

**TITLE OF REPORT: THE COMMUNITY TRIGGER – ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

REPORT OF THE HEAD OF HOUSING AND PUBLIC PROTECTION  
PORTFOLIO HOLDER: COUNCILLOR TONY HUNTER

**1. SUMMARY**

- 1.1 The purpose of this report is to seek the agreement of Cabinet to the proposed threshold for the community trigger as set out in the Anti-social Behaviour, Crime and Policing Act 2014 (“The Act”).

**2. RECOMMENDATIONS**

- 2.1 That the Cabinet adopts the following as the community trigger for North Hertfordshire:
- ‘Three reports from an individual about separate incidents within a six month period or three individuals have separately reported anti-social behaviour within a six month period’.*
- 2.2 That the Cabinet approves North Hertfordshire Homes’ co-option onto the North Hertfordshire Community Safety Partnership, with statutory responsibility for conducting anti-social behaviour case reviews.
- 2.3 That the Head of Housing and Public Protection be delegated responsibility to approve the case review procedures, in consultation with the relevant Portfolio Holder.
- 2.4 That the Head of Housing and Public Protection be delegated responsibility to represent the Council in relation to any case review applications.

**3. REASONS FOR RECOMMENDATIONS**

- 3.1 To ensure that the Council is compliant with the anti-social behaviour case review elements of The Act.

**4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 There is a statutory duty to have a community trigger threshold in place. However, there is some discretion as to what the threshold is. The consideration of this is discussed in section 8 below.

**5. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS**

- 5.1 Extensive discussions about the trigger have taken place with Hertfordshire Police, district/borough councils across the County, the County Council and the main social housing providers in North Hertfordshire.

- 5.2 The North Hertfordshire Community Safety Partnership discussed the community trigger at a meeting of its Responsible Authorities Group in April 2014.
- 5.3 The Portfolio Holder for Community Engagement and Rural Affairs has been consulted about the trigger.
- 5.4 The outcome of these consultations is summarised in section 8 below.

## **6. FORWARD PLAN**

- 6.1 This report contains a recommendation on a key decision that was first notified to the public in the Forward Plan on the 11 April 2014.

## **7. BACKGROUND**

- 7.1 Anti-social behaviour (ASB) continues to be highlighted by residents in many areas as one of the key issues blighting their communities. As a result, police forces, local councils and other agencies work together in an attempt to address the issue. However, nationally there have been a small number of cases where, for various reasons, ASB has not been effectively tackled and there have been tragic consequences such as the Fiona Pilkington case in Leicestershire in 2009.
- 7.2 The current Government has committed to the reform of the methods for dealing with ASB, which resulted in the passing of the Anti-social Behaviour, Crime and Policing Act 2014 (The Act). This includes new tools and powers to replace existing provisions, including the introduction of ASB case reviews, also known as the 'community trigger' (Part 6).
- 7.3 The community trigger aims to be a safety net for the most vulnerable in the community and seeks to place victims at the heart of local agency responses to ASB. The trigger will enable victims to ask for a case review so that they can scrutinise not only the individual response of relevant agencies but also their *collective* response. Where problems continue, agencies will need to demonstrate they have done all they can to intervene and take action where needed.
- 7.4 The Act specifies certain 'relevant bodies', which are responsible for making arrangements to carry out ASB case reviews. These are the district council, the police, each Clinical Commissioning Group (CCG) whose area is wholly or partly within the local government area, and any local social housing providers who are co-opted into the group responsible for case reviews.
- 7.5 The Act provides a statutory framework for ASB case reviews but allows some discretion amongst agencies to agree local processes and procedures to ensure that they meet the needs of their communities. Under The Act, the community trigger threshold must be regarded as being met where:
- an application for an ASB case review is made, and
  - at least three qualifying complaints have been made (or if a different number is specified in local review procedures, at least that number).
  - To be a qualifying complaint, a complaint must be made within one month of the alleged incident and applications for a case review must be made within six months of the complaint.
- 7.6 For the purposes of the community trigger, ASB is defined under The Act as "behaviour causing harassment, alarm or distress to members or any member of the public". It

does not necessarily include behaviour which is commonly regarded as a nuisance or annoyance.

## **8. THE COMMUNITY TRIGGER IN NORTH HERTFORDSHIRE**

8.1 There are a number of key issues that need to be considered with regard to the community trigger, as follows:

- what the trigger should be
- the involvement of local social housing providers
- the arrangements for responding to applications for ASB case reviews

8.2 As indicated in section 5 above, considerable discussion has taken place across the County and in North Hertfordshire about what threshold should be set for reviews.

8.3 Regard was given to trials of the community trigger undertaken in five areas, overseen by the Home Office. The five areas were Manchester, Brighton and Hove, West Lindsey, Boston and Richmond upon Thames. The key conclusions from the trial exercise were:

- The community trigger helped to stop anti-social behaviour in several persistent and difficult cases.
- Most victims who used the trigger were impressed with how quickly positive action was taken as a result.
- The number of triggers was low, but the majority were genuine, and several were long-standing cases.
- Trial areas valued the flexibility in designing their own trigger.
- The trigger empowered victims to challenge lack of action by agencies
- The trigger provides a means for agencies to challenge each other.

In Brighton and Hove, the trigger was initially set at a very low level of one week with no action taken. There was concern that there could be a flood of case reviews and although this did not materialise, it was recognised that that many agencies would struggle to respond effectively if there were a large number of reviews.

8.4 Incidents of ASB in the North Hertfordshire are generally low. Total complaints in the last three years are as follows:

Year	No. of complaints
2011/12	124
2012/13	102
2013/14	68

8.5 Satisfaction with case handling of ASB complaints received by the Council is generally good. The customer satisfaction surveys undertaken by the Housing & Public Protection Service were 80% in both 2012/13 and 2013/14.

8.6 North Hertfordshire has a strong community safety partnership overseen by the Responsible Authorities Group, with a Joint Action Group responsible for delivery of the Community Safety Action Plan. There is also an operational partnership called the Joint ASB Team, made up of Hertfordshire Police and ASB officers from the Council and North Hertfordshire Homes that meets weekly to review and tackle the most complex and longstanding ASB cases.

8.7 The consensus arising out of discussions across the County was that Hertfordshire's trigger should be based on that outlined in The Act. Hertfordshire Police were

particularly concerned that implementation of different triggers in different areas would be operationally very difficult. Given that ASB is low in general terms and that there is support amongst our partner agencies for this approach, the proposed trigger as set out below is considered appropriate.

*‘Three reports from an individual about separate incidents within a six month period or three individuals have separately reported anti-social behaviour within a six month period’.*

- 8.8 The Act is clear that social housing providers should be involved in ASB case reviews and that the relevant bodies should consider co-option of one or more social housing providers. The Council and Police already work closely with social housing providers, in particular with North Hertfordshire Homes, as mentioned above. North Hertfordshire Homes is willing to be co-opted onto the Community Safety Partnership as a relevant body under The Act and to become a member of the Responsible Authorities Group. It is proposed that this co-option be supported.
- 8.9 The relevant bodies under The Act are required to have review procedures in place regarding applications for case reviews and to publish those review procedures. The Police and Crime Commissioner must be consulted about the procedures and any subsequent review. It is proposed that overall responsibility for implementation of ASB case reviews should lie with the Community Safety Partnership’s Responsible Authorities Group and that the Head of Housing and Public Protection be delegated responsibility to represent the Council in relation to the case review procedures and any case review applications. The relevant Portfolio Holder will be consulted regarding the approval of the case review procedures.

## **9. LEGAL IMPLICATIONS**

- 9.1 Cabinet’s terms of reference include “to prepare and agree to implement policies and strategies other than those reserved to Council”.
- 9.2 The relevant legal implications of the Act are set out within the body of the report.
- 9.3 Any steps the Council is asked to take as a result of a case review will be subject to consideration against the relevant policies, for example the enforcement policy.

## **10. FINANCIAL IMPLICATIONS**

- 10.1 There are no direct financial implications arising from this report. Any actions or activities relating to implementation of the community trigger will be undertaken within existing resources.

## **11. RISK IMPLICATIONS**

- 11.1 The risk of failing to comply with the requirement in the Anti-social Behaviour, Crime and Policing Act 2014 to have a Community Trigger is mitigated by agreeing the recommendation in this report.
- 11.2 A case review will effectively audit the response of the Council and its partners in dealing with antisocial behaviour making this more open and transparent. To avoid any loss of reputation, the Council will need to ensure it has sufficient resources to respond to ASB and any subsequent case review.

## **12. EQUALITIES IMPLICATIONS**

- 12.1 The Equality Act 2010 came into force on the 1st October 2010, a major piece of legislation. The Act also created a new Public Sector Equality Duty, which came into force on the 5 April 2011. There is a General duty, described in 12.2, that public bodies must meet, underpinned by more specific duties which are designed to help meet them.
- 12.2 In line with the Public Sector Equality Duty, public bodies must, in the exercise of its functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.3 The Community Trigger is an important measure in seeking to address equality issues around ASB. There is clear evidence that repeat and vulnerable victims are disproportionately exposed to and harmed by ASB, and that vulnerable people are most likely to fall through the net. The establishment of a realistic trigger, agreement to co-operate between the parties responsible for its use, and effective review processes as proposed here can only help to mitigate as best possible the impact ASB has on more vulnerable residents of North Hertfordshire.

## **13. SOCIAL VALUE IMPLICATIONS**

- 13.1 As the recommendations made in this report do not constitute a public service contract, the measurement of 'social value' as required by the Public Services (Social Value) Act 2012 need not be applied, although equalities implications and opportunities are identified in the relevant section above.

## **14. HUMAN RESOURCE IMPLICATIONS**

- 14.1 As it is not anticipated that there are likely to be many applications for case reviews, it is not considered that there are any significant human resource implications arising from the introduction of the Community Trigger.

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**16. BACKGROUND PAPERS**

16.1 None.