

Respect Orders: Will they actually make a difference?

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The Government has announced that they intend to introduce Respect Orders as part of the forthcoming Crime and Policing Bill in an attempt to tackle the ever-increasing Anti-Social Behaviour.

According to the Government the new Respect Orders will give the police and local authorities powers to ban persistent offenders from town centres or from drinking in public spots such as high streets and local parks. Perpetrators can also be required to undertake positive rehabilitation like attending drug or alcohol treatment or an anger management course.

Failure to comply with Respect Orders will be a criminal offence and the police will be able to arrest anybody breaching their Respect Order. The Police will also be given stronger powers as part of the incoming Crime and Policing Bill that will allow them to seize nuisance off-road bikes and dangerous e-scooters without warning.

Is there a difference between a Respect Order and an Injunction with a Power of Arrest or a Public Space Protection Order?

Looking at the Government briefing it appears that the only significant difference is that the Court will be able to impose community orders, such as unpaid work and curfews, for a breach of the Respect Order.

Currently, Local Authorities already have the power to impose a Public Space Protection Order to ban persistent offenders from town centres for up to 48 hours. Any breach results in a fixed penalty notice.

Under the Anti-Social Behaviour, Crime and Policing Act 2014 the punishments are up to two years in prison for a breach of the injunction or an unlimited fine, which will remain the case for Respect Orders. With injunctions you can also seek positive requirements for the perpetrator to attend or engage with rehabilitation services but this puts an additional onus on the Local Authority to arrange the same and make sure the perpetrator attends.

Will they make any material difference?

Some critics suggest Respect Orders are little more than ASBOs for adults. ASBOs were scrapped in 2010 following widespread criticism that they were ineffective and seen almost as a badge of honour. The concern is that Respect Orders focus on low-level disorder when police time might be better spent focusing on crimes such as burglary, robbery and shoplifting and that the issues they propose to tackle are more unpleasant behaviour rather than crimes. Others question if the Orders are open to abuse given there are few limited on their use and might, for example, be used to criminalise homeless.

The change for police to be able to seize problem off-road bikes and e-scooters without giving a warning is a positive and welcome change. However, to be effective, resource has to be given to the police services to be able to have the time to attend, catch and detain the perpetrators causing these issues in local communities. It therefore remains to be seen whether the increased powers will make any significant impact in reducing the issues.

Introducing community orders for breaches of a Respect Order is positive. As we have seen, given the early release scheme, the prisons are full and therefore custodial sentences for breaches of an injunction are unlikely to be handed down unless the breach is significant. Currently, that leaves the Court into ordering fines which, in a large proportion of these matters, never get paid as the perpetrators do not have the means to pay. As such, there is currently little to no deterrent for anti-social behaviour. Forcing perpetrators to undertake unpaid work or be on curfew may act as a deterrent for persistent offenders.

I am seeing a large increase in instructions from Councils for injunctions to ban persistent offenders from the town centre for anti-social behaviour. The majority of the offenders have alcohol and/or drug addictions and are street homeless. Currently, there is little deterrent for persistent breaches. It is also an expensive route to seek a committal application for any injunction breaches, with several hearings taking place. There is no doubt that anti-social behaviour has a serious impact on the lives of those who frequently encounter offenders. I have spoken with people who are in a state of despair as a result of anti-social behaviour from neighbours. The inability to feel safe in your own home impacts on their work, relationships and health. As such, I would welcome any steps which might reduce such behaviour but it cannot be at the expense of other crimes and cannot be effective without the police resource to issue and enforce the Orders.

It will be interesting to see how effective Respect Orders will be and whether we see a reduction in anti-social behaviour in local communities. In my opinion, in order to be properly effective, thought also needs to be given to the Court process in dealing with breaches of the Orders and funding and resource provided to drug and alcohol treatment centres to manage the increase in referrals but also to assist people before their behaviour becomes a problem. From the cases I deal with, the roots of anti-social behaviour are found in histories of mental health problems, drink and drug addiction and therefore significantly more support is required to tackle those issues and address the underlying causes of anti-social behaviour.

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