

Safer Stronger Communities Select Committee			
Title	Introduction to Public Protection and Safety		
Key Decision	No	Item No.	6
	All		
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Class	Part 1	Date: 19 September 18	

1. Introduction

- 1.1 The report provides information about the Local Authority's role within the Crime and Disorder act / other relevant legislation and the services which are delivered by the Public Protection and Safety division of the Council as requested by the committee.
- 1.2 The services delivered within the division are as follows (those in bold are those relevant to the Safer Stronger Select Committees remits):
- **Youth Offending Service (YOS)**
 - **Crime enforcement and Regulation (CER)** which includes ASB, hate crime, and gender based violence, Licensing, Trading Standards, Public health nuisance including noise and pests, enforcement action as required, crack house closures, joint responses to problems related to crime and disorder with other partners, CCTV, governments response to radicalisation and counter terrorism and extremism, and serious violence unit. Undertakes welfare assessments for unauthorised encampments and is the main link with policing,
 - Food standards and safety
 - Environmental protection including contaminated land and air quality.
 - Commissioning supported accommodation for vulnerable groups including children, Learning disability, mental health and single homeless
 - Commissioning public health including **drugs and alcohol**, weight management, smoking cessations, sexual health, etc
- 1.3 The information contained in this report is open to the public.

2. Recommendation

Members are asked to note the contents of the report.

3. Legislative requirements

- 3.1 **The Crime and Disorder Act** was introduced in Parliament in 1998. Its key areas were the introduction of Anti-Social Behaviour Orders (The provisions of the 1998 Act have since been modified by the Anti-social Behaviour Act 2003.) , Sex Offender Orders, Parenting Orders, granting local authorities more responsibilities with regards to strategies for reducing crime and disorder, and the introduction of law specific to 'racially aggravated' offences. The Act also abolished rebuttable presumption that a child is doli incapax (the presumption that a

person between ten and fourteen years of age is incapable of committing an offence) and formally abolished the death penalty for the last offences carrying it, namely treason and piracy.

The Anti-Social Behaviour Act 2003 is an Act of the Parliament. As well as strengthening the anti-social behaviour order and Fixed Penalty Notice provisions, and banning spray paint sales to people under the age of 16, it gives local councils the power to order the removal of graffiti from private property.

It also specifically addresses

- Class A drug, supply, distribution or production premises closure orders (Crack House closures)
- Antisocial behaviour closure orders
- Antisocial Behaviour Injunctions (ASBIs)

Part II ("Housing") amended housing legislation to require social housing organisations to adopt and publish policies on anti-social behaviour. It also strengthens the power of registered social landlords (RSLs) to take action against tenants who cause nuisance or annoyance to neighbours.

- Parenting orders- Part III ("Parental responsibilities") amends 'parenting orders', which were introduced by the Crime and Disorder Act 1998. These are intended to specify steps parents must take to control their children. It also introduces 'parenting contracts', which are mainly intended to cover child truancy.
- Dispersal zones- Part IV ("Dispersal of groups etc.") gives the police powers to disperse groups of two or more persons in any public place if their presence "has resulted, or is likely to result, in any members of the public being intimidated, harassed, alarmed or distressed". There is also a power for a police officer (or PCSO) to accompany any unaccompanied person of under 16 to their home between the hours of 9 pm and 6 am.
- Firearms - Part V ("Firearms") amends the Firearms Act 1968 to make possession of an airgun or an imitation weapon in public an offence. The sale of imitation firearms was further limited by section 36 of the Violent Crime Reduction Act 2006 (VCRA) which made sale of realistic imitation firearms (RIF's) an offence.
- The environment- Part VI ("The Environment") contains a selection of miscellaneous provisions. It gives councils power to serve a closure order on premises causing public nuisance by noise. Councils also now have the power to serve a graffiti removal notice on the person in control (usually the owner) of any surface that is street furniture (street furniture is, usually a telephone box, letterbox, bus stop) where graffiti has been applied.
- Raves and travellers- Part VII ("Public Order and Trespass") amends the Criminal Justice and Public Order Act 1994 in two main ways. First, the definition of a 'rave' is amended so that only 20 people, rather than 100 must be present. Second the powers of police to move unauthorised travellers' sites are strengthened. This Part also amends the provisions of the Public Order Act 1986 concerning public assemblies. The earlier Act gave the police power to intervene if a public assembly of 20 or more people appeared likely to cause 'serious public disorder, serious damage to property or serious disruption to the life of the community'. This Act reduces the number to two.
- High hedges - Part VIII ("High Hedges") is in response to concerns about hedges, typically of Leyland Cypress plants, which can grow to 6 metres or more in height, sometimes cutting out light for neighbours.
- Miscellaneous

3.2 **The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO)** is a statute of the Parliament of the United Kingdom, creating reforms to the justice system.

Among other measures, the act:

- gives courts greater discretion to issue conditional discharges for young person's pleading guilty to a first offence
- creates a "single remand framework" for the use of secure remand for children and young people; transfers the cost of remand arrangements to local authorities; creates new conditions that must be met before a child or young person is remanded into custody
- expands Youth Rehabilitation Orders (YROs) to allow longer curfew hours, single duration extensions of six months; increases the maximum fines for breaches; and allows courts to order a period of supervision instead of custody following a breach
- abolishes the Legal Services Commission, a non-departmental public body, and replaces it with the Legal Aid Agency, a new executive agency of the Ministry of Justice
- removes financial support for most cases involving housing, welfare, medical negligence, employment, debt and immigration
- creates a new offence of squatting in a residential building, with a maximum punishment of 51 weeks' imprisonment, a fine not exceeding level 5 of the standard scale (£5,000), or both; and amends the Police and Criminal Evidence Act 1984 to allow the police to enter and search such a building if they suspect someone to be squatting in it
- brings the sentencing starting point for murders caused by hate on the grounds of disability or transgender to 30 years, to be in line with other types of hate crime
- modifies the Crime (Sentences) Act 1997 to allow the Secretary of State to deport foreign nationals serving indeterminate prison sentences, once they have served the minimum term

3.3 **The Licensing Act** was agreed by Parliament in 2003. The Act establishes a single integrated scheme for licensing premises in England and Wales which are used for the sale or supply of alcohol, to provide regulated entertainment, or to provide late night refreshment. Permission to carry on some or all of these licensable activities is now contained in a single licence — the premises licence. Responsibility for issuing licences rests with local authorities.

Key measures contained in the Act include:

- Flexible opening hours for licensed premises, with the potential for up to 24 hour opening, seven days a week, will now be available. As well as the flexibility, the granting of these new type of licences is to be, for the first time, subject to consideration of the impact on local residents, businesses, and the expert opinion of a range of authorities in relation to the licensing objectives. This flexibility is intended to minimise public disorder resulting from a set closing time whereby numerous intoxicated individuals may leave licensed premises simultaneously at 23:00. It is also an effort to decrease the culture of "binge-drinking".
- Single premises licences. The single integrated premises licence, bringing together the six existing licensing regimes (for alcohol, public entertainment, cinemas, theatres, late night refreshment houses, and night cafés) with the intention of cutting down on bureaucracy and simplifying such provision.
- Personal licences. A new system of personal licences relating to the supply of alcohol is to be introduced. This will enable licence holders to move more freely between premises where a premises licence is in force than is currently the case.

- Licensing Committee- Each local authority must set up a Licensing Committee with between ten and fifteen members.

Licensing objectives

The Licensing Act sets out four licensing objectives of no preferential order which must be taken into account and adhered to. They are:

- The prevention of crime and disorder,
- public safety,
- prevention of public nuisance, and
- the protection of children from harm
- (In Scotland there is a fifth licensing objective - protecting and improving public health)

Licensable activities

- the retail sale of alcohol,
- the supply of alcohol in clubs,
- the provision of late night refreshment, and
- the provision of regulated entertainment

"Regulated entertainment" is defined as:

- a performance of a play,
- an exhibition of a film,
- an indoor sporting event,
- a boxing or wrestling entertainment (both indoors and outdoors),
- a performance of live music,
- any playing of recorded music, or
- a performance of dance

3.4 **Environmental protection Act** provides provisions around contaminated land, air quality and statutory nuisance which includes:

- Any premises in such a state as to be prejudicial to health or a nuisance;
- Smoke emitted from premises so as to be prejudicial to health or a nuisance;
- Fumes or gases emitted from premises so as to be prejudicial to health or a nuisance;
- Any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance;
- Any accumulation or deposit which is prejudicial to health or a nuisance;
- Any animal kept in such a place or manner as to be prejudicial to health or a nuisance;
- Noise emitted from premises so as to be prejudicial to health or a nuisance; and
- Noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment on a highway, road, footway, square or court open to the public.

Other responsibilities includes the Consumer Protection from Unfair Trading Regulations 2008, the Consumer Protection Act 1987, the Consumer Credit Act 1974, the Food Safety Act 1990, the Price Marking Order 2004 and the Consumer Rights Act 2015. Recent priorities include prevention of sales of counterfeit goods, sales of tobacco and alcohol to under-age buyers, and action to prevent exploitation of vulnerable consumers by scams and doorstep crime.

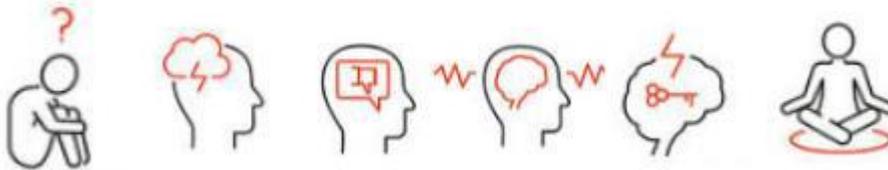
4. Local authority responsibilities

Each Local Authority in England and Wales was given the responsibility to formulate and implement a strategy to reduce crime and disorder in their area. The Act also requires the local authority to work with every police authority, probation authority, Strategic health authority, social landlords, the voluntary sector, and local residents and businesses. Known as Crime and Disorder Reduction Partnerships (CDRPs) in England, and Community Safety Partnerships (CSPs) in Wales, the Home Office may require any Partnership to supply details of their community safety arrangements. It also has responsibility for undertaking food safety and standards inspections in line with the food Standards Agencies code, as well as directly responsible for licensing, trading standards, public health nuisance, contaminated land and air quality.

5. The Public Protection and Safety Division

- 5.1 **The Youth Offending service:** this is a multi-agency service working directly to young people who have come through the criminal justice system and seeks to divert them from further offending through the use of out of court disposals, or through a trauma informed, restorative approach and interventions for those receiving a court disposal.

Lewisham Youth Justice Delivery Model



Lewisham YOS is recognised by the Department of Education Innovation Unit as a Trauma-informed service offering:

- Consistent and meaningful contact and trusting relationships
- ‘Voice’ of young person heard
- Removal of bias labelling and re-victimisation
- Moving to secure, organised attachments
- Reducing fear through reduced stress/anxiety
- Partners co-delivery of the approach
- Monthly 1-1 clinical supervision for staff
- Co-production and case formulation
- Intensive and consistent practitioners
- Interventions that process trauma to manage behaviour

The service works closely with all partners to support access to Education, training and employment, accommodation support, and transition to adult services as required.

- 5.2 **The CER Service** covers a wide range of services including ASB, hate crime, and gender based violence, Licensing, Trading Standards, Public health nuisance including noise and pests, enforcement action as required, crack house closures, joint responses to problems related to crime and disorder with other partners, CCTV, governments response to radicalisation and counter terrorism and extremism, and serious violence unit. The Service undertakes welfare assessments for unauthorised encampments and is the main link with policing.

The Service works closely with partners to tackle issues immediately where possible and / or look to provide a more long term solution to issues in a geographical area. The Problem

Solving Process focuses on a multi- agency response to resolving issues that affect communities examples include ASB, statutory noise nuisance. Brothels, street drinking causing harm or distress, etc. officers apply a risk based approach as well as using a multi skilled approach such as mediation, resolution, restorative, and enforcement where needed. The officers are multi skilled in ASB, Licensing, Statutory nuisance and Trading standards and can deploy their skills appropriate to the issues which are often multi-faceted in nature.

Officers also coordinate a gender based violence response, which includes a commissioned service, Domestic Violence MARAC (multi Agency Referral and Assessment Conferencing) as well as delivering a strategic response to this issue.

Officers deliver direct services, advice and training to schools and case management in relation to Prevent (the Governments response to radicalisation). There is direct officer response to countering extremism and hate crime which includes influencing and creating community dialogue with communities about these issues and how to seek support.

Officers work directly with those involved in organised criminal networks dealing drugs and gangs of all ages to work to help them leave criminality and the risks associated. These officers work with specialist police units and other relevant partners to provide advice, support or enforcement as appropriate.

The CCTV system is currently a 24/7/365 service for public realm cameras as well as some cameras for Lewisham Homes. The system provides reassurance and assists police as required. There is some mobile capability which is also used when issues arise and an assessment of risk determines its deployment.

Commissioning drugs and Alcohol services. Currently there are commissioned services to support residents into treatment for drugs and alcohol support services. These services include a range of treatment offers including medication management, psychological support, and health support. There is also an after care offer to help support and prevent relapse as well as a strong peer support network and proactive service users council. There is a specific offer to support offenders with drugs and alcohol needs and in reach into prison and the police station as required.

6. **Interface with partners**

Through the above actions, interventions and services the Local Authority works closely with the police, National Probation Service, Community rehabilitation Service, fire , health partners, and the voluntary and community sector. The delivery of the Community Safety Partnership is led by the Local Authority with all Partners contributing to its annual strategic needs assessment and annual agreed strategic partnership annual plan. Please see 'A Safe Plan 2018-19'

[https://www.lewisham.gov.uk/mayorandcouncil/aboutthecouncil/strategies/Documents/A%20Safe%20Lewisham%20%20%20A%20Plan%20for%2018%2019%20\(08_05\)1.pdf](https://www.lewisham.gov.uk/mayorandcouncil/aboutthecouncil/strategies/Documents/A%20Safe%20Lewisham%20%20%20A%20Plan%20for%2018%2019%20(08_05)1.pdf)

The delivery and joint agreed approach to tackling crime and disorder in Lewisham has been a strength with a clear vision and agreed actions by all.

7. **Summary**

There is a significant direct delivery of services to residents and businesses undertaken by the Council Services with all working hand in hand with key partners. There is also a significant strategic role which is led by the Senior management team with key senior partners. The work is focused at delivering on the statutory requirements but also on tackling issues that affect people the most considering victims at the heart of the approach as well as understanding risk, harm and vulnerability of those involved in offending.

The high level of partnership working at operational and strategic level has been developed over many years and its strong foundation enables trust between partners, flexibility to support each other and openness to make changes as required.

8. Legal Implications

8.1 Section 19 of the Police and Justice Act 2006 places an obligation upon Local Authorities to have a committee which scrutinises crime and disorder within its area.

8.2 Within the context of the powers of this committee, the section provides that it should have the power to “ (a) review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities for example, police and other relevant partner agencies of their crime and disorder functions; (b) to make reports or recommendations to the local authority with respect to the discharge of those functions.”

Further, where this committee makes a report or recommendations it shall provide a copy — (a) to each of the responsible authorities, and (b) to each of the persons with whom, and bodies with which, the responsible authorities have a duty to co-operate under section 5(2) of the Crime and Disorder Act 1998 (“the co-operating persons and bodies”).

8.3 The Local Government Act 1999 places a duty on the local authorities to secure continuous improvement in the way its functions are exercised having regard to the combination of economy, efficiency and effectiveness.

9. Financial Implications

There are no financial implications arising from this report for the Council.

10. Environmental Implications

Specific environmental implications of crime and disorder are reviewed annually through the strategic assessment process and appropriate action taken as required.

11. Equalities Implications

Equalities implications are considered throughout the annual assessment.

12. Crime and Disorder Implications

12.1 Section 17 of the Crime and Disorder Act 1988, as amended places a duty upon Local Authorities to consider crime and disorder implications and in particular, “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.” This

statutory obligation is the same for the Authorities “responsible partners” too. The level of crime and its impact is influenced by the decisions and activities taken through the day-to-day functions of local bodies and organisations.

- 12.2 Responsible authorities are required to provide a range of services in their community from policing, fire protection, planning, consumer and environmental protection, transport and highways. They each have a key statutory role in providing these services and, in carrying out their core activities, can significantly contribute to reducing crime and improving the quality of life in their area.

For further information on this report please contact Geeta Subramaniam-Mooney, Head of Public Protection and Safety, Directorate for community services on 0208 314 9569.