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To: Kent Community Safety Partnership – 8th July 2014

Classification: For Information

Subject: Community Trigger Criteria & Review Process in Kent

Summary This report provides a brief update on the progress of discussions in reaching agreement to set the criteria and review process for the Community Trigger, a new element of legislation under the Anti-Social Behaviour, Police & Crime Act 2014.

1.0 Introduction

- 1.1 The Anti-social Behaviour, Crime and Policing Act 2014 received Royal Assent in March 2014. Phasing in of the Act began in May, with all aspects of the legislation due to be in force by autumn 2014. It overhauls the existing powers and tools that are available to deal with ASB. There is also a new element allowing the public to request a review of the actions taken around ASB complaints, referred to as the Community Trigger. Government have conducted various pilots around the country to test how differing criteria would be activated and how the review process would work in practice. The decision is left to all local authorities to decide what the criteria for their area will be and how the review process will take place.
- 1.2 Kent has a total of 13 local authorities, with the result that there was the possibility of having 13 different criteria for Kent. Whilst the legislation allows for this, general agreement is that this would be confusing for the public. A pan Kent approach or similar approaches between neighbouring districts would be more beneficial. To assist with compiling options on this subject, KCC Community Safety staff met with all local authorities. The meetings consisted of discussions around the proposed criteria that would be set for the trigger to be activated and the review processes that would then follow. The review process requires participation from defined relevant bodies, including CCG's, District/Unitary Council, Kent Police & local Social Housing providers.
- 1.3 It was noted that Swale Borough Council had already set up a trial for this process which was similar to one of the existing Home Office trial areas. At the time of discussions a genuine trigger had not yet been activated in Swale.
- 1.4 It is important to note that the Community Trigger process will not replace organisations' own complaints procedures. Individuals can still complain to the

relevant bodies if they are unhappy with the service received from an individual or service.

2.0 Key Decisions

2.1 The 'Trigger' criteria

The legislation allows for 3 options which are available for 2 tier authorities.

1. Each local district/unitary set their own criteria and processes
2. Neighbouring districts/unitary cluster together to share the same criteria and review processes
3. There is a single criterion for the county and same review process.

2.2 The Review process once trigger is activated

Discussions with partners indicated a preference for some overarching review processes that are the same pan Kent which would ensure an element of consistency across the county. It was expressed that there needed to be the opportunity to amend processes locally to allow for local differences in the review process. It would be preferable if a single process was agreed, however, if this is not possible, the cluster option of some areas having the same process as each other is a possibility.

Once a trigger is activated, the relevant bodies must then review the actions taken. Discussions highlighted that local relationships with the majority of relevant bodies are very good.

2.3 Route for dissatisfied applicants

The legislation stipulates that the review procedures must include provision for the applicant to express their dissatisfaction regarding the way the relevant bodies dealt with the application for a review, or the review itself.

The decision on the route that will be taken must have consideration for the timescales that will be required for the said body to respond. The options available for this process are not prescribed or restricted so long as the function is carried out appropriately. Some suggested options include existing Overview & Scrutiny Committees, CSP meetings, the PCC Office, Peer Review etc.

3.0 Role of Members

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- The role of members is important in this process as a Member could be the applicant for a trigger on behalf of residents. Consideration needs to be given to the role of members within the local review process itself so that there is not a conflict of interest.

4.0 Summary

- 4.1 It is proposed and generally supported by District Community Safety Managers that Kent & Medway share the same single trigger criteria. There are clear benefits of single trigger criteria for Kent. There would be consistency across the county for the public, rather than different levels which could result in the public receiving a different service/standard according to postcode location.
- 4.2 Kent & Medway should share some overarching elements of the review process. The supporting diagram illustrates suggested local processes and pan Kent options. There are 3 main options that were favoured by authorities for the local process. Consideration needs to be given to the perceived lack of independence of the ASB group carrying out the review, whilst the CSP and the Peer review options could be too far removed from the knowledge and expertise of the reasoning behind the actions taken in a case review.
- 4.3 The discussions with partners have proved immensely beneficial in attempting to reach a consistent approach across the County for the local residents. Authorities must now consider the options available and come to a conclusion regarding the best way forward for their local area. This topic was a main agenda item at the quarterly Kent Community Safety briefing which was held on the 23rd May 2014. It was felt that this issue needed further discussion outside of the briefing between District Community Safety Managers.
- 4.4 Kent is currently meeting the administrative obligation to demonstrate that the options for this process are under consideration. It is anticipated that Authorities will reach a decision on the key matters in the forthcoming weeks. An update paper will detail the final decisions at the next Kent Community Safety Partnership.

5.0 Recommendations

- 5.1 That the Kent Community Safety Partnership notes the progress being made towards agreeing Kent Community Trigger criteria.
- 5.2 That a further report detailing the agreed community trigger criteria is considered at the next meeting of the Kent Community Safety Partnership.

Attachments:

Appendix A: Community Trigger Diagram

For Further Information:

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