



Anti-Social Behaviour Case Review (Community Trigger) Policy

Community Safety Team

June 2022

Communities

1. Aim of the Policy

Cornwall Council recognises the devastating impact that anti-social behaviour has on victims and communities. We are committed to working closely alongside partner agencies, to tackle anti-social behaviour to make our communities 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 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 give victims and communities a say in the way that complaints of anti-social behaviour are dealt with. 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 Cornwall Council for this process to be requested. If qualifying complaints have been made to the Local Authority, Police, or a Registered Social Landlord (RSL), concerning anti-social behaviour, then this policy still applies.

2. What Qualifies as Anti-Social Behaviour?

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

"Behaviour that causes, or is likely to cause, **harassment, alarm or distress** to any member of the public"

In addition to this, Cornwall 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, noise nuisance, harassment, verbal abuse, shouting & swearing, vandalism, and anti-social drinking.

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 Guidance Notes for further details about making an application for an ASB Case Review. Applications for an ASB Case Review will be referred to Cornwall Council's ASB 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, the 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 or a RSL, within the **past six months**, and do not feel they have received a satisfactory response, 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 or a RSL, within the **past six months**, and at least one involving a **hate crime or incident**, and do not feel they have received a satisfactory response, they would meet the threshold for an ASB Case Review.

A case review can be accepted '**under threshold**' if there are compelling reasons to do so, such as where the complainant is **particularly vulnerable**, or where the alleged **anti-social behaviour is particularly severe**.

5. Anti-Social Behaviour Case Review

If it is determined that an application meets the required threshold, a Single Point of Contact (SPOC) within the ASB 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 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:

- Cornwall 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)
- Voluntary Sector

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 the Council.

7. Recording, Monitoring and Reporting

A central register of ASB Case Reviews will be kept by the Senior ASB Caseworker. A report will be presented annually 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 Safer Cornwall website.