

Subject:	Community Protection Notices		
Date of Meeting:	27 November 2017		
Report of:	Executive Director Neighbourhoods, Communities and Housing		
Contact Officer:	Name:	Peter Castleton	Tel: 01273 292607
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Ward(s) affected:	All		

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The report is seeking approval to use Community Protection Notices as part of the remedies available to officers to tackle anti-social behaviour in the City.

2. RECOMMENDATIONS:

- 2.1 That the Committee approves the use of Community Protection Notices in accordance with Part 4 of the Anti- Social Behaviour, Crime and Policing Act 2014.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Anti-social Behaviour Crime and Policing Act 2014 received Royal Assent in April 2014. It brought together 19 previous powers into six with the intention of making them quicker and easier to obtain. The majority of the anti-social behaviour (ASB) provisions came into effect in October 2014

- 3.2 Community Protection Notices (CPNs) are designed to stop a person aged 16 or over, business or organisation committing anti-social behaviour that spoils the amenity of an area or a community's quality of life. These are commonly environmental problems.

A CPN can be issued by a local authority officer, a police officer, a PCSO, or a delegated social landlord.

- 3.3 A Written Warning is issued, advising the perpetrator of the problem behaviour to stop or put things right, and informing them of the consequences of continuing.

If the person fails to adhere to the warning, a Community Protection Notice is issued. Breach is a criminal offence where a fixed penalty notice of up to £100 can be served, or on prosecution, a fine of up to level 4, £2,500, or £20,000 for businesses.

A process for issuing and managed fixed penalty notices will be developed subject to the approval of the use of CPNs by this committee and Policy, Resources and Growth Committee. The fixed penalty notice should be set at £75, the same as for fly tipping and the same as for a breach of the Open Spaces Public Spaces Protection Order.

Examples where a CPN may be considered include where tenants of an HMO or a landlord dump rubbish in the street or where the garden of a property is persistently used to store rubbish. It could also be used where a business persistently plays loud music to the detriment of the neighbourhood.

- 3.4 A CPN allows the council, or its agent, to carry out works in default on behalf of a perpetrator. A court can order remedial works outside a property (including gardens) if the perpetrator is unwilling to and issue a seizure order for property used in the anti-social behaviour.
- 3.5 In order to serve a CPN, tests of proportionality and reasonableness will be undertaken. Training and guidance will be delivered to officers who are delegated the powers to use CPNs.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1.1 An officer group has met over the summer to consider the circumstances in which it would be appropriate and proportionate to use such orders and will monitor and review the use of CPNs.
- 4.2 Draft guidance has been compiled which can be found at Appendix 1. This outlines the circumstances in which CPNs could be used where other remedies have been unsuccessful or are inappropriate.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 There is no requirement for the use of CPNs to be consulted on. However the consideration of their use in Brighton and Hove will be documented through the democratic process by bringing them to the attention of this committee and subsequently, the Policy, Resources and Growth Committee.
- 5.2 The officer group included post holders and managers where CPNs could be useful in managing anti-social behaviour.

6. CONCLUSION

- 6.1 In dealing with anti-social behaviour the council should consider all the options available to officers. The use of CPNs will help, in some circumstances, to manage environmental ASB alongside existing remedies.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 If approved, the use of CPN's and the cost of training of staff in their use will be met from current budgets within the Neighbourhoods, Communities and Housing Directorate.

Finance Officer Consulted: Monica Brooks

Date: 30/10/17

Legal Implications:

- 7.2 The CPN is set in statute so we have to ensure that we follow the act and all associated statutory instruments. Considerable work has been done to look at the process and to produce guidance to support and assist officers. The power is very wide and it is noted that an Officer Working Group is working on areas where it is envisaged that it can be most appropriately but not exclusively deployed. If other areas were to be considered it would be important to ensure that Executive Director for Neighbourhoods, Communities and Housing is involved in that decision. Giving the option for the Executive Director to extend the proposed usage, if necessary, would give control over the process while not unduly restricting its use.
- 7.3 Technically the Act is in force and so delegated powers (already existing) would allow this legislation to be used, but clearly it is best practice to seek approval of members.

Lawyer Consulted: Simon Court

Date: 30.10.17

Equalities Implications:

- 7.4 There are no immediately identifiable equality impacts in relation to CPNs.

Sustainability Implications:

- 7.5 There are no immediately identifiable equality impacts in relation to CPNs.

SUPPORTING DOCUMENTATION

Appendices:

1. Draft Community Protection Notice Procedure and Guidance

