



THE GOVERNMENT REPLY TO THE FIFTH
REPORT FROM THE HOME AFFAIRS COMMITTEE
SESSION 2004-05 HC 80

Anti-Social Behaviour

**Presented to Parliament by the Secretary of State
for the Home Department
by Command of Her Majesty
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HOUSE OF COMMONS HOME AFFAIRS COMMITTEE

Fifth Report of Session 2004-05

Anti-Social Behaviour: The Government's Response

Introduction

The TOGETHER approach to tackling anti-social behaviour focuses on taking action; championing the law-abiding majority; protecting victims and witnesses; and backing and strengthening communities from the corrosive effect of anti-social behaviour, intimidation and harassment caused by a tiny minority of people.

The great majority of people in Britain today do not behave anti-socially – it remains a minority whose behaviour ruins life for the whole community. For those living in deprived communities, the problems can be up to five times worse.

We are beginning to see success with more and more areas taking action to tackle anti-social behaviour, enforcement powers being widely used and thousands of practitioners trained and committed to taking action in their communities. There has been a fall in the number of people who perceive anti-social behaviour to be a significant problem in their area as reported by the British Crime Survey.

The Government welcomes this comprehensive report on its work to date and are grateful that Home Affairs Select Committee has endorsed the Government's TOGETHER approach and its support for the work of the Anti- Social Behaviour Unit (ASBU).

The Prime Minister's focus on 'respect' has struck a very clear chord right across the country and gives us the opportunity to make an even bigger difference at the start of the new Parliament.

The Anti-social Behaviour Act and associated measures have given agencies the powers they need to tackle anti-social behaviour and protect communities and there has been a huge response. We know that dealing with anti-social behaviour is not always easy: it is a new discipline that cuts across different responsibilities. But as practitioners explained to the Committee, these powers have been used successfully right across the country. The recent One Year On report shows just what is possible when the public come forward and are backed in tackling anti-social behaviour effectively.

We are grateful to the Committee for its thorough examination of the issues, and the clear identification of areas where we need to place a renewed focus to ensure that we continue to improve people's lives.

Rebuilding respect in communities is a key third term priority for the Government and this signals our commitment to step up action to tackle anti-social behaviour.

We are grateful for the Committee's support.

Recommendations and Conclusions

1: We do not believe that the problem of anti-social behaviour has been exaggerated by Government or played up by the media. It is a problem that has a day-to-day impact on residents, neighbours and communities. It seems clear to us that even apparently minor acts can have a huge and disproportionate impact on people who have no way of escaping persistent low-level nuisance behaviour. In that context, the nature of the response goes to the heart of what it means to live in a community. (Paragraph 19)

We welcome the Committee's conclusion.

2: There is currently a paucity of hard evidence as to whether the problem of ASB is being tackled effectively. We welcome the suggestion from the British Crime Survey that there has been a fall in the number of people perceiving ASB to be a problem in their area, although we would need to see a consistent trend over time to draw any firmer conclusions. We welcome the new Audit Commission arrangements: for the first time local authorities will be assessed on their performance in tackling ASB. Similarly, we welcome the measures contained in the White Paper on police reform according to which police performance will be assessed partially by reference to public satisfaction about the response to ASB; however, the police are only one body amongst many with responsibilities in this area. (Paragraph 20)

We recognise that tackling ASB is the responsibility of police and local authorities together. As the Committee makes clear, local authorities will be now be judged on their performance in tackling anti-social behaviour through the Comprehensive Performance Assessment and police through measures in the Police Reform White Paper.

3: We are concerned that some organisations that do not wish to tackle ASB are in danger of ignoring the needs of victims and witnesses. We recommend that regular ASB public satisfaction surveys are carried out by CDRPs to improve ASB evidence base.

To tackle anti-social behaviour effectively, local agencies need to listen to, act upon community concerns and priorities and report back on what has been done. An important element of this is the three-yearly audit and strategy process by CDRPs. This should involve consulting the local community, and ensuring this feeds into the setting of priorities in local crime, drugs and anti-social behaviour strategies. We note the Committee's observation on regularity of surveys and will give this further consideration as part of the follow-up to our recent review of the Crime and Disorder Act 1998.

Focusing on the needs of individuals, especially victims and witnesses, and communities that receive and use police services, and being responsive to those needs, are key priorities for Government for the next five years. The police reform white paper, *Building Communities, Beating Crime*, set out our proposals to deliver a more citizen focused police service, in which members of the public have confidence. As part of these proposals, we are changing the way in which police performance is measured to recognise that public satisfaction is an essential element of good performance. We have already introduced new performance indicators that focus on quality of service. We are continuing to develop this work so that the views of victims of anti-social behaviour can also be reflected in assessments of force performance.

The white paper also sets out our proposals to delivering accessible and responsive neighbourhood policing across the country by 2008. Neighbourhood policing will mean a change in the way that problems of crime and anti-social behaviour are dealt with – the police and other agencies will work directly with

local people to identify the problems that are most important to their neighbourhoods and take joint action to deal with them.

4: We have listened carefully to criticisms of the current legal definitions of ASB as too wide. We are convinced, however, that it would be a mistake to try to make them more specific. This is for three main reasons: first, the definitions work well from an enforcement point of view and no significant practical problems appear to have been encountered; second, exhaustive lists of behaviour considered anti-social by central government would be unworkable and anomalous; third, ASB is inherently a local problem and falls to be defined at a local level. It is a major strength of the current statutory definitions of ASB that they are flexible enough to accommodate this. We would argue also that the definitions are helpful in backing an approach that stands with the victims of ASB and their experience rather than narrowly focusing on the behaviour of the perpetrators. (Paragraph 44)

We welcome the Committee's conclusion.

5: It has been suggested to us that much anti-social behaviour by young people is really a matter of a lack of tolerance, or inter-generational conflict. We conclude that, for the most part, this simply is not true. In particular, behaviour which invites a formal response (such as the use of enforcement powers) is almost always serious, persistent, and non-contentiously anti-social. The argument also underestimates the effect of even apparently minor acts on local residents. (Paragraph 53)

We agree with the Committee's conclusion.

6: In relation to most neighbour nuisance cases, it is similarly clear that these cannot be put down to a mere clash of lifestyles: in the majority of cases, one party is at fault, and the effect of his or her behaviour is magnified by the inability of the other party to escape from it. In some cases, it may be less clear-cut that behaviour is anti-social. In such cases, the key question is how the decision is made and by whom. (Paragraph 61)

We agree that in most cases one party is the protagonist. Experienced practitioners will usually undertake a thorough investigation, seeking corroboration of complaints from others. Very often this turns up further evidence which can be used to determine how problems should be tackled.

7: We would argue that the process of defining what constitutes ASB at a local level must itself be seen as part of the response to ASB. We have been told that, in practice, this decision is largely made by groups of professionals responding to complaints, and – on a strategic level – by Crime and Disorder Reduction Partnerships. But it seems clear from the evidence we have received that –

- (i) the definition of some behaviour as anti-social cannot be contested;**
- (ii) tolerance is variable and must, in part, be educated;**
- (iii) there is a gap – especially in relation to children – in that what constitutes unacceptable behaviour is not always being communicated effectively; and that**
- (iv) different problems of ASB are likely to concern residents of different local neighbourhoods even within local authority areas.**

In the light of these points, it seems to us that it is inappropriate for these judgements to be made by professionals and by CDRPs alone. The ability of the courts to assist with such definitions (by deciding which applications will and will not succeed) does not in our view adequately address this issue. Courts only see those cases brought before them (which are likely to be the more serious) and cannot make strategic decisions or comment on the broader issues. (Paragraph 77)

The Committee makes an interesting observation. Judgements about what constitutes anti-social behaviour should start from the impact it has on the community and linked to this, action to tackle the problem needs to be informed by the concerns and priorities identified by the community.

8: We welcome the introduction by the Government of Community Justice Centres in Merseyside and Warwickshire and recommend that it expands this pilot scheme into other areas so as to achieve a stronger basis for evaluation. In the meantime, we recommend that local authorities and CDRPs develop mechanisms for ensuring that the views of local residents are taken fully into account as an essential aspect of their response to ASB.

The pilot marks an innovative departure in the delivery of justice, providing an opportunity to respond to community priorities and to have a positive and tangible effect on people's everyday lives.

The pilot Community Justice Centre in Liverpool reflects the Government's agenda to crack down on anti-social behaviour. The community justice centre will deliver justice at a local level and a resource for the community through the co-location of agencies and service providers and the leadership of one judge, able to exercise multiple jurisdictions. It will adopt a problem-solving approach towards offenders to combine help for underlying problems with punishment that, as far as possible, makes visible reparation to the community, and it will engage with the community so that the criminal justice system reflects local priorities.

The underlying aims of the centre are to: reduce offending, anti-social behaviour and fear of crime; increase victim and witness satisfaction and local confidence in justice; enable local people to become involved in, influence and feel ownership of justice; and to support them in taking a stand against crime and bad behaviour.

Work has begun to develop an initiative in Salford to test which community justice problem-solving and community engagement features can be integrated into the mainstream magistrates' court system. This initiative is building upon the success of the anti-social behaviour response court which is already operating successfully in Salford.

We agree that that the theme of the criminal justice system being accountable to and working on behalf of communities needs to be taken across all agencies. That is the driving force behind the establishment of the network of ASB response courts and our 14 Expert Prosecutors.

The development of the 'trigger mechanism' (see response to recommendation 67) will provide communities with a means to ensure that they receive an effective response to ASB problems.

9: We have heard evidence that young people acting anti-socially should not all be grouped together: there is a difference between a young person annoying residents by playing football and someone who is terrorising a local neighbourhood through a series of criminal and sub-criminal activities. We accept this: however, we emphasise that this does not mean that less serious ASB should be ignored. Activities such as playing football in the street are not necessarily harmless: persistent use of a garden gate, house

wall or car or other inappropriate locations as goalposts – perhaps accompanied by abuse of threats when challenged – can amount to intolerable behaviour which should not be dismissed by the authorities. (Paragraph 96)

We agree with the Committee's conclusion.

10: The evidence we received from a number of organisations – in particular, some children's charities and civil liberties organisations, as well as the Association of Directors of Social Services – suggest that they assume there is a sharp distinction to be made between prevention and enforcement. We believe that this is ultimately self-defeating: instead, it seems to us that enforcement has a crucial preventative role in itself that needs to be recognised and which needs to be seen as the responsibility of everyone. We agree with those who stress the importance of all ways of dealing with ASB. We are deeply concerned about the potential effect on local ASB strategies if the enforcement element is resisted by agencies dealing with ASB at the front line. (Paragraph 101)

We agree with the Committee's conclusion.

11: Overall, the clear message of the evidence is that there is more to do in terms of *all* means of tackling ASB – whether through diversion, support or sanction. It is not the case that the Government's ASB policies are overwhelmingly punitive towards children; nor is it true that its strategy is skewed towards enforcement. On the contrary, there is compelling evidence that in many parts of the country, legal powers are used only relatively rarely. We would emphasise therefore the need not to be led astray by rhetoric but to focus on what is actually happening on the ground. (Paragraph 116)

We agree with the Committee's conclusions. We are pleased that the Committee has heard this evidence at first hand and has drawn this conclusion.

12: It is clear that different philosophies, methods and tactics are having a deleterious effect on the response to ASB at a local level. Too often, in our view, the focus appears to be on the needs of those who commit ASB rather than on the victims of their behaviour. The irony is that this very focus is also failing the perpetrators. (Paragraph 134)

Again, we agree with the Committee's conclusions. The TOGETHER campaign puts at its centre the law-abiding public, and victims and witnesses of anti-social behaviour. This approach is consistent with Government policy on enabling perpetrators to recognise and understand the impact of their offending behaviour on themselves, their families and the wider community.

13: We were disappointed to hear that social services departments and other key players such as local education authorities, the Children and Adolescent Mental Health Service, Youth Services and some children's NGOs are often not fully committed to local ASB strategies. The failure to attend meetings of Crime and Disorder Reduction Partnerships is just one symptom of this. All these organisations are, or should be, working with many of the same young people: as the Association of Directors of Social Services has pointed out, anti-social young people frequently also have support needs. Whether these organisations are unable or reluctant to engage, it cannot be in the best interests of the young people they serve. We discuss at paragraphs 171-72 and 370-71 how some of the problems faced by social services could be overcome. But to the extent that non-participation reflects a rejection of the current ASB strategy as too punitive, social services and others are foregoing the chance actually to influence the way in which it is carried out at local level. (Paragraph 135)

We share the Committee's disappointment that some key players are on occasions not fully committed to anti-social behaviour strategies. Their full participation would improve local responses and meet the needs of communities and perpetrators. We are therefore examining what can be done to improve engagement from a range of partners.

14: It is clear that there are a number of misconceptions about the scope of data protection legislation. There is a need for some simple user friendly guidance in this area, and we recommend that the Government should do more to publicise what it has already produced, disseminating its step-by-step guide to all agencies which have a responsibility for tackling ASB. We conclude also that section 115 of the Crime and Disorder Act is not having the desired effect. We recommend that the Government considers, as part of its review of that legislation, changing the power to share information into a duty in specified circumstances. (Paragraph 136)

We agree that there is a widely held view that the law can act as a barrier to the sharing of information. The Department for Education and Skills, together with the Home Office, Department of Health, Department for Constitutional Affairs and Office of the Deputy Prime Minister will publish in December 2005 cross-Government guidance on information sharing. The guidance is aimed at practitioners working in children and young people's services to help them know when they can share information appropriately and lawfully within and between agencies, including youth justice. Improving information sharing through effective joint working and integrated processes underpins the building of a Children's Trust to improve the well-being of children. In the medium term, the Children Act 2004 also provides for the establishment of a national system of information sharing indices to enable practitioners to quickly identify when other agencies are involved with a child or young person and to flag to other practitioners that there is a concern.

Effective information sharing is also central to the Bichard Inquiry which followed the tragic events at Soham. A Code of Practice and guidance on information management by the police is being developed, and will cover all aspects of the recording, management and sharing of information by the police. Reviewing progress in December 2004, Sir Michael Bichard noted that significant progress had been made and put forward further recommendations aimed at effective implementation, all of which were accepted by the Home Secretary.

The review of the partnership provisions of the Crime and Disorder Act 1998 specifically examined Section 115 and actively considered how best to encourage better data and information sharing between agencies. The findings of the review are currently under consideration and we plan to announce proposals for change later this year. If changes are made, then we will provide information to practitioners through the TOGETHER campaign.

15: There is a clear need for youth offending teams to be involved in the response to young people who behave anti-socially – especially when formal measures are used. We were concerned to learn that Youth Offending Teams are not always consulted by those taking out an ASBO. We believe that they should be consulted as a matter of course before an application for an ASBO is made: not as a veto, but to ensure that sufficient thought has been given to support needs and to ensure that other measures are also taken if appropriate. (Paragraph 137)

We agree with the Committee's view on this. Guidance issued jointly by the Home Office, Association of Chief Police Officers and the Youth Justice Board in March this year clearly sets out the role of YOTs in the ASBO application process. YOTs should be involved in decisions to apply for an ASBO in respect

of a young person. YOTs have the skills to assess the needs of young people and will be able to offer valuable information about past interventions and family circumstances. In addition, YOTs, in partnership with other agencies, have a key role in supporting a young person after the ASBO has been made. By ensuring a young person understands the prohibitions set out in their ASBO and making clear the consequences of breach, the YOT can improve the chances of success.

16: Overall we conclude that more could be done to aid a joined up response to ASB at local level. We recommend that the Government looks closely at ways in which performance regimes can be amended to reward partnership working. We welcome the Government's provision of funding for ASB co-ordinators – the introduction of these has made a significant difference at local level – and recommend that it works to improve their performance through targeted national seminars and best practice guidance. We further recommend that the Government hosts a conference specifically for the voluntary sector to improve its response to ASB at local level. (Para 138)

We note this recommendation. Tackling ASB is an integral part of CDRP work and the performance management framework system developed for CDRPs ('Performance Assessment and Delivery System') encourages a joined up approach.

The development of the joint HO/ODPM Safer and Stronger Communities Fund and the wider Local Area Agreement Pilots provide a new opportunity to make progress in joining up and developing locally agreed outcomes for people on the ground. In essence, this is already rewarding partnership working by aiming to cut bureaucracy and streamline funding streams, and we are working to join up performance regimes, where possible, in line with these aims.

It is also important to note continuing progress with the *Every Child Matters* reforms to children and young people's services which encourage the development of multi-agency working to tackle problematic behaviour, by taking an early intervention approach to address a wide range of risk factors.

DfES is looking again at integration of programmes and funding streams designed to support young people in the context of the forthcoming Green Paper on Youth. It is also looking at proposals to improve support for all young people, including those at risk of becoming involved in negative and damaging behaviours.

Academy events are open to any practitioners and we regularly review our programme to ensure that we are reaching target groups.

17: We welcome the introduction of targeted diversionary and support schemes such as Youth Inclusion Programmes and Youth Inclusion and Support Panels. All the indications are that these schemes are extremely successful and cost-effective in terms of their impact upon ASB. (Paragraph 146)

We welcome the Committee's comments on the value of both Youth Inclusion Programmes and Youth Inclusion Support Panels. The evaluation of the former has shown them to be both successful and cost effective.

An evaluation of Youth Inclusion and Support Panels is underway. Without prejudging the outcomes of that, we do nevertheless consider that such an approach is important in ensuring that there is early identification of risk factors for anti-social behaviour and criminality, together with a multi-agency response, involving mainstream or specialist services, to ensure that there is an appropriate intervention to address the identified risks and the needs of the young person concerned.

The Government has committed itself to increase the number of Youth Inclusion Programmes and Youth Inclusion and Support Panels by 50% by 2008.

18: Poor parenting is often an important factor in ASB by young people. We note the observation by Barnado's that in many cases parents have been seeking help with their children's behaviour for some time, but assistance is rarely given. Whilst funding has been made available for all parenting classes attached to ASBOs, there is more limited provision for parenting classes as an earlier preventative tool. (Paragraph 159)

The Government has taken on board the Committee's views on this issue and will explore with DfES what can be done to expand provision.

19: We welcome the introduction of parenting orders: it is apparent that a coercive approach is sometimes necessary and can ultimately be of great benefit to the parents concerned. However, they are underused. We conclude that, although some concern has been raised about levels of funding, the main reason for this is that not everyone is committed to the notion that a coercive approach is sometimes necessary in order to help people to help themselves. Whilst family group conferences and other informal techniques can be successful, we believe that there must be a place also for a coercive order. (Paragraph 160)

Where parents are willing to take help, a coercive approach is clearly not necessary but we agree that where they are unwilling, requiring parents to comply with parenting programmes requires the use of parenting orders. We expect that numbers will increase as practitioners become more aware of the use of parenting orders linked to ASBOs and more familiar with them. We will be further promoting the use of parenting orders through the TOGETHER campaign.

20: We welcome the introduction of individual support orders (ISOs): these usefully complement the aims of ASBOs in preventing ASB. We note, however, that take-up of these is not matching expectations. We believe that there are two main reasons for this. First, it is becoming accepted that ISOs should be used more widely than was originally anticipated, yet funding has not risen to match this. (Paragraph 170)

We and the YJB are keen to see ISOs used effectively within local strategies on anti-social behaviour and will be working with YOTs to ensure that this intervention is used to its full potential. As part of this, we issued joint guidance in March 2005 which highlights the importance of ISOs in helping young people to comply with the terms of an ASBO and reduce anti-social behaviour.

21 and 23: Second, we have noted at paragraph 135 our concern about the non-participation of social services and other agencies in ASB strategies. We recognise the strain on the budgets of social services departments and we recognise that they may often, quite legitimately, have other priorities. Nonetheless, the failure to participate is likely to undermine the success of ASB work and lead to young people not getting the assistance they require. We recommend that the Government should review urgently the barriers to participation and identify ways they can be overcome.

Para 23: Given the concerns expressed by the ADSS amongst others that the Government's ASB strategy is too punitive, we are somewhat disappointed that social services are not making greater efforts to fund support measures such as ISOs and Parenting Orders. We recommend that social services departments reconsider whether, by attaching greater importance to tackling ASB, they could actually achieve more in relation to perpetrators with support needs than they are doing at present. (Paragraph 173)

We welcome these recommendations. Whilst we recognise that there are often competing financial demands and strains on social services and others, we do recognise that this issue needs to be addressed so that central Government policies add up to consistency on the ground for those who are working with children, young people and parents. We will therefore look at barriers to effective engagement of social services in partnership working. The HO and DfES will explore how to take this forward.

The Home Office and DfES will work together to fully maximise the opportunities presented by the *Every Child Matters* reforms and the Children Act 2004 in taking forward a response to the above recommendation.

Much is being done already, for example over 41% of resources for Youth Offending Teams (nationally) comes from Social Services (from Youth Justice – Annual Statistics 2003-4 published by the Youth Justice Board). However, Home Office and DfES clearly need to explore issues further – for example looking imaginatively at the funding and promotion of parenting orders and ISOs.

Preventing anti-social behaviour is reflected within the *Every Child Matters* Outcomes Framework – two outcomes in particular are relevant: **Making a positive contribution** (a key element of this is encouraging young people to choose to engage in law-abiding and positive behaviour in and outside of school), and **Staying safe** – (ensuring children and young people are safe from crime, and anti-social behaviour in and out of school). The outcomes framework has been developed to act as the basis for agreeing local priorities and planning local change. Integrated inspection of children's services will measure improvement against these outcomes.

Children's Trust arrangements will bring together local agencies to work towards achieving these outcomes, including a range of children's services, social services and Youth Offending Teams (decisions on commissioning and pooling will rest with the Head of Service of the YOT). The wide range of services working with children and young people will be able to share knowledge, skills, resources and agree on shared priorities and goals in a collective effort to shift services to prevention. These arrangements will be underpinned by the duty to cooperate from the Children Act 2004, and the statutory Children and Young People's Plan which provides the opportunity for tackling anti-social behaviour to be a priority for local services.

Another crucial element of service integration that will help services prioritise, and deliver *Every Child Matters* outcomes, will be the pooling of budgets and resources under the powers either of section 31 of the Health Act 1999 or the Children Act 2004. Through this approach partners will have the ability to be more flexible in targeting funding to where children's needs can best be met.

22: There is clearly very substantial investment by central government that is, or could be, designed to support young people likely to be involved in ASB, but this is distributed through a multiplicity of channels and departments. Some like Positive Futures, the Behaviour Improvement Programme and Connexions are designed for young people. Other generic funding streams like Neighbourhood Renewal might be expected to contribute to ASB strategies. We have two concerns: first, that there do not appear to be mechanisms in some cases to ensure that the young people who participate in these programmes are those in the greatest need of support; second, that little of this funding seems to be made available through social services even though they carry most criticism for not supporting ASB work (para 172)

We note this recommendation. The *Every Child Matters* reforms will mean there is a common assessment of children and young people's needs, with lead

professionals co-ordinating effective tailored packages of support to meet those needs. This should deal with tensions between universal services for all and targeted services for those most at risk.

The pooling of budgets (as mentioned in the response to recommendations 21 and 23 above) will provide further flexibilities in funding arrangements.

24: We welcome the development of acceptable behaviour contract (ABC) schemes, which seem to have the multiple advantages of being cheap, easy to administer and apparently remarkably successful. We are clear though that these need to be used in appropriate cases rather than automatically as a first resort, and agree with the current guidance of the Home Office which is explicit on this point. We believe that the current approach is also correct in not placing ABCs on a statutory footing: even those local authorities who do not use ABCs often tend to use warning interviews or similar written agreements. It is right to leave the exact details for individual authorities. (Paragraph 181)

We are pleased that the Committee has endorsed this approach and agreed with our current guidelines.

25: Our main concern in relation to ABCs is that there must be consequences for breaches for the sake of the victims of those breaches. We recommend that the Home Office commissions research to establish whether ABCs are being used in place of enforcement action, or whether they are indeed being used as part of a graduated approach to unacceptable behaviour. (Para 182)

As with the range of measures to tackle anti-social behaviour, we have emphasised the importance of following through any breaches, as this provides protection for victims and improves the credibility of the tools. This applies as much to ABCs as ASBOs. We are in regular contact with practitioners in the field, particularly those in the Metropolitan Police, who have made extensive use of ABCs. This ensures we do have a clear understanding of the circumstances and impact of the use of ABCs.

26: We welcome the introduction by the Government of ASBOs. The ASBO appears to be an effective tool which gives relief to communities and is more honoured in the observance than the breach, although we recognise that they are only just beginning to be used widely. We agree with witnesses who argue that ASBOs are little different from injunctions, which primarily seek to prevent rather than to punish: in essence, they require people to amend their behaviour to an acceptable and normal standard. We conclude that ASBOs are most likely to succeed in changing behaviour when used in conjunction with necessary support measures. (Paragraph 218)

We agree with the Committee's conclusion on this. In some cases, ASBOs should be accompanied by a corresponding package of support, especially for under 18s. To this end we have introduced two specific support orders that can be attached to ASBOs to ensure individuals receive the support they need. The Individual Support Order is available for 10-17 year olds and requires the young person to receive help. We have recently introduced a similar order for adults which will be available from April 2006. This new Intervention Order will enable adults to receive help for their anti-social behaviour, where that behaviour is drugs related.

Both the ISO and the new Intervention Order should help individuals to observe the conditions set out in their ASBO and so help to avoid breach. We see both these orders as having the potential to provide positive outcomes for both the individual and the community.

27: We welcome the suggestion from the recent YJB research study that the use of ASBOs is not leading to the incarceration of young people who would otherwise have remained outside the criminal justice system. We note, however, that more work is being done in this area and recommend that the Home Office monitors closely the results of the September study. We would regret any evidence that the use of ASBOs has led to significant net-widening. (Paragraph 219)

We look forward to seeing the outcomes of the September study and we will consider the findings.

28: We do not consider that the inappropriate issuing of ASBOs, or the issuing of ASBOs containing inappropriate conditions, is a major problem in practice. We observe also that where the terms of an ASBO prove to be inappropriate, it is relatively straightforward to apply to the court which made the Order to have the terms varied. There is also a right of appeal to the Crown Court against the terms of the quality of legal representation rather than any difficulties with the current provisions for variation and appeal. However, the reliance on anecdotal evidence is damaging, and we recommend that the Home Office commissions wide-ranging research in this area. The research should seek to establish not only the extent of inappropriate ASBOs, but – of critical importance – the reasons for failures of this kind. (Para 220).

We welcome the Committee's observation that ASBOs can be varied and in fact discharged (with the consent of both parties) if they are no longer appropriate. We encourage practitioners to set up mechanisms to review ASBOs so as to monitor compliance and to contemplate varying terms or discharging orders.

It is important that ASBOs are credible and are tackling severe forms of anti-social behaviour. From data reported to the Home Office we know that the courts have only refused 1% of all ASBOs applied for, indicating that applications for ASBOs are well thought out and applied for in those cases that warrant such action.

The Home Office monitors ASBOs and their use on an ongoing basis and adjusts policy in response.

29: In general, there is clear need for all terms of ASBOs to be evidence-based, manifestly justified in terms of the prevention of ASB, and clearly communicated to the young person subject to the ASBO. In our view, the cases brought to our attention of inappropriate conditions highlight – if any further highlighting was needed – the absolute need for all the relevant agencies to be involved in the response to ASB. It seems probable to us that many such problems would not have occurred had co-ordination been adequate. (Paragraph 221)

The Government agrees with the Committee's view on this. The Home Office guidance on ASBOs and ABCs is explicit on this point. CPS guidance and training also states that any prohibition sought as part of an ASBO must be supported by evidence presented to the court, and must also be necessary for the prevention of further acts of anti-social behaviour.

Partnership working is essential if anti-social behaviour is to be tackled. We encourage local agencies to adopt a fully co-ordinated approach including the use of multi-agency forums to discuss individual ASBO applications and the needs of the individual and the community. Discussions such as these allow agencies to decide collectively on the prohibitions to be included in ASBOs based on evidence provided by all parties, although the final wording of the order will be a matter for the court. In addition, the joint HO/YJB guidance referred to in the response to recommendation 15, clearly states the role of YOTs in

communicating the conditions of any intervention, including an ASBO, to a young person.

30: We agree with Barnardo's and others that in relation to young perpetrators of ASB, it may be inappropriate to issue ASBOs that last for a minimum of two years. We recommend that, in the case of children under the age of 18, the law is amended so as to give magistrates greater discretion to set the duration of the ASBO. (Paragraph 222)

A 2 year minimum period was devised to give communities a decent period of respite from often long standing anti-social behaviour.

While the order itself has minimum duration of two years, there is nothing to prevent a prohibition within an order being of more limited duration (R(Lonerghan) v Lewes Crown Court [2005]). In addition, the process of varying or discharging conditions is relatively straightforward. We do understand the concerns about the minimum period of ASBOs, particularly in respect of young people and will continue to monitor the position.

31: We conclude that 'naming and shaming' is often essential to enforce ASBOs and accept that, with a free press, it is not possible to limit publicity to local communities. However, whilst we accept the presumption of publicity, there are clearly cases where publicity could be harmful to individuals. Issues of child safety should be raised in court where concerns exist and the discretion of magistrates in this matter is an important responsibility that they should exercise carefully. (Paragraph 223)

We welcome this conclusion. Courts should have good reason for imposing reporting restrictions on ASBOs. However, we are mindful of the quite distinct issues that surround those under 18 and that is why our new guidance on publicity, published on 1 March, highlights that specific consideration should be given to the age of individual perpetrators and their circumstances. Further guidance on ASBOs for the judiciary sitting in the magistrates, crown and county courts will reinforce this. We have also taken steps to ensure that training on ASB issues offered to all magistrates provides adequate advice on this point.

32: According to latest figures, 42% of ASBOs are breached. We accept the point made by witnesses that this means 58% are not breached and that relief is being provided to the community in these cases. This breach rate also compares favourably with other non-custodial youth justice interventions. Nonetheless, consideration must be given to ways of reducing the breach rate. We believe that a number of factors may be contributing to it, including the inappropriate conditions and the imposition of ASBOs for an inappropriately long time. We conclude that the most important factor is likely to insufficient support given to perpetrators who may have problems of addiction or of mental health or may be living in chaotic families. This underlines why the measures we outline in relation to support are so important. (Paragraph 224)

It is important to understand that an ASBO may not be the end of the process, but part of a continuum of interventions which focus on the protection of the community. To this extent, the key point is that where an ASBO is breached, that breach must be enforced and prosecuted quickly and effectively in court. This ensures that the community and perpetrators understand that there are clear consequences where anti-social behaviour continues.

We see this as an important part of the graduated response to anti-social behaviour which the Committee has endorsed.

33: We heard little evidence as to whether the section 30 dispersal powers are effective at local level, although they have now been in operation for over

a year. We are concerned that this reflects a wider ignorance about the use of these powers, and recommend that the Home Office commissions research to examine issues of effectiveness and proportionality. (Paragraph 230)

It is disappointing that the Committee was not able to hear evidence first hand of the impact of dispersal powers in bringing peace to communities. We are in close touch with practitioners from both police and local authorities who consider them to be a key tool for tackling anti-social behaviour, often used alongside ABCs, ASBOs and other measures. We will keep the need for research under review.

34: We welcome the Government's announcement that £1.25 million would be added to help fund intensive family-based interventions. It is clear that these types of intervention are essential if the deepest-rooted ASB problems are not simply recycled from area to area. (Paragraph 246)

We agree with the Committee that evidence to date suggests that intensive interventions aimed at rehabilitating perpetrators of anti-social behaviour often prove extremely effective in stopping anti-social conduct and sustaining tenancies by tackling root causes. Both the Home Office ASBU funded Nuisance Neighbour Funding for Action Areas and ODPM research on specialist resettlement projects will increase the evidence base on what works, helping to inform wider rollout of good practice.

Every Child Matters reforms aim to develop more and better universal support and services open to all families as and when they need them. Within this, specialist services will be targeted to those families who need additional support.

35: We conclude that mediation is an important tool that is cost effective and can help to deal efficiently with neighbourhood nuisance cases. However, according to the Director of Peterborough Mediation Service, mediation is underused, with only 60% of the country currently having effective coverage. This is cause for concern, as are claims that mediation is sometimes used inappropriately. (Paragraph 254)

The Government recognises that mediation is an effective means of tackling anti-social behaviour particularly when deployed as an early intervention. We agree with the Committee that it should be used appropriately following a rigorous assessment of its suitability on a case by case basis.

36: In our view, the solution to the problems both of under-use and inappropriate use of mediation is to make the referral mechanism far more systematic throughout the country. New Forest, Southampton and SW Hants Mediation offers one model in taking over the complaints of local authorities so as to access the prospects for mediation, although we believe that research is needed to establish whether it is as successful as it claims. We recommend that this is done and that the Government works with local authorities to spread this or another referral mechanism as an example of best practice. (Paragraph 255)

Mediation can form an important part of a tiered approach to tackling anti-social behaviour. However, we would not wish to advocate one single approach as this might not be applicable to all local circumstances.

It forms a key part of our advice to practitioners on the preventative and support measures as part of the TOGETHER campaign.

37: We welcome the introduction of the new housing based powers, in particular, the powers of injunction and demotion. However, it is unsatisfactory that the Government has created these powers but not collected the data necessary to know whether they are being used or used effectively. We note that the Government has now committed to collecting

data relating to possession orders, with the first figures to be published in 2006, and we welcome this. However, it has no plans to do the same in relation to housing injunctions, despite recognising that this information is already available locally and that data relating to ASBOs – not a dissimilar legal power – is collected.

We do not believe that asking local authorities and registered social landlords to keep and supply records of their injunction applications would place undue burden on them, and we recommend that the Government asks them to do so. In addition, we recommend that in-depth qualitative research studies should be conducted as a matter of urgency to determine take-up of the main housing powers, their effectiveness in tackling ASB and their impact on homelessness. (Paragraph 268)

The Government recognises the importance of measuring take up and the effectiveness of housing based powers, particularly those recently introduced by Part Two of the Anti-social Behaviour Act 2003.

We will work with local authorities and Registered Social Landlords through the Housing Corporation, in order to develop means to collect data on the use of Housing injunctions from 2006/07 onwards.

We agree that in-depth qualitative research on the effectiveness of housing powers would be of value. However, given the fact that many of these powers have only been available to social landlords since summer 2004 we believe that research of this kind would be more productive if conducted in the longer term.

In the interim, we will undertake an immediate review of injunctive measures. The review will examine take up, the circumstances under which injunctions are commonly used and any barriers to their use and effectiveness.

38: It is essential that the available powers and tools are used together in the most effective manner. We have heard for instance, of the strong advantages of offering adequate support in conjunction with demotion orders and of using ASBOs in conjunction with possession orders, and we recommend that both of these points are promoted by the Government as examples of best practice. (Paragraph 269)

We agree with the Committee that there is a need to promote the effective use of powers and tools in combination with each other. This includes both the use of support and enforcement tools, which are often mutually reinforcing, and packages of legal interventions. We will continue to promote these approaches through the TOGETHER campaign.

39: We welcome the principle behind the new powers for selective licensing of private landlords. The Government is right to believe that ASB is not a problem related solely to social housing. However, we note that the success of the new scheme will depend very much on how it is implemented and that the proposals are still to be fully developed. It is important that the scheme is as unbureaucratic as possible and that local authorities have appropriate guidance so that they use discretion in a way that will target the unscrupulous landlords rather than those who are victims of their tenant's behaviour. (Paragraph 276)

The introduction of selective licensing powers (which commence in October 2005) will address problems of persistent ASB attributable to poor management in the private rented sector. The Government is also confident that the licensing of Houses of Multiple Occupation also provided for in the Housing Act 2004, will prove beneficial in dealing with anti-social behaviour.

We agree that it is important that the bureaucracy associated with licensing is as minimal as is possible, while ensuring that there are sufficient safeguards in

place to prevent selective licensing being used where it is not required. We will be issuing guidance prior to implementation to local authorities which will encourage local authorities intending to use selective licensing to focus their efforts on unscrupulous landlords while making the licensing process as painless as possible for the good landlords. We are also funding the IDeA to train local authority staff in the principles and operation of licensing.

40: We accept that most private landlords cannot be expected to operate the full range of management responses to ASB that are expected of social landlords. Nonetheless, prompt and effective action by private landlords could help to tackle many problems at an early stage. We recommend that police and local authorities work together with representatives of private landlords to produce local codes of conduct that set out how responsible private landlords are expected to respond to nuisance complaints and the support they can expect from public bodies. (Paragraph 277)

The Government sees the production of local codes of conduct as a potentially useful contribution to combating the challenge of ASB.

Local authorities, and their partners, should develop strong working relationships with landlords to ensure that landlords are given effective and appropriate support in preventing, and where it arises, in combating ASB in their properties.

Through the IDeA outreach programme we will be encouraging local authorities to engage constructively with local representative landlord organisations. The programme will be highlighting the need for authorities to consider carefully whether selective licensing is the appropriate response, or whether non-regulatory approaches such as accreditation schemes of local codes of conduct could prove sufficiently effective.

41: We conclude that no new powers are needed in relation to anti-social owner-occupiers: ASBOs and other powers are already available and ought to be sufficient. (Paragraph 280)

We agree with the Committee that there are now a range of non-tenure specific powers already available. However, we are open to consider any new measures that would help tackle anti-social behaviour on the ground.

42: The Government's response to alcohol-related disorder is currently centred around one main principle: the assumption that the problem can be defined in terms of, and traced to, irresponsible individuals and individual premises. We also note that the Government's emphasis on individuals making informed choices and being responsible for the consequences of their actions contrasts with moves to restrict smoking in public places. Unless it becomes clear that alcohol-related disorder is being reduced to a really significant extent, we believe that we should ask whether the Government should be so reliant on its emphasis on the role of individuals. (Paragraph 296)

Our approach is not just centred on the individual and individual licensed premises – there is a further dimension to our approach involving environmental and infrastructure issues and the role they can play in reducing alcohol related harms.

We are clear however, that individual behaviour is an important factor and we remain convinced that there is still work to be done in ensuring individuals are better informed about how much alcohol they are drinking and the harm that this can cause. Individuals need to understand that if as a result of irresponsible drinking they commit offences these will not be treated as somehow of only minor importance because they were under the influence of alcohol. That is why we are sending out clear messages – in our Alcohol Harm Reduction Programme – that alcohol-fuelled crime and disorder is unacceptable.

The drinks industry is supporting this work by drawing up a national standards document which will cover things like protocols around seeking proof of age, a clamp down on irresponsible promotions that encourage drinking a lot in a short period of time like “girls drink free between 10 and 11”, and end of evening dispersal policies to ensure that people leave pubs and clubs with the minimum trouble.

We also need to ensure that the system of offences and penalties works so as to discourage unacceptable alcohol-fuelled behaviour and to punish it appropriately when it occurs. Where individuals or individual premises do not abide by their responsibilities, we are prepared to take enforcement action and local community safety agencies now have the necessary tools to do that easily and effectively.

The effective management of town and city centres is also key – the *How To* programme led by ODPM includes guidance on issues relating to the management of town centres including the evening and night-time economy.

It is clear that alcohol-related crime and disorder cannot always be blamed on a particular premise in a town or city centre. Much of it takes place on the street around premises. That is why in the consultation document *Drinking Responsibly* we outlined proposals for Alcohol Disorder Zones (ADZs) which would enable the police and local authorities to work with all licensed premises in a particular ‘hotspot’ area to take a collective approach to tackling the problems associated with alcohol-related crime and disorder. If the premises fail to take action, they would have to pay a mandatory contribution to defray the additional costs of policing the night-time economy, which currently fall to local authorities or the police. The aim is to get the industry to take collective responsibility for tackling crime and disorder including that in the surrounding public space.

43: We welcome many of the new powers that have been introduced to target individuals who are committing alcohol-related disorder. Fixed penalty notices, in particular, have been helpful to the police, and have allowed them to deal with more drunk and disorderly behaviour than they were doing previously. We believe also that the designated public places orders are useful powers, and have benefit of encouraging joint working between police and local authorities. We accept the need for greater powers to tackle underage drinking. (Paragraph 314)

We welcome the Committee’s support for the use of fixed penalty notices which the police are using to good effect.

We also welcome the Committee’s acceptance for the need for greater powers to tackle underage drinking. That is why we are taking forward proposals outlined in *Drinking Responsibly* which includes measures to close premises for up to 24-hours where there is evidence of persistent underage sales, and on 4 April we introduced a new fixed penalty for buying or attempting to buy alcohol while underage. We will keep the penalty notices system under review and add further offences to support enforcement action to tackle alcohol misuse if needed. Furthermore, from November 2005, the Licensing Act 2003 will also increase the penalties against licensed premises, and personal licences, for underage sales.

44: We welcome the Government’s Summer Alcohol Misuse Enforcement Campaign and its follow up in December 2004. However, we note the contrast between these campaigns and the more general approach to ASB which is all year-round. We believe that the drive for better enforcement must be sustained if it is to achieve any longer-term reductions in alcohol-related disorder and recommend that this is done. (Paragraph 315)

The Alcohol Misuse Enforcement Campaigns highlighted that a united effort to crack down on binge and underage drinking can have an impact. Following the Summer 2004 campaign, we disseminated a ‘lessons learned’ document to the

police and CDRP chairs to cement the good practice captured during the campaign.

We are working with the police to ensure that this good practice is implemented and that the police are fully geared up for the implementation of the Licensing Act 2003 when it comes fully into force (expected in November 2005). We are also working on a programme of dissemination of good practice on managing the night time economy including delivering Academy style events; as part of this we included night-time economy workshops in the recent series of ASB TOGETHER events.

We are continuing to provide support to local areas to tackle alcohol related crime and disorder through the Tackling Violent Crime Programme. The focus is on supporting local partnerships in working together to take decisive action against premises and individuals who condone or take part in alcohol related crime and underage drinking. This approach will ensure that support is provided on an ongoing basis and that the lessons learned from the campaigns are embedded fully.

45: Better enforcement is a necessary part of the response to alcohol-related disorder; however, we conclude that on its own it is insufficient. Even if enforcement was to improve dramatically, we believe that this would have a limited impact. This is because the problem is not primarily about a handful of irresponsible individuals; it is what happens when tens of thousands of individuals under the influence of alcohol are milling about in public areas. The central solution lies elsewhere. (Paragraph 316)

We know that enforcement is not the only answer. That is why we are working across Government, including with ODPM on their “How to” Programme, through the Alcohol Harm Reduction Programme to take forward proactive work with the police, industry and local authorities on managing the night-time economy so that drinkers can safely and quickly exit the town centre at night in order to avoid flash points which can often lead to disorder.

46: We welcome many features of the Licensing Act 2003 as sensible measures that are likely to have a positive impact on reducing alcohol-related disorder. In particular, we welcome the transfer of functions to local authorities to prepare statements of licensing policy and the greater powers to modify and vary licence conditions and to enforce breach of those conditions. We note, however, that the effectiveness of all these measures will depend on how they are implemented. (Paragraph 327)

From 2005 the Corporate Assessment of the Comprehensive Performance Assessment will look at Local Authorities work with partners in creating safer communities. If extended opening hours were indicated as a particular issue for a local authority prior to an inspection, the CPA may look at how local authorities are working with the police regarding decisions to grant extended opening hours.

The Government has made clear that we will review the Licensing Act 2003 one year on from when it comes into force. If there is a need to strengthen or alter any of the provisions, then we will do so.

47: We were concerned to hear that licensing authorities will be unable to make use of their saturation policies unless they receive an objection to an application. This flies in the face of logic and runs the risk of exacerbating problems in the very areas that are struggling the most with disorder. We recommend that the Government legislates to reverse this situation before Licensing Act 2003 comes fully into force. We recommend further that the Government publicises clearly to members of the public what their rights are under the Act and how they can object to licence applications. (Paragraph 328)

We disagree with the Committee's recommendations. Both residents and local authorities (acting as a planning or environmental health authority) are fully entitled to make representations (and thus object to any application) about any licence applications, and can therefore invoke consideration of the policy by the licensing committee. The licensing committee will consider representations and make the final decision whether to make use of their saturation policy in determining the application.

The rights of residents and others to make representations against applications has, and is, being emphasised at every stage of implementation of the 2003 Act. Any new applications or applications to vary existing licences must be advertised by both a blue notice inside the premises and an advert in the local paper. In terms of the process, the public can either voice their concerns directly to their licensing authority (usually the local authority) or ask others, such as solicitors or local councillors, to do so on their behalf.

If local residents or businesses have concerns about a licence application they usually have 28 days to make an objection in writing to the relevant licensing authority. Where residents or businesses have objected and their views have been considered, they are still entitled to appeal against licensing authority decisions about the application. If problems arise once a licence is granted, local residents and businesses, and 'responsible authorities' such as the police, can ask the licensing authority to review it. Following a review, the licensing authority can change conditions attached to the licence, remove the person who is responsible for managing the venue, suspend the licence for up to three months, or cancel it altogether.

An article about residents' rights is included in the May edition of the Licensing Countdown newsletter issued by DCMS. Information on how to make representations is included on the DCMS website and is also being disseminated by local authorities and organisations such as the Civic Trust.

48: We are concerned also about the legal robustness of the Licensing Act 2003. We have heard of the potential for challenges in relation to saturation and diversity and believe that there may be a possibility of legal challenges to decisions about closing hours. We welcome the Government's commitment to keep the Licensing Act 2003 under review and urge it to act quickly and decisively if there is any evidence that there are difficulties in these areas. (Paragraph 329)

We welcome the Committee's support for our approach. Where Court judgements contradict our policy intentions or the advice in the Guidance to licensing authorities we will consider whether we need to take any further action.

49: We conclude that there is no clear-cut evidence as to whether more flexible licensing hours will make current problems worse or will improve the situation. We accept that there is unlikely to be wholesale moves towards a 24 hour opening as such, but it is to be expected that many licensed premises will after time apply to stay open longer, and in some cases much longer than currently. Moreover, once one place does extend its opening hours then others in the area are likely to follow suit because of competition. Staggered drinking hours may reduce some flashpoints, but the changes may make it more difficult for the police in an operation sense to predict where and when officers need to be deployed. We recommend that local licensing authorities work closely with police to ensure that this is addressed. In the meantime, we urge the Government to monitor the situation on the ground extremely closely and to seek to change the law if necessary. (Paragraph 330)

As the Committee noted, we fully intend to evaluate the impact of the legislation on crime and disorder and with the consent of Parliament to change the law if that is appropriate.

50: Overall, we conclude that aspects of the new licensing regime, such as the role to be played by local authorities, will have a useful contribution to make. This is not least because it is clear – from the results of the Summer Alcohol Misuse Enforcement Campaign and elsewhere – that some premises are acting irresponsibly and contributing directly to drunkenness and disorderly behaviour. However, we agree with witnesses that the ability of the licensing regime to change fundamentally the nature of town and city centres is likely to be limited. This is because the central problem does not rest in individual premises, but in public space. As Professor Hobbs mentioned (para 284), research has shown a correlation between city centre licensed capacity and street assaults (Paragraph 331).

We welcome the Committee's conclusion that the Licensing Act 2003 has a useful contribution to make. Whilst we are working with the alcohol industry and the statutory agencies to drive up standards across the board and to clamp down on problem premises, we also want to reduce the opportunities for crime and disorder in public spaces. ODPM are taking this forward through their *How To* programme which has already published a guide on better management of the night time economy in town and city centres. Designated Public Places Orders, dispersal orders and our proposals for Alcohol Disorder Zones will also have a role to play here.

51: Although sections of the alcohol industry are working to try to improve the contribution of local pubs and clubs to tackling local disorder and to reduce the number of irresponsible promotions, we conclude that there are still far too many examples of public and clubs acting irresponsibly. We were particularly concerned to hear from the Chief Constable of Nottinghamshire that little has changed in the last six years in this regard. (Paragraph 340)

The drinks industry is leading on drawing up a national Standards Document which will cover protocols around seeking proof of age, banning irresponsible promotions and end of evening dispersal policies. We expect the Standards Document to be underpinned by a process of accreditation and enforcement at a local level along the lines of existing schemes like Best Bar None. This will encourage the good operators to become even more responsible, whilst clearly highlighting those which are not operating in line with the national standards. Those irresponsible premises can then be targeted by the police and local licensing authorities, and the appropriate action taken.

52: We believe that imaginative use needs to be made of new licensing powers by local licensing authorities. In particular, we note that some pubs and clubs have voluntarily adopted dispersal policies and that many licensed premises are members of Pubwatch, although not all are. We recommend that the Government pushes hard for local licensing authorities to use license conditions as a mechanism for achieving a far more widespread introduction of these types of action in areas which have been experiencing problems of disorder. In addition, we see the licensing framework as the best mechanism for tackling irresponsible promotions and recommend that the Government produces strong guidelines in this area. (Paragraph 341)

We welcome the contribution Pubwatch schemes can make. The Committee will want to note that the Guidance issued under section 182 of the 2003 Act gives advice about Pubwatch schemes and extensive guidance about controlling alcohol-related crime and disorder on and in the vicinity of licensed premises. The May edition of *Countdown* also includes an article on Pubwatch.

We also envisage that the Industry's Standards Document will include examples of end of evening dispersal policies for pubs and clubs along the lines of those recently promoted by the British Entertainment and Dance Association.

53: One route of tackling irresponsible promotions is the introduction of minimum pricing policies. We have heard a great deal of confusion on this point; several witnesses told us that local authorities are currently unable to introduce such policies; however, the Office of Fair Trading has advised that competition law is not necessarily a barrier as long as prices are fixed by local authorities and not by trade associations or individual pubs and clubs. We recommend, if it has not already done so, that the Office of Fair Trading clarifies the point directly to local authorities and that local authorities consider seriously the benefits of such a scheme, implemented through licence conditions and used in areas characterised by high levels of disorder. (Paragraph 342)

In order to clarify the application of competition law to minimum drinks pricing policies, the Office of Fair Trading provided advice to Lacors (Local Authorities Coordinators of Regulatory Services) in January 2005. Lacors has circulated this advice to the licensing specialists of local authorities, as well as posting it on its website. The Office of Fair Trading has also advised numerous local authorities directly on the application of competition law to minimum drinks pricing policies and welcomes any further queries which local authorities may have on this matter.

More broadly, the Government wants to see promotions that encourage speed drinking ended. We are supporting the British Beer and Pub Association and others in the development of guidance to owners and operators about drinks promotions published on 23 May. This will form part of the industry-led Standards Document. At the same time we are clear that normal price competition in line with competition law should not be put in doubt.

54: We welcome the acceptance of the principle that clubs and pubs ought to contribute more to the cost of disorder in some circumstances, as contained in the proposals for alcohol disorder zones. However, we are concerned that these proposals may be difficult to operate in practice. They seem to rest on the premise that individual licensed premises must be at fault for surrounding disorder; however, it is clear to us that problems of disorder can occur even if all the surrounding licensed premises are operating perfectly responsibly. (Paragraph 347)

The principle behind Alcohol Disorder Zones is to encourage the Industry to take a collective approach to addressing the problems of alcohol-related crime and disorder. We agree that it is not always possible to attribute blame for disorder in the street to a particular premise, but there is a need for premises to accept some responsibility for the problems around their venues and the extra costs that local authorities and the police incur in dealing with this disorder.

55: The extension of licensing hours works in the industry's favour and is likely to increase profits. In return, we believe that pubs and clubs in designated areas by local authorities, in conjunction with the police, should pay a mandatory contribution to help solve local problems of alcohol-related disorder. Local authorities should have discretion to decide whether this should be used to contribute to the cost of local policing, the cost of late-night transport or other necessary facilities linked to the effects of night-time drinking. We believe that the size of the contribution should vary according to the size of the premise. It should be completely unrelated to issues of fault: the principle should be that licensing mechanisms will be used to maximum effect to require every pub and club in the area to act responsibly, and a mandatory contribution will be taken to help pay for the aggregate effect of large scale drunkenness in public space. (Paragraph 348)

We do not accept the underlying premise for this recommendation. In 1988, following the introduction of all day opening, alcohol consumption declined in

each of the next five years. It cannot therefore be automatically assumed that longer hours equals increased consumption and increased profit.

As set out in *Drinking Responsibly*, Alcohol Disorder Zones are one means of securing a financial contribution from the industry in order to pay for any disproportionate costs incurred by the police and local authorities in dealing with the disorder which can accompany the night time economy in some towns and city centres. Before the zone is designated and compulsory charging kicks in, licensed premises would have the opportunity to implement an action plan to rectify the situation. Where they fail to do so, the premises would be required to pay a compulsory contribution. But the intention of ADZs is to provide an incentive to operators to work collectively and with police and local authority partners to reduce the levels of disorder.

There are existing voluntary schemes where the industry already contributes towards costs of policing the night time economy, often in crime prevention initiatives. We also welcome Business Improvement Districts (BIDs) as a framework which the alcohol industry can use to contribute to local costs and we would encourage that approach.

56: Overall, the problem of alcohol-related disorder must be addressed through proper city planning, in the widest sense. We accept that not everything can change immediately: it will take some time to reverse the over-concentration of licensed premises in some areas of towns and cities; equally, it will take time to introduce a greater diversity of premises in an area. We note in this respect that a new Planning Policy Statement 6 is anticipated which may deal with some of these issues: the test will be whether it enables local authorities to introduce greater diversity. However, some measures can and should be taken immediately. (Paragraph 356)

We recognise that it is essential that local authorities plan proactively and manage the evening and night-time economy in their town centres in an integrated way with their other responsibilities and powers.

Our recently published Planning Policy Statement 6 (PPS6): Planning for town centres calls for a proactive plan-led approach to town centres. PPS6 asks local authorities to have clear policies and proposals for the evening and night-time economy to help manage their town centres better.

PPS6 calls for a greater diversification of uses in town centres which appeal to a wide range of age and social groups and local authorities need to plan for a range of complementary evening and night-time economy uses such as cinemas, theatres, restaurants, public houses, bars, nightclubs and cafes.

The need to consider the likely impacts of such uses, such as potential cumulative impacts, will need to be a key consideration when local authorities draw up their policies and proposals under PPS6. The recent changes we have made to the Use Classes Order will help local authorities address these issues.

57: We recommend that all local authorities with a designated disorder area should have a duty to produce a plan indicating how they will provide the infrastructure to cope with the night-time economy and what would be needed to finance that plan, taking into account the mandatory contributions from the alcohol industry. (Paragraph 357)

Planning Policy Statement 6 encourages all local authorities to consider a local strategy for the evening and night-time economy, where this is an issue, to include a range of issues from anti-social behaviour and crime prevention to adequate late night transport provision.

The *How to* programme will further address issues relating to the management of the evening and night-time economy, as well as town centres, residential areas and parks and green spaces, more generally, engaging practitioners in developing advice.

58: In addition we conclude that adequate late-night transport is absolutely essential if a real impact is to be made on levels of alcohol-related disorder. We recommend, as a matter of urgency, that the Government identifies the 50 areas in which alcohol-related disorder is highest, and works closely with local government in helping it to solve logistical problems. We recommend also that in these 50 areas, the Government should assess whether mandatory contributions from the alcohol industry are likely to be sufficient to cover the cost of local transport and provide additional funding if necessary. (Paragraph 358)

We agree that building an effective infrastructure is an important part of managing the night time economy. There are already some good examples of late night transport provision e.g. in London and Manchester, and where there is sufficient demand that transport operators will respond and subsidies may not be required. The *How To* programme also contains practical advice on what local authorities can do to organise services in an appropriate way. And there are some good examples where pubs and clubs have organised their own transport for customers and we would encourage these kind of voluntary schemes.

The Tackling Violent Crime Programme is already working with 12 Crime and Disorder Reduction Partnerships (CDRPs) with high levels of violent crime, and we have started work with a further 7 CDRP's from 20 May. These are designed to roll out specific interventions to tackle violent crime, including alcohol-fuelled violence. We are seeking to address logistical problems as part of this work.

59: We commend the Anti-social Behaviour Unit on its work. Its image amongst practitioners is particularly impressive. We recognise its achievement in raising the awareness of ASB and in improving the response of local actors. The achievement is all the most notable given the relatively small budget from which the Unit has worked. (Paragraph 360)

We thank the Committee for their kind words and recognition of the work of the Anti-Social Behaviour Unit.

60: We believe that much of the work of the ASBU – the engagement of local partnerships, the close contacts with local authorities and other key local actors, the close monitoring of the use of enforcement powers on the ground, and the use of seminars and other training events to drive awareness – would make a difference in helping to reduce alcohol-related disorder. We note that in the Alcohol Harm Reduction Strategy, it was intended that ASBU should take on the enforcement role in relation to alcohol disorder, and recommend that it be given significant responsibilities in this areas. (Paragraph 361)

We agree that part of the TOGETHER approach can be replicated in tackling other policy areas. We are working very closely with colleagues within the Home Office to share our learning and good practice.

61: In addition, we recommend that ASBU should take over some of the responsibility for promoting and monitoring the housing based injunctive powers. Whilst we accept that re-organisation should not be done for its own sake, we believe that it would be particularly valuable to extend the TOGETHER approach here given the similarity of these powers to ASBOs and our earlier observations about the current level of knowledge in this area. (Paragraph 362)

ODPM have and will continue to work closely with the Home Office and the Housing Corporation in promoting the role of social landlords in tackling anti-social behaviour and the measures available to them as part of the TOGETHER campaign.

We recognise the need to continue and intensify the promotion of injunctive powers. The review outlined in response to the recommendation at paragraph 268 will help inform this.

62: We would encourage the Government to continue to produce guidance on the most effective tactics and strategies for tackling ASB. We note the strength of the evidence we have received in favour of a tiered approach to tackling individual problems, but we also stress the overriding importance of seeking to protect local communities and witnesses. We believe that local ASB strategies should not hesitate to move swiftly to introduce preventative measures and sanctions if these can bring quick relief to local people. (Paragraph 369)

We agree with the Committee's view on this. We believe the interests of the community should be at the centre of any local strategies to tackle anti-social behaviour and that the needs of victims and witnesses should come first. Although we encourage local agencies to adopt a tiered approach to tackling anti-social behaviour, we also emphasise the importance of using the most appropriate intervention. Where there is evidence of serious anti-social behaviour, and an immediate need to protect the community, it may not be practical to adopt an incremental approach. In cases such as these we encourage ASBOs or ASBIs (injunctions) to be used as a first resort. This message is reflected in all our published guidance and our series of Academy events this year included specific training on using the appropriate tools and powers. Over 10,000 frontline staff have benefited from the national programme of Academy events and Action days. We will continue to ensure this message is at the heart of all future training materials and guidance.

63 and 64: We welcome the Government's commitment to the prevention of ASB through diversionary and support measures and believe that the balance of its strategy is about right. We conclude that substantial resources are already being made available that could assist in preventative work with young people and dysfunctional families. However, the funding streams are complex and we are not confident that the resources are always being targeted on those most in need of support. Services which are required to play a key role in ASB strategies, like social services and Children and Adolescent mental health Services do not always seem to have access to additional funding, whilst other activities funded through DCMS or DfES may not be reaching the right people. (Paragraph 370)

64: We recommend that Government undertakes a review of these funding mechanisms (funding streams for diversionary and support measures can be complex, and not always targeted correctly) with a view to allowing more flexible use of these funds at local level. We believe that this move would be in keeping with the general direction of children's policy. (Paragraph 371)

The Government accepts that it is essential for funding streams to be used in a way that supports the preventative approach to work with children, young people and families. Further progress of the children's services reforms will help address this recommendation. A more co-ordinated approach to often complex funding streams is, as the recommendation implies, part of the changes brought in by the Children Act 2004. The changes will see local agreements on pooling of budgets and resources across children's services. These agreements will be instrumental in enabling local partners to work together, set priorities for action and plan

services accordingly, thereby helping resources reach those who are in most need of help.

The key advantage of pooled funding is that it opens up the prospect of original thinking about how better outcomes might be achieved. It permits thinking that is independent of any unhelpful traditions, vested interests, ways of working and constraints on the spending of funds that have hitherto existed. Joint commissioning that is not underpinned by formal pooled budget arrangements can lead partners to avoid tackling critical issues and the need to integrate service delivery to meet the needs of certain children.

Therefore one of the benefits of this approach is that it encourages innovative and user-focused service design. As funding loses its identity within a pool, maintaining pooled funds increases local partners' operational flexibility to commission services that reflect users' cross-boundary needs rather than being driven by the constraints of funding located in different budgetary silos.

65: Notwithstanding this, we have also identified four specific areas in which we believe that a small amount of additional Government spending will have a disproportionate impact on reducing ASB. First, we urge the Government to listen to arguments put forward by the YJB and recommend that additional funding be provided for a very significant expansion of the YIP in particular, with extra funding for YISPs awaiting the outcome of full evaluation. We believe that this would ultimately be a cost-saving decision. Second, we welcome the introduction by the Government of a Parenting Fund and welcome the provision of £1.5 million during 2003-04 to the YJB for additional parenting work associated with ASB. We recommend that this £1.5 million becomes a regular investment in order to allow parenting programmes to be targeted for parents whose children have been identified as being most at risk of future ASB. Third, we recommend that £0.5 million be invested (to match the £0.5 million already being provide by the YJB) so as to improve the take up ISOs. We believe that additional investment would reduce breach rate of ASBOs and therefore again be a cost saving measure. Fourth, we welcome the £2.25 million investment for target family interventions: however, we recommend that the Government increases this in order to help ensure that the deepest-rooted ASB problems are not simply recycled from area to area. (Paragraph 372)

The Government has made a commitment to increase the number of YIPs and YISP schemes by 50% by 2008. The Government will also be making £25 million available (announced in the 2005 Budget) to fund targeted early intervention programmes to improve outcomes for children and young people most at risk. The Home Office is engaging in cross-departmental discussions to determine how to make the most effective use of these additional resources. The Committee's recommendations will now be included as part of this consideration.

The Government recognise the value of parenting programmes where children or young persons are engaging in anti-social behaviour. In addition to the initial £1.5m provision, as a result of the latest Spending Review a further £2m has been identified for YOT parenting programmes for both 2006/07 and 2007/08.

The Government and the YJB recognise the value of ISOs. Further investment in this area is, however, dependent on other pressures and future funding provision.

In January 2004 ODPM commissioned a two year study, which is expected to conclude in early 2006, to evaluate a number of existing projects which provide residential and/or outreach support for families at risk of losing their homes because of their behaviour. This research will seek to identify the broad social and financial costs and benefits of these projects, which will help inform Government's consideration of future funding provision.

The £2.25m funding for targeted family interventions provided by ASBU was intended purely as seed funding to get schemes off the ground and we are therefore working to prioritise this funding with existing agencies' arrangements.

66: We conclude that, in responding to ASB, Government Departments have been working together in a generally coherent manner. However, we have also identified areas in the course of our inquiry in which co-ordination could be improved further. We note also that there are now a number of local partnership arrangements, each being promoted by their respective departments. These include CDRPs, local Criminal Justice Boards, Children Strategic Partnerships, Children's Trusts and LSPs. We recommend that the Government should look closely at the links between these partnerships to ensure that there are no unnecessary overlaps. (Paragraph 379)

We recognise that the landscape of different partnerships can cause some confusion at a local level. As a step towards ensuring close, effective working arrangements, we are examining the issue of how to ensure that Basic Command Units and CDRP boundaries are co-terminous.

We are also examining other links to ensure there are no unnecessary overlaps. The review of the partnership provisions of the Crime and Disorder Act 1998 examined how CDRPs relate to other local partnerships and addressed the important inter-relationships between CDRPs and LCJBs, Children's Trusts and LSPs. We shall be announcing any proposals for change later this year.

67: We welcome the actions of the Government in improving the redress of individuals and communities whose concerns around ASB are not being addressed. In particular, we welcome the proposals in the White Paper on police reform for trigger powers to force local agencies to respond to ASB. We recommend that, if these proposals are adopted, the Government ensures that the use of trigger powers is closely monitored and used to feed the evidence base about the quality of local response to ASB. (Paragraph 383)

The Local Government Strategy documents, *Citizen Engagement and Public Services: Why Neighbourhoods Matter* (January 2005) and *Securing better outcomes: developing a new performance framework* (March 2005) suggests triggers could operate on a neighbourhood basis with people triggering action when the quality, accessibility and standards of public services in their neighbourhood fall below the level they have a right to expect.

The Home Office and ODPM are working closely together to ensure that where such trigger mechanisms are put in place, they are responsive to local people's needs, avoid duplication, are non-bureaucratic and that their use is monitored.



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