



NORTH EAST ANTI-SOCIAL BEHAVIOUR STUDY GROUP CONSULTATION RESPONSE:

Prepared by the Northern Housing Consortium

Enabling local authorities to contract their Anti-Social Behaviour Order functions to organisations managing their housing stock

Home Office November 2006

1.0 Background

- 1.1 The Northern Housing Consortium (previously the Northern Consortium of Housing Authorities 1974 - 2002) was established in April 2002. It is an independent non-party political, not for profit organisation working to improve and promote housing services across the North. Its 179 members include Local Authorities, Registered Social Landlords (RSLs), Arms Length Management Organisations (ALMOs) and other organisations involved in housing.
- 1.2 The Northern Housing Consortium is controlled by its members, who between them manage over 86% of social housing in the North, over 1.3million homes. These organisations are drawn from the three Northern Government Office regions of the North East, North West and Yorkshire & Humberside, as well as the Housing Corporation (North).
- 1.3 The North East Anti-Social Behaviour Study Group is a collection of practitioners working in the region who meet every quarter to discuss policy and share best practice in dealing with crime and anti-social behaviour. The Northern Housing Consortium acts as a facilitator for this group.
- 1.4 The following details the views of the North East Anti-Social Behaviour Study Group in relation to the consultation paper.

2.0 Overall Response

- 2.1 The North East Anti-Social Behaviour Study Group welcomes the opportunity to comment on proposals outlined in this consultation paper that will provide practitioners with further powers and tools to tackle Anti-Social Behaviour in the community as opposed to the courts.
- 2.2 The Group had a number of specific comments to make about the new powers and these are outlined below, under the relevant question.

3.0 New front-line preventative powers

Question 1 – Do you believe that additional powers are required to strengthen the response of front-line police to prevent anti-social behaviour?

The Study Group feels that additional powers are required to strengthen the response of front-line police and that these powers will compliment those already in existence. The Group would like to note however that the powers do not appear to have been linked to a specific officer level and consider that PCSOs are well placed to take on these new powers.

Question 2 – Is it appropriate for the police to impose such conditions and, if so, what safeguards would be required?

The Group agrees that it is appropriate for police to impose such conditions and that safeguards should be put in place to make sure that: a graded response to individual dispersal is implemented and the area an individual is restricted from entering is clearly stated, with consideration given to services the individual will need to access, such as the doctor's surgery.

Question 3 – What would be an appropriate sanction for breaching such conditions?

There were a number of sanctions suggested by the Group as follows:

- Financial penalty (FPN)
- Curfew or complete ban of not more than 28 days

Prosecution for persistent breaches should be considered with a fine, community penalty or Anti Social Behaviour Order.

4.0 Deferred Penalty Notices

The Group were concerned about the suggestion of linking penalty notices to Acceptable Behaviour Orders as it was felt that many people would find it very difficult to pay these fines. A suggestion instead would be to provide incentives or rewards to acknowledge good behaviour.

Question 4 - Is the proposed length of the agreement (three to six months) appropriate?

For operational reasons the Group feels that an agreement of not more than six months, in line with the length on an ABA would be appropriate.

Questions 5 - Is the safeguard of consent sufficient to ensure appropriate use of the power?

The Group feels that the safeguard of consent will only be sufficient if the individual or their parent/guardian is supplied in writing, with full details of the consequences of failing to comply with the ABA agreed.

Question 6 - How quickly could a decision whether or not to agree to comply with a Deferred PND be required?

The Group suggests that between five and seven working days would be a reasonable amount of time within which an individual could agree to comply with a Deferred PND.

Question 7 - 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?

The Group feels that either option would be appropriate providing that the process is clear and structured and can be monitored effectively. Clear criteria are however necessary to assist officers in deciding whether a PND can and should be deferred.

Question 8 - Do you agree that the Deferred PND would be cost-effective?

The Group feels that Deferred PNDs could potentially reduce costs by reducing the number of people in the criminal justice system but warn that they will only be truly cost effective if all agencies involved work together effectively and within a structured setting.

5.0 Premises Closure Orders

Question 9 - 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?

The North East Anti-Social Behaviour Study Group broadly supports the proposals around premises closures and feels that it would be a useful tool to help tackle dwelling-centred anti-social behaviour and disorder.

However, concerns have been raised about the issue of homelessness for the dispersed household, particularly where families are involved. The Group feels that for the closure tool to work effectively, a policy/guidance which sets out the next steps for these households, in terms of re-housing and support is essential. This will ensure that the problems associated with the household are not simply moved on to another property and community.

In addition, the Group would like further clarification on how the power would affect owner-occupiers in terms of mortgage re-payments and those who rent in terms of housing benefit payments being docked.

Finally, the Group would also like to put forward the idea of fining landlords whose properties have been closed.

Question 10 - 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?

The Group feels that the tool should be a last resort and that other appropriate tools should have been used, over a period of time, before the premises closure is applied for. A multi-agency approach is strongly supported by the Group.

Question 11 - 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?

The Group feels that this is a reasonable period to close the property but warns that boarded-up buildings may create further problems. They feel that flexibility to re-open the property where suitable tenants can be found to move in.

In terms of commercial premises it is suggested that a shorter period of closure is considered, particularly where people are subject to job losses.

Question 12 - We seek your views on any other operational aspect of the proposals, for example whether this should solely be a police power.

The Group strongly feels that the House Closure power should not be wholly a Police power and that it should be at least a joint power, between the Police and the Local Authority. This is because a Local Authority will have greater experience of dealing with the issues surrounding ASB and because premises closures will have the greatest impact on the Local Authority.

Question 13 - 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?

The Group feels that safeguards must be in place to protect households which contain children or vulnerable adults.

6.0 Conclusion

6.1 The North East Anti-Social Behaviour Study Group is pleased to have been given the opportunity to respond to this important consultation and will be happy to contribute to any further consultation in this area.

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