

The government's anti-social behaviour action plan and the questions it poses practically

03 April 2023

Rishi Sunak has unveiled his Anti-Social Behaviour Action Plan. In summary, the plan proposes to bring in hotspot policing to target the areas worst affected by anti-social behaviour, taking a zero-tolerance approach to anti-social behaviour and finally, to give the police and other agencies the necessary tools to act and restore pride in the community. However, the three point plan raises some practical and enforcement questions.

The Government is trailblazing 10 places with hotspot policing, before rolling it out across England and Wales next year. They are also introducing "Immediate Justice" to make perpetrators repair the damage they have done such as picking up litter, washing police cars or cleaning up graffiti within as little as 48 hours of being caught. The operative words are "being caught". It will be interesting to see the figures once the trailblazing stage is complete on how many perpetrators are caught and engage with the process, whether the trailblazer has actually impacted on anti-social behaviour levels and how the Government intends for this to be enforced without a conviction or court order. We also wait to see what the punishment will be if the perpetrators do not carry out the remedial works. The plan suggests communities should be involved in deciding the type of punishment or consequences perpetrators should face. Will this extend to non-engaging perpetrators?

The Government has also indicated they intend to change the law to make it easier for landlords to evict tenants who are persistently disrespectful and disruptive to their neighbours. They have advised that they intend to reduce the notice period from two months to two weeks to speed up the process in which court proceedings can be issued. They also plan to expand the discretionary possession ground to make anti-social behaviour easier to prove in court by clarifying that any behaviour 'capable' of causing 'nuisance or annoyance' can lead to eviction. In terms of social housing the Government are exploring a "three strikes and you're out" eviction expectation meaning three proven instances of anti-social behaviour followed by three warnings from the landlord should result in eviction and the perpetrator should be deprioritised for further social housing. In theory, that sounds reasonable but how will it work in practice? Will a judge make someone homeless for conduct that is 'capable' of causing 'nuisance or annoyance'? What if they have a family? One imagines proportionality will still be assessed so whilst it may be easier to prove anti-social behaviour, will the proposed changes result in any better outcomes for landlords? Making it easier to evict nuisance tenants and deprioritising them on social housing lists may increase anti-social behaviour within communities given homelessness would be expected to rise. Are the proposed changes really going to tackle anti-social behaviour or just move the problem?

Finally, the Government intends to increase the amount for on-the-spot fines for litter, graffiti and fly tipping and try to increase the use of fines. On face value, increasing the size of the fine should be a bigger deterrent for this behaviour which one might expect would reduce the number of people causing these problems. However, studies suggest that people most likely to litter, graffiti or fly tip are from lower socio-economic backgrounds and therefore, will the perpetrators be able to pay the increased fines? How will the fines be enforced? What are the punishments for not paying a fine and will that action be followed through?

The police and local authorities are already stretched and struggle for resource. The Government's plan to increase funding to deal with anti-social behaviour will certainly help ease the burden these authorities already face. Will the funding be enough to allow the authorities to be able to act quickly and pro-actively in tackling anti-social behaviour? Will the plan put more pressure on local authorities from the general public reporting anti-social behaviour? It is clear that the Government needs to take action to try and tackle the ever-increasing occurrences of anti-social behaviour. It is good to see the Government giving thought to these issues and creating a plan to try and tackle some of the problems faced. Will Rishi Sunak's anti-social behaviour action plan be effective and work in practice? Only time will tell.

If you have any questions about the anti-social behaviour action plan or if you are a social landlord who is currently dealing with anti-social behaviour and would like some legal assistance, please contact us.

Key contact



Ryan Wise

Associate (FCILEx)

ryan.wise@brownejacobson.com

+44 (0)115 934 2076

Related expertise

Constitutional and administrative law

Public law