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CIH Northern Ireland response to the review on Anti-Social Behaviour

General comments

Anti-social behaviour (ASB) can have a significant negative impact on people's lives and local areas, and CIH supports measures that aim to tackle this in a timely way, so that problems do not escalate.

Housing providers are key partners in local areas and the wider multi-agency approach to addressing ASB. Whilst action to address ASB more quickly is appropriate, there must be services available to support people to address their anti-social behaviour, with quick and effective referral routes from all of the agencies involved in community safety, including housing providers. This is particularly important where increased sanctions are to be considered.

Tackling ASB demands a multifaceted approach where housing practitioners possess a diverse range of tools tailored to address varying contexts effectively. It's crucial that these professionals have access to a spectrum of interventions, adaptable to the unique circumstances of each case, while also adhering to the

principle of proportionality in their responses. The efficacy of these tools lies in their versatility and accessibility, ensuring that all practitioners can deploy them as needed. By offering a range of options, from early interventions to enforcement measures, housing practitioners can respond appropriately, mitigating the impact of ASB and fostering safer, more cohesive communities.

Polling of CIH members shows overwhelming support for key proposals in this consultation, in particular: expanding the definition of ASB, the introduction of positive requirements to ASBOs and lowering the threshold for granting injunctions. We have shared these poll findings below in support of our response.

Anti-social behaviour orders (ASBOs)

Introduce positive requirements to ASBOs

We support the introduction of positive requirements, which presents a proactive approach to addressing the root causes of ASB. By requiring people to participate in activities such as courses, this offers a constructive pathway towards rehabilitation and personal development. Members have identified addiction and mental health issues as key areas where positive requirements could be particularly beneficial, although it's acknowledged that ASB may stem from a range of underlying issues. While the implementation of positive requirements necessitates careful consideration regarding sourcing, funding, and supervision, it represents a promising strategy to address ASB comprehensively, promoting community well-being and reducing recidivism.

100 per cent of members responding to our poll support this proposal. One member commented how they think it could be a better choice while acting as a motivator to change.

Change legal standards for granting ASBOs

We support lowering the threshold for obtaining ASBOs to a standard of being helpful in preventing an individual behaving in an anti-social way. This is a strategic response aimed at enhancing the effectiveness of these orders in tackling instances of ASB. Currently, members have voiced concerns over the high costs and stringent criteria associated with obtaining ASBOs. By revising the legal test to focus on what is "helpful" for protecting relevant people, the process becomes more accessible and responsive to the diverse needs of communities. This adjustment acknowledges that preventative measures can be equally valuable in addressing ASB before it escalates, providing a more flexible and proactive approach to maintaining community safety and cohesion.

71 per cent of members responding to our poll agree, with 29 per cent answering that they disagree with this proposal. One member observed the ASBO's role as one of a preventative nature.

Expand the definition of ASB

We support an expanded definition of ASB. Expanding the definition is a crucial step towards addressing the multifaceted nature of housing-related issues, particularly concerning inter-familial ASB and domestic violence. By broadening the scope to include behaviours that cause nuisance or annoyance to individuals in their homes, as well as housing-related nuisance to any person, relevant authorities gain increased flexibility in addressing ASB cases. Removing the limitation of 'not of the same household' further empowers authorities to intervene in instances of inter-familial ASB and domestic violence, which were previously excluded from the definition. This expanded definition not only provides a more comprehensive framework for handling diverse scenarios but also facilitates tailored responses to effectively combat ASB, ultimately promoting safer and more harmonious living environments for all people.

100 per cent of members responding to our poll supported this proposal.

Consider changes to ASBO laws regarding age

We support consideration of changes to ASBO laws regarding age. Recognising the need for a nuanced response to ASB among younger demographics, it's essential to acknowledge that ASBOs represent just one tool among many. Moreover, their limited use for under-18s reflects concerns about avoiding the unnecessary criminalisation of children. While efforts are made to enhance the accessibility and efficacy of ASBOs, it's equally vital to respect the advancements made in youth justice practices and policies.

86 per cent of members responding to our poll supported changes to ASBO laws regarding age.

Expand the list of Relevant Authorities to include Registered Housing Associations

We support including registered housing associations in the list of relevant authorities. It is imperative that all housing professionals have access to a comprehensive toolkit for addressing ASB, including the ability to deploy measures such as ASBOs when necessary. Registered housing associations play a significant role in providing housing and community services akin to the Northern Ireland Housing Executive but are inexplicably excluded from the list of relevant authorities for ASBO applications. This exclusion creates an inequality in the ASB response framework, limiting the capacity of housing associations to effectively address ASB issues within their communities. By proposing to include Registered Housing Associations as Relevant Authorities within the Anti-social Behaviour (NI) Order 2004, we not only ensure parity in the response to ASB for social housing tenants

but also empower housing associations with greater authority to combat ASB, thereby fostering safer and more cohesive communities across the board.

86 per cent of members responding to our poll think the list of relevant authorities that can apply for an ASBO should be extended to housing associations.

Injunctions against ASB

Lower the threshold for granting injunctions

We support lowering the threshold for granting injunctions against ASB. Lowering the threshold is a necessary step toward providing effective and timely interventions to address such issues. Currently, the requirement for the court to establish a "significant risk of harm" presents an overly stringent criterion, hindering the ability of social landlords to take proactive measures against ASB. By aligning the criteria with those in England and Wales, where injunctions can be granted based on a balance of probabilities and when deemed just and convenient for preventing anti-social behaviour, Northern Ireland courts can more readily intervene in cases where individuals are engaging in or threatening such behaviour. This adjustment not only streamlines the process but also ensures that appropriate measures can be implemented swiftly to safeguard communities and promote a sense of security among residents.

100 per cent of members responding to our poll agree with this proposal, with one person noting it could act as a preventative measure for further ASB.

Grant power of arrest without a warrant for injunction breaches

We support power of arrest without a warrant for injunction breaches. Granting the power of arrest is a vital enhancement to the efficacy of such measures. Currently, the process of reporting breaches to the court and awaiting the issuance of a warrant for arrest can introduce delays, potentially allowing further harm to occur.

By aligning with practices in England and Wales, where powers of arrest without warrant are attached to injunctions involving violence or significant risk of harm, Northern Ireland courts can facilitate swifter and more effective responses to breaches of injunctions. This proposed amendment not only empowers social landlords to address ASB more promptly but also enables law enforcement agencies like the PSNI to intervene swiftly when necessary, thereby enhancing public safety and minimising the risk of harm to individuals and communities.

86 per cent of members responding to our poll agreed that power of arrest should be granted without a warrant for injunction breaches.

Add exclusion powers to injunctions

We support adding exclusion powers to injunctions. Granting the power of exclusion from home as part of injunctions against ASB is crucial for ensuring the safety and well-being of tenants and others at risk of violence. Drawing from practices in England and Wales, where such exclusion powers are available in cases involving violence or significant risk of harm, this proposed amendment empowers Northern Ireland courts to take decisive action to protect individuals and communities from potential harm. By allowing courts to impose exclusions from specific areas, including the individual's place of residence, when warranted by the severity of the behaviour and associated risks, this measure provides a proactive means of safeguarding vulnerable individuals and fostering safer living environments for all.

86 per cent of members responding to our poll agree with this proposal.

Add positive requirements to injunctions

As above, we support positive requirements. Incorporating positive requirements into injunctions against ASB represents a progressive step towards addressing the

root causes of such behaviour and promoting rehabilitation. Drawing from practices in England and Wales, where anti-social behaviour injunctions can include obligations such as engaging with support services, this proposed amendment acknowledges the importance of addressing underlying issues to effect lasting change. By allowing courts to impose positive requirements alongside prohibitions, individuals can access the necessary support to address their behaviour's underlying causes, benefiting both themselves and those affected by their actions. This amendment not only aligns Northern Ireland's approach with international good practices but also underscores a commitment to holistic solutions that prioritise support and rehabilitation alongside enforcement.

Absolute grounds for possession

We support the introduction of absolute grounds for possession where there is clear evidence of ASB. This represents a significant step forward in ensuring the swift and decisive resolution of the most serious cases of ASB. Currently, obtaining an order for possession based on ASB grounds can be a protracted process, often requiring witnesses and lengthy court proceedings. Absolute grounds would enable courts to make possession orders based on evidence that ASB has already been proven to the satisfaction of another court, thus expediting the process and providing faster relief for victims and witnesses of ASB. This proposed amendment aligns with practices in other jurisdictions and would offer social landlords a more efficient and effective tool for dealing with instances of severe ASB, ultimately promoting safer and more secure communities.

71 per cent of members who responded to our poll said they agree that the court should be able to introduce absolute possession grounds where there is clear evidence of ASB.

Drinking in public areas

Regulation of drinking in public places

We support confining regulation to specific areas based on known issues, when considering the regulation of drinking in public places. This would enable a targeted response to address anti-social behaviour effectively, while optimising resource allocation. By designating specific areas where public drinking is prohibited due to associated nuisance or disorder, authorities can concentrate efforts and resources where they are most needed, thereby enhancing the overall management of public spaces.

This approach aligns with the sentiments expressed by respondents in our poll, 71 per cent of whom highlighted the importance of regulations tailored to address specific concerns.

Regulation of drinking in designated public places

We support regulating all instances of public drinking in designated areas, not just offensive behaviour, to ensure a consistent and comprehensive response to public drinking. By extending regulations beyond offensive behaviour to encompass all instances of public drinking, authorities can establish a clear and consistent framework for managing alcohol consumption in public spaces. This approach not only facilitates a more systematic approach to addressing anti-social behaviour but also helps restrict targeted areas effectively, as suggested by one poll respondent who emphasised the need for regulations to combat potential anti-social behaviour.

86 per cent of members responding to our poll agreed rules on public drinking should target all types of behaviour.

Power of seizure and disposal of alcohol if an individual refuses to surrender

We support the power of seizure and disposal of alcohol. Empowering policy with the ability to confiscate alcohol from individuals who refuse to comply is crucial for ensuring effective enforcement of public drinking regulations. By granting authorities the power to confiscate alcohol from non-compliant individuals, policymakers can deter anti-social behaviour and mitigate potential risks associated with public drinking, such as littering and the use of alcohol containers as weapons, as highlighted by respondents in our poll.

100 per cent of members responding to our poll supported the power of seizure and disposal.

Power to seize containers of alcohol if an individual refuses to comply

We support the power to seize all containers of alcohol, open and closed. Providing officers with the authority to seize all alcohol containers from individuals who refuse to comply with regulations would further strengthen enforcement measures and enhance public safety. By allowing officers to seize all alcohol containers from non-compliant individuals, policymakers can prevent potential misuse of alcohol containers and mitigate the risk of harm posed by individuals engaging in anti-social behaviour, thereby fostering safer and more secure communities.

71 per cent of members responding to our poll supported the power to seize all containers of alcohol.

Organisations who enforce powers on drinking in public places

Granting police, housing bodies, and commercial premises owners the power to enforce laws on public drinking would facilitate a collaborative and coordinated approach to addressing anti-social behaviour. By empowering multiple stakeholders with the authority to enforce regulations on public drinking,

policymakers can leverage their collective resources and expertise to effectively manage alcohol consumption in public spaces, thereby enhancing community safety and well-being.

Laws on public drinking

Amending current laws on public drinking is essential to ensure they are fit for purpose and aligned with contemporary needs and challenges. By revising existing legislation, policymakers can address identified limitations, streamline enforcement procedures, and introduce measures that reflect the evolving dynamics of public spaces and community needs. This approach resonates with poll respondents who emphasised the importance of adapting laws to current circumstances and drawing from past experiences to inform future interventions.

In total, 57 per cent of members responding to our poll said the laws should be amended, while 29 per cent supported the laws being replaced. Just 14 per cent supported the status quo. Comments included:

“It would be useful if registered bodies could request that areas can be considered as ‘alcohol free’ zones in order to combat ASB or potential for ASB.”

“Laws need to be fit for purpose in the times that we are now living.”

“New laws would allow for fresh approach and opportunity to implement learning from experience of what works.”

About CIH

The Chartered Institute of Housing (CIH) is the independent voice for housing and the home of professional standards. Our goal is simple - to provide housing professionals and their organisations with the advice, support, and knowledge they need to be brilliant. CIH is a registered charity and not-for-profit organisation. This means that the money we make is put back into the organisation and funds the activities we carry out to support the housing sector. We have a diverse membership of people who work in both the public and private sectors, in 20 countries on five continents across the world. Further information is available at: www.cih.org.

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