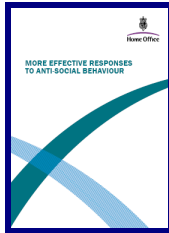




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More effective responses to anti-social behaviour - a consultation

The long awaited consultation on reforming the tools and powers for tackling antisocial behaviour was published earlier today. This comes after a review (by government) which found that there are too many tools some of which are too bureaucratic, too costly and do not address underlying problems.

This bulletin provides a brief outline of the proposals set out in the consultation document which practitioners are strongly encouraged to read in full. Over the coming weeks we shall be consulting intensively with members on the detail of the proposals unveiled today.

Today's proposals apply in England and, where relevant, in Wales. Whilst most of the issues covered in this consultation are non-devolved, the Welsh Assembly Government does have a role in community safety and the Home Office will be working with them on these proposals as they develop further.

The consultation is open until 03 May 2011. The full consultation document can be found at: <http://www.homeoffice.gov.uk/asb-consultation>.

Government's position

The document says that *"reducing anti-social behaviour is a government priority, and we expect it to be a priority for the police and other agencies as well, particularly where it is criminal or targeted at vulnerable victims.*

Where the behaviour is criminal, it should be dealt with as such. But informal measures can nip problems in the bud before they get that far."

The review findings

The government's review found that:

- there are simply too many tools – with practitioners tending to stick to the ones they are most familiar with;
- some of the formal tools (particularly the ASBO) are bureaucratic, slow and expensive, which puts people off using them;

- the growing number of people who breach their ASBO suggests the potential consequences are not deterring a persistent minority from continuing their anti-social or criminal behaviour; and
- the tools that were designed to help perpetrators deal with underlying causes of their anti-social behaviour are rarely used.

Proposals for reform

Government is proposing a radical streamlining of the toolkit and wants to *“move away from having a tool for every different problem to ensuring that the police and partners have faster, more flexible tools.”*

More specifically, the proposals are to:

- repeal the ASBO and other court orders for anti-social individuals, and replace them with two new tools that bring together restrictions on future behaviour and support to address underlying problems: a Criminal Behaviour Order that can be attached to a criminal conviction, and a Crime Prevention Injunction that can quickly stop anti-social behaviour before it escalates;
- ensure there are powerful incentives on perpetrators to stop behaving antisocially – for example, by making breach of the new orders grounds for eviction from social housing;
- bring together many of the existing tools for dealing with place-specific anti-social behaviour, from persistent litter or noisy neighbours, to street drinking and crack houses, into a Community Protection Order;
- bring together existing police dispersal powers into a single police power to direct people away from an area for anti-social behaviour;
- make the informal and out-of-court tools for dealing with anti-social behaviour more rehabilitative and restorative; and
- introduce a Community Trigger that gives victims and communities the right to require agencies to deal with persistent anti-social behaviour.

New orders targeting anti-social individuals

Criminal Behaviour Order – a civil preventative order that could be attached to a conviction, to protect the public from behaviour that causes or is likely to cause harassment, alarm or distress. The order would allow the court to ban an individual from certain activities or places and also to require the offender to undertake positive activities, proposed by the relevant authority, to address the underlying causes of their offending through, for example, drug treatment;

Crime Prevention Injunction - designed to stop anti-social behaviour before it escalates. The injunction would carry a civil burden of proof, making it quicker and easier to obtain than the ASBO. For adults, breach of the injunction would be punished as contempt of court, through a fine or custody. For under 18s, the penalty for breach would be a menu of sanctions, including curfews, supervision, activity requirements and detention.

Tools to deal with place-specific anti-social; behaviour

A two-tier 'Community Protection Order', comprising a Level 1 notice issued by practitioners to stop environmental antisocial behaviour (e.g. graffiti, neighbour noise, accumulations of litter) and a Level 2 power for police and local authorities to restrict the use of places, or to close properties associated with persistent anti-social behaviour, with criminal sanctions for breach.

A simplified police power to direct people away from an area on grounds of antisocial behaviour.

Making informal and out-of-court tools more rehabilitative and restorative

The Home Office is working with the Ministry of Justice (MoJ) to make the informal and out-of-court tools for dealing with anti-social behaviour more rehabilitative and restorative. This includes ensuring that community and restorative solutions can be used to address community issues. This will mean that any disincentives for police officers to use restorative justice methods to deal with community incidents which would be best addressed outside the formal CJS are removed.

In addition to the moves to make Penalty Notices for Disorder more rehabilitative which were outlined in the recent MOJ Green Paper, government is also keen to ensure that out-of-court disposals for young people include swift, restorative sanctions with consequences for non-compliance, as well as encouraging parents to take more responsibility for their children's behaviour.

A Community Trigger requiring agencies to deal with persistent ASB

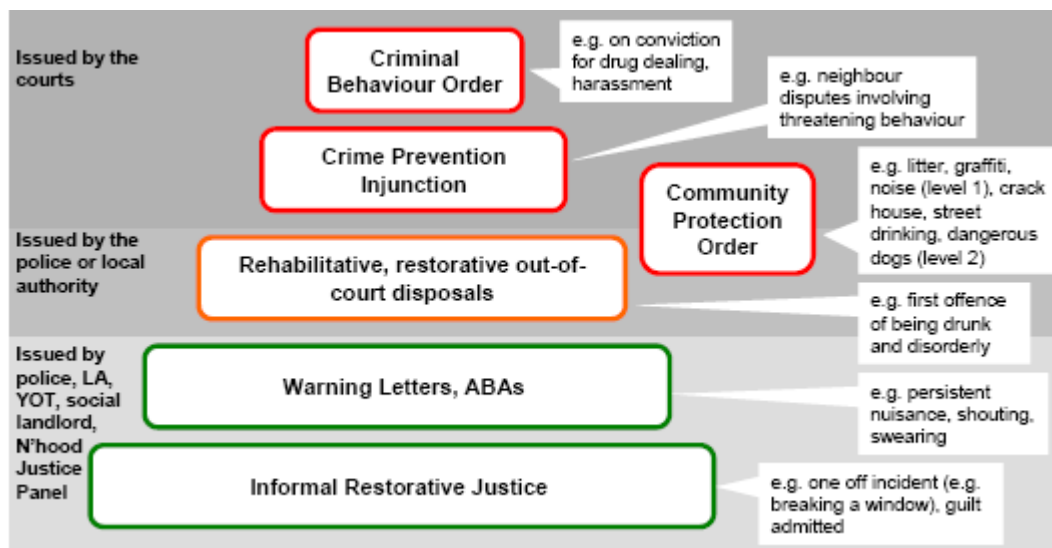
The Home Office is also working with the MOJ on developing innovative ways of getting communities more involved in the CJS, particularly through Neighbourhood Justice Panels, which would see community members and practitioners working together to decide how to deal with perpetrators of anti-social behaviour and low level crime..

Also being considered is the introduction of a 'Community Trigger' for persistent anti-social behaviour which has not been addressed by community safety partners. This would impose a duty on the statutory partners in a Community Safety Partnership (CSP) to take action in cases where victims or communities have raised the same issue over and over again and where local agencies have failed to respond.

Table 1 overleaf illustrates the proposals to streamline the existing framework

Existing system	Proposed changes
ASBO on conviction	'Criminal Behaviour Order' - available on conviction for any criminal offence, and including both prohibitions and support to stop future behaviour likely to lead to further anti-social behaviour or criminal offences.
ASBO	
Interim ASBO	
ASB Injunction	
Individual Support Order (ISO)	
Intervention Order	
Crack House Closure Order	Community Protection Order (Level 2) – a local authority/ police power to restrict use of a place or apply to the courts to close a property linked with persistent anti-social behaviour.
Premises Closure Order	
Brothel Closure Order	
Designated Public Place Order	
Special Interim Management Orders	
Gating Order	
Dog Control Order	
Litter Clearing Notice	Community Protection Order (Level 1) – a notice issued by a practitioner to stop persistent anti-social behaviour that is affecting quality of life in an area or neighbourhood, with a financial penalty for non-compliance, or other sanctions where relevant e.g. the seizure of noise-making equipment.
Noise Abatement Notice	
Graffiti/Defacement Removal Notice	
Direction to Leave	Police 'Direction' power – a power to direct any individual causing or likely to cause crime or disorder away from a particular place, and to confiscate related items
Dispersal Order	

Table 2 below illustrates how the key elements of the proposed new 'toolkit' would fit together. The consultation points out that this is not an 'escalator' – i.e. practitioners would need to choose the most appropriate approach for the behaviour in question. The intention is to provide “*a clearer path of consequences and sanctions for those who consistently fail to change their behaviour.*”



Initial reaction(s)

Today's publication is deserving of detailed consideration and scrutiny and we shall be consulting further with members to develop a comprehensive response on behalf of the SLCNG. By way of an 'immediate reaction' to today's publication, however ...

- It is interesting and perhaps significant that the term 'anti social behaviour' has been retained.
- The proposed repeal of the ASBI may come as a surprise to practitioners
- We shall need to consider carefully and to argue robustly for the court(s) that should hear applications for the proposed Crime Prevention Injunctions.
- Similarly, we shall need to be very clear in proposing which test should the court apply when deciding whether to impose a Crime Prevention Injunction – i.e. that the individual's behaviour caused 'harassment, alarm or distress' or the lower threshold of 'nuisance or annoyance'?

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