



BRIEFING PAPER

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A short guide to anti-social behaviour complaints

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Summary

This paper sets out the key information needed to understand the system for reporting anti-social behaviour.

It covers the definition of anti-social behaviour and the key actors involved. It also briefly discusses the informal and formal powers they can use to tackle anti-social behaviour.

Its designed to help MPs dealing with constituents who have been affected by anti-social behaviour. It explains what constituents should expect at different stages of the reporting process, what their options are, and where they can go for further support and advice.

1. Understanding the system

1.1 What is anti-social behaviour?

Anti-social behaviour (ASB) covers a wide variety of behaviour that has a negative impact on others.

ASB can be categorised into [three categories](#):

- **Personal ASB** is when a person targets a specific individual or group. Examples include verbal abuse, nuisance phone calls, and threatening behaviour
- **Nuisance ASB** is when a person causes trouble, annoyance or suffering to a community. Examples include noisy neighbours, rowdy behaviour, public drunkenness, and inconsiderate driving
- **Environmental ASB** is when a person's actions affect the wider environment such as public spaces. Examples include graffiti, fly-tipping, littering, and vandalism

Not all behaviour that causes annoyance is anti-social. Authorities are unlikely to investigate everyday household noise, children playing, and one-off parties, for example, unless there is an element of unreasonableness to them.

A constituent whose complaints do not amount to ASB can still report them. The relevant authority will be able to provide them with advice about how to deal with the issue.

Some forms of ASB are [statutory nuisances](#). Local authorities have different powers to tackle these issues. For more information see the Library briefing paper, [Nuisance complaints](#).

1.2 Key actors

The main three organisations involved in setting ASB policies are local authorities, the police, and providers of social housing. They work together in Community Safety Partnerships to develop long term strategies to reduce anti-social behaviour.

Each of these organisations will have web pages and/or policy documents setting out how they intend to tackle ASB and their procedures for dealing with ASB complaints.

Local Authorities

Local authorities are responsible for the delivery of a range of public services in their area including social services, neighbourhood services (like parks and libraries), some aspects of education, transport and housing. They are legally obliged to consider how they can prevent anti-social behaviour through their delivery of these services. For example, they may invest in CCTV, street lightening and youth service provision.

Police and Crime Commissioners

Most police forces in England and Wales are overseen by an elected Police and Crime Commissioner. PCCs set their policing agenda for their area through a five-year 'police and crime plan'. Many PCCs chose to prioritise ASB in their police and crime plans.

PCCs are responsible for publishing a 'community remedy document' for their police force area. 'Community remedy documents' provide a list of actions (community resolutions) those who commit ASB might undertake as punishment/ retribution.

Social landlords

Social landlords (including local housing authorities and housing action trusts) have a duty to publish anti-social behaviour policies and procedures. The aim of this is to inform tenants and members of the public about the measures that they will use to address anti-social behaviour issues that occur on their properties.

Community Safety Partnerships

Local authorities, police forces, probation services, fire and rescue authorities and local health services in England and Wales are required to work together in [Community Safety Partnerships](#) (CSPs). There are just over 300 CSPs in England and Wales. Some local partners have merged with their neighbours to create CSPs that cross local authority boundaries.

CSPs must conduct an annual 'strategic assessment' of crime and ASB in their area. They must use their assessment to formulate and implement a strategy to address local crime and disorder. These strategies must specifically address how the CSP will respond to ASB.

2. Enforcement powers

Where authorities conclude that ASB has taken place they have a range of options available to them.

The College of Policing collects evidence about crime reduction interventions, including many of those mentioned below. Their [Crime Reduction Toolkit](#) is a useful source of information for constituents who have questions about the effectiveness of the actions taken by the police or local authorities.

2.1 Informal actions

For low-level ASB informal methods may be considered sufficient. Examples include

- Mediation
- Providing advice
- Verbal warnings
- Acceptable behaviour contracts (ABCs)

Mediation

If formal action is not possible police, councils, and housing associations may be able to provide mediation services.

The parties involved can also engage mediators themselves. The [Civil Mediation Council](#) maintains a list of service providers by location. They will normally charge a fee.

2.2 Formal powers

There are six ASB enforcement powers, summarised in the table below. The Home Office has published [statutory guidance to frontline practitioners](#) on the use of these powers. The guidance – in combination with the authority's own policies – will be useful in helping constituents understand why a particular course of action was taken.

ASB powers			
Power	Effect	Relevant authority	Sanction on breach
ASB civil injunctions	Individuals (aged ten and older) conducting anti-social behaviour can be issued with an ASB injunction which prohibits them from certain activities and/or requires them to attend rehabilitative activities.	Police Local authorities Social landlords Transport for London & Transport for Greater Manchester The Environment Agency & Natural Resources Wales NHS Protect	A "contempt of court" punishable by up to 2 years in prison.
Criminal Behaviour Orders	Individuals with a criminal conviction can have a CBO attached to their sentence if they have behaved anti-socially. CBOs can place prohibitions or requirements on an offender designed to address their anti-social behaviour.	The courts (upon application from the prosecution)	Criminal offence punishable by up to five years in prison (if tried at a Crown Court)

Community Protection Notices	Adults or businesses responsible for environmental issues which have diminished the 'quality of life of those in the locality' can be required to remedy the problem.	Police Local authorities	Criminal offence punishable by Fixed Penalty Notice. Remedial action.
Public Space Protection Orders	Specific activities can be prohibited in a designated area.	Local authorities (in consultation with the police)	Criminal offence punishable by Fixed Penalty Notice.
Dispersal Powers	Individuals (aged ten or older) conducting anti-social behaviour in a public space can be directed to leave that specified area for up to 48 hours. Their property can be confiscated if they are using it to conduct ASB.	Police	Criminal offence punishable by up to 3 months in prison.
Closure Powers	Access to a building associated with ASB can be restricted for up to 48 hours (for those other than the residents). The courts can extend the restriction for up to 6 months. Extensions approved by the courts can apply to residents.	Police Local authorities	Criminal offence punishable by up to 3/6 months in prison (depending on the circumstance).

There are some additional ASB powers available to landlords, including eviction. For more detail, see section 3 of the Library briefing paper, [Tackling anti-social behaviour in social housing \(England\)](#).

2.3 Criminal law

Many forms of ASB are criminal offences in their own right, and constituents may want to see offenders punished accordingly. However, authorities may prefer to make use of the above ASB powers rather than pursuing criminal convictions for two reasons:

First, in criminal cases the court must be satisfied *beyond reasonable doubt* that an individual committed an offence. Civil remedies such as injunctions only require the court to be satisfied *on the balance of probabilities* that an individual behaved anti-socially.

Second, criminal proceedings are lengthy and expensive. The police or Crown Prosecution Service may decide that it is not in the public interest to pursue a criminal conviction for low-harm ASB.

Community resolutions

For similar reasons the police may, where the criteria for issuing an ASB civil injunction have been, prefer to use an '[out of court disposal](#)' instead. The most frequently used of these is the Community Resolution.

A Community Resolution (CR) is a contract between perpetrator and the police. The perpetrator will agree to carry out an action to make amends, be punished or rehabilitate.

Police and Crime Commissioners (or the Mayor's Office in Manchester and London) are responsible for publishing a list of CRs that can be used in their area. This is called a 'community remedy document.' [Sussex](#), for example, lists the following options:

- Personal/Community Reparation (Repairing damage, community reparation and paying for damage)
- Restorative Justice (restorative justice and shuttle mediation)
- Receiving a written or oral apology
- A local rehabilitative or diversionary activity (acceptable behaviour contract, diversionary activity and educational assignment)
- Another agreed and proportionate activity specified by the victim.

Police can use CRs where perpetrators admit they committed ASB and agree to the resolution. Once they have done so, the police will invite the victim to choose an action from the community remedy document. This is voluntary, but when victims are involved the police are obligated to choose the perpetrator to undertake their chosen resolution, provided it is appropriate.

3. Handling ASB casework

MPs are sometimes contacted by constituents seeking help or advice about an ASB issue. This section is designed to help MPs and their staff handle this kind of casework.

3.1 What MPs can do

MPs may wish to help constituents understand who can help them with their ASB concern. Doing so can help constituents get a speedy resolution.

MPs, and those who work for them, should not provide legal advice. MPs can explain the relevant law in general terms, but constituents who need specific advice should speak to a legal professional. The Library briefing [legal help: where to go and how to pay](#) may help.

3.2 Questions to ask

There are a few key questions to ask before handling casework involving ASB:

What stage of the process is the constituent at?

The most important thing to learn about a constituent's complaint is what stage it is at. You might consider exploring if they have reported it before and if so, how many times? This will help you understand what options they have to progress their complaint.

Who is/would be responsible for investigating?

Different types of ASB should be reported to different organisations. Understanding what the issue is about will help you point the constituent in the right direction.

How serious is it?

Low-level ASB is often best resolved by talking to each other rather than making a formal complaint. [ProblemNeighbours.co.uk](https://www.problemneighbours.co.uk) provides advice about how to raise ASB concerns with neighbours. They also have [letter templates](#) covering a variety of neighbour disputes.

Local groups such as tenants' associations and [Neighbourhood Watch](#) groups may be able to provide support.

In some cases, anti-social behaviour can cause great distress. The APPG on Mental Health's [guide to mental health for MPs staffers](#) may be helpful. It contains useful pointers for working with distressed constituents.

3.3 If the constituent has not yet made a report

The charity ASBHelp has an [interactive guide](#) to help people find out who they should report anti-social behaviour to.

Broadly speaking:

- the local council is responsible for nuisance-related ASB (such as noise) and environmental ASB (such as littering and dog fouling);
- the police are responsible for dealing with forms of ASB that target individuals (such as harassment) and ASB involving criminality (such as vandalism and public drunkenness);
- social landlords can be a first point of contact for complaints about non-criminal ASB on their property.

When reporting ASB, constituents should provide as much information as possible. This will help the relevant authority decide how to proceed.

In particular, authorities will be interested in:

- how long the problem has been going on.
- how regularly it occurs.
- the location of the problem.
- if it tends to occur at a particular time.
- who is affected by it.
- whether any (informal) action has been taken so far.
- any details about the person who is causing the problem.

The authority will assess the level of risk involved in the reported ASB. They will prioritise high risk cases such as those involving aggressive behaviour or vulnerable individuals. In low risk cases, such as noise from crying babies, the first step may be to provide advice to the person reporting on what they can do.

3.4 If the constituent has already made a report

Authorities may, for various reasons, conclude that they cannot take action. For example, they may: lack evidence; find that the incident did not amount to ASB; or find that the ASB has stopped and is not likely to happen again.

This can be frustrating for constituents affected by ASB. If the ASB is ongoing the constituent can submit another report. Recording the date, time, and place of ASB incidents will help show that the ASB has persisted or escalated.

Community Trigger

If constituents feel that their reports about ASB have been ignored or not investigated or acted upon properly, they may be able to request an ASB case review, also known as the Community Trigger. According to the [Local Government Association's guidance](#):

Case reviews are intended to provide an opportunity to assess what action has been taken in response to previous complaints and, where the problem behaviour persists, bring agencies together to identify a more joined up, problem-solving response for the victim concerned.

Constituents need to contact the relevant authority to request a case review. ASBHelp maintains a [Community Trigger Directory](#) with links to the relevant page on each local authority's website. Third parties such as MPs can, with the consent of the victim, apply for a case review on their behalf.

The threshold for triggering a review must be no higher than three 'qualifying complaints' in the past six months. They must have been about the same problem and made within a month of the incident occurring. Authorities are able to set lower thresholds, however, so it is worth checking the local criteria. In [Darlington](#), for example, one reported incident is enough if the ASB was "motivated by hate."

What counts as a 'qualifying complaint' is not always clearly communicated. MPs can contact their local authorities to get more detail. For constituents who may not meet the criteria it can still be worth applying. [The government](#) recommends that where authorities decide against a formal review, they should still "review the case to determine whether there is more that can be done."

It is important to emphasise that this is not a complaints procedure. The Community Trigger process is designed to find ways of helping victims of persistent ASB.

3.5 If the constituent has been accused of anti-social behaviour

Authorities investigating ASB complaints will, where possible, talk to the alleged perpetrator. This will give them the opportunity to put forward their side of the story.

Organisations such as [Citizens Advice](#) can provide support and advice for constituents accused of ASB. In serious cases they may need to take legal advice. The Library briefing [legal help: where to go and how to pay](#) may help.

Constituents affected by the formal ASB powers in section 1.3 may be able to appeal to the courts. Further information is available in section 3 the Library briefing paper, [Tackling anti-social behaviour](#).

3.6 Complaining about the police, local authority, or social landlord

Constituents may be unhappy with the handling of their case. How to proceed depends on who was responsible. Local authorities and social landlords have internal complaints services. Constituents should use these first.

If constituents are not happy with the outcome they can complain to the [Local Government Ombudsman](#) or [Housing Ombudsman](#).

Advice about casework involving complaints to the police is available in the Library briefing paper. [A short guide to police complaints](#).

4. Useful resources

Relevant authorities

[Find your local council](#)

[Find your local police force](#)

[Find your Police and Crime Commissioner](#)

[Find your local Community Safety Partnership](#)

Organisations that can provide support or advice

[ASBHelp](#)

[Citizens Advice](#)

[Shelter](#)

[Victim Support](#)

Library briefings

[Tackling anti-social behaviour](#)

[Tackling anti-social behaviour in social housing \(England\)](#).

[Anti-social neighbours living in private housing \(England\)](#)

[Legal help: where to go and how to pay](#)

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