

Belfast City Council Consultation Response

Department of Justice Consultation on Anti-Social Behaviour Legislation in Northern Ireland

Belfast City Council welcomes the opportunity to consider and input into the **Anti-social Behaviour Legislation in Northern Ireland: Consultation to review the current criminal legislation framework to tackle anti-social behaviour (including on-street drinking)**. The consultation document has been considered by the People and Communities Committee at its meeting on 5 June 2018 with the enclosed corporate response agreed. This response remains subject to ratification by Full Council on 02 July 2018 following which we can update our response.

This is an open response to the consultation document as Council wished to respond with views that could not necessarily be managed using the consultation response questionnaire.

In submitting a response Council seeks to confirm it does so with the caveat that legislation is only effective as part of a multi component and agency framework of enforcement, education and empowerment.

Legislation on its own is not the answer and that this is equally applicable to the legislation referenced in the consultation. Council also does not consider it suitable to consider this legislation in isolation to the rest of the justice and wider family of legislation e.g. noise; environmental ASB, housing etc. and includes Council's own powers e.g. byelaws.

On receipt of the consultation document, it was agreed that engagement workshops were required to ensure the full spectrum of feedback could be gathered. In the timeframe available, a staff workshop and Member workshops were completed. This response is based on the collective feedback from these workshops.

- The consultation would benefit from more discussion on the wider ASB context and how the suggested powers could operate in that context;
- There is a need for a holistic framework, which includes legislation but is not exclusive of the need for education, prevention and community empowerment as well as effective partnership working;
- Existing legislation was not designed for the purpose it is retrofitted for and that the legislation is not keeping up with the change in social culture;
- Any change in legislation should be informed by evaluation of the performance of these powers in England and Wales to ensure lessons are learned;
- Any legislative framework for the management of ASB should be more holistic and reflect the wide range of powers available across Northern Ireland to ensure maximum effectiveness;
- An inclusive framework for addressing ASB should be inclusive of wider policy and practice across statutory organisations;
- The alignment of the consultation with the Programme for Government 'safe communities' outcome is welcomed and Council notes the alignment with its own Belfast Agenda outcome of having a city that is 'welcoming, safe, fair and inclusive for all';
- Any proposed legislation needs to be operationally deliverable and Council notes the challenges cited by partners on the practical deliverability of sections 68-72 of the Criminal Justice Act;

- Any new powers need to be operationally deliverable, adequately resourced and sit with the best placed lead organization;
- Whilst Council recognises this as a regional consultation, cognisance should be taken of the particular challenges cities can experience in relation to ASB. Belfast would therefore seek to ensure that its place a driver for wider regional growth is recognised and that any proposed changes in legislation are effective at helping Belfast address its specific challenges;
- Any new legislation should be appropriate, proportionate and practically enforced and should not seek to criminalise young people unnecessarily and restorative justice opportunities should be considered as well;
- Addressing ASB effectively should be examined in its widest context with appropriate investment in addressing the root causes and supporting individuals, families and communities to address those root causes;
- Finally, any proposed changes in legislation should ensure protection for the most vulnerable in society and any direct or indirect negative impact on vulnerable individuals should be properly scoped before legislation is progressed.