

Report to Executive

Agenda
Item:

A.2

Meeting Date: 1st June 2015
Portfolio: Communities, Health & Wellbeing
Key Decision: Yes: Recorded in the Notice Ref:KD
Within Policy and Budget Framework YES
Public / Private Public

Title: COMMUNITY TRIGGER
Report of: The Deputy Chief Executive
Report Number: SD07/15

Purpose / Summary:

The Anti-Social Behaviour, Crime and Policing Act 2014 is aimed at focussing responses to anti-social behaviour (ASB) on the needs of the victim. The act introduces a number of new tools and powers to replace existing provisions, including the introduction of anti-social behaviour case reviews, also known as the Community Trigger. The Trigger gives victims, or victim's representatives a right to ask local agencies to review how they have responded to previous ASB complaints and consider what further action might be taken where the behaviour persists.

All Community Safety Partnerships (CSPs) around the County, including the Carlisle and Eden CSP have worked together to develop a countywide approach to implement the new Community Trigger legislation.

Recommendations:

It is recommended that the Executive:

1. Consider the proposals for handling Community Trigger requests locally and approve the adoption of the countywide approach, as detailed in the Report, to the arrangements about carrying out anti-social behaviour reviews by the relevant bodies pursuant to the Anti-Social Behaviour, Crime and Policing Act 2014.
2. Publish the Review Procedures.
3. Appoint the Community Development Officer as Point of Contact at the Council (s103(4) of the said Act).

Tracking

Executive:	01/06/15
Overview and Scrutiny:	09/04/15
Council:	N/A

1. BACKGROUND

- 1.1.1** The community Trigger approach is intended to encourage a collaborative problem-solving approach amongst agencies dealing with persistent cases of ASB in order to identify whether any further actions can be taken. The Act sets out the framework for ASB case reviews and requires the 'relevant bodies' to work together to agree local processes and procedures and ensure they meet the needs of their communities. The Community Trigger will sit alongside existing processes and practices for responding to ASB.
- 1.1.2** Cumbria Constabulary has conducted intensive research into the Community Trigger legislation and has, and will continue to provide local authorities with advice and support on the new process.
- 1.1.3** Members of the public will be able to request a Community Trigger via telephone, email, letter or online reporting form on the Councils website, as detailed in (Appendix 1). The Community Development Officer will act as the single point of contact (SPOC) for Carlisle City Council.
- 1.1.4** On receipt of the trigger application, the SPOC will forward the request and associated information to the designated officers for consideration. Those partners will then research the complaint and within 10 days reply back to the SPOC as to whether it meets the trigger threshold or not. If it does meet the threshold then the identified partners will be required to convene and carry out a full review of the Trigger Complaint. If it does not meet the threshold, the reporting person will be informed of the decision and the rationale behind it.
- 1.1.5** Once all the information has been returned a review panel date will be set and all relevant partners and officers will be invited to attend. Please see process map (Appendix 2) and list of designated officers and key representatives (Appendix 3). The panel will be chaired by the Chair of the Community Safety Partnership. Following the review panel the SPOC will notify the reporting person of the outcome. If the reporting person is unhappy or disagrees with the review panel outcome they can request an appeal within a 10 day period.

2. PROPOSALS

- 2.1** It is proposed that the Community Overview and Scrutiny Panel consider the countywide approach to the new Community Trigger legislation and provide feedback to the Executive who will be asked to approve it.

3. CONSULTATION

- 3.1** The Community Trigger process has been developed in conjunction with key partners and CSPs countywide, and has been approved and provisionally adopted by all other District Councils within the County.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 4.1** It is recommended that Carlisle City Council's Executive consider the countywide approach for the new Community Trigger legislation and approve it on behalf of Carlisle City Council. This will bring Carlisle City Council in line with its legislative requirements and partners across the county.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 5.1** “We will work more effectively with partners to achieve the City Council’s priorities”

Contact Officer: **Darren Crossley** **Ext:** **7004**

Appendices	Appendix 1 –Community Trigger Referral Forms
attached to report:	Appendix 2 – Process Map
	Appendix 3 – Representatives List

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- None

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's –

Deputy Chief Executive – Community Development Officer will act as Single Point of Contact (SPOC) on behalf of Council.

Economic Development – None

Resources - The costs of adopting and implementing the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014 and specifically undertaking the Community

Trigger case reviews can be met from within existing base budgets under the control of the Deputy Chief Executive.

Governance – The Anti-Social Behaviour, Crime and Policing Act 2014 introduces new tools and powers to assist partner organisations in dealing with anti-social behaviour. One of the new procedures introduces what is known as ‘the community trigger’. The trigger introduces a right for victims, or their representatives, to ask local agencies to review how they have responded to previous complaints and consider what further action should, if any, be taken. The Council is required to have an appropriate system on place, with its partners, to enable reviews to take place.

Community Trigger Referral Form

The Community Trigger is a process you can use to ask agencies to review their response to anti-social behaviour or hate incidents you have reported. This is the Community Trigger referral form. In an emergency please contact the relevant emergency service, police, fire or ambulance on 999.

Please complete this form as fully as possible.

Your Contact Details

Name

Address including Postcode

Telephone

Email

Which of these best describes you?

Council tenant (including leasehold) ☐

Private Tenant ☐

Owner Occupier ☐

Housing Association ☐

Other ☐

If you're a tenant, please provide the name of your Landlord and contact details:

Please give details of Incident One

Date

What happened?

Where did it take place?

How has it affected you?

Who did you report it to?

Were you given a reference number? If so, what was it?

What response did you receive to this first report?

Please give details of Incident Two

Date

What happened?

Where did it take place?

How has it affected you?

Who did you report it to?

Were you given a reference number? If so, what was it?

What response did you receive to this second report?

Please give details of Incident Three

Date

What happened?

Where did it take place?

How has it affected you?

Who did you report it to?

Were you given a reference number? If so, what was it?

What response did you receive to this third report?

Additional information

Please use the space provided to let us know of any additional information you feel is relevant

Equalities Monitoring (optional questions - you do not have to answer all questions)

Gender

Male ☐

Female ☐

Transgender ☐

Other ☐

Age

Sexual Orientation

Bi-sexual ☐

Same sex preference - (Lesbian / Gay) ☐

Heterosexual ☐

Don't know ☐

Prefer not to say ☐

Other

Religion – please state

Disability

Yes or No

If Yes – then please provide details

Ethnicity – please select

Indian	Caribbean	White and Black Caribbean	White - British
Pakistani	African	White and Black African	White - Irish
Bangladeshi	Any other Black background	White and Asian	Any other White background
Any other Asian Background	Chinese	Any other Mixed background	Any other Ethnic background

Declaration

I confirm that the information given in the above form is correct to the best of my knowledge. Please sign

and return to:

Contracts and Community Services, Carlisle City Council, Civic Centre, Carlisle, CA3 8QG.

Email: customerservices@carlisle.gov.uk

Tel No: 01228 817200

Community Trigger Website Text

Introduction

The Carlisle and Eden Community Safety Partnership, which includes the police, the council and registered housing providers, works together to tackle anti-social behaviour and hate incidents.

What is the Community Trigger?

The Community Trigger is a process you can use to ask agencies to review their response to anti-social behaviour or hate incidents you have reported.

If someone has reported Anti-Social Behaviour but *no action* has been taken, you will be able to tell us about it under the Community Trigger.

The reporting threshold is:

You have reported 3 or more incidents relating to the same problem in the past 6 months to the Council, Police or your landlord, and no action has been taken.

Or

You have made 5 reports about the same problem in the past 6 months to the Council, Police or the landlord and no action has been taken.

Or

1 incident or crime motivated by hate in the last 3 months and no action has been taken.

What is meant by no action taken?

The reported problems have not been acknowledged – i.e. no one contacted you to advise what action would be taken.

The reported problems have not been appropriately investigated.

Your vulnerability and/or the potential for harm has not been considered and this has affected potential service delivery.

No action has been taken because information has not been shared between partners and this has affected potential service delivery.

What is not suitable for a Community Trigger?

If someone has reported Anti-Social Behaviour and received a service but the problems are ongoing;

Contact the agency you are working with to tell them what is happening.

If you have reported Anti-Social Behaviour and received a service but you're unhappy with the service received or action taken;

Submit a complaint under the agency's complaints procedures.

Application Process

You need to fill out a local community trigger online referral form giving details of the case.

This can be done by following the below link:

Carlisle-

http://www.carlisle.gov.uk/community_and_living/anti_social_behaviour/community_trigger.aspx

The Community Trigger is designed to ensure that there is a review where cases have been reported and no action has been taken. It is not a complaints procedure. If your case meets these criteria you will be notified within five working days.

Your case will be reviewed and recommendations may be made as to how the case can progress will be reported to you within ten working days. If you have difficulty accessing or completing the online form, please contact your local authority. Carlisle City Council on 01228 817 000 / 817 200 or customerservices@carlisle.gov.uk

I don't meet the criteria, what do I do now?

If this is the first time you are reporting this issue or concern, you can report it by:

Contacting Cumbria Constabulary on 101 or <http://www.cumbria.police.uk/contact-us>

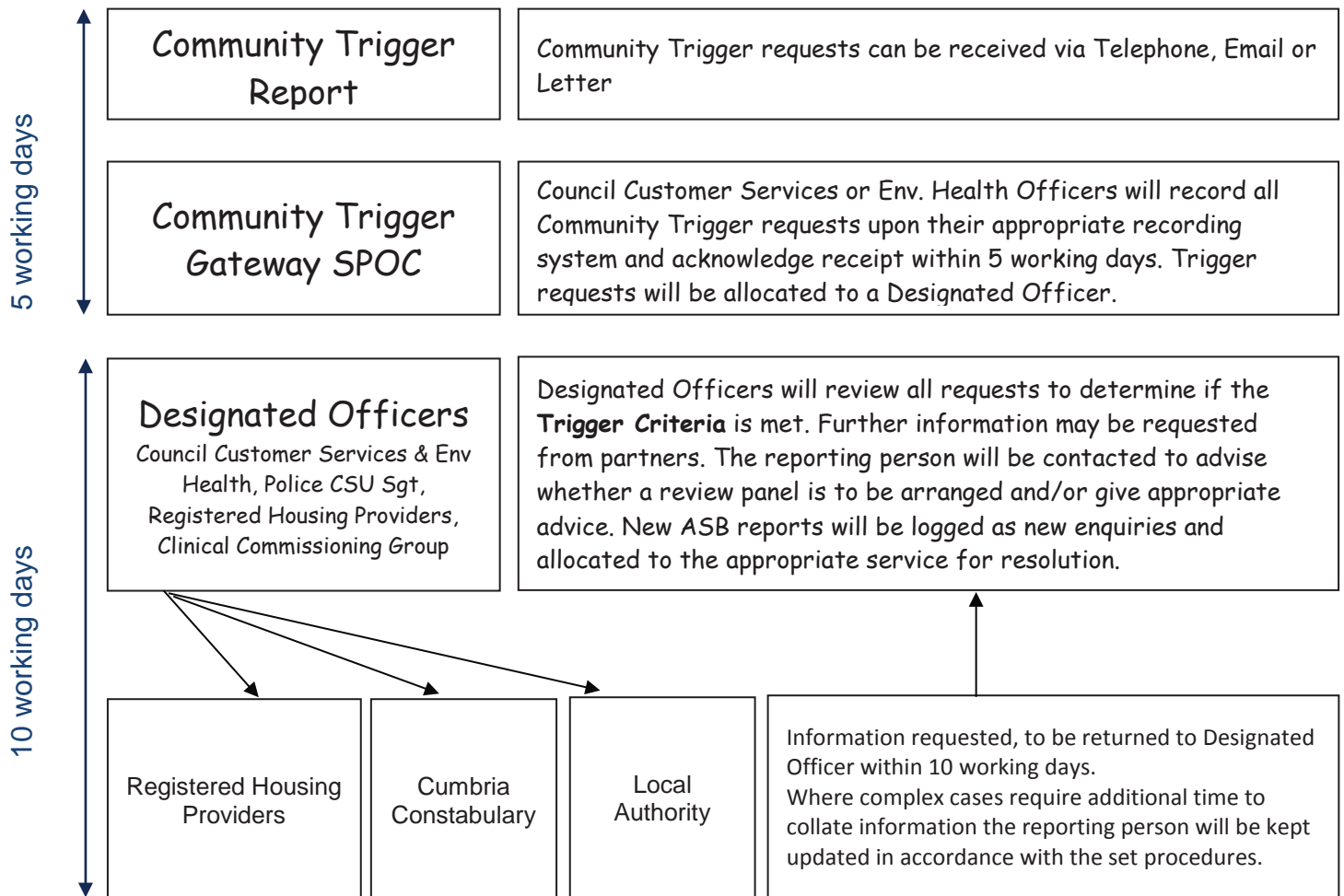
Riverside Housing Association on 0345 111 0000 or info@riverside.org.uk

Impact Housing Association on 01228 633 600

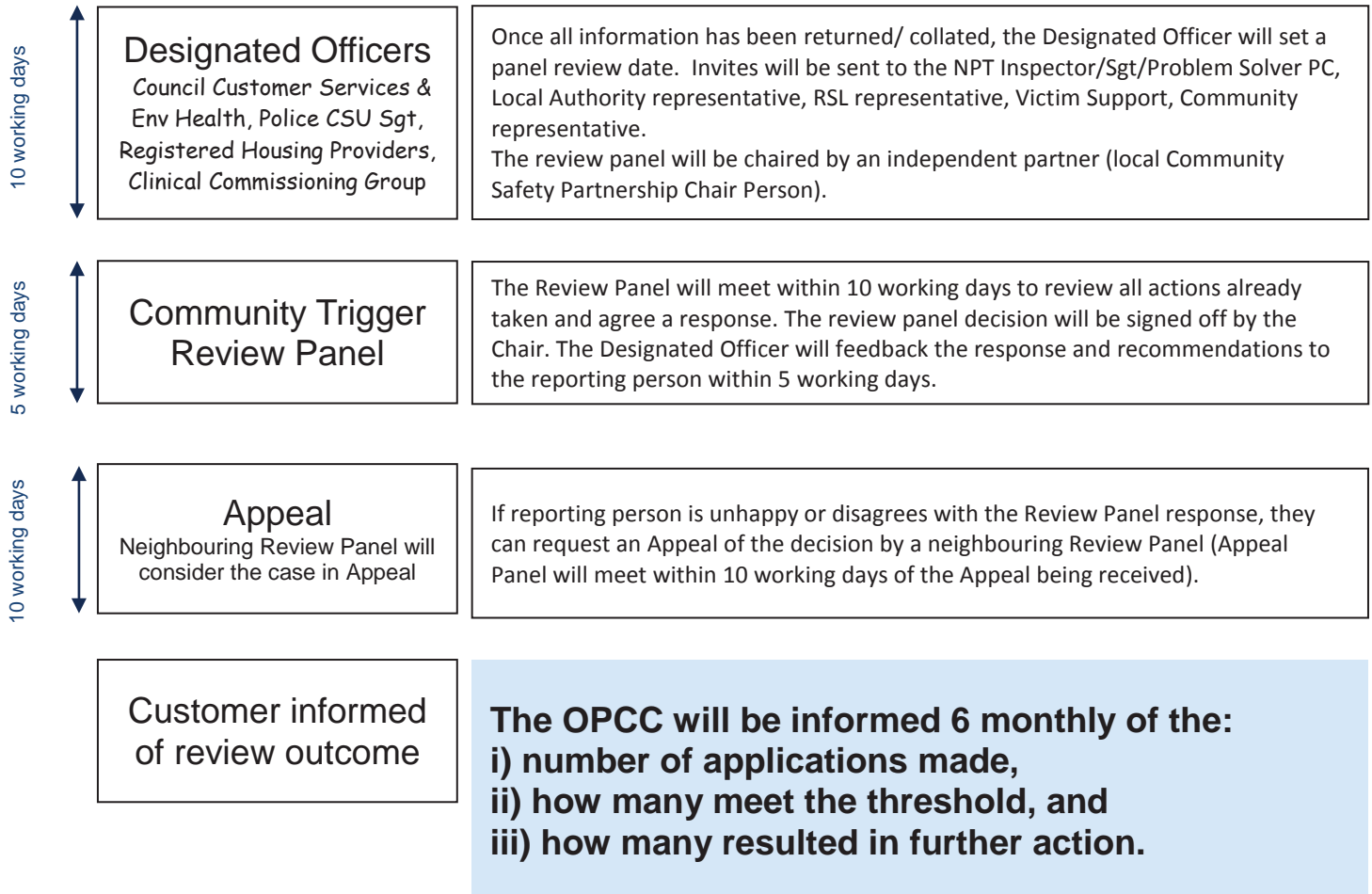
Carlisle City Council on 01228 817 000 / 817 200 or customerservices@carlisle.gov.uk

In emergencies, always call 999.

Community Trigger Review Process - Appendix 2 (1)



Community Trigger Review Process (2)



Community Trigger Representative List – Appendix 3

Designated Officers - North Area

Designated Officers 'Relevant Bodies'	Job Title/ Name
Carlisle City Council Single Point of Contact (SPOC)	Community Development Officer
Cumbria Constabulary	Community Safety Sgt
Carlisle City Council Environmental Health	Environmental Health Manager
Registered Social Landlords	Riverside Housing Impact Housing
Clinical Commissioning Group (CCG)	TBC

Review Panel Chair - North Area Chair

Agency	Job Title
Carlisle and Eden Community Safety Partnership	Chair of the Carlisle and Eden Community Safety Partnership

EXCERPT FROM THE MINUTES OF THE COMMUNITY OVERVIEW AND SCRUTINY PANEL HELD ON 9 APRIL 2015

COSP.24/15 COMMUNITY TRIGGER

The Deputy Chief Executive introduced Sergeant Tony Kirkbride to the meeting and advised that he had done a lot of work in respect of the Community Trigger. The Deputy Chief Executive presented Report SD.05/15 and explained that the Anti-Social Behaviour, Crime and Policing Act 2014 was aimed at focussing on responses to anti-social behaviour (ASB) on the needs of the victim. The act introduced a number of new tools and powers to replace existing provisions, including the introduction of anti-social behaviour case reviews, also known as Community Triggers. The Trigger gave victims, or victim's representatives, a right to ask local agencies to review how they had responded to previous anti-social behaviour complaints and consider what future action might be taken where the behaviour persisted. All Community Safety Partnerships (CSPs) around the County, including the Carlisle and Eden CSP had worked together to develop a county wide approach to implement the new Community Trigger legislation.

The Community Trigger approach was intended to encourage a collaborative problem-solving approach amongst agencies dealing with persistent case of anti-social behaviour in order to identify whether any further actions could be taken. The Act set out the framework for anti-social behaviour case reviews and required the relevant bodies to work together to agree local processes and procedures and ensure that they met the needs of their communities. The Community Trigger would sit alongside existing processes and practices for responding to anti-social behaviour.

Cumbria Constabulary had conducted intensive research into the Community Trigger legislation and had, and would continue to, provide local authorities with advice and support on the new process.

Members of the public would be able to request a Community Trigger by telephone, email, letter or online reporting form on the Council's website. The Community Development Officer would act as the single point of contact (SPOC) for Carlisle City Council.

On receipt of the Trigger application the SPOC would forward to request and associated information to the designated offices for consideration. Those partners would then research the complaint and reply back to the SPOC within ten days to advise whether or not the complaint met the trigger threshold. If the trigger did meet the threshold the identified partners would be required to convene and carry out a full review of the complaint. If the trigger did not meet the threshold the reporting person would be informed of the decision and the rationale behind it.

Once all of the information had been returned a review panel date would be set and all relevant partners and officers invited to attend. A process map and list of designated Officers and key representatives were attached to the report as appendices. The panel would be chaired by the Chair of the Community Safety Partnership. Following the review panel the

SPOC would notify the reporting person of the outcome. If the reporting person was unhappy or disagreed with the review panel outcome they could request an appeal within a ten day period.

The Communities, Health and Wellbeing Portfolio Holder advised that she did not believe there would be many referrals because of the efficiency of problem solving groups already in existence. These groups are made up of representatives from housing associations, Councils and the police.

Sergeant Kirkbride stated that there were two key things in respect of the Community Trigger. Firstly much of the work was already being done and the Community Trigger was the Government's formalisation of that work. Sergeant did not anticipate that there would be many referrals as a result of the legislation.

Sergeant Kirkbride had sought advice from the Leeds Anti-Social Behaviour Action Team (LASBAT) who had been asked to be part of the pilot for the legislation. They advised that from 35 referrals only one met the threshold. However a problem had been identified and was dealt with.

In considering the report Members raised the following comments and questions:

- *If the work was already being done what was the point of the legislation?*

Sergeant Kirkbride advised that the legislation was part of the new Crime and Policing Act which was introduced in 2014. In the past anti-social behaviour issues were police led but as a result of good partnership working the Government had decided to formalise the work that was already underway. Under the new legislation the main responsible body would be the Local Authority and the City Council's community Development Officer was the Single Point of Contact (SPOC) for the area.

- *Why was it decided to make the Local Authority the single point of contact?*

Sergeant Kirkbride stated that consultation following the introduction of the new anti-social behaviour powers introduced in 2011 had shown that not everyone would report an incident and it was not always clear wither an incident Local Authority, Environmental Health, or housing issue so was not dealt with. Such incidents were now rare due to the work of the problem solving groups and the knowledge of how to deal with such incidents. It was hoped that the new legislation would make people more comfortable to enable them to report incidents. The legislation linked to other powers which supported the Community Trigger.

- *Could the threshold be limiting? Members take complaints from residents as they do not believe they are getting a response from elsewhere. In some cases there is no response.*

Sergeant Kirkbride advised that the thresholds were introduced to assist people and professionals to determine what may be done about an incident. It was anticipated that the number of hate crime incidents would be reported and the person making the report would be advised on what action would be taken, if any. If people were not happy with the response they could take their complaint to the Ombudsman who may offer different advice.

Partners needed to be clear on what the complaint procedure was and if people were made aware of the Community Trigger that could raise more significant challenges and opportunities to be clearer about partners' complaints procedures.

It was important to acknowledge that people do not always get the answer they want but in Carlisle and Cumbria complaints were generally managed well.

Sergeant Kirkbride advised that the new legislation would not allow a review of a previous CPS decision but there was an appeals process if people were not happy with the response they received.

- *The report referred to incidents and reports. What was the difference?*

Sergeant Kirkbride explained that each complaint had to be reported. When there were three or four people complaining about the same issue the complaint would be summarised.

The Communities, Health and Wellbeing Portfolio Holder suggested the wording should read "There have been 5 reports about the same problem in the past 6 months to the Council, Police or the landlord and no action has been taken."

- *If the Community Trigger was activated the intention would be for something to be done as nothing had been done previously. What actions could be undertaken?*

Sergeant Kirkbride explained that the action taken was dependent upon the type of anti-social behaviour. The complaint would be passed to the relevant partner and the partnership would look to see if another organisation was better able to deal with the issue. Issues were often a matter of perception eg children playing football in the street.

- *What was the legal definition of anti-social behaviour?*

Sergeant Kirkbride advised that there was no legal definition and each police force and Local Authority had their own. The new legislation followed the introduction of the Public order Act which gave two definitions, Community Trigger and a new civil injunction. The threshold was lower and was now defined as annoyance which was people's perception of a situation. With regard to the Community Trigger the partners were looking at harassment, alarm or distress.

- *It was proposed that the Panel be advised of any reports on Community Trigger so they could keep abreast of what was happening in terms of the new legislation. Also any reports that continue to the end of the process should be reported to the Panel. Could those results be reported to the Panel as part of performance measures?*

Sergeant Kirkbride advised that the Community Development Officer would do so as part of her role as SPOC. Any organisation involved in the complaint would also have the information. As part of the legislation the police had to report on an annual basis the number of applications received, whether or not the threshold was met, information about case reviews and appeals, the type of anti-social behaviour involved and any recommendations.

- *How was the Community Trigger being publicised?*

Sergeant Kirkbride advised that the legislation would only be publicised online. Leeds, who were involved in the pilot, had spent a significant amount of money on advertising the legislation and they received only 35 requests only one of which met the threshold. They had advised that they would not advertise that way again. Other failsafe mechanisms were also in place to capture incidents.

- *It was stated earlier that for seven out of ten complaints in Manchester the complainant had been given advice about the Community Trigger by an elected member.*

The Communities, Health and Wellbeing Portfolio Holder advised that many complaints were received by Members and passed onto the relevant officer or partner.

- *When would the legislation come into force?*

Sergeant Kirkbride explained that the legislation came into force in October 2014 and was fed in as part two of the Crime and Policing Act 2014. A conference was to be held in London looking at the legislation six months after its introduction and would involve key players from across the country.

RESOLVED: 1. That report SD.05/15 be noted.

2. That the Executive be requested to provide information to the Panel on any reports made under the legislation and any cases that continued to the end of the process.

3. That the Community Trigger be reported to the Panel as part of the performance measures.