

# House of Commons debate : Anti-Social Behaviour, Crime and Policing Bill 2013

Author: Juliet Morris, LGiU Associate

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## Summary

- This briefing highlights the key issues affecting local councils raised in the [second reading](#) of the *Anti-Social Behaviour, Crime and Policing Bill 2013*.
- The Bill received general support for its overall ambitions. Criticisms focussed on the efficacy of the new generic rather than 'behaviour-specific' framework. The details are now being considered by Committee.
- The anti-social behaviour powers will be available to unitary, county and district councils. Lead members and officers responsible for social care, children and young people, neighbourhoods/communities, environmental services and housing will all be interested in their development.

## Briefing in full

### The Bill

The [Anti-social Behaviour, Crime and Policing Bill 2013](#) was introduced into the House of Commons on 9 May. It contains the Government's proposals to rationalise and revise the existing tools for tackling anti-social behaviour. They include broader powers for public authorities, new penalties and a greater involvement of victims and local people. A [LGiU briefing](#) provides a summary.

The second reading on 10 June provided MPs with their first opportunity to debate the Bill. A comprehensive [House of Commons Research Paper](#) provides contextual information on anti-social behaviour and the current powers as well as detailed outline of the new proposals with commentary on the response to date.

The key provisions of the Bill affecting local authorities are:

- Part 1 : Injunctions to Prevent Nuisance and Annoyance
- Part 2 : Criminal Behaviour Orders
- Part 3 : Dispersal powers (police powers of direct interest to local councils)
- Part 4 : Community Protection Notices, Public Space Protection Orders and Closure Notices and Closure Orders
- Part 5 : Housing (new mandatory and discretionary grounds for possession)

- Part 6: Community Remedy and Community Trigger
- Part 7 : Dangerous Dogs

### Home Secretary's introduction

The Home Secretary introduced the Government's plans to equip the police, local authorities and others with a comprehensive set of fast, flexible and responsive powers to tackle antisocial behaviour. The current "*alphabet soup of powers*" will be replaced with a stream-lined, flexible framework of six powers:

*"the criminal behaviour order and the injunction to prevent nuisance and annoyance will stop antisocial behaviour by individuals and address the underlying causes of their actions; the dispersal power will enable the police to move on groups or individuals causing problems at particular locations. The community protection notice, the public spaces protection order and the new closure power will deal with environmental problems or disorderly conduct at particular localities or premises."*

### General response

Despite being caricatured by opposition MPs as a "*Christmas tree Bill*", albeit "*not a bad Bill ... but it is a weak Bill*", the debate was wide-ranging and considered. Cross-party support was given to its ambitions and to ensuring it proceeded immediately into Committee where the real detail could be debated in full.

There was no argument with the importance of tackling anti-social behaviour or the need to improve the existing approach. Perspectives on the breadth of the new framework varied across a spectrum:

- that the new generic powers were too inspecific to address offending behaviours, weak in providing civil (not criminal) remedies and would prove expensive for authorities to pursue;
- that the breadth of the new definition – 'behaviour capable of causing nuisance and annoyance' – and lower (civil) standard of proof were vulnerable to highly subjective interpretation, capable of catching and stigmatising a wide range of inconsequential activities.

### Resources

MP's questioned the need for new powers and whether greater use could not be made of the existing powers. Lack of resources was cited as a particular curb on action. A number cited 60 percent reduction in community safety and crime prevention funding, exacerbated by cuts to the number of community support officers and local spending on youth activities, street lighting and CCTV, all of which were key practical elements in both pre-empting and tackling anti-social behaviour.

There was little argument that the new framework would be simpler but its introduction would be time-consuming and costly as agencies adjusted to the changes and sought to work out how best to use them.

### Underlying issues and pre-emptive action

MPs views spanned the interests of communities and individual victims, and the perpetrators themselves. The legislation could not provide the answer to anti-social behaviour and emphasis was placed on the importance of informal approaches, and local partnerships, before statutory remedies were required. Locally, the police, councils, landlords and other agencies should be working together to identify and pre-empt problems in communities, and individuals who were at risk of offending.

Cases were made for the inclusion of measures to tackle more specific underlying issues driving antisocial behaviour, notably mental health issues, substance abuse and (especially) children and young people with troubled family backgrounds, and ensure early pre-emptive intervention action could be taken. Full health and social care assessments should be a requirement of proceedings against an individual.

There was a universal welcome for the Bill's measures to put in place longer term, rehabilitative solutions by placing 'positive requirements' on offenders. It was also observed that this might be at considerable additional costs to local authorities who would bear the brunt of the monitoring and supervision.

### Children and young people

MPs spoke of the need for "*short, focused nudge for young people to set them on the right track, not a millstone that will weigh around their necks for years to come.*" Concerns were raised at the possibility of young people being named in court proceedings which appeared to conflict with Article 40 of the United Nations Convention on the Rights of the Child and did not achieve.

### Restorative justice and community interests

The community remedy and duty to consult victims on conditional cautions were welcome. There was some doubt as to whether the potential for putting victims and restorative justice at the heart of the process had been insufficiently exploited.

The opportunity for ensuring local views on agencies' responses was widely regarded, but with some frustration at the cautious framing of the community trigger: a statutory limit of three complaints before an issue was subject to review; that a review did not necessarily mean action; that councillors, MPs and third parties should be able to implement the trigger under circumstances in which the community itself felt inhibited or authorities appeared "*either reluctant or powerless to act, or [are] bogged down in bureaucracy and therefore unable to seek prompt resolution*".

### Specific measures

Criticisms focused on the 'one-size-fits-all' approach which risked overly heavy-handed treatment for the lowest level of antisocial behaviour and insufficient strength to deal with the worst problems. Some behaviours – out-of-school bullying, illegal raves, alcohol misuse – were identified as requiring specific inclusion within the Bill. Other suggestions addressed the particular mechanisms:

- The Injunction to Prevent Nuisance and Annoyance required an ‘proportional’ test and an element of ‘intent or recklessness’ in order to moderate its breadth.
- The Public Spaces Protection Order required clear procedures to ensure the interests of users of public spaces and rights of way were considered and balanced against anti-social behaviour provisions.
- The Criminal Behaviour Order was significantly weaker than the ASBO and would prove costly to police and local authorities pursuing civil proceedings.
- Discretion was required in the proposed mandatory powers to evict in order to protect children affected and to ensure that problems were resolved rather than simply displaced.

### Dangerous dogs and irresponsible dog ownership

MPs made much of the Bill’s dog-related provisions with evident frustration at the time taken to address the *Dangerous Dogs Act 1991* and tackle irresponsible dog owners. Fundamental concerns were raised, across parties, as to the adequacy of subsuming dog legislation into anti-social behaviour provisions, questioning whether this gave the issue the priority or the practical immediacy required. Many argued for more specific and comprehensive legislation; others advocated Dog Control Notices, as in Northern Ireland and Scotland. A number of MPs advocated the additional protection proposed for assistance dogs be extended to grazing livestock.

### In Committee

The [Anti-social Behaviour, Crime and Policing Bill Committee](#) is now inviting evidence to its scrutiny process. It will meet for the first time on 18 June and report to the House of Commons by 16 July before the Bill proceeds to the House of Lords. It is expected to receive Royal Assent by the end of the session, Spring 2014. Progress through Parliament can be followed [here](#).

### Related briefings

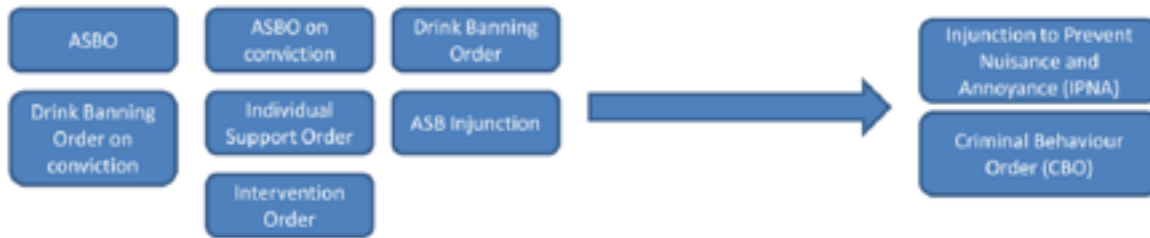
- [Anti-social Behaviour, Crime and Policing Bill 2013](#)
- [Putting victims first : more effective responses to anti-social behaviour](#)
- [Anti-social behaviour : Government consultation](#)

### Comment

The Bill’s smooth transition into Committee belies the potential for amendment. No-one doubts the pragmatism of the new framework, and the House of Commons’ Research Paper provides a useful diagram of the rationalisation:

## Rationalisation of ASB tools

### People



### Places



### Police powers



But there are some fundamental questions at the heart of MPs' concerns: whether the generic powers are sufficiently specific, sufficiently robust and sufficiently proportionate to be effective, in terms of tackling anti-social behaviour and respecting the various interests involved. Whilst welcoming and supporting the Bill's provisions at this stage, MPs were explicit in promising to test them in Committee. The Minister was equally explicit in her refusal to return "*down the road of having a plethora of narrowly focused, inflexible powers to deal with particular problems*".

Local authorities, and local partnerships, may want to make their own representations to the Committee, in particular to address the potential for additional burdens and bureaucracy on local resources and procedures. The LGiU will report on the Bill's progress through Committee with updates in *On Your Radar*.

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