

Home Affairs Committee

Inquiry into ANTI-SOCIAL BEHAVIOUR

MEMORANDUM submitted by
NORTHGATE INFORMATION SOLUTIONS

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Summary

- Northgate welcomes the Home Affairs Committee inquiry into the government's strategy for tackling anti-social behaviour.
- This memorandum focuses on three key issues: the use of penalty notice enforcement as an additional tool to combat anti-social behaviour; the role and responsibilities of the private sector in relation to anti-social behaviour; and the need to promote multi-agency working to coordinate, educate and enforce the drive to combat anti-social behaviour in our communities.
- There are arguments for extending the use of penalty notices in tackling anti-social behaviour and, in particular, to combat corporate behaviour involving environmental and social nuisance. However, any extension of their use requires a clear national framework for their operation and clear guidelines for the growing number of enforcement agencies.
- Northgate believes that multi-agency working is critical to tackling anti-social behaviour. This is fundamentally a matter of transforming relationships and preparing people for change, rather than simply joining up systems. It requires an approach that puts people first.

Community justice and penalty notice enforcement

1. Everyone should enjoy the right to live free from environmental and social nuisance, and this right should be respected by all. It is fundamental to the quality of life and community well-being. To achieve this we need a strong and robust system of community justice built on two equal pillars – help and enforcement.
2. 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 and fear of crime.
3. Community well-being is founded on trust between local citizens and public authorities. Where there is perceived inactivity on the part of 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. When social nuisance or crimes are reported, but nothing done, then the community becomes a victim too.
4. 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.

5. Penalty notices give authorities with limited resources an additional means of dealing efficiently with minor offences. Used appropriately, penalty notices can be an effective way of dealing with high-volume low-level crime, environmental and social nuisance and other forms of minor civil infringements of the law which are currently either processed through the courts or where no action is undertaken. They give authorities with limited resources an additional means of dealing efficiently with minor offences.
6. Used appropriately, the penalty notice system can divert individuals away from the courts and remove the stigma of having a criminal record. They can also have an educative role. Penalty notices can have a "ripple" effect. Once imposed on individuals for particular offences or infringements, word of mouth quickly leads to other individuals improving their performance in order to avoid paying similar fines. By integrating them into the educative process they may assist changing attitudes and behaviour, at least, in the short term.

Extending penalty notice enforcement

6. The government is proposing to extend the use of penalty notices to certain cases of shoplifting and criminal damage and to apply them in relation to disorder offences to children aged as young as ten. The Department of Environment, Food and Rural Affairs (Defra) is also consulting on extending the use of penalty notices.
7. 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. 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 optimise prevention of low-level social and environmental nuisance. Community engagement and inclusion in developing effective policies and effective practice is crucial. Any effective anti-social behaviour strategy must involve the community both in problem-solving and change management.
8. It is essential that all authorities with responsibilities in enforcement benefit from clear guidelines to direct authorities about the fair and appropriate use of penalty notices. Enforcement staff need to be sufficiently skilled and trained to operate the system fairly and equitably.
9. Whilst the Home Office has indicated that it intends to publish guidelines, there is an apparent lack of consistency governing penalty notices in relation to anti-social behaviour. This arises partly from the fact that responsibilities for different offences and infringements can lie with different government departments. These inconsistencies relate to issues such as the amount of time an individual has to pay; the effect of non-payment of the penalty notice – in some cases the fine is increased and registered as a fine, in others the individual will face prosecution for the original offence; whether or not public bodies can hypothecate penalty notices and for what purposes the receipts may be used and whether or not the behaviour engaged in falls under criminal or civil law.

10. As the use of penalty notices grows, there are strong arguments for a Penalty Notice Act to ensure a joined up approach to policy making and to help assist in educating the public about their responsibilities.
11. This new act would lay out the principles and practices for the use of penalty notices in tackling what is, in effect, a new category of infringements related to community wrongdoing.
12. Standardisation of the approach should neither rule out local flexibility nor the need for specific departmental guidelines. However, it should provide a uniform national framework which aids compliance. It can also be used as part of the community education process to ensure that the public fully understands why there is a need to tackle community wrongdoing in this way.
13. 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. But there needs to be consideration of a wide range of measures to tackle the problem of non-payment if it is not to grow. Since the non-payment of a penalty notice ends up, in many instances, as a registrable fine, this could lead to an increase in criminality.
14. Some local authorities currently provide time to pay arrangements or payment by instalments, although the legislation governing anti-social behaviour penalty notices does not currently provide this. In Canada, the Contraventions Act 1992 provides individuals with a right to representation about the fine, fee or sentence to be imposed or whether the person ought to be given time to pay the fine or fee. Other methods which could be considered are payment through the tax system or discounts for those on low incomes who pay promptly and provide evidence of low income.

Tackling corporate anti-social behaviour

16. We all of us have a responsibility to ensure community well-being, whether we are an individual or an organisation, a public sector body or part of the private sector. If individuals believe that there is one standard of law for the corporate body and another for themselves, this will undermine public trust in community justice.
17. Corporate anti-social behaviour must be tackled in much the same way as individual behaviour. All too often, hard-pressed authorities do not have the time to tackle high-volume, low-level non-compliance with regulatory rules. Yet, this may result in daily suffering for employees at work or undermine levels of compliance generally. Traditionally the use of penalty notices in the regulatory system has been underplayed or ignored.
18. Defra's recent proposals mark a strong shift towards extending the use of penalty notices to tackle corporate anti-social behaviour. Northgate believes that much greater consideration needs to be given to using penalty notices as an additional tool in the regulatory environment.

19. In other countries such as New Zealand, Canada and Australia, they have been widely used as a tool to strengthen law enforcement, for example in health and safety law and under Australian environmental legislation where breaches of the law are minor; where the facts are apparently indisputable; where there is one-off breach and where a penalty notice could act as a deterrent.
20. In Australia, at a federal level penalty notices are normally known as infringement notices and are used as a significant part of the regulatory system. Some of the laws and regulations which include provision for penalty notices are outlined in the table below. This shows the extent of their use within the regulatory system.

Table 1 Australia - laws and regulations which provide for the issuance of infringement notices

Aboriginal Land (Lake Condah and Framlingham Forest) Act	Air Navigation (Fuel Spillage) Regulations 1999
Air Navigation Regulations 1947	Airports (Building Control) Regulations 1996
Airports (Control of On-Airport Activities) Regulations 1997	Airports (Environment Protection) Regulations 1997
Airports (Surface Traffic) Act 1960	Child Support Act 1988
Civil Aviation Act 1988	Close Corporations Act 1989
Commonwealth Electoral Act 1918	Conservation Act 1999
Corporate law economic reform program (Audit Reform & Corporate Disclosure) Act 2004	Corporations Act 1989
Corporations Regulations 2001	Customs Act 1901
Defence Force Discipline Act 1982	Defence Act 1903
Education Services for Overseas Students Regulations 2001	Environment Protection and Biodiversity Conservation Regulations 2000
Environment Protection and Biodiversity	Excise Act 1901
Financial Sector (Collection of Data) Act 2001	Fisheries Management Regulations 1992
Great Barrier Reef Marine Park Act 1975	Income Tax Assessment Act 1936
Interstate Road Transport Regulations 1986	Interstate Road Transport Act 1985
Migration Regulations 1994	National Parks and Wildlife Conservation Act 1975
Quarantine Regulations 2000	Radio communications Act 1983
Radio communications Regulations 1993	Referendum (Machinery Provisions) Act 1984
Road Transport Reform (Dangerous Goods) Act 1995	Road Transport Reform (Heavy Vehicles Registration) Act 1997
Road Transport Reform (Dangerous Goods) Regulations 1997	Spam Act 2003
Superannuation (government co-contribution for low income earners) Act 2003	Sydney Airport Demand Management Act 1997
Taxation Administration Act 1953	Tradex Scheme Act 1999

Promoting multi-agency working

20. Northgate believes that multi-agency working is critical to tackling anti-social behaviour. This is fundamentally a matter of transforming relationships and preparing people for change, rather than simply joining up systems. It requires an approach that, first and foremost, puts people at the heart of any change management programme.
19. As a technology problem-solver, our experience is that all too often IT projects are delivered well, but the overall programmes may be delivered badly. To overcome this, strategic leadership from the top is required. To be successful, national leadership must take into account local circumstances and provide local flexibility or support. It must balance national prescription with local circumstance. Strong project management is also critical to success, with working relationships defined and agreed from the outset.

About Northgate

Northgate is a technology services company with a difference. It is committed to high quality public services and understands the public sector. That knowledge is core to its business.

Northgate's task is to enhance public sector value through intelligent use of people and information technology systems and to share in the economic and social benefits that this brings.

Northgate assists the fire and rescue service, local authorities and the police to promote community well-being by helping them provide citizens with accessible and responsive one-stop services based on clear and accurate information.

For more information:

David Meaden
Managing Director, Public Services
Northgate Information Solutions
Boundary Way
Hemel Hempstead
HP2 7HU