

ANTI-SOCIAL BEHAVIOUR CASE REVIEW POLICY (COMMUNITY TRIGGER)



1. Aim of the Policy

Plymouth City Council recognises the devastating impact that anti-social behaviour has on victims and communities within our city. We are committed to working closely alongside communities and partner agencies, using a trauma-informed approach, to tackle anti-social behaviour and make our city a safer place to live. We will put victims at the heart of our response and ensure that those being affected are listened to and given the support they need. One way in which we pledge to do this is through our 'Anti-Social Behaviour Case Review' or 'Community Trigger' process.

The Anti-Social Behaviour (ASB) Case Review (also known as the 'Community Trigger') was introduced by the Anti-Social Behaviour, Crime and Policing Act 2014 in order to provide a statutory 'safety net' for those victims of anti-social behaviour who do not feel they have received a satisfactory response to their complaints about anti-social behaviour. An ASB Case review gives victims of persistent anti-social behaviour the right to request a multi-agency review of their case where the required threshold has been met.

This policy will enable the council to deal fairly and properly with complaints of anti-social behaviour where a case review is requested. It should be noted that the original complaints about anti-social behaviour do not need to have been made to Plymouth City Council for this process to be requested. If qualifying complaints have been made to the Local Authority, Devon and Cornwall Police, a Registered Social Landlord (RSL) or an NHS Devon Clinical Commissioning Group (CCG), concerning anti-social behaviour within, or connected to the city of Plymouth, then this policy still applies.

2. What is defined as Anti-Social Behaviour?

For the purposes of an ASB Case Review, anti-social behaviour is defined as:

“Persistent behaviour that causes, or is likely to cause, **harassment, alarm or distress** to one or more person(s) from another household”

In addition to this, Plymouth City Council may accept applications for ASB Case Reviews where the behaviour is causing a '**nuisance or annoyance**', where it can be shown that the cumulative impact of the behaviour is having a significant detrimental impact on the victim(s).

Common examples of anti-social behaviour include, but are not limited to, verbal abuse, harassment, vandalism, noise nuisance, animal nuisance, anti-social drinking and fly tipping.

3. Request for an ASB Case Review

In a case where a person has made complaints about anti-social behaviour, we will 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 us that the threshold for a review is met.

An ASB Case Review can be requested directly by the victim or by a third party representing the victim (such as a family member, friend, professional), **with the victim's consent**. In exceptional circumstances, we may accept an ASB Case Review application made by a third party without the victim's consent, e.g. if a victim is unable to give consent or is at significant risk of harm.

Please see the ASB Case Review Guidance Notes for further details about making an application for an ASB Case Review.

Applications for an ASB Case Review will be referred to Plymouth City Council's Safer Communities Team and will be considered by them in accordance with the threshold criteria. Applications will also be shared with other relevant bodies in the local authority area (i.e. the Police, NHS Devon Clinical Commissioning Groups and relevant social housing providers)

4. Determining the Threshold for an ASB Case Review

If an individual(s) has reported **three separate incidents** of anti-social behaviour relating to the same problem, to the Local Authority, Police, RSL or an NHS Devon CCG, within the **past six months**, and where there **may be further actions available** to resolve the case, they would meet the threshold for an ASB Case Review.

If an individual(s) has reported **two separate incidents** of anti-social behaviour relating to the same problem, to the Local Authority, Police, RSL or an NHS Devon Clinical Commissioning Group, within the **past six months**, and at least one involving a **hate crime or incident**, and where there **may be further actions available** to resolve the case, they would meet the threshold for an ASB Case Review. Please see the ASB Case Review Guidance Notes for further information on what constitutes a hate crime and hate incident.

5. Anti-Social Behaviour Case Review

If it is determined that an application meets the required threshold, a Single Point of Contact (SPOC) within Plymouth City Council's Safer Communities team will co-ordinate a review meeting to include relevant public bodies and other relevant agencies. The purpose of this meeting is not to apportion blame or hold agencies to account but to take a proactive, problem-solving approach to try and stop further anti-social behaviour.

An Independent Chair with no prior involvement in the ASB case management will be appointed by the SPOC to chair the meeting, review actions taken so far and decide whether any further recommendations can be made to try and resolve the anti-social behaviour.

The Chair may make recommendations for further actions to a relevant public body or person, who exercises public functions, in respect of any matters arising from the review.

A Chair may be appointed from any of the below organisations however will always be independent to the case, at a senior level and have substantial experience in resolving anti-social behaviour:

- Plymouth City Council (or another Local Authority)
- Devon and Cornwall Police
- A Registered Social Landlord
- ASB Help (a registered charity in England and Wales set up to provide advice and support to victims of anti-social behaviour)
- A representative from the above based in a different area of England and Wales

The applicant requesting the ASB Case review (or their representative) will be invited to attend the first part of the review meeting to provide them with an opportunity to explain the impact that the anti-social behaviour is having on them. If the applicant does not wish to do this, they will be invited to provide a victim impact statement which will be read out by the Chair at the beginning of the meeting. The applicant will be asked to leave the meeting prior to any multi-agency discussion as sensitive information relating to third parties will need to be discussed.

Following the conclusion of an ASB Case Review, the applicant will be informed of any recommendations made and advised that should they remain dissatisfied, they may appeal to the Office of the Police and Crime Commissioner (OPCC) for Devon, Cornwall and the Isles of Scilly.

6. Dissatisfaction with an ASB Case Review

Should the applicant not be content with the outcome of an ASB Case review, their review may be escalated to the Office of the Police and Crime Commissioner where one of the following circumstances apply:

- If the relevant bodies have rejected an application to conduct an ASB Case Review on the basis that the threshold has not been met but the victim considers that the threshold has been met
- If the victim considers that the ASB Case Review has failed to consider a relevant process, policy or protocol
- If the victim considers that the ASB Case Review has failed to consider relevant factual evidenced information

Case reviews escalated to the OPCC must be referred within four weeks of the notification of the outcome and referred through the Safer Communities team in Plymouth City Council.

7. Recording, Monitoring and Reporting

A central register of ASB Case Reviews will be kept by the Technical Lead in the Safer Communities team. A report will be presented annually, at the end of the financial year, setting out:

- a) The number of applications for ASB Case Reviews made to the Council
- b) The number of times that the threshold for an ASB Case Review was not met
- c) The number of ASB case reviews carried out
- d) The number of ASB case reviews carried out which resulted in recommendations being made
- e) The number of appeals made to the Office of the Police and Crime Commissioner

The Council will publish this report annually on the Plymouth City Council website.

8. Equality and Diversity

Plymouth City Council will apply this policy consistently and fairly and will not discriminate against anyone based on any relevant characteristics, including those set out in the Equalities Act 2010.

Plymouth City Council will make this policy available in other languages and formats on request.

Should you require this policy in an alternative format or need any other reasonable adjustments, please contact Community Connections on 01752 668000 or communityconnections@plymouth.gov.uk

9. Review

Plymouth City Council will monitor this policy to ensure it meets good practice and current legislation and will review it on an annual basis. This policy will next be reviewed on 30th October 2022.

10. Further Information

For further information in relation to the ASB Case Review process, please contact Plymouth City Council's Community Connections team either by phone on 01752 668000 or by email to communityconnections@plymouth.gov.uk