

REPORT

SUBJECT: ANTI – SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
DIRECTORATE: ENTERPRISE
MEETING: INDIVIDUAL CABINET MEMBER DECISION – CABINET MEMBER FOR COMMUNITY SAFETY
Date to be considered: 22nd AUGUST 2018.
DIVISION/WARDS AFFECTED: All Wards

1. PURPOSE:

- 1.1 To seek approval to extend the agreement with the Heddlu Gwent Police to enable the authorisation of Police Officers and Community Support Officers (CSO's) for enforcement purposes in relation to issuing Fixed Penalty Notices on behalf of the Authority for breaches of Community Protection Notices and Public Spaces Protection Orders.

2. RECOMMENDATIONS:

- 2.1 To enter into an agreement with Heddlu Gwent Police to enable the authorisation of Police Officers and Community Support Officers (CSO's) for enforcement purposes in relation to issuing Fixed Penalty Notices on behalf of the Authority for breaches of Community Protection Notices and Public Spaces Protection Orders.

3. KEY ISSUES:

- 3.1 The Anti-Social Behaviour, Crime and Policing Act 2014 came into force on 20th October 2014.
- 3.2 The Act introduced a new range of powers to help tackle anti-social behaviour affecting Communities including Community Protection Notices (CPN) and Public Spaces Protection Orders (PSPOs). A report was submitted to Cabinet dated 7th September 2016 and the recommendations agreed to amend the Council's constitution to:
- Give delegated authority to Council Officers for enforcement powers introduced under the Act,
 - To adopt the general approach to serving Fixed Penalty Notices (FPNs) and
 - Agree the FPN enforcement charges of £100 payable within 14 days, reduced to £75 if paid within 10 days.

A copy of this report is provided as a background paper.

- 3.3 The Anti-Social Behaviour, Crime and Policing Act 2014 enables a Police Constable to issue a FPN for a breach of a Community Protection Notice and also a Public Spaces Protection Order and amends Part 1 of Schedule 4 to the Police Reform Act 2002 for suitably designated Police Community Support Officers (CSOs) to do likewise. This Council already has an agreement with Heddlu Gwent Police for their officers to issue FPNs on behalf of the Council for offences in relation to littering and dog fouling, determined by Cabinet on the 21st July 2010. Welsh Government (WG) encourages local authorities to enter into such agreements.

- 3.4 In administrating a FPN regime, local authorities must have regard to WG guidance on the use of Fixed Penalty Notices and the Environmental Offences (Fixed Penalties)(Miscellaneous Provisions)(Wales) Regulations 2008. If Police Officers and CSO's are authorised then the responsibility for processing any FPNs issued by them and for prosecuting any unpaid penalties will remain with this Council in accord with the Authority's existing enforcement policy for dog fouling / littering.
- 3.5 Gwent Police have indicated their support to the recommendation for extending the current agreement to enable Police Officers and CSO's to issue Fixed Penalty Notices for breaches of Community Protection Notices and Public Spaces Protection Orders.

4. REASONS:

- 4.1 MCC does not have Wardens and only a small number of enforcement officers and by the nature of their work Police Officers and CSO's are much more likely to come across persons committing these types of offences. Failure to tackle these offences is a concern to residents.
- 4.2 Authorising Police officers and CSO's to issue Fixed Penalty Notices for these offences is an appropriate way for the Council to work in partnership with the Police and one that is encouraged by the Assembly Government.

5. RESOURCE IMPLICATIONS:

Minimal direct costs for printing FPNs. Officer time will be needed to provide consistency training to Police Officers and CSO's and to manage any additional issues arising from their involvement. This will be drawn from existing resources.

6 FUTURE GENERATIONS EVALUATION (INCLUDES EQUALITIES AND SUSTAINABILITY IMPACT ASSESSMENTS):

The proposals set out in this report are considered to make a positive impact in dealing fairly and consistently with breaches of orders which will enhance the community areas suffering from anti-social behaviour. Future Generations Assessment has been produced.

7. CONSULTEES:

Senior Management Team
Cabinet Members
Chairs of Select Committees
Monitoring Officer and Head of Legal Services
Head of Public Protection

Results of Consultation

8. BACKGROUND PAPERS:

Cabinet Report dated 7th September 2016 – Anti-social Behaviour, Crime & Policing Act 2014

9. AUTHOR:

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10. CONTACT DETAILS:

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