

Anti-Social Behaviour Orders (ASBOs)

Information related to ASBOs:

- % of ASBOs breached
- % of breaches trigger a custodial sentence
- and what do we think is the point of issuing ASBOs when people know they are usually toothless?

Latest Home Office breach data (up to December 2003) indicates a breach rate of 42%. Breach of an ASBO is a criminal offence and criminal penalties apply. However, the ASBO itself is a civil order and not a criminal penalty – it only becomes criminal when breached. Therefore where an individual breaches his or her ASBO, they cannot be given another ASBO as a criminal penalty for breach – individuals cannot be “triple ASBOed” in the way you suggest. Typical penalties for adults who breach their ASBOs are fines, community or custodial sentences. The Magistrates’ Courts Sentencing Guidelines, which provide advice for magistrates in relation to sentencing for adults, states that entry point for breach of an ASBO should be custody.

Latest HO data indicates that 55% of all ASBO breaches resulted in custodial sentences – 64% of adults received a custodial sentence and 46% of juveniles. Our approach towards juveniles who breach their ASBOs is slightly different. We believe custody should be a last resort for juveniles who breach their ASBOs and only considered in cases of serious or persistent breach. The full range of Youth court disposals are available for breach except for a conditional discharge.

58% of all ASBOs are not breached. The breach rate is not an indication of failure. Breach of an ASBO results in a criminal penalty and this send out a message that there are serious consequences for breach. ASBOs are not toothless. However, courts must consider each individual breach case on its own merits and in every case they must determine the seriousness of individual offences and their impact on the community. Inevitably, there will be aggravating and mitigating circumstances and if a court assesses an offence as being low level without aggravating features then the severest penalties may not be appropriate.

Criminal Justice System

In your letter of 23 September you stated that the incidence of driving without insurance has rocketed in the past decade. The average annual cost of insurance for a young male is about £1000. The average fine for being caught driving uninsured is about £200. You wished to know in what way we thought current tariffs discourage this serious crime. In what way did we think it fair that the law abiding motorist are levied to solve the problem that our sentencing policy has created?

I would like to reassure you that the Government is very concerned about the offence of driving whilst uninsured. The seriousness with which the offence is viewed is reflected in the level of the maximum fine, £5000, and the automatic endorsement of an offender’s licence with 6-8 penalty points. The courts may also order the disqualification of the offender.

You are right to express concern about motorists who do not pay insurance. May I

assure you that the Government shares your concerns, and considers that it is a very serious offence and a burden on all legitimate road users. It is often the case that such an offence is committed in conjunction with other vehicle document offences, such as no MOT or licence, and we are working hard to counter such abuse.

For many years the enforcement of vehicle documents has been largely dependent upon visual inspection and annual vehicle licensing at the Post office. However, we have assisted the insurance industry with the setting up of a motor insurance database with details of every motorist's insurance particulars. This information is available to the police who are now able to discover instantly whether or not a driver is insured at the roadside.

In addition, a new endorsable fixed penalty was introduced for the offence of driving without insurance on 1 June 2003. The fixed penalty of £200 and 6 penalty points will allow more rigorous enforcement of this offence (over 182,000 fines issued in 2001 at magistrates' courts in England and Wales) with severe penalty. The possibility of a fixed penalty merely gives the police an extra option for dealing with the offence concerned: it does not effect the police's ability to prosecute in appropriate cases when they consider that to be the best course of action.

The increased use of Automatic Number Plate Recognition (ANPR) will also enable the police to detect, stop and deal with such offenders and those driving without valid vehicle excise duty. We have also included in the Serious Organised Crime and Police Act (which received Royal Assent on 7 April) a clause giving the police a specific power to seize a vehicle being driven by someone who is uninsured or driving without a licence.

What is certain is that before too long motorist will no longer be able to drive vehicles without insurance, and not be detected. The process of detection will be largely automatic and will no longer require the vigilance of a police officer. Offenders will be subject to certainty of a fixed penalty; persistent offenders will risk prosecution, substantial fines, and possibly suspended licences. This will improve conditions for the majority of honest drivers.

You also requested the following information:

- Given that the general public endorse the proposition that "zero-tolerance policing" reducing crime, why do you not adopt it?
- According to your data what % of defendants in criminal cases do not bother to show up for their first trial date?
- According to your data what % of Court Fines are paid on schedule?
- In view of the answers to the two previous questions how can you expect anyone to have any respect for our criminal justice system?

We don't have data for Failed To Attend (FTA) for "first trial date". In 2003 in all types of court in England and Wales 14% of persons remanded on bail failed to appear at some stage during proceedings. Figures for 2004 will be published in "Criminal Statistics 2004" on 17 November 2005 on the Home Office website. We are relying on section 22 [Information intended for future publication] of the Freedom of Information Act 2000 to withhold this information until it is published. I have enclosed a link to the Home Office website for your convenience: <http://www.homeoffice.gov.uk/rds/index.htm>

The Home Office does not hold information on bullet point four; I would ask you to direct this question to the Department for Constitutional Affairs.

Immigration

You also made the following requests for information concerning immigration which falls within the remit of the Immigration and Nationality Directorate of the Home Office:

A) Recent data shows that the vast majority of immigrants from Eastern Europe do unskilled work such as caterers/cleaners/gardeners/ and agriculture. At the same time we have 2 million people that could work but refuse to because the kind of welfare state you have created means they can choose not to. Would you consider changing policies so that English people take English jobs?

I will address your comments about immigrants from Eastern Europe; however it will be for the Department of Work and Pensions to address your question about employment policies for British citizens. 'On 1 May 2004, ten countries joined the European Union (EU). Those countries are: Cyprus; the Czech Republic; Estonia; Hungary; Latvia; Lithuania; Malta; Poland; Slovakia; and Slovenia. From that date, nationals of Malta and Cyprus have had full free movement rights and rights to work, throughout the European Union. Prior to enlargement, existing EU member states had the right to regulate access to their labour markets by nationals of the other eight countries - the 'Accession 8' or 'A8'. The Government put in place transitional measures to regulate A8 nationals' access to the labour market (via the Worker Registration Scheme) and to restrict access to benefits'.

You may also be aware that on 19 July 2005 the Home Secretary published a consultation document on a new system for managed migration: Introducing a new (points-based) system for managed migration to the UK. The purpose of the document is to explain the proposals, including the Government's thinking on the development of schemes for the admission of workers and students from outside the EEA, and seek the views of our customers and stakeholders. The document is available on our website

http://www.ind.homeoffice.gov.uk/ind/en/home/laws_policy/consultation_documents/current_consultations.html

This is a consultation document, nothing has been ruled in or out, the Government welcome views on the consultation and will consider all contributions and will respond in due course.

The main aims of the new points-based system will be, to:

- improve public confidence in the system;
- fill skills gaps;
- attract highly productive and highly skilled workers and students;
- attract investment and increase productivity and flexibility in the labour market;
- ensure people leave at the end of their stay.

B) According to your data what % of council housing is occupied by people who have been in the country for less than 3 years?

The Home Office does not hold this information. This question would have to be addressed to individual local authorities.

C) How do your cost benefit analysis calculations weight the utter demoralization that the indigenous population feels when they cannot get to see their GP because immigrants have filled their waiting lists/ can't send their kids to a local school because lessons have been "adapted" (aka slowed down) to cater for children who do not speak English in the home/are told they have to sleep on their parents sofa for the next 8 yrs because the council house waiting list are so full?

I'm afraid the Government completely disagrees with your assumptions about demoralization of what you call the "indigenous" population in the face of immigration. You speak of waiting lists in doctors' surgeries, yet it is widely accepted that the NHS would be completely unable to cope with the demands on it were it not for the contribution of people born overseas. As for housing, eligibility for public housing is tightly controlled and it is a complete myth that benefits are readily made available to non-British applicants, except of course those from the European Union, where British people enjoy reciprocal rights of which many take advantage".