

Anti-Social Behaviour, Crime & Policing Act 2014 Rushcliffe Borough Council Community Trigger Procedure

COMPLAINTS ABOUT ANTI-SOCIAL BEHAVIOUR

1. AIM OF THE PROCEDURE

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 (ASB) is dealt with. The "ASB Case Review" (Community Trigger) 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 Rushcliffe 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 Rushcliffe, then the procedure still applies.

2. WHAT IS ANTI-SOCIAL BEHAVIOUR ?

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

Noise Nuisance:

- Noisy neighbours, including the misuse of Hi-fis and similar equipment, excessive and unreasonable shouting, banging and bad language.
- Noise from barking dogs.
- Noise from commercial activities, including construction and noise in the street

Harassment:

- Intimidation
- Abusive language or behaviour
- Violence or threat of violence

Youth Related Anti-Social Behaviour

- 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

Vehicle Nuisance

- Excessive noise from vehicles (e.g. revving of engines)

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3. REQUEST FOR SERVICE DELIVERY

The Council currently has procedures in place, within the environmental health service, for responding to complaints about ASB (see appendix one). Complaints of this nature are dealt with by the service area 'requests for service' in accordance with those policies.

Many complaints of ASB 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 a complaint about ASB, the Council must carry out an ASB 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.

Appendix two provides a procedure for making an application to the Council for a case review. Applications for a case review will be referred to the Environment and Licensing Manager 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 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 ASB to which the application relates. A complaint about ASB 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 complaint is made

b) Local Review

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

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6. ASB CASE REVIEW

The Environment and Licensing Manager will co-ordinate a case review following the procedure set out in appendix two, to include relevant public bodies and social housing providers. The review meeting will be encompassed, where possible, in the existing ASB Group meetings. The review encourages a problem solving approach aimed at dealing with some of the most persistent and complex cases of ASB.

The Environment and Licensing Manager 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.

Following the conclusion of an ASB 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 PCC has 14 working days to decide whether or not he wishes to intervene.

7. DISSATISFACTION WITH AN ASB CASE REVIEW

Should the ASB victim(s) be not 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.

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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>

8. RECORDING, MONITORING AND REPORTING

A central register of ASB 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 ASB case reviews made to the Council;

- b) the number of times the Environment and Licensing Manager 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.

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COMPLAINTS OF ASB

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. Also within Environmental Health is the Neighbourhood Team where the Neighbourhood Officers' post involves providing information and advice to diversionary projects aimed at diverting young people away from ASB and collecting and collating evidence for when enforcement action is required. The Neighbourhood 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 attending Tasking meetings the Neighbourhood Officer is in a unique position in the Council and has an overview of ASB in the borough and a first rate knowledge of perpetrators and links between individuals. 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. This department also seeks legal advice on policy and procedures when tackling ASB

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APPENDIX TWO

PROCEDURE FOR MAKING AN APPLICATION FOR AN ASB CASE REVIEW

Stage One – Initial Complaint

Initial complaints about ASB should be made to the Environmental Health Service, Police, or Social Housing Provider within one month of the ASB occurring. Each responsible authority will respond in accordance with its recognised procedures.

Stage Two – Case Review

A victim of ASB (or their representative) may make an application for a case review within six months of the initial ASB complaint being made. An application form (attached) must be completed by the victim (or their representative), and sent to the Complaints Officer at Rushcliffe Borough Council for registering. Applications will be acknowledged by the Complaints Officer within three working days.

The Environment and Licensing Manager must determine if the application meets the criteria for a qualifying complaint. The applicant will be notified within twenty working days of receipt of the application form if the application meets the criteria and what will happen next.

If it is considered that the application does not meet the criteria, the applicant will be notified that the application cannot be progressed and the reasons for that decision.

If it is considered that the application does meet the criteria the Environment and Licensing Manager will arrange a case review meeting with all relevant bodies (Police, Health, Social Housing Provider) at which they will share information about the case, review the previous actions taken, and consider whether any new information needs to be obtained, before collectively deciding whether further action can be taken and produce an action plan.

The Environment and Licensing Manager will prepare a formal written response to the applicant; advising the outcome of the review and any recommendations made. The review will be a problem solving process aimed at finding a resolution to the ABS. The action plan will be discussed with the victim, with a view to finding a resolution to the problem. It therefore may be a lengthy process to conclude the review; but the review should take no more than three months to complete.

Stage Three – Further Review

If a complainant is dissatisfied with the way in which an application for a case review has been dealt with, or the way in which a case review has been carried out, they can appeal to the Office of the Police and Crime Commissioner via the following link:

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

The Monitoring Officer will review the effectiveness of the procedures and any necessary revision of the procedures as part of his further review.

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Application for a Case Review

If there have been **three separate complaints about an anti-social behaviour incident** to any agency and you feel the response was inadequate, under the Rushcliffe Borough Council Community Trigger Procedure our Complaints Officer will acknowledge receipt of your complaint and the Environment and Licensing Manager will convene a meeting to review the details of your complaint and decide if your application is a Qualifying Complaint. Please complete this application form using the link below:

www.rushcliffe.gov.uk/asbcasereviewform

We will endeavour to contact you again within 20 working days of receipt of this form.

The Crime & Disorder Act 1998 and the Data Protection Act 1998 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.