

Report of City Solicitor

Report to Scrutiny Board, Safer and Stronger Communities

Date: 11 February 2013

Subject: Draft Anti-Social Behaviour Bill

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. In December 2012 the Home Office published a draft Anti-Social Behaviour Bill which is expected to be presented in the next session of Parliament and become law in 2014.
2. The Bill aims to streamline existing tools and powers creating fewer but more flexible ones. In general terms the Bill achieves that objective. It also contains two key initiatives: the community remedy and the community trigger.
3. As the Bill is undergoing pre legislative scrutiny and will not become law for some time, Leeds have been invited by the Home Office to pilot the community trigger prior to implementation. The intention of the council and its partners is to run its own pilot of the community trigger. Scrutiny should note that the community remedy proposals will be led by the PCC and West Yorkshire Police.

Recommendations

4. That Scrutiny note the contents of the report, the proposals to implement a pilot Trigger and the intention to bring the results of the pilot back to Scrutiny in early 2014.

1 Purpose of this report

- 1.1 To bring to the attention of Scrutiny Board the Draft Anti-Social Behaviour Bill
- 1.2 To highlight the Community Trigger and Community Remedy contained in the Draft Bill.

2 Background information

- 2.1 The Draft Anti-Social Behaviour Bill was published by the Home Office in December 2012. It follows a previous consultation in 2011 and a White Paper "Putting Victims First : More Effective Responses to Anti-Social Behaviour" in May 2012. It is currently in a process of pre-legislative scrutiny including being considered by a Home Office Select Committee as well as being discussed nationally with practitioners. It is expected that the Bill will be introduced in the next session of Parliament with these powers reaching the statute book and implemented. It combines a number of civil court orders and criminal prosecution remedies (19 in total) into a handful of more flexible tools and powers.
- 2.2 A copy of the LGA On the Day Briefing – "Draft Anti-Social Behaviour Bill" dated 13 December 2012 is attached as Appendix 1 to give Members more information about what is contained in the Bill.

3 Main issues

- 3.1 In general terms officers welcome the streamlining and flexibility that these revised powers will bring. There are some areas where we are providing feedback to the Home Office to ensure that the tools, once implemented, do work as intended.
- 3.2 Given the likely implementation date is expected to be sometime in 2014 there is a limit to how much preparation can be done now. However Scrutiny will recall that Leeds restructured its approach to tackling ASB and officers are confident that the new powers will enhance its current approach to continue to deliver a robust approach to tackling ASB. This is likely to be a key work stream for 2014. However this report highlights two issues which Scrutiny should be aware of now arising from the Bill namely the Community Remedy and the Community Trigger.
- 3.3 The Community Remedy provisions require a document to be prepared by the Police and Crime Commissioner after consultation. The document will set out what reasonable interventions offenders will be required to undertake if an out-of-court solution is preferred. The provisions are designed to allow police officers to deal with low level crimes on the spot by imposing an out of court remedy or conditional caution. The remedy or conditions imposed will be in line with the published document and aimed at restorative justice such as cleaning up litter or removing graffiti or putting right criminal damage. There is a separate Government consultation on the Community Remedy which seeks views to ensure that victims get a say in the punishments imposed and that the public feel they are meaningful. It is expected that West Yorkshire Police and the PCC will lead on this element of responding to and implementing the proposals although they will

consult closely with partners in Safer Leeds including the Youth Offending Service to ensure that restorative justice programmes are available.

- 3.4 The Community Trigger is designed to be a safety net to ensure victims (particularly those vulnerable due to age or illness) can draw the attention of agencies to anti-social behaviour problems they face. It was first proposed following high profile cases such as Fiona Pilkington who killed herself and her disabled daughter after repeatedly suffering asb and David Askew who died of a heart attack also after repeatedly being victimised. A mechanism must be set up by the council, police, health providers and social housing providers in consultation with the Police and Crime Commissioner. The purpose is to set a local trigger mechanism through which the response to a case of anti-social behaviour can be reviewed if no action has been taken by the authorities. That mechanism will extend beyond the local authority and encompass other social landlords and the private sector. It is currently being piloted by the Home Office in 4 areas of the country, of which Manchester is the closest comparator to Leeds.
- 3.5 Crucially this new mechanism will not replace complaints processes which will still be used to consider issues of dissatisfaction with service received. Instead it will focus on cases where no action has been taken and will bring partners together to problem solve and combine their powers to resolve hard to crack cases.
- 3.6 In Leeds the lessons learnt nationally from cases such as those mentioned in 3.4 above and other initiatives such as the police call handing pilots were implemented in the redesign of asb services in 2011. For those cases handled by LASBT, officers feel confident that the safety net would rarely if ever be used.
- 3.7 It is therefore proposed that Leeds implement its own pilot Community Trigger now working closely with the Home Office and the PCC building on the emerging learning from the pilots. In designing a trigger officers will need to work closely with partners through the Safer Leeds processes such as the police, ALMOS, victim support and other landlords to ensure that we do not duplicate existing processes. A discussion will need to take place whether there should be a county wide community trigger. By running a Leeds Pilot now we have the opportunity to design our own threshold and fine tune our process before it becomes a legal requirement. Officers anticipate that such a pilot could go live in June 2013 by which time the final wording of the Bill will be clear. Any evaluation could then be brought for Scrutiny in early 2014 when the Bill has substantially passed through Parliament and any redesign work could be completed before the new powers are commenced.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 Work with stakeholders and partners was undertaken in our response to the initial consultation and will continue throughout the implementation of the new tools and the Community Trigger.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The Community Trigger will act as a safety net and will be designed to aid vulnerable victims. It will be subject to screening once designed and the evaluation of the pilot will include consideration of the equality, diversity, cohesion and integration outcomes.

4.3 Council policies and City Priorities

- 4.3.1 Effectively tackling and reducing Anti-Social Behaviour is a strategic objective within the one city priorities plan, the vision for Leeds and forms a key strand of the Safer Leeds Plan 2011-2015 that aspires to create safer and stronger communities.

4.4 Resources and value for money

- 4.4.1 Resources for a pilot of the Community Trigger will be met from within existing budget.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 None

4.6 Risk Management

- 4.6.1 None

5 Conclusions

- 5.1 That with the exception of the Community Trigger the preparations for the ASB Bill becoming law are at a very early stage but will be a key work stream for the LASBT in 2014

6 Recommendations

- 6.2 That Scrutiny note the contents of the report, the proposals to implement a pilot Trigger and the intention to bring the results of the pilot back to Scrutiny in early 2014.

7 Background documents¹

- 7.1 Draft ASB Bill and related consultations published by the Home Office.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.