



Home Office

# **MORE EFFECTIVE RESPONSES TO ANTI-SOCIAL BEHAVIOUR**

## QUESTIONS FOR MEMBERS OF THE PUBLIC





## WHAT IS ANTI-SOCIAL BEHAVIOUR?

'Anti-social behaviour' describes a range of everyday nuisance, disorder and crime. This can be things like graffiti and noisy neighbours or harassment and street drug dealing. It is sometimes dismissed as trivial, but anti-social behaviour has a huge impact on victims' quality of life. It is the public's number one concern when it comes to local crime issues. Over 3.5 million incidents were reported to police forces in England and Wales last year. We know that many more were reported to other local agencies such as councils and housing associations or not reported at all.

## WHY IS THE CONSULTATION TAKING PLACE?

Reducing anti-social behaviour is a government priority. We expect it to be a priority for the police and other agencies as well, particularly where it is criminal or targeted at vulnerable victims. Unchecked, anti-social behaviour can be linked to low-level crime and fear of crime in a neighbourhood.

The police and their local partners, such as local councils, need a range of measures to deal with anti-social behaviour. Where the behaviour is criminal, it should be dealt with as such. But other things, like a warning letter or an individual agreeing to make up for damage caused (for example by apologising or paying to have a window repaired) can nip problems in the bud before they get that far. And orders applied for in the courts can stop long-running campaigns of intimidation or harassment, for example by stopping someone from going into a specific area.

Simplifying and improving the range of tools is important, but it's only part of the picture. Our proposals on anti-social behaviour are part of a wider package of reforms that include:

- making police forces more accountable to local people through Police and Crime Commissioners and street-level crime information. You can find out more about crime mapping at [www.police.uk](http://www.police.uk);
- identifying and spreading good ideas on dealing with anti-social behaviour, such as the trial of a new approach to handling reports of anti-social behaviour, announced in January. You can find out more about these trials at <http://www.homeoffice.gov.uk/media-centre/news/asb-victims?version=1>;
- and empowering people to get more involved in community safety issues, for example through Helen Newlove's work as a government champion for active, safer communities. You can find out more about her work at <http://www.helennewlove.co.uk/>.

## WHAT IS THE PROBLEM WITH THE CURRENT TOOLS FOR DEALING WITH ANTI-SOCIAL BEHAVIOUR?

Practitioners currently have a range of options for addressing anti-social behaviour, from issuing warning letters to applying for court orders like the Anti-social Behaviour Order (ASBO). Our review of this system has found that:

- there are simply too many tools as there is a separate tool for each individual problem. For example, there is a court order to close crack houses, one to close brothels, and one to close other places associated with anti-social behaviour. These all do broadly the same thing. This is confusing for some practitioners, and means that they only use the ones they are most familiar with;
- the tools that were designed to help perpetrators deal with the causes of their anti-social behaviour are rarely used;

- some of the tools (particularly the ASBO) are bureaucratic, slow and expensive, which puts people off using them;
- the growing number of people who breach their ASBO suggests that they are not being deterred by the penalties they face from continuing their anti-social or criminal behaviour.

### WHAT ARE OUR PROPOSALS FOR CHANGE?

We want to move away from having a separate tool for every different problem to ensuring that the police and partners have faster, more flexible options. These, plus more effective sanctions, will help professionals and, where necessary, the courts to stop anti-social behaviour earlier. This will help to better protect victims and communities.

### WHAT ARE THE PROPOSALS?

Specifically, we are proposing to:

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

The tables below set out our proposals to replace many of the current tools and powers for dealing with anti-social behaviour.

### CHANGES TO ORDERS RELATING TO PEOPLE

Existing system	Proposed changes	Benefits of the new system
<b>ASBO on conviction</b>	<p><b>‘Criminal Behaviour Order’</b> – can be applied for alongside a conviction for any criminal offence. Includes both prohibitions on the individual and support to stop future behaviour likely to lead to further anti-social behaviour or criminal offences</p> <p><b>‘Crime Prevention Injunction’</b> - a civil court order. This means that the behaviour only needs to be proved ‘on the balance of probabilities’ (a lower level of proof of an offence) rather than ‘beyond reasonable doubt’ (a high level of proof of an offence). The injunction would also have prohibitions and support attached. If it was breached, this would result in a fine or custody, though it would not be a criminal offence</p>	<p><b>‘Criminal Behaviour Order’</b></p> <ul style="list-style-type: none"> <li>- The new order contains support to change behaviour and help prevent re-offending, rather than simply prohibitions to stop the person from doing something (e.g. going to a particular place). The ASBO only included prohibitions on behaviour</li> </ul> <p><b>‘Crime Prevention Injunction’</b></p> <ul style="list-style-type: none"> <li>- It is easier to prove the civil standard of proof which will make injunctions quicker to get. This means that problem behaviour can be addressed more quickly</li> <li>- Police officers and other professionals can give evidence on behalf of the community, which protects vulnerable witnesses</li> <li>- The new injunction contains support to change behaviour rather than just stopping the person from doing something. This should help reduce re-offending</li> <li>- There are no criminal sanctions for breach, which prevents people being criminalised unnecessarily</li> </ul>
<b>ASBO</b>		
<b>Interim ASBO</b>		
<b>ASB Injunction</b>		
<b>Individual Support Order (ISO)</b>		
<b>Intervention Order</b>		

## CHANGES TO ORDERS RELATING TO PLACES

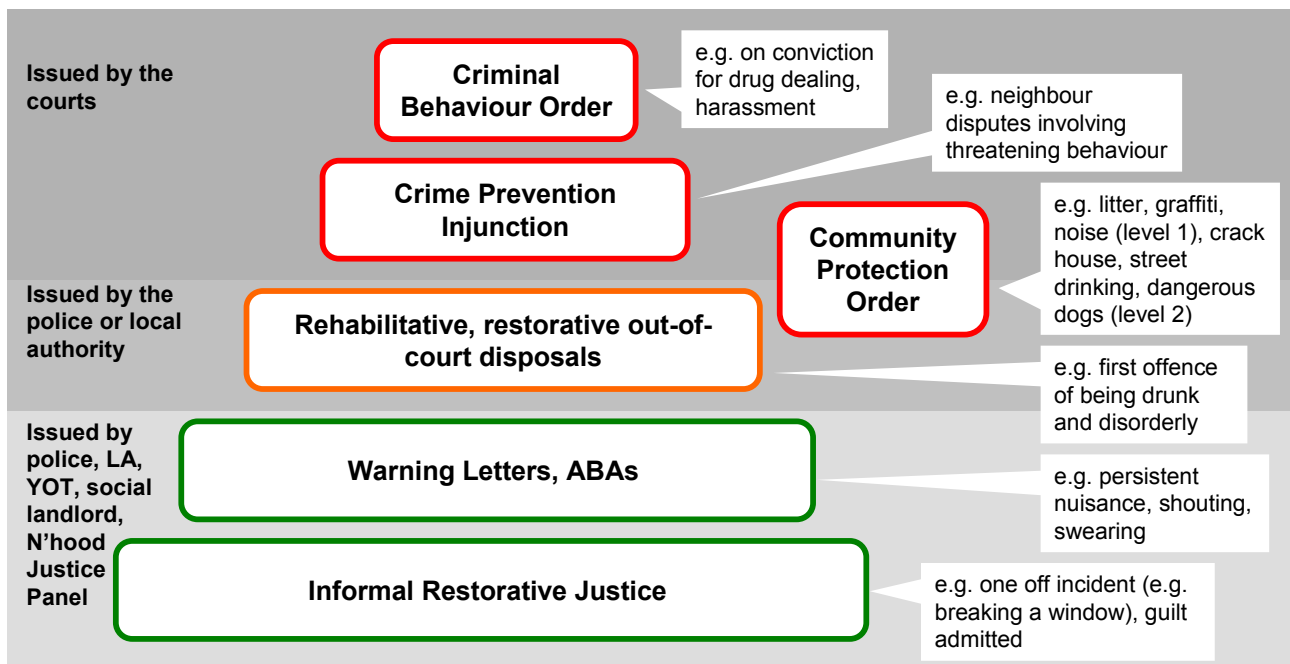
Existing system	Proposed changes	Benefits of the new system
<b>Crack House Closure Order</b>	<p><b>Community Protection Order (Level 2)</b> – an order regarding a property or place linked with significant and/or persistent anti-social behaviour. This could place restrictions on what you could do in that place (e.g. that you can't drink alcohol). It could also close a property or place for up to 6 months if this was agreed by the Magistrates' Court</p>	<ul style="list-style-type: none"> <li>- There are less orders which will make it easier for practitioners to know how to use them and will save costs in training staff</li> <li>- It should mean that problems can be addressed more efficiently and quickly</li> <li>- The new orders should save money as it will reduce the number of applications needed to deal with a problem in a particular place</li> </ul>
<b>Premises Closure Order</b>		
<b>Brothel Closure Order</b>		
<b>Designated Public Place Order</b>		
<b>Gating Order</b>	<p><b>Community Protection Order (Level 1)</b> – a notice served on an individual to end persistent anti-social behaviour that is affecting quality of life in an area or neighbourhood, with a financial penalty for non-compliance (or other sanctions where relevant, such as seizure of noise-making equipment)</p>	
<b>Dog Control Order</b>		
<b>Special Interim Management Orders</b>		
<b>Litter Clearing Notice</b>		
<b>Noise Abatement Notice</b>		
<b>Graffiti/Defacement Removal Notice</b>		

## CHANGES TO POLICE POWERS

Existing system	Proposed changes	Benefits of the new system
<p><b>Direction to Leave</b></p>	<p><b>Police ‘Direction’ power</b> – a power to direct any individual causing or likely to cause crime or disorder away from a particular place, and to confiscate related items</p>	<ul style="list-style-type: none"> <li>- The new power will not require the police to designate a zone as a ‘dispersal zone’ before being able to move on individuals likely to cause crime or disorder. This will reduce bureaucracy for the police and mean they can act more quickly to address problems in an area</li> <li>- Simplifying the powers will reduce training costs and make them easier to use</li> <li>- The new power will aim to strike the right balance between the ability of a community to enjoy its public spaces, and the civil liberties of individuals and groups. We want your views on how to do this</li> </ul>
<p><b>Dispersal Order</b></p>		

If you would like to know more details about how any of the above new powers would work, please see chapter 4 of the main consultation document.

The diagram below shows where we would envisage the new tools being used to tackle anti-social behaviour with the informal measures as a way to deal with more minor problems and the Criminal Behaviour Order as a tool for the most serious offenders. The questions below are largely focused on the areas in red below.



## GETTING AGENCIES TO TAKE ACTION – THE COMMUNITY TRIGGER FOR ACTION

There is a great deal of confusion about what people mean by anti-social behaviour, even by those professionals whose job it is to protect people. This uncertainty can lead to victims finding themselves being passed from agency to agency, or reporting the same problem again and again. This has been made worse by some agencies not realising the impact of an incident on the victim or the community.

We want local agencies to get it right first time, but where they don't, to give people more power to get the police and other agencies to respond to the issues that matter in their area. This is particularly important for those who have suffered being targeted by anti-social behaviour over time. We propose introducing a new requirement on police and local authorities, and other agencies who deal with community safety (called a Community Safety Partnership), to take action to deal with persistent anti-social behaviour suffered by victims or communities. The duty would be triggered by members of the public making a complaint that meets certain criteria.

Once the duty had been triggered, the Community Safety Partnership would be required to take steps to resolve the problem, and reply to the complainants explaining what it proposed to do. That reply would be copied to the elected Police and Crime Commissioner, once they are in place from 2012. This person could hold those authorities to account if he or she did not think the proposed response was adequate.

## HOW THE COMMUNITY TRIGGER WOULD WORK

With the trigger for persistent anti-social behaviour, we propose that the criteria should be:

- That five individuals, from five different households in the same neighbourhood, had complained about the same issue, and no action had been taken; **or**
- That the behaviour in question had been reported to the authorities by an individual a minimum of three times (for example, at local neighbourhood policing meetings), and no action had been taken; **and**
- a Community Safety Partnership could reject the complaint if they deemed it to be malicious (e.g. targeted at a particular individual or family on any discriminatory grounds<sup>1</sup>).

Complaints that met these criteria would trigger a duty on the Community Safety Partnership to take action to address the problem. They would have to write to the complainants within a set period (e.g. 14 days), setting out what it planned to do to deal with the behaviour in question. This would include the use of any tools and powers, as well as any assistance required from the complainants or the wider community (e.g. gathering evidence, or reporting further incidents).

They would copy their response to the Police and Crime Commissioner. In the event that they judged the response inadequate, the Police and Crime Commissioner could then exercise his or her power to hold the Community Safety Partnership to account or award a crime and reduction disorder grant to deal with the problem.

## LOCAL FLEXIBILITY

We propose that Community Safety Partnerships should be able to decide how they publicise the Community Trigger, and the way that they respond to complaints. The Government would only provide the legal powers and give examples of good practice about ways to enable local people to make a complaint.

1 As outlined in the Equalities Act 2010



## EXISTING COMPLAINT MECHANISMS

Police, Local Authorities and Social Landlords, have complaints mechanisms for those who are dissatisfied with their services, for example through the Independent Police Complaints Commissioner and Local Authority Ombudsman. However, the proposed community trigger would enable victims and communities to demand swift action to resolve a local problem where no action had been taken. The focus would be on stopping behaviour in the future, rather than working out what had gone wrong in the past.

## CONSULTATION RESPONSES:

You can respond to the consultation online by filling in a simple online form. The form can be found at the following link: <http://consultations.homeoffice.gov.uk/survey.php>

If you would prefer to respond on paper, the public consultation questions are repeated below and you can either email your responses to [asb-consultation@homeoffice.gsi.gov.uk](mailto:asb-consultation@homeoffice.gsi.gov.uk) or send them by post to Anti-social Behaviour Unit, Home Office, 4th floor Fry building, 2 Marsham Street, London SW1P 4DF. The consultation is open until Tuesday 3 May 2011.

## ABOUT YOURSELF

### WHAT IS YOUR AGE? (TICK ONE)

- Under 16
- 16-17
- 18-24
- 25-29
- 30-44
- 45-60
- Over 60

### WHAT IS YOUR GENDER (TICK ONE)

- Male
- Female

### DO YOU....

- Have a child / children under 18?
- Have a child / children over 18?
- Don't have any children?

### WHAT REGION ARE YOU IN? (TICK ONE)

- North East
- North West
- Yorkshire/Humberside
- East Midlands
- West Midlands

- Wales
- East Anglia
- South West
- South East
- Greater London

**ARE YOU:**

- Responding on behalf of an organisation? If so, what is the name of your organisation:

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- Responding as a member of the public?

**VICTIM**

**HAVE YOU, OR A CLOSE FRIEND OR FAMILY MEMBER, EVER BEEN A VICTIM OF ANTI-SOCIAL BEHAVIOUR?**

- Yes, I have been a victim of anti-social behaviour
- I know a close friend or family member who has been a victim of anti-social behaviour
- Neither
- I'd rather not say

**HOW DID YOU HEAR ABOUT THIS CONSULTATION?**

- Word of mouth
- Article in national press
- Article in local press
- TV or radio
- Leaflet
- Face to face meeting
- Home Office website
- Directgov website
- Other (please specify below)

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## GENERAL QUESTIONS

1) DO THINK THAT THE PROPOSED CHANGES WILL (PLEASE TICK ONE OPTION):

- Be more effective at tackling anti-social behaviour than the current approaches
- Not make a difference to tackling anti-social behaviour, the problem will be the same
- Be less effective than the current approaches
- Don't know

Please use the space below to explain your answer to Question 1:

2) DO YOU AGREE OR DISAGREE THAT:

	Agree	Disagree	Neither agree or disagree	Don't know
The new proposals will lower bureaucracy making it quicker for the police or local agencies to act to protect victims and communities				
The new proposals will allow a flexible approach to tackle specific local issues				
The new proposals will provide measures that are more effective at deterring perpetrators				
The new proposals include measures that are more effective at rehabilitating persistent offenders				
The new proposals will allow people in the community to shape the way anti-social behaviour is dealt with in their area				

Please use the space below to explain your answer to Question 2:

3) PLEASE LIST ANY OTHER BENEFITS YOU SEE RESULTING FROM THE NEW PROPOSALS:

4) PLEASE LIST ANY DRAWBACKS YOU SEE RESULTING FROM THE NEW PROPOSALS:

5) SOME PEOPLE MIGHT THINK THAT THE NEW PROPOSALS WILL AFFECT CERTAIN GROUPS DIFFERENTLY, EITHER POSITIVELY OR NEGATIVELY. WHICH, IF ANY, OF THE FOLLOWING FACTORS MIGHT LEAD PEOPLE TO BE AFFECTED DIFFERENTLY? (PLEASE TICK ONE PER ROW)

	<b>Affected more positively</b>	<b>Not affected differently</b>	<b>Affected more negatively</b>	<b>Don't know</b>
Age				
Disability				
Gender				
Race				
Religion or belief				
Other (please specify)				

Please use the space below to provide additional comments to explain your answer to Question 5:

**QUESTIONS ON THE COMMUNITY TRIGGER**

6) HOW DO YOU THINK THE COMMUNITY TRIGGER MIGHT AFFECT HOW ANTI-SOCIAL BEHAVIOUR IS DEALT WITH IN YOUR AREA? MIGHT IT (PLEASE TICK ONE):

- Improve how anti-social behaviour is dealt with
- Make no difference to how anti-social behaviour is dealt with
- Make the situation of how anti-social behaviour is dealt with worse
- Don't know

Please use the space below to provide additional comments to explain your answer to Question 6:

To re-cap, we propose that the criteria for using the Community Trigger would be as follows:

- That five individuals, from five different households in the same neighbourhood had complained about the same issue and no action had been taken; **or**
- That the behaviour in question had already been reported to the authorities by an individual a minimum of three times (for example, at neighbourhood beat meetings); **and**
- a Community Safety Partnership could reject the complaint if they deemed it to be malicious (e.g. targeted at a particular individual or family on any discriminatory grounds<sup>2</sup>).

7A) DO YOU AGREE / DISAGREE THAT THESE ARE THE RIGHT CRITERIA FOR THE COMMUNITY TRIGGER (PLEASE TICK ONE):

- Agree
- Disagree
- Neither agree nor disagree
- Don't know

7B) PLEASE USE THE SPACE BELOW TO EXPLAIN YOUR ANSWER, THINKING ABOUT ASPECTS SUCH AS:

- the process suggested for how the trigger might work;
- the criteria for evoking it;
- if the form and level of community involvement is right;
- if you think it will make a difference to anti-social behaviour;

<sup>2</sup> As outlined in the Equality Act 2010

AND ANY OTHER COMMENTS YOU MIGHT LIKE TO ADD?

8) SOME PEOPLE MIGHT THINK THAT THE COMMUNITY TRIGGER WILL AFFECT CERTAIN GROUPS DIFFERENTLY, EITHER POSITIVELY OR NEGATIVELY. WHICH, IF ANY, OF THE FOLLOWING FACTORS MIGHT LEAD PEOPLE TO BE AFFECTED DIFFERENTLY? (PLEASE TICK ONE PER ROW)

	<b>Affected more positively</b>	<b>Not affected differently</b>	<b>Affected more negatively</b>	<b>Don't know</b>
Age				
Disability				
Gender				
Race				
Religion or belief				
Other (please specify)				

Please use the space below to provide additional comments to explain your answer to Question 8:

9) PLEASE TELL US OF ANY MEASURES YOU THINK COULD BE PUT IN PLACE TO PREVENT THE GROUPS YOU INDICATED ABOVE FROM BEING NEGATIVELY AFFECTED BY THE COMMUNITY TRIGGER:

10) FINALLY, THINKING GENERALLY ABOUT THE ISSUE OF ANTI-SOCIAL BEHAVIOUR, HOW INTERESTED, IF AT ALL, ARE YOU IN BEING KEPT INFORMED ABOUT HOW ANTI-SOCIAL BEHAVIOUR IS BEING TACKLED IN YOUR LOCAL AREA? (PLEASE TICK ONE):

- Very interested
- Fairly interested
- Not very interested
- Not at all interested
- Don't know



Please use the space below to tell us how you would like to be kept informed about how anti-social behaviour is being tackled in your area:

**PLEASE RETURN THIS COMPLETED FORM TO:**

Home Office  
Anti-social Behaviour Unit  
4th Floor, Fry Building  
2 Marsham Street  
London  
SW1P 4DF

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