

Borough Council anti-social behaviour co-ordinator. The ASBAG performs a full self-evaluation and review every 12 months.

Contact

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Other considerations

Local authorities have a duty under the NHS and Community Care Act 1990 to assess any person who may be in need of community care services. If there is any evidence to suggest that the person against whom the order is being sought may be suffering from drug, alcohol or mental health problems or an autistic spectrum disorder, the necessary support should be provided by social services or other support agencies. Such support should run parallel with the collection of evidence and application for an order, where an application for an order is deemed necessary. This ensures that the court can balance the needs of the community with the needs of any alleged perpetrator.

From December 2006, provisions in the Disability Discrimination Act 2005 will come into force which make unlawful discrimination by a public authority in the exercise of public functions. There are some exemptions for listed persons and certain acts including (in broad terms) legislation, prosecution and judicial acts. However, the new prohibition of discrimination covers functions carried out, for example, by local authorities and the police. The definition of discrimination includes, in some circumstances, not making a reasonable-adjustment to the way a function is carried out. Chapter 11 of the guidance, which the Disability Rights Commission will issue shortly (entitled *Code of Practice - Rights of Access: services to the public, public authority functions, private clubs and premises*) includes advice on how the Act now impacts on those carrying out public authority functions. It will be available on the Commission's website ([www.drc.org.uk](http://www.drc.org.uk)).

Statutory consultation requirements

Section 1E of the Crime and Disorder Act 1998 (as amended by section 66 of the Police Reform Act 2002) sets out the consultation requirements for agencies applying for orders.

These are that:

the police and local authorities must consult each other; and

the British Transport Police (BTP), registered social landlords, housing action trusts and any other person or body designated by the Secretary of State as a relevant authority must consult both the local authority and the police force for the area.

Consultation takes place with the authority or force whose area includes the address where the subject of the order resides or appears to reside. Each district or borough council and police division/basic command unit should have a nominated contact. Care should be taken (where the local authority is the applicant) that if the subject is under local authority care there is no conflict of interest. They must ensure that the social worker involved in the case is consulted. Where a young person is the alleged perpetrator, the YOT should be consulted.

Consultation is required to inform the appropriate agency or agencies of the intended application for the order and to check whether they have any relevant information. The agencies must take into consideration at the earliest possible opportunity the relevant information necessary to apply for an individual support order or a parenting order.

Information on these is contained in a separate section on children and young people.

Where the partnership working arrangements recommended in earlier paragraphs are in force, they will normally satisfy (and exceed) the statutory requirement for consultation,

The statutory requirement for consultation does not mean that the agencies must agree

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