

Summary: Analysis & Evidence

Policy Option 1

Description: Do nothing

FULL ECONOMIC ASSESSMENT

Price Base Year 2012	PV Base Year 2012	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: N/K	High: N/K	Best Estimate: N/K

COSTS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low				
High				
Best Estimate				

Description and scale of key monetised costs by 'main affected groups'

There are no additional costs arising from the baseline, 'do nothing' option.

Other key non-monetised costs by 'main affected groups'

There are no additional costs arising from the baseline, 'do nothing' option.

BENEFITS (£m)	Total Transition (Constant Price) Years		Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate	£0		£0	£0

Description and scale of key monetised benefits by 'main affected groups'

There are no additional benefits arising from the baseline, 'do nothing' option.

Other key non-monetised benefits by 'main affected groups'

There are no additional benefits arising from the baseline, 'do nothing' option.

Key assumptions/sensitivities/risks **Discount rate (%)** 3.5%

Key risk is that the response of the police and other local agencies (e.g. councils and social landlords) to environmental ASB and public nuisance remains ineffective due to bureaucratic and confusing powers which are very limited in scope, and a lack of accountability to victims (including businesses) and communities. Additional risks are that: ineffective response results in further ASB, crime and disorder in some areas, potentially constraining economic growth; vulnerable victims (e.g. those who are targeted because of a disability) suffer unnecessary harm; and agencies have to use more expensive ASB interventions. There is also a risk that new forms of environmental ASB appear that are not able to be dealt with through the existing powers due to their limited scope.

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			In scope of OIOO?	Measure qualifies as
Costs: N/K	Benefits: N/K	Net: N/K	No	NA

Summary: Analysis & Evidence

Policy Option 2

Description: Replace existing powers to deal with environmental ASB and public nuisance with a new Community Protection Notice and Orders and introduce a new accountability mechanism called the Community Trigger

FULL ECONOMIC ASSESSMENT

Price Base Year	PV Base Year	Time Period	Net Benefit (Present Value (PV)) (£m)		
2012	2012	Years	Low: N/K	High: N/K	Best Estimate: -£3.4

COSTS (£m)	Total Transition (Constant Price)	Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	£10.7m	1	n/k	n/k
High	£10.9m		n/k	n/k
Best Estimate	£10.8m		£0.6m	-£5.6m

Description and scale of key monetised costs by 'main affected groups'

Costs to registered social landlords (private sector) have been identified from attending additional meetings through the introduction of the Community Trigger. This is an ongoing cost to business. Transition costs to the police, local authorities, and registered social landlords of introducing all the proposals under Option 2 have also been quantified. Other costs of option 2 could not be quantified so this presents a limited assessment of the costs.

Other key non-monetised costs by 'main affected groups'

Transition costs to business and HMCTS could not be quantified but are thought to be minimal. Ongoing costs to business, police, local authorities, social landlords, Her Majesty's Court Service (HMCTS), HM Prison Service, the Crown Prosecution Service (CPS), and the Legal Services Commission (LSC) could not be quantified. The introduction of the Community Protection Notice and Orders could result in additional costs to those businesses which are responsible for environmental ASB or nuisance that is affecting the community's quality of life, and refuse to address it when prompted. Business representatives we consulted suggested this would represent a small minority of all businesses although they were not able to provide a number.

BENEFITS (£m)	Total Transition (Constant Price)	Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	n/k		n/k	n/k
High	n/k		n/k	n/k
Best Estimate	n/k		£0.3	£2.2

Description and scale of key monetised benefits by 'main affected groups'

We have managed to identify benefits to local authorities from introducing the Community Protection Order (Public Spaces) as this will be quicker and easier to apply for than the orders it replaces. Other benefits as a result of implementing option 2 could not be quantified at this time so this presents a limited assessment of the benefits.

Other key non-monetised benefits by 'main affected groups'

Key benefits of the Community Protection Notice and Orders include providing practitioners with a more flexible and more effective means of dealing with environmental ASB. The simplification of a number of powers into these orders should mean that practitioners can use more appropriate measures to deal more effectively with reports of environmental ASB. This may lead to indirect benefits for businesses and individuals. The Community Trigger could help agencies identify and protect repeat and vulnerable victims of ASB (including businesses), potentially reducing the risk of costs later on.

Key assumptions/sensitivities/risks

Discount rate (%) 3.5%

There is a potential overlap between the new system and the statutory nuisance regime, which will be mitigated through the legislation and accompanying guidance. Transition arrangements for public space orders risk creating some additional costs for local authorities, although there would be a three year transition period to mitigate this. We have assumed that while there may be an increase in the number of individual notices and orders issued, this could be offset by a reduction in use of other powers (such as byelaws and the Town and Country Planning Act 1990).

BUSINESS ASSESSMENT (Option 2)

Direct impact on business (Equivalent Annual) £m:			In scope of OIOO?	Measure qualifies as
Costs: £0.6	Benefits: N/K	Net: -£0.6	Yes	IN

Evidence Base (for summary sheets)

A. Strategic Overview

Background

- 1) The term 'anti-social behaviour' (ASB) covers a range of nuisance¹, disorder and crime which affect people's lives on a daily basis. This can include:
 - i) litter, vandalism and graffiti (often described as 'environmental anti-social behaviour');
 - ii) drunk or rowdy behaviour in public;
 - iii) aggressive dogs;
 - iv) intimidation and harassment; and/or
 - v) noisy or abusive neighbours.
- 2) Such a wide range of behaviours means that responsibility for dealing with anti-social behaviour is shared between a number of agencies, in particular the police, councils and registered providers of social housing. Complex cases, where the victim may be vulnerable, or the perpetrator may have an underlying problem such as mental health or substance misuse issues may require coordinated intervention by a number of agencies. As a result, in many areas, those agencies take a joined-up approach to reducing anti-social behaviour, through statutory Community Safety Partnership structures.
- 3) Since the introduction of the Anti-social Behaviour Order (ASBO) in 1998, the range of powers available to front line professionals to deal with anti-social behaviour has grown substantially, through more than ten separate pieces of legislation. Powers tended to be introduced to deal with very specific issues, and measures to deal with environmental anti-social behaviour and nuisance include: Litter Clearing Notices; Street Litter Control Notices; Defacement Removal Notices; Gating Orders; Dog Control Orders; Designated Public Place Orders; Crack House Closure Orders; and Premises Closure Orders. All of these are civil in nature with some resulting in a criminal conviction on breach.
- 4) This profusion of powers, with different tests, thresholds and safeguards, can be confusing for practitioners and the public alike.² The lack of systematic, central monitoring of many of them – particularly of those powers to tackle environmental anti-social behaviour – means we have limited evidence on patterns of use.
- 5) Despite efforts to curb it, anti-social behaviour is still a significant problem. The police recorded 2.5 million incidents of anti-social behaviour in the year ending June 2012,³ but many more incidents are reported to other agencies or not at all. That overall figure includes 7% that were recorded as incidents classified as of environmental anti-social behaviour and 64% as 'nuisance'.⁴ Moreover, in the past ten years, public perceptions of environmental anti-social behaviour and nuisance have barely changed - according to the most recent figures in the Office for National Statistics' Crime Survey for England and Wales (2012), 29% of people think that litter is a big problem in their area, and 24% said the same for drunk and rowdy behaviour.⁵ At the same time,

¹ Here and throughout the document, we refer to the dictionary, rather than a specific legal, definition of 'nuisance'. For example, we do not mean nuisance as defined in the Environmental Protection Act 1990

² DCLG guidance for social landlords (www.communities.gov.uk/documents/housing/pdf/1530807.pdf) provides advice on which interventions could be considered. Some are formal, some informal, but the list includes 19 different options.

³ Crime in England and Wales – Quarterly Release, June 2012.

⁴ Crime in England and Wales Quarterly Release, June 2012.

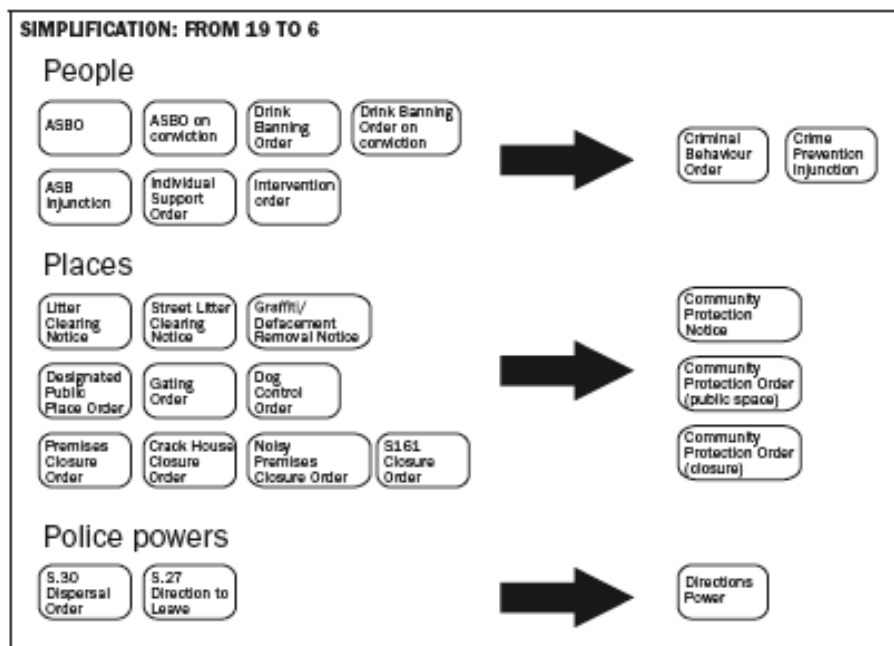
⁵ Out of seven individual anti-social behaviour strands that respondents were asked about. These were abandoned or burnt out cars, noisy neighbours or loud parties, people being drunk or rowdy in public places, people using or dealing drugs, teenagers hanging around on the streets, rubbish or litter lying around, and vandalism, graffiti, and other deliberate damage to property.

only around half of people felt that the police and partners in their area were tackling anti-social behaviour effectively.⁶

- 6) Unchecked, anti-social behaviour may also be linked to wider crime and disorder in an area – the so-called ‘broken windows’ effect. And the impact on victims can be substantial, not only in those high-profile cases that have had tragic outcomes, but in terms of the more general effect of anti-social behaviour on well-being: research by Ipsos MORI in 2010 found that 36% of anti-social behaviour victims had altered their daily routine as a result (e.g. by avoiding certain areas), and that figure rose to 48 per cent in more deprived areas.
- 7) The Government has a Coalition Commitment to ‘introduce effective measures to tackle anti-social behaviour’. Following a public consultation in 2011, the Home Office published ‘*Putting Victims First – More effective responses to anti-social behaviour.*’⁷ in May 2012. This outlined a fundamental shift in approach, based on:
 - i) **Focusing the response to anti-social behaviour on the needs of victims** - helping agencies to identify and support people at high risk of harm, giving frontline professionals more freedom to do what they know works, and improving our understanding of the experiences of victims;
 - ii) **Empowering communities to get involved in tackling anti-social behaviour and holding agencies to account** – including by giving victims and communities the power to ensure action is taken to deal with persistent anti-social behaviour through a new Community Trigger, and making it easier for communities to demonstrate in court the harm they are suffering;
 - iii) **Ensuring professionals are able to protect the public quickly** – by giving them faster, more effective formal powers; and
 - iv) **Focusing on long term solutions** – by addressing the underlying issues that drive anti-social behaviour, such as binge drinking, drug use, mental health issues, troubled family backgrounds and irresponsible dog ownership.

Faster, more effective powers to tackle anti-social behaviour

- 8) For those individuals who don’t respond to informal measures, or who are causing serious harm, the Government proposes to streamline the anti-social behaviour toolkit, replacing nineteen of the current powers with six faster, more effective ones, as illustrated below:



⁶ Crime Survey for England and Wales 2012.

⁷ The White Paper can be found at www.official-documents.gov.uk/document/cm83/8367/8367.pdf

- 9) This Impact Assessment focuses on those proposed new powers which improve the response to environmental anti-social behaviour and nuisance in public places (shown in the above diagram under 'Places') and the ability for individuals, communities and businesses to hold local agencies to account for their responses to anti-social behaviour through the creation of a new Community Trigger. A separate impact assessment has been prepared for the other proposed powers which cover 'People' and 'Police Powers'.⁸

New Powers

- 10) The **Community Protection Notice** will be issued to an individual or responsible person⁹ within a business or other organisation, to deal with a particular problem negatively affecting the community. It could be used to tackle the impacts of a range of anti-social behaviour (for example graffiti, littering, dog fouling or using a skateboard somewhere inappropriate).
- 11) The notice would be issued to stop persistent, unreasonable behaviour that is detrimental to the amenity of the locality or is having a negative impact on the local community's quality of life. The notice would replace Litter Clearing Notices, Street Litter Control Notices and Defacement Removal Notices.
- 12) This notice is not designed to be issued for a single incident – guidance will make it clear that informal measures should be used at first to try to elicit a change in behaviour to ensure any response is proportionate. Only where such measures have proved ineffective would a notice be used – by which time the subject would have been given ample warning that the behaviour was unacceptable and have chosen to continue regardless.
- 13) The **Community Protection Order (Public Space)** would provide local authorities with a flexible power to put in place local restrictions to address a range of anti-social behaviour issues in public places, and prevent future problems. This would replace Dog Control Orders, Gating Orders, and the Designated Public Place Order (designed to tackle public drinking), but covers a much wider range of problem behaviours, including those currently covered by the '*good rule and governance*' byelaws¹⁰.
- 14) The order would be issued by the local authority (in consultation with the police and the directly elected Police and Crime Commissioner (PCC)¹¹) either to deal with existing problems or to prevent future ones. This would be different to the current situation as one order would be able to cover a number of issues, rather than needing to follow separate processes for each. This would reduce bureaucracy for local authorities, and make it easier for local businesses and communities to influence restrictions in place in their areas.
- 15) The **Community Protection Order (Closure)** would provide the police or local authority with new, simpler, closure powers, consolidating four of those powers already available to them. This includes Section 161 Closure Notices, Local authority temporary closures for noise nuisance, Crack House Closure Orders and anti-social behaviour Premises Closure Orders.
- 16) This would make it easier for local agencies to protect victims quickly by issuing an order to temporarily close any property, including licensed premises, businesses and private residences for up to 48 hours if there is a public nuisance or if there is likely to be disorder imminently and if the closure is necessary. The police or local authority would have to apply to the Magistrates' Court as soon as reasonably practicable after the order comes into force for the court to consider the order

⁸ This includes the introduction of the Criminal Behaviour Order, the Crime Prevention Injunction, and the Directions Power.

⁹ This could be the owner or manager of a particular business or organisation.

¹⁰ Under Section 235 of the Local Government Act 1972

¹¹ In London, this would be in consultation with the Mayor of London's policing representative.

and any extension. The habitual resident, owner or landlord would still be able to enter a property subject to a closure for less than 48 hours.

Empowering communities to hold agencies to account

- 17) The Government also proposes to make local agencies more accountable to victims (including businesses) and communities for their response to persistent anti-social behaviour, by introducing the **Community Trigger**.
- 18) The Community Trigger will give victims, communities and businesses the right to require agencies to deal with persistent anti-social behaviour and will place a new duty on these agencies to take action where necessary. The duty can be activated by members of the public or businesses when their complaint meets certain criteria, which will be set locally to meet the needs of the local community.
- 19) Importantly, it will require local agencies to communicate their decisions and plan of action to the victim of anti-social behaviour who activates the Trigger. This is in direct response to the consultation (covered in the next section) which suggested that many victims do not feel they are kept informed of their case as it progresses.
- 20) More detail on both the new powers, and the Community Trigger, and their impact on local agencies, businesses and individuals, are included in Section D of this impact assessment.

Groups Affected

- 21) The proposals outlined in this Impact Assessment would affect the groups listed below. Not all groups would be impacted by each proposal and in many cases the impact would be positive. More detail is provided later on in this Impact Assessment.

The following groups would be affected by one or more of our proposals:

- i) the police;
- ii) local authorities;
- iii) private registered providers of social housing;
- iv) health services;
- v) businesses;
- vi) Her Majesty's Courts and Tribunals Service (HMCTS);
- vii) the Crown Prosecution Service (CPS);
- viii) the Legal Services Commission (LSC);
- ix) HM Prison Service; and
- x) victims and witnesses of anti-social behaviour.

- 22) In assessing the relative impact of these proposals on the organisations listed above, we have consulted widely. Within Government with Department of Health, HM Treasury, Department for Transport, Department for Education, Department for Environment, Food and Rural Affairs, Cabinet Office, Ministry of Justice, Department for Communities and Local Government, HM Courts and Tribunals Service, the CPS and the Attorney General's Office.
- 23) To better understand the impact on businesses, we have consulted with a number of trade bodies and organisations including the British Retail Consortium and Association of Convenience Stores. This is in addition to the public consultation that we ran in 2011 which was open to businesses as well as individuals. Since our White Paper was published, we have continued this engagement, enabling businesses to help mould the policy as it develops.

B. Rationale

Why tackling anti-social behaviour matters

- 24) **The public want action:** Although the Crime Survey for England and Wales for 2012 (formerly the British Crime Survey) has shown that the proportion of people who perceive high levels of anti-social behaviour in their local area has fallen in recent years (to 15% in 2011/12)¹², it is still the local crime and policing issue that matters most to the public¹³ when considered alongside other types of crime. A higher proportion of the public perceive problems with specific behaviours in their local area such as drunk or rowdy behaviour (24%), litter (30%), drug dealing (27%) and vandalism (21%).¹⁴ It is no surprise then that many people who expressed an interest in becoming candidates for the PCC elections are focussing on tackling anti-social behaviour as a key priority¹⁵.
- 25) Anti-social behaviour consistently ranks as the public's highest priority when it comes to crime and disorder in their area¹⁶ when considered alongside other types of crime and it is also a key driver of public confidence in the police and local authorities¹⁷. So improving the powers available to police and others to tackle anti-social behaviour is likely to have a positive impact on victims and communities across the country.
- 26) **The cost to the economy is increasing:** Anti-social behaviour and crime has a significant impact on the economy. Recent research conducted by One Poll on behalf of RSA insurance suggested that anti-social behaviour cost UK businesses £9.8 billion in 2011, with the damage and cost expected to rise in 2012. The study revealed a cost of £4,000 for each business within the UK just to cover the cost of anti-social behaviour, including vandalism, petty theft, graffiti, litter, broken windows, harassment and intimidation. Nearly 20 percent of businesses surveyed were impacted by anti-social behaviour in 2011, costing each affected business an average of £20,000 to rectify. The most common examples of anti-social behaviour to affect a business are petty theft and smashed windows and doors. The problem of vandalism and job culture is expected to increase according to 37% of respondents.¹⁸
- 27) This trend was echoed in the most recent Retail Crime Survey which estimated that incidents of criminal damage caused by anti-social behaviour (such as graffiti or broken windows) had increased. In 2010/11, there were 14.1 criminal damage incidents per 100 outlets caused by anti-social behaviour. This represents a substantial increase from 2009/10 where there were 6.4 criminal damage incidents per 100 outlets. The cost per incident is estimated, by the British Retail Consortium, at £176. Total costs to business from environmental anti-social behaviour are estimated to be over £7 million.¹⁹
- 28) The cost of graffiti on the transport network is also high. Graffiti is the most widespread form of vandalism on railway land and costs millions of pounds each year to deal with. This includes traditional graffiti as well as 'Dutch graffiti' or etching. According to the British Transport Police, it costs the London Underground an estimated £10 million per annum to replace all the glass that is

¹² Although 2011/12 data showed a non-significant increase.

¹³ Based on Ipsos MORI Home Office public opinion polling.

¹⁴ Crime Survey for England and Wales – data based on interviews conducted during 2011.

¹⁵ A poll conducted by the Local Government Association in July 2012 of prospective PCC candidates showed that anti-social behaviour topped their list of priorities.

¹⁶ Ipsos MORI Home Office public opinion polling

¹⁷ Research by Myhill and Beak (2008) found that people are more likely to be confident if they perceive low levels of ASB in their neighbourhood and if they believe there is less crime than in recent years. BCS 2008/09 data found that respondents who perceived there to be less crime in the local area than two years previously were more likely to agree that the police and local councils were dealing with crime and ASB issues that matter in the area.

¹⁸ <http://www.theaccountancy.co.uk/anti-social-behaviour-having-negative-effect-on-uk-businesses-1634.html>

¹⁹ British Retail Consortium Crime Survey 2011 http://www.brc.org.uk/brc_show_document.asp?id=4324&moid=7614

etched as well as the £2.5 million required to clear up other types of graffiti.²⁰ Network Rail has estimated that graffiti alone costs them around £3.5 million a year to deal with²¹. As result, many train companies have begun partnership arrangements with local bodies to help deal with the issue. However, in many cases, these costs are simply passed on to rail travellers²².

29) **The cost of anti-social behaviour to social landlords is on the rise:** Recent HouseMark benchmarking data has suggested that the cost to social landlords of anti-social behaviour has increased to £270m – up from £230m only 12 months previously. While these costs cover all types of anti-social behaviour, reports related to environmental anti-social behaviour (noise, litter, graffiti, etc.) make up around 60% of the total. As informal intervention, through warning letters, mediation and interviews make up the majority of successful interventions for all types of anti-social behaviour; we have assumed that environmental anti-social behaviour can be estimated to cost around 60% of the total (about £160m)²³ This figure includes employee time and overheads. It does not include the actual cost of repairing or removing vandalism which form part of HouseMark's *Value for money in responsive and voids repairs* report²⁴. HouseMark have undertaken further analysis for us which estimates the total cost to Housing Associations of repairing properties each year to be around £1.9 billion. Although this includes all types of repair, it does show that if only 1% were down to anti-social behaviour, the costs to social landlords would be in the tens of millions.

30) **Environmental anti-social behaviour can have larger, indirect impacts:** Anti-social behaviour does not only have a direct financial impact on individuals, communities and businesses. The wider effects of environmental anti-social behaviour can be far more subtle. For example:

- i) The so-called '**broken windows effect**' suggests that, unchecked, graffiti and vandalism may lead to more serious disorder. 2008 research by Kees Keizer of the University of Groningen in the Netherlands showed that the mere presence of graffiti doubles the number of people littering and stealing in a neighbourhood²⁵. 2009 research by 'Keep Britain Tidy' found that members of the public who are satisfied with how their area looks are significantly more likely to be satisfied with how safe they feel in their area²⁶. Providing practitioners with more effective tools to deal with environmental anti-social behaviour may lead to a reduction in levels of graffiti, litter and other nuisances. As the numbers above show, even a small reduction in the levels of environmental anti-social behaviour could have a positive impact on the cost to the economy.
- ii) Anti-social behaviour has also been identified as both a cause and effect of **areas declining to the point where they require regeneration**.²⁷ It is recognised that the process of regeneration and the physical disruption it causes may be stressful and creates further opportunities for anti-social behaviour.²⁸ Therefore, failing to tackle anti-social behaviour effectively, and failing to prevent it from happening in the first place, means that there are likely to be serious consequences which may lead to a spiral of decline, and potentially greater costs. How an area looks is an important feature for the public. When asked how

²⁰ Data taken from *Good graffiti, bad graffiti – a new approach to an old problem* Encams research report 2008
http://www.keepbritaintidy.org/ImgLibrary/graffiti_report_647.pdf

²¹ <http://www.networkrail.co.uk/aspx/1022.aspx>

²² <http://www.teachingzone.org/swt/cctv.htm>

²³ While this covers all aspects of anti-social behaviour, calls relating to environmental anti-social behaviour make up around 60% of total reports. While it is not possible to accurately estimate what proportion of total costs fall on environmental anti-social behaviour, as most reports are currently resolved informally through warning letters, interviews and mediation, it is likely that unit costs are broadly similar in the majority of cases.

²⁴ [http://www.housemark.co.uk/hmresour.nsf/resourceslookup/RepairsVFMreport.pdf/\\$File/RepairsVFMreport.pdf](http://www.housemark.co.uk/hmresour.nsf/resourceslookup/RepairsVFMreport.pdf/$File/RepairsVFMreport.pdf)

²⁵ Nov. 21 issue of the journal *Science*, Kees Keizer of the University of Groningen in the Netherlands, <http://www.livescience.com/7599-graffiti-triggers-crime-littering.html>. This was based on a specific experimental approach and, as such, should be applicable to the UK as it was not specific to behaviours in the Netherlands. .

²⁶ Keep Britain Tidy (2009) *The Word on Our Street*.

²⁷ Views of NDCs , Focus Group Reports, February 2005

²⁸ Home Office 2006 "*Tackling vandalism and other criminal damage*"

concerned they were about a range of topical issues, 70% of the general public said they were concerned about the appearance of their local area.²⁹

- iii) Anti-social behaviour can lead to **health issues**. Dog waste is a breeding ground for bacteria (Campylobacter and Salmonella) and other forms of infection. The most damaging of these is caused by the roundworm *Toxocara canis*. The effects of Toxocariasis range from mild flu like symptoms to a more worrying form that affects the eye and can lead to permanent blindness. Ensuring owners clean up after their dogs can prevent this. In a 2007/08 survey of over 19,000 sites dog fouling was present in over 8% of them.³⁰ Some dog owners still fail to clean up after their dogs and the highest level of dog fouling can be found in areas where people live which has an impact on private registered providers of social housing in terms of upkeep of their estates; local authorities in terms of street cleaning; and businesses in terms of lost trade as a result of people not using an area because of concerns about cleanliness and dog fouling.
- iv) Finally, as the Portas Review of the high street highlighted "*our high streets need to offer a safe and pleasant place to shop and socialise*" and one of the recommendations in the report focused on **ensuring that high streets are made accessible, attractive and safe to help drive growth**.³¹ Standards for graffiti in 'Main Retail' areas³² dropped in the most recent 'Keep Britain Tidy' local environmental quality survey of 10,000 sites across 54 local authority areas, to give the worst recorded score in the survey's nine year history³³.

The case for reform of powers

- 31) Civil powers to tackle anti-social behaviour were intended to enable a broad range of anti-social behaviour to be dealt with, and give the police and local authorities an alternative to criminal prosecution where it was difficult to prove that an offence had been committed or where victims were afraid to give evidence. However, victims and practitioners alike have told us that many of the formal powers currently available are bureaucratic, slow and expensive.
- 32) In 2010, a Home Office review of tools and powers³⁴ found, in relation to environmental anti-social behaviour, that:
 - i) there are simply too many different powers, which is confusing for practitioners and the public. Evidence from one local authority anti-social behaviour team suggested that in some instances, there were as many as 5 or 6 options to deal with litter issues. This was demonstrated in the response to our consultation, as 56% of respondents (local authorities, police, CSPs, housing providers, judiciary, and the voluntary sector) were in favour of simplification of the tools and powers;
 - ii) despite relatively high levels of awareness amongst the general public, 49% of people do not believe that Fixed Penalty Notices are effective in preventing people from committing environmental offences.³⁵ So, Fixed Penalty Notices on their own are unlikely to be sufficient to change behaviour and solve environmental anti-social behaviour problems; and
 - iii) current powers are insufficient to deal with noise complaints. The police were called out to deal with noise 88,317 times in 2008/09. In addition, local authority complaint data shows that of the 105,539 domestic noise incidents complained of in 2009-10 (based on returns from 48% of local authorities), only 19,926 (19%) were confirmed as a statutory nuisance and led

²⁹ Keep Britain Tidy (2009) *The Word on Our Street*. The research question asked 1018 respondents in England, "*I'm going to read out a list of issues which people talk about. For each one please say how concerned you personally are about it.*"

³⁰ Local Environmental Quality Survey of England produced by ENCAMS, 2007/08:

http://www.keepbritaintidy.org/ImgLibrary/Local%20Environmental%20Quality%20Survey%20of%20England%202007-2008_223.pdf

³¹ The Portas Review: An independent review into the future of our high streets Mary Portas December 2011

³² This covers town and city centres, including urban tourist 'hotspots' and normally contains a choice of outlets in many retail and commercial sectors

³³ http://www.keepbritaintidy.org/ImgLibrary/LEQSE%20-%20FINAL%20VERSION_2633.pdf

³⁴ Unpublished Home Office data.

³⁵ The Effectiveness of Enforcement on Behaviour Change: Fixed Penalty Notices from either side of the line. Keep Britain Tidy: http://keepbritaintidy.org/ImgLibrary/Effectiveness%20of%20Enforcement_FINAL_3509.pdf

to action by local authorities, including the issuing of noise abatement notices in 2,585 cases. The reasons why formal action may not have been taken can include the complaint not being justified, there being no evidence on investigation, an inability for local authorities to respond quickly out of hours – and for some of the cases, the disturbance may be one that does not amount to a statutory nuisance.

Public Consultation

- 33) In response to this, the Home Office sought to develop a new, more flexible toolkit that would better meet the needs of practitioners and victims alike. In order to assess whether this reformed set of powers was a proportionate response to those affected by anti-social behaviour, the consultation document, *Putting Victims First: More Effective Responses to Anti-social Behaviour*, was launched on 7 February 2011³⁶. It set out proposals to reform the toolkit for tackling anti-social behaviour to ensure that the police and their partners can act more quickly and effectively to protect the public. The consultation closed on 17 May 2011.
- 34) There was a high level of public interest in the consultation, with more than 4,000 hits on the consultation website and over a 1000 responses. In addition to this, the Home Office Crime and Anti-Social Behaviour Reduction Unit (CASBRU) unit hosted 14 half-day workshops in seven cities across England and Wales, discussing the proposals with over 600 practitioners from local authorities, social landlords and the police.
- 35) There was broad support for simplification of the anti-social behaviour toolkit, with 57% of stakeholder consultation respondents (e.g. local authorities, police, Community Safety Partnerships, housing providers, business groups, etc) being supportive of our aims and only 9% against the proposals³⁷. For example, the Association of Convenience Stores stated: “*streamlining the Anti-social behaviour toolkit is useful for retailers and the public to understand the powers available to the police and the community.*” Of the public respondents, 40% felt the proposals would improve the response to anti-social behaviour and only 9% felt they would be less effective than the current system.³⁸
- 36) Respondents to the consultation generally welcomed the move to rationalise existing powers to deal with place-specific anti-social behaviour (covered in this impact assessment), arguing that the number of tools available at the moment creates confusion for professionals and the public alike. 51% of stakeholders who responded stated that they thought the proposal would be better than the existing system, with only 11% saying that it would be worse. Those who did not support the proposal did not suggest an alternative. A number of respondents who were supportive of simplification were keen to ensure that the functionality of the existing tools is retained. This is something which we have aimed to do through our proposals.
- 37) During the consultation, a number of examples were cited of where current powers were successful. These included:
- i) the ability to ask people to stop drinking and confiscate alcohol in a specific area can prevent alcohol related violence and drunk and disorderly behaviour. Designated Public Place Orders (which place restrictions on drinking in public places) can save money for local authorities because of a reduction in the amount of drink-related debris on the streets as well as improving the amenity of an area and preventing drunk or rowdy behaviour which can improve outcomes for businesses, for example, making a local high street more inviting; and
 - ii) gating of alleyways has shown positive impacts, for example the Dukeries Alley-gating Project in Hull resulted in a reduction in domestic burglary of 65% which saved police time and

³⁶ <http://www.homeoffice.gov.uk/publications/consultations/cons-2010-antisocial-behaviour/>

³⁷ The remaining responses did not know or felt the change would make little or no difference.

³⁸ The remaining responses did not know or felt the change would make little or no difference.

prevented crime.³⁹ The findings from a residents' survey carried out to inform research into gating of alleyways in Liverpool revealed that residents living in gated areas experienced less crime, less anti-social behaviour and felt safer in their home, the street surrounding their home and in the allies near their house than residents living in non-gated control areas.⁴⁰

- 38) Responses highlighted issues with the service provided to the public in relation to specific concerns. For instance, the police can't use current nuisance noise powers, but some local authority noise teams only work office hours. They also highlighted problems with dealing with graffiti on some private property. Some have also noted that the proposed powers would fit well with certain councils' moves to reconfigure their services to provide better value for money, moving to delivery through cross-functional neighbourhood teams rather than separate specialists.
- 39) However, there were others who were concerned that opening out these powers to a wider range of applicants could cause duplication or risk more than one notice being served on the same individual. This has been addressed in the final policy proposals as issuing agencies will be under a duty to consult relevant stakeholders.
- 40) As very few formal responses were received to the consultation from businesses, the Crime and Anti-Social Behaviour Reduction Unit (CASBRU) engaged directly with relevant business forums to ensure their views were captured. For example officials presented the proposals at the National Retail Crime Steering Group⁴¹ and at the Association of Convenience Stores' Crime Prevention Forum, which brings retailers together to discuss Government policy and share best practice. In addition, the then Parliamentary Under Secretary for Crime and Security hosted a roundtable discussion with victims of anti-social behaviour to hear their perspectives on the reforms.

Community Empowerment

- 41) As well as consulting on the new anti-social behaviour powers, the consultation document also asked for views on the proposed Community Trigger. Here, many respondents agreed that agencies needed to do more to protect repeat or vulnerable victims of anti-social behaviour. 41% of the public who responded said the Community Trigger would improve the way anti-social behaviour is dealt with in their area, compared with only 16% who thought it would make things worse. As one member of the public commented:

"The degree of accountability guaranteed by the trigger is the most welcome of all the new proposals. Police and local authorities will now be compelled to act upon reasonable requests by the communities they serve. I believe that the public knowing that their complaints are listened to and acted upon will greatly improve confidence amongst communities."

- 42) We have also received feedback from victims of anti-social behaviour since the publication of the white paper. One victim who has been subjected to numerous incidences of anti-social behaviour over the past few years was more direct in her view and commented:

"I really look forward to the introduction of the Community Trigger! I wish [my council] could have been one of the leading areas."

- 43) In addition the Association of Convenience Stores was strongly supportive of the Community Trigger and stated in their consultation response that *"businesses must be extended the same allowances*

³⁹ This figure does not account for the reductions seen in the wider police force area and as such will appear much more significant than the net figures presented. Quoted in *Alley-gating revisited: The sustainability of resident's satisfaction?* By Rachel Armitage & Hannah Smithson

⁴⁰ *Alley-gating revisited: The sustainability of resident's satisfaction?* By Rachel Armitage & Hannah Smithson. Internet Journal of Criminology 2007

⁴¹ Business members of the Steering Group (which is a group jointly chaired by the Home Office and the British Retail Consortium) include the Federation of Small Businesses, the National Business Crime Forum, the Association of Convenience Stores, the British Chamber of Commerce and the Association of Town Centre Managers.

under the community trigger as individuals.” As a result, we decided to extend the Community Trigger to businesses.

- 44) The views of local agencies were more balanced, with 31% saying the Trigger would improve how anti-social behaviour was dealt with, and 33% saying it would make things worse.⁴² However, for many this concern stemmed from a belief that the thresholds and criteria suggested in the consultation document were too prescriptive and would not meet the needs of people in their area. They argued that more local flexibility was needed to ensure the trigger reached the people who needed it most.
- 45) These concerns have been reflected in the final policy proposal which will see Community Trigger thresholds agreed locally. We have instigated a number of pilots across the country, testing a variety of approaches. An evaluation report will be published prior to legislation being laid.
- 46) There is also evidence that engaging communities in solving problems and tackling anti-social behaviour can improve neighbourhood security. For example, Martin Innes of Cardiff University found that *“by helping the community to organise and structure itself, police interventions contributed to the co-production of neighbourhood security with community members.”*⁴³
- 47) In addition, there is evidence that communities are not sufficiently engaged at present. For example, in an Ipsos MORI survey of a random sample of people who had contacted the police to report anti-social behaviour during September 2009, 59% of survey respondents said that they don't feel informed about what is being done to tackle anti-social behaviour in their area. This rises to 64% among those who think anti-social behaviour is a problem in their local area, which highlights the potential for reassurance via effective information provision.⁴⁴

How the policy has evolved

- 48) As a result of the public consultation and subsequent engagement with businesses and practitioners, we have made the following changes to the initial proposals:
- i) the new powers have been clarified to ensure that practitioners and victims alike can better understand which are of importance to them;
 - ii) safeguards have been included in the Community Protection Notice to ensure that responsible businesses and organisations are not impacted by these proposals;
 - iii) the ability to activate the Community Trigger has been extended to businesses so that they also have the power to hold local agencies to account as victims of anti-social behaviour; and
 - iv) we will allow local agencies, including registered providers of social housing, to agree thresholds and processes for managing for the Community Trigger that best meet their needs and the needs of local people.

Engaging business

- 49) Since the publication of the White Paper in May, Home Office officials have consulted further with key business organisations. As well as running an interactive workshop with delegates at the annual crime conference held by the Association of Convenience Stores (ACS), officials have sought to encourage businesses to share their experiences and views through a number of trade bodies, including the British Retail Consortium (BRC). These organisations have spoken to their members (including national and local retailers) and asked for feedback on the proposal outlined in the white paper. We have also engaged widely with registered providers of social housing and their representative bodies.

⁴² Remaining local authorities either did not make a comment or said it would make no difference.

⁴³ Innes, M. and Jones, V. (2006) *Neighbourhood Security and Urban Change: Risk, Resilience and Recovery*. York: Joseph Rowntree Foundation.

⁴⁴ Research report prepared for HMIC by Ipsos MORI (2010) *Policing anti-social behaviour: The public perspective*

- 50) Responses to this follow-up consultation have been invaluable in assessing what really matters to businesses and what they feel the impact is likely to be on them going forward. For instance, delegates at the ACS annual crime conference were presented with the new toolkit and asked to consider the impacts, both positive and negative, on them. Delegates were generally supportive of the new powers and especially the Community Trigger. Many outlined how they were already being proactive and working with safer neighbourhood teams, parish councils and local authorities to deal with environmental anti-social behaviour affecting their business. Where this wasn't possible, they saw the Community Trigger as a helpful tool in being able to contribute to a solution. One national retailer has fed back through the wider consultation that the Community Trigger *"could be an effective tool for our stores"*.
- 51) In one example where a number of businesses were regularly affected by anti-social behaviour and crime, the local police had suggested forming a 'business watch'. This involved the businesses working together, with the support of crime prevention advice from the police, in designing out as much of the crime as possible. By ensuring that less money was kept on site, and even small changes such as putting up posters explaining what 'business watch' was, they were able to reduce incidences of crime and anti-social behaviour dramatically.
- 52) A number of retailers also suggested that one of the indirect impacts of environmental anti-social behaviour on them was an increase in insurance premiums as a result of either trading in an area which was known to suffer from high levels of vandalism and/or crime or having to claim repeatedly for fixing windows and removing graffiti.
- 53) Whilst responses were mostly positive, some retailers highlighted a number of concerns about the proposals in the white paper, specifically the Community Protection Notice. These broadly fell into three groups:
- i) Guidance;
 - ii) Statutory Planning; and
 - iii) The definition of "reasonable".
- 54) **Guidance:** While it was acknowledged that shop owners would not *have* to understand the new notices in detail, they did feel that guidance would be helpful so that they could understand their role in creating a welcoming environment for customers. They were interested in understanding how they could make changes to the way they approached environmental anti-social behaviour – keen to show that they were part of the solution and not part of the problem. We have agreed to work with trade bodies where requested to develop joint guidance for members to help them understand the new powers.
- 55) **Statutory Planning:** Concerns were raised that the statutory planning process was already hard to understand and where a shop-owner had gone to the trouble of meeting all the requirements laid down as part of an agreement, it was unfair for them to have to deal with a Community Protection Notice being issued. They were clear that the safeguard we had built in to ensure that Community Protection Notices could not interfere with consents provided under the planning regime had to remain to avoid any unfair and unnecessary burdens on businesses.
- 56) **The definition of "reasonable":** One of the safeguards built into to protect businesses ensures that if all reasonable steps are taken by an individual or business to deal with an issue, then a Community Protection Notice should not be issued. There was a lot of discussion on how this would be judged and who would have the final say in what was "reasonable". In reality, agencies applying for a Community Protection Notice will make this call in the first instance, but they will have to do so in the knowledge that the Notice could be appealed. Those businesses that commented on this were keen to point out that if they were subjected to vandalism and/or graffiti on a regular basis, they should be seen as victims of anti-social behaviour and not the culprits. Guidance will be produced alongside the bill to ensure that this is understood by relevant authorities.

57) We have also engaged extensively with registered providers of social housing, many of whom are businesses in their own right. The new Community Protection Notice and the Community Trigger have an impact on these businesses. While the ability to use the Community Protection Notice will be voluntary and at the discretion of the local authority, the duty placed on social landlords by the Community Trigger will involve additional time, effort and resources.

58) We have presented at a number of forums and held discussions with individual housing providers as well as the Social Landlords Crime and Nuisance Group (SLCNG), who speak on their behalf on these issues. They have consistently reiterated that while this may involve an impact in some areas, they see these as being outweighed by the numerous benefits. Even where the duty on them is statutory, they see the ability to be able to work collaboratively with local partners as an opportunity to discuss issues that may affect more than one agency. As the SLCNG made clear during this additional consultation:

“The SLCNG fully supports the move to rationalise the current suite of tools and powers and make them more accessible, efficient and effective in tackling anti-social behaviour and protecting victims. We also feel that the Community Trigger proposals are unlikely to create any real additional burden for landlords as the relationships already exist in many areas. We look forward to working further with government and all interested parties in taking this work forward.”

59) In conclusion, given the level of public concern, and the amount of money agencies spend dealing with local anti-social behaviour⁴⁵ there is a clear rationale for developing a set of simple, faster, more effective powers which build on the best elements of the current toolkit, and for giving local communities powers to hold agencies to account.

C. Objectives

60) Our policy objectives, in streamlining and improving environmental anti-social behaviour powers into the **Community Protection Notice and Orders**, are:

- i) to reduce the size of the toolkit, shifting the emphasis from a specific power for every issue, to giving professionals the means to respond flexibly to a range of neighbourhood problems;
- ii) to reduce the bureaucracy and cost associated with the more formal powers, so that agencies can act more quickly to protect victims, communities and businesses from serious anti-social behaviour and environmental damage.

61) Our policy objectives in developing the **Community Trigger** are to:

- i) get a better response for victims and enable them to take action if they have been passed from agency to agency or have reported their problem over and over again, with no resolution. This includes increasing the focus on risk and vulnerability of the victim;
- ii) improve the services provided by local agencies (e.g. police, social landlords, local authorities etc) on anti-social behaviour through empowering victims including more effective multi-agency working/improve agencies working together to solve persistent anti-social behaviour;
- iii) improve the response to anti-social behaviour through locally devised and locally driven solutions, thereby reducing anti-social behaviour through better problem-solving.

⁴⁵ In 2006, the NAO estimated the annual cost at over £3 billion. Local authorities spent £858 million on street cleansing in 2008-09. The estimated cost of graffiti removal to the country is over £1 billion a year.

D. Options

Option 1: do nothing

62) Under the do nothing option, **the law would remain as it currently stands**, so the numerous current tools to deal with place-based anti-social behaviour would remain, and victims would have no avenue to force agencies to take action.

Option 2: to legislate

63) This would include making changes to streamline and simplify the anti-social behaviour toolkit, and to introduce a mechanism to empower individuals, communities and businesses to meet the aims outlined above. This option is consists of four strands , these are not mutually exclusive and would be introduced together under Option 2:

- i) **introduce a Community Protection Notice.** A notice designed to deal with particular problems or nuisances which negatively affect the community’s quality of life which could direct the person responsible to stop causing the nuisance and/or require them to ‘make good’. This would replace Litter Clearing Notices, Street Litter Control Notices and Defacement Removal Notices;
- ii) **introduce a Community Protection Order (Public Spaces).** An order to deal with anti-social behaviour in a public place, to apply restrictions to how that public space can be used. This would replace Designated Public Place Orders, Gating Orders and Dog Control Orders;
- iii) **introduce a Community Protection Order (Closure).** An order which could be used to close premises temporarily, or to go to the court to close the premises for up to 6 months. This would replace Premises Closure Orders, Crack House Closure Orders, Noisy Premises Closure Orders and Section 161 Closure Orders; and
- iv) **introduce a Community Trigger.** This would be a completely new power to force local agencies to deal with persistent anti-social behaviour where they have previously failed to do so.

New Powers

Old Powers	New Powers
Litter Clearing Notices Street Little Clearing Notices Defacement Removal Notices	Community Protection Notice
Designated Public Place Orders Gating Orders Dog Control Orders	Community Protection Order (Public Space)
Premises Closure Orders Crack House Closure Orders Noisy Premises Closure Orders Section 161 Closure Orders	Community Protection Order (Closure)
No specific power to hold agencies to account on anti-social behaviour	Community Trigger

64) Further details about each strand, including changes made following the public consultation, are set out in the following paragraphs.

Introduce a Community Protection Notice

65) These new notices would differ from those covered under the ‘do nothing’ option in the following ways:

- i) **they cover a wider range of behaviour** (all behaviour that is detrimental to the amenity of the locality and/or having a negative impact on the local community's quality of life) rather than specifically stating the behaviour covered (e.g. litter or graffiti). This was highlighted in consultation responses as one of the main advantages of the proposals;
- ii) **the notices can be issued by more people:** police, local authorities and private registered providers of social housing (if approved by local authorities) meaning that the most appropriate agency can deal with the situation;
- iii) **they can apply to businesses and individuals** (which is the same as for some of the notices it will replace but not all); and
- iv) **it would be a criminal offence if an individual or business did not comply**, with a sanction of a fine (or fixed penalty notice) for non-compliance. This exists at the moment for e.g. litter-related notices but not defacement removal notices.

66) However, in response to the consultation, and concerns from some stakeholders, a number of safeguards have been built in to ensure any impact is proportionate. These include:

- i) guidance will make explicitly clear that **Community Protection Notices could only be issued where there was no 'reasonable excuse' for the problem** and there would be a defence of having taken 'all practical measures' to address the issue;
- ii) **the Notice would never be issued for a single incident** – guidance will make it clear that informal measures should be used at first to try to deal with the problem;
- iii) provision will be made in the legislation to **ensure that this does not interfere with consents granted under the planning regime**; and
- iv) legislation will make clear that **noise disturbances that meet the requirements of the statutory nuisance regime should be dealt with using that process**;

Introduce a Community Protection Order (Public Spaces)

67) The new order would differ from the 'do nothing' option in the following ways:

- i) **it can prohibit a wider range of behaviour**, which makes the new proposal more like the 'good rule and government byelaws'⁴⁶ under the 1972 Local Government Act but with a fixed penalty notice available on breach. This is following feedback in the consultation from local authorities that current byelaws are hard to enforce as the only option available to local agencies is to take an individual to court if they fail to comply, which can be costly and time-consuming;
- ii) **there would be less central government oversight than with byelaws** and no central government reporting requirements as with Designated Public Place Orders. This would reduce bureaucracy; and
- iii) we would also look to have **lighter touch consultation requirements to save costs** (e.g. paying to advertise in local newspapers). This is following feedback in the consultation from local authorities that the current processes for consultation outlined in secondary legislation are costly and time-consuming.

68) As a result of the consultation, we have aimed to safeguard some of the best elements of the current powers. For instance:

- i) **designated Public Place Orders can save money for local authorities** because of a reduction in the amount of drink-related debris on the streets as well as improving the amenity of an area and preventing drunk or rowdy behaviour which can improve outcomes for businesses, for example, making a local high street more inviting. We have ensured this is still possible under the new Order by making the tool as flexible as possible for practitioners; and

⁴⁶ <http://www.communities.gov.uk/publications/localgovernment/modelbyelaw6>

- ii) **gating of alleyways has shown positive impacts**, for example the findings from a residents' survey carried out to inform research into gating of alleyways in Liverpool revealed that residents living in gated areas experienced less crime, less anti-social behaviour and felt safer in their home, the street surrounding their home and in the allies near their house than residents living in non-gated control areas. This ability will continue with the new order including a penalty on breach, not available at the current time.

Introduce a Community Protection Order (Closures)

69) The new order would differ from the 'do nothing' option in the following ways:

- i) **magistrates' court sign-off would be required for all closures**, including those for less than 48 hours (although this may be retrospective);
- ii) **the habitual resident, owner or landlord would still be able to enter a property** subject to a closure for less than 48 hours. Under a longer term closure (for three to six months), no one would be able to enter the premises without reasonable excuse; and
- iii) **any type of property could be closed, with a lower test for the first 48 hours**. In particular it would be lower than the anti-social related test, as it includes a reference to future behaviour and broader than the licensed premises closure powers, as it is not limited to noise nuisance. However, as outlined below, this is not likely to have a significant impact.

70) The longer term closure order (up to six months) is very similar to the existing powers and is a simplification to repeal duplicate legislation. We propose keeping the longer term order very similar as feedback from stakeholders in the consultation was that the current Crack House Closure Orders and Premises Closure Orders are very effective, and that the only problem is they are very similar to each other which sometimes causes confusion.

Introduce a Community Trigger

71) The Community Trigger would place a duty on relevant authorities (the police, local authority) to deal with persistent anti-social behaviour where they have previously failed to do so. It would also require private registered providers of social housing to be consulted and co-operate with the relevant authorities as part of this duty. The group could co-opt a representative (or more than one representative) of the private registered providers of social housing in the area. This would work in the same way as the current process under Section 5 of the Crime and Disorder Act 1998 in relation to Community Safety Partnerships, so would not be unprecedented.

72) Following feedback received in the consultation about the criteria, we have revised our proposals. We now do not propose to spell out in legislation exactly how local areas should implement this duty. Instead we would state that the relevant authorities (at district council level or above) must locally decide and publish the thresholds, criteria, process and reporting mechanism, and also that the Police and Crime Commissioner (PCC) must be involved to ensure democratic accountability. Keeping the duty high-level will ensure arrangements matched local priorities, and will also mitigate local authorities' concerns about duplication of existing complaints mechanisms and bureaucracy. Local areas would have to agree how Trigger complaints could be escalated, and we would expect the PCC to be involved in this, but we would not propose centrally mandating the PCC's role.

73) The Community Trigger could be activated by the public or businesses when their complaints reached a certain threshold. The aim would be to stop problems being passed from one agency to another, and stop repeat incidents from being dealt with singly, and for agencies to focus on the risk and vulnerability to the individual. This will help to prevent vulnerable people falling through the net.

74) It doesn't necessarily give people a say in how things are solved, unless local areas build this into their process. To help ensure some standardisation across areas, we would require all areas to have a single point of contact for receiving Community Trigger calls and we would also require every area to publish the details of how the trigger will work (so that it is easy for victims to find out what they

need to do). There would be transition costs associated with doing this. In addition, we would make it clear that there would be nothing to stop local authorities from joining together to agree the same processes and criteria across a wider area if they wanted to.

75) The Community Trigger would meet the policy objectives outlined in Section D in the following ways:

- i) **Getting a better response:** The main objective is to ensure that local agencies respond to issues that matter and don't simply pass an individual on from one to the other. This is an issue as, for example, an Ipsos MORI survey of a random sample of people who had contacted the police to report anti-social behaviour during September 2009, 59% of survey respondents said that they don't feel informed about what is being done to tackle anti-social behaviour in their area. The Community Trigger will enable victims to take action if they have been passed from the police to the council to their landlord and back again, or reporting the same problem over and over again without a satisfactory conclusion. The Trigger will require a victim-focussed approach, based on risk assessment and vulnerability of the victim.
- ii) **Improving service provision:** The Community Trigger also fits with broader policy objectives on anti-social behaviour which relate to improving the service provided by local agencies (e.g. police, social landlords, local authorities etc) on anti-social behaviour. There can never be a fully functioning free market in services designed to tackle anti-social behaviour as many services which deal with it will need to be provided by the state as they are related to crime and justice. For these services giving communities the power to require agencies to respond (as is the case with the trigger) is important as individuals cannot easily 'vote with their feet' and move to a different provider (e.g. an individual doesn't get to choose their police force, or which court a case will be heard in).
- iii) **Reducing anti-social behaviour:** The overarching objective of government policy on anti-social behaviour is to reduce it. However, anti-social behaviour is a problem which is fundamentally local and needs a locally devised solution, driven by professionals working on the ground and by communities themselves. The Trigger will encourage agencies to work together with a problem-solving focus. For example, there is evidence that engaging communities in solving problems and tackling anti-social behaviour can improve neighbourhood security. Professor Martin Innes of Cardiff University found that "by helping the community to organise and structure itself, police interventions contributed to the co-production of neighbourhood security with community members."⁴⁷

E. Appraisal (Costs and Benefits)

General Assumptions and Data

76) The following appraisal considers the costs and benefits associated with implementation of the proposed policy changes, against a baseline 'do nothing' option. The impact of each proposal has been assessed separately below.

77) Due to a lack of centrally collected data, it has not been possible to estimate volumes going forward in this appraisal section. Current volumes of many of the orders issued are not known so a baseline option cannot be estimated accurately and, as a result, there are little data on which to base any estimates of volumes anticipated in the policy option.

78) As a result, it has not been possible to systematically quantify all of the costs or benefits associated with the powers in the current toolkit or those in the reformed toolkit. We have however assessed some costs where possible and non-monetary impacts have been included, drawing on a wide range of available data to inform both costs and benefits. Evidence has been gathered from local authorities, registered social landlords, and businesses to inform a discussion of the likely impacts and estimate costs and benefits where possible.

⁴⁷ Innes, M. and Jones, V. (2006) Neighbourhood Security and Urban Change: Risk, Resilience and Recovery. York: Joseph Rowntree Foundation.

Option 2: Introduce the new toolkit and Community Trigger

- 79) An assessment of the costs and benefits are outlined below for each proposal. Where a full assessment of monetary impacts has not been possible, we have assessed the non-monetary impacts as stated above. Risks that are specific to each group are dealt with as they arise while overarching risks are dealt with in Section F.
- 80) As well as these formal powers, there are a number of other non-regulatory ways in which local areas, including businesses, can deal with a range of environmental anti-social behaviour, for example through the 'love where you live' campaign, the Big Tidy Up (<http://www.thebigtidyup.org/>) and through the work of groups like 'Keep Britain Tidy'.
- 81) Non-regulatory approaches using volunteers and community groups to keep public space clean currently play a key part in tackling environmental anti-social behaviour such as litter and graffiti. This would remain the same under any proposed changes.
- 82) These new powers should generally be considered after more informal interventions have been exhausted or where they would not be appropriate. In some cases, such as the Community Protection Notice, we have made clear that it should never be used for a first instance. There are many informal interventions that are currently used by practitioners which are successful in dealing with low-level anti-social behaviour before recourse to more formal powers are needed.
- 83) We would expect practitioners to continue using these informal interventions in the first instance in most cases. Informal interventions can take the form of:
- i) Acceptable Behaviour Contracts;
 - ii) mediation;
 - iii) interviews and visits; and
 - iv) letters;
- 84) **Transition costs:** Those costs incurred in implementing the proposals discussed under Option 2 have been estimated on the basis of evidence from local authorities, registered social landlords, and businesses. The transition costs presented here relate to the introduction of all proposals and are largely based on the course offered by the Anti-Social Behaviour Action Team in Manchester as this is representative of similar courses across the country⁴⁸. Any transition costs relevant to just one proposal will be discussed in the appropriate section.
- i) **Police:** We would expect neighbourhood police officers and Police Community Support Officers (PCSOs) who deal with anti-social behaviour to require training. This amounts to approximately 38,000 staff.⁴⁹ However, it will be optional for the police to use the new power and as such; only minimal training should be required. Half a day's training should suffice and, assuming that this would cost approximately £75, would cost £2.8 million. There will also be the cost of the time spent at the training, which will be realised in the form of an opportunity cost for police forces. This amounts to an opportunity cost of approximately £5.5 million.⁵⁰

⁴⁸ These courses were designed in 2011 based on the needs and requirements of practitioners across England and Wales, with prices set at a competitive rate.

⁴⁹ Estimated using Police Strength data published on the Home Office website: <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/police-research/hosb0912/> (accessed September 2012). Officers and PCSOs with "community safety/relations" or "neighbourhood" functions were assumed to be relevant.

⁵⁰ Using the Home Office estimates of the cost of a police officer's time based on ASHE and CIPFA data from 2008, uprated to account for inflation to 2011/12 prices using the HM Treasury deflator series.

- ii) **Local authorities:** Council staff should already be familiar with the process so the costs will not be substantial. Based on data from a selection of local authorities⁵¹, we estimate that between 4,700 and 6,100 anti-social behaviour and environmental health staff would require training in the use of the new tools and powers. Assuming that this requires a half day course costing approximately £75 this would result in costs of between £0.3 and £0.5 million. This would come out of existing local authority training budgets so would be opportunity in nature. In many cases, we would expect local authorities to have money set aside to deal with changes in legislation such as these. As with police costs, there would also be the opportunity cost of attending the training. This would amount to approximately £0.3 million.⁵²
- iii) **Registered social landlords (Private sector suppliers):** Based on data from HouseMark we estimate that approximately 2,400 staff would require training in the use of the new tools and powers. Assuming that this requires a day's course costing approximately £150 this would result in costs of £0.4 million. As with local authority training costs, we would expect these to be realised as opportunity costs from existing training budgets. There would also be an opportunity cost of approximately £0.3 million as a result of attending the training.⁵³
- iv) **Registered social landlords (Public sector suppliers):** Based on data from HouseMark we estimate that approximately 1,700 staff would require training in the use of the new tools and powers. Assuming that this requires a day's course costing approximately £150 this would result in costs of £0.3 million. As with local authority training costs, we would expect these to be realised as opportunity costs from existing training budgets. There would also be an opportunity cost of approximately £0.2 million as a result of attending the training.⁵⁴
- v) **Business:** There should be no transition costs for business as a result of the new powers. Businesses will only need to understand the new powers when local agencies believe they are acting in a way that is anti-social and begin the process of interventions. However, businesses have suggested through our consultation that they would like the opportunity to understand the new powers and as a result we have agreed to work with relevant business groups to develop joint guidance for businesses. Reading this guidance would be voluntary and so we would only expect businesses to do so if they had decided that the benefits from doing so would outweigh the costs. As a result, we do not expect any transition costs to business.
- vi) **Her Majesty's Court and Tribunal Service (HMCTS):** There may be some transition costs for HMCTS as legal staff are required to understand the new anti-social behaviour powers. We would expect key staff to require half a day of training. However, we are not able to determine how many staff will require the training and in any case, as with local authority training costs, we would expect these to be realised as opportunity costs from existing training budgets. We will work closely with HMCTS as they seek to revise guidance to ensure that any costs associated with that are minimised.
- vii) **Crown Prosecution Service (CPS):** There may also be a small transition cost to the CPS in revising legal guidance, dissemination of information or guidance, and awareness raising and training.

⁵¹ X in total, covering a range of urban and rural areas. This will not give a perfect estimate of the number of staff requiring training in England and Wales but given the available data this is the best estimate. Training costs are based on courses provided by the ASBAT team in Manchester.

⁵² Using ASHE data, average (mean) hourly wage costs of "local government administrator" is £11.93 in 2010. This employment type was thought to be the best available proxy. A half day course is assumed to last four hours.

⁵³ Using HouseMark data the average annual wage cost for a registered social landlord was £31,073 in 2010.

⁵⁴ This was calculated using the same assumptions as for private sector registered social landlords.

Environmental Anti-Social Behaviour – Summary Table

Current notices (the ‘do nothing’ option)

Notice	Who can use it	Who it can be used on	What it can do	Penalty for breach
Street Litter Control Notice (civil)	Local authorities	Specified retail and commercial premises such as cinemas service stations and cafés where there is a persistent problem with litter	Place requirements on the named individual (or company they represent) to remove litter and refuse at a stated distance at stated intervals	Criminal offence with a fine of up to £2,500 Heard in the Magistrates’ Court
Litter Clearing Notice (civil)	Local authorities	Individuals and businesses	Remove litter from land in their area	Criminal offence with a fine of up to £2,500 or fixed penalty of £100 Heard in the Magistrates’ Court
Defacement Removal Notice (civil)	Local authorities	Owners of street furniture, ‘statutory undertakers’ such as Network Rail, and educational institutions	Remove the specified graffiti within 28 days or the local authority can remove it and recover the costs	No criminal offence and no penalty

Introduce a Community Protection Notice (Option 2)

Notice	Who can use it	Who it can be used on	What it can do	Penalty for breach
Community Protection Notice (civil)	Local authorities, the police, designated private registered providers of social housing	Individuals and businesses	Deal with all persistent environmental nuisance such as litter, graffiti etc. Require the owner of the property to address the issues e.g. clear the litter. Could only be issued where there was no reasonable excuse and there would be a defence of having taken all practical measures.	Criminal offence with a fine of up to £2,500, or £20,000 for businesses. A fixed penalty notice of up to £100 would also be available. Heard in the Magistrates’ Court

Introduce a Community Protection Notice

Transition Costs

85) There may be transition costs, additional to those described above, related specifically to the Community Protection Notice. These are set out below.

- i) **Police:** There could be small capital costs associated with acquiring necessary equipment (e.g. noise-measuring equipment). However, as we do not expect the police to take the lead in dealing with this type of anti-social behaviour, only a small number of devices per force would be necessary and this would depend on whether the police force in question believed it represented value for money to purchase the equipment. One retailer produces a range of sound level meters costing between £950 and £3,450. If 25% of police forces purchased five sound level meters, with an average cost of £2,200, this would cost £0.1 million.⁵⁵

Costs

86) **Volumes:** The majority of consultation respondents felt that volumes would increase compared to the baseline given that the notice covers a wider range of behaviour, can be issued by more people, and applies in more situations. It has not been possible to quantify this due to a lack of data regarding the current use of existing orders (in terms of volumes, breach rates and costs of issue), as these data are not collected centrally.

87) However, the total amount of environmental anti-social behaviour reported is not expected to increase significantly as a result of the introduction of the Community Protection Notice. Agencies (including the police and registered providers of social housing) are currently already dealing with this behaviour using other formal or informal interventions, many of which may not have been appropriate in the circumstances. For instance, section 215 of the Town and Country Planning Act 1990 and Section 16 of the Local Government and Miscellaneous Provisions Act 1982 can both be used for dealing with visual disamenities (such as broken cars in the front garden). In addition, discussions with practitioners in England and Wales have highlighted that there are a number of byelaws which have been used locally to deal with environmental anti-social behaviour.

88) Therefore, we hope that any increase in the use of the Community Protection Notice might be offset by the savings associated with not undertaking one of the other processes mentioned above. This may increase efficiency as more appropriate orders are used to tackle environmental anti-social behaviour. It will however, be for frontline practitioners to decide whether a Community Protection Notice is the most appropriate intervention. Any increase in volumes could have an impact on the CJS.

89) It is also worth noting that, unlike the powers it replaces, this Notice would not be used for a first offence. Guidance will make clear that every effort should continue to be made to deal with incidences of environmental anti-social behaviour using informal tools. Data from the social housing sector suggests that currently, non-judicial interventions are proving to be highly successful. For instance, data from the HouseMark benchmarking exercise for 2011/12 showed that 22.8% of successful interactions involved a visit and interview with the individual responsible. A further 17.5% of cases were successfully dealt with by way of a warning letter. More formal interventions, such as a Notice Seeking Possession (2.8%), ASBO or ASBI (0.9%) and eviction (0.7%) were rarely resorted to.

⁵⁵ This was calculated on the basis of anecdotal evidence that suggested not all forces would require additional equipment and only a few sound level meters would be required for each force purchasing them.

- 90) **Unit Costs:** There is no reason why the unit cost of issuing a notice should be higher than the orders it replaces⁵⁶. As mentioned above, if volumes increase, it is likely that this will see a decrease in other formal or informal interactions. However, as it has not been possible to model the impact of the simplification on volumes, it is not possible to quantify these costs. We have outlined the likely impacts on each of the key bodies affected, even where monetised costs are not possible.
- 91) **Local authorities:** Local authorities already deal with environmental anti-social behaviour and will continue to lead the action. While, the widening of the power is likely to result in a greater number of Notices than the combined total of the three notices it replaces, the amount of environmental anti-social behaviour is not expected to increase. As a result, any increase in the number of Notices issued is unlikely to place a significant burden on local authorities as Community Protection Notices should be able to deal more effectively and flexibly with incidents of environmental anti-social behaviour than the powers it replaces. In addition, as well as this, more practitioners would be able to access these notices, which could lessen the burden on local authorities.
- 92) **Police:** We do not expect a large change from the 'do nothing' option as it is unlikely that many litter or defacement issues would be reported to the police. This is because people are likely to continue contacting the local authority. There would be an option for the police to use the notice if they wanted to, though we would expect local authorities to continue to take the lead in this area as the duties on them under the Environmental Protection Act 1990 would remain. This would mitigate any risk of this being seen as purely a police responsibility and as such, we do not expect a significant impact on the police. Those reporting environmental anti-social behaviour to the police rather than their council will continue to do so – the new Notice will simply provide the police with a new option for responding to continued complaints. Where the issue amounts to criminal damage (e.g. in relation to graffiti), the police would already be involved.
- 93) **Private registered providers of social housing:** The Community Protection Notice would be available for social landlords to use if they wanted to and were designated the power by the local authority. So, there would only be a change from the 'do nothing' option if landlords chose to opt in. While there would be an ongoing requirement to train new staff in the Community Protection Notice, this would form part of the package of training currently undertaken outlining the tools and powers available to social landlords. As landlords would have to choose to opt in, it is reasonable to expect that they would only do this in situations where the benefits of doing so were likely to outweigh any costs incurred in the process. Therefore, we would assume a zero net effect for private registered providers of social housing.
- 94) **HM Courts and Tribunal Service (HMCTS):** These notices are issued out of court, so there would only be an impact on magistrates' courts on breach. This is the same as the existing litter notices. In 2011, there were 161 proceedings at magistrates' courts for failure to comply with litter clearing or street litter control notices.⁵⁷ However, there is currently no penalty for breach of defacement removal notices - instead there is requirement to pay the cost of removing any defacement. As such, there could be some additional breach hearings both as a result of changes to the Community Protection Notice compared to the baseline and of an increase in volumes of notices leading to an increase in the number of appeals or breaches. Additional costs would be opportunity in nature.
- 95) As the focus will be on more positive interactions and early intervention before a Community Protection Notice is issued, it is also hoped that the breach rate could fall. This could offset any increase in volumes. We have been unable to quantify this due to a lack of existing data.

⁵⁶ For example estimates obtained from a survey of local authorities in 2007 showed the cost of issuing litter clearance notices, including investigation, appeal, follow-up and administration is around £450 per Notice. However, we have no data on the unit cost of other Notices being replaced by the Community Protection Notice.

⁵⁷ Data provided by the Ministry of Justice's Justice Statistics Analytical Services.

- 96) **Crown Prosecution Service (CPS):** As for HMCTS impacts, these notices are issued out of court, so there would only be an impact on the CPS on failure to comply with a notice, which is a criminal offence. This is the same as the existing litter notices, but will represent an increase compared to the baseline for CPNs previously issued as defacement removal notices, as there is currently no penalty for breach. No increase in the breach rate is expected so any increase in volumes will be a result of an increase in the volume of Notices issued.
- 97) **Legal Services Commission (LSC):** There would be no impact on legal aid, as breach hearings for the notices would not qualify for legal aid, as they would fail on the 'Interests of Justice' test. This represents no change to the baseline, 'do nothing' option.
- 98) **HM Prison Service:** Of the 161 proceedings in 2011 for failure to comply with existing litter clearing notices, none resulted in a custodial sentence for the defendant. We would not expect this to change as a result of implementing the Community Protection Notice.
- 99) **Business:** The main area where this would have an impact on a business in contrast with the 'do nothing' option is in relation to graffiti, as only certain businesses are subject to current defacement removal notices (and can therefore be required to clean graffiti even if they have chosen not to do so). Any business can already be required to clear and/or control litter. However, there are various ways in which businesses can be required to deal with problems affecting the amenity of their local area (including clearing graffiti) already, so this would not be a totally new requirement.
- 100) For example, a business can be served a section 215 notice under the Town and Country Planning Act 1990 which can require them to take steps requiring land to be cleaned up when its condition adversely affects the amenity of the area.⁵⁸ Evidence from one local authority has suggested that this is being seen as one option for dealing with graffiti where the current litter notices do not apply. However, that local authority also makes clear that they offer a free graffiti cleanup service and so the cost to that business of having the graffiti removed would be zero.
- 101) We expect the impact on business to be low for a number of reasons. At a focus group of smaller retailers organised by the Association of Convenience Stores, the businesses attending reported that for them, the benefit of quickly cleaning any graffiti outweighs the cost, so they choose to clean any graffiti themselves. For businesses like these, our proposal would involve no change from the 'do nothing' option. We tested this further during our recent engagement with businesses, following publication of our white paper. On this specific impact their view was that impacts were likely to be low (although they were unable to quantify them). As discussed in Section B, they were more concerned to ensure that safeguards built in since the initial consultation were protected to ensure that responsible businesses were not impacted unfairly.
- 102) Although a lack of data on current volumes⁵⁹ has meant that we have been unable to generate evidence based assumptions to fully monetise any impact on businesses, we have found evidence of the costs of various interventions, for example:
- i) there are a range of products available on the market to prevent graffiti (e.g. anti-graffiti coatings, anti-fly poster coatings, pavement impregnation - which protects against gum and grime, bird pest control and street furniture protection)⁶⁰ and also to deal with litter (e.g. specialist smoking bins). A range of companies provide these products, as well as providing graffiti removal services. This indicates that there is a market available to provide services and also that products are easily available for businesses to clean graffiti themselves (e.g. £15.46 for graffiti removal gel, an Anti Graffiti Kit Clear 2.5L for £46.98 etc) or to put litter prevention measures in place. These are already purchased by a wide range of businesses

⁵⁸ <http://www.communities.gov.uk/documents/planningandbuilding/pdf/319798.pdf>

⁵⁹ As without volume data it is impossible to make an evidence-based assessment of how many notices may be issued, and therefore the cost on individual businesses. The figures provided in this IA are thus illustrative only, to give an indication of costs.

⁶⁰ <http://www.communityclean.co.uk/system/site/uploads/content/docs/community-clean-brochure.pdf>

that choose to use these products and services to remove graffiti voluntarily, or deal with litter, in order to improve the amenity of their business and make it more attractive to customers; and

- ii) some local authorities provide graffiti removal services to businesses, and charge for those services. For example Lambeth Council charges the following for one-off graffiti removal prices based on the surface area that needs to be cleaned: under 2m² - £35; 2 to 5m² - £65 (plus VAT). They also provide a year round cleaning service which ranges in cost from £100 to £250.⁶¹ Richmond Council has also started offering a clear up service for local businesses.⁶²

103) While some businesses could now be required to clean graffiti even if they chose not to, in order to mitigate this impact, there would be safeguards in place to protect businesses who had taken all reasonable steps, but who had been unable to rectify the problem. These are listed in Section D of this Impact Assessment.

104) We would also propose having a defence on breach if all practical measures had been taken to avoid or prevent the problem. For instance, a retailer who had suffered persistent graffiti and had taken steps to deal with the situation (e.g. cleaning it and painting shutters with anti-graffiti paint) is a *victim* of anti-social behaviour and should be assisted by local agencies, not punished through the issuing of a Community Protection Notice. This was one safeguard that retailers felt needed to remain in order to protect responsible businesses.

105) We will also advise that a notice should not be issued for a single incident and that informal measures should be used at first to try to deal with the problem. Only where such measures have proved ineffective should a notice be issued. However, this would still be a cost on the business to e.g. paint over graffiti, but this would be no greater than the cost incurred if a section 215 notice were issued or if the business voluntarily cleared the graffiti.

106) In relation to noise-specific issues, we would not expect a change in the way complaints were dealt with. Local authorities will continue to take the lead in this area and where complaints against businesses are made to social landlords or the police, we would expect them to consult with local authorities on the most appropriate course of action, if only to discount statutory nuisance – as they do now.

107) For businesses operating under licence, or those who are subject to an agreement under the statutory planning regime, a Community Protection Notice could not be issued.

Benefits

108) It has not been possible to quantify any of the benefits relating to this proposal. This is because of a lack of information about how notices are currently used and how this might change under Option 2. A number of benefits are expected but there are no data sufficient to quantify this. However, we have outlined the benefits of implementing the Community Protection Notice below.

Non-quantifiable benefits

109) Streamlining the toolkit will make it easier for practitioners (local authorities, the police, and social landlords if given the powers by the local authority) to use, enabling them to respond more effectively to a range of problems facing the communities they serve. By having one tool that can deal with a range of problems, as opposed to a number of specific tools, this should help reduce costs for local authorities by making it easier to establish multi-disciplinary teams, and could reduce ongoing training costs. It would also mean that one tool could be used to address a range of issues in one

⁶¹ <http://www.lambeth.gov.uk/Services/Environment/EnvironmentalCrime/GraffitiRemovalFromCommercialPremises.htm>

⁶² http://www.richmond.gov.uk/graffiti_removal

location (for example if a place was affected by both graffiti and litter), potentially reducing existing duplications.

110) In addition, there are the following benefits of this proposal:

- i) **Community Protection Notices are flexible so can be used to deal with changing problems without having to wait for new legislation from central Government.** This allows for a localised response to neighbourhood problems. They can also be used by non-specialists (e.g. there is no requirement to have a degree in environmental health to use them) so this reduces training costs for local agencies. It is thought that these benefits should far outweigh any transition costs highlighted above.
- ii) **There are additional social welfare benefits from a more effective approach to reducing levels of noise, graffiti and other forms of environmental anti-social behaviour from communities.** These tools can be used more effectively than the current set of orders by more practitioners. This is expected to generate additional benefits for the wider community in improving quality of life for residents and local businesses. Experiments have shown that individuals are more likely to continue to break norms (e.g. to steal or litter), if one particular behaviour norm has been broken.⁶³ This shows that failing to deal with graffiti effectively, could lead to an increase in crime in an area. We believe the more effective toolkit could result in a reduction of environmental anti-social behaviour in communities.

111) There are also the following additional benefits of this proposal for specific groups:

- i) **Local authorities:** At present local authorities have limited powers to remove graffiti from private property⁶⁴. Our broader and more flexible notice would provide more options to them in dealing with problems affecting their local community. We would also enable agencies to charge the full cost of carrying out any works to 'make good' so that they are not forced to provide a service at below the market price. This would reduce costs currently incurred by local authorities as, at present, they cannot claim for any overheads when 'making good' a problem, and must carry out the work at a cheaper price than the market would support.⁶⁵ However, we would still ensure that local authorities could not charge a premium for their services to minimise impacts on businesses.
- ii) **Police and private registered providers of social housing:** Having one, simpler power would be easier for these organisations to use, than simply giving them the option to use the range of existing powers. Specifically, giving the police and landlords the ability to deal with noise through these notices would be beneficial as 42.1% of English and 60% of Welsh local authority areas don't have an out of hours noise service⁶⁶ whereas a third of the reports of anti-social behaviour made to social landlords were about noise. So, under the notice, the police and landlords would be able to deal better with persistent and complex cases, allowing them to use their staff time more effectively.
- iii) **HM Courts and Tribunal Service:** It is possible that the introduction of the Community Protection Notice will result in a reduction in the use of other anti-social behaviour powers which can involve the courts. For example, Section 215 of the Town and Country Planning Act 1990, which can result in a criminal conviction on breach. The introduction of the Community Protection Notice could mean that other formal interventions are used less frequently. This should offset the costs of any increase in the volume of breaches

⁶³ Nov. 21 issue of the journal *Science*, Kees Keizer of the University of Groningen in the Netherlands, <http://www.livescience.com/7599-graffiti-triggers-crime-littering.html>

⁶⁴ For example, defacement removal notices can't be used on private property, though s215 notices under the Town and Country Planning Act 1990 can be used to deal with properties affecting the amenity of a local area, including dealing with graffiti.

⁶⁵ For example, the current Defacement Removal Notice guidance states that "Local authorities may only recover those costs they have incurred in cleaning the property concerned and should not include any other overheads" and they also can't recoup costs for any preventative measures installed (e.g. painting with anti-graffiti paint).

⁶⁶ Taken from CIEH 'SurveyMonkey' survey carried-out among all England and Wales local authorities between 4 and 18 November 2011. The response rate was 79.4% for English local authorities and 68.2% for Welsh local authorities

- iv) **Businesses:** Option 2 allows practitioners to deal with graffiti on all private property so would prevent a build up of graffiti which could lead to people feeling less safe⁶⁷ and impact on how many people use the area (e.g. people not using a shopping precinct anymore because one or more of the shops are covered in graffiti). This would have a positive impact on those businesses in that area that had been affected by a neighbouring business or property which was causing a detriment to the local area through. There would also be indirect benefits to the whole neighbourhood in improving the amenity of the area, making it more attractive to shoppers and other visitors. There may also be benefits for national businesses that currently have to deal with a number of different processes and byelaws. We would expect a benefit as local agencies begin to use the new power as all branches will require the same information rather than locally tailored guidance, which varies depending on the particular byelaw a local authority tended to use.
- v) **Individuals and Communities:** The benefits of a more welcoming, clean environment have been covered previously in this impact assessment. Providing local agencies with more effective tools and powers to deal with environmental anti-social behaviour should benefit the individuals living in that area.

Risks

- 112) The new power is being created to simplify the existing system so the intention is that the new one should be more efficient and less bureaucratic. Nevertheless a number of risks are being considered and managed. These include the risk:
- i) that new powers will not be used because of a lack of familiarity;
 - ii) that by opening these powers out to a wider range of agencies there may be confusion between agencies about who is tackling a specific problem, or duplicate notices may be issued;
 - iii) that the greater flexibility of the Community Protection Notice as compared to the notices it replaces could result in a far greater numbers of orders being issued and so higher than expected costs;
 - iv) that the simplified process will mean it is possible for agencies to deal with previously unreported incidents of environmental anti-social behaviour which could result in higher than expected costs for some, although not all, agencies;
 - v) that these new powers may not be used responsibly;
 - vi) that breach reach rates could increase in comparison with current orders, increasing costs particularly for HMCTS and the CPS; and
 - vii) of confusion for members of the public for the same reasons.
- 113) We would mitigate these by ensuring that local agencies continue to consult with anyone they believe necessary before issuing the new notice and also by ensuring that a notice could only be given if it was reasonable to do so (and it would not be reasonable for two agencies to issue a notice on the same individual for the same problem). We will also provide comprehensive guidance on use of the notice to both practitioners and the public alongside legislation.

⁶⁷ 2009 research by 'Keep Britain Tidy' found that members of the public who are satisfied with how their area looks, are significantly more likely to be satisfied with how safe they feel in their area: *The Word on our Street 2009*
http://www.keepbritaintidy.org/ImgLibrary/WordonourStreetFINAL_1441.pdf

Anti-Social Behaviour in Public Spaces – Summary Table

Current orders (the ‘do nothing’ option)

Order	Who can use it	What it can do	What is the process	Penalty for breach
Gating Orders (civil)	Local Authorities	Restrict public access to any public highway by closing it with a gate in order to prevent crime or anti-social behaviour from occurring	The local authority has to advertise and consult on the order and anyone may comment.	There is no penalty for breach
Designated Public Place Order (DPPO) (civil)	Local Authorities	Designate areas that have experienced alcohol-related disorder or nuisance so that there can be restrictions on public drinking. Police officers, PCSOs and individuals designated under the Community Safety Accreditation Scheme can require an individual to stop drinking in that area, and ask them to hand over any alcohol.	The local authority must consult with the police, parish or community council and licensees of any premises which may be affected before making the order. The local authority must also take reasonable steps to consult the owners or occupiers of any land within the area, and is required to consider any representations received. The local authority must publish details of the proposed DPPO in a newspaper.	If someone, without reasonable excuse, fails to comply with a request to stop drinking and hand over any alcohol, they commit a criminal offence, with a maximum penalty of a level 2 fine, or a Penalty Notice for Disorder. Heard in the Magistrates’ Court
Dog Control Orders (civil)	Local Authorities and parish councils	Areas can be designated to control of dogs in parks and open spaces. An order can cover the five offences below: <ul style="list-style-type: none"> - failing to remove dog faeces; - not keeping a dog on a lead; - not putting, and keeping, a dog on a lead when directed to do so by an authorised officer; - permitting a dog to enter land from which dogs are excluded; and - taking more than a specified number of dogs onto land. 	An authority must consult any other primary or secondary authority within the area in which a Dog Control Order is being made. Authorities must also publish a notice describing the proposed order in a local newspaper circulating in the same area as the land to which the order would apply and invite representations on the proposal.	Breach the order has a maximum penalty of a level 3 fine, or a fixed penalty notice. This would result in a criminal offence. Heard in the Magistrates’ Court

Proposal B: Introduce a Community Protection Order (Public Spaces) (Option 2)

Order	Who can use it	What it can do	What is the process	Penalty for breach
Community Protection Order (public space) (civil)	Local authorities	Place restrictions on a specific area either to deal with existing problems or to prevent future ones (e.g. to pre-empt dog fouling in a new park). For example it could be used to prohibit the consumption of alcohol, or require dogs to be kept on a lead.	The local authority would have to consult with the police, the local community (including local businesses) and the Police and Crime Commissioner.	Breach the order would have a maximum penalty of a level 3 fine, or a fixed penalty notice. This would result in a criminal offence. Heard in the Magistrates' Court

Proposal B: Introduce a Community Protection Order (Public Spaces)

Transition Costs

- 114) The Community Protection Order (public space) will replace current Dog Control Orders (DCOs), Gating Orders (GOs) and Designated Public Place Orders (DPPOs). Existing DCOs, GOs and DPPOs would be allowed to run for a maximum of three years following the commencement of the new legislation, at which point they would cease to have effect. Local authorities will therefore need to introduce a Community Protection Order (public space) which at least replicates the requirements of any DCO, GO or DPPO at some point within this timeframe if they want those restrictions to remain in place. This will be associated with one-off implementation costs, such as consulting on the new Order and publicising it (e.g. through new signage). However, local authorities are supposed to keep DPPOs and Dog Control Orders under review (though this is advised in guidance rather than required in statute) so this change should not result in a significant extra cost, only those related to introducing replacement Community Protection Orders (public space). It is assumed that there are no additional costs of reviewing orders as this should form part of the baseline. We assume that 50 per cent of existing orders will require replacing within the three year transition period. To estimate these transition costs we assume that there are equivalent numbers of Gating Orders as there are DPPOs. The number of Dog Control Orders issued is not known. We estimate that there will be transition costs of approximately £0.2 million over the three transition years. As the number of Dog Control Orders or the number of public spaces where more than one order is currently in place this could be an over- or an under-estimate. However, this is thought to represent the best estimate given the data available.
- 115) There will also be an additional transition cost associated with retraining all staff currently required to issue DCOs, GOs and DPPOs. As the staff responsible are likely to be the same individuals covered above for the Community Protection Notice, we do not expect that there would be additional training costs above those highlighted already.

Costs

- 116) **Volumes:** We know that there were 821 DPPOs in place as of 6 September 2011⁶⁸. Figures for the number of DCOs and GOs are not collected centrally. While the new order is easier to use and can be used by more practitioners, we would expect volumes of orders to decrease, as only one order will be needed to deal a range of different types of anti-social behaviour. We do not expect a change in the physical areas covered by orders, for example a park that is currently subject to byelaws and a DCO and DPPO, would be likely in future be subject to a single CPO (public space). The difference would be that there would only need to be one order not three. A recent article suggested that in London there are several areas that do suffer from this overlap.⁶⁹ For the purposes of estimation in this impact assessment, we assume that the number of DPPOs in place in September 2011 will be the best proxy for the minimum number of CPOs (public space) issued each year.
- 117) **Unit cost:** As outlined in the table above, the process for making both DPPOs and DCOs involves a number of different stages including informal evidence gathering/consultation, legal advice, committee/council decision, statutory processes (e.g. newspaper advertisements). This can be very time consuming, and the estimates that gathered from local authority practitioners as to how long the whole process takes range from six to 12 months. Anecdotal evidence from practitioners suggests that approximately 20 hours could be saved per application for a GO/DPPO due to the changes made under this proposal. This would result in savings of £380 per GO/DPPO

⁶⁸ Local authorities are required to inform the Home Office when they issue a DPPO. This data is held on file, but is not published by the Home Office.

⁶⁹ <http://www.guardian.co.uk/news/datablog/interactive/2012/sep/11/banned-in-london-zones-dogs-alcohol-gatherings-prohibited>

application⁷⁰. Given the assumptions set out above, this would result in savings of at least £0.3 million each year.

Non-quantifiable costs

- 118) **Local authorities:** There would be costs of use for these orders, but we would expect them to be lower than for the existing orders as we will simplify the process (e.g. removing the requirement for central government sign-off for prevention of certain types of anti-social behaviour via good rule and government byelaws, reducing centrally proscribed consultation requirements, reducing central reporting requirements etc), and enable them to use one order to tackle a number of problems, thus resulting in fewer orders being required overall.
- 119) **Police:** The police would have the same role as under current orders, and would have to be consulted before any order could be made to prevent unenforceable orders being created. Enforcement will be the same as for the existing orders as Fixed Penalty Notices will be available, though if orders covered wider areas with more prohibitions, this would have an impact on police enforcement of those orders. We would mitigate any cost risks in this by ensuring that the Police and the Police and Crime Commissioner were consulted before any new order was made.⁷¹
- 120) **HM Courts and Tribunal Service (HMCTS):** The court would only be involved where the CPS prosecutes a case of breach where no Fixed Penalty Notice was issued or where a Fixed Penalty Notice was contested. This is the same as the existing orders (except for gating orders where there is no sanction for breach). The only cost would be as a result of any increase in the number of areas covered by orders leading to an increase in the number of breaches or through an increase in the breach rate. We do not expect the introduction of the Community Protection Order (Public Space) to result in an increase in orders issued, rather a reduction as overlapping orders (a DCO and DPPO for instance) would not be required. In addition, as breaches could now be discharged with a Fixed Penalty Notice this could mean fewer breaches going to court. We would also not expect a change in the breach rate as there are no additional provisions in the Community Protection Order as compared to the orders it replaces. There were 138 proceedings for breach of a DPPO in 2011⁷² and given assumptions regarding the number of orders issued, we would not expect this to change substantially and it could reduce. We would expect the net impact on HMCTS to be close to zero.
- 121) **Crown Prosecution Service (CPS):** As for HMCTS, the CPS would only get involved in prosecuting breaches where no Fixed Penalty Notice was issued, or where a Fixed Penalty Notice was contested. This is the same as the existing orders (except for gating orders where there is no sanction for breach). As for HMCTS, we would expect the net impact on the CPS to be close to zero.
- 122) **Legal Services Commission:** There would be no impact on legal aid, as breach hearings for the orders would not qualify for legal aid, as they would fail on the 'Interests of Justice' test. This represents no change to the baseline, 'do nothing' option.
- 123) **HM Prison Service:** Of the 161 proceedings in 2011 for failure to comply with existing litter clearing notices, none resulted in a custodial sentence for the defendant. We would not expect this to change as a result of implementing the Community Protection Notice.
- 124) **Business:** There would be no additional costs for businesses or private registered providers of social housing in comparison to the 'do nothing option'.

⁷⁰ Assuming an average of 12 staff hours are required to complete the application process for a CPO (public space).

⁷¹ This represents no change from the current orders as police officers are consulted during the application process to ensure that the order can be enforced.

⁷² In all magistrates' courts in England & Wales. Data provided by Ministry of Justice for 2011.

Benefits

125) It has not been possible to quantify many of the benefits relating to the proposals. This is because of a lack of data and foresight of how the new powers will be used. However, we have quantified the savings resulting from a streamlined consultation process prior to issuing a Community Protection Order. As described above, a simplified process means that practitioners (local authorities and police) will be able to spend less time applying for these orders saving approximately £380 per order. In addition, they are expected to be applying for fewer orders as current duplication is expected to reduce. We have attempted to identify non-quantifiable benefits below.

Non-quantifiable benefits

126) The new orders will maintain the existing benefits of the 'do nothing' option outlined earlier in this document and will also enable other controls to be put in place to prevent disorder and nuisance in specific places. There are also specific benefits for different groups, and these are outlined below but could not be quantified for the reasons outlined above.

127) **Local authorities:** The proposals would make the process simpler and less bureaucratic (e.g. by having lighter touch consultation requirements, not having to go to the Secretary of State for approval (e.g. as in byelaws) and enabling one order to be used to impose a range of prohibitions). This would save local authority officer time, as rather than spending nine months applying for alcohol prohibitions and another nine months applying for dog control measures this could be wrapped up into one process.

128) **Police:** The benefit for the police would be that Fixed Penalty Notices will be available to enforce a wider range of restrictions on behaviour in public place, which saves police time. Although Fixed Penalty Notices are available for some of the orders being replaced, they aren't currently available for breach of byelaws (which are sometimes used to fill the gaps between the existing narrow orders), or for Gating Orders (where breach is not a criminal offence). The police would also benefit from the fact that a wide range of accredited people (through the Community Safety Accreditation Scheme) could be given the power to issue those Fixed Penalty Notices.

129) **Private registered providers of social housing:** There would be a benefit in terms of preventing anti-social behaviour on private estates as, with the landowner's consent, this power could enable restrictions to be placed on behaviour on private land, which would help landlords prevent anti-social behaviour on their estates (e.g. by banning skateboarding in the central courtyard on an estate).

130) **HM Courts and Tribunal Service (HMCTS):** These orders are issued out of court, so will not involve the criminal courts except on breach. There may be a benefit to the courts as breaches could also be dealt with via a Fixed Penalty Notice to discharge liability which will avoid cases going to court unnecessarily.⁷³ This is different to the 'do nothing' option in that liability for breach of a byelaw cannot be discharged through a Fixed Penalty Notice.

131) **Crown Prosecution Service (CPS):** As for HMCTS, there could be a benefit to the CPS as breaches could also be dealt with via a Fixed Penalty Notice which could mean fewer cases going to court. The net impact is expected to be close to zero.

132) **Business:** Businesses would not be expected to do anything additional as a result of these changes, although they would have the opportunity to respond to consultations if they wanted to. This proposal is likely to bring about indirect benefits for businesses as it would result in an improved local environment, less anti-social behaviour in public space, and more people who feel confident in using public space including using local shops and convenience stores.

⁷³ [We are currently working with MoJ policy leads and Parliamentary Counsel to develop this in a way that has minimal impact on the courts. For instance, Where the FPN is not paid it may be possible to remove it and allow the issuing agency to follow up through another method...

133) There would also be a benefit in terms of controlling anti-social behaviour in shopping centres and on other privately owned land as with the landowner's consent, this power could enable restrictions to be put in place, which would help businesses prevent anti-social behaviour on their land (e.g. by banning drinking in a shopping centre and enabling the police to enforce these restrictions). This could lead to benefits for businesses, for example if anti-social behaviour in a shopping centre had been preventing customers from entering certain shops.

Risks

134) As this is a more straightforward simplification, the main risk is around transition arrangements where we propose that local authorities will have to move over to the new system within three years which would impose transition costs.

135) The simplification of the current powers could result in an increase in the use of the Community Protection Order (Public Space). This could result in costs for local authorities and the police as well as the CJS (HMCTS, CPS, and HM Prisons) if this resulted in additional breaches.

136) There is also a risk that if orders covered a broader area or a wider range of behaviours that there may be more breaches which may increase impacts on the criminal courts, HM Prisons or on police enforcement costs. However, this would be mitigated by the fact that breaches could be dealt with through a Fixed Penalty Notice, which could also be issued by people given the power under the Community Safety Accreditation Scheme, as well as through prosecution in the courts.

Closure Powers to deal with Anti-Social Behaviour – Summary Table

Current orders (the ‘do nothing’ option)

Order	Used by	Applicable to	Test to issue the order	Requirement	Offences/ Breach (All criminal offences)
Crack House Closure Orders (civil)	Police (signed off by the magistrates' court)	Any premises (business or residential)	Reasonable belief that: <ul style="list-style-type: none"> Premises used for unlawful use, production or supply of Class A drugs (no conviction necessary) Associated with disorder or serious nuisance 	<ul style="list-style-type: none"> Initial notice closes premises for 48 hours Application must be made to magistrates' court within 48 hours Magistrates' Court may issue closure order (3 months) and can extend to a total of 6 months 	Offences (without reasonable excuse): <ul style="list-style-type: none"> Obstructing the police Remaining in the property Entering the property Penalty: <ul style="list-style-type: none"> Up to 6 months imprisonment Up to Level 5 fine Heard in the Magistrates' Court
Premises Closure Orders (civil)	Police and local authorities (signed off by the magistrates' court)	Any premises (business or residential)	Reasonable belief that: <ul style="list-style-type: none"> A person has engaged in anti-social behaviour on the premises The premises is associated with significant and persistent disorder or persistent serious nuisance 	<ul style="list-style-type: none"> Initial notice closes premises for 48 hours Application must be made to magistrate's court within 48 hours Magistrates' Court may issue closure order (3 months) and can extend to a total of 6 months 	Offences (without reasonable excuse): <ul style="list-style-type: none"> Obstructing the police Remaining in the property Entering the property Penalty: <ul style="list-style-type: none"> Up to 6 months imprisonment Up to Level 5 fine Heard in the Magistrates' Court
Anti-social Behaviour Act 2003 (noisy premises closures) (civil)	Local authorities	Licensed premises	Reasonable belief that: <ul style="list-style-type: none"> A public nuisance is being caused by the noise Closure is necessary to prevent the nuisance 	The premises is kept closed for a specified period not exceeding 24 hours	Offences (without reasonable excuse): <ul style="list-style-type: none"> Permitting the premises to be open Penalty: <ul style="list-style-type: none"> Up to 3 months imprisonment Up to £20,000 fine Heard in the Magistrates' Court
Licensing Act 2003 Section 161 Closures (civil)	Police (signed off by the magistrates' court)	Licensed premises	Reasonable belief that: <ul style="list-style-type: none"> There is or is likely to be imminent disorder related to the premises and the closure is necessary A public nuisance is being 	The premises is kept closed for a specified period not exceeding 48 hours. Magistrates' consent is required, though this can be obtained retrospectively if necessary.	Offences (without reasonable excuse): <ul style="list-style-type: none"> Permitting the premises to be open Penalty: <ul style="list-style-type: none"> Up to 3 months imprisonment

			caused by noise and that closure is necessary		<ul style="list-style-type: none">• Up to £20,000 fine Heard in the Magistrates' Court
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Proposal C: Introduce a Community Protection Order (Closure) (Option 2)

Order	Used by	Applicable to	Test to issue the order	Requirement	Breach (all criminal offences)
Community Protection Order (closure) (civil) – short term closure	Police and local authorities (signed off by the magistrates' court)	Any premises (business or residential)	The order could be made if there is a public nuisance or if there is or is likely imminently to be disorder and that the closure is necessary.	The premises is kept closed for a specified period not exceeding 48 hours. Magistrates' consent is required, though this can be obtained retrospectively if necessary.	Penalty: <ul style="list-style-type: none"> Up to 6 months imprisonment Up to Level 5 fine for residential premises, or a £20,000 fine for non-residential premises Heard in the Magistrates' Court
Community Protection Order (closure) (civil) – longer term closure	Police and local authorities (signed off by the magistrates' court)	Any premises (business or residential)	The order could be extended if the person has engaged in disorder, anti-social or criminal behaviour on the property, and that the premises is associated with disorder or serious nuisance.	The premises is kept closed for 3 months initially, with a possible extension of up to 6 months.	Penalty: <ul style="list-style-type: none"> Up to 6 months imprisonment Up to Level 5 fine for residential premises, or a £20,000 fine for non-residential premises Heard in the Magistrates' Court

Proposal C: Introduce a Community Protection Order (Closure)

Transition costs

137) There will be some transition costs as police forces and local councils will need to train officers to be able to apply for and use the new order. The closure element of the Community Protection Order is a consolidation exercise and closely mirrors the existing powers, so any costs in addition to the 'do nothing' option will be minimal.

Costs

138) **Volumes:** We do not expect numbers of longer term closure orders to increase as this is a simplification of the current processes and not a widening of premises to which it is applicable. This means that there would be no change to the 'do nothing' option in relation to the longer term closure orders. There is limited volume data available for Premises Closure Orders and Crack House Closure Orders, for example 1,903 Crack House Closure Orders were given between 2003 and 2009 according to voluntary Community Safety Partnership data returns⁷⁴.

139) Regarding the shorter term (less than 48 hour) closures, we do not have volumes for the numbers of noisy premises closure orders or section 161 closure orders (which apply to licensed premises). There may be an increase in the use of the short term (less than 48 hour) closure orders as the test would be lower than for the current anti-social behaviour premises closure orders (though it would be the same as the current licensed premises closure orders). As this change is predominantly a merger of the existing orders, we do anticipate a significant change in volumes.

140) **Unit costs:** We have unit cost data for these orders as, according to 2008 estimates, the cost to the police of pursuing the existing crack house closures varies from force to force but information from practitioners suggests it is in the region of £500-£2,700, depending on the circumstances of the case. However, the costs for other parties involved in the issuing of these orders is not known. As we do not have volumes of the use of current orders to close licensed premises, it has not been possible to quantify the cost. We would not expect much variation from the costs of the existing orders, as little about the process will change and the number of orders issued is not expected to increase.

Non-quantifiable costs

141) **Police and local authorities:** We do not expect any change in volumes from the 'do nothing' option arising from implementing the longer term closure orders, so there would be no additional costs to the police or local authorities compared with the baseline, 'do nothing' option. Any increase in the number of shorter term orders would impact on the police and local authorities as they are the agencies that can apply for them. It has not been possible to quantify this cost. However, the increase in short-term closures will only be higher for non-licensed premises where local authorities or the police believe there is a chance of anti-social behaviour in the near future. As such, any small increase in costs is likely to be offset by the saving associated with not having to deal with an incident if the premises are allowed to stay open.

142) **HM Courts and Tribunal Service (HMCTS):** The short-term closure orders have to go to the magistrates' court to be ratified, so any increase in volumes would have an impact on the courts. As we do not have volumes of the use of the current licensed premises orders it has not been possible to quantify the cost. We know from discussions with court staff and practitioners that crack house closure orders require only short court hearings (20 minutes to a few hours). We do not have time estimates for the time taken for premises closure orders or licensed premises closures, but expect

⁷⁴ As these are voluntary data returns this figure is likely to be an underestimate.

this to be similar. So, even if there were a small increase in volumes, this would not have a large impact on court times, and any increase in volumes would be largely offset by court fees, as these are civil orders.

- 143) There were 15 proceedings for breach of closure orders in 2011.⁷⁵ Breach rates for these orders are not known, as the volume of orders issued in 2011 is not known. Breach rates are not expected to change from current levels, so impacts on the courts would be as a result of an increase in the volume of short term closures and any subsequent increase in breaches. There would be no impact on the courts above the 'do nothing' option as a result of our changes to the longer term closures.
- 144) **Crown Prosecution Service (CPS):** The CPS would only be involved on breach of a CPO (Closure). Breach rates for these orders are not known, but are not expected to change from current levels. Any additional cost to the CPS would be as a result of an increase in the volume of short-term orders issued. There would be no additional costs as a result of changes to the longer term closures.
- 145) **Legal Services Commission:** As there would be a custodial sentence available on breach, and as an order would close an individual's property, an individual could be entitled to legal aid. So, any increase in the numbers of orders or subsequent increase in breaches could have an impact on legal aid. As this change is predominantly a merger of existing powers we would not expect any change in the proportion of breach hearings where the defendant is eligible for legal aid. Nonetheless, if there is an increase in breach cases, then there could be an impact on legal aid.
- 146) **HM Prison Service:** As this change is predominantly a merger of existing powers we would not expect any additional costs to HM Prisons unless the number of CPO (closures) issued increased. As MoJ data suggest that most breaches of current closure powers result in a fine or other disposal⁷⁶, additional costs resulting from this change are thought to be minimal.
- 147) **Businesses and individuals:** Any additional costs would fall to individuals whose properties were closed temporarily and to businesses other than licensed premises (e.g. a non-licensed club) in terms of lost revenue if they were temporarily closed. This would only be as a result of an increase in the use of the shorter term Community Protection Order (Closure) with respect to the baseline and only be the case if anti-social behaviour were likely to occur (rather than had occurred). The additional costs to individuals or businesses are likely to be minimal as few additional orders are expected to be issued.
- 148) Recent discussions with local authorities and business groups have suggested that the use of the short-term closure order on non-licensed premises is rare although as we do not have data on current numbers of applications or on future trends, we are not able to quantify this cost, but we do expect it to be minimal. As with all the new powers, we will make clear in guidance that resorting to a closure order should not be the first course of action and more informal approaches should continue to be the first response. In our conversations with businesses we have highlighted this change and have been told that they do not expect it to be an issue.
- 149) If anti-social behaviour had already occurred, there would be no additional cost to any business associated with the new closure order. The habitual resident, owner or landlord would still be able to enter a property subject to a closure for less than 48 hours.

⁷⁵ Based on MoJ convictions data for 2011.

⁷⁶ MoJ data for 2011.

Benefits

150) It has not been possible to quantify any of the benefits relating to the proposals. This is because of the lack of centrally collected data and foresight of how the new powers will be used. However, we have attempted to identify non-quantifiable benefits below.

Non-quantifiable benefits

- 151) **Police and Local Authorities:** Streamlining the toolkit will make it easier for practitioners to use, enabling them to respond effectively to a range of problems facing the communities they serve.
- 152) **HM Courts and Tribunal Service:** Streamlining the existing closure powers may reduce the likelihood of challenge, as at present having very similar, but subtly different tools to tackle place-related anti-social behaviour can lead to increased challenge in court. For example, when a Premises Closure Order is used there can sometimes be confusion with the caselaw on Crack House Closure Orders as the statutes are very similar in structure and terminology. However, any such impact is expected to be small.
- 153) **Businesses, victims and communities:** Closure orders provide a way to safeguard and protect the local community, including local businesses, and also to further encourage people to accept offers of support. The use of the power sends a positive signal that anti-social behaviour will be tackled across all housing and property tenures and that the protection of the wider community is paramount. Analysis of perception and experiences highlights the emotional distress caused by living near nuisance neighbours. Ninety-six percent of those suffering from noisy neighbours reported a range of emotional reactions including annoyance, frustration, anger and worry but a third (32%) reported more serious emotional impacts such as: shock, fear, stress, depression, anxiety or panic attacks and crying. Over a quarter even considered moving away from the area⁷⁷ which would also have a negative those communities.
- 154) The British Crime Survey (BCS) also shows that it is people living within hard pressed areas and “council estates” who perceive the highest levels of anti-social behaviour.⁷⁸ Dealing with anti-social behaviour by closing problem premises can have a negative impact on people’s quality of life, improve the local area and will bring benefits to businesses by dealing with anti-social premises that drive customers away.

Risks

- 155) This power is essentially a merger of existing powers and we know of no particular problems which have arisen. The risk which was raised when Premises Closure Orders were implemented was that innocent vulnerable people could be made homeless but the guidance provides advice to mitigate this and we would seek to replicate that to ensure adequate safeguards.
- 156) There is a risk that there may be an increase in volumes which would increase the number of cases going to the magistrates’ court. However, we know from discussions with court staff and practitioners that crack house closure orders require only short court hearings (20 minutes to a few hours). There is a similar picture in Scotland. We do not have time estimates for the time taken for premises closure orders, but expect this to be similar. S161 closure notices and noisy premises closure notices are not dealt with in court. So, even if there were a small increase in volumes, this would not have a large impact on court times.
- 157) There is a risk that there could be an increase in breach cases which would increase the costs to HM Courts and Tribunal Service, Crown Prosecution Service, and HM Prison Service.

⁷⁷ “Perceptions and Experience of anti-social behaviour: findings from the 2004-2005 British Crime Survey”. Anna Upson. OLR 21/06, October 2006.

⁷⁸ “Perceptions and Experience of anti-social behaviour: findings from the 2004-2005 British Crime Survey”. Anna Upson. OLR 21/06, October 2006. <http://library.npia.police.uk/docs/hordsolr/rdsolr2106.pdf>

Community Empowerment

158) There are some current mechanisms which communities can use to complain about poor service by agencies (e.g. the members of the Community Safety Partnership⁷⁹) but all of those mechanisms are focused on one individual agency. For instance:

- i) complaints against a council's response to anti-social behaviour can be referred to the Local Government Ombudsman;
- ii) registered providers of social housing can have their actions referred to the Housing Ombudsman; and
- iii) the Independent Police Complaints Commission deals with complaints about how the police have responded to anti-social behaviour.

159) There are also some ways for local communities to raise issues with their local councils, for example through the Councillor Call for Action (CCfA). This enables members of the community to ask for discussions at local council scrutiny committees on issues where local problems have arisen and where other methods of resolution have been exhausted. However regulations state that issues should be excluded from CCfA when they relate to a complaints process, so this cannot be used to deal with specific complaints or issues about e.g. an incident of anti-social behaviour which are currently being investigated through the local authorities complaints process hasn't been dealt with.

Proposal D: Introduce a Community Trigger

Transition Costs

160) Local partnerships will need to establish a mechanism for local people to activate the Community Trigger. This could result in some minimal transitional costs involved including setting up a telephone line, e-mail inboxes, or adding a page to the Community Safety Partnership website. These have not been quantified here as in most cases, we would anticipate relevant authorities using existing channels of communication. We are trialling the Community Trigger in a number of leading areas⁸⁰ in advance of legislation in order to test non-bureaucratic and low-cost ways of implementing the trigger. We will use the information from the trials to inform our guidance. There may be cost associated with adapting IT systems to enable information-sharing between agencies, although this should be in place already and not just for the Community Trigger. It is intended that the Community Trigger will use existing processes such as multi-agency risk assessment meetings.

161) There will be some transition costs for registered providers of social housing as they will now be invited to work with local partners in establishing how the Community Trigger will work in their area. While in many areas, these relationships already exist⁸¹, we have assumed for this impact assessment that, as a worst case scenario, all staff working on anti-social behaviour in registered providers of social housing will be required to spend a total of eight hours on this process. HouseMark data has calculated that the annual cost of a WTE in this sector is £31,073 resulting in a day rate of approximately £13013. This suggests a worst case transition cost of £0.2m for private suppliers of social housing and £0.1m for public sector providers.

⁷⁹ The police, local authority, police authorities, fire service, probation and health (currently the Primary Care Trust)

⁸⁰ Trials are underway in Manchester, Brighton and Hove, West Lindsey (Lincolnshire) and the London Borough of Richmond.

⁸¹ HouseMark data from 2009 suggests that 93 per cent of ASB survey respondents (people or organisations in both the private and public sectors with a particular interest in tackling ASB) were already in one or more Crime and Disorder Reduction Partnerships (or equivalent)

Costs

- 162) **Registered providers of social housing:** There would be a cost to a landlord who was co-opted onto the group in attending meetings and signing up to the standards in terms of responses to complaints. However, this cost is unlikely to be significant as social landlords already take a lead on tackling anti-social behaviour. For example, the *Respect Charter: the anti-social behaviour charter for housing* sets out service standards for landlords in dealing with anti-social behaviour.⁸² So far over 250 social landlords covering all regions in England and Wales have signed up to the revised sector-led Charter as a public commitment to preventing and tackling anti-social behaviour. This includes some of the largest landlords in the country, including Peabody, A2 Dominion, the Guinness Partnership and Family Mosaic.⁸³
- 163) Meetings to discuss cases of anti-social behaviour are run regularly by local authorities. Most are run weekly or fortnightly and the Trigger trial areas have not sought to develop a more frequent forum to deal with cases. As such, it is unlikely that registered providers of social housing would have to give up more than half a day to attend these forums each week. A worst case scenario would see every person employed by a registered provider of social housing in England and Wales to deal with anti-social behaviour giving up half a day of their time (approximately £70) once a week. Where these costs fall on local authority providers, we would expect them to continue to work with their relevant councils. Where providers are wholly in the private sector, the cost could be as high as £8.0m per annum in opportunity costs. However, in reality, landlords need only send a representative to attend meetings where they are required or where cases are complicated. Unpublished data provided by HouseMark suggested that of a survey conducted in 2009 of registered social landlords in the private sector, 92% of the 127 who replied stated that they already attended these forums when required. As a result, the additional extra cost of attending forums is expected to be less than £0.75 million each year.

Non-quantifiable costs

- 164) **Volumes:** It has not been possible to quantify the costs of the Community Trigger as we are not able to predict the number of complaints made via the Community Trigger. Little information is available regarding repeat complaints to the police. The police recorded 2.5 million incidents of anti-social behaviour incidents in the year ending June 2012.⁸⁴ The HMIC report *Policing Anti-Social Behaviour: the Public Perspective* suggested that, on average, 68 per cent of callers reporting anti-social behaviour to the police in 2009 called more than once, with 28 per cent calling more than 5 times. The majority of repeat callers (66 per cent) stated that these calls were to report the same or related problems.
- 165) **Costs:** Actions resulting from members of the public using the trigger as these are likely to vary considerably with each complaint. Time will be required from all agencies (local authorities, police, and registered social landlords) involved to review previous reports/actions, and to undertake any further actions required as a result. It is likely that some police and other agency resource will be required to carry out a response to the trigger but without knowing what the response is likely to be it is not possible to quantify the impact of the Community Trigger on agencies' resources.
- 166) **Local authorities, police and health:** Local authorities, the police and health professionals will have to work together as required when the Community Trigger is activated. However, it is likely that there will be minimal additional costs for these agencies as they already work together on Community Safety Partnerships and other forums for dealing with anti-social behaviour and crime. Early indications for Trigger trial areas also suggest that current forums are sufficient to deal with activated Triggers.

⁸² <http://www.cih.org/RespectCharter>

⁸³ http://www.cih.org/resources/PDF/Marketing%20PDFs/Respect_Currentsignatories_18Oct2011.pdf

⁸⁴ Crime for England and Wales, Quarterly Release, June 2012

- 167) **Private registered providers of social housing:** There may also be a cost to landlords if different local authorities established very different processes and procedures in their local areas to manage the Community Trigger. We would mitigate this risk by giving landlords the right to be part of the process of drawing up those procedures, so that they could ensure they could influence how the process was established. However, we have assumed that all staff involved in dealing with anti-social behaviour at registered providers of social housing spend a day getting to grips with processes and procedures locally so these costs have already been factored into the worst case scenario.
- 168) **HM Courts and Tribunal Service:** There would be no direct impacts on the courts as a result of the Community Trigger, but the trigger may lead to more cases being taken to court as agencies take action to deal with victims complaints more quickly. However, the Community Trigger would not require a criminal justice response to problems, so many of the issues could still be dealt with informally and out of court, for example through mediation or restorative justice.
- 169) **Crown Prosecution Service:** As for HMCTS there would be no direct impact on the CPS as a result of the operation of the Community Trigger. However, the Community Trigger may lead to additional orders being applied for (such as Criminal Behaviour Orders which are handled by the CPS) and/or issued (which, if breached, would be prosecuted by the CPS), which could have an impact on the CPS.
- 170) **Businesses:** There is likely to be minimal cost to business as a result of implementing this proposal. As a result of the consultation response, the ability to activate the Community Trigger was extended to businesses so that they too could hold local agencies to account. Businesses will be able to respond to any consultations, which would incur a small opportunity cost, but is likely to be outweighed by the benefits from responding⁸⁵.
- 171) It has been suggested that there is a potential cost to larger businesses operating across the whole country if different local authorities established very different processes and procedures in their local areas to manage the trigger. However, local authorities will be required to publicise their criteria and to have a single point of contact to report issues to, so there would be some standardisation across areas in terms of the interface for businesses and the public. It is also worth reiterating that businesses do not have to use the Community Trigger and can continue to liaise with local agencies to deal with persistent anti-social behaviour if they wish to. Where close relationships have been built up with local agencies, this may still provide the most effective course of action.
- 172) Concerns had initially been raised that the Community Trigger could result in coordinated action against particular businesses where local communities or individual wished to see direct action taken by local agencies. However, this is unlikely and there are safeguards included in the proposal which ensure that vexatious activations will not result in additional action. We would continue to expect local agencies to take all reports of anti-social behaviour seriously and so deal with the first report effectively and proportionately – normally through informal approaches. We would expect subsequent reports to be dealt with in the same timely manner. As such, the level at which the threshold is set, or the Community Trigger itself, should not impact negatively on businesses.

Non-quantifiable benefits

- 173) **Victims of anti-social behaviour:** The Community Trigger will have two key benefits.
- i) it will give vulnerable victims of anti-social behaviour and their carers a way to force agencies to take problems seriously; and
 - ii) it will give communities more power to shape the way the police and other agencies respond to the issues that matter in their area.

⁸⁵ If this was not the case, businesses would be unlikely to respond to the consultation in the first place.

- 174) This should improve service standards in local areas and provide redress for communities, for example by ensuring that a series of seemingly 'low level' incidents which are having an impact on communities, or individuals within a community, cannot be ignored by agencies. It is not possible to quantify this or the associated benefits with reduced offending levels and improved victim satisfaction.
- 175) **Businesses:** The Association of Convenience Stores was strongly supportive of the Community Trigger and stated in their consultation response that "*Businesses must be extended the same allowances under the community trigger as individuals.*"⁸⁶ They saw it as having a number of benefits in terms of the concerns of businesses being taken seriously by local agencies, and action being taken more quickly to stop anti-social behaviour against businesses. These benefits are likely to outweigh any minor costs to businesses in getting up to speed with how the trigger operated in their local area.
- 176) This was confirmed during our recent engagement with front line businesses who suggested the Community Trigger could be "*an enabler for business*" and could "*give retailers a voice*" when it came to dealing with anti-social behaviour in their area. Some also acknowledged that the ability to set thresholds locally, meant due regard could be given to the issue of 'urban v rural' impacts. Some small, rural retailers felt that the impact of a single incidence of anti-social behaviour on them was larger than one on a larger, national retailer in a town centre. Through the utilisation of Community Harm Statements⁸⁷, and the ability to set the threshold at a level which suits local people, these concerns could be addressed.

Risks

- 177) During the consultation, risks were raised about our proposals duplicating existing complaints mechanisms and diverting resources away from high risk victims towards the 'worried well'. Final proposals mitigate these risks by setting high level duties in legislation, and giving local areas the freedom to ensure arrangements match local priorities.
- 178) We are also trialling the Community Trigger in a number of local areas to test out how the high level duty could work in practice, to inform future guidance.
- 179) There is also a risk that allowing local areas to set their own procedures may increase costs to private registered providers of social housing. We are mitigating this risk through giving landlords the right to be involved in working with the police, local authorities and health in setting up the Community Trigger, and also through the trials, as these will provide an opportunity to establish which processes are most effective. However, we have costed the possible impact of a worst case scenario.

Overall net impact

- 180) In summary, the overall net impacts of the policy (broken down by the main affected organisations) are as follows:

⁸⁶ Comments made by individual retailers at the Association of Convenience Stores Annual Crime Prevention Conference on 6 September 2012.

⁸⁷ Community Harm Statements make it easier to demonstrate the harm caused to victims and communities by anti-social behaviour in court during civil proceedings. Community Impact Statements are currently being developed for criminal proceedings.

Affected group	Costs (in addition to the do nothing option)	Benefits (in addition to the do nothing option)
Local authorities	<ul style="list-style-type: none"> • There would be transition costs in moving to the new system, including training costs. • Costs associated with any increase in the number of orders issued (thought to be small as the number of incidents of anti-social behaviour are not expected to increase) 	<ul style="list-style-type: none"> • Overall there would be a simpler toolkit that is easier to use. • More agencies having access to Community Protection Notices will lessen the burden on local authorities. • The Community Trigger would help ensure a better service to their local communities and to victims of anti-social behaviour, and bring partners together to solve problems.
Private registered providers of social housing	<ul style="list-style-type: none"> • There may be a cost for landlords if local authorities adopted very different processes for the Community Trigger in different areas. • There would be training costs for landlords if they wanted to use the new Community Protection Notice and opportunity costs in administering the notices when issued. 	<ul style="list-style-type: none"> • Overall there would be a simpler toolkit that is easier to use. • Landlords would be able to have access to the Community Protection Notice if they requested it. • The Community Protection Order (public place) would enable landlords to ask local authorities to place restrictions on behaviour on private land, which would help them prevent anti-social behaviour on their estates (e.g. by banning skateboarding) • The Community Trigger would help ensure a better service to tenants, and bring partners together to solve problems. • Wherever RSLs opt-in on the use of a power, it is assumed that the benefits of doing so would outweigh the costs. • ASB cost social landlords £270m in 2011.⁸⁸ Implementing Option 2 should help to reduce these costs.
The police	<ul style="list-style-type: none"> • There may be a cost for the police if local authorities within the force area adopted very different processes for the Community Trigger. • There would be training costs for the police if they wanted to use the new Community Protection Notice. • There would be (opportunity) costs to administering various notices and orders, as well as any additional involvement in breaches etc from increased volumes. 	<ul style="list-style-type: none"> • Overall there would be a simpler toolkit that is easier to use. • The Community Trigger would help ensure a better service to their local communities and to victims of anti-social behaviour, and bring partners together to solve problems.
Businesses	<ul style="list-style-type: none"> • There would be a cost to the small number of businesses who currently choose not to deal with graffiti on their premises. • There may be a cost to business as a result of an increase in shorter term 	<ul style="list-style-type: none"> • Dealing with environmental anti-social behaviour would improve the safety and security of a local area; ensuring individuals feel safer going to that area and reducing crime. This could increase footfall and money spent in

⁸⁸ HouseMark data for 2011.

	<p>closure orders. However this would only be the case in a very small number of cases where a business was not acting under licence and where anti-social behaviour had not yet occurred, so any closure would be preventative.</p>	<p>shops.</p> <ul style="list-style-type: none"> • The Community Protection Order (public space) would enable relevant businesses (e.g. the owner of a shopping centre) to ask local authorities to place restrictions on behaviour on their land, which would help them prevent anti-social behaviour. • The Community Trigger would be a way for businesses to ensure that their complaints were taken seriously by local agencies, and was strongly supported by business stakeholders who responded to the consultation. • ASB cost businesses £9.8 billion in 2011. Implementing Option 2 should help to reduce these costs.
HM Courts and Tribunal Service	<ul style="list-style-type: none"> • The only costs would result from an increase in breach hearings of Community Protection Notices and Community Protection Orders (from increased volumes issued and not necessarily a change in breach rates) • There may be an increase in the number of shorter term Community Protection Orders (closure) issued, which would have a small impact on the courts. • There is no expected impact on the Courts as a result of implementing the Community Trigger. 	<ul style="list-style-type: none"> • Overall there would be a simpler toolkit that is easier to use, which would minimise mistakes in preparations of court bundles etc, making cases quicker and more efficient.
Crown Prosecution Service	<ul style="list-style-type: none"> • As for HMCTS, the only costs would be an increase in volumes of notices/orders leading to an increase in numbers of breaches (although not necessarily a change in breach rates) • There is a potential impact on the CPS as a result of implementing the Community Trigger, if it results in more requests for Criminal Behaviour Orders (which are applied for by the CPS), or other orders, the breach of which are prosecuted by the CPS. 	<ul style="list-style-type: none"> • No additional benefits in comparison to the 'do nothing' option.
Legal Services Commission	<ul style="list-style-type: none"> • An individual could be entitled to legal aid for a Community Protection Order (closure) so any increase in the numbers of orders or subsequent increase in breaches could have an impact. 	<ul style="list-style-type: none"> • No additional benefits in comparison to the 'do nothing' option.
HM Prison Service	<ul style="list-style-type: none"> • There is likely to be minimal change from the 'do nothing' option as MoJ data suggest that most breaches of current powers result 	<ul style="list-style-type: none"> • No additional benefits in comparison to the 'do nothing' option.

in a fine or other disposal.

Victims of anti-social behaviour

- No additional costs in comparison to the 'do nothing' option

- The Community Trigger would be a way for victims to ensure that their complaints were taken seriously by local agencies, and was strongly supported by victims who attended the victims' roundtable meeting.
- Overall there would be a simpler toolkit that is easier for local agencies to use, which would make it easier for problems to be solved quickly and effectively.

One-In-One-Out (OIOO)

- 181) The Impact Assessment has identified some costs and benefits to businesses. This policy is within the scope of OIOO and has been assessed as an in with a small, but unquantifiable net cost.
- 182) There are three areas where there could be a small impact on business in contrast to the 'do nothing' option. These are:
- i) Community Protection Notices could be issued to businesses not covered under existing legislation to force them to deal with persistent graffiti;
 - ii) short-term (less than 48 hours) Community Protection Order (Closure) orders will apply to non-licensed premises for the first time where it is felt that anti-social behaviour could occur; and
 - iii) the Community Trigger will place a duty on registered providers of social housing to work with local partners when activated.
- 183) However, many businesses already choose to deal with graffiti on their properties as they assess that the benefit outweighs the costs, so for these businesses there would be no impact. In addition, dealing with environmental anti-social behaviour would directly benefit specific businesses being affected by anti-social behaviour through, for example, loss of trade because of safety concerns.
- 184) Any costs to individual businesses would be minimised through measures in the legislation, for example, ensuring that notices could not be issued for a one-off incident, and that local authorities could not charge a premium for any work carried out to clear up litter or graffiti.
- 185) The Community Trigger would lead to net benefits for businesses as it would be a way for businesses to ensure that their complaints were taken seriously by local agencies. The Community Trigger was strongly supported by business stakeholders who responded to the consultation. The table above outlines in more detail the net effect for businesses.

F. Risks

- 186) The specific risks associated with each part of the policy are outlined under the relevant heading in section E above.
- 187) There is also a risk posed by the lack of nationally available data on these issues, as they are local crime and anti-social behaviour matters which should be dealt with at a local level. This has made providing robust estimates of costs difficult. To mitigate this risk we have used nationally available data where possible and also gone out to anti-social behaviour practitioners to source locally available data to inform our assessment where possible.

G. Enforcement

188) Enforcement of this policy will be by the local authorities, police and the courts. It has not been possible to draw up detailed enforcement and implementation plans at this stage, but guidance will be issued by the Home Office alongside implementation of the legislation.

H. Summary and Recommendations

189) The table below outlines the costs and benefits of the proposed changes.

Option	Costs	Benefits
2	£5.6m (PV over 10 years)	£2.2m (PV over 10 years)
	Quantified costs to RSLs of attending meetings to deal with Community Trigger incidents. Other non-quantified costs to businesses, local authorities, police, HM Courts and Tribunal Service, private registered providers of social housing, legal services commission, Crown Prosecution Service largely as a result of a potential increase in volumes of notices and the broader scope of powers.	Quantified benefits to local authorities due to savings from implementing the CPO (public spaces) Other non-quantified benefits to businesses, local authorities, police, private registered providers of social housing, victims of anti-social behaviour as a result of reduced anti-social behaviour and improved service provision.

190) For the reasons set out in Sections E and F above, our preferred option is Option 2. This option best meets our stated aims of reducing the size of the toolkit, shifting the emphasis from a specific power for every issue, reducing bureaucracy and cost associated with the more formal powers to tackle anti-social behaviour and giving victims and communities more power to shape the way the police and other agencies respond to anti-social behaviour.

I. Implementation

191) We are proposing a radical streamlining of the anti-social behaviour toolkit. This is a broad and wide-ranging simplification of a complex area of law, which spans many current Acts of Parliament and which affects the work of a number of agencies, in particular social landlords, the police and local authorities. It is vital for communities and for victims that we get this right first time. As a result, are publishing a draft Bill now to allow for pre-legislative scrutiny by all those affected by the changes.

192) Once the Home Affairs Select Committee has reported on the draft Bill, we will look to legislate as soon as parliamentary time allows. We would then propose to publish consolidated guidance on the new legislation to help assist with transitional costs and training, including advice on how to use the new tools to ensure reductions in bureaucracy are retained.

J. Monitoring and Evaluation

193) In line with localism, we will encourage local evaluation and publication of data on the use of the new orders. Central data collection would not be appropriate and would add additional burdens onto

local areas. By publishing data locally, local communities can hold their agencies to account through their Police and Crime Commissioner if they feel that issues aren't being tackled effectively.

- 194) We will require areas to publish data on how often the Community Trigger has been used and the outcomes in order to aid transparency. We are also developing options for providing a platform for the publication of this and other additional anti-social behaviour data on www.police.uk. We will use this local data to inform our post-legislative scrutiny three to five years after Royal Assent.⁸⁹
- 195) We will also monitor the impact of the proposals on all stakeholders on implementation to better understand any associated costs and benefits. In particular, we will monitor the impacts on the justice system. Where additional economic costs are identified, these will be covered through existing arrangements.

K. Feedback

- 196) We sought feedback on our proposals as part of an open and inclusive 14 week consultation which gave the public, practitioners, victims, businesses and interest groups the opportunity to have their say on our proposals. We have also continued informal consultation with practitioners and businesses to get feedback post-consultation as the policy developed. The consultation sought views and opinions on the reform proposals from a wide audience base.
- 197) As the legislation goes through Parliament, and during the process of pre-legislative scrutiny, this will provide an opportunity for external organisations to further scrutinise and provide feedback on the proposals.

L. Specific Impact Tests

See Annex 1.

⁸⁹ As outlined on the Cabinet Office website: http://interim.cabinetoffice.gov.uk/making-legislation-guide/post-legislative_scrutiny.aspx

Annex 1. Specific Impact Tests

1 Statutory Equality Duties

- 1.1 Assessment of equality impact formed an integral part of the consultation process, including through specific equality impact questions, to identify pertinent concerns and issues. Guidance has been followed to ensure that a broad demographic of stakeholders were involved and consulted.
- 1.2 Age, Disability, Gender, Gender Identity, Race, Religion Sexual Orientation, and Socio- Economic indicators are all relevant factors in anti-social behaviour policy and the policy has been developed to bear this in mind. It is to be noted that anti-social behaviour can and does result from harassment based on identity – such as age, gender, gender identity, race, religion and sexual orientation.

2 Economic Impacts

Competition Assessment

- 2.1 We do not anticipate any competition impacts as a result of these proposals

Small Firms Impact Test

- 2.2 The small firms impacts of these proposals have been outlined in the main body of this impact assessment

3 Environmental Impacts

Greenhouse gas impacts

- 3.1 We do not anticipate any greenhouse gas impacts as a result of these proposals

Wider Environmental Issues

- 3.2 We do not anticipate any environmental impacts as a result of these proposals.

4 Social Impacts

Health and Well-being

- 4.1 We do not anticipate any direct health impact from the proposals, though positive requirements may help individuals to deal with underlying health problems causing their anti-social behaviour

Human Rights

- 4.2 These proposals are compatible with the Human Rights Act 1998

Justice

- 4.3 The justice impacts of these proposals have been outlined in the main body of this impact assessment

Rural Proofing

- 4.4 We do not anticipate any specific or different impact in rural areas as a result of these proposals

5 Sustainability

Sustainable Development

- 5.1 These proposals are consistent with the principles of sustainable development.