



Cambridgeshire
Police & Crime
Commissioner

To: Business Coordination Board

From: Chief Constable and Chief Executive

Date: 08 May 2014

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

1. Purpose

- 1.1 To update the Board on the Police and Crime Commissioner and Constabulary's:
- statutory roles and responsibilities in respect of the Anti-social Behaviour, Crime and Policing Act 2014 (the "Act")
 - readiness for the implementation of the powers within the Act;
 - intention that victims are supported through the Victims' Hub as part of the Commissioner's forthcoming statutory responsibility for commissioning of emotional and practical support services for victims; and
 - future papers to be brought before the Board for their approval.

2. Recommendation

- 2.1 That the Board notes the contents of this paper.

3. Background

- 3.1 The Act was given Royal Assent on the 13th March 2014 with the statutory provisions regarding the Community Trigger and Community Remedy coming into effect on the 13th May 2014. There is no published legislative timeline for the other provisions (other than the commissioning of victims services) but is anticipated that these may come into effect in October 2014.
- 3.2 The Act enacts a number of provisions including those to tackle anti-social behaviour and crime and disorder. Some of the provisions replace existing powers, such as Anti-social Behaviour Orders; other provisions such as the Criminal Behaviour Order and

the injunction to prevent nuisance and annoyance, are new. Overall, these provisions will enable agencies to respond quickly to anti-social behaviour.

- 3.3 The Act also enables the Commissioner to provide or commission services, in particular support services for victims and witnesses of, and those affected by, crime and anti-social behaviour.
- 3.4 The purpose of the provisions is two-fold. Firstly, to give victims and communities 'a voice' through The Community Trigger and Community Remedy provisions. Secondly, to give agencies, including the police, powers to deal with anti-social behaviour and protect victims. The Home Office is clear that the reforms within the Act will '*put victims at the heart of the response to anti-social behaviour*'. They also advocate that to achieve the best outcome for victims, agencies need to work together to use both the powers and their professional judgement to find solutions for victims.
- 3.5 Only some of the powers relate directly to the Commissioner and the Constabulary. Local authorities, for example, have powers at their disposal which the Constabulary, through the associated enforcement provisions, may be involved or where the Commissioner is a statutory consultee. Social housing providers also have a co-opted role.
- 3.6 Other provisions in the Act, although not covered in this paper, confer functions on the Independent Police Complaints Commission and College of Policing, which will impact on the work of police forces and Police and Crime Commissioners more widely.
- 3.7 A summary of the relevant provisions which the Board are asked to note is given below. An overview of all of the provisions in the Act which are relevant to anti-social behaviour and crime and disorder are given at Appendix 1.

4. Community Trigger

- 4.1 The purpose of the Community Trigger is to give victims and communities reassurance that agencies are taking reports of anti-social behaviour seriously. This will be enabled through victims and communities being able to request the agency or agencies to review their case.
- 4.2 Agencies, including the police, have a statutory duty to undertake a case review following such a request on the basis that a local threshold is met. For example, where there are repeat and persistent incidents of anti-social behaviour and the victim and or community feels ignored by the agencies, a victim or community can exercise their right to activate the Community Trigger. In practice, agencies would then come together to decide whether the agreed local threshold is met and would then collectively take a joined up approach to find a solution, articulated through an action plan that is then discussed with the victim and appropriate action taken.
- 4.3 The Home Office does not expect there to be large numbers of triggers used as agencies already have duties to deal with every report of anti-social behaviour. However, it is worth noting that some caution should be applied to this given the outcomes from the six pilot areas revealed that whilst there was an awareness of the existence of the Community Trigger, more should have been done to publicise it.

5. Community Remedy

- 5.1 The Community Remedy gives victims a say in the out-of-court punishment of offenders for low-level crime and anti-social behaviour. The Community Remedy is a list of actions which may be chosen by the victim for the perpetrator to undertake in consequence of their behaviour or offending.
- 5.2 The Act is not specific as to the actions that should be included in the Community Remedy document. However, it does place a duty on Police and Crime Commissioners to consult with members of the public and community representatives on the punitive, restorative or rehabilitative actions they would consider appropriate to be on the Community Remedy document.
- 5.3 Following consultation, the Commissioner and the Chief Constable must then agree the list of actions which meet the overall objective of improving public confidence in the use of out of court disposals. The agreed actions must be appropriate and proportionate to the type of offences for which they are addressing and seek to have a positive impact on the offender yet be compatible with the perpetrator's human rights. The agreed Community Remedy document has to then be published.
- 5.4 In addition, the Act places a duty on Police and Crime Commissioners to have regard to any guidance issued by the Home Secretary about how they discharge their functions in relation to the preparation of a Community Remedy document. The Home Office will be producing final guidance which will bring this duty into effect.

6. Preparation and implementation of the provisions

- 6.1 Nationally the Home Office has trialled the Community Trigger in six areas around the country. Overall the trials demonstrated that where effective partnership working was in place few victims had recourse to demand action through the Community Trigger. Lessons learnt from the pilots identified that victims feel empowered to challenge lack of action but conversely, agencies were able to challenge each other about what has been done or what could have been done.
- 6.2 Victims reported that where the Community Trigger has been used they have appreciated having information about what has been done and what could be done. However, managing the expectations of victims was important so there was a realisation as to what exactly could be achieved.
- 6.3 The Constabulary has reviewed the provisions and the implications of new provisions and the loss of existing powers. An initial workshop was hosted consisting of the statutory bodies, Community Safety Partners, social housing providers and the Commissioner's Office to scope out the community trigger legislation. Some Community Safety Partners also provided funding for advice during the parliamentary passage of the Act.
- 6.4 The Constabulary will be establishing a Task and Finish Group which will consist of members from the statutory bodies, major housing providers and the Commissioner's Office. This group will establish a framework for implementing the changes.

- 6.5 Weightmans solicitors will also be giving a presentation to selected police staff on the legislative aspects and implement of the provisions.
- 6.6 The Commissioner's Office is drafting, in conjunction with the Constabulary, the Community Remedy options (informed by the current Restorative Justice options) and is exploring the best means to carry out the statutory consultation.
- 6.7 The legislation is not prescriptive around the means for consultation but it is the Commissioner's intention to reach a wide-ranging audience of stakeholders. It is envisaged that the Commissioner's Outreach Workers can help obtain feedback through a variety of means, with partners asked to help cascade the consultation, supported by pro-active media activity. Consultation will take place in the summer, with a report on the consultation response and the final Community Remedy document being brought to the Board for approval.
- 6.8 It is equally important to have a Position Statement which sits alongside the Community Remedy document. Such a document will address one of issues identified from the trial areas where managing expectations of victims was seen as key. The Statement will convey the Commissioner's position in a clear and concise manner as to his roles and responsibilities in respect of the provisions and what victims or those affected by the powers can expect. Equally, where the Commissioner has a role, such as being the appeal body for certain measures such as a Public Spaces Protection Order, this will be stated in the Position Statement. This document will not form part of the Community Remedy consultation exercise but a draft will be made available alongside the consultation for information only.

7. Victims

- 7.1 From October 2014, the Commissioner becomes an 'early adopter' for the provision of victim referral mechanisms ahead of the national transition of responsibility from the Home Office to Police and Crime Commissioners in April 2015. As given at paragraphs 3.2 and 3.3 above, the provisions within the Act are victim-focussed. The Commissioner is looking at future funding and arrangements to give access to support services to victims of anti-social behaviour.

8. Future look

- 8.1 A draft Consultation Document and Position Statement is likely to be submitted to the Board for consideration at their meeting in June 2014. Following the public consultation, an analysis of the consultation responses received, the final Community Remedy document and the Position Statement will be submitted to the Board for consideration and approval.
- 8.2 It is proposed that for the first year of the Community Trigger and Community Remedy being in place that a six monthly report on use of both provisions is brought to the Board for information.

9. Appendices

ASB Appendix 1 – Powers Table	 ASB Paper Appendix 1 Powers table.xlsx
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