

# **Broxtowe Borough Council**

## **Anti-social Behaviour Case Review (Community Trigger) Policy**

### **1. Aim of the policy**

The Anti-Social Behaviour, Crime and Policing Act 2014 includes measures which are designed to give victims and communities a say in the way anti-social behaviour is dealt with. The legislation gives victims the power to request a review of their case under certain circumstances. The process is also known as the Community Trigger. This policy will enable Broxtowe Borough Council (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. Common incidents of anti-social behaviour include, but are not limited to, the following:

- Noisy neighbours, including the misuse of audio 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

### **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 procedures and the Council's over-arching Enforcement Policy.

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

### **4. Request for a case review**

In a case where a person has made complaints 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.

An application for case review will be referred to the Head of Public Protection and will be considered by that officer in accordance with the threshold criteria. The Council will receive all applications for reviews but these will be referred, as appropriate 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 if the threshold for a case review is met**

To activate a case 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

The applicant will be advised of the decision as to whether or not the threshold is met.

## **6. Undertaking the 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 should encourage a problem solving approach.

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.

## **7. Outcome of the review**

The panel which undertakes the case review may make recommendations to other agencies. The recommendations are likely to take the form of an action plan to resolve the anti-social behaviour.

The applicant will be advised of the outcome of the review; and any recommendations made as an outcome of the review.

## **7. Dissatisfaction with an ASB case review**

If the applicant remains dissatisfied following the full execution of this procedure, they may request that the case is escalated through Broxtowe Borough Council's Complaints Procedure, then to Nottinghamshire's Police and Crime Commissioner (where appropriate), and finally to the Local Government Ombudsman or Housing Ombudsman.

A case review may only be escalated to the Office of the Police and Crime Commissioner where one of the following measures is satisfied:

- (1) The case review has failed to consider a relevant process, policy or protocol;
- (2) The case 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 authority 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, or Council, asking them to consider a particular process, policy or protocol not previously considered;

(2) Determine that the Community Safety Partnership, or Council, has reviewed the case, considering all relevant policies, process and protocols satisfactorily in line with its ASB Case Review Procedure.

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

## **8. Recording, monitoring and reporting**

A central register of Anti-Social Behaviour Case Reviews will be kept by the Council's Complaints and Compliments Officer.

The number of applications for Anti-Social Behaviour Case Reviews made to the Council will be reported annually as part of the business planning process.

## Anti-social Behaviour Case Review (Community Trigger) Flow Chart

**Stage 1**  
Target:  
3 working  
days

The Council's Complaints Officer will acknowledge Community Trigger applications, usually within 3 working days, and will register and refer the application to the Head of Public Protection for action.

**Stage 2**  
Target:  
20 working  
days

The Head of Public Protection will:-

- determine if the application meets the threshold for a case review
- notify partner agencies of case review application
- request partner information as appropriate

### **Threshold for case review activation**

- a) At least 3 qualifying complaints of anti-social behaviour, and
- b) the application for the review is made within 6 months of the first complaint

### **Qualifying Complaint**

A complaint made to the police, local Clinical Commissioning Group, social housing provider or local council within 1 month from when the alleged behaviour occurred

If the threshold is not met:

If the threshold is not met the applicant will be notified and the reason(s) for the decision explained.

If the threshold is met:

If the threshold is met, the Head of Public Protection will convene a Community Trigger Panel made up of representatives from relevant bodies including the police and Broxtowe Borough Council and notify the applicant.

**Stage 3**  
Target:  
12 weeks

A Case Review Panel will be held to agree an action plan. The Panel will look at the actions that have been undertaken to determine the adequacy of the response to the behaviour complained about based on reasonable expectations and timescales. An Action Plan will be agreed as appropriate and the complainant advised.

If the applicant remains dissatisfied following the full execution of this procedure, they may request that the case is escalated through Broxtowe Borough Council's Complaints Procedure, then to Nottinghamshire Police and Crime Commissioner (if applicable), and finally to the Local Government Ombudsman or Housing Ombudsman.