Closure Order 17. Section 161 Closure Order	Community Protection Notice (CPN)  Public Spaces Protection Order (PSPO)  New Closure Power
18. Section 30 Dispersal Order 19. Section 27 Direction to Leave	Dispersal Powers

3.4 The Act is designed to provide better protection for victims and communities, act as a real deterrent to perpetrators and give victims a say in the way their complaints are dealt with. The Act gives landlords the ability to deal swiftly with the most serious anti-social behaviour committed by their tenants. In addition, it gives victims the power to ensure that action is taken to deal with persistent anti-social behaviour through the new community trigger, and a greater say in what form of sanction an offender receives out of court through the new community remedy.

3.5 The Community Trigger is a new process which allows residents to ask the Council, Police or Housing Association to review their responses to complaints of ASB. The Council has been consulting informally with the police and local Housing Associations who have agreed the draft process included at Appendix 1. As this draft process requires further detail to comply with statutory requirements and requires consultation with and agreement from local clinical commissioning groups before it is utilised for the Community Trigger process, this draft process will be explored further during the consultation on the policy and procedure.

3.6 The Trigger may be used if residents believe that no action has been taken as a result of them reporting ASB. Victims (or someone on behalf of a victim) will be able to use the Community Trigger to demand action, starting with a review of their case. Agencies including councils, the police, Clinical commissioning groups and registered providers of social housing have a duty to undertake a case review when someone requests one and the case meets the locally defined threshold. The Mayor's Officer for Policing and Crime (MOPAC) have been striving to get agreement on a London wide threshold for use of the Community Trigger. The principle reason for this is so that it is applied consistently by organisations that work across more than one London Borough. This applies to the police but also many Housing Associations. The locally defined threshold, which is being proposed across London, is:

*Where an individual has made a qualifying complaint to the Council, Police or a Registered Housing Provider within the Borough about three separate incidents in the Borough in the last six months and you consider there has been no action*

3.7 The Community Remedy is a new police managed process that gives victims of low-level crime and anti-social behaviour a say in the punishment of perpetrators out of court. The process for using the Community Remedy can be used when someone commits a low-level crime or anti-social behaviour and they have admitted to the offence. The potential community remedies could be a variety of different things such as:

- a written or verbal apology;
- the perpetrator signing an Acceptable Behaviour Contract – where they agree not to behave anti-socially in the future;
- paying an appropriate amount for damage to be repaired or stolen property to be replaced;
- reparation to the community (for example, by doing local unpaid work for a short period).

- 3.8 On of the new powers is an Injunction to Prevent Nuisance and Annoyance (IPNA). It is a civil remedy which can include both prohibitions (which require a respondent to refrain from doing something) and positive requirements (where the respondent may be required to take certain steps or participate in specified activities). The Council will work with partner agencies that now have the power to apply for Injunctions, such as, the Police, Housing Associations, the NHS and Transport for London (TFL). This power replaces the standalone ASBO and ASB Injunction that previously existed. An injunction may be granted provided that the Court agrees that behaviour complained of meets the harassment, alarm or distress test for non-housing related anti-social behaviour or meets nuisance or annoyance test for housing-related anti-social behaviour (using civil standard of proof - 'on the balance of probabilities') and that it is just and convenient to grant the injunction for the purposes of preventing such behaviour. Failure to comply with the injunction once granted is not, however, a criminal offence, but could result in a finding of contempt of court provided that the failure to comply is proved to a criminal standard - beyond reasonable doubt.
- 3.9 When someone is convicted of a criminal offence related to ASB, the Police (via the Crown Prosecution Service / CPS) or the Council (if they are a party to the proceedings) can immediately ask the Magistrate or Judge to make Criminal Behaviour Order at the same hearing without the need to institute separate proceedings. A Criminal Behaviour Order can include both prohibitions (which require a respondent to refrain from doing something) and positive requirements (where the respondent may be required to take certain steps or participate in specified activities). This replaces the on-conviction ASBO and will predominantly be used by the CPS.
- 3.10 The New Closure Power allows the Council to apply to the Magistrates court to close a premises on the grounds that there has been disorderly, offensive or criminal behaviour on the premises or where the use of the premises has resulted in serious nuisance to members of the public or where there has been disorder near the premises associated with the use of the premises. The Court can also be asked to close premises where this type of behaviour has not yet occurred but is likely to occur. This power replaces a number of existing closure powers for drugs, ASB or noise.
- 3.11 The revised Dispersal Powers are now a more flexible approach which the police can use in a range of situations to disperse anti-social individuals and provide immediate short-term respite to a local community. The power is preventative as it allows an officer to deal instantly with someone's behaviour and prevent it escalating. In areas where there are regular problems, the police force will need to work with the Council through the Joint Agency group to find sustainable long-term solutions. The Joint Agency Group is a multi agency problem solving group tackling anti-social behaviour. Member agencies include, Police, Youth Outreach, Drug and Alcohol Outreach, Gangs team, Noise Team, Council and Police ASB Teams, Safer Transport Teams, Transport for London, Fire Service, UK Border Agency and Neighbourhood Watch. Important features of this amended power are that:

- The dispersal area can be agreed by the police at Inspector level or above. There is no requirement for the pre-designation of a “dispersal zone” in which the power can be used therefore it can be used in any locality immediately;
- PC’s and PCSOs will be able to use the power to enable them to take swift action to prevent anti-social behaviour or to stop its escalation;
- The power is available to disperse an individual without a requirement that two or more people be engaged in the offending behaviour;
- The new power can be used across the spectrum of anti-social behaviour, crime and disorder;
- There is an additional power to confiscate items associated with the behaviour of the person being directed to disperse, for example alcohol, offensive material, noisy equipment or eggs and other missiles used for Halloween “tricks”;
- The period of a person’s exclusion from a specified area is a maximum of 48 hours;

3.12 The Community Protection Notice (CPN) is intended to deal with particular, ongoing problems or nuisances which negatively affect the community’s quality of life by targeting those responsible. This can include anti-social behaviour, noise and environmental issues such as litter and waste. If, following a written warning to the individual/business/organisation and sufficient opportunity being given to them to cease the behaviour with the detrimental effect, the conduct continues, then the police or the Council’s ability to issue a CPN is triggered. CPNs are issued as warnings to individual or business if the police/council is satisfied on reasonable grounds that the conduct of the individual, business or organisation:

- is having a detrimental effect on the quality of life of those in the locality;
- is persistent or continuing in nature; and
- is unreasonable.

Any CPN issued is capable of being appealed within 21 days of it being issued to the person/business/organisation. There are a number of grounds of appeal which are specified in the Act. Failure to comply with a CPN is an offence. Where an individual, business or organisation fails to comply with the terms of a CPN, a number of options are available for the Council depending on the circumstances:

- FPN (up to £100)
- Remedial Action e.g. works in default
- Forfeiture or seizure of items e.g. music equipment
- Prosecution in Court

Although the FPN level can be up to £100 it is proposed to consult on the basis that this is set at £80 which would be in line with other fines for littering, fly tipping and dog fouling that the Council currently issue. This will be further

considered during the consultation phase but adopting the £80 fee will provide some consistency in fine levels for offences that the new act is replacing (for example Dog Control Orders) and will ensure that existing FPN issuing and management systems can be easily modified to accept this new process. FPN processes have been discussed with the police who are also able to issue for certain offences. The Met police stance is that they will use Council processes. A protocol between the police and Council for the use of FPNs is being developed and will be included as part of the final ASB policy and procedure. However, the Council believes that this will be useful power to deal with a range of different issues such as untidy front gardens or lower level ASB where other formal action may not be proportionate and it is anticipated that FPNs will be used to discharge liability for an initial offence in all circumstances unless there is a serious breach and that it is in the public interest not to do so.

- 3.13 Public Spaces Protection Orders (PSPOs) are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. The Council is responsible for making a PSPO although the police also have enforcement powers. This power replaces the previous powers dog control orders and no drinking zone powers.

The council can make a PSPO on any public space within its own area and can be made if they are satisfied on reasonable grounds that the activities carried out or likely to be carried out, in a public space:

- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

1

Before making a PSPO, the council must consult with the local police. This is an opportunity for the police and council to share information about the area and the problems being caused as well as discuss the practicalities of enforcement. In addition, the owner or occupier of the land should be consulted as should businesses or members of the public that use the land and community representatives. In Croydon, following consultation with those affected and having regard to the outcome of the consultation, recommendations for PSPOs will be agreed by the Council following discussion and agreement at the Joint Agency Group. The proposed consultation processes set out above will be considered further as part of the consultation on the policy and procedure.

The failure to comply with a PSPO is a criminal offence. However, depending on the behaviour in question, the enforcing officer could decide that a fixed penalty notice (FPN) of up to £100 would be the most appropriate sanction. Although the fee levy can be up to £100 it is proposed to consult on the basis that this is set at £80 in line with other fines for littering, fly tipping and dog fouling that the Council currently issue.

The Council believe that this will be a useful power with potential uses including amending and putting in new 'controlled drinking zones', for use against the Cruise on Imperial Way and potentially to protect areas of land against repeated traveller encampments. Although the Council will need to be mindful of the types of behaviours which are sought to be regulated by a PSPO as a person does not commit an offence by failing to comply with a prohibition or requirement that the Council does not have power to include in the PSPO. For example there are specified types of highways land in respect of which a PSPO may not be sought.

- 3.14 It should be noted that all of the existing orders will remain in place for a period of time, which mean that the Council can review needs and replace with new orders gradually. For example, existing ASBOs, Controlled Drinking Zones, Gating Orders, Dog Control Orders etc. will remain in force for a period of up to 3 years or until they are revoked or replaced by provisions under the Act. It is proposed that the first step using the new powers will be to look at the separate dispersal and controlled drinking zones that currently exist under the old powers in the town centre. The Council will investigate the introduction of a Public Spaces Protection Order which includes a range of conditions to deal with the specific issues in that area. In doing so, the Council will need to be mindful that any PSPO introduced is only valid for three years and must thereafter be extended if still required. Such extension is subject to the Council being satisfied that it is reasonable and necessary to do so and is subject to the same publication requirements as the introduction of a PSPO.
- 3.15 The draft policy at Appendix 1 sets out, for consultation purposes, all the above referenced powers and details how the Council proposes to respond to complaints, the level of response that customers can expect and the range of other preventative and enforcement powers available to deal with ASB. This draft will be updated and reviewed following receipt of consultation responses and a revised version will be presented to the Executive Director of Development and Environment for consideration and sign off in accordance with the recommendation in section 1 above.

### **Improving Public Confidence**

- 3.16 In July 2014 Full Council adopted the 2014-2017 Community Safety Strategy for Croydon. The strategy specified four key priorities that the Safer Croydon Partnership (SCP) would be working on. One of these priorities is to improve public confidence and community engagement. The successful delivery of this priority is important not only for the wellbeing of the people that live, work and visit Croydon but it clearly links to the Borough's Growth Strategy and the need to make Croydon an attractive place for businesses to invest in and people to come and live.
- 3.17 The Community Safety Strategy sets out how the Safer Croydon Partnership (SCP) will be working to improve public confidence and satisfaction. Despite the number of reports in relation to crime and ASB falling, Croydon continues to experience negative perceptions in relation to crime and ASB. Regional data



ranks Croydon 6th by volume and 19th by rate per 1,000 populations (1 being highest) when compared to all of the other London Borough for total notifiable offences. These rankings have remained stable over the last few years illustrating that Croydon is safe when compared to the rest of London. It is therefore important that this message is properly conveyed to alleviate this negative perception.

- 3.18 Increasing awareness of the role and work undertaken by the police and Council in tackling crime and ASB is perceived as key to improving public confidence. This is particularly important with respect to neighbourhood policing and understanding the role of the Council. The key is to provide local communities with information to improve their understanding of what is being done locally to respond to their crime and ASB concerns. Recorded crime data is after all, affected by the public's confidence and enthusiasm to report crime.
- 3.19 The SCP, which includes the Council, Police, Probation, Fire, health Services voluntary, community and business sector, has followed through on its strategic pledge by producing a Public Confidence Plan which all partners will contribute to. This is set out at Appendix 2. The rolling plan covers a 12-month time frame, with feedback on what fuels localised fear of crime used to target reassurance messages and further engagement on a local, rather than borough-wide basis. The plan ensures that every area of Croydon will be covered with targeted bespoke communications messages during this period.
- 3.20 Since the Community Safety Strategy was signed off, a Fear of Crime Survey has been produced and distributed so that we can continue to gauge local opinion about feelings of safety. The target for this survey is at least 1,000 responses which will be achieved by future face-to-face engagement with the public, press releases, e-bulletins, weekly bulletins, social media, and wider promotion through partners' media outlets. Some examples of activity completed and planned are included below.
- 3.21 The Safer Croydon Partnership team has been involved in a couple of specific activities. In September 2014 there was a Back to School anti-robbery initiative, which saw Police and a range of other partners engaged in some high visibility patrols and enforcement activity around Croydon town centre and West Croydon, which was timed to take place around the end of the school day. The area and times targeted has historically been a hotspot for robbery of school children. This initiative was used as an opportunity to engage with the public at these locations and to provide reassurance to residents and businesses.
- 3.22 In October a range of partners including the Council, Police, BID and fire service were involved with a Personal Safety Day at the Whitgift Centre engaging with the public, giving out personal safety advice and encouraging completion of the fear of crime survey. This activity will be replicated throughout the year to encourage more face to face feedback so that we fully understand what people think about Croydon and what we can do to make people feel safer.
- 3.23 The Cabinet Member for Safety and Justice and the Police Borough

Commander are also organising some engagement events in certain parts of Croydon. These will be targeted to three areas, West Croydon, New Addington and central Croydon/Old Town. The events will start with a walkabout engaging with residents and businesses seeking feedback in an informal way. This will then end with a meeting at a community venue so that people have an opportunity for questions and discussion. This style of event has not been trialled before in the Borough and is an exciting opportunity to engage with residents and businesses in a different way. The first event will be in West Croydon and if successful will be rolled out across the Borough.

#### **4. CONSULTATION**

- 4.1 There has been no specific resident consultation with regards to the draft ASB policy. Relevant partners have been engaged in the development of the draft policy and the initiation of the consultation requested in the recommendations section will allow the Council to consult more fully on the proposals within the policy, including seeking feedback on FPN levels proposed to be introduced and finalising details around the Community Trigger process and threshold. The draft policy is largely a reflection of how the Council is proposing to use the new provisions in the Act and the statute places certain restrictions on how this is to occur, meaning that in respect of certain aspects, there is limited scope for how the public could influence its content. However, the draft policy does set out the nature of the consultation and engagement which it is proposed will be undertaken when using certain powers. For example, when implementing a Public Spaces Protection Order there are statutory consultation requirements which encompass consulting with the public and a range of partners before implementation. 4.2 The delivery of the Public Confidence priority is all about consultation and engagement. This is detailed earlier in the report from paragraph 3.14 and this will be further supported by engaging with the public and necessary stakeholders as proposed in the recommendations of this report.

#### **5 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

##### **1 Revenue and Capital consequences of report recommendations**

There are limited capital or revenue implications associated with this report. The consultation on and delivery of the ASB policy will be picked up by the existing ASB team and various internal and external partners. Activity is already budgeted for and will be delivered within existing resources. The programme of activity to improve public confidence is already funded via a project budget held by the Safer Croydon Partnership team. Much of the activity will be delivered by existing staff resources with some funding allocated to specific campaigns. No additional funding is sought as a result of this report though.

##### **2 The effect of the decision**

The effect of the decision is that the Council approves a clear policy and process for managing Anti-Social Behaviour following significant changes to the powers available. The team and partnership governance framework already

exists that will absorb and deliver this work so there is little of no financial impact. The Public Confidence work is already budgeted for with no additional money requested so there is limited financial impact on this aspect of work.

### 3 Risks

The principal risk is that the ASB Policy is either ineffective or not approved. This would leave the Council open to criticism for not having a clear, published policy with regards to the new legislation. In particular, when enforcement cases are taken to court defence solicitors may use the lack of a properly implemented and considered policy as a way to criticise the Council's approach to a particular case.

### 4 Options

- a) Approve the initiation of the consultation on the ASB Policy and delegation to the relevant Executive Director as recommended
- b) Do not approve the commencement of the consultation policy and delegation to the relevant Executive Director and continue with an out of date policy and procedure.

Neither option has any financial implications but a failure to approve commencement of the consultation on the policy and procedure may have a reputational impact and will also inhibit the Council's ability to make use of new powers.

There are no options with regards to the update on work to tackle public confidence as this is providing feedback on activity to date rather than seeking agreement on any particular activity.

### 5 Future savings/efficiencies

There are no savings or efficiencies associated with this report.

(Approved by: Dianne Ellender, Head of Finance and Deputy S151 Officer)

## 6. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER

- 6.1 The Solicitor to the Council comments that the Anti-Social Behaviour and Policing Act 2014 has altered the enforcement powers which are available to the Council to combat anti-social behaviour as detailed within the body of the report. The Council needs to ensure that the powers are used in a responsible, consistent, appropriate and proportionate manner. In addition, the Council will need to ensure that there is effective information-sharing agreement and protocol in place between the Council and any external bodies including the police to deal with issues such as confidentiality and data protection implications of cross-agency working which forms an important component of the new approaches.

(Approved by: Jessica Stockton, Corporate Solicitor for and on behalf of the Council Solicitor & Director of Democratic & Legal Services)

## **7. HUMAN RESOURCES IMPACT**

- 7.1 There are no human resources implications associated with this report. All activity identified in this report will be picked up by existing staff resources.

(Approved by: Adrian Prescod, HR Business Partner, for and on behalf of Director of Human Resources, Chief Executive Department.)

## **8. EQUALITIES IMPACT**

- 8.1 An Initial Equality Analysis was undertaken to assess the potential of an adverse positive or negative impact the new Anti-social Behaviour Policy and related powers would have on protected groups
- 8.2 The analysis recommended that no further analysis is required. The ASB policy sets out a range powers available to the Council and how these will be legally applied. The council will have a broader range of powers that can be used more quickly. The policy largely reflects national legislation and the various powers will have been assessed for their impact on equality as part of the consultation and development process before the legislation was enacted.
- 8.3 Although the policy is likely to have a positive impact on certain protected groups such as victims of gender, religious or disability related ASB, it will apply to the whole population and its use will be determined by the behaviour occurring rather than the protected group. However, the Council will monitor the use of the powers during the next 12 months to see how and who they have been used on in terms of the protected groups. It is understood that the Home Office will also be undertaking a review of the new powers although this will not specifically relate to equality.
- 8.4 The work to improve public confidence is targeted to communities that live in particular areas of the Borough rather than any targeted groups so this also does not require any analysis. These areas are specified in the Public Confidence plan appendix with the specifics to be worked up in detail and to include consideration of the particular needs of the communities being targeted such as language and accessibility.

## **9. ENVIRONMENTAL IMPACT**

- 9.1 There is limited impact on the environment as a result of this report. Some anti-social behaviour may be related to waste, noise or other issues that affect people's quality of life but the policy is principally about improving behaviour rather than the environment.

## **10. CRIME AND DISORDER REDUCTION IMPACT**

- 10.1 The adoption of a revised ASB Policy and work to tackle public confidence will have a significant crime and disorder impact and is the principle driver behind the report and papers. The impact is made clear throughout the report.

## **11. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION**

- 11.1 It is necessary for the Council to set out its approach on how it will implement the new ASB powers. Failure to do this would leave the Council open to criticism for not having a clear, published policy. In particular, when enforcement cases are taken to court defence solicitors may use the lack of a coherent policy, or failure to adhere to the policy as a way to undermine the Council's approach to a particular case.

## **12. OPTIONS CONSIDERED AND REJECTED**

- 12.1 The only other option available is not to seek to amend the existing Council ASB policy so that new procedures following changes in legislation are not publicised openly or incorporated within the Council's stated policy and procedure on ASB. This has been discounted because it would mean that an up to date policy was not in place and places risk on the Council when trying to apply the new powers.

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## **BACKGROUND PAPERS - LOCAL GOVERNMENT ACT 1972**

*Initial Equality Analysis*

13