

REPORT OF THE LEAD MEMBER FOR COMMUNITY SAFETY TO CABINET

EXECUTIVE SUMMARY

Purpose of the Report

The report provides a response to the Home Office consultation paper: "Reducing public disorder: The role of fixed penalty notices"

RECOMMENDATIONS

To agree the response enclosed and forward the comments to the Home Office

FURTHER INFORMATION CAN BE OBTAINED FROM:

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1.0 General Summary

- 1.1 The consultation paper identifies a requirement to provide an alternative and efficient approach to dealing with anti-social behaviour in public places. It is proposed to introduce the use of "fixed penalty notices" which can be issued automatically by police to provide both a quick punishment and, hopefully a real deterrent. It is proposed that this approach will save resources by reducing police paperwork and limiting court appearances.
- 1.2 It is proposed that "fixed penalty notices" should be applicable to various incidents including alcohol related offences; threatening or abusive behaviour and criminal damage. The penalty may range from £50 to £200 and would be applicable to persons aged 16 years or older.

2.0 Proposed Comments

- 2.1 Following discussions amongst colleagues within the Crime Reduction Partnership, there is a general consensus of opinion that the proposal should be welcomed in principle. There is agreement that, subject to effective implementation, this will provide another opportunity to develop responses to tackling anti social behaviour.
- 2.2 Consideration must be given to how the proposed penalty will be implemented and effectively utilised. It will be important to ensure that their use in response to incidents, is given careful consideration alongside the existing options available to the police. It is therefore hoped that the Home Office will provide clear operational guidance, effective officer training and a process of monitoring to ensure that the "penalty" is not utilised as first resort in a large number of cases when there may be a more appropriate or alternative course of action available.
- 2.3 The issue of appropriate courses of action is considered, as the consultation paper refers to the ability of the penalty to *"...reduce the time the police spend on paperwork, [and] the time they have to spend in making court appearances."* This may prove a strong attraction to officers. A practical example is the issue of tackling alcohol related anti-social behaviour, which the consultation paper refers to. The introduction of fixed penalties will provide an opportunity for early intervention, however, will this restrict the requirement to consider alternative problem solving approaches, possibly relating to the management of licensed premises, the use of byelaws to ban alcohol in public places or the need to support those with alcohol related illnesses.
- 2.4 Crime and Disorder Partnerships should be encouraged to work closely with their police representatives to ensure consideration is given to the possible "alienation" of sections of the public following the introduction of the new penalty notices. The reference within the consultation paper to the similarities with fixed penalty notices

for parking offences can be linked to the negative image often associated with staff responsible for administering these. This is particularly important in Salford where there is encouragement for public support to work closely with the police and other agencies.

- 2.5 The consultation paper requests comments on what amount the fixed penalty should be set at, whilst indicating its preference for a sum in the region of £100. No figure is submitted in response, as this will be identified by a consensus of opinions. I believe the local authority should be concerned whether potential offenders have the necessary resources available to respond promptly to the fines administered. This is particularly relevant to those currently in receipt of benefits, who have no disposable income to respond to the fixed penalties. In this case the effect of administering a penalty notice may well be severely limited and challenge the concept of such notices acting as an efficient deterrent.
- 2.6 It is submitted that a legal opinion should be sought regarding the impact of penalty notices on existing legislation. In particular, will the issue of a penalty and the subsequent payment of the fine, preclude that offence from being considered in an application for an Anti Social Behaviour Order? In addition, would the introduction of this legislation in any way conflict with the impact of the Human Rights Act? Clarification from the Home Office would be appreciated in relation to the wider impact of these issues.
- 2.7 The consultation paper proposes to extend the legislation to cover 16 and 17 year olds. This is clearly an issue that Youth Offending Team's may wish to comment upon. There may also be an element of contradiction here as Anti-Social Behaviour Orders are available to persons of 10 years and older. The Home Office may wish to consider this issue, whilst still retaining a proactive response to tackling early offending patterns.

3.0 Conclusion

- 3.1 In conclusion, it is appropriate to welcome the introduction of fixed penalty notices, subject to satisfactory introduction of administrative and procedural matters, governing their utilisation. It is of importance that "Fixed Penalty Notices" compliment existing criminal and civil law procedures, as well as community safety opportunities. A reasonable approach to the introduction of such penalties may consider the introduction of a trial period with subsequent evaluation, conducted to identify the impact made on offending behaviour.