

Broxtowe Borough Council Policy Anti-Social Behaviour, Crime & Policing Act 2014

COMPLAINTS ABOUT ANTI-SOCIAL BEHAVIOUR

1. AIM OF THE POLICY

The Anti-Social Behaviour, Crime and Policing Act 2014 include new measures which are designed to give victims and communities a say in the way anti-social behaviour is dealt with. The 'Community Trigger' gives victims the power to request a review of their case. This policy will enable the Council to deal fairly and properly with complainants of anti-social behaviour where a case review is requested. It should be noted that the original complaints about anti-social behaviour do not have to have been made to Broxtowe Borough Council for this process to be accessed. If qualifying complaints have been made to the police, a social housing provider, or a Clinical Commissioning Group, concerning anti-social behaviour within, or connected to the borough of Broxtowe, then the procedure still applies.

2. WHAT IS ANTI-SOCIAL BEHAVIOUR?

For the purpose of the Community Trigger, anti-social behaviour means behaviour causing harassment, alarm, or distress to members or any member of the public. The most common incidents of anti-social behaviour are as follows:

- Noisy neighbours, including the misuse of Hi-fis and similar equipment, general shouting, banging and bad language.
- Noise from barking dogs
- Intimidation
- Abusive language or behaviour
- Violence or threat of violence
- Graffiti/ vandalism and low level criminal damage
- Verbal/ physical abuse
- Motorbikes and mopeds on footpaths, towpaths and particularly in public parks.
- Gathering in large groups in public areas

3. REQUEST FOR SERVICE DELIVERY

The Council currently has procedures in place, within a number of departments, for responding to complaints about anti-social behaviour. Complaints of this nature are dealt with by the relevant department as 'requests for service' in accordance with those policies.

Many complaints of anti-social behaviour can also be quite properly made to the police or a social housing provider.

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4. REQUEST FOR A CASE REVIEW

In a case where a person has made a complaint about anti-social behaviour, the Council must carry out an Anti-Social Behaviour Case Review of the response to that behaviour if an application for such a review is received and if it is determined by the Council that the threshold for a review is met.

Please see Guidance Notes for making an application to the Council for a case review. Applications for a case review will be referred to the Head of Public Protection and will be considered by him in accordance with the threshold criteria. Applications will be referred to all other relevant bodies in the local area (i.e. the relevant local authority, the Police, the Clinical Commissioning Group, and relevant social housing providers).

5. DETERMINING A QUALIFYING COMPLAINT FOR AN ASB CASE REVIEW

a) Statutory Review

At least three qualifying complaints must have been made about the anti-social behaviour to which the application relates. A complaint about anti-social behaviour is a 'qualifying' complaint if the following criteria are met:

- a) the complaint is made within a period of one month beginning with the date on which the behaviour is alleged to have occurred; and
- b) the application for a case review is received within a period of six months beginning with the date on which the first complaint is made

b) Local Review

The Council has decided that the local qualification for a complaint will be the same as the statutory qualifications.

6. ANTI-SOCIAL BEHAVIOUR CASE REVIEW

The Head of Public Protection will co-ordinate a case review following the procedure set out here, to include relevant public bodies and social housing providers. The review meeting will be encompassed, where possible, in the existing Anti-Social Behaviour Group meetings, under the umbrella of the Community Safety Partnership. The review encourages a problem solving approach aimed at dealing with some of the most persistent and complex cases of anti-social behaviour.

The Head of Public Protection may make recommendations to a relevant public body or person, who exercises public functions, in respect of any matters arising from the review. The public body or person must have regard to the recommendations in exercising their public functions.

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Following the conclusion of an Anti-Social Behaviour Case Review the applicant will be informed of the outcome and advised that should they remain dissatisfied they may appeal to the Nottinghamshire Police Complaints Commissioner. The Police Complaints Commissioner has 14 working days to decide whether or not he wishes to intervene.

7. DISSATISFACTION WITH AN ASB CASE REVIEW

Should the anti-social behaviour victim(s) not be content with the outcome of a case review, a community trigger **may only** be escalated to the Commissioner's office 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 Community Safety 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) Uphold the appeal and refer the case back to the Community Safety Partnership asking them to consider a particular process, policy or protocol not previously considered;
- (2) Determine that the Community Safety Partnership has reviewed the case, considering all relevant policies, process and protocols satisfactory in line with its Community Trigger Procedure.

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.

The appeal process will essentially be a desk top review and will not involve hearings or meetings with victims although the Commissioner may consider meeting with victims in exceptional circumstances. The Commissioner's appeal process will be subject to periodic review to ensure that victim's interests are adequately considered. The current Appeal Process can be found on the Commissioner's web site at:

<http://www.nottinghamshire.pcc.police.uk/Get-in-touch/Community-Trigger-Appeal.aspx>

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8. RECORDING, MONITORING AND REPORTING

A central register of Anti-Social Behaviour Case Reviews will be kept by the Complaints Officer. A report will be presented annually to the Standards Committee setting out:

- a) the number of applications for Anti-Social Behaviour Case Reviews made to the Council;
- b) the number of times the Head of Public Protection determined that the threshold for a review was not met;
- c) the number of Anti-Social Behaviour Case Reviews carried out; and
- d) the number of Anti-Social Behaviour Case Reviews carried out which resulted in recommendations being made.