POLICY BRIEFING

Putting victims first – More effective responses to anti-social behaviour

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Date: 11 June 2012

Summary

- The briefing provides a summary of the Government’s white paper on improving the approach to anti-social behaviour
- The proposals are designed to put the needs of the victim first.
- A number of proposals stem from identified weaknesses in current anti-social behaviour powers that are cumbersome, difficult to apply and routinely breached.
- The briefing will be of interest to those involved in tackling anti-social behaviour in local authorities, police, housing sector, health and voluntary sector.

Overview

The Government published its much awaited anti-social behaviour (ASB) white paper on 22 May, claiming that the proposals would ensure that the needs of victims and communities suffering from ASB would now be put first. Highly critical in parts of the previous government’s approach to ASB, ‘Putting Victims First’ proposes to replace ‘19 complex existing powers with six simple new ones’. The White Paper also sets out other previously announced government policy/activity intended to tackle the ‘drivers’ of anti-social behaviour. A draft bill will shortly be published for pre-legislative scrutiny before legislation introduced.

Briefing in full

1. Focusing on the needs of victims

Significant emphasis is placed on measures outlined in the White Paper that will better enable agencies involved in tackling ASB to put the needs of the victims first. The role of Police Commissioners is highlighted as being important in ensuring greater democratic accountability of police priorities. Overt criticism is made of the
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previous government’s attempt to tackle the problem as being top down and overly bureaucratic – focusing on narrowly defined targets rather than broader outcomes.

Worryingly the White Paper identifies ‘more than half of all Anti-Social Behaviour Orders (ASBOs) are now breached at least once and those that do get breached, are breached more than four times on average’.

The starting premise of the White Paper is that ASB will vary from area to area and it should be for local agencies involved in dealing with it to focus resources most effectively. The role identified for the government is one of enabling good practice to be shared, simplifying powers available and also identifying broader support required for victims of anti-social behaviour. The Tilley Awards is one such initiative identified.

Also highlighted is the need to improve information sharing between agencies involved in the fight against ASB. In particular the need to identify earlier on higher risk cases often repeatedly reported across a number of agencies. Trials undertaken, in a number of police authority areas, and in conjunction with the Home Office, have focused on agencies collecting common data of reported ASB which enables them to jointly focus on priority cases.

Police and local agencies should be categorising ASB in just three ways – environmental, public nuisance and personal threat. This, it is claimed, along with an initial risk assessment of each case, will make it easier for the focus to be on the impact on the victim. The section recognises that ASB is likely to be experienced by young people just as much as old people. Although this is identified few measures are put forward to broaden perceptions that the victims of ASB are not just older people.

2. Empowering communities

This section of the White Paper will be of significant interest to those in local authorities as it outlines the final proposals for ‘a new community trigger … to ensure that victims and communities are not ignored’. The proposal is simple: ‘the trigger would give victims and communities the right to demand that agencies who had ignored repeated complaints about ASB take action’. This proposal enjoyed broad support during the consultation phase (which is summarised in an annex of the White Paper).

It is not prescriptive in terms of how the trigger would work, and it commits that neither will be the legislation which follows. Authorities (district council level or above) will have to publish thresholds that trigger a complaint, regarding the way an agency has dealt with an ASB case or incident. A complaint that met the criteria would need to be considered by local authorities police and health – health will be Clinical Commissioning Groups once established. A current pilot in Manchester is cited whereby triggers are to be considered via the Community Safety Partnership.
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Work undertaken to develop the crime mapping website, www.police.uk, is highlighted as an important resource in the fight against ASB. The emergence of Neighbourhood Justice panels are also highlighted as being a useful community tool to deal with lower level ASB in areas which will free police and local authority time to pursue higher risk cases.

3. Swift effective action

The main claim of the White Paper is that current powers for agencies involved in tackling ASB are too broad, bureaucratic and unwieldy. A number of times it trumpets the goal of the act as ‘cutting the existing alphabet soup of unwieldy powers’. The existing 19 powers will be slimmed down to six. The clear desire is for a broader approach to ASB to be adopted. The proposed simplification is claimed to enjoy widespread support amongst the police, local authorities, housing associations, judiciary and voluntary sector.

The six powers would fall under the three banners of People, Places and Police Powers. The new people powers outlined are **Criminal Behaviour Orders** and **Crime Prevention Injunctions**. These would replace: ASBOs, ASBO on conviction, Drink Banning Order, ASB Injunction, Individual Support Orders and Intervention Orders. Crime Prevention Injunctions would be a civil injunction available in county courts for adults or Youth Courts for 10 to 17 year olds. The benefit of this as opposed to an ASBO would be the speed and lower burden of proof required to obtain. Proposed Criminal Behaviour Orders would be available alongside any conviction for a criminal offence.

To protect place **Community Protection Notices, Community Protection Order (Public Space) and Community Protection Order (closure)** are outlined. Community Protection notices will be issued by a number of different agencies including the police, local authorities and social housing providers. The examples such orders could tackle include persistent dog fouling, drunk behaviour in a particular area and litter hotspots outside of certain businesses. Non-compliance with such breaches would carry fines ranging from £2,500 to £20,000. Community Protection Orders would enable local authorities to determine areas where they will focus on a particular issue. In keeping with the wider government localism agenda, this will effectively enable local areas to agree and enforce byelaws without the need for secretary of state approval.

CPO (Public Spaces) and **Direction Orders** will be retained by police officers and police community support officers. This will empower the Police and Police Community Support Officers to require a person who has committed or is likely to commit ASB to leave and not return to a specified area for 48 hours. It will be a requirement for local data on such orders to be published to ensure appropriate accountability and ally civil liberties fears. CPO (Closure) would allow either the police or local authorities to issue notices to close nuisance premises (businesses or private residences) for up to 48 hours.

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Proposals following the DCLG consultation on evicting so-called ‘Nightmare Neighbours’ are outlined. The proposals would extend the existing discretionary grounds for possession to cover convictions of tenants or members of their households for offences committed at the scene of a riot. And to introduce a new mandatory route to possession, modeled on the process for bringing introductory tenancies to an end for local authority landlords and on existing mandatory grounds for possession for private registered providers and social housing.

4. Tackling the drivers of ASB

This section of the White Paper is essentially an overview of existing government activity and policy changes that should contribute to broader social changes and reduce overall levels of ASB. The main areas are:

- Dealing with problem drinking through the government’s recently launched alcohol strategy. The strategy outlines measures to bring forward a minimum unit price for alcohol and a number of other enforcement activities to tackle ASB related to binge drinking.
- Stopping illicit drug use as outlined in the drug strategy. The strategy outlines a number of programmes for example the positive futures programme.
- Troubled families initiative and associated commitment to turn round the lives of 120,000 most troubled families in England by 2015.
- Addressing mental health needs and encouraging responsible dog ownership.

Comment

Despite the high profile nature of ASB and how dealing with it became almost totemic for the previous government it is surprising that the White Paper contains little by way of new or bold initiatives. A significant proportion of ‘Putting Victims First’ is a summary of other initiatives being taken forward to tackle ASB, such as alcohol and drug strategies and the election of Police Commissioners.

Simplifying the arrangements for issuing ASBOs, although welcome, is a rather modest change. The government has made much in the White Paper of the change in emphasis being about local areas deciding what’s best in terms of dealing with ASB rather than centrally imposed targets – the hallmark of the previous government. This seeks to fit with the broader government approach to localism. This carries significant risk for the government: what will be the response if ASB rises and the number of ASBOs breached also rises? Will any government be able to resist the pressure to intervene to seek reductions?
Although the White Paper is correct to identify the increases in the number of people breaching ASBOs needs tackling – few concrete measures are outlined to deal with the issue.

For more information about this, or any other LGiU member briefing, please contact Janet Sillett, Briefings Manager, on janet.sillett@lgiu.org.uk