Anti-Social Behaviour Action Plan

To: England and Wales

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Executive Summary

On 27 March, the Government announced its Anti-Social Behaviour Action Plan.[1] The Action Plan (AP) involves perpetrators of anti-social behaviour facing swifter justice, increased fines for littering and graffitiing, a crackdown on organised begging, and the introduction of council league tables for fly-tipping.

16 areas in England and Wales will be funded to support either new 'hotspot' police and enforcement patrols in areas with the highest rates of anti-social behaviour, or trial a new 'Immediate Justice' scheme to deliver swift and visible punishments. A select few areas will trial both interventions, and following these initial trailblazers, both schemes will be rolled out across England and Wales from 2024.

When it comes to the role of local councils in this new Action Plan:

"Local authorities will play an important role in tackling anti-social behaviour through prevention and enforcement using the range of powers and tools available to them. This includes neighbourhood wardens, working alongside police and other partners, to offer a visible and reassuring presence in local communities, handing out more on-the-spot fines for vandalism, and taking appropriate action against perpetrators."

This briefing provides an outline of the AP, with a focus on its potential impact on the operations of local councils in England and Wales.

1 The Prime Minister's "new plan to crack down on anti-social behaviour"

On 27 March 2023, the Prime Minister Rishi Sunak made the following statement:

"I made a promise in January that we will work tirelessly to crack down on anti-social behaviour. For too long, people have put up with it ruining their neighbourhoods.

These are not minor crimes. They disrupt people's daily lives, hold businesses back and erode the sense of safety and community that brings people together.

That's why I'm bringing forward a new plan to crack down on this behaviour once and for all - so that everyone can feel proud of where they live."

[1] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1145943/Anti-social_Behaviour_Action_Plan_March_2023.pdf

1.1 Introducing tougher fines for litter, graffiti and fly-tipping

According to the AP, the Government *"…want to see councils take a much tougher approach to this form of anti-social behaviour… To equip them with everything they need and strengthen their arm, we will change laws and provide statutory guidance on the proportionate use of litter fining powers."*

As a first step, the Government is increasing the upper limits for on-the-spot fines:

- Those caught fly-tipping could be fined up to £1,000 (from £400 now)
- Those who litter or graffiti could be fined up to £500 (from £150 now)
- Those who breach their household waste duty of care could be fined up to £600 (from £400 now)

The Government *"want to see councils use these on-the-spot fines much more.[2] Local authorities will have the freedom to set the rates that offenders should pay, within the limits above. Revenue from fines will be reinvested locally in clean up and enforcement – meaning perpetrators pay for local councils to continue toughening their approach in future years."*

1.1.1 Council league tables on fly-tipping

The AP has committed to increased transparency of the data on the use of on-the-spot fines, including publishing league tables on fly-tipping to show which local authorities are taking a muscular approach. Further details on this league table have yet to emerge.

1.1.2 Community Payback additional investment

As part of the AP, the Government has also announced up to a further £93 million additional investment into Community Payback, to ensure criminals across England and Wales complete up to eight million hours of unpaid Community Payback per year. In high-vis, and under supervision, criminals will *"clean up graffiti, clear wastelands, and redecorate public places and buildings such as community centres."*

1.2 Tackling empty shops, properties and renovating local parks

The AP states that *"Councils will have stronger means to revitalise communities, bringing more empty shops on high streets back into use, and restoring and renovating local parks."* The Plan refers to this as "Building Local Pride" and involves "*changing laws and arming councils with new tools":*

[2] Currently, research suggests 92% of councils do not give out any on-the-spot fines to people for carrying out graffiti34. And while in 2021/22, councils issued 91,000 fines for fly-tipping, along with other enforcement actions, in total they dealt with almost 1.1 million incidents.
https://randd.defra.gov.uk/ProjectDetails?ProjectId=20773

1.2.1 High Street Rental Auctions

High Street Rental Auctions will be introduced across all local authorities this autumn, following passage of the Levelling Up and Regeneration Bill. These auctions will allow local authorities to sell off the rental rights for empty properties to willing tenants, such as businesses and community groups, for a short period of time. To supercharge use, the Government will provide up to £2m of financial support to make sure that areas which need this the most are not priced out by prohibitive refurbishment costs to bring the properties up to standard.

1.2.2 High Street Accelerators

The Government will pilot High Street Accelerators which *will "incentivise and empower local people to work together to develop ambitious plans to tackle vacancy and reinvent their high streets so that they are fit for the future."* The Government will support this programme with up to £2.5 million of funding for up to 10 key areas.

1.2.3 Guidance highlighting the links between good design and reducing anti-social behaviour

Once the amended National Planning Policy Framework is published and the Levelling Up and Regeneration Bill is in place, the Government will produce guidance which could include more street lighting and CCTV. The Government will also consult on whether the National Planning Policy Framework should explicitly refer to the need for planning policies and decisions to reduce anti-social behaviour.

1.2.4 Landlord and Tenant Act Review

Led by the Law Commission, the Government will launch a review of the Landlord and Tenant Act, with a view to the reform of commercial leasing rules. The Government's aim is to make the system easier to understand and more transparent and attract more investment into UK commercial property.

1.2.5 Changes to the Empty Dwelling Management Order regime

So that local authorities can move quickly when a private property is left vacant, the Government will make changes to the Empty Dwelling Management Order regime, cutting the minimum time period for action from two years to six months specifically for properties which have become a magnet for anti-social behaviour or occupied by squatters.

1.2.6 Changes to the guidance for Section 215 notices

The Government will consider changes to the guidance for Section 215[3] notices, which local authorities can use to make owners and occupiers fix and tidy their land and buildings, so that it includes notices on empty buildings that are ruining the local amenity. The Government are also removing the upper limit on fines for landlords and building owners who do not comply with a Section 215 order, encouraging them to fix disrepair that can attract anti-social behaviour.

1.2.7 Action on 'cuckooing'

The Government intends to target the practice of 'cuckooing' or home invasion and will engage with stakeholders to make it a new criminal offence. 'Cuckooing' involves criminals taking over a premise (often the home of a vulnerable person, such as an individual with limited physical or mental capacity, or substance addiction) to use for illegal activities.

1.2.8 Improving access to green spaces through further investment

As part of the AP, The Government will boost investment in green spaces by providing up to £5 million funding to areas most in need to restore their parks and green spaces, giving more people access and improving pride in place.

1.3 Reducing rough sleeping and begging

The Government *"want to go as far as possible to ensure vulnerable individuals on the streets can be directed to the support they need, while cracking down on conduct that is anti-social, intimidating, or criminal."* The Government will introduce new powers for local authorities and the police, coupled with improved multi-agency working between local partners. Among other measures, informed by further engagement with stakeholders, the Government will:

1.3.1 Repeal the Vagrancy Act

According to the AP: "*Nobody should be criminalised for simply having nowhere to live*".

1.3.2 New tools for positive pathways

New tools will be introduced to direct individuals to engage with positive pathways, including accommodation, mental health support, substance misuse support, and immigration or asylum services, so individuals who may have turned away help before access the support they need.

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[3] https://www.gov.uk/government/publications/town-and-country-planning-act-1990-section-215-best-practice-guidance

1.3.3 Prohibit organised and harmful begging

The Government will prohibit organised begging, which is often facilitated by criminal gangs to obtain cash for illicit activity. The Government will also prohibit begging where it is causing a public nuisance, such as by a cashpoint, in a shop doorway, on public transport, approaching people on the street or in their cars, and any broader incidence that cause nuisance, distress or blight.

1.3.4 New powers to address rough sleeping

The Government will introduce powers for the police and local authorities to address rough sleeping and other street activity where it is causing a public nuisance, such as by obstruction of doorways and pavements, and to clear the debris, tents and paraphernalia that can blight an area, while ensuring those genuinely homeless and with complex needs are directed to appropriate support.

1.4 Making evictions of anti-social tenants easier

1.4.1 Private rented sector

For those living in the private rented sector or in properties owned by Private Registered Providers, the Government will ensure landlords can act more quickly than ever before to evict anti-social tenants. Through reforms for renters, the Government will make grounds for possession – the legal reasons a landlord can evict a tenant – faster and far easier to prove. This will mean landlords can take immediate action – rather than giving two months' notice and waiting for the end of a fixed term, as they currently need to when relying on Section 21.

1.4.2 Social rented sector

The Government intend to "*update statutory social housing allocations guidance ('Allocation of Accommodation guidance'[4]) to be clear that evidence of committing anti-social behaviour can and should be used to de-prioritise anti-social behaviour perpetrators, who should be at the back of the queue for social housing.*"

The Government will also speed up the process of removing anti-social behaviour perpetrators from their communities by exploring a "three strikes and you're out" eviction expectation for all social landlords, meaning three proven instances of anti-social behaviour followed by three warnings from your landlord. After three strikes, the Government thinks it is right that perpetrators of anti-social behaviour face eviction and should be deprioritised for further social housing and will work with the sector to achieve this.

The Government will also consult on expanding Closure Powers. These currently allow police or

[4] https://assets.publishing.service.gov.uk/media/60df2d0de90e0771784b991f/Current_allocation_of_accommodation_guidance.pdf

council officers to quickly shut down premises that are being used, or likely to be used, to commit nuisance or disorder. The Government intend to extend these powers to Housing Providers, making it easier and quicker for them to directly tackle nuisance premises without needing to go through the police or council officers.

2 APSE Comment

As alluded to by the Prime Minister in the AP Foreword, there exists a golden thread in society which helps local communities build places where families can flourish, where businesses want to invest and where people feel pride, optimism and hope. Unfortunately, as our member authorities can attest, this golden thread frays and greys in the presence of anti-social behaviour. APSE therefore broadly welcomes the Government's acknowledgement of this issue and its plan to address it.

When it comes to enforcement, councils will always take a proportionate approach to using the tools at their disposal to tackle anti-social behaviour. However, APSE member councils are all too aware that sound-bites and one-off headline interventions do little to secure improvements in the root causes of anti-social behaviour including poor housing, and access to a decent home, jobs and skills alongside addressing ill-health determinates including additions, poverty and education. Many frontline neighbourhood services were reduced during the era of austerity in order to balance local authority budgets and reinvesting in neighbourhood level services will be critical to successful, and long-term reductions in anti-social behaviour.

APSE research has shown that enforcement is only one element amongst many when it comes to building green, clean, healthy and happy local places. Our ongoing work with the TCPA has demonstrated a more interventionist role for local councils in shaping local places is required if we are to have better success at tackling anti-social behaviour before it takes root.[5]

On the issue of fly-tipping, APSE's own data shows that the number of incidents of fly-tipping/dumps per 1,000 households (England only) had increased from 32.30 in 2017/18 to 37.15 in 2021/22.[6] APSE therefore welcomes the Government raising the upper limits for on-the-spot fines. However, a note of caution should be added insofar as the revenue raised from such fines should not be used to simply plug gaps in service delivery caused by cuts in funding. Instead, the revenue from fines must be "*reinvested locally in clean up and enforcement*" as the AP states. Failure to do so will, quite rightly, lead to accusations of "giving with one hand and taking away with the other."

APSE looks forward to seeing more details of how the AP will work in practice. We will also look to engage with Oflog regarding the embryonic "Council league tables on fly-tipping". APSE is minded to suggest that some of the proposed Oflog data sets already exists and is analysed already as part

[5] https://www.apse.org.uk/index.cfm/apse/news/articles/2021/how-local-authorities-can-use-place-making-to-drive-the-green-recovery/
[6] https://apse.org.uk/index.cfm/apse/members-area/briefings/2023/23-11-street-cleansing-trend-analysis/

of APSE's performance networks services; which remains the UK's largest data benchmarking service.

For more information about how your authority can stay up to date with the latest in litter and fly tipping management, please sign up to our Waste Management, Refuse Collection and Street Cleansing Advisory Group, free for APSE members, here.

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APSE member authorities have access to a range of membership resources to assist in delivering council services. This includes our regular advisory groups, specifically designed to bring together elected members, directors, managers and heads of service, together with trade union representatives to discuss service specific issues, innovation and new ways of delivering continuous improvement. The advisory groups are an excellent forum for sharing ideas and discussing topical service issues with colleagues from other councils throughout the UK.

Advisory groups are a free service included as part of your authority's membership of APSE and all end with an informal lunch to facilitate networking with peers in other councils. If you do not currently receive details about APSE advisory group meetings and would like to be added to our list of contacts for your service area please email enquiries@apse.org.uk.

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- Housing, Construction and Building Maintenance
- Local Authority Commercialisation, Income and Trading Network
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- Recovery and Renewal
- Renewables and Climate Change
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- Sports and Leisure Management
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