



## **North East Lincolnshire Council**

### **ASB Case Review / Community Trigger**

#### **Policy and Procedures**

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Dated: February 2025  
Review Date: February 2028

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## **1. Introduction**

The ASB Case Review, also known as the ASB case review, is a statutory provision introduced in the Anti-Social Behaviour, Crime and Policing Act 2014. It is a safety net for victims of persistent anti-social behaviour to request a review of their case in order to determine whether further action can be taken to resolve the ongoing anti-social behaviour. The ASB Case Review is not about apportioning blame but is to focus on problem solving the case utilising the expertise of partner agencies.

To activate the ASB Case Review, the case must meet a threshold. The threshold test is detailed at section 5 of this document.

The ASB Case Review confers responsibilities on relevant bodies including the local authority, police, Integrated Care Board (ICB) and registered providers of social housing, to manage and participate in the ASB Case Review process.

North East Lincolnshire Council is the administrator of the ASB Case Review in this area. This ASB Case Review Policy is conversant with the Statutory Guidance for Frontline Professionals, and future amendments, as outlined in “Anti-Social Behaviour, Crime and Policing Act 2014: Anti-Social Behaviour Powers (Home Office)”.

## **2. Anti-Social Behaviour Defined**

For the purposes of the ASB Case Review, the anti-social behaviour must be persistent in nature and this behaviour is defined as “conduct that has caused, or is likely to cause, harassment, alarm or distress to any person”

## **3. Purpose**

“To give victims and communities the right to request a review of their case where a local threshold is met, and to bring agencies together to take a joined up, problem-solving approach to find a solution for the victim”

For the purposes of the ASB Case Review threshold, agencies should consider the cumulative impact of the anti-social behaviour rather than each individual incident causing harassment, alarm and distress. Due regard should also be given to the persistence of the ASB, harm or potential harm caused and the adequacy of the response to the behaviour.

## **4. Principles**

The ASB Case Review is available to victims of anti-social behaviour who believe they have not had a satisfactory response to their case and the ASB persists. It is not an alternative complaints procedure and will not review concerns about service provision. Service complaints should be directed to North East Lincolnshire Council, Humberside Police North East Lincolnshire Integrated Care Board (ICB) or Lincolnshire Housing Partnership as appropriate.

## **5. Threshold and Qualifying Complaints**

To activate the ASB Case Review the request must meet the following threshold test: -

The victim has reported 3 separate incidents (qualifying complaints, as detailed below) to either the local authority, Police, Integrated Care Board (ICB) or housing provider within the preceding 6-months to the application, and the anti-social behaviour still persists, or

A senior manager who, for North East Lincolnshire is the Anti-Social Behaviour Team manager within the authority decides that a ASB Case Review is necessary to safeguard a vulnerable victim of anti-social behaviour

An incident must be a 'Qualifying Complaint'. A qualifying complaint is an incident that has been reported to either the Council, Police, or registered provider of housing within 30 days of it taking place.

A single incident which is reported to more than one agency only constitutes as one qualifying complaint.

When considering a ASB Case Review activation request, due regard should be given to the:

- Harm or potential harm caused by the anti-social behaviour
- Adequacy of response to the anti-social behaviour
- Persistence of the anti-social behaviour

Good conscience and professional judgement should be exercised to allow the ASB Case Review to progress, even when the threshold is not met (by 3 qualifying complaints), where there are concerns about risk and vulnerability and/or incidents of hate.

Furthermore, all ASB Case Review applications will be passed onto the relevant bodies (detailed in section 6). When there is uncertainty or debate as to whether the threshold is met, if one or more of the relevant bodies considers that it is met, then the ASB Case Review should be accepted.

Regardless of the previous actions taken in the case, if the anti-social behaviour persists, a ASB Case Review activation request (that meets the threshold) should be accepted. The ASB Case Review hearing will then determine whether any new or alternative actions are more likely to be effective to resolve it.

## **6. Relevant Bodies and Responsible Authorities**

The Relevant Bodies and Responsible Authorities are outlined in the statutory guidance as:

- Local Authorities
- Police
- Integrated Care Boards (ICB) in England and Local Health Boards in Wales
- Registered providers of social housing

In the local context of this policy, the relevant bodies and responsible authorities are:

- North East Lincolnshire Council
- Humberside Police
- North East Lincolnshire Integrated Care Board (ICB)
- Lincolnshire Housing Partnership

The ASB Case Review case review must not only include a representative(s) from at least 3 of the agencies listed above but should also include representatives from other agencies relevant to the case. This could include the fire and rescue service, mental health, and drug and alcohol support agencies for example.

## **7. Information Sharing**

For the ASB Case Review process to be effective, relevant information must be shared across relevant bodies and partner agencies under the following legislation:

The Anti-Social Behaviour, Crime and Policing Act 2014 requires relevant bodies to share information pertinent to a ASB Case Review activation and review. (Please refer to schedule 4, paragraph 6(2))

Where a request is made to an agency which does not exercise public functions, that agency may comply with the request subject to paragraph 7(4) Anti-Social Behaviour, Crime and Policing Act 2014.

Paragraph 7 (4) of Schedule 4 Anti-Social Behaviour, Crime and Policing Act 2014 provides the disclosure of information is not required where it relates to

non-exempt personal data which would be a breach of Data Protection legislation, a breach of any obligation of confidence owed by the person making the disclosure, or which is prohibited by parts 1 to 7 of Chapter 1 of Part 9 of the Regulation of Investigatory Powers Act 2016.

Schedule 2 5(b) to the Data Protection Act 1998

Section 115 Crime and Disorder Act 1998

## **8. Who can raise a ASB Case Review?**

- A victim, who can be an individual person, a business, or community group.
- A third party can make an application for a ASB Case Review on behalf of a victim, with their consent. This can include a friend, relative, carer, councillor, Member of Parliament, or another professional person. We will still need to contact the victim to establish the facts and will need to confirm this consent.
- A senior manager, being the Anti-Social Behaviour Team Manager within the local authority who decides that a ASB Case Review Review is necessary to safeguard a vulnerable victim of anti-social behaviour (please refer to section 5)

## **9. Who is not suitable for the ASB Case Review?**

- A person who wishes to remain anonymous in the ASB Case Review application
- A person who wants a review of a Crown Prosecution Service (CPS) decision in relation to the prosecution or non-prosecution of a criminal offence.
- A person who is dissatisfied with a decision made by a civil or criminal court.
- A person whose complaint is about service provision.

## **10. How to raise a ASB Case Review**

North East Lincolnshire Council administers and coordinates the ASB Case Review process in North East Lincolnshire. It does not matter which agency a victim has reported incidents to, North East Lincolnshire Council will obtain the details of incidents relevant to the ASB Case Review application.

A victim can activate the ASB Case Review by any of the following methods:

- Online portal: [www.nelincs.gov.uk](http://www.nelincs.gov.uk), type ASB Case Review in the Search box.
- Email: [communitytrigger@nelincs.gov.uk](mailto:communitytrigger@nelincs.gov.uk)
- By phone: 01472 323933 this has an answer phone facility out of hours and is checked daily.
- In writing to: Anti-Social Behaviour Team Manager, North East Lincolnshire Council, Municipal Offices, Town Hall Square, Grimsby. DN31 1HU

## **11. The ASB Case Review Application Procedure**

Upon receipt of an activation request, the ASB Team Manager (SPOC) will acknowledge receipt of the activation request within two working days from the date of the trigger application.

The ASB Team Manager/SPOC will disseminate each ASB Case Review application to all of the relevant bodies (listed in section 6).

Prior to making a decision as to whether the threshold is met, the ASB Team Manager/SPOC will contact the victim within two working days, preferably by telephone and complete a ASB Case Review contact case record on the Pentagull system to gather information about the incidents of ASB and agency involvement in the case. A harm centred ASB risk assessment will also be completed and a discussion/referral to support services will be made if appropriate.

Where the victim cannot be reached, the ASB Team Manager/SPOC should make reasonable efforts to contact them (letter, phone, email, visit etc). Where contact cannot be made after all reasonable attempts have been made, the ASB Case Review request will be listed as withdrawn and closed. A letter confirming this action will be sent by letter to the victim within seven days of the decision to close the case.

Once a Pentagull ASB Case Review case record has been opened, the ASB Team Manager/SPOC will distribute a ASB Case Review Partner Agency Response (CTPAR) form. The form will require the identified partners and responsible agencies to provide information on the reports/complaints they have received, and details of any actions taken. The agency should be informed of the timeframe to return the information, usually within 5 working days.

Good conscience and professional judgement should be exercised to allow the ASB Case Review to progress, even when the threshold is not met where there

are concerns about risk and vulnerability and/or a hate incident has occurred. When there is uncertainty or debate as to whether the threshold is met, if one or more of the relevant bodies considers that it is met, then the ASB Case Review should be accepted.

A decision letter should be issued to the applicant within seven working days of the application by the ASB Team Manager/SPOC. Where the threshold is not met, the letter should clearly explain the reasons why and include details of the appeal process. Where the threshold is met then the appointed Independent Chair should write to the victim advising them of the process and the role of the Independent Chair.

In the case of a request for a ASB Case Review being withdrawn before the process is completed a letter will be sent to the applicant confirming this decision and advising of how to proceed should the applicant wish to change their mind, or should they be dissatisfied with the process.

Where the threshold has been met, the decision letter will include:

- An outline of the next steps of the ASB Case Review process with associated timescales.
- Contact details of the SPOC
- Details of support and advocacy agencies such as Victim Support that are available to the applicant and how they can be referred.
- The opportunity to attend the initial part of the ASB Case Review hearing to discuss the harm and impact that the ASB has had on their (and their family's) lives, submit a statement or allow someone to advocate on their behalf.

Other agencies, relevant to the case, such as mental health teams or drug and alcohol support services should also be engaged with, and relevant information obtained. Reference should be made to the existing information sharing agreements, information sharing permitted by the Crime and Disorder Act 1998, Anti-Social Behaviour Act 2014 and Data Protection Act/GDPR 2018.

Where the ASB Case Review activation is accepted, in order to ensure a totally transparent process and reassure applicants that the process is genuinely open the process will be managed by an Independent Chair, someone who can challenge where appropriate, make decisions and recommendations free from any real or presumed influence from the relevant agencies. In order to act as the Independent Chair the post holder must have an extensive background in the management of ASB and wider crime and disorder.

The ASB Team Manager/SPOC will manage the requests for data to partner agencies, make the arrangements for the meeting and arrange for the

independent Chair to receive all completed research, they will act as a conduit for further requests from the Independent Chair.

The ASB Team Manager/SPOC will contact all the partner organisation's representatives to arrange the date and time of the ASB Case Review panel hearing. This will include the Independent Chair and a minute taker. Depending on the circumstances of the cases, the panel should include representatives from at least 3 of the responsible bodies which are detailed below: -

- North East Lincolnshire Council ASB Team Manager.
- Police Communities Inspector/Communities Chief Inspector or Communities Sergeant
- ASB Manager, Lincolnshire Housing Partnership.
- ICB Manager.

Any recommendations or appropriate actions identified during the initial review process, where an immediate risk of physical or psychological harm is present, should be actioned immediately and should not be unduly delayed until the meeting of the panel. Any interim actions taken should be communicated by/to the Independent Chair in conjunction with the ASB Team Manager/SPOC.

Minutes of the ASB Case Review panel hearing, and the action plan must be circulated and agreed by all panel members by the ASB Team Manager/SPOC within 7 working days.

All panel members who have actions to complete must endeavour to do so within the time frame allocated. Panel members must inform the Independent Chair and ASB Team Manager/SPOC when actions have been completed or to explain why an action is delayed.

After the ASB Case Review panel hearing, the Independent Chair will inform the victim of the outcome of the review, ideally in person or by phone call but then formalised in writing within seven days. The victim should be informed about the actions agreed, except those actions which identify the perpetrator's protected personal and sensitive data. They will also be advised as to whether recommendations have been made and whether there are any identified lessons to be learned. They should also be notified on what grounds they are able to lodge an appeal and how they are able to do so (please see section 12).

A follow up ASB Case Review panel hearing may be required before closing the ASB Case Review, especially in relation to cases where there is high risk and vulnerability. This will ensure the recommendations made on the initial action plan have been completed and further actions can be proposed if necessary

## **12. Appeals**

The appeals procedure for North East Lincolnshire is fully compliant with Schedule 4, Part 1 of the ASB Crime and Policing Act 2014 which details that an applicant can appeal if they are dissatisfied with the way in which the relevant bodies have:

- a) Dealt with an application for an ASB Case Review (e.g. where the victim disagrees that the threshold is not met) or
- b) Carried out an ASB Case Review (e.g. not followed our ASB Case Review Policy and Procedures OR considered a critical piece of evidence)

You can read the appeals process at:

<https://www.nelincs.gov.uk/assets/uploads/2025/10/Community-Trigger-Appeals-Process-NEL.docx>

### **13. Monitoring of the Action Plan**

It is vital to the spirit of the process that the agreed actions are completed in the timeframe set out in the action plan. It is the responsibility of the agencies representatives to complete their required actions and inform the Independent Chair and ASB Team Manager/SPOC when each action is completed.

Where an action is not completed within the agreed timeframe the Independent Chair will contact the person assigned the action. If the action remains outstanding for more than 10 working days, the Independent Chair will inform the ASB Team Manager/SPOC who will escalate this to the assigned person's direct line manager. Outstanding actions that remain incomplete for more than 15 working days will be escalated through the organisation's upward line management structure.

An action is not considered complete until the Independent Chair is informed and is satisfied this meets the requirements of the action. If it is no longer viable, or if the action is no longer necessary because another course of action has resolved the case, then it is the responsibility of the person assigned the action to inform the Independent Chair. That person should also advise what the outcome was so that partners can agree further actions to be completed or whether to re-refer the case for discussion.

### **14. Future Applications**

Where further requests for activation of the ASB Case Review are received following a previous decision, these will be considered on their merit and may be allowed where there is a material change in the circumstances of the case.

Where multiple requests for activation of the ASB Case Review are received without good cause, North East Lincolnshire Council may refer to 'The Policy on Unreasonably Persistent Complainants' of the authority.

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