

REPORT TO EXECUTIVE AND FULL COUNCIL

Date of Meeting: 7th October 2014 and 15th October 2014

Report of: Assistant Director Environment

Title: Delegated responsibilities in respect of the Anti-Social Behaviour Crime and Policing Act 2014

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

- 1.1 To inform members of the powers available to the local authority under the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act), and to update them of the joint-agency work that is taking place across Devon and Cornwall to develop a consistent approach in respect of these powers.
- 1.2 To seek the delegation of authority under Part 4 of the Act to implement relevant powers and delegate these to appropriate officers to enable their effective use from 20th October 2014..

2. Recommendations:

- 2.1 That the Assistant Director Environment (ADE) and Assistant Director Public Realm (ADPR) are authorised under S.53 of the Anti-social Behaviour, Crime and Policing Act 2014 (the Act), from the 20th October 2014, for issuing Community Protection Notices (CPN), and related Fixed Penalty Notices in respect of breaches of a CPN.
- 2.2 That the Assistant Director Environment and Assistant Director Public Realm are given delegated powers under Part 4 Chapter 2 of the Act from the 20th October 2014 relating to the implementation of Public Spaces Protection Orders, following agreement in each case at the multi-agency Antisocial Behaviour Action Team (ASBAT).
- 2.3 That the Assistant Director Environment is given delegated powers under Part 4 Chapter 3 of the Act from the 20th October 2014 relating to the issuing of a Closure Notice of no longer than 24 hours, following appropriate consultation.
- 2.4 That the Community Trigger procedure described in this report is adopted from 20th October 2014.
- 2.5 That Executive and Council agree with the principle of utilising the joint collaborative work of the Devon, Cornwall, Plymouth and Torbay Community Safety Partnerships in developing consistent procedural mechanisms for the powers introduced by the Act.

3. Reasons for the recommendation:

- 3.1 The Anti-social Behaviour, Crime and Policing Act 2014 came into force in March 2014 and is intended to introduce simpler, more effective powers to tackle anti-social

behaviour to provide better protection for victims and communities. The relevant powers under the Act will be enacted on 20th October 2014, therefore it is timely to ensure these powers become available from that date if required. In the interim, and beyond October 20th 2014, the development and refinement of a consistent application of the various powers will continue between local authorities, the Police and relevant agencies in the Devon, Cornwall, Plymouth and Torbay Community Safety Partnerships, and these will be applied by the Council. A recent update on the progress of this collaborative work is contained in Appendix I.

4. What are the resource implications including non financial resources.

- 4.1 In terms of the new powers introduced by the Act, some (such as the Public Spaces Protection Order) will replace existing powers, whilst others may expedite a process (e.g. Community Protection Notice) and achieve an earlier resolution, so potentially reducing overall demand on resources. Where there is a need for consultation amongst appropriate bodies or individuals, then the existing ASBAT mechanism will perform that function in many cases, although not all.
- 4.2 In terms of the Community Trigger, there will be a need for a mechanism to review cases; this will involve ASBAT, but it is not envisaged that the volume of cases will be significant. Therefore it is not clear at this stage, what extra demand, if any, will be placed on Council resources.
- 4.3 Should additional resource be required to ensure that CPNs are served and enforced effectively, it is anticipated that this will be met from existing budgets within Environment Services and Public Realm.

5. Section 151 Officer comments:

- 5.1 There are no additional financial implications arising from this report.

6. What are the legal aspects?

This report focuses on the delegation of authority to senior officers in order to implement the new enforcement tools as set out in the Act, from October 20th 2014; these are outlined in paragraph 8 below.

7. Monitoring Officer's comments:

This new Act brings into force provisions that are likely to require additional legal resource should enforcement action other than on "an exceptional basis" be required.

8. Report details:

8.1 Community Protection Notices

- 8.1.1 Part 4 of the Act, introduces the Community Protection Notice (CPN) which can be issued by authorised council officers, the Police or registered providers of social housing, (if designated by the relevant local authority), if they are satisfied on reasonable grounds that the conduct of the individual, business or organisation:

- is having a detrimental effect on the quality of life of those in the locality;
- is persistent or continuing in nature; and
- is unreasonable.

8.1.2 Any notice served must clearly state what the behaviour or action is that is having a detrimental effect on the quality of life of those in the local community and what action is required from the individual to resolve the impact on others. It may direct the individual, business or organisation responsible to stop causing the problem and can also require the person responsible to take reasonable steps to ensure that it does not occur again.

8.1.3 For example, Exeter citizens could benefit from the additional powers that a CPN provides where there is an ongoing and easily resolvable disturbance, but the level of annoyance or prejudice to health is not sufficient for an officer to determine that a statutory nuisance exists. It could be used for such issues as a householder storing rubbish in his garden over several months, or a busker continuing to play loud music outside a high-street shop, despite being asked by an officer to stop.

8.1.4 Breach of any requirement in the notice, without reasonable excuse, would be a criminal offence, subject to a fixed penalty notice not exceeding £100, or prosecution. On summary conviction an individual would be liable to a fine not exceeding level 4 on the standard scale (currently set at £2,500). An organisation is liable to a fine of up to £20,000.

8.2 Public Spaces Protection Order

8.2.1 Part 4, Chapter 2 of the Act introduces Public Spaces Protection Orders (PSPO's). A PSPO can be made where:

- activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
- it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

and that the effect, or likely effect, of the activities—

- is, or is likely to be, of a persistent or continuing nature,
- is, or is likely to be, such as to make the activities unreasonable, and
- justifies the restrictions imposed by the notice.

8.2.2 Any proposed PSPO's will only be introduced following review and agreement at ASBAT, and final sign-off by the ADE or ADPR. Where the relevant AD considers a proposed PSPO particularly sensitive or contentious, then the AD will advise the PfH and Chief Executive.

8.2.3 A PSPO can prohibit specified matters from being carried out within a defined area (such as failing to pick up dog faeces and place it in a waste container) or specifies

things to be done by persons carrying on specified activities in a defined area (such as controlling the number of dogs walked by an individual).

8.2.4 Breach of a PSPO without reasonable excuse would be a criminal offence, subject to a fixed penalty notice not exceeding £100 or prosecution. On summary conviction, an individual would be liable to a fine not exceeding level 3 on the standard scale (currently set at £1,000). The cost of the fixed penalty notice can be agreed locally.

8.2.5 The implementation of a PSPO will only take place following review and agreement at ASBAT and consultation with appropriate individuals or bodies (e.g. community representatives likely to be affected by the PSPO).

8.3 Closure Notices

8.3.1 The closure power is to allow the police or council to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder. The Closure Notice can be used by the council or the police out of court, (e.g. to close a premises that is planned to be used for a large rave party). Following the issuing of a Closure Notice, an application must be made to the magistrates' court for a closure order, unless the Closure Notice has been cancelled.

8.3.2 A closure order can subsequently be issued if the court is satisfied:

- that a person has engaged, or (if the order is not made) is likely to engage, in disorderly, offensive or criminal behaviour on the premises; or
- that the use of the premises has resulted, or (if the order is not made) is likely to result, in serious nuisance to members of the public; or
- that there has been, or (if the order is not made) is likely to be, disorder near those premises associated with the use of those premises, and that the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring.

8.3.3 A Closure Notice cannot prohibit access in respect of anyone who habitually lives on a premises. This means that the notice cannot prohibit those who routinely or regularly live at those premises. It is therefore unlikely to disallow access to, for example, students who live away from the family home for part of the year but routinely return to the family home or those who spend the majority of the week living at the pub in which they work. However, a closure order, granted by the court, can prohibit access to those who routinely live at a premises.

8.3.4 Before issuing a Closure Notice, the Council will need to ensure that anybody or individual the Council thinks appropriate has been consulted (e.g. this may include the victim and other people that may be affected by the closure); for that purpose any proposal for a Closure Notice will normally be tabled and agreed by ASBAT, and the appropriate bodies or individuals invited to attend ASBAT for that purpose, prior to a Closure Notice being made. However, should the matter be so urgent that it needs expediting between ASBAT meetings, the AD will report back on the use of the Closure Notice at the next ASBAT. Under the Act, the Chief Executive is designated as the appropriate Council officer to sign a Closure Notice over 24 hours duration, although that function can be delegated to an appropriate senior officer.

8.3.5 An offence is committed when a person, without reasonable excuse, remains on or enters a premises in contravention of a closure notice or a closure order. Breaching a closure notice or temporary order is a criminal offence carrying a penalty of either imprisonment for a period of up to three months or an unlimited fine or both.

8.4 Community Trigger

8.4.1 This Gives victims and communities the right to request a review of their case and bring agencies together to take a joined up, problem-solving approach to find a solution. The relevant bodies and responsible authorities in respect of the Community Trigger includes the Council, Police, Clinical Commissioning Group and registered provider of social housing.

8.4.2 The threshold for the trigger should be defined by the local agencies but not more than:

- three complaints in the previous six month period.

It may also take account of:

- the persistence of the anti-social behaviour;
- the harm or potential harm caused by the anti-social behaviour;
- the adequacy of response to the anti-social behaviour.

8.4.3 When a request to use the Community Trigger is received, agencies must decide whether the threshold has been met and communicate this to the victim. If the threshold is met, a case review will be undertaken by the partner agencies. Agencies will share information related to the case, review what action has previously been taken and decide whether additional actions are possible. The local Community Trigger procedure should clearly state the timescales in which the review will be undertaken.

8.4.4 The review encourages a problem-solving approach aimed at dealing with some of the most persistent, complex cases of anti-social behaviour. The victim is informed of the outcome of the review. Where further actions are necessary an action plan will be discussed with the victim, including timescales. There will be an appeal process where the victim is dissatisfied with the application of the threshold or the outcome.

8.4.5 The Community Trigger can be initiated by a victim of anti-social behaviour or another person acting on behalf of the victim such as a carer or family member, Member of Parliament or councillor. The victim can be an individual, a business or a community group.

8.4.6 The draft guidance and proposed mechanism for the Community Trigger is shown in Appendix II and III.

9. How does the decision contribute to the Council's Corporate Plan?

9.1 The implementation of the new powers contained in the Act, will contribute towards making the City safe, and help protect the living environment, and citizens' health and wellbeing.

10. What risks are there and how can they be reduced?

10.1 There are risks associated with the inconsistent or flawed application of these powers, leaving the Council open to challenge and facing a consequential financial and reputational risk. These risks can be mitigated by utilising the procedures and associated documentation jointly developed by the Devon, Cornwall, Plymouth and Torbay Community Safety Partnerships, which have had the input of both Force Legal and legal services from councils, as well as experienced officers.

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

11.1 The decision to delegate these powers and to exercise them will have a potential impact on those who may have a protected characteristic for the purposes of the Equality Act 2010, and it will also involve decisions that will bring into play the Public Sector Equality Duty under section 149 of the Equality Act 2010. Officers will need to be sensitive to the question of vulnerability in regard to both victim and alleged perpetrator.

11.2 In cases where the alleged perpetrator is vulnerable and or has a protected characteristic for the purposes of the Equality Act, (e.g. disability), prevention and intervention are the key tools in this context albeit that enforcement action may have to be pursued if these methods do not bring about a change in the behaviour. The new powers will only be exercised in appropriate cases where officers consider that it is both reasonable and proportionate to do so. When such decisions are made it will be with reference to the section 149 duty.

11.3 In cases where the victims are vulnerable but the alleged perpetrator is not, it is believed that the use of the power is going to have a positive impact on the health and well being of the community generally and the victims in particular, which is likely to achieve the aims of safeguarding the community, children, the vulnerable etc., and the environment.

12. Are there any other options?

12.1 No, ignoring the implementation of these new powers would not be tenable.

Assistant Director Environment

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

Contact for enquires:
Democratic Services (Committees)
Room 2.3
01392 265275

Appendix 1

Update on Devon, Cornwall, Plymouth and Torbay Community Safety Partnerships Anti-social Behaviour Crime & Policing Act 2014 Powers

New powers are being introduced by the Antisocial Behaviour, Crime and Policing Act 2014 (ASBCPA 2014). The following provides a summary of these powers and indicates the part played by the Council in respect of these powers.

Civil Injunction

Purpose: To stop or prevent individuals engaging in anti-social behaviour quickly, nipping problems in the bud before they escalate.

Applicants: Local councils, Social Landlords, Police, Environment Agency and NHS Protect.

- Forms & processes in development.
- No power of arrest
- From a housing perspective the breach of a Civil Injunction (where proven in court) gives social landlords and private rented sector landlords an absolute ground for possession of secure and assured tenancies.
- Implications for partnership working.

Criminal Behaviour Order

Purpose: Issued by any criminal court against a person who has been convicted of an offence to tackle the most persistently anti-social individuals who are also engaged in criminal activity.

Applicant: The prosecution, in most cases the Crown Prosecution Service (CPS), either at its own initiative or following a request from the police or Council.

- ASB Escalation process can be used to support the application for a CBO.
- Service Level Agreement with CPS being developed.
- Procedural guidance in development.
- Unlikely to be used as widely to address alcohol problems as the DBO.
- Link with CPN – Prosecution of breach of a CPN by Police/Partners followed by an application for a CBO.

Community Protection Notice

Purpose: To stop a person, business or organisation committing anti-social behaviour which spoils the community's quality of life.

Who can issue a CPN: Council officers, Police officers, Police Community Support Officers (PCSOs) and Social landlords (if designated by the Council).

- As a force we have no system for the receipt of fines as all current penalty notices and conditional cautions are dealt with by HMCTS and their central finance unit. It is not possible to adapt the PentiP system to process CPNs.
- Mini out of court ASBO – Police will only issue a CPN through the ASB Escalation process.
- Warning issued & if an FPN is to be issued the officer will inform the offender then instruct the appropriate Local Authority to issue the FPN. The full process would stay in the hands of the Local Authority and the officer would supply a statement.
- Guidance for police Call Management & Communications Unit & Police Officers for environmental issues dealt with by Local Authority being developed.
- Process & procedures being developed to update Force briefing pages.

Public Spaces Protection Order (PSPO)

Purpose: Designed to stop individuals or groups committing anti-social behaviour in a public space.

Who can make a PSPO: Councils issue a PSPO after consultation with the police, Police & Crime Commissioner and other relevant bodies.

- This tool will replace the Designated Public Place Order, Gating Orders, and Dog Control Orders and so should make things more streamlined and therefore more effective, especially if it can now be used more widely than previous legislation permitted. Previously a Local Authority could not issue an order such as this without having it signed off by the Secretary of State. Now it can be done at a local level, and it is hoped that Local Authorities and Local Police can work together to achieve improved quality of life in public spaces, not just to issue an order but to ensure compliance with it.
- Work yet to be progressed to support the introduction of the PSPO

New Closure Order

Purpose: To allow the police or council to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder.

Applicants: Local council; Police.

- Forms & processes in development.
- Met with Magistrates to resolve Closure notice & court issues.

Police Power to Disperse

Purpose: Requires a person committing or likely to commit ant-social behaviour, crime or disorder to leave an area for up to 48 hours.

Used by: Police officers in uniform; and Police Community Support Officers (if designated the power by the chief constable)

- Forms & processes in development
- Pre-planned dispersal areas – ENTE
- Process available for tactical use – ASB
- Training package in development

Community Trigger

Purpose: To give victims and communities the right to request a review of their case and bring agencies together to take a joined up, problem-solving approach to find a solution.

Relevant bodies and responsible authorities: Councils; Police; Clinical Commissioning Groups; Registered providers of social housing who are co-opted onto this group.

- Minimum standards of service have been in place with all CSPs for a number of years. Each partner agency will review their own processes and procedures to deal with complaints.
- 101 Service will provide a single point of contact for the peninsula to initiate the Community Trigger. The 101 service will pass details to the relevant CSP Community Trigger lead for progression.
- Email box – Devon, Cornwall, Plymouth & Torbay
- Identify CSP leads.
- Guidance written, forms & processes in development.
- The Police & Crime Commissioner will monitor the use of the Community Trigger and provide the route for an appeal.

**Devon, Cornwall, Plymouth and Torbay Community Safety Partnerships
Community Trigger**

Draft Guidance

Table 1: Community Trigger Overview

| | |
|---|--|
| Purpose | To give victims and communities the right to request a review of their case and bring agencies together to take a joined up, problem-solving approach to find a solution. |
| Relevant bodies and responsible authorities | <ul style="list-style-type: none"> • Councils • Police • Clinical Commissioning Groups • Relevant registered providers of social housing |
| Locally Defined Threshold | <p>To be defined by each Community Safety Partnership (CSP) but not more than:</p> <ul style="list-style-type: none"> • Three complaints in the previous six month period. <p>May also take account of:</p> <ul style="list-style-type: none"> • The persistence of the Anti-Social Behaviour (ASB); • The harm or potential harm caused by the ASB; • The adequacy of the response to the ASB. |
| Details | <ul style="list-style-type: none"> • The relevant CSP chair or a person nominated by the CSP chair will be the lead for the Community Trigger. • When a request to use the Community Trigger is received, the agencies must decide whether the threshold has been met and communicate this to the victim. • If the threshold is met, a case review will be undertaken by the partner agencies. Agencies will share information related to the case, review what action has previously been taken and decide whether additional actions are possible. • The review encourages a problem-solving approach aimed at dealing with some of the most persistent, complex cases of ASB. • The victim is informed of the outcome of the review. Where further actions are necessary an action plan will be discussed with the victim, including timescales. |
| Who can use the Community Trigger? | <ul style="list-style-type: none"> • A victim of ASB or another person acting on behalf of the victim such as a carer or family member, MP or councillor. • The victim could be an individual, a business or a community group. |

Table 2: Community trigger summary

| ASB | Community Trigger | Community Safety Partners | Action Plan | ASB Resolution |
|---|--|--|---|--|
| <p>Repeat incidents of ASB reported to agencies. Minimum standards already in place with CSPs. Each partner to review their own processes and procedures. Problem persists because no action/inadequate action taken. The victim feels ignored by agencies.</p> | <p>Victim uses the Community Trigger. The 101 service will provide a single point of contact for the peninsula for the Community Trigger. The 101 call takers will then contact the relevant CSP chair or Local CSP Community Trigger lead who will progress the work. Victim provides details of incidents.</p> | <p>Local CSP Community Trigger Lead collects/collates information using existing ASB structures and writes a report. Local Community Safety Partner agencies decide whether their local threshold is met. If it is, partner agencies share information and review the case. If it is not suitable for a trigger the reasons will be recorded and communicated to the victim along with details of how to appeal the decision or refer the case for scrutiny to a Peninsula level panel chaired by the Police & Crime Commissioner.</p> | <p>Collectively the agencies decide whether further action can be taken and produce an action plan.</p> | <p>The action plan is discussed with the victim and a resolution to the problem is found. The Community Trigger Lead and relevant CSP partners will review the case every 28 days to monitor the service provided and to decide if the actions taken have addressed the reason/s for the Community Trigger being used.</p> |

Purpose

Community Safety Partnerships (CSP) across Devon, Cornwall and the Isles of Scilly bring together local councils, housing providers, police and other agencies to tackle crime, disorder and anti-social behaviour. The range of local agencies involved in tackling anti-social behaviour can, in some circumstances, lead to uncertainty as to whose responsibility

it is to deal with a particular problem. As a result, victims can sometimes find themselves being passed from the police to the council to their landlord and back again, or reporting the same problem over and over again.

The Community Trigger provides additional accountability to ensure that Community Safety Partnership agencies work together to meet the needs of victims.

It gives victims and communities the right to require agencies to deal with persistent anti-social behaviour and places a new duty on agencies to undertake a case review when someone requests one and the case meets a locally defined threshold. The Community Trigger builds on existing good practice and promotes partnership working between the police, councils, housing providers and other agencies to tackle anti-social behaviour within our communities.

Who can use the Community Trigger?

The Community Trigger can be used by a victim (of any age) of anti-social behaviour or by any person on behalf of a victim, such as a family member, friend, carer, councillor MP or other professional person. The victim's consent should be sought by the person using the Community Trigger on their behalf.

The victim could be an individual, a business or a community group.

Relevant bodies and responsible authorities

"Relevant bodies" are those organisations which have a statutory duty to have a Community Trigger procedure and to undertake case reviews when a person asks for one (and the threshold is met). The relevant bodies are:

- Devon & Cornwall Police
- Cornwall Council
- Plymouth City Council
- Torbay Council
- Exeter City Council
- Mid Devon District Council
- East Devon District Council
- North Devon District Council
- Torridge District Council
- South Hams District Council
- West Devon Borough Council
- Teignbridge District Council

- Northern, Eastern & Western Clinical Commissioning Group
- South Devon & Torbay Clinical Commissioning Group
- NHS Kernow Clinical Commissioning Group
- Social Housing Providers who are co-opted into the group

There must be arrangements for the inclusion of local providers of social housing among the relevant bodies in an area.

Housing providers should be involved in the Community Trigger when a case involves one of their tenants. For the purposes of the Community Trigger, a “local provider of social housing” includes:

A private registered provider of social housing that:

- grants tenancies of dwelling-houses in that area; or
- manages any house or other property in that area.

Role of the Police and Crime Commissioner

The Police and Crime Commissioner for Devon and Cornwall will chair a Peninsula Scrutiny Panel that will:

- audit case reviews;
- monitor the use of the Community Trigger to identify any learning and best practice;
- provide a route for victims to query the decision on whether the threshold was met or the way the Community Trigger review was carried out.

Threshold

The relevant bodies should work together through the designated local Community Safety Partnership to agree an appropriate Community Trigger threshold, taking into consideration the nature of anti-social behaviour experienced by victims in their area and working practices of the agencies involved. The threshold must be no higher than three complaints of anti-social behaviour in a six month period.

The threshold may also take into account:

- the persistence of the anti-social behaviour;
- the harm or potential harm caused by the anti-social behaviour;
- the adequacy of the response from agencies.

Agencies may wish to consult the local community about what they would consider to be an appropriate threshold in their area.

Local Community Safety Partnerships in Devon & Cornwall

Safer Cornwall
Isles of Scilly Community Safety Partnership
Plymouth Community Safety Partnership
Safer Communities Torbay
Safer North Devon
South Devon & Dartmoor Community Safety Partnership
Exeter Community Safety Partnership
East & Mid Devon Community Safety Partnership

Qualifying Complaints

The legislation sets out what will be considered a “qualifying complaint” for using the Community Trigger. The purpose of this is to prevent someone reporting historical incidents of anti-social behaviour in order to use the Community Trigger. The legislation sets out the following standards but agencies can set different levels if appropriate for their area as long as it does not lower the standard as set out:

- The anti-social behaviour was reported within one month of the alleged behaviour taking place; and
- The application to use the Community Trigger is made within six months of the report of anti-social behaviour.

For the purposes of the Community Trigger, anti-social behaviour is defined as behaviour causing harassment, alarm or distress to a member, or members, of the public. However, when deciding whether the threshold is met, agencies should consider the cumulative effect of the incidents and consider the harm or potential harm caused to the victim, rather than rigidly deciding whether each incident reached the level of harassment, alarm or distress.

The Community Trigger is specifically designed to deal with anti-social behaviour. However anti-social behaviour can often be motivated by hate and agencies may wish to include reports of these incidents in their Community Trigger.

Information sharing

The effective operation of the legislation requires agencies to share relevant information for the purpose of carrying out the case review. This may include details of previous complaints made by the victim, information about the effect the problem has had on others in the area, and details of what action has previously been taken. Agencies should therefore have agreements in place for information sharing, risk assessments and a common understanding of the aims of the Community Trigger.

Agencies may request any person to disclose information for the purpose of a Community Trigger review. If the request is made to a person who exercises public functions and they possess the information they must disclose it. The only exception to that is where to share the information would be either:

- in contravention of any of the provisions of the Data Protection Act 1998; or
- prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.

Other than these two exceptions, disclosing information for the Community Trigger does not breach any obligation of confidence or any other restriction on the disclosure of information.

Housing providers undertake several functions, including some that are public in nature and some that are not. If a request is made in relation to their functions that are considered to be public in nature, the information sharing duty applies. This is the case for housing providers who are co-opted into the group of relevant bodies as well as those who are not.

Information sharing agreements are in place for the sharing of perpetrator data through the Crime & Disorder Act 1998. Vulnerability is covered in the Vulnerable Adults information Sharing Agreement. The owners of these agreements are Devon & Cornwall Police and our partners in the Community Safety Partnerships throughout Devon, Cornwall and the Isles of Scilly.

As the single point of contact for the peninsula for the Community Trigger, the 101 service will inform the person wishing to initiate the Community Trigger that the police work in partnership with other agencies and that the police and partner agencies will share information. This is in accordance with the fair processing of information.

Publishing the Community Trigger procedure and contact details

The responsible bodies must publish the Community Trigger procedure, including the point of contact for making an application to use the Community Trigger. The 101 service will provide a single point of contact for the peninsula for making an application for the Community Trigger. The 101 call takers will then contact the relevant CSP chair or Local CSP Community Trigger Lead who will progress the work.

The Community Trigger procedure

It is intended that this guidance document will form the basis of the procedure for the Community Trigger for the Community Safety Partnerships throughout Devon, Cornwall and the Isles of Scilly. Each Community Safety Partnership will be responsible for ensuring that there is a process in place with an appropriate level of support from Community Safety Partners to progress a response in relation to a request for the Community Trigger to be used. The Police and Crime Commissioner for Devon and Cornwall will provide a route for a person to request a review of the way an application for a Community Trigger was dealt with, and also the way their Community Trigger review was carried out.

Basic procedure for a Community Trigger

Each Community Safety Partnership within Devon & Cornwall should agree a procedure to progress Community Trigger request that suits the needs of victims and communities within their local areas. The basic outline of that procedure will include the following steps:

1. A victim of anti-social behaviour (or someone acting on their behalf) makes an application to use the Community Trigger through the 101 service. The relevant CSP chair or person nominated by the relevant CSP chair will be informed via the 101 service of the request for a community trigger.

2. The local CSP Community Trigger lead will ensure that local relevant bodies decide whether the threshold is met.
3. If it has been, then the relevant bodies share information about the case, consider whether any new relevant information needs to be obtained, review previous actions taken and propose a response. The victim is informed of the outcome or agencies will work with the victim to devise and implement an action plan.
4. If necessary, escalation and review.

The Case Review

Each CSP will have an agreed procedure for carrying out the Community Trigger review. The review will look at what action has previously been taken in response to the victim's reports of anti-social behaviour.

Each CSP within Devon and Cornwall has well established structures for working collaboratively to tackle ASB. Existing regular anti-social behaviour meetings and forums may be best placed to undertake case reviews. Alternatively CSPs may decide that it is more appropriate to have a separate forum to discuss case reviews. Where perpetrators are under the age of 18 the youth offending team should be invited to attend the review.

Making recommendations

The relevant bodies who undertake a case review may make recommendations to other agencies. The legislation places a duty on a person who carries out public functions to have regard to those recommendations. This means that they are not obliged to carry out the recommendations, but they should acknowledge them and may be challenged if they choose not to carry them out with good reason.

The recommendations are likely to take the form of an action plan to resolve the anti-social behaviour. Whenever possible, agencies should involve the victim in devising the action plan to help ensure it meets the needs of the victim. Agencies will not be able to recommend the Crown Prosecution Service (CPS) take action. The CPS is independent and must make decisions in accordance with the Code for Crown Prosecutors.

Responding to the victim

The Act places a duty on relevant agencies to respond to the victim at particular points in the process. These include:

- The decision as to whether or not the threshold is met;
- the outcome of the review; and
- any recommendations made as an outcome of the review.

The local CSP Community Trigger lead will be responsible for timely and consistent communication with the victim/s.

The local CSP Trigger Lead will be responsible for the annual publication of the following information on behalf of all agencies represented within the local CSP:

- the number of applications for Community Triggers received;
- the number of times the threshold for review was not met;
- the number of anti-social behaviour case reviews carried out; and
- the number of anti-social behaviour case reviews that resulted in recommendations being made.

Who can use the Community Trigger

Individuals, businesses and community groups can all use the Community Trigger. Agencies may decide to have a different threshold for the community to use it collectively to encourage them to work together to share and find solutions to problems. Forums such as neighbourhood Watch, residents associations, community groups and Neighbourhood Policing community meetings are among the ways in which communities can share experiences and problems.

Appendix III: Flowchart for Community Trigger

