**Gedling Borough Council Policy**

**Anti-Social Behaviour – Community Trigger**

**1. Aim**

The Anti-Social Behaviour, Crime and Policing Act 2014 introduced measures which were 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 Gedling Borough Council for this process to be accessed. If qualifying complaints have been made to Nottinghamshire Police, a social housing provider, or a Clinical Commissioning Group, concerning anti-social behaviour within, or connected to the borough, then the procedure still applies.

**2. Anti-social Behaviour Definition**

The definition of ASB which is used in Section 2 of the Antisocial Behaviour Crime and Policing Act 2014 : Which states Antisocial behaviour means –

(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.

Some examples of behaviour that would be treated as ASB include but are not limited to:

* Intimidation and harassment
* The fouling of public areas, graffiti, fly tipping and nuisance vehicles
* Actual violence against people or property
* Hate behaviour that targets members of identified groups because of their perceived difference e.g. racial harassment.
* Using or threatening to use housing accommodation to manufacture, supply or sell drugs, or for other unlawful purposes.
* Excessive noise nuisance.

Below are examples of issues which may upset or disturb people and which are unlikely to be dealt with as ASB are:

* Babies crying
* Children playing (including balls games-  unless they are being played in a communal area and causing a nuisance)
* Cooking smells
* Doors and drawers being shut
* Dishwashers, hoovers, tumble dryers, washing machines and or other household appliances; Dropping of objects/moving of furniture
* General talking
* Heavy footfalls (people walking on floors or upstairs)
* Flushing toilets and running water
* Lights switches being turned on and off
* Loud talking or laughing
* One-off or isolated incidents e.g. a party or an argument or altercation
* People carrying out DIY jobs at reasonable hours of the day
* Families arguing and shouting between themselves (unless you suspect there is domestic abuse taking place in which case this should be reported to the police)
* Sexual noises
* Shift workers leaving home
* Slamming doors
* Toilet flushes
* Where there is no breach in the tenancy i.e. people staring or being inconsiderate.

**3. Service requests**

There are currently procedures in place, within a number of service areas, for responding to complaints about anti-social behaviour. This includes Customer Services who often are the first point of contact within the authority. Complaints of anti-social behaviour are dealt with by the relevant service area as ‘requests for service’ in accordance with those procedures. Many complaints of anti-social behaviour can also be quite properly made to the police or a social housing provider or Gedling Borough Council Anti-Social Behaviour Co-ordinator,

**4. Request for a Community Trigger / Case Review**

Where a complaint about anti-social behaviour has been made…., 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. Criteria for Community Trigger / 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

c) 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. Gedling Borough Council Policy Anti-Social Behaviour, Crime & Policing Act 2014 Page 3 of 4 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. DISSATSFACTION 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->

TriggerAppeal.aspx Gedling Borough Council Policy Anti-Social Behaviour, Crime & Policing Act 2014

8. RECORDING, MONITORING AND REPORTING

A central register of Anti-Social Behaviour Case Reviews will be kept by the Community Safety Officer. An annual report will be written that will detail

the number of applications for Anti-Social Behaviour Case Reviews made to the Council;

the number of Anti-Social Behaviour Case Reviews carried out

the number of Anti-Social Behaviour Case Reviews carried out which resulted in recommendations being made.

progress on the recommendations

the number of times the Community Safety Officer determined that the threshold for a review was not met;