

Scottish Parliament

Communities Committee: call for evidence on
Antisocial behaviour

Northgate Information Solutions' response

January 2004

Antisocial behaviour

Introduction

1. Northgate's submission to the Communities Committee focuses on the extended use of penalty notices proposed in the bill. Our response provides some suggestions on how the bill could be strengthened to support the effective use of penalty notices within an overall system of education and enforcement as a new and growing part of the system of administrative justice in Scotland.
2. In recent years there has been a discernible trend of applying civil and administrative penalties as part of, or to supplement, the criminal law. Yet there appears to have been little analysis of how this shift in administrative justice affects people's perceptions of the justice system, nor a study of the impact of the system itself. Without such analysis there is a danger that the use of such systems will emerge by stealth instead of design. Rather than assisting to gain and maintain the public's trust in the community justice system, this could undermine it.
3. Northgate believes that the penalty notice system can play an integral role in the administration of justice, but that the system is only as effective as it is fairly enforced.

Education and enforcement

4. The right to live free from environmental and social nuisance should be enjoyed and respected by all. It is fundamental to the quality of life and community well-being. This requires a strong and robust system of community justice built on two equal pillars – help and enforcement.
5. For Northgate, an effective system of community justice is about both help and punishment. A healthy society promotes social inclusion and a strong sense of solidarity and social responsibility within communities. But it must also enforce the administration of civil and criminal justice.
6. Demoralised communities living in run-down or neglected environments need to know that broader social issues – inequality and social deprivation – will be tackled at the same time as their day to day concerns such as poor street lighting, dirty streets, run down public buildings and fear of crime. And when social nuisance or crimes are reported, but nothing done, then the community becomes a victim too.

7. The penalty notice system can provide administrative convenience, particularly in dealing with high-volume low-level social and economic nuisance and crime which may otherwise continue unabated. It can also play a role in diverting people away from the courts. Penalty notices give authorities with limited resources an additional means of dealing efficiently with minor offences.
8. Penalty notices can have a "ripple" effect. Once imposed on individuals for particular offences, word of mouth quickly leads to other individuals improving their performance in order to avoid paying of similar fines. By integrating them into the educative process, they themselves may assist changing attitudes and behaviour, at least, in the short term.
9. The wider use of penalty notices should be part of a co-ordinated policy mix of education, the promotion of rights and law enforcement to optimize prevention of low-level, endemic social and environmental nuisance. Community engagement and inclusion in developing effective policies is crucial. Citizens are not only users and consumers, they are deliverers and they should be collaborators. So whilst the content of policy is important, so too is the context in which it is delivered. Any effective anti-social behaviour strategy must involve the community both in problem-solving and change management.
10. Community well-being is founded on trust between local citizens and public authorities. Where there is perceived inactivity by public authorities to deal with citizens' day to day concerns, local citizens are less likely to trust their ability to deliver fair and efficient public services. A proactive approach to educating and promoting community well-being, backed up by a system of penalty notice administration where clear and decisive action is taken to tackle individual concerns, could help to enhance public trust and improve service delivery.

Monitoring adverse impact

11. If the system is used inappropriately, questions can be raised about the use of penalty notices as a preventative tool and whether they violate human rights principles, due process and fairness.
12. Given the need to ensure compliance with discrimination and human rights law, we recommend that national guidance should be issued to ensure best practice and compliance, and that this should be placed on the face of the Bill.
13. In particular, guidelines should provide that public authorities review the use of such systems and put in place practices to measure and prevent adverse impacts. This will help to send out a strong message to the public that systems will be tested to ensure that there is no underlying bias which would lead to disproportionate, unequal or unfair treatment on account of such factors as gender, disability, special needs and religion.

Preparing the public

14. It is important to ensure that penalty notice enforcement, in so far as it is possible, is directed at organisations and individuals who knowingly infringe environmental, social and other low-level criminal or civil offences.
15. This means taking measures to inform the public about their responsibilities and rights. They should be prepared for new changes in law so that they understand the implications of continuing their actions.
16. We recommend that a duty to inform the public about the introduction of such systems be placed on the face of the bill.

Ability to pay

17. Unlike court fines, penalty notices are not related to the ability to pay. This means that problems can occur if individuals are allowed to accrue large amounts of unpaid fines. Enforcement systems should monitor their use.

Training of enforcers

18. Whilst penalty notices may provide an efficient and cost-effective means of dealing with minor offences, the penalty notice system is only as fair as it is operated. This means that particular attention should be paid to the training and resources of staff who will operate the system – from front line staff who issue the tickets to enforcement managers.

19. Staff should be adequately equipped to understand how human rights and diversity issues impact on service delivery, and be able to deal with the public in a courteous, fair, equitable and consistent fashion.

Tracking penalty notice enforcement

20. As with any financial penalty, penalty notices must be effectively enforced to provide both deterrent and reassurance to the public that such issues will be tackled. Authorities will need to consider what systems they have in place to track, enforce and evaluate any scheme they introduce. Enforcement systems must be responsive, transparent, accountable, equitable and audited.

Costs and collaboration

21. Crime and anti-social behaviour do not respect local authority boundaries. The sharing of information between all agencies responsible for community well-being is crucial. A collaborative approach, working closely with the police and other public authorities, appears to deliver the greatest benefit to the community.
22. Consideration could be given to establishing centres of excellence for enforcement, and the possible sharing of back office staff within and between local authorities and between local authorities and the police.

About Northgate Information Solutions

Northgate is a technology company with a difference. We are committed to high quality public services. And we understand the public sector. We know how it works, some of its problems and most of its challenges. That knowledge is core to our business.

At Northgate we are sensitive to the internal requirements of our public sector customers, the process of public service delivery and the wider policy agenda surrounding public services. We develop solutions that take all three into account and understand the relationship between them.

Northgate supplies innovative technology solutions to the public sector. Our clear customer focus and collaborative approach has helped us to work with all 52 police authorities and over a quarter of local authorities. Our task is to enhance public sector value through the intelligent use of information technology and to share in the economic and social benefits that this brings.

Northgate helps communities to achieve a safer, cleaner and healthier environment by tackling the issues that are most important to local people, from anti-social behaviour to urban congestion. We believe that citizens should be at the heart of public services and be active participants in the delivery of local solutions.

New powers often create new headaches for public authorities, pressed for time and resources. With over thirty years of experience, Northgate's no-nonsense approach helps our partners meet changing demands with the minimum of fuss. We give public authorities the support to innovate and experiment, developing new responses to long-standing problems and anticipating problems that may arise in the future.

- Northgate assists local authorities, the police and the emergency services to raise local standards by helping them provide citizens with accessible and responsive one-stop services. Our local authority clients at Halton and Swale Borough Councils have won awards in recognition of their contribution to e-government.
- Northgate helps deliver solutions to high-profile environmental problems. We provide enforcement systems for Transport for London's congestion charging scheme, reducing delays and pollution in the capital.

- Northgate works in partnership with the government and police to give forces and local authorities the tools they need to deal effectively and efficiently with anti-social behaviour. We are the biggest provider of penalty notice software systems to the police.
- Northgate provides managed services across numerous sectors, public and private, including the first fully managed service for Devon & Cornwall Police Authority.
- Northgate helps the emergency and other services to co-ordinate their work, providing them with the means to predict and prevent emergencies and crimes from occurring in the first place and to allow them to use their resources in the most efficient and effective of fashions.
- Northgate supports national road safety and local traffic management strategies. We are the UK's leading provider of vehicle penalty and fixed penalty enforcement systems.
- Northgate manages benefit systems for local authorities such as Camden, streamlining the benefits process and allowing citizens easier access to the support that they need.
- Northgate works in close partnership with many public sector organizations such as the GLA, helping them focus on the delivery of their core services by managing a wide range of human resource tasks, such as payroll, that require high levels of administration.

Northgate's services allow public authorities to focus on public service delivery, reducing the administrative burden. By using our systems, public authorities spend less time chasing the paper trail and more time improving the quality of life for local communities and their citizens.

Northgate helps public authorities to implement national policy through local delivery. When public authorities benefit, the community does too.