



Subject:	ASB legislation consultation response
Date:	5 June 2018
Reporting Officer:	Nigel Grimshaw, Strategic Director of City and Neighbourhood Services
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Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
1.1	The purpose of this paper is to outline to Members the draft Council response to the current Department of Justice statutory consultation on Anti-Social Behaviour legislation in Northern Ireland due on 12 June 2018 and to seek Member approval for the draft response that will be submitted subject to final ratification by Council in July 2018.
2.0	Recommendations
2.1	The Committee is asked to; <ul style="list-style-type: none">consider the consultation and key findings from the Member and Officer workshops and to agree the draft response enclosed in Appendix 1.
3.0	Main Report

- 3.1 Council received an invitation to respond in May 2018 to the Anti-social Behaviour Legislation in Northern Ireland consultation. The consultation is a review of the current justice legislative framework to tackle anti-social behaviour (including on-street drinking). The main existing legislation included in the consultation is:
- The Anti-social Behaviour (NI) Order 2004
 - Confiscation of Alcohol (Young Persons) Act 1997
 - Public Processions (NI) Act 1998
 - Part 5 of the Criminal Justice (NI) Order 2008, sections 68 to 72 – enacted but not commenced so cannot be enforced on the ground due to practical issues.
- 3.2 Given the significant levels of interest in the issue of anti-social behaviour, a consultation workshop was held with Members and a separate workshop with Officers. The purpose of these workshops was to facilitate practical and meaningful engagement of Members (including PCSP Members) and Officers to inform the corporate response.
- 3.3 The workshops considered the existing legislation and its effectiveness, suggested new powers in the consultation and had a broad conversation on ‘other’ legislation or legislative practice that would be relevant for referencing in the response. The draft response is provided for Members consideration at Appendix 1.
- 3.4 The main messages gathered as consensus from all the workshops were:
- Council welcomes this consultation as a starting point, not a conclusion and recommends ongoing cross central government departmental conversation to create a robust and flexible framework to address the complex nature of ASB
 - This consultation only focuses on the justice family of legal powers. Due to the complex nature of ASB and the diverse range of Council services that deal with ASB, there is a need for a more holistic framework. This framework should not only includes justice powers but other legal powers across central government departments e.g. housing and the environment and include council byelaws. It is recommended Council caveat the response with this.
 - An inter-agency and multi-dimensional framework for action would incorporate joint powers for enforcement, education and empowerment regionally to reflect all types and properly take account of supporting individual, family and community resilience and support.
 - Council welcomes the alignment of an inclusive framework to the Programme for Government outcome for a safer society.

- The existing legislation was not designed for the wide variety of purposes in which it is needed and is often retrofitted. Additionally, practice and legislation in addressing anti-social behaviour is not keeping up with the change in social culture. Therefore, any effective way forward should take in to account the wider family of legislation and associated management practices needed.
- Further information on the rationale and evidence on which the suggested powers in the consultation document were selected was needed, particularly on their appropriateness in the wider context of legislative options. In particular, many of the suggested powers had already been tried and tested in England and Wales and their effectiveness needed to be fully considered before implementation in Northern Ireland.
- There was a positive reflection that legal powers to deal with environmental ASB were effective and this may provide a lesson for applying powers to deal with other types of ASB.
- Additionally, the implementation of new HMO legislation may assist in addressing certain types of ASB.
- Any new powers need to be operationally deliverable, adequately resourced and sit with the best placed lead organisation.
- It was noted that although this is a regional consultation there is a need to recognise that cities often experience particular dynamics in relation to anti-social behaviour and that the needs of Belfast as a regional driver should be appropriately considered.
- Any new legislation should be appropriate, proportionate and able to be practically enforced.

3.5 In summary, Council believes this consultation should be a starting point to discuss the wider cross-departmental legislative framework and associated management approaches aimed at addressing ASB. Additionally, the consultation response is reflective of Elected Members and PCSP Members views on supporting the Belfast Agenda to deliver a 'welcoming, safe, fair and inclusive city for all'.

3.6 Financial & Resource Implications

None

3.7 Equality or Good Relations Implications

There are no implications noted with this response to the consultation

4.0	Appendices – Documents Attached
	Appendix 1: ASB legislation consultation document Appendix 2: BCC draft consultation response