

Northern Ireland Office

Measures to tackle anti-social behaviour in  
Northern Ireland

Northgate Information Solutions' response

April 2004

# Anti-social behaviour

## Introduction

1. Northgate welcomes the consultation on tackling anti-social behaviour in Northern Ireland.
2. Our submission focuses on the use of penalty notices as an additional means of tackling low-level environmental and social nuisance. The response provides some suggestions on where penalty notices could usefully be employed alongside the three proposed measures – Acceptable Behaviour Contracts (ABCs), Anti-social Behaviour Orders (ASBOs), and ASBOs without an associated criminal conviction – within an overall system of education and enforcement in Northern Ireland.

## Recommendations

3. Penalty notices should be considered as an additional tool to tackle low-level disorder offences in Northern Ireland.
4. Any extended use should form part of a co-ordinated policy mix of education and enforcement. The public must be prepared for any change in law so that they understand the implications of continuing their actions.
5. Guidelines should provide that public authorities put in place practices to measure and prevent any adverse impacts of enforcement techniques. Systems must be tested to ensure that there is no underlying bias which would lead to disproportionate or unfair treatment.
6. Northgate recommends a wide review of current regulatory powers across Northern Ireland with a view to assessing how penalty notices could be incorporated into the current education and enforcement regimes of a range of public authorities.

## Tackling anti-social behaviour

7. 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.

8. 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.
9. 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.
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 fair enforcement systems could help to enhance public trust and improve service delivery.
11. Anti-social behaviour and low-level neighbourhood disorder were identified as key issues in the Community Safety Strategy for Northern Ireland. The strategy committed to examining the legislation used in England and Wales to tackle this issue and the consultation proposes using three specific measures: ABCs; ASBOs; and ASBOs without an associated criminal conviction.
12. The consultation does not propose to use penalty notices as an additional tool but we believe that they can play a valuable role alongside these measures.

## Penalty notices

13. In recent years there has been a discernible trend of applying civil and administrative penalties as part of, or to supplement, the criminal law in the UK. Northgate believes that, when fairly enforced, these penalties can play an integral role in the administration of justice.
14. The penalty notice system can provide administrative convenience, particularly in dealing with high-volume low-level nuisance and crime which may otherwise continue unabated. Penalty notices give authorities with limited resources an additional means of dealing efficiently with minor offences.

## Building on existing success

15. Penalty notices are already used successfully by the police and councils in Northern Ireland, including for environmental crimes such as dog fouling and noise nuisance, a range of traffic related offences and regulatory offences such as benefit fraud.
16. Penalty charge notices for parking offences will also become available as Northern Ireland moves towards decriminalised parking enforcement, with primary legislation expected next year.
17. In England and Wales, following the Anti-social Behaviour Act 2003, penalty notices for minor disorder offences can now be issued by authorised council officials accredited by the police. The Criminal Justice and Police Act 2001 and Police Reform Act 2002 granted these powers to the police and police community support officers. These offences include: the use of insulting or abusive behaviour likely to cause alarm, harassment or distress; throwing fireworks; trespassing on a railway; and giving false alarm to the fire brigade. Following the successful piloting of the scheme in four police forces, a national roll-out is underway.
18. Penalty notices for minor disorder offences appear to be a useful additional tool to reinforce good behaviour and foster a culture of respect for people and public places. They reduce the administrative burden on the police and the courts whilst reassuring the public that action is being taken.

## Closing the enforcement gap

19. Anti-social Behaviour Orders, as noted by the consultation, are aimed at persistent offenders. They are not suitable for 'one-off' breaches. Acceptable Behaviour Contracts are not themselves enforceable, although failure to abide by the provisions can be used as evidence leading to an ASBO. There remains an enforcement 'gap', where one-off instances of anti-social behaviour remain untackled, reducing people's quality of life and leading to increased fear of crime in the community.
20. Penalty notices do not lead to a criminal record and do not require a court hearing. They are a means of diverting people away from the courts whilst ensuring effective enforcement. 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.

21. 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.

## Preparing the public

22. It is important to ensure that enforcement measures, in so far as it is possible, are directed at organisations and individuals who knowingly infringe environmental, social and other low-level criminal or civil offences.
23. This means taking measures to inform the public about their responsibilities and rights. They should be prepared for any change in law and enforcement techniques so that they understand the implications of continuing their actions.
24. Enforcement should be used as part of a co-ordinated policy mix of education, the promotion of rights and law enforcement to optimise prevention. Community engagement in developing effective policies is crucial. Citizens are not only users and consumers, they are deliverers and they should be collaborators. Any effective anti-social behaviour policy must involve the community both in problem-solving and change management.

## Monitoring adverse impact

25. The impact of enforcement systems on both individuals and levels of public confidence must be adequately monitored. If ASBOs, ABCs or penalty notices are used inappropriately, questions may be raised about their power as a deterrent and whether they violate human rights, due process and fairness.
26. Any extended use of penalty notices should be accompanied by guidelines providing that public authorities 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.

## Ability to pay

27. 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

28. 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, including police officers and council employees.
29. 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 and enforcement

30. 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. Consideration must be given what systems are in place to track, enforce and evaluate any scheme introduced. Enforcement systems must be responsive, transparent, accountable, equitable and audited.

## Collaboration and partnership

31. The consultation rightly emphasises the importance of working in partnership with the police and other public authorities. The sharing of information between all agencies responsible for community safety is crucial. A collaborative approach would appear to deliver the greatest benefit to the community.
32. Northgate recommends a review of current regulatory powers across Northern Ireland with a view to assessing how penalty notices could be incorporated into the current education and enforcement regimes of a range of public authorities.

## Further information

33. For further information please contact Kathy Sutton, 0207 849 3403, or Naomi Stevenson, 0207 849 3508.

## 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.

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