

## **SEFTON SAFER COMMUNITIES PARTNERSHIP**

**Protocol pursuant to Section 104 of the Anti-social Behaviour, Crime and Policing Act 2014**

### **COMMUNITY TRIGGER**

## **Introduction**

The Community Trigger tool has been introduced by the Anti-Social Behaviour, Crime and Policing Act 2014. The reason for its introduction was to provide victims and communities with the right to request a review of their case by relevant bodies.

For the purpose of Community Trigger the relevant bodies in Sefton are:

- Sefton Council
- Merseyside Police
- Registered Housing Provider (social landlord)

Where a member of the public, either by themselves or through another including their MP, Local Councillor or other representative, seeks to utilise the Community Trigger relevant agencies must decide whether the threshold has been met. Where the threshold has been met then those agencies must undertake a case review. That case review will look at the actions that have been taken to resolve the complaint in light of relevant processes, policies and procedures.

## **Existing Complaints Policies and Procedures**

The Community Trigger is NOT a mechanism for making a complaint. Should a complaint be referred through to the Community Trigger, which is subsequently identified as being dealt with under a separate channel, it cannot be dealt with by the Community Trigger process.

## **Repetitive Complaints made to the Community Trigger process**

Repetitive Community Trigger requests on the same issue, when there has been no change in circumstances from the Initial Trigger, will not be re-investigated.

## **Persistent or Vexatious Complaints**

There may be circumstances when a victim persists in pursuing a Community Trigger request, which has no reasonable basis, or when the Council and/or other agencies involved in the Community Trigger process have taken reasonable action in response or where some other process should or has been taken. Whilst the Council will never dismiss a Community Trigger request out of hand, it will exercise its discretion as to when a matter will be regarded as closed in the circumstance described.

## **The Trigger Threshold**

The threshold for the Community Trigger in Sefton is:

If you (as an individual) have complained to Sefton Council, Merseyside Police and/or a Registered Housing Provider (social landlord) three times about separate incidents in the last six months.

OR

If five individuals in the local community have complained separately to Sefton Council, Merseyside Police and/or a Registered Housing Provider (social landlord) in the last six months about similar incidents of anti-social behaviour.

OR

If you (as an individual) have complained to Sefton Council, Merseyside Police and/or a Registered Housing Provider (social landlord) once about an incident or crime motivated by hate (hate incident/crime) in the last six months.

The Sefton Safer Communities Partnership will only consider trigger referrals that meet this threshold and are a qualifying complaint by virtue of section 104(10) of the Act, namely:

*A complaint about anti-social behaviour is a qualifying complaint if:*

*(a) The complaint is made within the period of one month beginning with the date on which the behaviour is alleged to occur; AND*

*(b) The application for an ASB case review is made within the period of six months beginning on the date on which the complaint is made.*

For the purpose of the Sefton Community Trigger, anti-social behaviour is defined as behaviour causing harassment, alarm or distress to a member, or members, of the public. In determining whether the threshold is met, agencies will also have regard to the potential for the behaviour to cause harm.

### **Utilising the Trigger**

The Community Trigger is instigated when a member of the public directly or via a representative contacts the Sefton Safer Communities Partnership and indicates that they wish to utilise the Community Trigger review process.

The trigger may be instigated using any of the following processes:

(1) Through partnership websites:-

[www.sefton.gov.uk /communitytrigger](http://www.sefton.gov.uk /communitytrigger)

[www.merseyside.police.uk](http://www.merseyside.police.uk)

[www.ovh.org.uk](http://www.ovh.org.uk)

(2) Via email to:

communitytrigger@sefton.gov.uk

(3) By telephone to:

0151 934 4910 (outside office hours an answer phone will be in operation)

(4) By letter to:

Anti-Social Behaviour Unit,  
Sefton Council,  
2<sup>nd</sup> Floor Trinity Wing,  
Bootle Town Hall,  
Bootle.  
L20 7AE

Details will need to be provided of each complaint that has been made, who the complaint was made to (name, organisation and/or incident reference number) and information about the anti-social behaviour.

### **What happens next?**

When a Community Trigger is initiated, the application will be assessed by the Single Point of Contact (SPOC) and the applicant will receive an acknowledgement letter within 5 working days outlining that either the criteria for instigating the trigger have been met and what will happen next (Appendix 2) or that the trigger criteria have not been met and what steps will be taken to address the individual's concerns (Appendix 3).

For those cases where the trigger criteria have been met, SPOC will ask the agencies involved to provide details of the relevant complaints and the actions that have been considered and taken. This will be all records relating to the time period, properties, individuals or other relevant matters, as identified in the Community Trigger. Any agency unable to respond to this request for information should advise by return, providing reasons as to any delay.

At the same time as sharing information, partner agencies will be expected to ensure that the Single Point of Contact is aware of any relevant policies, processes or protocols relevant to their organisation.

It should be noted that if a request for information is made to an agency that carries out a public function and they possess relevant information, then that agency is required to disclose the information requested. If the request for information is made to an agency that does not carry out a public function, that agency may determine to comply with the request. Notwithstanding this the Anti-social Behaviour, Crime and Policing Act 2014 does not compel disclosure of information that would contravene any provisions of the Data Protection Act 1998 or Part 1 of the Regulation of Investigatory Powers Act 2000.

### **Review Meeting**

The SPOC should convene a review meeting for shortly after the final day for compliance with information requests. This meeting may include Sefton Council, Merseyside Police, One Vision Housing and other partners (if they are involved) to discuss the anti-social behaviour, what actions have been considered and taken in light

of relevant agency or partnership processes. No individual involved in the original action should attend the review meeting. The group will review how the Partnership has responded and make recommendations on how the problem can be resolved. The Single Point of Contact will be responsible for chairing the review meeting and recording the outcome. A timescale of 20 working days has been built into the protocol for the information request and case review phase of the Community Trigger process.

### **Delays in the Review**

If, at any point, the Single Point of Contact becomes aware of a potential delay in adherence to the timetables prescribed within this protocol it will be their responsibility to ensure that the Community Trigger complainant is kept apprised of the reasons for the delay and any revisions to timescales.

### **Outcome of Community Trigger Review**

The Single Point of Contact will be responsible for preparing a draft response to the Community Trigger review to be sent to the Chair of the Sefton Safer Communities Partnership for approval, a pro forma is attached at Appendix 4. A timescale of 10 working days has been built into the protocol for this process.

### **Referral of Community Trigger to Police and Crime Commissioner**

Where an individual is dissatisfied with the outcome of a Community Trigger review, they may refer their concerns to the Police and Crime Commissioner. A Community Trigger may only be escalated where one of the following measures is satisfied:

- (1) The Community Trigger review has failed to consider a relevant process, policy or protocol;
- (2) The Community Trigger review has failed to consider relevant factual information.

The role of the Office of the Police and Crime Commissioner will be to consider due process and ensure that the Safer Communities Partnership has properly and effectively undertaken a review. In considering a Community Trigger escalation the Office of the Police and Crime Commissioner can either:

- (1) Refer the case back to the Safer Communities Partnership asking them to consider a particular process, policy or protocol not previously considered;
- (2) Determine that the Safer Communities Partnership have reviewed the case, considering all relevant policies, process and protocols.

A Community Trigger review cannot be escalated where a complainant is dissatisfied that a particular agency has not utilised a particular enforcement tool and where it has been established through the review that appropriate consideration has been given to

the use of that tool but, having consideration of the facts and relevant protocols, that agency has determined that it would not be appropriate to utilise the enforcement tool.

**It should be noted that the PCC does not have any statutory powers with regards to the Community Trigger process and can only make recommendations.**

All Community Trigger escalations must be made via the local authority within 10 working days of receipt of the review outcome letter. The local authority will forward the escalation to the Police and Crime Commissioner who will respond within 21 working days. If this is not possible, the applicant will be informed of any delay.

**Sefton MBC – Community Trigger Process**  
**Appendix 1**



