

Consideration	
Public/Non Public	Public
Report to:	Strategic Resources and Performance
Date of Meeting:	3 September 2014
Report of:	Nottingham Crime & Drugs Partnership
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Agenda Item:	6

Anti-social Behaviour Community Triggers

1. Purpose of the Report

- 1.1 To update the Police and Crime Commissioner, the Chief Constable of Nottinghamshire Police and partners on the progress made in the city and county towards implementing the Community Trigger in relation to carrying out an Anti-social Behaviour (ASB) Case Review.¹

2. Recommendations

- 2.1 To note the content of the report and provide constructive feedback to inform the further development of a draft ASB Review Procedure.

3. Reasons for Recommendations

- 3.1 The Anti-social Behaviour, Crime and Policing Act 2014 received royal assent on 13 March 2014 and the provisions will become effective from 20 October 2014. The ASB Transition Group, Chaired by Peter Moyes, Director of Nottingham Crime & Drugs Partnership (CDP) is a multi-agency group of officers who are developing practical proposals for the consistent implementation of the legislation in the city and county.
- 3.2 The Community Trigger is defined in the Act² as being a requirement of the relevant bodies in a local government area to carry out a review of the response to anti-social behaviour where a person has made a complaint about anti-social behaviour and (a) that person, or any other person makes an application for such a review, and (b) the relevant bodies decide that the threshold for a review is met.
- 3.3 The Act³ states that the relevant bodies in each local government area must produce a Review Procedure which describes the arrangements for carrying out ASB Case Reviews by those bodies and ensure that the Review Procedure is published. The Act goes on to stipulate a number of specific

¹ s104 (1) Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) Part 6

² s104 (1) Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) Part 6

³ s104 (2) Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) Part 6

requirements that the ASB Review Procedure must contain⁴ (including what is to happen where an applicant is dissatisfied with the way in which the relevant bodies have dealt with an application for an ASB Case Review or has carried out an ASB Case Review and the assessment and review of Review Procedures).

- 3.4 The ASB Transition Group is developing a consistent approach to the implementation of the Community Trigger across the city and county. Activity has centred around the following areas of work:
- Determining the appropriate point of contact for an applicant to request an ASB Case Review;
 - Agreeing the Thresholds for the Trigger;
 - Determining who will undertake a preliminary review of whether the threshold has been met;
 - Determining who will arrange the review panel including administrative and chairing arrangements;
 - Producing a Review Procedure; and
 - Determining how the entitlement to the Community trigger and the Review Procedure will be publicised.
- 3.5 Whilst a consensus among partners has been reached in relation to some aspects of the process and procedures, the ASB Review Procedure has not yet been fully agreed and there are still some aspects of the work that need to be finalised. On this basis a draft ASB Review Procedure has not been submitted to the Police and Crime Commissioner for consultation but will be shared when a draft Review Procedure document and process map are ready for comment.
- 3.6 The ongoing development of the ASB Review Procedure is based on the joint work that partners have undertaken in developing a consistent approach to the implementation of the Community Trigger.

4. Summary of Key Points (this should include background information and options appraisal if applicable)

Background

- 4.1 For the purpose of the Community Trigger, anti-social behaviour means behaviour causing harassment, alarm or distress to members or any member of the public.
- 4.2 It is the duty of relevant bodies in each local government area to determine what arrangements will be made to carry out ASB case reviews including deciding what the threshold will be in order for a review to take place.
- 4.3 Relevant bodies are defined in the Act⁵ as:

⁴ s104 (3-12) Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) Part 6 and Schedule 4, ASB Case Reviews: Supplementary Provision

⁵ s105 (2) Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) Part 6

- The relevant district council or the unitary authority;
- The chief officer of police for the police area which that local government area is within
- Clinical Commissioning Group;⁶ and
- Any registered providers of social housing who are co-opted into the group (arrangements must be in place for the inclusion of social housing providers).

4.4 The ASB Transition Group has commissioned the representative from Ashfield District Council to lead on drawing together an ASB Review Procedure for Ashfield District Council which could be applied across the County, and to consult with the relevant authorities. The threshold and the single point of contact are to be the same across the County, but each case review will be managed by the relevant district, with the flexibility allowed for finding the best way to manage each review locally. Consultation with the district councils and Nottingham City Council, the Clinical Commissioning Groups in the city and county and the Social Housing Forum took place in August and closed on 22nd August 2014. The responses to the consultation process will feed into the further development of the ASB Review Procedure.

4.5 There are a number of aspects of the implementation of the Community Trigger that have been agreed in principle by local relevant bodies and local partners through the Transitional Group. The next stage will be to secure an agreement in principle in relation to the outstanding areas of work, consult the Police and Crime Commissioner on the ASB Review Procedure and then put a final proposal to the relevant bodies for their formal agreement and approval.

5. Financial Implications and Budget Provision

5.1 It is not yet known how many ASB Case Reviews will be triggered and how much resource will be required to deliver them effectively.

6. Human Resources Implications

6.1 Currently partners have allocated lead officers to contribute to the ASB Transition Group. It is not yet known how many ASB Case Reviews will be triggered and how time consuming they will be for the relevant bodies involved in them.

7. Equality Implications

7.1 The Statutory guidance states that agencies should consider how to maximise awareness of the Community trigger, in particular among vulnerable people and professionals who work with vulnerable people.

8. Risk Management

⁶ Each clinical commissioning group established under section 14V of the National Health Service Act 2006 whose area is wholly or partly within that local government area.

- 8.1 The ASB Transitional Group has been set up to manage the risk of inconsistently implementing the new legislation in relation to ASB powers and the Community Trigger and Community Remedy.

9. Policy Implications and links to the Police and Crime Plan Priorities

- 9.1 The Government published statutory guidance⁷ in July 2014 in relation to the implementation of the Act. The guidance states that “victims will be able to use the Community Trigger to demand action, starting with a review of their case. Agencies including councils, the police, local health teams and registered providers of social housing will have a duty to undertake a case review when someone requests one and the case meets the locally defined threshold.” This victim centred approach and increased accountability of public authorities sits squarely with the stated aims and objectives of the Police and Crime Commissioner.
- 9.2 The statutory guidance defines the role of the Police and Crime Commissioner in that the Commissioner must be consulted on the Review Procedure when it is set up, and must also be consulted when it is reviewed. Arrangements may be made for the Commissioner to be directly involved in the Community Trigger. In Nottingham and Nottinghamshire it is proposed that the Commissioner will be involved with working with cases where the applicant is dissatisfied with the way in which their application for an ASB case review or how the ASB Case Review was carried out.

10. Changes in Legislation or other Legal Considerations

- 10.1 The Anti-social Behaviour, Crime and Policing Act 2014 received royal assent on 13 March 2014 and the provisions will become effective from 20 October 2014.

11. Details of outcome of consultation

- 11.1 The recommendations are made on the basis of the joint work that partners have undertaken in developing a consistent approach to the implementation of the Community Trigger.

12. Appendices

- 12.1 No papers appended to the report.

13. Background Papers

- 13.1 Anti-social Behaviour, Crime and policing Act 2014

⁷ Anti-social Behaviour, Crime and Policing Act 2014: Reform of antisocial behaviour powers, Statutory guidance for frontline professionals, July 2014, ISBN: 978-1-78246-408-2

13.2 Anti-social Behaviour, Crime and Policing Act 2014: Reform of antisocial behaviour powers, Statutory guidance for frontline professionals, July 2014, ISBN: 978-1-78246-408-2