

**Policy: ANTI-SOCIAL BEHAVIOUR (ASB) CASE
REVIEW**

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1. Purpose

The document describes how Broxtowe Borough Council will respond to the duty to provide a process for ASB Case Reviews as set out within the Anti-Social Behaviour, Crime and Policing Act 2014.

The objectives of the policy are:

1. To deliver the Local Authority's duty to conduct ASB Case Reviews under the government's Anti-Social Behaviour, Crime and Policing Act 2014
2. To ensure residents have a pathway to resolve cases which have not been satisfactorily progressed by agencies.
3. To resolve complex cases of ASB and prevent reoccurrence.

2. Scope

This policy will only consider cases outside of existing ASB case management processes (these processes will be seen as having primacy), and the ASB Case Review process will only be initiated where there have been three complaints submitted about three separate incidents of anti-social behaviour (ASB); a response is not received; it is perceived the response was inadequate; or where evidence to take action was provided and it is deemed action was not appropriate.

3. Policy

3.1 Principles

The Anti-Social Behaviour, Crime and Policing Act 2014 includes new measures which are designed to give victims and communities a say in the way ASB is dealt with. The ASB Case Review gives victims the power to request a review of their case, where a locally defined threshold is met. This Policy will enable the Council to deal fairly and properly with complainants of ASB where a case review is requested. It should be noted that the original complaints about ASB do not have to have been made to the Council for this process to be accessed. If qualifying complaints have been made to the police, a social housing provider, or an Integrated Care Board, concerning anti-social behaviour within the borough of Broxtowe, then the procedure still applies.

For the purpose of the ASB Case review, ASB means:

Anti-social behaviour is defined under section 2 of Anti-social Behaviour, Crime and Policing Act 2014 as:

- (a) *Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,*
- (b) *Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or*
- (c) *Conduct capable of causing housing-related nuisance or annoyance to any person.*

The activities and behaviours which can be classed as 'anti-social' according to this definition are, therefore, often subjective and circumstance / situation specific. Consequently, partner agencies have identified the following broad categories of ASB, informed by national research and professional experience:

- Misuse of Public Space [Nuisance]
- Disregard for Community / Personal well-being [Nuisance]
- Acts directed at people [Personal]
- Environmental damage [Environmental]

The Council has procedures in place, within a number of departments, for responding to complaints about ASB. Complaints of this nature are dealt with by the relevant department as 'requests for service' in accordance with policies. Many complaints of ASB can also be quite properly made to the police or a social housing provider.

Where a person has made an application for an ASB case review the Council must carry out a review of the response to that behaviour if it is determined by the Council that the threshold for a review is met.

Appendix 1 provides the Application form and **Appendix 2** provides a flowchart of the procedure for making an application. Applications for a case review will be referred to the Head of Communities and Community Safety and will be considered in accordance with the threshold criteria. **Appendix 3** provides the form to request a summary of information held by agencies involved in the case (i.e. the Local Authority, the Police, Health, Victim Care and relevant social housing providers).

Three qualifying complaints must have been made about the ASB to which the application relates. A complaint about ASB is a 'qualifying' complaint if the following criteria are met:

- a) the three complaints relate to the same series of incidents and perpetrator/s
- b) the complaint is made within a period of one month beginning with the date on which the behaviour is alleged to have occurred; and
- c) the application for a case review is received within a period of six months beginning with the date on which the complaint was made

The Head of Communities and Community Safety will co-ordinate an ASB case review following the procedure set out in **Appendix 2**, to include relevant public bodies and social housing providers. The review encourages a problem solving approach aimed at dealing with some of the most persistent and complex cases of ASB.

The purpose of the review is to determine the information within the complaint/s, the response/s; if the response/s were appropriate; and to make recommendations for actions to address the complaint where these are available as set out in **Appendix 4** the ASB Case Review Terms of Reference.

The ASB Case Review Panel 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. The Panel may also make recommendations for action by the applicant and perpetrator where this is appropriate.

Following the conclusion of an ASB case review the applicant will be informed of the outcome and advised that if they consider the two measures for appeal set out below are met they may appeal to the Nottinghamshire Police and Crime Commissioner (PCC). The PCC has 14 working days to decide whether or not he or she wishes to intervene.

- (1) The ASB Case Review has failed to consider a relevant process, policy or protocol
- (2) The ASB Case Review has failed to consider relevant factual information submitted as part of the complaint/s

The role of the Office of the PCC will be to consider due process and ensure that the Community Safety Partnership has properly and effectively undertaken a review. In considering an ASB Case Review 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 satisfactorily in line with its ASB Case Review Procedure.

An ASB Case 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 victims' interests are adequately considered. The current Appeal Process can be found on the Commissioner's web site at: [Antisocial Behaviour Case Review \(pcc.police.uk\)](http://pcc.police.uk)

8. RECORDING, MONITORING AND REPORTING

A central register of ASB case reviews will be kept by the Head of Communities and Community Safety. A report will be presented annually in "Members Matters" publications setting out:

- a) the number of applications for ASB case reviews made to the Council
- b) the number of times the Head of Communities and Community Safety determined that the threshold for a review was not met;

- c) the number of ASB case reviews carried out; and
- d) the number of ASB case reviews carried out which resulted in recommendations being made.

The Council has a number of departments that utilise specific powers in order to tackle ASB. The following provides brief guidance as to how different departments can take different approaches:

Communities: Tackling ASB may involve providing information and advice and collecting and collating evidence for when enforcement action is required. The ASB Enforcement Officer is the point of first contact for general support and advice on ASB. This role includes liaising closely with the police and integrating the services provided to the Community by both organisations. By working alongside and in partnership with the police the ASB Officer is in a unique position in the Council and has an overview of ASB in the Borough and knowledge of perpetrators and links between individuals. Diversionary projects aimed at diverting young people away from ASB may also be delivered by partners where significant risk or harm are present.

Environmental Health: The Environmental Health section deals with any issue that constitutes a statutory nuisance under the Environmental Protection Act, the Control of Pollution Act, the Noise Act and other legislation. For action to be taken, the nuisance complained of must be, or be likely to be, prejudicial to health or interfere with a person's legitimate use and enjoyment of their premises for a substantial period of time, or materially affect the comfort or quality of life of members of the public. A statutory nuisance could arise from the general state of premises, the emission of smoke, fumes, gases or noise from premises, the keeping of animals in unsatisfactory conditions, deposits and accumulations of refuse and/or other material on premises, or noise emitted from or caused by a vehicle, machinery or equipment in the street.

Housing: When the ASB perpetrator is a Council tenant, the Housing team use their powers to curb the behaviour. Council tenants have specific clauses in their tenancy agreement in relation to nuisance behaviour and harassment. Tenants are also responsible not just for their own behaviour but also of those living with and visiting them. Housing Officers can visit tenants to remind them of their tenancy obligations and if unsuccessful can pursue action for regaining possession of the property.

Legal: Provide legal advice on policy and procedures for departments tackling ASB.

Planning: Where the state of gardens or other open land is causing serious detriment to amenity, it is sometimes possible to take action through planning legislation.

3.2 Risk

Not all ASB can be resolved due to the individual vulnerabilities of the victim and perpetrator. However, it is hoped that interventions can reduce ASB to a manageable and acceptable level or to levels which are normal for the individuals involved.

All information held by multiple agencies for the three qualifying incidents is reviewed by a panel and where appropriate action plans are drawn up to address the ASB reported.

The panel have a duty to consider the vulnerabilities of victims and perpetrators and to take this into account when considering possible courses of future action. Where diagnosed physical or cognitive impairment or mental health conditions exist it may not be reasonable to take action against a perpetrator for activity they are unable to manage. It may also be inappropriate to take action where the complaints arise from the mental health of the victim.

Risk	Mitigation
The review is not completed within timescales set out in the Act due to staff absence	A Borough Council Legal Officer or any one of the statutory agencies is able to provide an independent chair
The independent chair has been involved in a case	A Borough Council Legal Officer or any one of the statutory agencies is able to provide an independent chair
Action is taken against a perpetrator who is unable to manage the activity due to a cognitive impairment or mental health condition	Consideration is given to this within case review panel meetings
Action is taken against an alleged perpetrator who is innocent where malicious complaints are made the mental health of the alleged victim causes them to make false and malicious complaints	Action is only taken where sufficient evidence is secured
Action is taken against an alleged perpetrator who is innocent where the mental health of the alleged victim causes them to make complaints for which evidence is not obtained	Consideration is given to this within case review panel meetings and action is only taken where sufficient evidence is secured

3.3 Assertions

Regardless of age, gender, religion or beliefs, ethnicity, disability, sexual orientation or socio- economic background, all residents in Broxtowe have the right to live in a safe and supportive environment in safety, free from ASB.

3.4 Responsibilities

- The Head of Communities and Community Safety will act as independent chair of the ASB Case Review Panel.
- The Head of Communities and Community Safety is responsible for convening the meeting and requesting agency information.
- The Head of Communities and Community Safety is responsible for writing the report and communicating this to the applicant.
- All partner agencies should ensure appropriate staff are allocated with the required seniority to make decisions on behalf of their organisation.

- Each agency is expected to manage, record and hold their own records for the Case Review.
- The Head of Communities and Community Safety will manage the case on the secure multi-agency information sharing system.
- Actions agreed at the case review panel should be initiated immediately by partner agencies.
- The Head of Communities and Community Safety is responsible for ensuring the appeals procedure is communicated to the applicant.

4. Related Policies, Standards and Guidelines

- Anti-Social Behaviour Crime and Policing Act 2014
- Broxtowe Borough Council ASB Policy

5. Terms and Definitions

ASB - Anti-Social Behaviour - behaviour causing harassment, alarm, or distress to a member or members of the public

Vulnerable - victims and perpetrators diagnosed with either a physical or cognitive impairment or mental health condition/s.

ASB Case Review Panel – made up of agencies involved in the case from Local Authority, Police, Social Housing Providers, Health and Victim Care.

PCC - Police and Crime Commissioner

6. Enforcement

Any **user** or **administrator** found deliberately contravening this policy **may** be subject to disciplinary action and, where appropriate, legal action.

7. Review

This document will be reviewed every three years as a minimum or wherever there may be a change of influencing circumstances.

8. Appendices

Appendix 1

Application for a Case Review

If:

- a) the three complaints relate to the same series of incidents and perpetrator/s
- b) the complaint is made within a period of one month beginning with the date on which the behaviour is alleged to have occurred; and
- c) the application for a case review is received within a period of six months beginning with the date on which the complaint was made and you have not received a response or feel the response was inadequate where **evidence to take action was provided.**

Under the Broxtowe Borough Council ASB Case Review Procedure our Head of Communities and Community Safety will acknowledge receipt of your application for a case review and will assess the details of your complaint and decide if your application is a qualifying application. Please complete this application form and we will endeavour to contact you again within 20 working days of receipt of this form.

Where an ASB Case Review takes place information regarding the case will be gathered from all agencies not just those who received the original complaints. The panel will look into all aspects of the case including any counter allegations or mitigating circumstances should these exist. The panel is unable to look into issues, incidents or facts you did not report as part of your original complaints or into incidents which postdate the submission of the application.

The aim of an ASB Case Review is to prevent incidents of ASB recurring so it should be noted that the panel recommend that action to prevent further occurrences also includes action by or against the complainant.

The Crime & Disorder Act 1998 and the Data Protection Act 2018 allows agencies to share relevant personal and sensitive details appropriately with other statutory partners in the Borough. Information may be stored in a hard copy file and/or electronically and will be destroyed in compliance with data protection principles. By completing this form, you agree to these conditions.

Complainant Details	
Complainants Name	
Address	
Agency, organisation or group (if applicable)	
Date of Birth	

Phone No.		Email	
Describe any relevant vulnerabilities			

Advocate (helper) Details			
Organisation <small>(if applicable)</small>			
Phone No.		Email	

Declaration	
I agree that information about me relevant to my complaint of anti-social behaviour can be shared between organisations for the purpose of investigating my complaint.	
Signature	
Date	

In this section please complete the details of the three complaints you have made about anti-social behaviour which you want local agencies to review. These incidents **MUST** have been reported in the last six months and reported within one month of the incident occurring.

Reported Incidents				
Reported to	Name/s			
	Organisation/s			
Incident One				
Date and Time of Incident				
Date you reported this incident				
Brief Details and Location				
Incident/Crime or Reference No. if applicable				
Method of Reporting (tick applicable)	Phone	Email/On-line	Written	In Person
Were you contacted about your report?				
What evidence did you supply to enable action to be taken?				
What action was taken?				

Incident Two				
Date and Time of Incident				
Date you reported this incident				
Brief Details and Location				
Incident/Crime or Reference No. if applicable				
Method of Reporting (tick applicable)	Phone	Email/On-line	Written	In Person
Were you contacted about your report?				
What evidence did you supply to enable action to be taken?				
What action was taken?				

Incident Three				
Date and Time of Incident				
Date you reported this incident				
Brief Details and Location				
Incident/Crime or Reference No. if applicable				
Method of Reporting (tick applicable)	Phone	Email/On-line	Written	In Person
Were you contacted about your report?				
What evidence did you supply to enable action to be taken?				
What action was taken?				

In this section please explain why you think your case should be reviewed and describe the current situation and how you want it resolved.

Reason for Requesting a Case Review

Why are you unhappy with the action taken so far?

What else would you like to see done to resolve the issue?

Are you currently receiving support from anyone regarding these incidents? Please describe.

Now you have completed the form please submit it or send to:

**Head of Communities and Community Safety
Broxtowe Borough Council
Foster Avenue
Beeston
Nottingham
NG9 1AB**

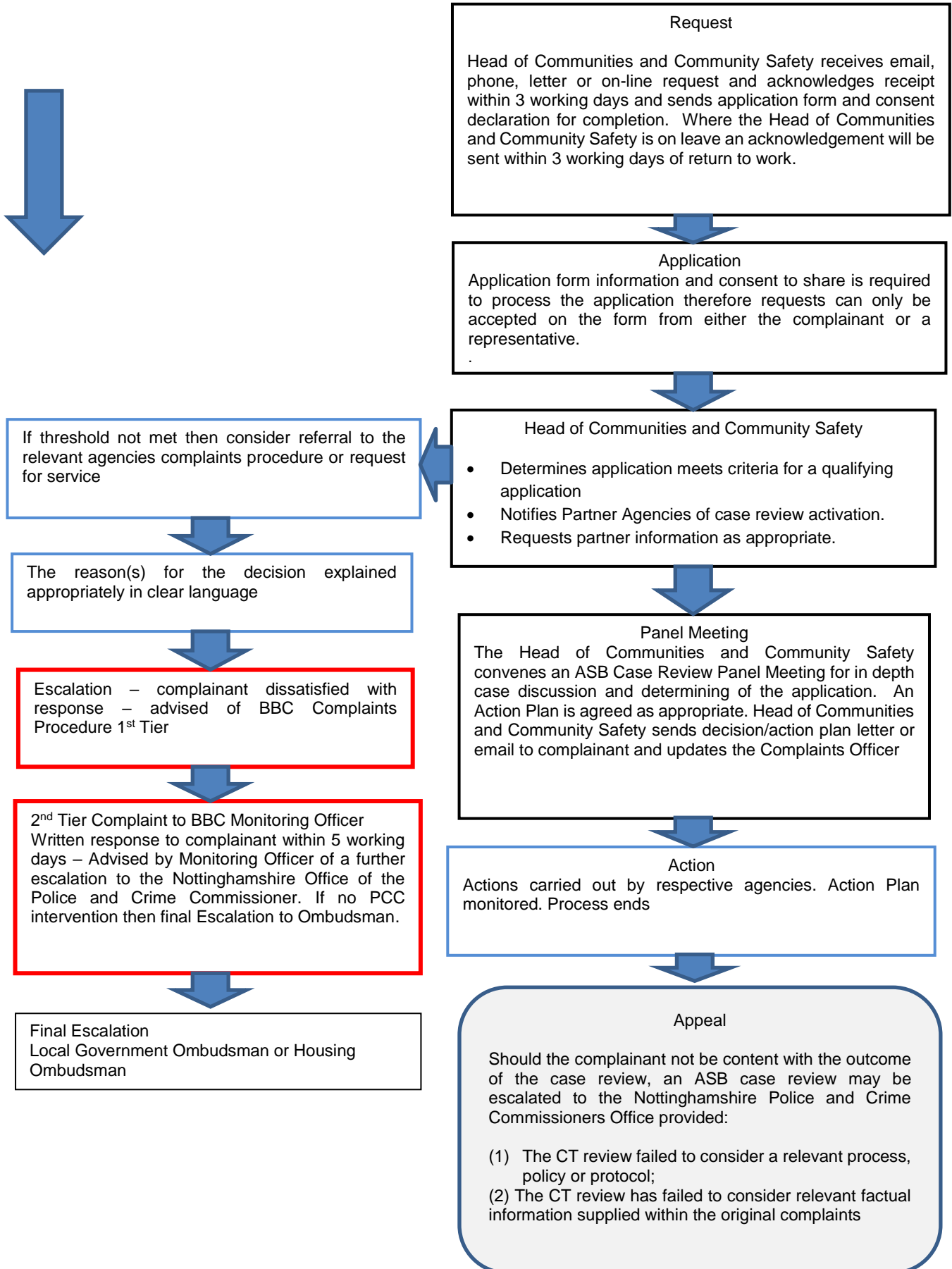
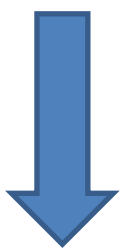
spc@broxtowe.gov.uk

tel:0115 917 777 3492

typetalk:18001 0115 917 7777

www.broxtowe.gov.uk

Appendix 2



Appendix 4

BROXTOWE ASB CASE REVIEW PANEL

TERMS OF REFERENCE 2024

1. OBJECTIVES OF THE ASB CASE REVIEW PANEL

As part of the ASB, Crime and Policing Act 2014 there is a requirement for each local government area to have a process in place to allow for reviews of anti-social behaviour cases.

A full procedure is in place detailing the end to end process of the review, from application to annual review and revision. These Terms of Reference are to accompany the procedure and add value to review panel members.

It is the Panel's responsibility to undertake an independent review on a cases by case basis where the threshold has been met and to consider both viewpoints of any ASB case taking a balanced view of the case, the behaviour of all parties and any mitigating circumstances.

The vulnerabilities of all parties need to be considered in addition to the reasonableness of any behaviour and normal tolerance levels applied when determining the outcome of the review.

Where the ASB is caused by a diagnosed disability or mental health condition for which the alleged perpetrator cannot be held responsible it is unreasonable to take enforcement action and enforcement action should not be taken where alternative solutions are available.

Public funds will not be used to resolve arguments between neighbours and provide vindication, retribution and apportion blame. The purpose of the ASB Case Review is to ensure action is taken where it is lawful and justifiable to do so, prevent ASB recurring and improve procedures.

The relevant bodies that carry out the review may make recommendations to a person who exercises public functions (including recommendations to a relevant body) in respect of any matters arising from the review; and the person must have regard to the recommendations in exercising public functions.

The Chair of the panel will be responsible for communicating all recommendations to partners and the applicant formally.

These Terms of Reference apply only to cases that have met the threshold and require a full review panel to be held. The Head of Communities and Community Safety (Panel Chair) will have considered if the threshold has been met and communicated this back to the applicant.

2. ATTENDANCE AT THE PANEL

The attendees of the review should include all relevant bodies and stakeholders that have been involved in the case.

Where agency panel members are unable to attend, a fully briefed representative should be provided to ensure their agency is represented at the meeting.

For the panel to identify the appropriateness of agency involvement and action the panel must strictly adhere to reviewing information such as has been already reported to, and held by agencies prior to the application being received. To ensure this adherence it is therefore inappropriate for applicants to attend the panel meeting although representation by professional advocates are welcomed and an impact statement is requested as part of the application form to ensure the voice of the applicant is heard.

Highly sensitive confidential information regarding the vulnerabilities of all parties involved will need to be shared within the panel meeting and all panel members are required to strictly adhere to the Data Protection Act 2018 (DPA) and General Data Protection Regulations (GDPR) and their agencies' information management policies.

2. RESPONSIBILITY OF THE CHAIR

The Panel Chair is responsible for the following:

- Administrative arrangements including organising the venue, meeting room, minute taker, date and time.
- Inviting the appropriate attendees
- Sending out documentation
- Chairing the meeting
- Informing the applicant of:
 - a. The outcome of the review
 - b. Any recommendations made as per above
 - c. Advise of the process if they are dissatisfied with the way in which the relevant bodies have carried out an ASB Case Review.

TIMESCALE: The chairperson's responsibilities must be completed within 12 weeks

4. UNDERTAKING THE CASE REVIEW PANEL – TIMESCALES

All relevant bodies and key stakeholders with past involvement in the case will have been contacted to request data/case information in advance of the panel. This should be supplied at least 2 weeks before the case review panel meeting date.

A template to insert data/case information has been prepared to assist relevant bodies in providing information to the panel.

The full review panel meeting should be held within 12 weeks of the decision being made to proceed to a full review and this has been communicated to the victim.

5. OUTCOME OF THE FULL CASE REVIEW PANEL

The panel will need to take account of the persistence and ongoing nature of the anti-social behaviour, the harm or potential harm caused by the anti-social behaviour and the adequacy of the response to the anti-social behaviour (Section 104(5)).

The relevant bodies that carry out the review may make recommendations to a person who exercises public functions (including recommendations to a relevant body) in respect of any matters arising from the review; and the person must have regard to the recommendations in exercising public functions. An Action Plan will be completed and recorded in the minutes and this will be communicated to the applicant.

Recommendations may also include actions to be carried out by the applicant and/or the alleged perpetrator if it is deemed appropriate to prevent the ASB recurring.

The Chair of the panel who carried out the ASB review must inform the applicant of:

- a. The outcome of the review
- b. Any recommendations made as per above
- c. Advise of the process if they are dissatisfied with the way in which the relevant bodies have carried out an ASB Case Review.

Where the applicant is dissatisfied with the outcome they may appeal only where one of the following measures is satisfied;

- (1) The ASB Case Review has failed to consider a relevant process, policy or protocol;
- (2) The ASB Case Review has failed to consider relevant factual information submitted as part of the complaint/s.

Where an appeal meets the criteria the chair will send the appeal and all papers relating to the review to the Office of the Police and Crime Commissioner (PCC) who will be responsible for undertaking a review and making recommendations where appropriate.

6. INFORMATION SHARING

The guidance details that an applicant (individual, business or community group) or another person acting on behalf of the applicant such as an advocate, a carer or family member, Member of Parliament or Councillor can use the ASB Case Review to request a review of an ASB case.

Any third party requesting a review on the victim's behalf will need to obtain their consent in writing to order to instruct a review of the case and to receive copies of information/correspondence sent to the applicant. Consent will be sought at the first point of contact (please see guidance). The Chair will need to ensure that any correspondence with the applicant is also sent to the third party.

Sensitive personal information relating to either party in the case will not be shared with the applicant or their representative. Sensitive information will only be shared between agencies who are compliant with DPA and GDPR and have their own information sharing policies in place.

Schedule 4 part 3 of the DPA provides detail on information sharing

All documentation circulated electronically must be appropriately protected or sent via secure email.

7. TRAINING AND GUIDANCE

Relevant bodies will need to have in place appropriate communications, training and guidance on the review procedure.

8. FREQUENCY OF MEETINGS:

Meetings will be arranged on requirement.

9. RECORDING THE CASE AND REVIEW PANEL

The Chair will ensure that all information received, minutes and correspondence is recorded on the secure case management and information sharing system.

10. ADMINISTRATION

The chair is responsible for arranging an administrator. It is important to record persons present of the meeting, date and time of the meeting, the minutes containing information shared/discussed, the outcome and recommendations.

9. Document Attributes

Document Information

Information Type	Document Information
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Date	Name & Job Title of Approver(s)	Version
	Chief Executive	1

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All Staff

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