



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.

Modifications etc. (not altering text)

C1 S. 104 functions made exercisable concurrently (8.5.2017) by [The West Midlands Combined Authority \(Functions and Amendment\) Order 2017 \(S.I. 2017/510\)](#), arts. 1(2), **20(1)(2)**

Commencement Information

I1 S. 104(1)(2)(b)(4)(6)-(12) in force at 20.10.2014 by [S.I. 2014/2590](#), **art. 3(d)**

I2 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](#))

I3 S. 104(2)(a)(3)(5)(13) in force at 20.10.2014 in so far as not already in force by [S.I. 2014/2590](#), **art. 3(d)**

I4 S. 104(13) in force at 13.5.2014 for specified purposes by [S.I. 2014/949](#), **art. 3, Sch. para. 4**

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