



Cabinet Meeting

12 November 2014

Report title	Anti-Social Behaviour, Crime and Policing Act 2014	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Elias Mattu Leisure and Communities	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All	
Accountable director	Tim Johnson, Education and Enterprise	
Originating service	Community Safety	
Accountable employee(s)	Name	Joanne Mason
	Tel	01902 552967
	Email	Joanne.mason@wolverhampton.gov.uk
Report has been considered by	Vibrant, Safe and Sustainable Communities (VSSC) Scrutiny Panel	2 October 2014
	Strategic Executive Board	9 October 2014

Recommendation(s) for action or decision:

The Cabinet is recommended to:

Approve the proposed threshold for the Community Trigger and the suggested process for its provision.

1.0 Purpose

- 1.1 To brief Cabinet on the new legislation relating to anti-social behaviour (ASB), provide an update on plans for local implementation and seek the approval of Cabinet on the proposed threshold and process for the Community Trigger.

2.0 Background

- 2.1 The ASB, Crime and Policing Act 2014 contains a number of measures to protect the public; this includes provision for tackling ASB, dangerous dogs, forced marriage, sexual harm and illegal firearms used by gangs and in organised crime. It also includes changes to improve the provision of services to victims and witnesses. In addition, the Act will take forward further police reform as well as improving the effectiveness of extradition arrangements and the efficiency of the criminal justice system.
- 2.2 The Act came into force on 20 October 2014. However, notification has been received from the Home Office of a slight delay in implementation of the new [Civil] Injunction; this is now likely to come into force in January 2015.
- 2.3 This report focuses on the ASB element of the Act (parts 1 – 6) which is designed to introduce simpler, more effective powers for tackling ASB and provide better protection for victims and communities, act as a deterrent to perpetrators and give victims a say in the way their complaints are dealt with.
- 2.4 The existing ASB powers are being streamlined from 19 to 6 and are designed to be faster, more flexible and allow professionals to stop ASB and seek to change behaviour.
- 2.5 A report on the new legislation was presented to the Vibrant, Safe and Sustainable Communities (VSSC) Scrutiny Panel on 2 October 2014. At the meeting, Councillors were satisfied with the arrangements for local implementation of the new ASB legislation and endorsed both the proposed threshold and process for managing the Community Trigger (further details are provided in 4.2 - 4.4 below).

3.0 Summary of new ASB tools and powers

- 3.1 The new tools and powers may be categorised into three areas; 'people', 'places' and 'giving victims a say'.
- 3.2 The 'people' section of the Act brings in a new [Civil] Injunction that replaces the Anti-social Behaviour Order and the Anti-social Behaviour Injunction and a Criminal Behaviour Order which replaces the Criminal Anti-social Behaviour Order.
- 3.3 The 'places' section of the Act introduces Community Protection Notices, Public Spaces Protection Orders, Closure Notices and Closure Orders, some of which may be used by either the local authority or the police, or both. This part of the legislation replaces a range of existing environmental and premises closure powers. The existing police Dispersal Order and Direction to Leave will be replaced by a new Dispersal Power.
- 3.4 More detail on the new ASB powers can be found in Appendix 1.

3.5 'Giving victims a say'

The Act includes two new measures which are designed to give victims and communities a say in the way ASB is dealt with; these are the Community Remedy and the Community Trigger.

3.5.1 The Community Remedy, which is to be available to police officers, is designed to give victims a say in the out-of-court punishment of perpetrators for low-level crime and ASB selected from a menu of possible actions. The Community Remedy is closely aligned to existing restorative justice interventions currently in use through West Midlands Police; Wolverhampton Local Policing Unit are therefore well placed to deliver on this part of the new legislation within the defined guidance framework.

3.5.2 The Community Trigger gives victims the right to request a review of their case where the locally defined threshold is met. Further information on the Community Trigger is provided in Section 4.2 below.

4. Local implementation of the legislative change

4.1 Local implementation of the legislation

The new ASB powers contained within the Act (detailed in Sections 3.1 – 3.4) came into force on 20 October 2014 (with the exception of the Injunction – see 2.2 above) and Cabinet is requested to note that there is very little discretion about how the powers are implemented locally. An ASB legislation Task and Finish Group, comprising officers from across relevant agencies, has produced local processes and procedures to guide us through implementation of the new legislation.

4.2 The Community Trigger

One area of the Act where there is local discretion is the Community Trigger. As mentioned in Section 3.5.2, the Community Trigger gives victims the right to request a review of their case, where the locally defined threshold is met. The key features of the Community Trigger are detailed below:

- The threshold for the Community Trigger is to be defined by agencies and the procedure should meet the needs of victims and communities locally.
- The Community Trigger is specifically designed to deal with ASB. However, ASB can often be motivated by hate and the Home Office guidance suggests that relevant bodies may wish to include reports of these incidents in their Community Trigger.
- The Community Trigger can be used by a victim of ASB or another person acting on their behalf, such as a carer or family member, Member of Parliament or Councillor.
- The victim can be an individual, a business or a community group.
- Any member of the public, irrespective of their housing tenure, can request a review of their case. Consequently, as well as local authorities and the police, registered social housing providers, including tenant management organisations and housing associations, will have a statutory responsibility to participate in the review process.

- If the threshold is met, this will trigger a multi-agency review of the complainant's case to determine whether the agency responsible for responding to the ASB has acted appropriately.
- Where further actions are necessary an action plan will be discussed with the victim, including timescales.
- Although the outcome of the review will be communicated to the responsible agency and the complainant, there are no sanctions attached to the legislation requiring the responsible agency to comply with review panel recommendations.
- The legislation states that relevant bodies must publish information covering the number of applications for Community Triggers received, the number of times the threshold for review was not met, the number of ASB case reviews carried out and the number of ASB case reviews that resulted in recommendations being made.

4.3 Proposed Community Trigger Threshold

Discussions have been held with local authority community safety colleagues across the West Midlands and senior officers from West Midlands Police about the need to apply a consistent approach across the region in relation to the new legislation and, in particular, the Community Trigger. Consequently, extensive work has been done on developing a West Midlands wide threshold/definition for the Community Trigger whilst, at the same time, allowing local discretion on the review process and timescales.

Having considered the Home Office guidance about the inclusion of ASB that is motivated by hate, the West Midlands local authorities and the police feel that hate crime should be included within the Community threshold/criteria. Therefore, the threshold that is being put forward, in consultation with all West Midlands' local authorities and West Midlands Police, is as follows:

- ***An individual has reported three separate incidents relating to the same problem in the past six months to the Council, Police or your landlord;***
- ***OR***
An individual has reported one incident or crime motivated by hate (due to race, religion, disability, sexual orientation or transgender identity) in the last six months and no action has been taken;
- ***OR***
At least five people have made reports about the same problem in the past six months to the Council, Police or your landlord and no action has been taken.

Cabinet is requested to note that there is no additional funding available from government for implementation of the new legislation. The Community Trigger process, which is a statutory requirement, will have to be managed within existing ASB Team resources and the increased workload involved in managing the Community Trigger process should not be underestimated. The impact of these changes will be kept under review.

4.4 Implementing the Community Trigger in Wolverhampton

It has been agreed that the Community Trigger process in Wolverhampton will be managed by the ASB Team Manager. Working alongside the ASB Co-ordinator from Wolverhampton Local Policing Unit (LPU), the ASB Team Manager will be responsible for ensuring the Community Trigger is managed appropriately and in line with Home Office guidance.

A draft process map for the management of the Community Trigger is attached (Appendix 2). Cabinet is requested to approve the Community Trigger threshold and process for managing requests for reviews.

4.5 Partnership working and information sharing

The ASB, Crime and Policing Act 2014 places a greater emphasis on agencies working closely together to ensure ASB is dealt with effectively. In Wolverhampton, relationships across partner agencies are already strong. However, from July 2014, the ASB Co-ordinator from Wolverhampton Local Policing Unit is now based in the ASB Team office for half of the working week. It is felt this move will enhance information sharing and place us in a stronger position to identify vulnerable victims of ASB and act accordingly.

- 4.6 Representatives from the Council are involved in a project chaired by Legal Services of West Midlands Police where the West Midlands Authorities (Dudley, Sandwell, Walsall, Wolverhampton, Solihull, Birmingham and Coventry) are combining their efforts to develop joint documents and uniform practices, to share experiences of what worked well and not so well in the past and to develop strategies which react to the challenges arising from the legal implications of the new Act. If this project is successful, where appropriate, a uniform approach built upon good established practices can be adopted in relation to preparation for and documentation submitted to courts when the new Act is used by any of the West Midlands Authorities. In order to achieve success, it is recognised that, at times in the past, information sharing has not been as effective as it should have been. This new approach may necessitate the development of new information sharing protocols and/or amendments to existing protocols.

4.7 Communications' Strategy

The Task and Finish Group has worked on a cross-agency Communications' Strategy. This includes information about the new tools and powers, especially the Community Trigger, on the Council's and partners websites, other social media as well as utilising traditional methods of communication. A briefing for Councillors will also be prepared during the coming weeks.

5.0 Financial implications

- 5.1 There is no additional funding from government to deliver the new ASB legislation so any delivery costs will need to be contained within approved budgets for the service. The City Council's Medium Term Financial Strategy (MTFS) has identified £150,000 savings from across the Community Safety Service between 2015/16 and 2017/18. The associated loss of posts may impact on the ASB Team's capacity to deliver the new legislation.

- 5.2 Proposals to mitigate the risks of the proposed loss of service relating to the cost savings were included in the ASB Service Review report presented to SEB on 18 September 2014; were discussed at the VSSC Scrutiny Panel on 2 October 2014 and will be considered by Cabinet on 12 November 2014.
[CF/28102014/B]

6.0. Legal implications

- 6.1 Sections 5 and 6 of the Crime and Disorder Act 1998 require the Council and other responsible authorities to formulate and implement strategies to reduce crime and disorder in the area.
- 6.2 Section 17 of the Crime and Disorder Act 1998 (amended) requires the Council along with the other Responsible Authorities to exercise their functions with due regard to do all that they reasonably can by way of preventing crime and disorder, ASB, substance misuse and re-offending in the locality.
- 6.3 The ASB, Policing and Crime Act 2014 came into force on 20 October 2014; the civil injunction is due to come into force in January 2015. A plan is in place detailing how Wolverhampton is implementing the new tools and powers.
[AW/29102014/R]

7.0 Equalities implications

- 7.1 As outlined in Section 4.7, the Community Trigger will be publicised as widely as possible via traditional communication channels as well as social media. Community groups and third sector organisations, including communities of interest, will be included in the communications' plan.
- 7.2 In addition, equalities' data will be collated in relation to Community Trigger case review requests. If this monitoring reveals a lack of take-up from certain groups with protected characteristics, then agencies will carry out a targeted promotion of the Community Trigger amongst those groups of people.

8.0 Human resources implications

- 8.1 Please refer to Section 5 above which details proposals under the MTFs for the loss of posts from the Community Safety Service.

9.0 Schedule of background papers

- 9.1 There are no background papers associated with this report.