

## **ASB Act Update and Community Trigger Arrangements**

The ASB Bill was given Royal Assent on Thursday 13<sup>th</sup> March 2014 and is now an Act of Parliament.

### **1. Changes to the Definition of ASB**

- 1.1 Detailed in the last report brought to SSP was the definition of ASB under the new legislation. Following the query raised at the last meeting regarding the possibility of the new legislation leading to an increase in reporting I can provide the following information. The definition/test of ASB for the new Injunction to replace the ASBO has remained the same as the current definition of conduct that has caused, or is likely to cause, harassment, alarm or distress where the ASB is not housing related. For residential/housing related ASB the definition/test will be conduct capable of causing nuisance or annoyance. This two stage test should have no impact on how ASB will continue to be reported or investigated as we currently already use the two powers of the Anti Social Behaviour Order (ASBO) and Housing ASB Injunction (ASBI) that have the separate definitions, the new legislation has grouped these current powers in to one Injunction that can be used for both Community and Housing related ASB. At present the commencement date for the provision of the new Injunction is still to be determined and we will continue to make applications for ASBO's until we have a commencement date.  
As part of the in-depth discussion on ASB later this year we will also review whether the change to using the new powers has had an impact on the levels of reported incidents.
- 1.2 As previously reported with the definition of ASB remaining the same the procedures for case development and interventions will remain the same with the option of enforcement action with the ASBO's being replaced by the Injunction. We will be keeping the process of looking to prevention and support to address the ASB before looking at any enforcement action.

### **2. Community Trigger**

- 2.1 The new measure of the Community Trigger that the new legislation has introduced to give victims of persistent ASB a mechanism to request a case review has been given a commencement date of 13<sup>th</sup> May 2014. At the last meeting the proposed threshold and procedure for Stockton's Community Trigger process was discussed and it was agreed that the relevant agencies would meet separately to agree this. A meeting has been arranged for 29<sup>th</sup> April 2014 with all relevant bodies to agree the threshold and procedure for Stockton.
- 2.2 The attached Appendix sets out the proposed threshold and procedure for activating the Community Trigger process for Stockton.

**Community Trigger Process for Stockton**

Threshold and process to activate the Community Trigger

The trigger will be activated when a person party to the complaint makes an application for such a review, has a qualifying complaint and **one** of the following applies;

An individual has reported **three** or more **separate** incidents of anti-social behaviour regarding the **same** problem in the past six months to Stockton Borough Council, Cleveland Police and/or a Registered Social Landlord and no action has been taken.

OR

**Five** individuals from **five** different households in the same neighbourhood have reported **separately** the **same** problem with anti-social behaviour in the last six months to Stockton Borough Council, Cleveland Police and/or a Registered Social Landlord and no action has been taken.

A report of ASB is a qualifying report for using the Community Trigger if –

- The ASB was reported within one month (or, if a different period is specified in the review procedures, that period) of the alleged behaviour/incident taking place.
- The application to use the Community Trigger is made within six months (or, if a different period is specified in the review procedures, that period) of the report of ASB.

The application to activate the Community Trigger can be made by a victim of anti-social behaviour who is party to the complaint or another person acting on behalf and with the permission of the victim, for example a carer, family member, MP or local Councillor. The victim can be an individual, a business or community group.

For the purpose of the Community Trigger ASB is defined as behaviour causing harassment, alarm or distress to a member, or members, of the public.

It is important to note that the trigger is not activated where an applicant is unhappy with the action taken - that would be a matter for the internal complaints procedure of the organisation taking the complaint.

If a problem is ongoing but action is being taken again the trigger is not activated – the applicant would be referred back to the agency dealing with the investigation.

For the trigger to meet the definition that no action has been taken at least one of the following would need to apply;

1. No acknowledgement of the reports has been given and/or
2. Service delivery has not taken into account the vulnerability of the complainants and/or
3. Service delivery has not been appropriate or effective due to a lack of information sharing between partners

Stockton Council's Legal Section would serve as the contact point for requests to activate the trigger as someone who has not been involved in the case, with contact details included in all of the agreed publicity of the Trigger procedure and on the correspondence of any agencies in dealing with ASB.

The process would run as follows;