

# North Somerset Council

## REPORT TO THE COMMUNITY AND CORPORATE ORGANISATION POLICY AND SCRUTINY PANEL

**DATE OF MEETING: 25 NOVEMBER 2014**

**SUBJECT OF REPORT: ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014: REFORM OF ANTI-SOCIAL BEHAVIOUR POWERS – UPDATE ON LOCAL IMPLEMENTATION**

**TOWN OR PARISH: ALL**

**OFFICER/MEMBER PRESENTING: HOWARD POTHECARY, COMMUNITY SAFETY MANAGER: SAFER AND STRONGER COMMUNITIES**

**KEY DECISION: NO**

### RECOMMENDATIONS

It is recommended that the Panel:

- (1) Receives and endorses local arrangements to implement new tools and powers for local agencies to help protect individuals and communities from Anti-social behaviour;

### 1. SUMMARY OF REPORT

This report follows a previous detailed report on the reform of anti-social behaviour (ASB) powers considered by the Panel in September 2014. The report provides an update on the work taking place to implement the new anti-social behaviour (ASB) powers developed through the Anti-Social Behaviour Crime and Policing Act 2014.

### 2. POLICY

- 2.1 The powers contained within the Anti-Social Behaviour, Crime and Policing Act are intended to simplify and improve how agencies deal with a wide range of ASB. The Act has reduced existing powers from 19 to 6.
- 2.2 North Somerset already has well established joint working arrangements which are being built upon in implementing the new tools and powers. A new weekly multi-agency ASB steering group will act as a forum for agencies to refer in locations and individuals of concern and to decide on the implementation of one of the new ASB tools or powers.
- 2.3 The Act introduces a 'Community Trigger' which will act as a challenge to agencies to demonstrate everything has been done that could have been done to deal with cases of ASB.

2.4 The Act came into force on 20 October 2014.

### **3. DETAILS**

3.1 A report to the Panel in September 2014 set out the reform of anti-social behaviour powers and sought the Panel's views on local implementation. There was a commitment to bring a further report to the Panel providing an update on local implementation.

#### **The Community Trigger**

3.2 The Panel will recall that a significant element of the ASB reform is the introduction of the Community Trigger which gives victims of ASB and communities the right to request a review of their case.

3.3 Avon and Somerset Police trialled the Community Trigger with Mendip District Council between January and June 2014. Evaluation of this trial was produced in July 2014 and generated a shared desire among Avon and Somerset Police and local authorities across the area to have the same threshold for the Community Trigger if possible in order to avoid confusion.

3.4 The community trigger went live on 20 October 2014 using a threshold of three ASB or Hate incidents reported to one or more agencies about the same issue in the last six months by an individual or a community. This threshold is on the proviso that there are no ongoing/open case enquiries through any agency and that the trigger does not replace the existing complaints procedures for individual organisations.

3.5 North Somerset residents (or a third person on behalf of a resident) can apply for the community trigger by completing a form on the council or police website, by calling the Community Safety Drug Action (CSDAT) Team or by completing and handing in a paper copy of the community trigger application form at one of the six ASB drop-in locations across North Somerset.

#### **Anti-social behaviour and hate crime drop-in sessions with representatives from the council, police and Victim Support:**

- 1<sup>st</sup> Monday of each calendar month: The Barn, Children's Centre in Clevedon 10-11am
- 2<sup>nd</sup> Tuesday of each calendar month: WSM Town Hall, 11-12midday
- 2<sup>nd</sup> Friday of each calendar month: Healthy Living Centre, Bournville 2-3pm
- 3<sup>rd</sup> Tuesday of each calendar month: Nailsea Library, Somerset Square 10-11am
- 3<sup>rd</sup> Thursday of each calendar month: Worle library 11-12midday
- 4<sup>th</sup> Thursday of each calendar month: Portishead library 11-12midday

#### Community Trigger Application Form on the Internet

- [http://www.n-somerset.gov.uk/community/anti\\_social\\_behaviour/Documents/community%20trigger%20\(pdf\).pdf](http://www.n-somerset.gov.uk/community/anti_social_behaviour/Documents/community%20trigger%20(pdf).pdf)
- <https://www.avonandsomerset.police.uk/advice/neighbourhood-community/anti-social-behaviour/anti-social-behaviour-community-trigger/community-trigger-application-anti-social-behaviour>

Application for a community trigger can also be made by calling the North Somerset Community Safety Drug Action Team on 01934 426 752.

- 3.6 In North Somerset it has been informally agreed (following consultation between key partner organisations) that the Council's Community Safety Drug Action (CSDAT) Team, co-ordinates the trigger process. This role includes all communications with the victim, receiving applications, reviewing agencies engagement before bringing them together to discuss the case, and managing action plans going forward where necessary.
- 3.7 It is anticipated that the People and Communities Board (in its role as the North Somerset Community Safety Partnership) will formally approve these arrangements for implementation of the Community Trigger at their meeting on 24 November 2014.

### **The Community Remedy**

- 3.8 The 'Community Remedy' gives victims of low-level crime and ASB a say in the punishment of the Offender. The victim can choose from a menu of remedies for how those responsible will make amends for their actions. As previously Police Officers and the Youth Offending Service will take the lead in agreeing out of court disposals.
- 3.9 The Office of the Police and Crime Commissioner (OPCC) in consultation with the public and community representatives has produced a Community Remedy document detailing the remedies available for use across the Avon and Somerset force area.
- 3.10 Where appropriate, victims of low-level crime and anti-social behaviour will therefore have the choice of the following remedies in Avon and Somerset. Mediation, Acceptable Behavioural Contracts (ABC), Restorative Justice, Parenting Contracts, Reparation, Structured activity and Neighbourhood Community Agreements.
- 3.11 These measures are already deployed in appropriate cases in North Somerset. However, there will now be greater victim awareness and encouragement to use these measures.

### **Powers to deal with ASB**

- 3.12 The Civil Injunction (implementation now delayed by the Home Office until January 2015) and Criminal Behaviour Order are similar in nature to the existing Anti-Social Behaviour Injunction and Post-Conviction Anti-Social Behaviour Order, therefore existing arrangements for their application (co-ordination through our local authority ASB Caseworker) are unlikely to change at a practical level.
- 3.13 However, a significant change will be the ability of the Court to include positive requirements as part of any Order. For example alcohol/drug rehabilitation; anger management or clearing rubbish. Work is being undertaken by the local authority ASB Caseworker to identify what services are available locally to fulfil positive requirements and to establish whether any gaps exist.

- 3.14 The Community Protection Notice (CPN) and Public Spaces Protection Order (PSPO) will have the greatest impact for local authorities in that existing powers such as Litter Clearing Notices/ Street Litter Control Notices; Gating Orders and Dog Control Orders were replaced as of the 20th October 2014. The local authority has two years to review current orders and put in place a CPN or PSPO in its place if required. Relevant teams within the Local Authority are progressing these changes.

#### **4. CONSULTATION**

- 4.1 Ongoing consultation has taken place with partner organisations regarding implementation of the new tools and powers.
- 4.2 A communications plan is continuing to be developed with colleagues across Avon and Somerset to inform local communities about the new tools and powers. Information has already been provided through the Council and Police websites and through meetings with residents.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications arising directly from this report. The proposed arrangements for implementing the new ASB Tools and Powers can currently be accommodated within existing resources.

#### **6. EQUALITY IMPLICATIONS**

- 6.1 It is widely recognised that anti-social behaviour can have a disproportionate impact on some communities and individuals (including those with protected characteristics). Victim services are being commissioned to meet the needs of vulnerable individuals.

#### **7. CORPORATE IMPLICATIONS**

- 7.1 Building safer and stronger communities is one of the six corporate priorities

#### **8. CORPORATE IMPLICATIONS**

- 8.1 This report sets out key work areas which contribute to Corporate priorities.

#### **AUTHOR**

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