



# Anti-social Behaviour, Crime and Policing Act 2014

## 2014 CHAPTER 12

### PART 6

#### LOCAL INVOLVEMENT AND ACCOUNTABILITY

##### *Community remedies*

#### **101 The community remedy document**

- (1) Each local policing body must prepare a community remedy document for its area, and may revise it at any time.
- (2) A community remedy document is a list of actions any of which might, in the opinion of the local policing body, be appropriate in a particular case to be carried out by a person who—
  - (a) has engaged in anti-social behaviour or has committed an offence, and
  - (b) is to be dealt with for that behaviour or offence without court proceedings.
- (3) For the purposes of subsection (2), an action is appropriate to be carried out by a person only if it has one or more of the following objects—
  - (a) assisting in the person's rehabilitation;
  - (b) ensuring that the person makes reparation for the behaviour or offence in question;
  - (c) punishing the person.
- (4) In preparing or revising the community remedy document for its area a local policing body must—
  - (a) have regard to the need to promote public confidence in the out-of-court disposal process;
  - (b) have regard to any guidance issued by the Secretary of State about how local policing bodies are to discharge their functions under this section;

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- (c) carry out the necessary consultation and take account of all views expressed by those consulted.
- (5) In subsection (4)(c) “the necessary consultation” means—
- (a) consultation with the chief officer of police for the area,
  - (b) consultation with the local authority for any part of the area,
  - (c) consultation with whatever community representatives the local policing body thinks it appropriate to consult, and
  - (d) whatever other public consultation the local policing body thinks appropriate.
- (6) A local policing body must agree the community remedy document for its area, and any revised document, with the chief officer of police for the area.
- (7) Once the community remedy document, or a revised document, has been agreed with the chief officer of police, the local policing body must publish it in whatever way it thinks appropriate.
- (8) The Secretary of State must publish any guidance issued under subsection (4)(b).
- (9) In this section—
- “anti-social behaviour” has the meaning given by section 2 (ignoring subsection (2) of that section);
  - “community representative”, in relation to a police area, means any individual or body appearing to the local policing body to represent the views of people who live in, work in or visit the area;
  - “local authority” means—
    - (a) in relation to England, a district council, a county council for an area for which there is no district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
    - (b) in relation to Wales, a county council or a county borough council;
  - “out-of-court disposal process” means the process by which a person is dealt with under section 102 or by means of a conditional caution or youth conditional caution.

#### Commencement Information

**II** S. 101 in force at 13.5.2014 by S.I. 2014/949, art. 3, Sch. para. 2

VALID FROM 20/10/2014

#### **102 Anti-social behaviour etc: out-of-court disposals**

- (1) This section applies where—
- (a) a person (P) within subsection (2) has evidence that an individual (A) has engaged in anti-social behaviour or committed an offence,
  - (b) A admits to P that he or she has done so,
  - (c) P thinks that the evidence is enough for taking proceedings against A for an injunction under section 1, or taking other court proceedings, but decides that it would be appropriate for A to carry out action of some sort instead, and

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- (d) if the evidence is that A has committed an offence, P does not think that it would be more appropriate for A to be given a caution or a fixed penalty notice.
- (2) The persons within this subsection are—
- (a) a constable;
  - (b) an investigating officer;
  - (c) a person authorised by a relevant prosecutor for the purposes of section 22 of the Criminal Justice Act 2003 (conditional cautions) or section 66A of the Crime and Disorder Act 1998 (youth conditional cautions).
- (3) Before deciding what action to invite A to carry out, P must make reasonable efforts to obtain the views of the victim (if any) of the anti-social behaviour or the offence, and in particular the victim's views as to whether A should carry out any of the actions listed in the community remedy document.
- (4) If the victim expresses the view that A should carry out a particular action listed in the community remedy document, P must invite A to carry out that action unless it seems to P that it would be inappropriate to do so.
- (5) Where—
- (a) there is more than one victim and they express different views, or
  - (b) for any other reason subsection (4) does not apply,
- P must nevertheless take account of any views expressed by the victim (or victims) in deciding what action to invite A to carry out.
- (6) In this section—
- “action” includes the making of a payment to the victim (but does not include the payment of a fixed penalty);
  - “anti-social behaviour” has the meaning given by section 2 (ignoring subsection (2) of that section);
  - “community remedy document” means the community remedy document (as revised from time to time) published under section 101 for the police area in which A's anti-social behaviour or offence took place;
  - “caution”—
    - (a) in the case of a person aged 18 or over, includes a conditional caution within the meaning of Part 3 of the Criminal Justice Act 2003;
    - (b) in the case of a person under that age, means a youth caution or youth conditional caution within the meaning of Chapter 1 of Part 4 of the Crime and Disorder Act 1998;
  - “investigating officer” and “relevant prosecutor” have the same meaning as in Part 3 of the Criminal Justice Act 2003 (see section 27 of that Act);
  - “victim” means the particular person who seems to P to have been affected, or principally affected, by A's anti-social behaviour or offence.

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VALID FROM 20/10/2014

### 103 Criminal behaviour: conditional cautions

- (1) In Part 3 of the Criminal Justice Act 2003 (conditional cautions), after section 23 there is inserted—

#### “23ZA Duty to consult victims

- (1) Before deciding what conditions to attach to a conditional caution, a relevant prosecutor or the authorised person must make reasonable efforts to obtain the views of the victim (if any) of the offence, and in particular the victim's views as to whether the offender should carry out any of the actions listed in the community remedy document.
- (2) If the victim expresses the view that the offender should carry out a particular action listed in the community remedy document, the prosecutor or authorised person must attach that as a condition unless it seems to the prosecutor or authorised person that it would be inappropriate to do so.
- (3) Where—
  - (a) there is more than one victim and they express different views, or
  - (b) for any other reason subsection (2) does not apply,
 the prosecutor or authorised person must nevertheless take account of any views expressed by the victim (or victims) in deciding what conditions to attach to the conditional caution.

- (4) In this section—

“community remedy document” means the community remedy document (as revised from time to time) published under section 101 of the Anti-social Behaviour, Crime and Policing Act 2014 for the police area in which the offence was committed;

“victim” means the particular person who seems to the relevant prosecutor or authorised person to have been affected, or principally affected, by the offence.”

- (2) After section 66B of the Crime and Disorder Act 1998 (requirements for youth conditional cautions) there is inserted—

#### “66BA Duty to consult victims

- (1) Before deciding what conditions to attach to a youth conditional caution, a relevant prosecutor or the authorised person must make reasonable efforts to obtain the views of the victim (if any) of the offence, and in particular the victim's views as to whether the offender should carry out any of the actions listed in the community remedy document.
- (2) If the victim expresses the view that the offender should carry out a particular action listed in the community remedy document, the prosecutor or authorised person must attach that as a condition unless it seems to the prosecutor or authorised person that it would be inappropriate to do so.

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(3) Where—

- (a) there is more than one victim and they express different views, or
- (b) for any other reason subsection (2) does not apply,

the prosecutor or authorised person must nevertheless take account of any views expressed by the victim (or victims) in deciding what conditions to attach to the conditional caution.

(4) In this section—

“community remedy document” means the community remedy document (as revised from time to time) published under section 101 of the Anti-social Behaviour, Crime and Policing Act 2014 for the police area in which the offence was committed;

“victim” means the particular person who seems to the relevant prosecutor or authorised person to have been affected, or principally affected, by the offence.”

*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,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—

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- (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 anti-social behaviour (including different incidents comprised in particular anti-social behaviour).
- (13) Schedule 4 (ASB case reviews: supplementary provision) has effect.

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### Commencement Information

- 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(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
- (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—

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- (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

**I4** S. 105 in force at 13.5.2014 by S.I. 2014/949, art. 3, Sch. para. 5



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