

HIGH PEAK BOROUGH COUNCIL

The Executive

3 December 2020

TITLE:	Community Trigger
EXECUTIVE COUNCILLOR:	Councillor Todd - Executive Councillor for Climate Change, Environment and Community Safety
CONTACT OFFICER:	David Smith - Principal Officer Communities & Partnerships
WARDS INVOLVED:	All

Appendices Attached – Appendix A: Derbyshire Community Trigger Practitioner Guidance

- 1. Reason for the Report**
 - 1.1 To agree revised procedures for the statutory ASB Review (Community Trigger) process.
- 2. Recommendation**
 - 2.1 That the Executive agree to:
 1. Adopt the revised Derbyshire Community Trigger Practitioner Guidance
 2. Commit to the ASB Help pledge.
- 3. Executive Summary**
 - 3.1 The Anti-Social Behaviour, Crime and Policing Act 2014 introduced a requirement for the Borough Council in conjunction with other relevant bodies to carry out a review of the response to a complaint about anti-social behaviour in certain circumstances.
 - 3.2 Derbyshire County Council developed a countywide 'Derbyshire Community Trigger Practitioner Guidance' in 2014 which was subsequently adopted by the Borough Council. This guidance has been updated to reflect the findings of national reviews into the community trigger process and amendments to the statutory guidance.

4. **How this report links to Corporate Priorities**

4.1 Aim 1: Supporting our communities to create a healthier, safer, cleaner High Peak

5. **Alternative Options**

5.1 The Council could seek to negotiate local arrangements with partners (not recommended).

5.2 The Council could elect not to commit to the ASB Help pledge (not recommended).

6. **Implications**

6.1 Community Safety - (Crime and Disorder Act 1998)

The guidance will assist in improving the response to victims of anti-social behaviour.

6.2 Workforce

Council officers will be required to implement the revised process and procedures along with partner organisations.

6.3 Equality and Diversity/Equality Impact Assessment

None

6.4 Financial Considerations

None

6.5 Legal

Adoption of the revised local guidance would ensure that the Council is compliant with the requirements of the Anti-Social Behaviour, Crime and Policing Act 2014 and accompanying statutory guidance.

6.6 Climate Change

None

6.7 Consultation

Draft guidance was reviewed by ASB Help in December 2019 and considered by Data Protection Officers from Derbyshire Police, Derbyshire County Council and the Office of the Police and Crime Commissioner (OPCC).

It was circulated to county community safety partners for a period of consultation in May 2020.

The draft guidance has subsequently been approved by Derby and Derbyshire Clinical Commissioning Group, the Derbyshire County ASB Sub-Group, and the Derbyshire Safer Communities Board.

6.8 Risk Assessment

N/A

Mark Trillo

Executive Director (People) and Monitoring Officer

Web Links and Background Papers

<https://www.gov.uk/guidance/anti-social-behaviour-asb-case-review-also-known-as-the-community-trigger>

<https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour>

<https://asbhelp.co.uk/community-trigger/the-asb-pledge/>

<https://asbhelp.co.uk/wp-content/uploads/2019/03/ASB-Help-The-Community-Trigger.-Where-We-Are-Today.pdf>

<https://s3-eu-west-2.amazonaws.com/victcomm2-prod-storage-119w3o4kq2z48/uploads/2019/04/ASB-report.pdf>

Contact details

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7. **Detail**

- 7.1 The Anti-Social Behaviour, Crime and Policing Act 2014¹ introduced a requirement for relevant bodies to carry out a review of the response to a complaint about anti-social behaviour in certain circumstances. Home Office guidance states that the ASB Case Review (or Community Trigger) was introduced to “give victims of persistent anti-social behaviour the ability to demand a formal case review where the locally defined threshold is met, in order to determine whether there is further action that can be taken”.
- 7.2 The Borough Council has received two Community Trigger applications (which met the threshold) in the past 3 years.
- 7.3 The relevant bodies for the purposes of the Act are the Borough Council, the chief officer of Derbyshire Constabulary, the North Derbyshire and Tameside and Glossop Clinical Commissioning Groups (CCGs), and any co-opted local providers of social housing. The Home Office also recommends that the youth offending team should be invited to attend any review where the perpetrator is under the age of 18.

¹ Sections 104 and 105, and Schedule 4.

- 7.4 The relevant bodies listed above must:
- set the local threshold for triggering ASB case reviews;
 - establish and publish arrangements for conducting these reviews; and
 - undertake a formal Case Review where an application is made and the local threshold is met.
- 7.5 Derbyshire County Council developed a countywide 'Derbyshire Community Trigger Practitioner Guidance' in 2014 which was subsequently adopted by the Borough Council. Details of how to invoke the 'community trigger' are shown on the Council's website (www.highpeak.gov.uk/article/1222/Community-trigger).
- 7.6 In April 2019, two national reports about the use and accessibility of the Community Trigger were published:
- ASB Help², *The Community Trigger Where We Are Today*; and
 - Victims' Commissioner for England and Wales, *Anti-Social Behaviour: Living A Nightmare*.
- 7.7 In July 2020, the statutory guidance which accompanies the ASB Act was updated with a link to new guidance on the Community Trigger.
- 7.8 In response to these events, the countywide guidance has been updated to reflect the changes. The key changes to the practitioner guidance are:
- Removal of a requirement for complaints to be received from five households as part of the threshold requirements.
 - Victims to be invited to attend the Case Review meeting.
 - Clarification of information sharing and consent arrangements to comply with GDPR.
 - Additional templates created - ASB Case Review Agenda, Action Plan and a Perpetrator Proportionality Assessment.
 - Inclusion of the option for partners to activate the Community Trigger, which would be subject to same application form and processes as for victims or other advocates.
 - Clarification of the role of the Chair of the ASB Case Review Meeting.
 - Annual monitoring information to be published on Safer Derbyshire and OPCC websites, as well as district/borough/city council website.
- 7.9 The revised guidance also contains a commitment to the ASB Help Pledge. The pledge is designed to help organisations to incorporate ASB Help's best practice guidance into local community trigger policies and procedures. The pledge is as follows:

² ASB Help is a registered charity in England and Wales set up to provide advice and support to victims of anti-social behaviour

1. Promote awareness: Actively encourage the use of the community trigger to residents and partner agencies.
 2. Legality: Confirm your organisation is legally compliant and embracing the spirit of the community trigger.
 3. Ensure accessibility: Publicise the community trigger so the most vulnerable know what it is and how to invoke it.
 4. Develop your process: Embrace the full potential of the community trigger by continually reviewing and learning from best practice.
 5. Generate inclusivity: Use community trigger review meetings to work collaboratively and strategically, formulating solutions to end the anti-social behaviour.
 6. Establish a precedent of using the community trigger to put victims first and deter perpetrators.
- 7.10 ASB Help attended the Derbyshire ASB Sub-Group meeting in December 2019 and undertook a review of the draft revised guidance. The suggested changes have been incorporated with the revised guidance to allow organisations within Derbyshire to sign up to the pledge.