

**Decision Maker:** GENERAL PURPOSES AND LICENSING COMMITTEE

**Date:** Thursday 26 March 2015

**Decision Type:** Non-Urgent Non-Executive Non-Key

**Title:** ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 -  
IMPLICATIONS FOR LICENCED PREMISES

**Contact Officer:** Paul Lehane, Head of Food Safety, Occupational Safety and Licensing  
Tel: 020 8313 4216 E-mail: Paul.Lehane@bromley.gov.uk

**Chief Officer:** Nigel Davies, Executive Director of Environment & Community Services

**Ward:** (All Wards);

---

1. Reason for report

To inform Members of changes to the closure powers in the Licensing Act 2003 introduced by the Anti-Social Behaviour Crime and Policing Act 2014.

---

2. **RECOMMENDATION(S)**

**Members are asked to note the report .**

## Corporate Policy

1. Policy Status: Existing Policy: Licensing Act 2003 Statement of Licensing Policy 2011-2016
  2. BBB Priority: Children and Young People Excellent Council Quality Environment Safer Bromley Vibrant, Thriving Town Centres:
- 

## Financial

1. Cost of proposal: Not Applicable:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: Public Protection & Safety Portfolio Budgets
  4. Total current budget for this head: £2.5m
  5. Source of funding: Existing Controllable Revenue Budget 2014/15
- 

## Staff

1. Number of staff (current and additional): 57.33
  2. If from existing staff resources, number of staff hours:
- 

## Legal

1. Legal Requirement: Statutory Requirement:
  2. Call-in: Not Applicable:
- 

## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Specifically in the context of this report residents and businesses living or working in and around all licenced premises, people using licenced premises, however all residents and businesses could be affected by anti-social behaviour which this Act is designed to tackle.
- 

## Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

### 3. COMMENTARY

- 3.1 The Anti-social Behaviour, Crime and Policing Act 2014, established a new multiagency framework to tackle anti-social behaviour, putting the victim at the centre of all decision making.
- 3.2 The Act came into force on 20 October 2014, and introduced new powers to tackle antisocial behaviour, simplifying 19 existing powers down to six. These are ;-
- 3.3 **1. Civil injunctions** are aimed at preventing individuals from engaging in ASB. These are available to the Council, Police and housing providers amongst others.
- 3.4 **2. Criminal Behaviour Orders** are issued by a criminal court to people convicted of an offence, to prevent them from engaging in anti-social behaviour
- 3.5 **3. Dispersal powers** enable police and police community support officers to direct people committing or likely to commit anti-social behaviour, crime or disorder to leave a public place for up to 48 hours.
- 3.6 **4. Community Protection Notices (CPN)** are designed to deal with environmental anti-social behaviour which spoils the quality of life for a community, which could include the state of a premises, noise emitting from machinery, noise caused by a vehicle or insects emanating from a business premises. CPNs may be used against individuals as well as organisations and businesses. A breach of a CPN is a criminal offence and may carry fine of up to £20,000 for businesses or £2,500 for individuals. Local authorities (and social landlords if designated by the council) may issue CPNs, as may police officers and police community support officers.
- 3.7 **5. Public space protection orders (PSPO)** are designed to stop individuals or groups from committing anti-social behaviour in a public space. This can include restrictions on consuming alcohol in a public place or controlling the presence of dogs such as excluding them from playgrounds or restricting the number of dogs that can be walked by one person at any one time. Local authorities can issue a PSPO after consultation with the police (this is likely to be at Borough Commander level in London), and other relevant bodies. Council officers may enforce PSPOs, a breach of which is a criminal offence. Importantly, more than one restriction can be added to the same PSPO that means that, a single Order can deal with a wider range of behaviours than the orders it replaces.
- 3.8 **6. Closure powers** allow the local authority or police to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder. This power can be used for up to 48 hours out of court and is intended to cover a wide range of behaviours in a quick and flexible way. A breach of a closure notice is a criminal offence. Following a Closure notice an application must be made to the Magistrates Court for a Closure Order which could lead to a 3 month closure.
- 3.9 Of the six powers available under the Act, Community Protection Notices, Closure powers are specifically applicable to licenced premises, whilst Public Space Protection Orders could be used where the consumption of alcohol in a public place is causing anti-social behaviour.

The Act introduces two new measures which are designed to give victims and communities a say in the way anti-social behaviour is dealt with. These are:

- The **Community Trigger**, which provides a gateway for victims to demand action, starting with a review of their case, if the local threshold is met.
- The **Community Remedy** gives victims a say in the out-of-court punishment of perpetrators for low-level crime and anti-social behaviour.

### The Community Trigger

- 3.10 The purpose of the Community Trigger is to give victims and communities the right to request a review of their case and bring agencies together to take a joined up, problem solving approach to find a solution. It places this duty on the relevant bodies, which are defined as local authorities, police, Clinical Commissioning Groups (CCG) and registered social housing (RSL). The trigger can be used by any person of any age and should be as accessible as possible to all the community.
- 3.11 On receipt of a request to use the community trigger the relevant bodies must decide whether the threshold has been met and communicate this with the complainant.
- 3.12 If the threshold is met, a case review will be undertaken by the partner agencies. Agencies must share the information related to the case, review any previous action taken in response to the complaint, and set out any additional action which has been identified. The local authority Community Trigger procedure should clearly state the timescales in which the review will be undertaken. The complainant must be informed of the outcome of the review and if additional action had been decided an action plan should be discussed with the complainant, including timescales.
- 3.13 The threshold required to trigger the review has been set across London as three complaints made to the police, the local authority or an RSL about separate incidents in the previous six months. The applicant will have to demonstrate a perception that no action has been taken following these complaints.

### The Community Remedy Document

- 3.14 The Community Remedy Document gives victims a say in the out of court punishment of perpetrators for low-level crime and anti-social behaviour. It is a police function.
- 3.15 MOPAC has consulted on the list below, which is purposefully conceptual as specific items will be subject to local availability.
- Apology (face-to-face or by letter)
  - Agreement (e.g. acceptable behaviour contract, parenting contract)
  - Structured diversionary activity such as educational/training courses (self-funded or otherwise)
  - Targeted intervention – alcohol treatment or anger management courses
  - Restorative Justice or mediation – third party to bring together both parties to reach common agreement
  - Reparation direct to the victim for any damage caused (financial or otherwise)
  - Reparation direct to the community (unpaid work for a limited time)

### **Closure Notice - TIME – 1- 4 Southend Road Beckenham**

- 3.16 The Police used their power of closure under this Act for the first time on Saturday 24 January 2015 following incidents of disorder in and around the club. The closure notice was for 24 hours from 20.00 to 20.00 on Sunday.
- 3.17 The closure followed a serious incident involving customers fighting within the premises and the lack of response from staff when matters escalated. A male who had been in the premises was found in a very poor condition slumped on the floor in Southend Road which required Emergency Medical intervention. Another male who was found slumped in a graveyard (drunk) was being brought back to the premises by a member of bar staff. When Police asked the member of staff to take him to the premises and sit him down because they were dealing with

the serious injured male, the member of staff refused and leaving the person with Police causing further difficulties for them. After the incident, Police attended the premises and spoke with the DPS, who was not helpful and did not co-operate with the Police.

3.18 Following this the Police considered a formal Review of the Licence under the Licensing Act 2003. The licence holder and DPS were interviewed and a package of minor variations to the licence were agreed which satisfied the Police and achieved what would have been sought through a full Review. These included

1. An occupancy limit of 300
2. Improved CCTV
3. Installing photographic ID computer based entry system
4. Revised drugs policy
5. Developing a dispersal policy
6. Keeping an incident log
7. Min number of door staff
8. Developing and implementing a search policy
9. Supporting reasonable crime prevention initiatives
10. DPS or a personal; licence holder to be present at all times during hours of operation.
11. No one under 21 years of age to be allowed on the premises after 19.00
12. to adopt a 'Challenge 25' scheme.

The DPS was subsequently changed.

**4. POLICY IMPLICATIONS**

4.1 The actions of the police, Council and licence holder sought to promote the licensing objectives

**5. LEGAL IMPLICATIONS**

5.1 The Council is required to enforce the provisions of the Anti-social Behaviour, Crime and Policing Act 2014 and promote the four licensing objectives set out in the Licensing Act 2003 in its decision making.

<b>Non-Applicable Sections:</b>	<b>FINANCIAL AND PERSONNEL IMPLICATIONS</b>
Background Documents: (Access via Contact Officer)	Anti-social behaviour, Crime and Policing Act 2014, Licensing Act 2003 . Closure Notice dated 24 January 2015 served on Time 1-4 Southend Rd