

'STRENGTHENING POWERS TO TACKLE ANTI-SOCIAL BEHAVIOUR'

SUMMARY OF RESPONSES TO A HOME OFFICE CONSULTATION PAPER



Home Office



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29 May 2007



Chapter 1

Introduction

- 1.1 On 14th November 2006, the Home Office published a consultation paper seeking views on proposals for strengthening powers to tackle anti-social behaviour (ASB). The proposals were aimed at improving the use of frontline disposals, as well as extending powers to deal with premises which are causing significant, persistent and serious harm to local communities.
- 1.2 The proposals were as follows:
 - **the case for new frontline powers to tackle ASB;**
 - **a deferred Penalty Notice for Disorder (PND);**
 - **a new premises closure order.**
- 1.3 The consultation document and partial regulatory impact assessment were sent to over 1,600 interested organisations, key stakeholders and individuals. These included representatives of the housing sector, the police, local authorities, Crime and Disorder Reduction Partnerships (CDRPs), Local Criminal Justice Boards (LCJBs), ASB co-ordinators and other government departments. The consultation document was also made available on the Home Office website for download.
- 1.4 A total of 197 replies was received during the 12 week consultation period, and the consultation webpage, www.homeoffice.gov.uk/documents/cons-asb-powers, was viewed 4845 times during this time. The breakdown of respondents by category can be seen in Table 2. The consultation paper included legal information about the public disclosure of responses.
- 1.5 We are grateful for all the responses received which have been helpful to us. This paper tries to accurately reflect the views offered, and we have sought to summarise the views of a wide range of respondents, but inevitably, it is not possible to describe all the responses in detail. All responses have been weighted equally in the tabular analysis. To remain consistent, the tabular analysis always displays a set of responses as a percentage of the total number of responses to the relevant proposal. We apologise in advance for any inadvertent errors.
- 1.6 We have tried to indicate the overall level of support for each proposal, but necessarily there have been elements of subjective analysis in doing so when analysing full written responses. For example, where support for, or opposition to, a proposal was not explicitly given but could be reasonably inferred from a response, we have registered that in our analysis.
- 1.7 A few respondents assumed that ‘new frontline powers’ and the ‘deferred PND’ referred to the same thing, when in fact they were separate proposals for consultation. In such cases, we have tried to align answers with the appropriate consultation questions.

- 1.8 We also received a few responses collating the views of different persons or units within an organisation. Where the views were consistent or broadly aligned, we have captured that as one response. However, in a small number of cases we felt that variance in views contained therein meant that we should record them as separate responses.
- 1.9 We have sought to analyse the issues raised, trying to weight them as closely as possible to the feedback received, as the most appropriate way of summarising the responses.
- 1.10 You can obtain copies of this summary of responses by download from www.homeoffice.gov.uk/documents/cons-asb-powers; or in hard copy from,

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Chapter 2

Overview

2.1 Of the 197 responses received, the breakdown of respondents by type was as follows:

Category	All	CDRP	LA	Legal & Criminal justice	NGO	Police	Housing	Other
Number	197	26	51	16	14	34	32	24
Percentage	100	13	26	8	7	17	16	13

- 2.2 There was strong support for new frontline preventive powers from police representatives, CDRPs, local authorities (LAs) and housing agencies. Respondents suggested several safeguards including; the oversight of a senior officer, restrictions on the length of time the power applied, and limiting powers to appropriately trained officers. Some organisations which opposed the proposal argued that sufficient powers were already available to the police, including the ability of officers to disperse groups in designated dispersal zones (as defined in Section 30 of the Anti-social Behaviour Act 2003). Others argued that the proposal would extend enforcement powers too greatly to the detriment of the rights of the individuals, in contravention of Article 11 of the Human Rights Act 1998 which safeguards the freedom of assembly and association. Specific concerns regarding the rights of young people were also raised.
- 2.3 There was support for the deferred PND, especially among local authorities and housing agencies who felt that it would encourage adherence to the terms of Acceptable Behaviour Contracts (ABCs). Several organisations, however, believed that multi-agency cooperation would be required in drawing up appropriate ABC conditions. While there was support from some police forces, others were concerned that this intervention should not lead to an increase in administrative burdens. Some respondents asked for further consideration about how the measure would be applied to children. There was also concern that using deferred PNDs and ABCs together might lead to confusion over the use of ABCs more generally, while some respondents felt that there were sufficient disposals already available.
- 2.4 There was over-whelming support for the proposal to introduce a premises closure order with 86% of respondents who answered the relevant question stating that they thought it would be a useful measure to deal with the broader issues of significant and persistent anti-social behaviour centred on a property. There was also good support for the power to be extended to local authorities.

THE GOVERNMENT’S POSITION

- 2.5 In response to the consultation and the considerable support, the Government intends to bring forward legislation to introduce the premises closure order.
- 2.6 It is clear from the consultation exercise that some agencies feel that the proposal for a deferred PND would be a highly useful, additional problem-solving tool particularly where good joint working arrangements with ABCs exist already. Although its use does not entail legislation, the Government therefore intends to revise guidance on ABCs to make it clearer to local agencies when and how the two measures can be used together appropriately with adequate safeguards.
- 2.7 There is also a need, identified by some respondents during this consultation process and also by the recent National Audit Office report ‘Tackling Anti-Social Behaviour,’ to update guidance on the range of ASB tools and powers that are available to agencies. The Government intends therefore to produce guidance by the summer which will include practical examples as well as technical information and signposting to more detailed guidance, which we will circulate to stakeholders for comment.
- 2.8 With regard to new frontline powers for the police, we will keep the situation under review to ensure that practitioners are able to respond to ASB effectively and appropriately as local circumstances dictate.
- 2.9 Responses were also received relating to issues raised in Chapter 3 of the consultation paper. While we were not formally consulting on these issues which summarise other on-going work related to tackling ASB, these responses have been passed to policy leads in the areas concerned.

Chapter 3

New frontline powers to deter and prevent anti-social behaviour

- 3.1 The proposal was for new frontline powers for the police to give them the immediate opportunity to prevent future disorder and bring about speedy resolution of local problems. Such powers – for example, to require an individual to keep away from a particular area for a certain period of time – would be at the discretion of a police officer.
- 3.2 165 responses to this proposal were received.
- 3.3 The breakdown of responses to the question

Do you believe that additional powers are required to strengthen the response of frontline police to prevent anti-social behaviour?

was as follows:

Category	All (number)	All (percentage)	CDRP	LA	Legal & Criminal justice	NGO	Police	Housing	Other
Number	117	71	18	38	4	1	26	25	5
Percentage	43	26	7	5	10	10	3	3	5
Mixed Views	5	3	0	2	0	0	0	2	1

- 3.4 71% of respondents to the proposal were in favour of new frontline police powers, with 26% against. 3% of respondents expressed a mixed-opinion. There was widespread support for the concept from police representatives, CDRPs, local authorities and housing agencies.
- 3.5 26 police representatives, including the Police Federation of England and Wales, and the Association of Chief Police Officers (ACPO) Youth Issues Group, supported powers to deal with the immediate threat of ASB on the street, while only three were opposed.
- 3.6 Police forces including Cambridgeshire Constabulary and Durham Constabulary felt that it would be useful to have powers to disperse individuals from areas where no dispersal order was in place. Some respondents in favour, including East Cambridgeshire Community Safety Partnership, believed that the new powers would complement dispersal orders (available under Section 30 of the Anti-social Behaviour Act 2003) by empowering police to bring respite to communities experiencing occasional disorder. Whereas dispersal zones are an appropriate and planned response to repeated problems within the same area, the new powers would give officers a means of immediately dealing with unforeseen ASB.
- 3.7 However, legal bodies including the Magistrates’ Association and the Criminal Bar Association, as well as Barnardo’s and the Children’s Commissioner, who opposed the proposal, argued that sufficient powers were already available to frontline police.

- 3.8 Some respondents from different categories, including Pendle Community Safety Partnership, argued that it was preferable to make good use of existing dispersal powers, rather than introduce new measures. It was felt that better use of existing powers could be made through multi-agency consultation.
- 3.9 The breakdown of responses to the question

Is it appropriate for the police to impose such conditions and, if so, what safeguards would be required?

was as follows:

Category	All (number)	All (percentage)	CDRP	LA	Legal & Criminal justice	NGO	Police	Housing	Other
Yes	107	65	14	36	3	1	26	23	4
No	43	26	7	6	8	10	2	3	7

- 3.10 65% of respondents to the proposal felt that it was appropriate for police to have such powers, with 26% disagreeing, 9% expressed a mixed-opinion or did not offer an answer.
- 3.11 A few respondents, including Slough Borough Council, saw a need for safeguards to prevent perceived victimisation of members of the public. Respondents including the ACPO Youth Issues Group argued that only accredited or trained police officers should be able to use the powers, and that clear guidance should be made available.
- 3.12 Some local authorities in favour of the proposal, including Westminster City Council and Birmingham City Council, argued that use of the powers should be ratified by a senior officer.
- 3.13 Organisations including HM Prison Service Kent & Sussex (as a member of Kent LCJB) felt that frontline police might not be best-placed to engage with young people about their behaviour, and saw need for other agencies to engage with them.
- 3.14 Legal bodies, including the Council of HM Circuit Judges, called for safeguards including; recording and supervision of use of the powers, and a review mechanism. The Council believed that these safeguards would have substantial cost implications, and would render the powers impractical.
- 3.15 Liberty felt that granting police dispersal powers without prior designation of a dispersal area would be a disproportionate measure. This would, in their view, threaten compliance with Article 11 of the Human Rights Act 1998 which safeguards the freedom of assembly and association. The Children’s Commissioner expressed concern that the imposition of such geographical exclusions could be a disproportionate response to behaviour that indicated a risk of ASB.
- 3.16 In response to the question:

What would be an appropriate sanction for breaching such conditions?

Respondents suggested a range of sanctions for breach of the powers. Housing agencies, including the Kingfisher Housing Association and Blyth Valley Housing, typically favoured issuing a fine or

penalty notice. Many local authorities, CDRPs and police representatives (including Manchester City Council and Safer Derbyshire Dales Community Safety Partnership and Durham Constabulary) also felt that a fine or penalty notice could be an appropriate sanction, and argued further that the power of arrest should also be available.

- 3.17 Some organisations, including Merseyside LCJB and the Metropolitan Police Service, argued that the sanctions should be the same as those available for breach of current dispersal powers.

THE GOVERNMENT'S POSITION

- 3.18 The proposal for new frontline powers for the police was set out in the consultation paper to assess the need and practicability of such powers and received strong support in principle. At the same time, respondents raised a number of significant concerns about how such powers would be framed in practice. We are continuing to examine the issues further.

Chapter 4

Deferred Penalty Notice for Disorder

- 4.1 The proposal was for deferring PNDs in appropriate circumstances in which a police officer has established sufficient evidence to issue a PND but the local community would obtain benefit from an offender adhering to the conditions of an ABC.
- 4.2 175 responses to this proposal were received.
- 4.3 There was overall support for deferring PNDs, with 50% of the respondents to the proposal in favour and 39% against. 11% of respondents expressed a mixed-opinion.

Category	All (number)	All (percentage)	CDRP	LA	Legal & Criminal justice	NGO	Police	Housing	Other
Support	87	50	14	27	2	3	16	19	6
Oppose	69	39	10	15	13	6	14	6	5
Mixed Views	19	11	2	7	0	2	2	4	2

- 4.4 66% of housing agencies and 55% of local authorities who responded to the proposal were in favour of the deferred PND, including the Plus Housing Group and Gateshead Council, while only 21% and 31% (respectively) were against.
- 4.5 In general comments received, Crime Concern offered qualified support for the proposal as a boundary-setting measure and as a means of constructive engagement, on the condition that deferred PNDs would be linked to targeted support for perpetrators from Youth Offending Teams (YOTs) and other agencies. Liberty believed that deferring PNDs, subject to an offender's compliance with certain conditions, could have a genuine impact in preventing ASB. However, Liberty also expressed concerns that linking deferred PNDs to ABCs would be inconsistent with the voluntary nature of these agreements.
- 4.6 Other NGOs opposed the proposal, including Release who argued that PNDs as they stand have a disproportionate impact upon poorer people and achieve low payment rates.
- 4.7 The National Council for One Parent Families expressed concerns over making parents responsible for their children's penalty notices. The Council argued that parents should not be held accountable for such PNDs without proof of some degree of liability for the behaviour that resulted in the original penalty notice. However, other organisations, including South Holland District Council, argued that making parents responsible for the penalty notices could enhance parental responsibility.
- 4.8 It was widely noted that ABCs are a successful tool for tackling ASB. A few organisations, such as Birmingham City Council, feared that the use of deferred PNDs might damage the reputation of ABCs, making individuals less likely to make such agreements in the future.

- 4.9 The Children’s Commissioner expressed a preference for reparative justice practices over deferring PNDs, while the Social Landlords Crime and Nuisance Group suggested that reparative work should be arranged instead of an ABC.
- 4.10 The Magistrates’ Association felt that the proposal would give police excessive powers to impose significant conditions on a person for a substantial period of time: such powers should only be within the remit of the courts.
- 4.11 Respondents from different categories, including the Crown Prosecution Service, Cheshire LCJB, and Dyfed-Powys Police, believed that use of deferred PNDs would overlap significantly with that of conditional cautioning.
- 4.12 However, some organisations suggested uses of the deferred PND within the existing framework of action to tackle ASB. For example, St. Helens Council and Bury Metropolitan Borough Council felt that deferred penalty notices could be given to individuals responsible for alcohol-related ASB. In St. Helens, people responsible for certain alcohol-related offences are sometimes given fixed penalties and interim Pub Watch Bans in the first instance, before ABCs are offered to them as an alternative to a full Pub Watch Ban. Deferred PNDs could encourage those issued with penalty notices for alcohol-related offences to observe the conditions of an ABC.
- 4.13 The breakdown of responses to the question

Is the proposed length of the agreement (three to six months) appropriate?

was as follows:

Category	All (number)	All (percentage)	CDRP	LA	Legal & Criminal justice	NGO	Police	Housing	Other
Yes	107	61	16	39	5	3	17	22	5
No	29	17	4	5	4	1	8	4	3

- 4.14 61% of respondents to the proposal felt that the suggested length of the ABCs was appropriate, while only 17% disagreed.
- 4.15 Support was received from a significant majority of police representatives, CDRPs, local authorities, police and housing agencies who expressed an opinion.
- 4.16 Lancashire YOT argued that offenders would not agree to an ABC lasting six months as another option to accepting a penalty notice, and that the proposal would penalise unduly those without sufficient means to pay the PND.
- 4.17 The Association of Convenience Stores expressed concern that offenders might avoid behaving anti-socially for the duration of their ABC to avoid the chance of a fine, but thereafter display problem behaviour.

4.18 The breakdown of responses to the question

Is the safeguard of consent sufficient to ensure appropriate use of the power?

was as follows:

Category	All (number)	All (percentage)	CDRP	LA	Legal & Criminal justice	NGO	Police	Housing	Other
Yes	82	47	11	26	4	3	16	18	4
No	53	30	11	15	9	3	7	3	5

4.19 47% of respondents to the proposal felt that the requirement of consent was a sufficient safeguard to ensure appropriate use of deferred PNDs, while 30% disagreed, 23% of respondents did not clearly state whether consent would be a sufficient safeguard.

4.20 The Local Government Association argued that the safeguard of consent was sufficient for adults, but that parents/guardians should be involved before deferred PNDs were used with children.

4.21 The Youth Justice Board asked for further consideration of how deferred PNDs could be applied to young people, and argued that in such cases it was important that YOTs should be involved in drafting the proposed ABC conditions.

4.22 The Association of Police Lawyers argued that there should be a mechanism for review if people felt that they were unfairly treated as the subject of a deferred PND.

4.23 The Criminal Bar Association argued for further safeguards, for example: that the decision to apply a deferred PND should not be made by the officer who witnessed the ASB; that charging advice should be taken from the Crown Prosecution Service in all cases; that clear public guidance should be issued; and that the subject of a deferred PND should have access to a court hearing and legal advice.

4.24 In response to the question:

How quickly could a decision whether or not to agree to comply with a deferred PND be required?

Respondents from all categories gave a range of answers from ‘instantaneous agreement’ to ‘one month’.

4.25 Those favouring rapid agreement, including Bedfordshire Pilgrims Housing Association, felt that there was a need to maintain the momentum of the process. The British Psychological Society suggested that the measure would be most effective when the ABC was agreed as soon as possible after the offence.

4.26 Respondents who suggested that a relatively lengthy period would be required, such as Mid-Sussex District Council, tended to stress the importance of multi-agency consultation.

4.27 The breakdown of responses to the question

Is it preferable to defer the PND (based on the individual’s compliance with the terms of the agreement), or issue the PND for the original offence and then subsequently discharge the PND once the individual has successfully complied with the agreement?

was as follows:

Category	All (number)	All (percentage)	CDRP	LA	Legal & Criminal justice	NGO	Police	Housing	Other
Defer	41	23	6	10	0	1	7	13	4
Issue	71	41	11	29	6	0	15	10	0

4.28 Opinion was divided. However, the majority of respondents (41%) thought that it would be sensible to issue the PND in the first instance. Some organisations in favour of issuing the PND at the time of the offence, including Tynedale District Council, believed that this would have a greater impact on the offender, and give additional encouragement to observe ABC conditions.

4.29 However, other organisations argued that the PND should not be issued at the time of the offence. This approach would give the offender the opportunity to take positive action to improve their behaviour, and might also reduce bureaucracy because a PND would not have to be issued and then discharged.

4.30 The breakdown of responses to the question

Do you agree that the deferred PND would be cost effective?

was as follows:

Category	All (number)	All (percentage)	CDRP	LA	Legal & Criminal justice	NGO	Police	Housing	Other
Yes	67	38	8	23	1	1	14	18	2
No	63	36	13	15	11	4	12	5	3

4.31 38% of respondents felt that deferred PNDs would be cost-effective, while 36% did not.

4.32 14 police representatives believed that the deferred PND would be cost effective, while 12 disagreed. Cambridgeshire Constabulary, and others, highlighted a need to identify how records of deferred PNDs could be stored. Police forces including Derbyshire Constabulary and Avon and Somerset Constabulary suggested that the administrative burden of agreeing suitable ABC conditions, monitoring the ABC for breach, and communicating the ABC to other officers would be onerous. Other forces including Surrey Police and Wiltshire Police believed that the measure would be cost-effective and saw opportunities for working with partner agencies to reduce ASB.

4.33 The majority of housing agencies and local authorities who expressed an opinion, such as Plus Housing Group and Rotherham Metropolitan Borough Council, believed that the deferred PND would be a cost-effective tool for reducing ASB.

4.34 Oxford City Council (who argued that ABC conditions should be positive rather than prohibitive) balanced the potential costs and benefits of the deferred PND, saying that it might not be cost-effective in purely financial terms, but could be priceless for the community.

THE GOVERNMENT’S POSITION

4.35 It is clear from the consultation that many agencies feel that the deferred PND would be a useful, additional problem-solving tool whose benefits in tackling ASB would outweigh the cost of its use. Some respondents to the consultation have suggested specific scenarios where deferred PNDs could be used effectively to augment existing work, and the Government believes that it is right to allow practitioners, who so choose, to use the measure as an additional means to tackle ASB.

4.36 The Government’s preferred option for the deferred PND is that on detection of an offence warranting a PND, police officers could exercise their existing discretion to explore deferring the penalty notice, in appropriate cases and in consultation with partner agencies, with a view to agreeing an ABC with the offender. The PND would only be deferred in cases where the offender agreed to an ABC, but if the offender did not abide by the conditions of the agreement then the police could choose to pursue the PND within six months of the original offence. This fits in well with the ethos of neighbourhood policing, and with other court diversions (such as the driver improvement scheme).

4.37 The police already have the discretionary power to defer issuing a PND if the offender agrees to enter into a multi-agency ABC scheme, albeit one that we have not yet set out in guidance from the centre. However, at least two areas, Camden and Newham, already have highly developed schemes in which youths engaged in ASB or minor criminal activity (eg. graffiti) are referred to a panel (making use, in these areas, of the existing Youth Inclusion and Support Panels) that can use an ABC (called an Acceptable Behaviour Agreement in Camden) as a means of agreeing:

- **acceptable boundaries to the young person’s behaviour,**
- **a monitoring and review regime, and**
- **any support package that may need to be offered (to the parents, as well as to the offender).**

4.38. This tiered approach works because it is non-punitive, and yet makes clear that non-engagement will lead to an escalation in the severity of the intervention. In practice, this escalation occurs in only a minority of cases, and evidence for the success of this approach nationwide is borne out by the findings of the recent NAO report on ASB interventions¹.

4.39 While this proposal does not entail legislation, and simply involves linking two existing powers, there may be a need to review guidance on PNDs and ABCs to make it clearer to local agencies when and how the two tools can be used together. This guidance would cover many of the concerns expressed by respondents, outlining that local areas should:

- **monitor and review the use of the deferred PND to ensure fairness and consistency of use;**
- **work with delivery partners such as YOTs in the drafting of conditions and their use;**

¹ REPORT BY THE COMPTROLLER AND AUDITOR GENERAL, HC 99 Session 2006-2007, 7 December 2006, “Tackling Anti-Social Behaviour”
http://www.nao.org.uk/publications/nao_reports/06-07/060799.pdf

- **consider the action to be taken in the event of that a perpetrator does not abide by their ABC conditions, including follow up action on ASB that resumes after the ABC has expired;**
- **consider the inclusion, as appropriate, of restorative justice elements;**
- **consider the use of targeted support to aid compliance.**

4.40 We envisage that the scheme would only be used by those local agencies where appropriate structures, including joint working arrangements, are in place to ensure its effective use. Other areas fearing that it might not be cost effective, need not use the model. Given the feedback from practitioners, we also propose that a more accurate description of the proposal might be the “ABC referral scheme”, and each area will wish to think about how best to describe its own version.

4.41 The Government does not accept the argument that the deferred PND penalises poorer individuals who cannot afford to pay a fine. The ABC can only be used with the agreement of perpetrators, where police judge that it is in the public interest to seek to address patterns of behaviour through adherence to certain conditions. It is not a fine imposed for failing to abide by ABC conditions, but offers those who have committed an offence warranting a PND the means to avoid the fiscal punishment by demonstrating that their behaviour has changed, in the interests of protecting the community from ASB.

4.42 The consultation process and the findings the NAO report ‘Tackling Anti-Social Behaviour’ underline the need for a guide to the range of ASB tools and powers that are available to agencies. The guide will include practical examples as well as technical information and sign-posting to more detailed guidance. We will be producing a first draft, which we will circulate to stakeholders for comment, by the summer.

Chapter 5

Premises Closure Order

- 5.1 There was a good response to the proposal for a new premises closure order which would provide powers to pursue the closure of any premises, regardless of tenure, which is at the centre of any serious, significant and persistent harm to local communities as a last resort.
- 5.2 175 responses to this proposal were received with the largest number of responses coming from local authority representatives (27%) followed by housing groups (19%) and the police (17%).
- 5.3 The breakdown of responses to the question

Do you believe it would be useful to have this premises closure tool to deal with the broader issues of anti-social behaviour and disorder in your area?

was as follows:

Category	All (number)	All (percentage)	CDRP	LA	Legal & Criminal justice	NGO	Police	Housing	Other
Yes	133	76	19	42	8	2	27	29	6
No	21	12	1	4	5	5	1	3	2
No response	21	12	1	2	4	3	2	1	8

- 5.4 The proposal received overwhelming support, with 86% (133) of those who responded to the question stating that the premises closure order would be a useful and effective tool. This included significant support from the police forces (96%), local authorities (91%), housing groups (91%) and CDRPs (95%) which responded to the question.
- 5.5 Support for the power came from the Local Government Association, Manchester City Council, St. Helen’s Council, Rushmoor Borough Council, the National Housing Federation, the Social Landlords Crime and Nuisance Group, Impact Housing, the Police Federation of England and Wales, ACPO Youth Issues Group, the Metropolitan Police Service and the British Psychological Society.
- 5.6 The Police Federation of England and Wales responded: *“The Police Federation is aware from debate with the Scottish Police Federation that Premises Closure Orders are a successful tool and therefore fully support (them)”*
- 5.7 The National Housing Federation said: *“We believe premises closure orders could be a useful additional tool in tackling anti-social behaviour and welcome the fact that such intervention will be tenure-neutral, applying equally to owner-occupiers and tenants. It will be important to define clearly what constitutes ‘severe nuisance’ in order to manage expectations and ensure premises closure is applied appropriately and in proportion to the anti-social behaviour caused.”*
- 5.8 The Mayor of London stated: *“ASB affects everyone and the Mayor is a strong believer in the promotion of safer communities for all, without making distinctions and stigmatising those engaging in ASB. Therefore, the development*

of powers to tackle ASB must challenge offending behaviour and provide perpetrators with the opportunity to re-engage positively with society..... Following the introduction of new housing responsibilities for the Mayor, he is committed to creating communities that are strong, inclusive and sustainable. The use of Premises Closure Orders to provide residents with relief from ASB are welcomed in helping to achieve this vision – for all types of tenure.”

- 5.9 The British Psychological Society: “Much of human behaviour – including anti-social behaviour – is the product of, or is supported by external factors. It follows that changing the external environment can be very powerful in shaping behaviour. It makes as much (if not more) sense to close a premises associated with antisocial behaviour than to punish individuals.”
- 5.10 21 of the 154 (14%) that responded to this question did not agree that it would be a useful and effective power. This included Shelter which said “We agree that anti-social behaviour can have a devastating impact on neighbourhoods and communities and must be tackled. However we have concerns that current approaches to anti-social behaviour rely too heavily on enforcement measures and possession action in particular.”
- 5.11 Liberty responded by saying: “.....we are concerned to see that drug related closures appear to be having unfortunate consequences” and referred to displaced drug dealers taking over properties of the vulnerable. They also stated that: “We do not accept that removal and displacement of a family could be a proportionate response to any annoyance caused by late night visitors”
- 5.12 The breakdown of responses to the question

Do you agree that the premises closure tool should be a tool of last resort and part of a multi-agency approach to tackle both the immediate and longer-term effects of anti-social behaviour?

was as follows:

Category	All (number)	All (percentage)	CDRP	LA	Legal & Criminal justice	NGO	Police	Housing	Other
Yes	133	76	19	40	11	1	27	29	6
No	13	7	0	4	1	2	2	1	3
No response	29	17	2	4	5	7	1	3	7

- 5.13 There were 146 responses to this question. Again, an overwhelming majority agreed with the proposition in the consultation paper that this should be part of a multi-agency approach and used as a last resort with support from 91% of the respondents to the question (133).
- 5.14 This included responses from Oxford City Council, Durham County Council, the Local Government Association, Community Housing Group, Sheffield Homes Sheffield City Council, the Metropolitan Police Service and the Criminal Bar Association.
- 5.15 Only 9% (13) of those that responded to the question disagreed. This included Safer Rushmoor, Rushmoor Borough Council, and Kent Police who argued that the power should be used proportionately as and when circumstances dictated.
- 5.16 Responses from local authority representatives made up the largest group with 30% of the total number received (44 responses), followed by housing groups with 21% (30 responses) and police representatives with 20% (29 responses).

5.17 The breakdown of responses to the question

Do you agree that the property should be closed and sealed for 12 weeks with the option of an application to court for an extension for a further 12 weeks in exceptional circumstances?

was as follows:

Category	All (number)	All (percentage)	CDRP	LA	Legal & Criminal justice	NGO	Police	Housing	Other
Yes	118	67	15	39	7	2	26	23	6
No	15	9	1	4	2	0	2	5	1
No response	42	24	5	8	5	8	2	5	9

5.18 133 respondents answered this question, and as above an overwhelming majority agreed with the proposition. 89% (118) of respondents to the question felt that the closure should follow the precedent set by the current crack houses closures with a 12 week closure period followed by a possible extension in exceptional circumstances. This included responses from Blyth Valley Housing, Bolsover District Council, Northumbria LCJB, Surrey Police and Knowsley CDRP.

5.19 Only 15 of the respondents to the question (11%) did not agree. It was argued that the threat of the closure order may be sufficient and that a longer period between the issuing of the notice and the application for the order should be allowed.

5.20 Again, local authorities made up the largest group of respondents with 43 responses to the question (32% of the total) followed by the police and housing groups with 28 responses from each group (21% of the total).

5.21 The breakdown of responses to the question

We seek your views on any other operational aspect of the proposals, for example whether this should solely be a police power.

was as follows:

Category	All (number)	All (percentage)	CDRP	LA	Legal & Criminal justice	NGO	Police	Housing	Other
Police	36	21	6	10	3	3	6	7	1
LA	36	21	6	17	2	0	7	4	1
LA & partners	18	10	1	8	2	0	5	2	0
Partners	23	13	1	5	1	0	6	7	2
Civilian	1	1	0	0	0	0	0	0	1
No response	60	34	7	8	9	7	6	12	11

5.22 There were 115 responses to this question. While nearly all stressed the importance of a multi-agency approach, the responses all broke down in to the categories noted in the table above. 36 responses (32% of those that responded to the question) felt that it should be solely a police power but the majority (78 responses or 68%) argued that the power to issue the temporary closure notice

and apply to the courts for a closure order should be extended further, particularly to the local authority.

- 5.23 This included responses from the Local Government Association, Birmingham City Council, East Thames Housing, North East ASB Study Group (Northern Housing Consortium), Sheffield Homes (Sheffield City Council), Manchester City Council and the Police Federation of England and Wales.
- 5.24 Responses from local authorities made up the largest group with 35% of the total received (40 responses). 63% argued that the power should be made available to them, of which 20% felt that it should also be open to other relevant partners.
- 5.25 The Local Government Association stated: “The LGA supports this proposal which will be beneficial to a number of local authority areas which suffer acute problems of Anti-Social Behaviour. . . We recommend the power should also be available to local authorities. The nature of the problem is wider than drugs and Crack House closures.”
- 5.26 The next largest group were responses from the police (24 responses – 21% of the total). Half of them felt that local authorities should also have the power to issue a closure notice and be able to apply to the courts for a closure order.
- 5.27 19% of the respondents to this question (22), including Castle Vale Community Housing, Longhurst Homes and West Mercia Constabulary, felt the power could be opened up even further to other relevant partners, such as environmental health, registered social landlords and arms length management organisations.
- 5.28 One response from a member of the public felt that it should be a civilian power.
- 5.29 In response to the question:

We will build robust safeguards to protect the needs of any children or vulnerable adults in the households, but should there be any other limits on the use of the power?

- 5.30 Respondents seemed to feel that the safeguards outlined in the consultation paper were sufficient. This included the development of guidelines so that agencies working together will be expected to show that consideration had been given to whether a closure is the most appropriate course of action and that other interventions have been used or considered and rejected for good reason and that the implications for any children and vulnerable adults had been assessed.
- 5.31 In their responses, many reiterated the importance of considering the needs of those who perhaps found themselves to be caught up in an anti-social household, particularly children. This was something made very clear in responses from children’s charities, including the NSPCC which said: *“We need to know what the proposed safeguards are and would welcome discussion on this issue. We are clear that the experience of being made homeless will be extremely traumatic for young people and is likely to dramatically increase the risks they face, as well as reducing their opportunities to fulfil their potential, as specified in the Outcomes Framework of the Every Child Matters agenda”*
- 5.32 Respondents also highlighted the need for the enforcement action to be coupled with offers of support and rehabilitation, something which was again included as a key part of the process as set out in the consultation paper.

THE GOVERNMENT’S POSITION

- 5.33 As we have seen from the responses to the questions above, there is overwhelming support for the introduction of a new premises closure order. It was recognised by respondents that the temporary closure of properties at the centre of serious and persistent ASB could provide an important role in maintaining the well-being of communities. The Government believes that the overwhelming support for the use of premises closures provides a clear mandate and we are now considering how to develop and implement the new power.
- 5.34 Consultation with all the relevant agencies was recognised by nearly all the respondents as essential to the successful application of this power. Based on these responses we will extend the power to local authorities so they be able to apply to the courts for a closure order.
- 5.35 The premises closure order is not a housing management tool, nor a fast-track to eviction; it is a neighbourhood management tool which protects community well-being. Having the right tools and powers is central to local authorities’ community safety responsibilities and functions and will add to the range of civil measures already available such as anti-social behaviour orders (ASBOs) and injunctions.
- 5.36 Early intervention is absolutely crucial and in many cases should negate the need for any further action. The premises closure is intended as a last resort where these earlier interventions have been used or considered and rejected for good reason and where implications, for example where there are children or vulnerable adults in the household, have been carefully considered.
- 5.37 The coupling of the enforcement activity with the provision of support provides a lever with which to engage a perpetrator who may have previously refused support. By addressing the underlying causes of the anti-social behaviour we can ensure that the activity is not displaced.
- 5.38 Concerns and requests for clarification were mainly focused on: the need to take early interventions; that enforcement activity is linked to support provision; that the tool is used as a last resort in a proportionate response to the significant and persistent anti-social behaviour; the need to avoid displacement of the anti-social activity; the welfare of children and vulnerable adults; implications for human rights.
- 5.39 We will seek to take into account the issues and concerns expressed by respondents in the course of the development of legislation and guidance.

TABLE 1
LIST OF RESPONDENTS

Response on behalf of:	Submitted by:
Individual response from an ASB Caseworker for Thurrock Council	Patrick Meehan
Individual response from a Magistrate	Anne Palmer
Individual response	Raj Kohli
Individual response from the ASB Reduction Coordinator for Safer Swansea Partnership	Nicci Southard-Stuart
Isle of Wight Safer Communities Partnership	Simon Dennis
Individual response from the ASB Coordinator for the Safer Rushmoor Partnership	Moray Henderson
East Devon Community Safety Partnership	Gerry Moore
Kirklees Safer Communities Service	Bill Swap
Great Yarmouth Crime and Disorder Reduction Partnership ASB Unit	Bernice Lawless
Safer Luton Partnerships	Jessica Rigney
Bolsover Community Safety Partnership ASB Team	Deborah Whallett
Ceredigion Community Safety Partnership	Andy Longman
East Cambridgeshire Community Safety Partnership	Brian Tully
East Cambridgeshire Community Safety Partnership	Malcolm Mayfield
West Cumbria Crime and Disorder Reduction Partnership	Keith Cartner
Telford and Wrekin Crime and Disorder Reduction Partnership	John Gregory
Brentwood Crime and Disorder Reduction Partnership Responsible Authority Group	Eric Smith
Swindon Community Safety Partnership	Cheri Wright
Sevenoaks District Community Safety Partnership	Cara Sillett
Knowsley Crime and Disorder Reduction Partnership	Louise Evans
Safer Islington Partnership	Alison Blackburn
Arun District Partnership	Georgina Holland

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Safer Bristol Crime and Drugs Partnership	Lores Savine
Pendle Community Safety Partnership	Tim Horsley
Brent Crime Prevention Strategy Group	Gareth Daniel
Safer Stockton Partnership	Marilyn Davies
Bridgend Community Safety Partnership	John Davies
Peterborough Community Safety Partnership	Christine Graham
Sandwell Metropolitan Borough Council Safer Sandwell Task Group	Bob Dunn
Individual response from the ASB Coordinator for Borough of Poole Council	Ian Cooke
Ribble Valley Borough Council	John Barber
Tynedale District Council	Malcolm Woodhall
Penwith District Council	Julian Commons
Shrewsbury and Atcham Borough Council	Dave Roberts
Individual response	Lillian Williamson
Mid Sussex District Council	Doreen Rhoades
North Tyneside District Council	Not given
St. Helen's Council	Rod Jones
Oxford City Council ASB Unit	Richard Adams
Barrow Borough Council	Ann Holden
Tunbridge Wells Borough Council Community Safety Team	Elizabeth Jarvis
Individual response from an ASB Reduction Officer for Isle of Anglesey County Council	Andrew Jones
St. Alban's District Council	Not given
South Holland District Council	Not given
London Borough of Hackney	Murat Ozcelik
Three Rivers District Council	Evelyn Glasgow
Gateshead Council	Clare Tierney
Derbyshire County Council	Rob Fletcher
Wokingham District Council	Jenny Bennett
Sefton Council	David Kay

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Wakefield District Partners	Bob Taylor
A member of Neath Port Talbot ASB Case Review Group	Darlene Westlake
Slough Borough Council	Avtar Maan
Birmingham City Council	Alison Parsons
Wirral Council	Caroline Laing
Bury Metropolitan Borough Council	Tony Isherwood
Camden Council	Mark Roe
Brighton & Hove Council	Aaron Devereaux
Mayor of London	Ken Livingstone
South Tyneside Council	Gill Hayton
Coventry City Council	Gemma Kiely
Redcar and Cleveland Borough Council	Sarah Williams
Southampton City Council	Derek Stevens
Rushmoor Borough Council	Phil Stoneman
Norwich City Council	Colin Penfold
Rotherham Metropolitan Borough Council ASB Unit	Steve Parry
Manchester City Council	Maureen Charlton
Derby City Council	Craig Keen
Stockport Metropolitan Borough Council	Jon Connolly
Durham County Council	Graham McArdle
Westminster City Council	Philip Gough
High Peak Borough Council	Not given
Newham Council	Ian Walker
Burnley Borough Council	Joanne Swift
Individual response from a Legal Officer on Crime & Anti-Social Behaviour for Newham Council	Joanne Swift
Oxford City Council	Lorna Nevers
A member of Neath Port Talbot ASB Case Review Group	Darlene Westlake
A member of Neath Port Talbot ASB Case Review Group	Darlene Westlake
Sheffield City Council and Sheffield Homes	Julia Cayless

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The Local Government Association	Russell Reefer
Bedfordshire Local Criminal Justice Board	Richard Brewer
Merseyside Local Criminal Justice Board	John McDermott
Gwent Local Criminal Justice Board	A. Erasmus
HM Prison Service Kent & Sussex	Adrian Smith
A member of Kent Local Criminal Justice Board	Not given
Cheshire Local Criminal Justice Board	Jenny Ford
Northumbria Local Criminal Justice Board	Andy Dale
Surrey Criminal Justice Board	Louise Plante
Birmingham Law Society Criminal Law Committee	Steven Jonas
Council of HM Circuit Judges	HH Judge David Swift
Lord Justices Thomas and Leveson	Lord Justices Thomas and Leveson
The Association of Police Lawyers	Denise Aubrey
Housing Law Practitioners Association	Nowsheen Bhatti
The Magistrates’ Association Sentencing & Policy Practice Committee and Youth Courts Committee	Jenny Bracey
The Crown Prosecution Service	–
The Criminal Bar Association	Alison Levitt
Nacro	Simon Evans
NSPCC	David Coulter
Victim Support	Judith Edwards
Children’s Society	Elizabeth Lovell
Standing Committee for Youth Justice	Lisa Payne
National Association for Youth Justice	Ken Hunnybun
Release	Niamh Eastwood
Shelter	Nicola Robinson
Barnados	Pam Hibbert
Rainer	Rachel Barber
National Council for One Parent Families	Kate Bell
ENCAMS	Caroline Berkley

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Crime Concern	Clare Cox
Liberty	Gareth Crossman
Anonymous	Anonymous
Individual response from the ASBO Coordinator at Borehamwood Police Station	Peter Radburn
Individual response from the ASB Network Manager in Ipswich	Andy Solomon
Individual response from an Inspector in the Lancashire Constabulary	John Clucas
North Yorkshire Police	Stuart Mackleston
West Mercia Constabulary	Mark Smith
Bury Division of the Greater Manchester Police	Rachel Buckle
Individual response	Giesela Schwenzer
Individual response from a Chief Inspector in the Devon and Cornwall Police	Patrick Craig
Cambridgeshire Constabulary	David Smith
The Off-Street Section of the Clubs and Vice Unit of the Metropolitan Police	Gary Young
Dyfed-Powys Police	Terence Grange
Avon and Somerset Constabulary	Peter Saban
Devon and Cornwall Constabulary N&E Basic Command Unit	Rachel Wieck
Durham Constabulary	Carole Thompson
Surrey Police	David Hollingsworth
Response following a workshop for councillors and representatives from partnership agencies held in Chelmsford, Essex	Ian Cummings
Humberside Police	Trevor Sheard
Derbyshire Constabulary	David Coleman
Hampshire Constabulary	Simon Cole
Anonymous	Anonymous
ACPO Youth Issues Group	Roger Baker
Lancashire Constabulary	Richard Blackburn

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Metropolitan Police Service	Dave Reed
Staffordshire Police	John Wood
Durham Constabulary Community Safety Department	Chris Thompson
West Midlands Police	Chris Duffield
Gloucestershire Constabulary Criminal Justice Department	Andrew Stone
Dorset Police	Bob Gould
Gwent Police	A. Erasmus
Wiltshire Police	Jeremy Carter
City of London Police	Not given
Kent Police	Mark Harrison
Police Federation of England and Wales	John Francis
Safety Net Associates	Trevor Kennett
BT	Robin Seaman
British Psychological Society	Frances Mielewczyk
Individual response	Margaret Sharpe
Individual response	Kevin Flemen
Individual response	Steve Kite
Anonymous	Anonymous
A member of public	Christabel Showering
Anonymous	Anonymous
A member of public	Bernadette Reid
Anonymous	Anonymous
Anonymous	Anonymous
Sentinel Housing	Steve Thorn
Blyth Valley Housing	Ian Johnson
Gloucester City Homes	Nicky Watson
Drum Housing Association	Not given
Castle Vale Community Housing Association	Sarah Lloyd
East Thames Group	Kate Stansfield

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Knightstone Housing Association	Gina Cutler
Kingfisher Housing Association	Not given
Bedfordshire Pilgrims Housing Association	Alison Baggott
Longhurst Homes	Anita Thompson
Town and Country Housing Group	Penny Laycock
Whitefriars Housing Group	Eamon Lynch
Circle Anglia	Jason Christensen
Vicinity Group	Steve Jones
Mercian Housing Association	David Mullard
New Progress Housing Association	Gary Melia
New Charter Housing Trust Group	Kerry White
Sunderland Housing Group	Nigel Pearson
Plus Housing Group	Nicola Andrews
The Hyde Group	Nicola Haig
Accent Group	Nichola Charnock
Wrekin Housing Trust	Louise Holland
Peabody Trust	Leanne Donald-Whitney
North East ASB Study Group	Leah Blacklock
Erimus Housing	Gilly Marshall
Community Housing Group	Timothy M Davis
Festival Housing Group	Alan Moorhouse
Servite Houses	Colin Lydon
Sanctuary Housing Group	Astrid Kjelling-Obst
Orbit Group	Andrew Bush
National Housing Federation	Pella Foster
Social Landlords Crime and Nuisance Group	Peter Jackson
Council of Mortgage Lenders	Jackie Bennett
Association of Convenience Stores	James Green
British Retail Consortium	Michael Gallagher

Youth Justice Board	Steve Bradford
YOT Managers Cymru	Malcolm Gay
Lancashire YOT	Malcolm Campbell
Tendrings Youth Offending Service	Kirsty Horton
The Children’s Commissioner	Albert Aynsley-Green
Surrey Youth Justice Service	Toby Wells

TABLE 2
BREAKDOWN OF RESPONDENTS BY TYPE

Category	All	CDRP	LA	Legal & Criminal justice	NGO	Police	Housing	Other
Number	197	26	51	16	14	34	32	24
Percentage	100	13	26	8	7	17	16	13