



AGENDA ITEM: 8

SUMMARY

Report for:	Housing and Community Overview & Scrutiny Committee
Date of meeting:	15 October 2014
PART:	1
If Part II, reason:	

Title of report:	New ASB legislation and the Community Trigger
Contact:	Neil Harden, Portfolio Holder for Resident and Regulatory Services Author/Responsible Officer Julie Still/Nicola Bryant
Purpose of report:	1. To inform members of the Community Trigger and potential for their involvement 2. To inform members of the new powers introduced in the Anti Social Behaviour, Crime and Policing Act 2014
Recommendations	1. Members note the implications of the Community Trigger and the new legislation
Corporate objectives:	Clean and Safe Environment Dacorum Delivers
Implications:	<u>Financial</u> Within existing budgets.
'Value For Money Implications'	<u>Value for Money</u>
Risk Implications	Reputation – considered use of the new legislation to ensure proportionality. Service risk implications are considered and reviewed as part

	of service delivery
Equalities Implications	Equalities are considered as part of all ASB actions and as part of the legislation.
Health And Safety Implications	There are no health and safety implications
Consultees:	Nicola Bryant, , Community Safety Partnership, Dave Moore, Herts County Council Community Safety Unit, Herts Constabulary, Registered Landlords, DC Housing Service.
Background papers:	Putting the Victim First and Statutory Guidance
Glossary of acronyms and any other abbreviations used in this report:	ASB Anti Social Behaviour ASBO Anti Social Behaviour Order

Background

- 1.1 Putting Victims First was the title of the White Paper that introduced the proposed changes to a new approach to crime, policing and community safety.
- 1.2 As the title of the White Paper suggests, the approach to the new legislation aimed at putting the victim's needs at the centre of all agencies approaches to addressing anti-social behaviour (ASB). It recognises the learning from tragic cases such as the deaths of Fiona Pilkington and her daughter. It acknowledges that in many cases, anti-social behaviour is targeted against the most vulnerable in our society and, even what is perceived as 'low level' anti-social behaviour, when targeted and persistent, can have devastating effects on a victims life.
- 1.3 The statutory guidance for implementation of the Anti-Social Behaviour, Crime and Policing Act 2014, expects the response to ASB to depend on a range of factors but most importantly on the needs of the victim and the impact the behaviour is having on their lives. It expects solutions to be jointly developed by local agencies working together with their communities and with victims. Importantly it expects front line professionals to be free to use their judgement to address ASB rather than apply 'a one size fits all' approach.
- 1.4 The new Act received Royal Assent on 13 March 2014 and some provisions of the Act commenced in May 2014, (relating to dangerous dogs) the bulk of the ASB provisions commence on 20th October 2014.

2. Victims and Communities

- 2.1 As previously mentioned victims and communities are at the forefront of the new legislation offers victims and communities a say in the way that ASB is dealt with in two specific areas.
- 2.2 **The Community Trigger** – This measure allows victims to use the Community Trigger to demand action which starts with a review of their case. The Community Safety Partnership will have a duty to undertake a case review when someone requests one and the local threshold is met.
- 2.3 The local threshold is that they have made 3 reports within a 6 month period or that there have been more than 2 reports from different individuals in the same period.
- 2.4 Reports under the Community Trigger will go to a single point of contact and in Dacorum this is the Anti-Social Behaviour Team. The reports will be assessed against the Dacorum threshold. If it is met, a board of individuals from the partners in the Community Safety Partnership (police, Dacorum Borough Council, Fire and Rescue, Housing providers and Health,) will review the case and how it has been managed. They will apply a problem solving approach to decide if additional actions should/could have been taken.
- 2.5 If additional action should/could have been taken and action plan will be drafted with time scales for implementation and this will be discussed with the victim and a resolution to the problem agreed.
- 2.6 Importantly for Councillors it is of note that the Community Trigger can be used by any person on behalf of a victim, so for example a family member, friend carer, Councillor or Member of Parliament but they must have the victims consent. This is intended to ensure that all victims are able to use the Community Trigger.
- 2.7 It is expected that all agencies involved in addressing ASB maximise awareness of the Trigger within their community and in particular to vulnerable people and those who work with vulnerable people.
- 2.8 Information relating to the Community Trigger will be in the Autumn Dacorum Digest, it can be accessed on the Dacorum Borough Council website and the websites of all agencies involved with addressing ASB.
- 2.9 The Police and Crime Commissioner will be involved in the Trigger by way of:
 - Auditing case reviews
 - Providing a route for victims to query the decision on whether the threshold was met or the way a review was carried out; or
 - Monitoring use of the Trigger to identify any learning and best practice.
- 2.10 The Community Trigger is completely separate to any complaints policy of individual agencies.
- 2.11 A copy of the Dacorum Community Safety Partnership Community Trigger procedure is attached at appendix A. Please note this is still in a draft form during a consultation period

2.12 Community Remedy

2.13 The Community Remedy is the second part of the legislation which is intended to keep the victim at the forefront when dealing with ASB. It is the responsibility of the Police and Crime Commissioner (PCC) and relates to a menu of restorative options that are intended to give members of the public and victims their say on how the perpetrators of low level crime and anti social behaviour 'payback' to the individuals and communities they have offended against.

2.14 In Hertfordshire the PCC has recently finishes a consultation on the options available in Hertfordshire http://www.hertscommissioner.org/get_involved/public_consultation/community_remedy_consultation.aspx

3 New Tools to address ASB

3.1 The new legislation brings together a range of enforcement powers under a single piece of legislation and reduces the large number of previous tools to just 6.

3.2 There is a significant change in that the new legislation is tenure neutral and can be used for all residential and non residential properties and areas.

3.3 Below is a chart that lists the new power/tool and the old tool/power it replaces. There is a brief overview of the criteria applicable to the new tool/power, the minimum age applicable and the agencies that can use the legislation.

Tool/Power/ Replaces	Criteria	Age	Applicants
Injunction – replaces Anti Social Behaviour Injunction/ ASBO / Drink Banning Order/ Individual Support Order	Nuisance and annoyance relating to a residential property Harassment, alarm and distress relating to non residential – ie Town Centre, shopping centres. Power of arrest is applicable where there is a risk or threat of violence	10 years an over	Local Authority Police Social Housing Providers British Transport Police Environment Agency NHS
Criminal Behaviour Order	Convicted offence which caused	10 Years and over	Police/Prosecutor

<p>– Replaces ASBO on conviction</p>	<p>harassment alarm or distress and to prevent further behaviour</p>		
<p>Dispersal Powers – replaces previous dispersal powers</p>	<p>The presence or behaviour of an individual has caused harassment, alarm, distress, crime, or disorder and direction will remove or reduce likelihood of reoccurrence</p>	<p>10 years and over</p>	<p>Uniformed Constable or person with delegated power</p>
<p>Public Space Protection Orders (PSPO's) – Replace - gating orders, Dog Control Orders, Designated Public Place Orders (restrictions on alcohol in a public place)</p>	<p>Activities in an area have had a detrimental effect on quality of life and are likely to continue, or, these activities are likely to occur and; the activities are continuing/persistent, unreasonable and justify restrictions being made.</p>	<p>Not applicable</p>	<p>Local Authority</p>
<p>Closure of Premises associated with nuisance or disorder – Replaces Premises Closure Order and Class A Closure</p>	<p>For use where the use of the premises has resulted, or is likely to result, in nuisance or disorder has occurred, or is likely to occur in an area near to premises and is associated.</p> <p>The order is necessary to prevent the behaviour from continuing, reoccurring or occurring</p>	<p>Not applicable</p>	<p>Local Authority Police</p>
<p>Community Protection Notice Replaces some Environmental Powers, eg.</p>	<p>Behaviour causing continuing or persistent detrimental effect on quality of life and is unreasonable.</p>	<p>16 years and over</p>	<p>Local Authority Constable Person with delegated powers</p>

Littering notices	There must have been a written warning and time to right the wrong before issued		
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4 Housing

- 4.1 In addition to the general powers there is a significant change to Housing possession legislation.
- 4.2 A ground for absolute possession will be introduced. This is a discretionary ground but if used it gives mandatory possession to a landlord where certain criteria have been met.
- 4.3 A breach of the above orders, the need for a closure order or a relevant criminal conviction (are examples of but not limited to) are grounds to use this power.
- 4.4 A full internal hearing procedure is required as with introductory and demoted tenancies before an application is made to court where if all procedural requirements have been met, the Court, must give the landlord possession.
- 4.5 It is anticipated that there will be Human Rights challenges with this process as with previous mandatory decisions. It will be essential that this is shown to be used proportionately and where other tools are inappropriate or have failed.
- 4.6 In addition to the absolute ground for possession there are additional discretionary grounds introduced which relate to violence and aggression towards employees and relating to involvement in rioting.

5 Policy and Procedure

- 5.1 To reflect the changes in the legislation, new Policy and Procedures are in the process of being drafted in collaboration with our Housing colleagues and they will come to this committee for scrutiny in December