

## **EXECUTIVE CABINET MEMBER FOR ENVIRONMENTAL SERVICES**

A record of decisions made by the Executive Cabinet Member with responsibility for Environment Services, Community Services, Highways and Transport and Police and Community Safety :-

**MONDAY, 17th NOVEMBER, 2014**

Following consideration of the matters detailed below in the presence of:-

Councillor Peel	Executive Cabinet Member for Environmental Services
Councillor Chadwick	Cabinet Member for Highways and Transport
Councillor Greenhalgh	Major Opposition Spokesperson, Environmental Services
Councillor Haslam	Major Opposition Spokesperson Environmental Services, Highways and Transport
Councillor Hayes	Minor Opposition Spokesperson

### **Officers**

Mr. M. Cox	Director of Environmental Services
Mr. D. Houghton	Head of Service Highways Delivery
Ms. J. Pollard	Head of Strategic Finance and Accountancy
Mr. R. Martinez	Community Safety Manager
Mr. I. D. Mulholland	Principal Democratic Services Officer

### **38. MONITORING OF EXECUTIVE MEMBER DECISIONS**

The Borough Solicitor submitted a report which set out details of the decisions made at previous meetings and the progress on each to date.

**The Executive Cabinet Member NOTED the report.**

### **39. ASSET PROTECTION SCHEME**

The Director of Environmental Services submitted a report which informed the Executive Cabinet Member of the proposal to formally delegate functions and tasks relating to street work duties to Salford City Council to enable a collaborate approach to Asset Protection.

The report went onto explain that a recent pilot between Bolton Council and Salford City Council relating to the coring and testing of statutory undertakers reinstatements within the adopted highway network of Bolton had been a success.

The report set out the details of the proposed ongoing collaborative arrangements in the form of a delegation of duties.

The report also explained that the terms of the agreement had been established by the Council's Legal Services Team in co-operation with Salford City Council's Legal Team.

**Following a recommendation from the Cabinet Member for Highways and Transport the Executive Cabinet Member AGREED –**

- (i) To approve the delegation of the power to carry out investigatory works under Section 72 of the New Road and Street Works Act 1991 and any inspections or works required as a result of such investigatory works to Salford City Council, as detailed in the report; and**
- (ii) To authorise the Borough Solicitor to carry out**

**all legal formalities.**

#### **40. NEW ANTISOCIAL BEHAVIOUR ENFORCEMENT LEGISLATION**

The Director of Environmental Services submitted a report which provided the Executive Cabinet Member with an overview of the new measures for tackling anti-social behaviour contained within the Anti-social Behaviour, Crime and Policing Act, 2014.

By way of background information the report explained that the Anti-Social Behaviour, Crime and Policing Act, 2014 introduced a change to the anti-social behaviour tools and powers available to the Council and its partners and this was the first time those powers had been overhauled since the introduction of the Crime and Disorder Act, 1998.

The report explained that the reforms were designed to put the victims at the heart of the response to anti-social behaviour and intended to give professionals the flexibility they needed to deal with any given anti-social behaviour situation. The Act had streamlined the current tool kit reducing the number of orders from 19 to 6. The Act came into force on 20<sup>th</sup> October, 2014 apart from the Civil Injunction element which was likely to take effect from January, 2015.

The report went onto summarise the new powers in terms of, videlicet –

- Civil Injunction. This was a tenure neutral civil order to prevent anti-social behaviour and nuisance behaviour.
- Criminal Behaviour Order (CBO). An order that could be attached on conviction to any criminal offence.
- Community Protection Notice (CPN). This was intended to deal with particular on-going problems or nuisances which negatively affected the community's quality of life by targeting those responsible.

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- Public Spaces Protection Order (PSPO). A council power requiring consultation with the Police, any appropriate community representative and the owner or occupier of the land.
- Closure Power. A power available to councils and police to close premises which were being used or likely soon to be used to commit nuisance or disorder.
- Dispersal Power. A police only power requiring a person aged 10 years and above to leave an area for up to 48 hours.
- Absolute Grounds for Possession. This increased the grounds of possession for landlords.
- Community Trigger. This gave individuals, organisations of third parties representing reporters of anti-social behaviour the right to request a formal review of how the Community Safety Partnership had responded to the case if a defined threshold had been met.
- Community Remedy. A document published by each local policing body in relation to out of court disposals for cases of anti-social behaviour or criminal offences.

The report went onto explain matters around the local implementation of the Act particularly in relation to working with partnerships and the other AGMA authorities of Greater Manchester. Members were advised that a working Group had been established to ensure a consistent approach across the area.

The report went onto mention about possible financial implications.

In conclusion the report set out details of the actions and decisions that were required in terms of –

- Changes to the Scheme of Delegation and the Enforcement Policy;

- Use of Fixed Penalty Notices – a local agreement. The report highlighted those as a valuable tool and also explained the possible charges and those being proposed in other parts of Greater Manchester; and
- Elements of the Public Space Protection Order regarding restriction on alcohol consumption, access to a public highway and dog control orders.

**The Executive Cabinet Member AGREED -**

- (i) That the new anti-social behaviour powers are adopted by the Council with appropriate amendments to the Council's Scheme of Delegation, officer authorisation and policies and procedures for implementation;**
- (ii) The continued use of Fixed Penalty Notices for non-compliance of a Community Protection Notice and Public Space Protection Order as set out in the report with an upper charge limit of £100.00 and an early payment charge of £75.00;**
- (iii) The transitional arrangements for the Public Space Protection Order which include the following;designated public place orders, gating orders and dog control orders;**
- (iv) Delegate to the Director of Environmental Services, in consultation with the Executive Cabinet Member, to approve the arrangements for the Anti-Social Behaviour Case Review Procedure; and**
- (v) Instruct Officers to prepare an electronic briefing note on the new changes and to arrange a seminar inviting all elected members.**