

SCHEDULES

SCHEDULE 4

Section 104

ASB CASE REVIEWS: SUPPLEMENTARY PROVISION

PART 1

MAKING AND REVISING REVIEW PROCEDURES ETC

Consultation: local policing bodies

- 1 (1) In making and revising the review procedures, the relevant bodies in a local government area must consult the local policing body for the relevant police area.
- (2) The “relevant police area” is the police area which consists of, or includes, the local government area.

Consultation: local providers of social housing

- 2 In making and revising the review procedures, the relevant bodies in a local government area must consult such local providers of social housing as they consider appropriate.

Dissatisfaction with ASB case reviews

- 3 The review procedures must include provision about what is to happen where an applicant is dissatisfied with the way in which the relevant bodies have—
 - (a) dealt with an application for an ASB case review, or
 - (b) carried out an ASB case review.

Assessment and revision of review procedures

- 4 The review procedures must include provision about—
 - (a) the assessment of the effectiveness of those procedures, and
 - (b) the revision of those procedures.

PART 2

INCLUSION OF LOCAL PROVIDERS OF SOCIAL HOUSING AMONG RELEVANT BODIES

Co-option arrangements

- 5 (1) The responsible authorities in a local government area must make arrangements (“co-option arrangements”) for the inclusion of local providers of social housing among the relevant bodies in that area.
- (2) In this paragraph “responsible authorities” means—
- (a) in relation to a local government area in England—
 - (i) the relevant district council or the unitary authority,
 - (ii) the chief officer of police for the police area which that local government area is within, and
 - (iii) 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;
 - (b) in relation to a local government area in Wales—
 - (i) the council for the area,
 - (ii) the chief officer of police for the police area which that local government area is within, and
 - (iii) each Local Health Board whose area is wholly or partly within that local government area.

PART 3

ASB CASE REVIEWS

Consultation and co-operation: local providers of social housing

- 6 (1) The relevant bodies in a local government area must consult such local providers of social housing as they consider appropriate in carrying out ASB case reviews.
- (2) The local providers of social housing must co-operate with the relevant bodies in the local government area in any matters specified by the relevant bodies that concern ASB case reviews.

Information

- 7 (1) The relevant bodies in a local government area may request any person to disclose information for a purpose connected with the carrying out of an ASB case review.
- (2) If such a request is made to a person that exercises public functions, and that person possesses the requested information in connection with the exercise of such functions, the person must (subject to sub-paragraph (4)) comply with the request.
- (3) If such a request is made to a person who is not required by sub-paragraph (2) to disclose the requested information, the person may (subject to sub-paragraph (4)) comply with the request.
- (4) This paragraph does not require or authorise—

- (a) a disclosure, in contravention of any provisions of the Data Protection Act 1998, of personal data which are not exempt from those provisions, or
 - (b) a disclosure which is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.
- (5) Subject to that, a disclosure under this paragraph does not breach—
- (a) any obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information (however imposed).

PART 4

GENERAL

Joint review procedures or co-option arrangements

- 8 (1) The relevant bodies in two or more local government areas—
- (a) may jointly make review procedures applicable to those areas;
 - (b) must secure that such jointly-made review procedures are in place if co-option arrangements applicable to those areas have been jointly made under sub-paragraph (2).
- (2) The responsible authorities in two or more local government areas—
- (a) may jointly make co-option arrangements applicable to those areas;
 - (b) must secure that such jointly-made co-option arrangements are in place if review procedures applicable to those areas have been jointly made under sub-paragraph (1).
- (3) In a case where review procedures or co-option arrangements are made jointly in accordance with this paragraph, a reference to any of the following in section 104, section 105 or this Schedule is to be read accordingly—
- (a) the relevant bodies (in the case of review procedures) or the responsible authorities (in the case of co-option arrangements);
 - (b) the local government area or the relevant police area (in either case).

Different review procedures or co-option arrangements for different parts of an area etc

- 9 (1) Review procedures may make different provision in relation to different parts of a local government area.
- (2) Review procedures or co-option arrangements made jointly in accordance with paragraph 8 may make different provision in relation to—
- (a) different local government areas to which the procedures or arrangements are applicable, or
 - (b) different parts of such areas.