

**SCRUTINY COMMISSION – 20 APRIL 2011**

**HOME OFFICE CONSULTATION PAPER**  
**MORE EFFECTIVE RESPONSES TO ANTI-SOCIAL BEHAVIOUR**

**REPORT OF THE CHIEF EXECUTIVE**

**Purpose of Report**

1. The purpose of this report is to present to the Commission a draft consultation response to the Home Office Consultation Paper – More Effective Responses to Anti-Social Behaviour (ASB).

**Policy Framework and Previous Decisions**

2. The County Council's ASB Reduction Strategy 2007-09 was approved by the Cabinet on 23 October 2007. The Strategy is due for revision and will need updating in the event that the proposals set out in the Consultation Paper are implemented.
3. The draft response to the Home Office consultation paper as set out in Appendix 2 was considered by the Cabinet on the 5 April 2011 where it was agreed:
  - (a) That the response to the consultation as set out in Appendix 2 to the report be submitted to the Government as the views of the County Council subject to (b) below;
  - (b) That the Chief Executive, in consultation with the Cabinet Lead Member, be authorised to make amendments to the draft consultation response arising from its consideration by the Youth Offending Service Management Board and the Scrutiny Commission.

**Background**

4. More Effective Responses to Anti-Social Behaviour is a Home Office consultation paper produced which proposes a transformation in the way anti-social behaviour is dealt with. It also outlines the findings of the review of ASB tools and powers which the Home Secretary announced in July 2010. An Executive Summary of the paper is found at Appendix 1.
5. The current tools and powers provide the police and local authorities with a range of options from informal actions such as warning letters and

acceptable behaviour contracts to out of court disposals such as penalty notices, before escalating to formal court orders that place restrictions on perpetrators behaviour and movements.

6. The review found that whilst there are cases where the tools have been used successfully, practitioners and victims have found the tools bureaucratic, slow and expensive. There are also questions about the effectiveness given, for example, to the growing number of offenders who breach their Anti-Social Behaviour Order (ASBO). The review highlighted that whilst some of the elements are effective, there is significant scope to make it work better and a need to streamline and improve the toolkit.
7. The consultation paper proposes the following:-
  - To replace the ASBO and a range of other court orders targeted at anti-social individuals with two new tools; a Criminal Behaviour Order and a Crime Prevention Injunction.
  - To consolidate the tools to deal with place specific anti-social behaviour into a two tier Community Protection Order and a simplified police power to direct people away from an area on grounds of anti-social behaviour.

EXISTING SYSTEM	PROPOSED CHANGES
ASBO on conviction	‘ <b>Criminal Behaviour Order</b> ’ - available on conviction for any criminal offence, and including both prohibitions and support to stop future behaviour likely to lead to further anti-social behaviour or criminal offences.
ASBO	
Interim ASBO	
ASB Injunction	
Individual Support Order (ISO)	
Intervention Order	‘ <b>Crime Prevention Injunction</b> ’ - a purely civil order with a civil burden of proof, making it much quicker and easier to obtain. The injunction would also have prohibitions and support attached, and a range of civil sanctions for breach.
Crack House Closure Order	<b>Community Protection Order (Level 2)</b> – a local authority/police power to restrict use of a place or apply to the courts to close a property linked with persistent anti-social behaviour.
Premises Closure Order	
Brothel Closure Order	
Designated Public Place Order	
Special Interim Management Orders	
Gating Order	
Dog Control Order	

<b>Litter Clearing Notice</b>	<b>Community Protection Order (Level 1)</b> – a notice issued by a practitioner to stop persistent anti-social behaviour that is affecting quality of life in an area or neighbourhood, with a financial penalty for non-compliance, or other sanctions where relevant e.g. the seizure of noise-making equipment.
<b>Noise Abatement Notice</b>	
<b>Graffiti/Defacement Removal Notice</b>	
<b>Direction to Leave</b>	<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
<b>Dispersal Order</b>	

8. In addition, the Home Office is working with the Ministry of Justice to make the informal and out-of-court tools for dealing with anti-social behaviour such as warning letters and acceptable behaviour agreements, which are already in use in Leicestershire, more rehabilitative and restorative.
9. The paper also proposes the introduction of two new initiatives Neighbourhood Justice Panels and Community Triggers.
  - *Neighbourhood Justice Panels* would see community members and practitioners working together to decide how to deal with perpetrators of anti-social behaviour and low level crime.
  - *Community Trigger*: This would impose a duty on the statutory partners in a Community Safety Partnership (CSP) to take action in cases where victims or communities have raised the same issue over again and where local agencies have failed to respond. The new Police and Crime Commissioners would hold CSP agencies to account for their response, using their power to ‘call in’ a CSP if the action taken was thought to be inadequate.

### **Response to the Consultation**

10. The draft response to the Home Office Consultation Paper is provided as Appendix 2.

### **Resource implications**

11. The Director of Corporate Resources has been consulted on the financial implications of this report. The proposals in the Consultation Paper may result in some additional resource implications for the County Council and the Youth Offending Service, in view of the proposal to include positive as well as prohibitive requirements as part of the new orders. However, it is difficult to quantify the impact of this at this stage.

### **Timetable for Decisions**

12. The deadline for response to the Consultation Paper is 3 May 2011.

## **Conclusions**

13. Generally the proposals are to be welcomed, particularly the streamlining of the raft of tools and powers as set out above. The use of informal and out of court disposals is also in line with Leicestershire's current Tiered Approach

## **Background Papers**

Anti-Social Behaviour Reduction Strategy 2007 -09  
Youth Justice Strategic Plan 2010/11  
Safer Communities Plan 2009 -12

## **Circulation under Local Issues Alert Procedure**

None.

## **Officers to Contact**

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## **Appendices**

Appendix 1: Consultation Paper Executive Summary  
Appendix 2: Draft response to the Consultation Paper

## **Equal Opportunities Implications**

14. The Home Office will be undertaking an Impact Assessment which will include the equalities impact. An EIA on our implementation plan will be undertaken once the proposals are finalised and announced by Government.

## **Crime and Disorder implications**

15. The whole purpose of the proposals is to deal more effectively with anti-social behaviour and other forms of disorder.