

APPENDIX B – CONSULTATION FEEDBACK FROM THE HASTINGS COMMUNITY NETWORK

Hastings Community Network

HBC PSPO Consultation Response

This feedback distils the comments made by members of Hastings Community Network (HCN) into a cohesive position statement. The majority of comment related to the proposed anti-social behaviour order.

1. Headlines

- Although HCN recognises that there are areas where enforcement options need to be available, success will require monitoring to ensure balanced implementation.
- HCN welcomes the commitment to a multi-agency approach to prevent discrimination and to use supportive approaches to engagement alongside the orders.
- Together, monitoring and support, will mitigate and prevent unintended consequences, concerns for which we have expressed below. HCN believes it has a role to play in this.
- Some comments have been received that this is a heavy-handed approach that will stigmatise already socially-excluded people. No one suggested that these measures, including the dog orders, needed to be stronger.
- HCN has particular concerns about the efficacy of fixed penalties applied to client groups who are least able to pay or are of no fixed abode.
- HCN has concerns about the application of excessive resources to this approach.
- While HCN recognises that to introduce PSPO the local authority has had to demonstrate that an issue exists, there is nonetheless concern that the justification over-emphasises the needs of business & tourism at the expense of acknowledging local social deficits. It is also regrettable that rough sleeping is classed with anti-social behaviour: aggression, substance misuse, drinking. This can perpetuate a lack of clarity about contributing issues and hence to muddled approaches to solutions.
- HCN has no issue with the process of consultation and implementation of the orders.

2. Monitoring

- HCN would like to ensure voluntary sector expertise with the client groups who may be affected participates in the monitoring of these orders.
- This would strengthen the welcomed commitment to take a multi-agency approach and bring knowledge of other complementary services. It could also provide prompt awareness of undesired impact on any vulnerable people.
- This is in accordance with best practice principles. HCN would want Hastings to be a positive example of implementation of these new orders made available through the Anti-social Behaviour, Crime and Policing Act 2014.
- As proposed, there are insufficient checks and balances to ensure non-discriminatory and over-zealous implementation.

3. Support

- Best practice research highlights the importance of complementary supportive services and the risks of powers being used inappropriately with vulnerable people, e.g. creating another route for the mentally ill to enter the criminal justice system.
- HCN recognises that resources are scarce for providing these services.
- Through the monitoring role, HCN would like to contribute to maintaining knowledge of available services, with a view to sustaining or extending them as circumstances allow.
- HCN supports the approach that minimises escalation to costly formal proceedings (and believes that monitoring contributes to this.)

4. Unintended consequences

Monitoring would also allow a multi-agency approach to resolve any unintended consequences:

- An increase in the recognised risks to the personal welfare of vulnerable people because unsafe practices happen elsewhere out of sight to avoid enforcement.
- Research warns that overzealous implementation can result in acquisitive crime like shop-lifting & robbery.

- Inconsistency of approach – whether over-lenient or over-zealous – in different areas or arising from different interpretation of terms in the order.
- A drop in engagement with support services sited within the most proscribed zones. (Although support agencies would welcome enforcement that aims to ensure their clients are also free from ASB, there is some risk that a (heavy-handed) enforcement presence could discourage some clients accessing these services).
- The orders are intended to target persistent offenders. Unchecked, there was some concern that fixed penalties could be applied when verbal warnings were appropriate. (Implementation of previous orders shows this is low risk though.)

5. Fixed penalties

- As the orders are intended to target persistent offenders, and there is likelihood that these may not or cannot pay fixed penalties, there is a concern that escalation to formal proceedings is inevitable. HCN would welcome HBC's response to this concern.

6. Resources

- There are no additional enforcement resources. HCN recognises it is therefore low risk that this will lead to excessive enforcement against unintended activities or casual transgressions.
- However, formal proceedings through the courts can be costly and there is a balance to be struck between pursuing outcomes in the court and directing scarce resources at preventative support. Again monitoring is relevant here.

7. Outcome of consultation

The local authority is obliged to consult with Sussex Police and as an expert body directly involved, seek its approval. HCN would like the same good practice to be extended to include voluntary sector expertise and is therefore requesting formal involvement in the monitoring of the implementation of the orders.

Hastings' approach should be a best practice example and we believe such involvement would achieve this, as well as ensure the pitfalls of which the research warns are avoided.

In a world where agencies are poor in time as much as any resource, HCN would welcome more detailed discussions on how this might be practically achieved.