

Select Committee on Community Safety and Community Services – 17th March, 2011

Report of the Director of Corporate Resources

Section 17 Crime and Disorder Act 1998

Purpose of Report

1. To explain the work of the Directorate of Corporate Resources in response to the Crime and Disorder Act 1998.
2. The Corporate Resources Directorate is a newly created directorate, which encompasses the Finance and Law Property and Citizenship Directorates.

Background

3. Section 17 of the Crime and Disorder Act 1998 requires each Local Authority Directorate to “exercise its various functions with due regard to the likely effect of the exercise of those functions on and the need to do all that it reasonably can to prevent crime and disorder in its area.” The definition of Section 17 was amended by the Police and Justice Act 2006 which states that:

‘Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all it reasonably can to prevent,

- a) Crime and Disorder in its area (including anti social behaviour and other behaviour adversely affecting the local environment) and,
- b) The misuse of drugs, alcohol and other substances in its area.’
4. The discharge of this responsibility is incorporated within the Directorate’s Strategic Plan and where appropriate divisional business plans have specific actions to address issues relating to Crime and Disorder. This includes the Community Safety, Licensing and Prosecution teams of the Law and Governance Division.
5. The Community Safety Team in the Law and Governance Division support the work of both Housing Management and the Community Safety and Substance Misuse section in the Chief Executive’s Directorate.

6. In cases where council tenants are in breach of their tenancy, the team issue statutory notices prior to court action. The breaches can include noise nuisance, anti-social behaviour, rent arrears and refusal to allow access to the property for annual statutory gas safety checks. A number of these cases are resolved without further action but where necessary the team issue possession proceedings in the County Court, obtain possession orders, vary existing possession orders and take action for breach of postponed possession orders.

Date	Number of Notices	Number of Possession Proceedings	Number of Successful Possession Orders
01/04/2010 – 31/12/2011	76	21	18

7. Legal Housing Officers, within the team, take a pro-active role with Housing Services through the Housing Advice Surgeries. Following the identification of issues involving council tenants, they will assist in the drafting of warning letters and conduct mediation meetings, either at the Housing office or at tenants' properties. This work often negates the necessity for the matter to proceed to formal legal action. If formal legal action is to be pursued the Legal Housing Officers take statements of evidence from the tenants who have complained and support them throughout the legal process. The solicitors are also involved in drafting the appropriate court proceedings.
8. They apply for Anti-Social Behaviour Orders, Anti-Social Behaviour Injunctions and advise on Acceptable Behaviour Contracts. These can be stand alone orders applied for in the Magistrates' Court or as part of possession proceedings in the County Court.
9. On the 7th of February 2011, the government announced plans for a new streamlined approach to anti-social behaviour. They have launched a consultation programme on replacing 18 of the formal powers currently available which includes the abolition of Anti-Social Behaviour Orders.
10. The Licensing Section is responsible for the Licensing of Taxis and Private Hire, Liquor and Gambling together with a number of other licences. They work in partnership with the Police, Trading Standards and Environmental Health on initiatives to prevent the underage sales of alcohol and the associated anti-social behaviour.
11. In addition the section leads on the Licensing Forum which also includes the above partner agencies. The purpose of the Forum is to share information and formulate joint actions where issues of anti-social behaviour, noise nuisance and breaches of licence have been identified at licensed premises.

12. One of the initiatives is to arrange a joint enforcement visit to any premises where such issues have been identified. The officers will advise the licensee of the concerns and discuss and agree how they may be resolved. Following the visit, the licensing section, send a letter to the licensee setting out the points that were discussed, the agreed actions and highlighting that failure to resolve the issues could lead to a review of the premises licence by the Licensing and Safety Committee. This course of action has proved successful in the majority of cases, with a minority of premises being referred to the committee for review.

13. The Licensing and Safety Committee hear applications in relation to Premises Licences and Club Certificates for the grant/transfer/variation and licence review, where representations have been received. These applications primarily concern noise nuisance and associated anti-social behaviour and off-licence premises, where there have been convictions for underage sales. If, after hearing all the evidence, the committee find that there is a case to answer they can make the following decisions:-

- Refusal to grant the licence/transfer/variation
- Grant the licence with additional and bespoke conditions
- Attach additional bespoke conditions to the licence
- Revoke the licence.

13. The Taxis Committee consider application/review of licence for private hire and hackney carriage driver's and private hire operator licences where applicants have recorded convictions against them, medical issues and complaints from the public. To assist the committee there are guidelines which list categories of offences together with a sanction starting point. By way of example:-

- A person who has been disqualified from driving as a result of a drink driving offence must show at least three years free from convictions or five years if more than one offence is recorded, after the restoration of their driving licence, before their application will be considered.
- If an existing licence holder has been convicted the starting point is revocation.
- If an applicant for the grant of a licence has a conviction recorded against them the starting point is refusal.
- An applicant with a conviction for a drug related offence should be required to show a period of three years free of convictions before an application is considered, or five years if there is more than one current conviction or after detoxification treatment if the applicant is an addict.
- If an existing licence holder has been convicted the starting point is revocation.
- If an applicant for the grant of a licence has a conviction recorded against them the starting point is refusal.

In both cases an applicant may also be requested to undergo drug and alcohol medical tests if thought appropriate.

14. The Corporate Litigation section support and undertake prosecutions for all the Directorates of the Council, particularly in relation to noise nuisance, breaches of liquor licences, enforcement of bye laws, bill posting, fly tipping, underage sales including alcohol, cigarettes and fire works, truancy, smoking in non prescribed places, and tidy up notices in respect of unkempt premises.
15. The Benefits team and Corporate Litigation work closely together in relation to the prosecution of benefit fraud. These two teams are now both part of the Corporate Resources Directorate.
16. Strategic Asset Planning manage the central Council House campus in Dudley. Part of their work is to ensure that concerns in relation to crime and disorder raised by staff or visitors are addressed. Recent examples include the installation of security shutters to vulnerable windows and working with services to improve the security of receptions and other areas where staff meet members of the public. Additionally, staff are given regular advice on how they might improve their own and the security of their workplace through simple measures, such as, being attentive to windows left open, doors being propped open and the possible risks in working alone in offices.
17. The CCTV Control Room is part of the Customer Services Division and responds to section 17 of the Crime and Disorder Act 1998 with the following aims and objectives:-
 - To help reduce the fear of crime;
 - To help deter crime;'
 - To help detect crime and provide evidential material for court proceedings;
 - To assist in the overall management of the Dudley Borough Town Centres;
 - To enhance community safety, assist in developing the economic well being to the Dudley Borough area and encourage greater use of the town centres and shopping malls etc.
 - To assist in Traffic Management
 - To assist in supporting civil proceedings which will help detect crime.
18. There are 132 CCTV cameras situated in the control room constantly recording images throughout the Borough. The control room operates 24 hours a day and 365 days a year pro-actively monitoring the recorded material. To protect the integrity of this material access to the control centre is restricted.
19. CCTV operators work closely with the police and the Dudley Borough Crime Partnership to both prevent and detect crime. In addition the team respond to requests made under the Data Protection Act to review footage for the purposes of the;-
 - prevention and detection of crime;
 - apprehension and prosecution of offenders
 - collection of any tax or duty or
 - any imposition of a similar nature.

Requests are regularly received from the Police in association with crime related incidents, the Directorate of the Urban Environment in relation to fly tipping, Licensing Enforcement Officers in relation to illegal taxi operators and insurance companies investigating fraudulent insurance claims.

Finance

20. The work outlined in paragraphs 5 to 19 above are financed within the existing budget of Law and Governance.

Law

21. The report outlines the Corporate Resources Directorate response to Section 17 of the Crime and Disorder Act 1998.

Equality Impact

22. This report takes into account the Council's policy on equal opportunities.
23. A wide range of the activities covered in this report will have an impact on young people.
24. There has been no consultation or involvement of children and young people in the compiling of the report.

Recommendation

25. That the committee notes the work undertaken by the Corporate Resources Directorate.



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DIRECTOR OF CORPORATE RESOURCES

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List of Background Papers