



Horsham
District
Council

Anti-Social Behaviour Policy



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Introduction

This policy describes the role which Horsham District Council (HDC) has when it comes to dealing with anti-social behaviour (ASB) and the principles we will apply in our approach to the handling and management of reported incidents of ASB.

Anti-social behaviour is an overarching term which is used to describe a broad range of socially unacceptable behaviours including day-to-day incidents of crime, nuisance and disorder which can make many people’s lives a misery. In order to address incidents of anti-social behaviour Horsham District Council will engage in and play an active role in a multi-agency harm centred approach.

Policy application

This Policy is owned by the Community Safety Team and applies to all Horsham District Council staff and Councillors. It relates to the Council’s duties under the Crime and Disorder Act 1998 and the Anti-Social Behaviour, Crime and Policing Act 2014. This policy complements the Council’s Housing Services Anti-Social Behaviour Policy that is specific to our temporary accommodation.

Purpose and scope

The purpose of this policy is to ensure the protection of people from ASB and any harm caused by the same. It describes how Horsham District Council:

- Recognises and records reports of ASB
- Assesses the risk to individuals
- Prioritises the response required
- Takes action with partners to solve problems and prevent further harm from ASB

What is anti-social behaviour?

Section 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 defines anti-social behaviour as:

- a) Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person;
- b) Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises; or
- c) Conduct capable of causing housing-related nuisance or annoyance to any person.

How does Horsham District Council deal with anti-social behaviour?

When a member of the public reports a case of anti-social behaviour to an officer or councillor the following procedure should be followed.

Having listened to the complaint, the officer or councillor should determine whether or not the complaint meets one of the definitions of anti-social behaviour as listed above. If it does not or is one of the following issues detailed below, then the caller should be advised that no further action will be taken in terms of anti-social behaviour but advice given as to which agency or organisation may be best placed to help them. As with the enforcement of any legislation, officers will always consider which powers best suit the situation and ensure it is a proportionate use to match the behaviour.

If the complaint does meet the definition of anti-social behaviour, be the problem noise or another issue then details of the complaint will be recorded on the incident management systems (E-CINS).

Where an incident of anti-social behaviour or another nuisance matter is reported out of normal office hours, Horsham District Council operates a 24/7 emergency duty officer scheme. It is the role of this on-call officer to ensure that in an emergency situation the appropriate internal departments or external partners are alerted in order that immediate action can be taken. This includes complaints of noise nuisance which often accompany other reported anti-social behaviour.

Criminal matters

Acts of criminality such as offences involving public order issues, physical assault, theft, harassment etc. are matters that are handled by Sussex Police.

Domestic abuse incidents

Domestic Abuse incidents are dealt with by Sussex Police.

Animals

This policy is aimed at reducing harm to individuals, therefore, some incidents involving animals (e.g. sheep in someone's garden) would not fall within its scope. However a common sense approach will be taken in this respect. Incidents such as allowing a dog to persistently bark/foul an area, and other animal related issues including, smell or risks of harm to health, may be construed as ASB.

Highway parking complaints

Yellow line parking offences are dealt with by our Parking Services Department. Illegal parking can be dealt with by the police. For more information on who to contact for parking offences, see the Sussex Police website here.

Some cases of inconsiderate parking can be dealt with by our Neighbourhood Wardens by issuing a Yellow Card Warning. They can also issue a Fixed Penalty Notice for highway obstruction.

Driveway ownership, access and boundary disputes

Disputes between parties concerning ownership, access or boundaries are a purely civil matter and it is not the responsibility of HDC to intervene.

Motoring offences

Motoring offences are handled by Sussex Police. Reports of anti-social driving can be made via the Operation Crackdown website: www.operationcrackdown.org.

High hedges

In the first instance, the ownership of the hedge should be identified. If a resident owns the hedge, the local Parish Council will write to the owner.

Involving the District Council in a high hedge dispute should be a last resort if a resident cannot resolve the matter locally. The Council will investigate the matter accordingly under its powers in Part 8 of the Anti-Social Behaviour Act 2003. Such complaints should be made to the Council's Arboriculture Officer within the Strategic Planning Department at trees@horsham.gov.uk.

Common lifestyle differences

The following list, although not exhaustive, provides examples of lifestyle differences which are not in their own right considered to be anti-social behaviour and which if reported, aside from logging the call to build a history, no direct action would be taken.

- Day to day living noise between domestic dwellings
- Children playing in and around the vicinity of their own home
- Cooking smells
- Disputes between children
- Talking too loudly
- Personal disagreements associated with social media and landline/mobile communication devices
- Groups of young people socialising/associating, in a lawful manner, in public places

Noise nuisance

Horsham District Council is very experienced in dealing with noise nuisance with a legal duty to investigate complaints under the Environmental Protection Act 1990. If such nuisance is substantiated the District Council must also take action to remedy. In deciding whether a noise problem is a statutory nuisance, Environmental Health practitioners will consider a number of factors including; noise levels, origins, frequency and duration, timings, location and sensitivities.

To amount to a statutory nuisance, a matter complained of must either be prejudicial to health or a nuisance, either public or private, at Common Law. For a noise to be a statutory nuisance, it must be an unacceptable interference with the personal comfort or amenity of neighbours or the nearby community.

Not all noise nuisances are a statutory nuisance and there are some situations where noise can occur but where the Environmental Protection Act 1990 will not apply. In particular, to be a statutory nuisance, the noise must originate in a "premises" and be heard beyond those premises. So noise made for example, made by people in the street, will not be covered by statutory nuisance legislation.

As well as the Environmental Protection Act 1990, Horsham District Council has access to a range of other legislative powers designed to tackle particular kinds of noise, including;

- The Control of Pollution Act 1974
- The Noise Act 1996
- The Clean Neighbourhoods and Environment Act 2005

For persistent problems that cause annoyance and that fall within the category of a statutory nuisance, an individual can complain to the Environmental Health Department who will require the complainant's name and address and information on the source of the problem for an investigation to be initiated. Usually the complainant will be asked to complete a diary record of the times and dates when they are affected and what the impacts are on them.

For noise nuisances, the Environmental Health Officers may install sound recording equipment to monitor noise levels. Once the investigation has been concluded, a decision will be made on whether a statutory nuisance is occurring and what, if any, would be the most appropriate action. In most cases, the problem can be remedied informally, but if a statutory nuisance exists an abatement notice can be served on those causing the nuisance requiring them to stop it.

If they fail to comply with the notice, then the local authority can prosecute the offenders.

In some cases despite all efforts, the Council will not be able to establish that the noise causing the problem is a nuisance. In these cases individuals can take their own action for noise nuisance via the Magistrates' Court under Section 82 of the Environmental Protection Act 1990.

Littering

Two specific powers to deal with littering have been repealed by this legislation (the litter clearing notice and street litter clearing notice) and replaced by the Community Protection Notice (CPN). If littering is reported and or witnessed it is recommended that following a warning, procedure in line with HDC's Environmental Enforcement Policy be applied. One off littering offences can in the first instance be tackled through the issuing of Fixed Penalty Notices under section 88 of the Environmental Protection Act 1990 as a CPN would be disproportionate.

Case management

The relevant caseworkers will take full responsibility for managing their cases according to the process outlined above and be accountable for their actions, primarily to victims and their line-manager.

All cases will be recorded and managed through E-CINS which has been adopted as the Sussex-wide Multi-Agency Case Management System.



Multi-agency meetings

In tackling anti-social behaviour Horsham District Council will work together with our partners to reduce the risk of harm to individuals and the community. We achieve this through a number of formal and informal meetings.

Hate and Anti-Social Behaviour Risk Assessment Conference

The Hate and Anti-Social Behaviour Risk Assessment Conference (HASBRAC) is a monthly multi-agency meeting attended by practitioners from the Police, Horsham District Council, Registered Social Landlords and other interested parties. Referrals can be made by any practitioner within Horsham District who has a role in tackling anti-social behaviour. All medium and high risk cases are reviewed at HASBRAC meetings, actions are agreed and recorded. HASBRAC is accountable to the Community Safety Partnership Board and also Horsham District Council's Scrutiny and Overview Committee acting in its capacity as Crime and Disorder Committee under the Police and Justice Act 2006 and the Crime and Disorder (Overview and Scrutiny) Regulations 2009.

Information sharing

Information will be shared in accordance with the West Sussex Community Safety Partnerships Information Sharing Agreement making use of Section 115 of the Crime and Disorder Act 1998 and other relevant legislation, including the Anti-Social Behaviour, Crime and Policing Act 2014.

Service standards

Horsham District Council is committed to providing a high quality of service and the following standards outline what victims of ASB can expect from us:

- a) We have put in place a variety of reporting methods and systems which make it quick and easy for anyone to report ASB.
- b) HDC takes all complainants of ASB extremely seriously and we will respond to such reports promptly and fully investigate all such reports in line with this policy.
- c) ASB Reports will be allocated to a named caseworker who will contact the victims or those reporting ASB using the preferred method of contact identified by the person making the report.
- d) The caseworker will meet with the victim/complainant at an agreed location where they indicate that they would prefer a face to face meeting.
- e) Where the victim/complainant indicates that they wish to be sent an acknowledgement letter, this will be provided.
- f) The caseworker after any initial contact will make further contact with victim/complainant and agree/confirm an action plan for dealing with their ASB issue.
- g) The victim/complainant will on a case by case basis be provided with an ASB incident diary in order to record details of ASB incidents.
- h) The caseworker will regularly review the case with victim/complainant, as agreed in the action plan and this will take place at minimum, at least once a month.
- i) All active cases will be regularly reviewed jointly on a fortnightly basis by the caseworker and the Community Safety Manager.
- j) Where appropriate, mediation will be offered if it is considered the most effective way to deal with any problems.
- k) HDC will provide support to the victim/complainant along with our partner agencies and other support services to ensure that a full package of support is provided.
- l) The most appropriate tools and powers to resolve ASB cases will be utilised and where appropriate HDC will share information with others to ensure the best outcome for any victim of ASB.
- m) An ASB case will only be closed where consent by the Community Safety Manager has been granted.



- n) All information provided to HDC surrounding ASB cases will be treated in confidence and all records will be kept safe and secure in line with legal requirements, subject to safeguarding exemptions.
- o) Where legally permitted to do so, HDC will publish in the public domain details of individuals who are subject to ASB enforcement sanctioned by the courts.
- p) Where appropriate and with the consent of any victim/complainant, HDC will undertake customer satisfaction surveys to help find out what people think of the service and how it can be improved.

Anti-social behaviour powers available

In determining the appropriate course of action to deal with the reported anti-social behaviour, the relevant caseworker will consider a number of options that are available to them. These include low level intervention through warning letters or Acceptable Behaviour Contracts through to the use of formal powers including, but not limited to, those outlined below:

Community Protection Notice (CPN) (Part 4, Chapter 1 of the Anti-Social Behaviour, Crime and Policing Act 2014)

The CPN is aimed at stopping a person, business or organisation committing persistent and continuing unreasonable behaviour that spoils the community’s quality of life, by targeting those responsible.

A Community Protection Notice is a written warning that requires the perpetrator to stop the behaviour that is causing ASB. It can include a requirement to stop doing something, to positively do something (such as clear land of litter) and take reasonable steps to prevent the behaviour continuing. A CPN allows HDC to carry out works in default on behalf of the perpetrator.

Failing to comply with a CPN is an offence for which the individual or business can be subject to a Fixed Penalty Notice or prosecution through the courts.

Statutory Noise Nuisance and CPNs

Once an environmental health practitioner has decided that a statutory nuisance exists or is likely to occur or recur, the District Council is under a duty to serve an abatement notice to prohibit or restrict the recurrence of the noise. In light of this, it would be inappropriate to serve a Community Protection Notice where a noise amounts to a statutory nuisance or an abatement notice has been service in the past or the restriction remains in force.

Environmental Anti-Social Behaviour

Since 1998, the range of powers available to frontline professionals to deal with environmental ASB have grown substantially and become quite confusing and often limiting. Previous powers now repealed have tended to deal with specific issues, and include: litter clearing notices, street litter control notices, defacement removal notices, gating orders, dog control orders, designated public place orders, crack house closure orders and premises closure orders.

Such a wide range of powers means the responsibility for dealing with environmental ASB has been shared between a number of agencies, in particular the Police, HDC and social landlords. The CPN is intended to deal with particular, ongoing problems or nuisances and the test will be that the agency empowered reasonably believes that the behaviour is detrimental to the local community’s quality of life and is unreasonable and persistent. It becomes a criminal offence if the person or business does not comply with the notice and the sanction of a fine or Fixed Penalty Notice can be applied in certain cases.

Public Spaces Protection Order (PSPO) (Part 4, Chapter 2 of the Anti-Social Behaviour Act 2014)

Public Spaces Protection Orders 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 enjoy public spaces, safe from ASB and last for three years.

The Council are responsible for making PSPOs, in consultation with Sussex Police and the wider community. In 2018 the Council established a PSPO for any public space within the boundaries of Horsham District (the definition of a public space includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission). This was extended for a further three years in April 2021 and further prohibitions added. The PSPO prohibitions now include:

- Nuisance behaviour relating to the consumption of alcohol in a public place;
- Anti-social use of vehicles;
- Dog fouling;
- Lack of dog control;
- Intoxication or possession of psychoactive substances; and
- Racing, conducting time trials or exercising a horse or horse-drawn vehicle on dual carriageways.

Additionally in Horsham Town Centre:

- Unauthorised access or nuisance behaviour on buildings or street furniture;
- Unlicensed busking;
- Drinking of alcohol in The Causeway, Gardens of Remembrance and Mill Bay areas;
- Anti-social behaviour or nuisance behaviour in car parks and stairwells; and
- Selling of periodicals which include a prize draw competition dependent on skill (excludes the Big Issue).

It is an offence for a person, without reasonable excuse, to do anything that they are prohibited from doing under this Order or for them to fail to comply with a requirement to which they are subject to under a PSPO (this could be keeping a dog on a lead, for example).

Enforcement action can be undertaken by HDC Officers, Police Officers and Police Community Support Officers. Failure to comply with the Public Spaces Protection Order is a criminal offence. Offences carry a maximum penalty upon conviction of a fine (Level 3) of up to £1,000. Offences may also be dealt with by a fixed penalty notice.

Anti-social behaviour powers available continued

Civil Injunction (CI)

(Part 1 of the Anti-Social Behaviour, Crime and Policing Act 2014)

The Civil Injunction is used to stop or prevent individuals engaging in further anti-social behaviour quickly and prevent its escalation. The CI is available in the county court for adults and the youth court for 10 to 17 year olds. Breach by someone aged 10 to 17 would result in a curfew, activity or supervision requirement, or as a last resort, custody for up to three months (for someone aged 14 to 17). Breach by an adult could result in up to two years in prison.

The injunction is a civil power which can be applied for to deal with anti-social individuals. CIs can offer fast and effective protection for victims and communities and set a clear standard of behaviour for perpetrators, stopping the person's behaviour from escalating. Although the CI is a civil power, it is still a formal sanction and HDC will consider early and informal approaches before resorting to court action, especially in the case of those under 18 years of age. However, where early and informal approaches have not worked or HDC decides that a formal response is needed more quickly, we will pursue the enforcement route.

It will not automatically be the responsibility of HDC to undertake responsibility to act as lead agency as a number of agencies can apply for a CI and this will ensure that the body which is best placed to lead on a specific case can do so. Other agencies who can apply for a CI are:

- A Non-Council Housing Provider (Registered Social Landlords)
- The Chief Officer of Police for the local area
- The Chief Constable of the British Transport Police
- The Environment Agency
- NHS Protect

There are two specific tests for a Civil Injunction. The first is for non-housing related ASB in that the person's conduct has, or is likely to cause harassment, alarm or distress to any person. This will apply when the ASB has taken place in a public place and does not affect the housing management functions of a social landlord or people in their homes.

The second test relates to housing-related ASB. The test in these circumstances is that the conduct is capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises; or the conduct is capable of causing housing-related nuisance or annoyance to any person.

Where HDC are seeking to apply for a CI we must have evidence (to the civil standard of proof, that is, 'on the balance of probabilities') that the respondent's behaviour has met either of the tests detailed above. HDC will also need to satisfy the court that it is just and convenient to grant the injunction.

HDC will communicate with all potential victims and witnesses to understand the wider harm to individuals and the community. Not only will this test ensure that victims and communities feel that their problem is being taken seriously, but it will also aid our evidence-gathering process for application to the court.

The test also allows for the CI to be used in cases where the perpetrator has allowed another person to engage in ASB, as opposed to actively engaging in such behaviour themselves. For example, in a case where another person such as a visitor or a lodger was behaving anti-socially, HDC will consider seeking a CI against the problem visitor, lodger or owner, if applicable.

Criminal Behaviour Order (CBO)

(Part 2 of the Anti-Social Behaviour, Crime and Policing Act 2014)

A Criminal Behaviour Order (CBO) is issued by any criminal court against a person who has been convicted of an offence, to tackle the most persistently anti-social individuals who are also engaged in criminal activity.

The 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 prosecution, usually the Crown Prosecution Service (CPS), may apply for the CBO after the offender has been convicted of a criminal offence. The prosecution can apply for a CBO at its own initiative or following a request from a council or the Police. The CBO hearing will occur after, or at the same time as, the sentencing for the criminal conviction. The CPS will rely on the Police or council to build the case to be presented to the court.

For a CBO to be imposed, the court must be satisfied beyond reasonable doubt that:

- The offender has engaged in behaviour that caused/was likely to cause, harassment, alarm or distress to one or more persons; and
- That making the order will help in preventing the offender from engaging in such behaviour.

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 or persistently being drunk and aggressive in public. HDC will make proportionate and reasonable assessments before applying for a CBO and the conditions of an order should not be designed to stop reasonable, trivial or benign behaviours that have not caused, or are not likely to cause, serious harm to victims or communities. An application for a CBO does not require a link between the criminal behaviour which led to the conviction and the ASB for it to be issued by the court. However, if there is no link this may increase the likelihood that an application will not be successful.

Anti-social behaviour powers available continued

Criminal Behaviour Order (CBO) continued (Part 2 of the Anti-Social Behaviour, Crime and Policing Act 2014) continued

As with the CI, HDC will, where appropriate, seek to include requirements where it is believed and held by the court, that such measures will help stop further ASB by the offender. HDC will ensure that any requirements placed on the offender will aim to tackle the underlying cause of the ASB and are tailored to the specific needs of each offender. They could include:

- Attendance at an anger management course or cognitive behavioural therapy where an offender finds it difficult to respond without violence.
- Youth mentoring.
- A substance misuse awareness session where an offender's ASB occurs when they have been drinking or using drugs; or
- A job readiness course to help an offender get employment and move them away from the circumstances that cause them to commit ASB.

It will not automatically be the case that HDC will undertake responsibility to act as lead agency. A number of agencies can apply for the CBO and this will ensure that the body which is best placed to lead on a specific case can do so. Each case will be considered by liaising with partners during the monthly Hate and Anti-Social Behaviour Risk Assessment Conference meeting to establish which agency would be the best fit in terms of taking the lead.



Closure Power (Part 4, Chapter 3 of the Anti-Social Behaviour, Crime and Policing Act 2014)

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 and it comes in two stages, the Closure Notice and the Closure Order which are intrinsically linked. The Closure Notice can be issued by HDC or the Police out of court. The short-term Closure Notice can then be extended upon application for a Closure Order to the Magistrates' Court. The court will make the final decision as to whether to grant the order. A Head of Service with responsibility for: Environmental Health, Licensing, Anti-social Behaviour or Environmental Services must authorise the initial Closure Notice.

When deciding whether or not to issue a Closure Notice HDC will, in consultation with Sussex Police, need to be satisfied, on reasonable grounds:

- That the use of a particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public; or
- That there has been, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public; or
- That there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises, and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

The Closure Notice will be in effect for 24 hours but can be extended to up to 48 hours by the Chief Executive or his delegate at Director level.

Following the issuing of a Closure Notice HDC will apply to the Magistrates' Court for a Closure Order. We will use this power in partnership with other relevant bodies to protect the community from ASB and criminality.

Absolute Ground for Possession (Part 5 of the Anti-Social Behaviour, Crime and Policing Act 2014)

HDC can use the Absolute Ground for Possession in relation to its own housing stock in order to speed up the possession process in cases where ASB or criminality has been already been proven by another court.

As HDC will not need to prove that it is reasonable to grant possession, the court will be more likely to determine cases in a single, short hearing. This will strike a better balance between the rights of victims and alleged perpetrators, and provide swifter relief for victims, witnesses and the community. The new absolute ground is intended for the most serious cases of ASB and HDC will ensure that the ground is used selectively.

The Anti-Social Behaviour Case Review

Horsham District Council together with other relevant bodies are under a legal duty to have in place a process known as the Anti-Social Behaviour Case Review (formerly called the Community Trigger) and also a procedure to undertake multi-agency reviews when requested to do so and assuming the appropriate criteria have been met.

The ASB Case Review allows victims, communities and those acting on their behalf, such as local councillors, to request action from the relevant bodies if they feel that they have complained about anti-social behaviour but have not received appropriate service or resolution to their complaint. The law requires relevant bodies to work together to address anti-social behaviour complaints made under the ASB Case Review process.

The ASB Case Review process cannot be used to review decisions that have previously been taken by the Crown Prosecution Service. This can be done through the CPS complaints process and the Victims' Right to Review scheme that can be found at: www.cps.gov.uk/contact/feedback_and_complaints.

Threshold

The law states that the relevant bodies must set a threshold for complaints in order for the ASB Case Review process to be activated. Within Sussex it has been agreed that the threshold will be:

- an individual has reported three separate incidents relating to the same problem in the past six months to the Council, Police or their landlord (these incidents need to have been reported within seven days of the alleged behaviour);
- an individual has reported one incident or crime motivated by hate (due to race, religion, disability, sexual orientation or transgender identity) in the last six months and no action has been taken; or
- at least five people from different households have made reports about the same problem in the past six months to the Council, Police or their landlord and no action has been taken.

When reviewing whether a particular complaint has met the threshold we will undertake a risk assessment that will take into account the persistence of the anti-social behaviour, the potential harm that has or could be caused as a result of the anti-social behaviour; and finally the response that agencies have given to that behaviour.

Qualifying Complaints

In order to be able to activate the ASB Case Review and the subsequent multi-agency review process, complaints about anti-social behaviour need to have first been reported to the relevant agency. This allows for those agencies to investigate and take action where necessary. The ASB Case Review exists to review previous actions and make recommendations through an action plan if appropriate but does not replace the need to report incidents when they happen.

Making a Complaint through the ASB Case Review Process

Individuals who wish to make a complaint through the ASB Case Review Process must do so in writing by completing the online reporting form that can be found at www.horsham.gov.uk then search for 'ASB Case Review'.

Alternatively, the form can be printed, completed and posted to:
ASB Case Review, Community Safety, Horsham District Council, Parkside, Horsham RH12 1RL

For any person unable to access a computer or printer, a form can be requested from the Community Safety Team via the above address and it will be posted out as a hard copy.

The complaint will be reviewed by a member of the Community Safety Team to assess whether or not a multi-agency review is required and the complainant contacted within three working days of receipt of the trigger to inform them whether or not a case review will be conducted.

If the complaint does not reach the threshold for a case review, then this will be explained to the complainant and the Community Safety Officer will speak to them about what else can be done to resolve their issues. Consideration will also be given to the impact of the anti-social behaviour on the victim and appropriate support offered.

Complaints will be recorded using the E-CINS computer system and any subsequent action taken will be documented using this system, including any multi-agency reviews, action plans or recommendations that are made in connection with the complaint.

Multi-Agency Case Reviews

Those complaints that have met the threshold will be subject to an multi-agency case review that will be led by an independent chair. This will be held within three weeks of receipt of a qualifying complaint. All organisations that have been involved in the case will be asked to send a representative to attend the meeting to explain their involvement and actions taken to date.

It is essential that the victim is given an opportunity to convey the impact of the anti-social behaviour on them. The Community Safety Officer will speak to the victim and ascertain whether they would like to submit an impact statement to be read out at the meeting. If they are being supported by Victim Support, then a representative should be invited to attend the case review.

Action Plans

If the review establishes the need for further work to address the anti-social behaviour then an action plan will be prepared in consultation with the applicant. The action plan will clearly state who is responsible for implementing the actions agreed and appropriate timescales allocated. The Community Safety Officer will take responsibility for monitoring the action plan and liaising with the victim as to the progress that has been made. We will adopt a problem solving approach to address the anti-social behaviour, working in partnership with the community and the relevant agency. Further meetings to review progress or set new actions may be required.

All actions and progress with the plan, are to be recorded on E-CINS by the Community Safety Officer.

The ASB Case Review continued

Recommendations

Following the case review it may be deemed appropriate by those undertaking the review to make recommendations to other agencies (including the Relevant Bodies) relating to the case review. Any person that carries out a public function has a duty to have regard to the recommendations when carrying out these duties in the future. They are not, however, obliged to carry out the recommendations but they should be acknowledged and they may be challenged if they choose not to carry them out without good reason.

Recommendations will not be made to the Crown Prosecution Service to take action in particular cases. The CPS are an independent body and are governed by the Code for Crown Prosecutors upon which their decisions to prosecute individuals are based.

Information sharing

The Anti-Social Behaviour, Crime and Policing Act 2014 has created a duty to share information to allow multi-agency case reviews to take place. The law allows the relevant bodies to request information from any person in order to carry out a review. Those who exercise a public function (such as the Police, District Council, Fire Service etc.) are under a duty to disclose such information. The only exemption to this is where to share the information would contravene the provisions of the Data Protection Act 2018 or is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.

Other than the two exemptions detailed above, the disclosure of information in relation to case reviews does not breach any other restriction on the disclosure of information or breach any duty of confidence.

Information will be shared in accordance with the West Sussex Community Safety Partnership's Information Sharing Agreement.

Appeals process

Applicants, who are dissatisfied with the result of the assessment of their ASB Case Review complaint or subsequent multi-agency review, may make an appeal via Horsham District Council to have the matter re-considered. Appeals must be made in writing within 14 days of receipt of the result of the review/application.

Appeals will be overseen by the Horsham District Council Scrutiny and Overview Committee (acting in its statutory role as Crime and Disorder Committee) in consultation with the Chair of the Horsham District Community Safety Partnership Board.



Publishing data

The relevant bodies are under a duty to publish the following information in relation to the use of the ASB Case Review and multi-agency review meetings:

- a) The number of applications for ASB Case Review received;
- b) The number of times that the threshold was not met;
- c) The number of multi-agency review meetings carried out; and
- d) The number of multi-agency review meetings that resulted in recommendations being made.

This information will be published quarterly on the Horsham District Council website .

Further information

Further information relating to this policy can be obtained by contacting the Community Safety Team on **01403 215100** or via email **communitysafety@horsham.gov.uk**.

Useful websites

Crown Prosecution Service:
www.cps.gov.uk

Home Office:
www.gov.uk

Horsham District Council:
www.horsham.gov.uk

Sussex Police:
www.sussex.police.uk

Sussex Police and Crime Commissioner:
www.sussex-pcc.gov.uk



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