



# **UTTLESFORD DISTRICT COUNCIL**

## **ANTI-SOCIAL BEHAVIOUR POLICY**

## Introduction

Uttlesford District Council recognise that the problems created by Anti-Social Behaviour (ASB) need to be addressed in a fair but firm manner. Residents are entitled to live in a quiet and peaceful environment and where appropriate the Council will endeavour to act quickly and efficiently to tackle incidents of ASB.

Uttlesford District Council will not tolerate incidents of ASB and this will be made clear to all tenants, prospective tenants and residents of the district.

The Council's ASB Policy applies to tenants and residents, their families and any other occupants and visitors. The same principles apply to members of staff and other people working on behalf of the council.

In response to the Anti-social Behaviour, Crime and Policing Act 2014 Uttlesford District Council has fully reviewed its ASB Policy and Procedures.

## **1. Scope and purpose of this policy document**

This document is one of two that tells you about Uttlesford District Council's anti-social behaviour (ASB) responsibilities and what we do to tackle ASB.

This is the policy document. It tells you what we mean by 'anti-social behaviour' and sets out our objectives for the Council's ASB services. It says what we want our services to achieve for people experiencing ASB, and details the kind of service level and quality we aim to provide. It also explains the broad approach we have agreed to adopt in order to support and advance our objectives.

This document does not say how we will deal with ASB on a day-to-day basis. This is explained in our procedure document, which should be read alongside this one.

## **2. The Council's ASB responsibilities**

The Council has a wide range of responsibilities to tackle ASB. These arise from three distinct roles which are:

### **a. Our landlord role**

As a landlord, the Council has a duty to respond to ASB affecting the properties we manage. Our landlord duties and powers are different from, and usually act in addition to, the duties and powers we have to deal with ASB in the wider community. In this document (and the procedure document) we will make it clear when a policy or a power applies only to Council tenancies.

### **b. Our role as a part of the Uttlesford Community Safety Partnership**

Under the Crime and Disorder Act 1998, the Council must work with the police and other agencies to reduce crime and disorder in Uttlesford. In this role we play a key part in dealing with anti-social behaviour of all kinds and also undertake project and preventative work.

### **c. Our environmental protection role**

The Council has a range of responsibilities to deal with 'environmental' ASB like noise, graffiti, litter, dumped rubbish and abandoned cars. These responsibilities arise from a number of

Acts and local byelaws, but in particular from the Environmental Protection Act 1990.

While these are distinct roles, there are very strong links between all three and close working arrangements have been developed between the teams that deliver the various services. However, the policies described in this document mainly concern our landlord and Community Safety Partnership roles and so tend to say more about the work of the Council's Housing Department and the Council's Community Safety Team. Environmental ASB is tackled by a number of different teams within the Council each of which works to its own set of policies and procedures.

### 3. What is anti-social behaviour?

Uttlesford District Council considers anti-social behaviour to be:

- behaviour capable of causing nuisance or annoyance to any person, including Council tenants, other residents, council staff, contractors, partner agency staff or any other person lawfully going about their business ; or
- any act that causes, or is likely to cause, harassment, alarm or distress to one or more persons not of the same household; or
- using or threatening to use Council property for unlawful and or immoral purposes

#### 3.1 Examples of ASB

Anti-social behaviour may include (but is not limited to):

##### Noise:

- loud televisions and music
- persistent, unnecessary or excessive noise
- shouting or yelling
- persistent alarms
- excessively loud or frequent parties
- dogs persistently barking

##### Intimidation, harassment and violence:

- verbal or written abuse
- threats of violence

- assault
- damage to property
- keeping and failing to control an aggressive dog
- Using or allowing the premises to be used for illegal or immoral activity such as prostitution, handling or storing drugs and handling or storing stolen goods.

#### Environmental ASB:

- dumping rubbish and littering
- vandalism
- dog fouling
- graffiti
- fly-posting
- abandoned vehicles

#### Hate behaviour directed at a person's:

- race or nationality;
- gender;
- sexual orientation;
- disability; or
- faith

#### 3.2 ASB affecting our landlord role (in addition to the above):

- failure by tenants to prevent children or visitors from behaving anti-socially;
- failure by tenants to observe any ASB-related tenancy condition;
- any act (whether or not committed by a tenant or leaseholder); which directly or indirectly adversely affects the Council's housing management function.
- misuse of communal areas (including parking areas); and
- use of motor vehicles in an anti-social manner by tenants or visitors.

#### 4. What is not ASB?

ASB can be difficult to define and there are some types of behaviour that are not classed as ASB and will not be investigated by the District Council. Examples include;

- Children playing in the street or communal areas
- Young people gathering socially unless they are being intimidating
- Being unable to park outside your own home
- DIY and car repairs unless they are taking place late at night
- Civil disputes between neighbours e.g. shared driveways
- One off complaints against noise e.g. parties.

## 5. The Council's objectives

The Council's ASB policy is founded on the following 5 objectives.

### 1. No one should have to put up with ASB

Our policy is to:

- 1.1 make people aware of what anti-social behaviour is;
- 1.2 publicise and promote our various services to combat ASB;
- 1.3 encourage people to report ASB and make it possible for them to do this using a range of reporting methods;
- 1.4 seek to respond to each reported case of ASB as quickly as possible and
- 1.5 support victims of ASB throughout the case to the extent the seriousness of the case requires.

### 2. Reports of ASB will be treated seriously and dealt with professionally.

Our policy is to:

- 2.1 assess (and periodically reassess) the seriousness of anti-social behaviour reported to us, and take action according to our target times;
- 2.2 treat all reports as confidential, sharing information only with other organisations that can help with the problem (for example the police) and observing data protection laws and information sharing agreements;
- 2.3 ensure that criminal ASB reported to the Council is quickly passed on to the police;
- 2.4 register each case we take on;
- 2.5 fully investigate the complaint, which may involve interviewing any alleged perpetrator and may involve interviewing third party witnesses;
- 2.6 quickly refer cases between the different departments of the Council and to other agencies as necessary;

- 2.7 continue to treat any case referred to another Council department or external agency as a 'live' case until, in the opinion of the Housing Management and Anti-Social Behaviour Co-Ordinator, the case can be closed;
- 2.8 formally close all cases in writing;
- 2.9 respond promptly to complaints about the service and advise anyone not satisfied with the way their case was handled how to make a formal complaint; and
- 2.10 explain our reasons should we choose to take no action, and advise on self-help or other alternative courses of action whenever it is possible and appropriate to do this.

### 3. ASB will be dealt with firmly, fairly and proportionately.

Our policy is to:

- 3.1 take any necessary early action to protect people and property;
- 3.2 investigate the circumstances and seek to understand all the facts of any matter reported to us;
- 3.3 seek always to resolve cases at the lowest level of intervention taking formal action when the ASB is serious or persistent or when it threatens people's safety or health;
- 3.4 use any of the tools and powers available to us under the law and council policy, according to our best professional judgment;
- 3.5 take it into account (and adjust our approach as necessary) when a victim or a perpetrator is a vulnerable person;
- 3.6 not necessarily intervene in low level disputes between households concerning minor lifestyle differences, for example, noise made by younger children playing in their home, garden or in communal areas, or parking disputes involving non-allocated spaces;
- 3.7 with the consent of the people involved, we may refer suitable low-level cases to a mediation service; and
- 3.8 not necessarily intervene where the issue involves private sector housing (owner-occupied or privately rented), or private businesses, where there is no statutory duty on the council to act.

### 4. We will work with partners in order to deliver an effective, value for money ASB service across the community.

Our policy is to:

- 4.1 play a full part as a key member of the Uttlesford Community Safety Partnership;
- 4.2 participate in relevant strategic or preventative initiatives;

- 4.3 participate in permanent or ad-hoc multi-agency workgroups dealing with specific ASB issues;
- 4.4 work with housing associations, private landlords, letting agents and businesses, providing professional advice and support as required so that these organisations can act confidently to prevent or tackle ASB making use of their own resources.

## 5. We will provide a high quality service which meets people's identified needs.

Our policy is to:

- 5.1 ensure that staff dealing with ASB are appropriately trained;
- 5.2 ensure that staff dealing with ASB understand and follow agreed policies and procedures;
- 5.3 the policy will be reviewed on a regular basis reflecting new legislation and lessons learnt;
- 5.4 formally seek the views of service users and partner organisations when the documents are reviewed;
- 5.5 seek to ensure that all our activities are prioritised and undertaken with regard to clear evidence of need; sound consideration of how effective the work undertaken is likely to be, and a clear understanding of the outcomes sought.

## 6.0 Examples of tools that we can use to tackle ASB

### 6.1 Tenancy Agreement

Under the terms and conditions of Uttlesford District Councils tenancy agreements, tenants are responsible for the behaviour of everyone (including children) living in or visiting their home and neighbourhood.

Upon moving into Council Housing, the tenant will receive a tenants' handbook, which clearly outlines the rights and responsibilities placed on the tenant for the duration of his or her tenancy and the consequences of any breaches.

### 6.2 Mediation

In many cases of ASB mediation can be an effective tool, solving the issue quickly by bringing all parties to the table. This can be very effective in neighbour disputes, family conflicts, lifestyle differences such as noise nuisance complaints and similar situations where it can sometimes be difficult to identify the victim and the perpetrator.

### 6.3 Acceptable Behaviour Agreements (ABA)

ABA's are voluntary written agreements between the person who has been involved with Anti-Social Behaviour and one or more local agencies whose role it is to prevent such behaviour usually the District Council and the Police. The agreement will contain a number of Anti-Social Behaviour acts that the person has been involved in and agrees not to continue e.g.

- Not to be abusive, offensive, threatening or intimidating to members of the public.
- Not to cause criminal damage
- Not to be found drunk and disorderly in a public place
- Not to write graffiti
- Positive measures may also be included to help improve their behaviour e.g.
  - ✓ To attend school/college on the required days stated in your timetable
  - ✓ To engage with the Youth Offending Team

The agreement is not legally binding and usually lasts for six months. If a person fails to attend the interview or does not agree to sign, the contract may be used as evidence in Court if further action is taken. If a person breaches the conditions of the contract, enforcement action may be taken and this may include seeking an Injunction or Anti-social Behaviour Order.

### 6.4 Anti-Social Behaviour Injunctions.

The Housing Act 1996 sections 153A, 153B, 153C and 153D enable social landlords to apply to the court for an injunction to prevent anti-social behaviour, unlawful use of premises and breaches of the tenancy agreement. An injunction is a civil remedy obtained through the County Court and either compels a person to do something or forbids a person from doing something. The injunction is effective for twelve months from being served. An injunction may be used to address the following;

- Unreasonable car repairs on a person's property
- Untidy gardens
- Noise nuisance

- Damage or unauthorised alterations to property.

The Housing Act 1996 also allows for a power of arrest in relation to a breach or an anticipated breach of the terms of the tenancy agreement. The Local Authority, in accordance with the Anti-Social Behaviour Act 2003 is able to take out an injunction against anyone, not just tenants, who are causing a nuisance which affects the way in which their property stock is managed.

### 6.5 Civil Injunctions (replacing ASBO/ASBI)

Anti-Social Behaviour Orders were introduced by the Crime and Disorder Act 1998. They are Civil Orders designed to protect the public from behaviour that causes or is likely to cause harassment, alarm or distress.

Under the ASB Crime and Policing Act 2014 the ASBO and the ASBI (anti – social behaviour injunction) will be replaced by the Civil Injunction.

The purpose of a civil injunction is to stop or prevent individuals engaging in anti-social behaviour quickly, nipping problems in the bud before they escalate. This can be applied for by Local councils, Social landlords, Police (including British Transport Police), Transport for London.

The injunction can be used to deal with a wide range of behaviours, many of which can cause serious harm to victims and communities in both housing-related and non-housing related situations. This can include vandalism, public drunkenness, aggressive begging, irresponsible dog ownership, noisy or abusive behaviour towards neighbours, or bullying.

An Injunction is issued by the County Court and High Court for over 18s and the youth court for under 18s. It will include prohibitions and can also include positive requirements to get the perpetrator to address the underlying causes of their anti-social behaviour.

Breach of the injunction is not a criminal offence, but a breach must be proved to the criminal standard, that is, beyond reasonable doubt. The consequences of a breach are

- ✓ Over 18s: civil contempt of court with unlimited fine or up to two years in prison.
- ✓ Under 18s: supervision order or, as a very last resort, a civil detention order of up to three months for 14-17 year olds.

## 6.6 Criminal Behaviour Order

The Criminal Behaviour Order (CBO) is available on conviction for any criminal offence in any criminal court. The order is aimed at tackling the most serious and persistent offenders where their behaviour has brought them before a criminal court.

The CBO can deal with a wide range of anti-social behaviours following the individual's conviction for a criminal offence, for example, threatening violence against others in the community, persistently being drunk and aggressive in public or criminal damage. It is a criminal offence if an offender fails to comply, without reasonable excuse, with either the requirements or prohibitions in the CBO. Failure to comply with a prohibition or requirement should be notified to the police. The court has the power to impose serious penalties on conviction, including:

- on summary conviction in the magistrates' court: a maximum of six months in prison or a fine or both.
- on conviction on indictment in the Crown Court: a maximum of five years in prison or a fine or both.

## 6.7 Community Protection Notice

The community protection notice (CPN) is intended to deal with particular, ongoing problems or nuisances which negatively affect the community's quality of life by targeting those responsible. A warning letter will be sent requesting the nuisance behaviour to cease prior to the CPN.

A CPN can be issued if the Council is satisfied on reasonable grounds that the conduct of the individual, business or organisation:

- ✓ is having a detrimental effect on the quality of life of those in the locality;
- ✓ is persistent or continuing in nature; and
- ✓ is unreasonable.

CPNs can only be issued for behaviours that are persistent or continuing and unreasonable.

Possible sanctions for breach of the Notice include; a fixed penalty notice, paying for remedial work; forfeiture of items.

## 6.8 Public Spaces Protection Order

Public spaces protection orders (PSPOs) are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

## 6.9 Closure Order

The closure power is a fast, flexible power that can be used to protect victims and communities by quickly closing premises that are causing nuisance or disorder.

The power comes in two stages: the closure notice and the closure order which are intrinsically linked. The closure notice can be used by the council or the police out of court. Following the issuing of a closure notice, an application must be made to the magistrates' court for a closure order, unless the closure notice has been cancelled

Breaching a closure notice or temporary order is a criminal offence carrying a penalty of either imprisonment for a period of up to three months or an unlimited fine or both.

Breaching a closure order is a criminal offence carrying a penalty of either imprisonment for a period of up to six months or an unlimited fine, or both.

## 7. Demoted Tenancy (for Uttlesford Council Tenants)

Sections 14 and 16 of the Anti-Social Behaviour Act 2003 allow the local housing authority to apply to the court for a demotion order, which when applied to a secure tenancy results in a non-secure tenancy. This removes the tenants 'Right to buy', 'the right to exchange' and their security of tenure for a minimum of one year. If however, the behaviour of the tenant is modified within this period, a new secure tenancy agreement will be issued.

### 7.1 Possession Orders (for Uttlesford Council Tenants)

Possession proceedings allow landlords to apply for and possibly take back possession of a property in cases where there has been a breach of the tenancy or where the Local Authority considers other Orders or Agreements to be inappropriate.

A notice of seeking possession will be served in the first instance and then an application to the County Court for a court hearing must be made. It is at this hearing that the judge will decide if it is reasonable for the perpetrator to lose their home.

### 7.2 Suspension of certain rights in connection with ASB

Section 192 of the Housing Act 2004 enables landlords of secure tenants to seek an order suspending the right to buy for a specified period in respect of the tenancy on the grounds of anti- social behaviour.

The court may only grant such an order if it is satisfied that the tenant or a person residing in or visiting the property has engaged or threatened to engage in anti-social behaviour (which includes using the premises for unlawful purposes) and that it is reasonable to make the order.

### 7.3 Amendments to the discretionary grounds for eviction

Section 98 of the Anti-Social Behaviour Crime and Policing Act came into force on 13 May 2014. This section inserted new provisions into the 1985 and 1988 Acts to enable the landlord to seek possession where a tenant (or a person living in or visiting the tenants home) is guilty of conduct likely to cause nuisance or annoyance to the landlord, or someone employed in connection with the landlords management functions, where the conduct relates to or affects those housing management functions. There is no requirement for this conduct to have taken place within the locality of the tenant's home.

## 8. Support for victims of ASB

A Housing Officer is available during normal office hours for Council tenants. This officer will normally be the first point of contact and will make an initial assessment of the severity of the problem. A home visit will be offered. The Housing Officer may work alongside other relevant officers of the council.

Uttlesford District Council will work with local agencies and community groups to help provide support, both practical and emotional, for victims of anti-social behaviour.

The council is committed to providing a high level of service to both victims and witnesses of ASB. The Council will consider using professional witnesses and hearsay evidence. The Council recognises that racial and homophobic harassment is a serious offence and will remove racist, sexist and homophobic graffiti and carry out emergency repairs as a matter of urgency after an incident is reported. The Council will keep the victims of ASB updated with action being taken.

The Anti -Social Behaviour, Crime and Policing Act 2014 includes new measures designed to give victims and communities a say in which ASB is dealt with.

### 8.1 Anti-Social Behaviour Case Review (Community Trigger)

ASB Case Reviews give victims and communities the right to request a review of their case and bring agencies together to take a joined up problem solving approach to find a solution. The Council as a statutory authority will have a duty to participate in case reviews where necessary.

Across Essex a consistent approach has been developed to support all agencies involved in the use of the new legislation, aiming to provide victims of ASB with a clear and effective response regardless of where they live in the County.

The Essex ASB Case Review Guidance can be found at Appendix 1

## **9. Information Sharing**

Where appropriate, the council will share information with the Police and other key agencies under joint information exchange protocols so that all agencies can carry out their functions and duties in accordance with the Crime and Disorder Act 1998. The council will also work to ensure that residents of the district are encouraged and are able to report incidents confident in the knowledge that they will be recorded and investigated where appropriate.

The District Council will work within the provisions of the Data Protection Act which provides a background for the sharing of information and the need for confidentiality and privacy.

## **10. Discretion**

This policy commits us to dealing with ASB in Uttlesford in a way that will always be fair and, in all important respects, consistent across cases of a similar kind. However, our services are constantly evolving and each ASB case we deal with is likely to be unique in some or other aspect. This means that we may occasionally use our discretion to vary our approach from that described in this document. We may do this in any individual case, following appropriate consultation, or we may make any change of approach apply in all subsequent cases, in which case we will formally amend our policy and procedure.

## **11. Supporting Legislation**

ASB Crime and Policing Act 2014

Data Protection Act 1998 and 2003

Crime and Disorder Act 1998

Anti -Social Behaviour Act 2003

Police Reform Act 2002

Police and Criminal Evidence Act (PACE)

Mental Health Act 1983 (amended 2007)

Environmental Protection Act 1990

Criminal Justice and Police Act 2001

Housing Act 1996

The Noise Act 1996 as amended by ASB Act 2003 and the Clean Neighbourhoods and Environment Act 2005

Children's Act 2004

Harassment Act 1997

Human Rights Act 1998

Homelessness Act 2002

Freedom of Information Act 2000

Equalities Act 2010

## APPENDIX 1

# ESSEX ASB CASE REVIEW GUIDANCE

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## **ESSEX ASB CASE REVIEW GUIDANCE**

### **BACKGROUND**

#### **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

An Act to make provision about anti-social behaviour, crime and disorder, including provision about recovery of possession of dwelling-houses; to make provision amending the Dangerous Dogs Act 1991, the Police Act 1997, Schedules 7 and 8 to the Terrorism Act 2000, the Extradition Act 2003 and Part 3 of the Police Reform and Social Responsibility Act 2011; to make provision about firearms, about sexual harm and violence and about forced marriage; to make provision about the police, the Independent Police Complaints Commission and the Serious Fraud Office; to make provision about invalid travel documents; to make provision about criminal justice and court fees; and for connected purposes.

[13th March 2014]

The Act includes new measures designed to give victims a say in the way anti-social behaviour is dealt with and provides for the introduction of ASB Case Reviews (previously referred to as the Community Trigger) in October 2014.

Across Essex a consistent approach has been developed to support all agencies involved in the use of the new legislation, aiming to provide victims of anti-social behaviour with a coherent and effective response regardless of where they live in the County.

Anti-social behaviour (ASB) is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder that can make many people's lives a misery from litter and vandalism to public drunkenness or noisy and abusive neighbours. Such a wide range of behaviour means that responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly the police, councils and housing providers.

### **PURPOSE**

Victims of anti-social behaviour will be able to use the power in the event that they feel that agencies have not taken action in respect of their complaint, and where the case meets the locally defined threshold.

For the purpose of the ASB Case Review, anti-social behaviour is defined as behaviour "causing harassment, alarm or distress" to a member, or members, of the public. However, when deciding whether the threshold is met agencies should consider the harm or potential harm caused to the victim, rather than rigidly deciding whether each incident reached the level of harassment, alarm or distress.

## **ESSEX ASB CASE REVIEW GUIDANCE**

In instances where the threshold is met relevant bodies including councils, the police, clinical commissioning groups and housing providers have a duty to undertake an Anti-Social Behaviour Case Review by way of a Review Panel. It is intended that the purpose of the review panel should be for agencies to take a more joined up, problem solving approach aiming to find a solution for the victim.

The ASB Case Review can also be used by any person on behalf of a victim, for example a family member, friend, Carer, Councillor, MP or other professional person. It is intended to ensure that all victims are able to use the review, however, the victim's consent should be sought by the person using the ASB Case Review on their behalf.

The ASB Case Review can be used by someone of any age, and agencies should make it as accessible as possible to all victims.

### **THRESHOLD**

The need for a national threshold of 3 incidents of ASB within the last 6 months where the victim considers no action has been taken was acknowledged and accepted by the Home Affairs Select Committee<sup>1</sup>.

The adopted model includes a lower threshold where the victim perceives the ASB to be of a Hate Crime nature to 1 incident within last 6 months where the victim considers no action has been taken has been adopted.

### **QUALIFYING COMPLAINTS**

The legislation sets out what will be considered a 'qualifying complaint' for using the ASB Case Review to prevent someone reporting historical incidents of anti-social behaviour in order to use the ASB Case Review. The legislation sets out the following standards: *(agencies can set different levels if appropriate for their area, as long as it does not lower the standard set out)*

- The anti-social behaviour was reported within a month of the alleged behaviour taking place; and
- The application to use the ASB Case Review is made within six months of the report of anti-social behaviour.

### **RISK ASSESSMENT**

Victims vulnerabilities will be assessed through the risk based harm model already in use across Essex.

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<sup>1</sup> House of Commons Home Affairs Committee The draft ASB Bill: pre-legislative scrutiny. Twelfth Report of Session 2012-13. [www.publications.parliament.uk](http://www.publications.parliament.uk)

## **ESSEX ASB CASE REVIEW GUIDANCE**

### **INFORMATION SHARING**

Agencies have signed up to the Essex Trust Charter and/or local Community Safety Partnership Data Sharing Protocols already exist, the requirement to establish another data sharing protocol for the purposes of the Essex ASB Case Review was not considered to be necessary.

Requests for Information will be made through the form attached at Appendix ?

### **VEXATIOUS AND COMPLAINTS PROCEDURES**

A statement is to be included within local authority vexatious complaints policies stating that *“vexatious complaints relating to the ASB Case Review Process will be dealt with through the local authority policy”*.

Local authorities will need to agree this approach locally with Registered Social Landlords and Housing Providers that operate in their area.

Reference is to be made within Complaints Procedures to show how complaints of ASB are dealt with.

### **APPEALS PROCESS**

The review procedures must include provision about what is to happen when an applicant is dissatisfied with the way in which the relevant bodies have:

Dealt with an application for a review; or  
Carried out an ASB Case Review

In such cases these will be sent to the Chair of the relevant Community Safety Partnership in the first instance and notified to PCC's office.

### **SINGLE POINT OF CONTACT (SPOC)**

Each area is to identify a SPOC who has some level of independence and who would not generally be involved in ASB case management. In some areas this will be Community Safety Manager, in others this may not be appropriate and will need to be determined locally.

### **PUBLISHING THE ASB CASE REVIEW PROCEDURE AND CONTACT DETAILS**

The responsible bodies must publish the ASB Case Review procedure, including the point of contact for making an application to use the ASB Case review.

The ASB Case Review procedure will be published on local Council websites and will include details on how to make an application, contact details, phone no.

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email address. It is intended for generic materials to be produced and used County-wide.

### **ROLE OF THE POLICE AND CRIME COMMISSIONER**

The local PCC must be consulted on the ASB Case Review procedure when it is established must be consulted whenever the procedure is reviewed. The PCC may be involved in the auditing and monitoring of the use of the ASB Case Review, as well as provide a route for victims to appeal decisions as to whether the threshold was met or the way the ASB Case Review was conducted.

The Essex model has made provision for the PCC to be notified of an appeal by the Chair of the local Community Safety Partnership.

The PCC may chose to monitor the use of the ASB Case Review across the County to identify any learning points to be disseminated to local Single Points of Contact.

### **GUIDANCE FOR USE OF THE MODEL**

#### **Step 1: Gateway to ASB Case Review**

Victims will be able to access the ASB Case Review through the on-line reporting form which is required to be publicised on local Council websites. Hard copies of forms must be made available upon request – mechanism for doing this to be determined locally.

Each area is to have its own dedicated email address and telephone nos. promoted locally.

Upon receipt of the reporting form there is to be an acknowledgement sent within 3 working days, realistically this can be sent automatically through email or local areas may wish to use the letter attached to this guidance.

#### **Step 2: Determine if Threshold has been met**

The reporting form will be sent through to local Single Point of Contact, who along with the ASB Manager/lead will determine whether the threshold has been met. In some cases this may be obvious; in others it may be that an initial scoping exercise is undertaken with the relevant agencies to assist the determination.

The SPOC will send a determination letter to victim within 10 working days advising of decision, along with details of the appeal process if the threshold hasn't been met.

#### **Step 3: Information Requests**

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If the threshold has been met the SPOC will send an information request to the relevant agencies asking for details of the case to be submitted to the identified SPOC within 10 working days and advising that their agency is required to part of the ASB Case Review Panel.

### **Step 4: Review Panel Meeting**

The identified SPOC will arrange and Chair a review panel meeting where previous actions will be considered and recommendations will be provided. The Review Panel must formulate an action plan, details of which will be sent to the applicant. This must take place within 10 working days of the information requests being received.

### **Step 5: Decision Letter to Applicant**

If the Review Panel determines that all agencies have taken appropriate action and that no further resolutions can be offered, a letter advising of the determination and providing details for decision will be sent to victim, along with details of the appeals process if they are dissatisfied with the outcome. Decision letter is to be sent within 10 working days.

If the Review Panel determines that further action can be taken, a letter will sent to the victim advising of the action plan detailing next steps and advising of anticipated timescales for delivery. This decision letter will provide details of the appeals process if they remain dissatisfied with the outcome. Decision letter is to be sent within 10 working days.

### **Step 6: Response to Trigger**

The Chair of the Community Safety Partnership (or other identified partnership) will sign off the ASB Case Review and the method for achieving this will be determined locally.

### **Step 7: Escalation to Appeal**

If the applicant remains dissatisfied with the outcome they have a right to appeal the decision and the case will be escalated to the CSP Chair (or other identified person) who will review the details of the case and consider if the grounds for appeal. The CSP Chair will notify the PCC of decision.

# ESSEX ASB CASE REVIEW GUIDANCE

## ESSEX ASB CASE REVIEW MODEL



