
REPORT TO:	COMMUNITY SERVICES COMMITTEE	AGENDA ITEM: 12
DATE OF MEETING:	12 JULY 2001	CATEGORY: DELEGATED/
REPORT FROM:	HEAD OF COMMUNITY SERVICES	OPEN:
MEMBERS' CONTACT POINT:	STUART BATCHELOR	DOC:
SUBJECT:	ANTI SOCIAL BEHAVIOUR ORDERS	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1.0 Recommendations

- 1.1 To approve in principle a Crime and Disorder Partnership protocol for addressing anti-social behaviour in South Derbyshire.
- 1.2 To agree and appoint a local authority official to co-ordinate anti-social behaviour policy from a local authority perspective.

2.0 Purpose of Report

- 2.1 This report seeks Members approval to implement an Anti-Social Behaviour Protocol for South Derbyshire and to designate a local authority officer to co-ordinate anti-social behaviour policy.

3.0 Detail

- 3.1 On 1st April 1999 the Government introduced Anti-Social Behaviour Orders (ASBO's) with the aim of targeting and reducing activity, which disrupts the lives of individuals, families and communities. Their introduction was not an intention to replace the existing measures available to tackle this type of behaviour, but as additional tools to add to the current range of responses available.
- 3.2 ASBO's can be requested for a wide variety of behaviour both criminal and none criminal. This behaviour can be anything from, stopping someone causing noise, nuisance and damage due to drunkenness, to racially aggravated offences of which there is difficulty in obtaining the evidence to take to a criminal court. The level of evidence required in order to obtain an ASBO is not the level required for a criminal court. This being the case, if the ASBO is breached, it becomes a criminal offence, the maximum sentences for which are: -

Summary	up to 6 months imprisonment and or the statutory maximum fine (currently £5 000) or both; and
Indictment	up to 5 years imprisonment or an unlimited fine or both

- 3.3 Over 70 ASBO's were granted in the UK in 2000 in a variety of circumstances, including a number in Derbyshire to reduce drunken behaviour. These have been strongly welcomed by the police, local authorities and the communities they are designed to protect.
- 3.4 In 1999 the Government tasked an Action Group to consider what needed to be done to spread good practice in the use of ASBO's. The Group recommended that each Crime and Disorder Partnership should have an agreed protocol for identified anti-social behaviour and that there should be a designated ASBO Co-ordinator. Also, that there should be a named person in each local authority to co-ordinate action on anti-social behaviour from the local authorities perspective.
- 3.4 These officers should have clear lines of communication with both the local authority chief executive and the area police commander in view of their overall responsibilities for the partnership.
- 3.6 It is intended that the Police Liaison Officer who is part of the Partnership Support Team would act as the ASBO Co-ordinator in South Derbyshire; this has been agreed by the Police.
- 3.7 The process of applying for an Order requires a collation of evidence to give an overall view of the problem. After such evidence is collated, the file is put before the local Magistrates Court for their consideration. In view of this it is felt the designated local authority official should have knowledge of both civil and criminal law. On this basis it is suggested that the Legal and Members Services Manager be the designated local authority officer with the Community Safety Officer being responsible for collating the evidence.
- 3.8 The protocol that has been prepared for the South Derbyshire Crime and Disorder Partnership has been agreed by both the Partnerships Strategic and Steering Groups and will specifically be used by the recently formed Youth, Nuisance and Disorder Action Group to reduce the incidence of anti social behaviour in South Derbyshire.

4.0 Financial Implications

- 4.1 There are no financial implications from this report.

5.0 Conclusions

- 5.1 The use of ASBO's will provide the Crime and Disorder Partnership with a valuable tool for combating some of the behaviour that directly affects the lives of local people.
- 5.2 The protocol will also strengthen working relationships between members of the Partnership and ensure that local problems are dealt with in a united effort.

6.0 Background Papers

- 6.1 File Reference CD6