

Decision Maker: PUBLIC PROTECTION & SAFETY POLICY DEVELOPMENT
AND SCRUTINY COMMITTEE

Date: 1st October 2014

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

Title: Anti-social Behaviour, Crime and Policing Act 2014 (reform of
anti-social behaviour powers)

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

Ward: All wards

1. Reason for report

This report aims to update Members on the review and overhauling of the system of dealing with anti-social behaviour in order that agencies responsible for enforcing the legislation focus on putting the needs of the victims first. The way anti-social behaviour is reported in the future will depend on the impact it has on the victim, rather than the behaviour itself.

The Act reforms the tools available to deal with anti-social behaviour including the introduction of civil injunctions to prevent nuisance and annoyance; it includes a power to exclude people from their homes for anti-social behaviour where there is a risk of harm to others.

2. **RECOMMENDATION(S)**

2.1 The Committee is requested to note the points raised in the report and comment as appropriate.

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Children and Young People Safer Bromley Supporting Independence:
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Financial

1. Cost of proposal: N/A
 2. Ongoing costs: N/A
 3. Budget head/performance centre: Anti-Social Behaviour Team
 4. Total current budget for this head: £51k and £40k
 5. Source of funding: Existing revenue budget 2014/15 and MOPAC funding
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Staff

1. Number of staff (current and additional): 2.0
 2. If from existing staff resources, number of staff hours:
-

Legal

1. Legal Requirement: Statutory Requirement:
 2. Call-in: Applicable Not Applicable: Further Details
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected):
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes No Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 The Anti-social Behaviour, Crime and Policing Act 2014 received Royal Assent in March 2014. Provisions around tackling anti-social behaviour come in to force in October 2014. It has two parts, *Putting victims first*, and *More effective powers*.
- 3.2 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.
- 3.3 The Act places a statutory duty on police, the Mayors Office for Policing and Crime (MOPAC) and local authorities with regards to the Community Trigger. Local police must prepare a Community Remedy document for it's area.

The Community Trigger

- 3.4 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).
- 3.5 The trigger can be used by any person of any age and should be as accessible as possible to all the community. For this reason, the relevant bodies should consider how to maximise the awareness of the trigger in order that vulnerable people in particular are able to use it.
- 3.6 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.
- 3.7 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.
- 3.8 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.

The threshold

- 3.9 The legislation provides that where a person makes an application for a case review and the number of **qualifying complaints** has been made, then the threshold for a review is deemed to have been met.
- 3.10 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.

- 3.11 A complaint about anti-social behaviour is a qualifying complaint if it is reported within one month of the incident and the application to use the trigger is made within six months of the report of the incident.
- 3.12 Anti-social behaviour is defined as behaviour causing harassment, alarm or distress to a member, or members, of the public. However, local authorities and the relevant partners can consider the cumulative effect of incidents and the harm or potential harm caused, rather than whether the individual incident reached the appropriate level of harassment, alarm or distress.
- 3.13 Reports of anti-social behaviour motivated by hate can be included in the Community Trigger.
- 3.14 It is up to the relevant bodies to agree local factors which may be taken into account, such as:
- The persistence of the anti-social behaviour
 - The harm or potential harm caused
 - The adequacy of the response from the relevant bodies

Relevant bodies

- 3.15 The Act lists the relevant bodies as:
- The local authority
 - The local police
 - The clinical commissioning group
 - Social housing providers (RSL)
- 3.16 It is likely the larger RSLs will be co-opted into group, and small housing providers included on a case by case basis.

Role of MOPAC

- 3.17 The Community Trigger procedure must be submitted to MOPAC once it has been set up and further submissions made when it is reviewed. MOPAC may also be involved further by conducting audits of case reviews, or through the procedure itself by acting as a gateway for victims of anti-social behaviour to challenge the review of their complaint.

Community Trigger Procedure

- 3.18 There are a number of duties set out for the relevant bodies with regards the community trigger and remedy. These are:
- Relevant bodies must work together to devise and agree the procedure for the trigger
 - The local authority must consult with MOPAC on local plans for the trigger
 - The procedure must include provisions for a review of the way the application was dealt with and the way the review was carried out
 - In dealing with an application, the relevant bodies may make recommendations to other agencies – such agencies have a duty to have regard to those recommendations
 - The relevant bodies must respond to the victim when making decisions on whether the complaint threshold is met, the outcome of the review and any recommendations made
 - The relevant bodies must publish information which details the number of applications, the number which met the threshold and the number of case reviews.

3.19 The procedure must be published and include a point of contact for making an application to use the trigger. It is envisaged the contact point for Bromley will be the Anti-social Behaviour Co-ordinator. There is an existing framework in which the procedure could sit, removing the need to set up additional meetings.

Impact on the Community

3.20 An impact assessment conducted by the Home Office identified a number of benefits associated with the Community Trigger. It reports the trigger will give vulnerable victims of anti-social behaviour and their carers a way to force agencies to take their problem seriously. It will also give communities more power to shape the way the police and other agencies respond to the issues that matter in their area. There are also potential savings for local agencies who, in dealing with persistent anti-social behaviour quickly, do not then require more costly and serious interventions later on.

3.21 The community trigger could help agencies identify and protect repeat and vulnerable victims of anti-social behaviour (including businesses), potentially reducing costs later on, although this saving cannot be quantified.

3.22 See Appendix 1 for a summary of the new enforcement tools and injunctions within the Act applicable to local authorities.

The Community Remedy Document

3.23 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.

3.24 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)

Next Steps

3.25 The relevant bodies will be required to work together to design our Community Trigger to meet local needs. The Community Safety Team will engage with the relevant bodies in order to map out a process which will include:

- Identifying a gateway to the Community Trigger
- Identifying the Single Point of contact
- Agreeing the threshold (this has been agreed across London but there may be local factors)
- Identifying the review process (we suggest an existing Registered Social Landlords forum which is chaired by the Anti-Social Behaviour Co-Ordinator can facilitate this part of the process)
- Decision making process

- Agreed sign off of decision (Likely to be Head of Trading Standards and Community Safety)

4. POLICY IMPLICATIONS

The project outcomes contribute to the Building a Better Bromley priorities.

5. FINANCIAL IMPLICATIONS

- 5.1 No additional funding has been made available to local authorities to implement these changes.

6. LEGAL IMPLICATIONS

- 6.1 The Act places a statutory duty on police, MOPAC and local authorities with regards to the Community Trigger. The local authority must consult with MOPAC on local plans for the trigger.
- 6.2 The Community Trigger procedure must be submitted to MOPAC once it has been set up and further submissions made when it is reviewed. MOPAC may also be involved further by conducting audits of case reviews, or through the procedure itself by acting as a gateway for victims of anti-social behaviour to challenge the review of their complaint.
- 6.3 The relevant bodies must publish information which details the number of applications, the number which met the threshold and the number of case reviews.

7. PERSONNEL IMPLICATIONS

- 7.1 It is likely that the Community Trigger will need to be managed within existing resources. Current multi agency working arrangements and accountability processes should facilitate the review process, but estimates for complex cases are up to 10 days collective work.
- 7.2 The number of expected applications under the trigger is difficult to estimate. Pilots have suggested only 20% of the applications may qualify, however there is still an additional administrative burden imposed by the trigger on the local authority to respond to all the applications.
- 7.3 Existing levels of resource within London Bromley of Bromley for dealing with ASB comprise of one Anti-Social Behaviour Co-ordinator and one case officer. The Anti-Social Behaviour Co-ordinator is responsible for delivering MOPAC targets which accounts for 0.4 of an fte.

Non-Applicable Sections:	[List non-applicable sections here]
Background Documents: (Access via Contact Officer)	[Title of document and date]

Appendix 1

The second part of the new Act deals with More effective powers. A number of new and revised powers have been introduced and designed to be flexible, allowing enforcement agencies to adapt them to a wide range of issues. The new proposals aim to streamline existing tools.

Enforcement tool	Purpose	Applicants	Current system
Injunction to prevent nuisance and annoyance	To stop or prevent individuals engaging in anti-social behaviour quickly, nipping problems in the bud before they escalate	Council; RSLs; Police; Transport for London;	ASBOs; Individual Support Orders; Intervention order
Criminal Behaviour Order			
Community protection notice	To stop a person aged 16 or over, business or organisation committing anti-social behaviour which spoils the community's quality of life	Council officers; police officers; police community support officers; RSLs	Litter clearing notice, noise abatement notice, graffiti & defacement notice
Public spaces protection order	Designed to stop individuals or groups committing ant-social behaviour in a public space	Councils (subject to consultation with the police, MOPAC and relevant bodies	Direction to leave, dispersal orders
Closure power	To allow police or council to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder	Council, police	Crack house, premises, brothel, designated public place closure orders, gating, dog control orders; special interim management orders