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## **Safer and Stronger Communities Board Update**

### **Purpose of report**

For information.

### **Summary**

This report provides an update for the Board about developments and activity undertaken on its behalf since March related to a range of policing, crime and community safety issues.

### **Recommendations**

Members are asked to:

1. note the work undertaken on the Board's behalf since March; and
2. provide any comments related to the Board's future work in these areas.

### **Action**

LGA officers to progress as appropriate.

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## **Safer and Stronger Communities Board Update**

### **Background**

1. This paper provides an update on a number of areas of the Board's work related to policing, crime and community safety related matters.

### **Key issues**

#### Metal theft

2. At its last meeting the Board was updated on a number of developments related to tackling metal theft. These included the LGA's lobbying work to replace the Scrap Metal Dealers Act 1964 with a more robust licensing regime for dealers, the government's amendments to the 1964 legislation including forcing traders to move to cashless transactions; and action by the LGA to provide councils with advice and guidance on what they can do under the existing law.
3. Although we had hoped for a Government bill to update the 1964 Scrap Metal Dealers Act, the Queen's Speech in May did not contain a government bill on metal theft. The only way therefore for legislation to be introduced in the new session of parliament would be through a private member's bill.
4. The LGA was therefore keen to encourage an MP near the top of the ballot for private member's bills to put forward legislation and Richard Ottaway, the Conservative MP for Croydon South, who came second in the ballot, quickly agreed to do this. The government have indicated they will support the bill.
5. Mr Ottaway's Scrap Metal Dealers Bill was given its first reading on the 20 June and was supported by a cross-party group of MPs. The bill has not yet been published, but this is due to take place at the time the bill has its second reading. It is anticipated this will be on 13 July. Mr Ottaway provided some details on what his bill will contain when he gave a key note speech at the LGA conference on metal theft held in the middle of June. His bill will:
  - 5.1 introduce a local licensing regime for scrap metal dealers administered and enforced by local authorities
  - 5.2 give councils and the police powers to suspend and revoke licences
  - 5.3 provide for the funding of the new regime through licensing fees
  - 5.4 require all dealers to use cashless transactions and to complete detailed records of their transactions; and
  - 5.5 introduce a single national register of licensed dealers.

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6. The Board's chair, Cllr Khan, met Mr Ottaway ahead of the LGA's metal theft conference to discuss the bill, and the LGA's approach to it. Cllr Khan indicated the Board's support for the bill, and that the LGA was prepared to assist in getting it through both Houses of Parliament. He also went on to outline the LGA's views that any licensing regime needed to provide councils with the flexibility to set their own fees, and the ability to impose local conditions on the licence. In addition Cllr Khan expressed the LGA's reservations about another data reporting requirement on councils suggested by the introduction of a national register. Mr Ottaway explained what he thought were the issues in getting the bill through parliament, and how the LGA might be able to help.
7. The LGA also completed a survey of member authorities on the impact of metal theft on councils in time for the metal theft conference. There were 157 responses to the survey, and it showed that over a third of councils had seen manhole or drainage covers stolen, while nearly a quarter had seen roofing materials stolen. These losses cost councils an average of £26,000 in just the first three quarters of 2011/12, although some councils had seen over £170,000 worth of metal stolen from them. Councils' views were also sought on what measures would need to be taken to reduce metal theft and there was strong support for a licensing regime run by councils, with dealers forced to move to cashless transactions, higher standards of record keeping on dealers, tougher fines and greater powers to close down sites that are trading without a licence.
8. Looking ahead, we will brief MPs before the bill's second reading in mid-July, indicating the impact metal theft has on local authorities and the LGA's support for it. Officers will continue to liaise with Mr Ottaway's office and the Home Office on progress with the bill, and will also consider if any amendments are needed to improve the bill once it is published. The LGA will also produce a councillors' guide to tackling metal theft alongside an expanded and updated metal theft toolkit. The move to cashless transactions required by amendments to the 1964 Act made in the Legal Aid, Sentencing and Punishment of Offenders Act 2012 will come into force in November, although itinerant collectors will, until Mr Ottaway's bill becomes law, be exempt from this provision.

Anti-social Behaviour White Paper

9. In 2010 the Home Office undertook a review of the tools and powers available to councils, the police and other partners to tackle anti-social behaviour (ASB), on the basis that more could be done to reduce it. This led to a consultation in early 2011 on the Home Office's proposals to reduce the current 19 tools and powers available to six. The Board responded at the time to the consultation setting out its broad agreement to the intention to give local areas more freedom and flexibility to tackle ASB, to make the tools available to councils and

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the police easier to use, more effective and cheaper, while also expressing concerns at the detail of how some of the new tools might work.

10. The Home Office finally published its response to the consultation as part of its Anti-social Behaviour White Paper, 'Putting People First', which came out on 22 May. In the White Paper the government emphasises locally designed and driven activity, who will be held to account not by Whitehall, but by local people and communities.
11. A key element in the White Paper is focusing on the needs of victims, and making sure that repeat and vulnerable victims of ASB are identified and partners brought together to manage the high risk cases. It therefore highlights means of managing cases better including the call handling pilots run in eight police forces over the last year, and adapting processes like Multi-Agency Risk Assessment Conferences to manage high risk ASB cases. Where victims of ASB feel their concerns are not being addressed they will be able to take advantage of the proposed community trigger. This would be a high level duty placed on councils, the police, and health services to deal jointly with complaints from the public where no action has previously been taken. Registered social landlords would have a duty to cooperate with the authorities the duty applies to. It would be up to local areas however to decide how they implemented the Community Trigger.
12. The Board raised reservations about the usefulness of a community trigger in its response to the Home Office's consultation last year. As a result the Home Office have moved from a detailed duty to a more high level principle, but the concerns the Board highlighted previously that vulnerable victims tend not to be engaged with public agencies and are therefore less likely to use the trigger still remain.
13. At the core of the White Paper are the proposals to reduce the existing 19 tools to six simple, flexible and adaptable powers. These are:
  - 13.1 A **Crime Prevention Injunction** (CPI) to replace Anti-Social Behaviour Orders. This will be a purely civil order that can be quickly obtained by a range of agencies from the County Court for adults and in the Youth Court for 10-17 year olds. It would be used where an offender had caused nuisance or annoyance. Breach of the injunction would be punishable as contempt of court in the case of an adult, while for a child under 17 it would be dealt with by curfew, activity or supervision requirements, with repeated breaches causing serious harm resulting in custody for up to three months.
  - 13.2 The **Criminal Behaviour Order** would be a new civil order available alongside a conviction which could be requested by the police or council,

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where it would assist in the prevention of harassment, alarm or distress being caused to members of the public. There would be criminal sanctions for breach, with a maximum sentence of 5 years in prison.

- 13.3 Environmental ASB would be dealt with by a **Community Protection Notice**. Councils, the police and social housing providers would be able to issue the notices to deal with a problem affecting the community. It is intended to deal with a range of persistent behaviour issues such as graffiti, littering, dog-fouling, and noise nuisance. Breach of the notice would be a criminal offence punishable by a fine of up to £2,500 or £20,000 for businesses.
- 13.4 Councils will be given a flexible power to deal with place based ASB through a **Community Protection Order (public space)**. It would replace Dog Control Orders, Gating Orders, Designated Public Place Orders, and could only be issued after the council had consulted local residents, the police and the police and crime commissioner. A breach of the order would be a criminal offence with a maximum fine of £1,000.
- 13.5 The police will be given a new flexible **Directions Power** bringing together a range of dispersal powers. It would allow a police officer or Police Community Support Officer to require a person who has committed or is likely to commit ASB to leave an area and not return for 48 hours. There would be no need to designate an area in advance, and could be used on public land or in common areas of private land where the landowner consents. Failure to comply with the direction would be a criminal offence with a maximum penalty of a £2,500 fine and/or three months imprisonment. To ensure accountability data on the use of the power would have to be published and police and crime commissioners would be expected to hold forces to account for its use.
- 13.6 The four premises closure orders will be consolidated into a single order. This **Community Protection Order (closure)** would allow councils or the police to issue an order temporarily closing any property, including licensed premises, businesses and private residences for up to 48 hours if there is a public nuisance or there is likely to imminently be disorder. The council and police would have to apply to the Magistrates Courts after the order comes into force for the court to consider the order and whether to extend it. Breach of the order would carry a maximum fine of £5,000 for individuals or £20,000 for businesses and/or up to 3 months in prison.
- 13.7 Many of the Board's comments on the consultation last year still remain current as the White Paper contains little additional detail to what was available at the start of last year. The on-the-day briefing produced by

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the LGA (set out at **Appendix A**) drew heavily as a result on the Board's submission at the beginning of last year. There are some areas where the Home Office has amended the proposals following our lobbying: with the crime prevention injunction the White Paper states this will be obtained on the civil burden of proof, and the definition of anti-social behaviour will be taken from that for Anti-Social Behaviour Injunctions. Other questions raised in the Board's response to the consultation last year, such as those about when a power of arrest would be attached to the injunction, remain unanswered. Nor is it any clearer, for example, where funding for any of the positive requirements the courts can impose as part of a crime prevention injunction will come from.

14. A date for publication of this draft bill for pre-legislative scrutiny has not been announced, but we expect this to be the autumn.

CCTV Code of Conduct

15. The Protection of Freedoms Act 2012 requires the Secretary of State to prepare a code of practice setting out guidance on the operation of surveillance camera systems, including automatic number plate recognition systems. The code itself will apply initially to councils and the police, but the government is looking to extend it to cover anyone who operates a surveillance camera system. As local authority operated surveillance camera systems probably account for no more than 4 per cent of all UK cameras, the Board has previously supported the extension of the code more widely to drive up standards of operation in all sectors.
16. The Home Office is currently in the process of developing the code, which is to be published later in the year. LGA officers have been involved in discussions with the Home Office on what the code might look like, and ensuring that it compliments rather than conflicts with guidance issued by other regulators such as the Information Commissioner. Officers will continue to engage with the Home Office as the code is further developed over the summer.

Queen's Speech

17. Having anticipated at least two bills of interest to the Board in the Queen's Speech in May (on metal theft and anti-social behaviour), there were no policing or community safety related bills of direct relevance to the Board in the Queen's Speech. The main purpose of the Crime and Courts Bill introduced in the House of Lords in May is to establish the National Crime Agency which will replace the Serious and Organised Crime Agency. The Bill sets out the functions of the Agency of reducing serious and organised crime, and gathering intelligence. The Justice and Security Bill, also introduced into the House of Lords in May, will establish the Intelligence and Security Committee made up of members of

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both House of Parliament and tasked with providing oversight of the Security Service, the Secret Intelligence Service and the Government Communications Headquarters. It will also make changes to what sensitive information is available to courts in civil proceedings.

19. The Enterprise and Regulatory Reform Bill is referenced in the Regulatory Services update paper.