



# Anti-social Behaviour, Crime and Policing Act 2014

## 2014 CHAPTER 12

### PART 6

#### LOCAL INVOLVEMENT AND ACCOUNTABILITY

##### *Response to complaints about anti-social behaviour*

#### **104 Review of response to complaints**

- (1) In a case where a person has made a complaint about anti-social behaviour in a particular local government area, the relevant bodies in that area must carry out a review of the response to that behaviour (an “ASB case review”) if—
  - (a) that person, or any other person, makes an application for such a review, and
  - (b) the relevant bodies decide that the threshold for a review is met.
- (2) The relevant bodies in each local government area must—
  - (a) make arrangements about the carrying out of ASB case reviews by those bodies (“review procedures”), and
  - (b) ensure that the current review procedures are published.
- (3) The review procedures must include provision about the making of applications for ASB case reviews; and, in particular, must—
  - (a) specify the point of contact for making applications, and
  - (b) ensure that applications made to that point of contact are passed on to all the relevant bodies in the local government area.
- (4) In a situation where—
  - (a) an application for an ASB case review is made, and
  - (b) at least three (or, if a different number is specified in the review procedures, at least that number of) qualifying complaints have been made about the anti-social behaviour to which the application relates,

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the relevant bodies must decide that the threshold for a review is met.

- (5) In any other situation where an application for an ASB case review is made, the question whether the threshold for a review is met must be decided by the relevant bodies in accordance with the review procedures; and the procedures may, in particular, include provision for this purpose which is framed by reference to any of these matters—
  - (a) the persistence of the anti-social behaviour about which the original complaint was made;
  - (b) the harm caused, or the potential for harm to be caused, by that behaviour;
  - (c) the adequacy of the response to that behaviour.
- (6) After the relevant bodies have decided whether or not the threshold for a review is met, they must inform the applicant of their decision.
- (7) The relevant bodies who carry out an ASB case review may make recommendations to a person who exercises public functions (including recommendations to a relevant body) in respect of any matters arising from the review; and the person must have regard to the recommendations in exercising public functions.
- (8) The relevant bodies who carry out an ASB case review must inform the applicant of—
  - (a) the outcome of the review, and
  - (b) any recommendations made in accordance with subsection (7).
- (9) As soon as practicable after the end of a reporting period, the relevant bodies in a local government area must publish information about the following matters which relates to that period—
  - (a) the number of applications for ASB case reviews made to those bodies;
  - (b) the number of times those bodies decided that the threshold for a review was not met;
  - (c) the number of ASB case reviews those bodies have carried out;
  - (d) the number of ASB case reviews carried out by those bodies that have resulted in recommendations being made.
- (10) The question whether a complaint made about anti-social behaviour is a “qualifying complaint” for the purposes of subsection (4) is to be determined in accordance with subsections (11) and (12).
- (11) A complaint about anti-social behaviour is a qualifying complaint if—
  - (a) the complaint is made within the period of one month (or, if a different period is specified in the review procedures, that period) beginning with the date on which the behaviour is alleged to have occurred; and
  - (b) the application for the ASB case review is made within the period of six months (or, if a different period is specified in the review procedures, that period) beginning with the date on which the complaint is made.
- (12) But where a person makes two or more complaints about anti-social behaviour which meet the requirements in subsection (11), the question of which complaint is, or which complaints are, qualifying complaints is to be decided by the relevant bodies in accordance with the review procedures.

The procedures may, in particular, include provision for this purpose which is framed by reference to whether different complaints relate to different aspects of particular

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anti-social behaviour (including different incidents comprised in particular anti-social behaviour).

(13) Schedule 4 (ASB case reviews: supplementary provision) has effect.

#### Commencement Information

- I1** S. 104(2)(a)(3)(5) in force at 13.5.2014 for specified purposes by [S.I. 2014/949, art. 3, Sch. para. 3](#) (with [art. 8](#))
- I2** S. 104(13) in force at 13.5.2014 for specified purposes by [S.I. 2014/949, art. 3, Sch. para. 4](#)

### 105 ASB case reviews: interpretation

(1) This section applies for the purposes of section 104, this section and Schedule 4.

(2) In relation to England—

“local government area” means an area for which there is—

- (a) a relevant district council, or
- (b) a unitary authority;

“relevant district council” means the council of a district so far as it is not a unitary authority;

“unitary authority” means—

- (a) the council of a county so far as it is the council for an area for which there are no district councils,
- (b) the council of any district comprised in an area for which there is no county council,
- (c) a London borough council,
- (d) the Common Council of the City of London in its capacity as a local authority, or
- (e) the Council of the Isles of Scilly;

and, in relation to a local government area in England—

“local provider of social housing” means a private registered provider of social housing that—

- (a) grants tenancies of dwelling-houses in that area, or
- (b) manages any house or other property in that area;

“relevant bodies” means—

- (a) the relevant district council or the unitary authority,
- (b) the chief officer of police for the police area which that local government area is within,
- (c) each clinical commissioning group established under section 14V of the National Health Service Act 2006 whose area is wholly or partly within that local government area, and
- (d) any local providers of social housing who are among the relevant bodies by virtue of the co-option arrangements made in relation to that local government area.

(3) In relation to Wales—

“local government area” means—

- (a) a county, or

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(b) a county borough;

and, in relation to a local government area in Wales—

“local provider of social housing” means a body registered as a social landlord under section 3 of the Housing Act 1996 that—

- (a) grants tenancies of dwelling-houses in that area, or
- (b) manages any house or other property in that area;

“relevant bodies” means—

- (a) the council for the area,
- (b) the chief officer of police for the police area which that local government area is within,
- (c) each Local Health Board whose area is wholly or partly within that local government area, and
- (d) any local providers of social housing who are among the relevant bodies by virtue of the co-option arrangements made in relation to that local government area.

(4) These expressions have the meanings given—

“anti-social behaviour” means behaviour causing harassment, alarm or distress to members or any member of the public;

“applicant” means a person who makes an application for an ASB case review;

“ASB case review” has the meaning given in section 104(1);

“dwelling-house” has the same meaning as in the Housing Act 1985;

“co-option arrangements” has the meaning given in paragraph 5 of Schedule 4;

“reporting period”, in relation to the publication of information by the relevant bodies in a local government area, means a period, not exceeding 12 months, determined by those bodies.

**Commencement Information**

**I3** S. 105 in force at 13.5.2014 by S.I. 2014/949, art. 3, Sch. para. 5

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**Changes to legislation:**

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