

CONFIDENTIAL

# 10 DOWNING STREET

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FILE TITLE:

Anti Social Behaviour

SERIES

HOME AFFAIRS

PART

3.

PART BEGINS

26 February 03

PART ENDS

30 April 2003

CAB ONE

PREM 49/3082

Labour Administration

PART

Closed

CONFIDENTIAL

T.S.O. Order No. N0064510 3/98 C5 59064



# PART CLOSED

DATE CLOSED	
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Series : HOME AFFAIRS

File Title : ANTI SOCIAL BEHAVIOUR

Part : 3

Date	From	To	Subject	Class	Secret
19/03/2003	DPM	ss/defra	Scope of the anti Social Behaviour Bill	U	
20/03/2003	HS	DPM	Anti-Social Behaviour Bill: juveniles in the county court	C	
20/03/2003	DPM	MS/HO	Anti-Social Behaviour Bill	U	
20/03/2003	DPM	HS	Anti-Social Behaviour Bill	U	
24/03/2003	LCD	HS	ASB Bill - Power to Disperse Groups	U	
24/03/2003	PUS/HO	DPM	Anti-Social Behaviour Bill: New burdens on local authorities	U	
25/03/2003	HS	DPM	Costs Related to Power to Close Crack Houses	U	
25/03/2003	MS/DPMO	ss/defra	Scope of the ASB	U	
25/03/2003	DPM	HS	Anti-Social Behaviour Bill: Resolution of Outstanding Policy Issues Pr	U	
26/03/2003	LC	DPM	Anti-Social Behaviour Bill : Juveniles in the County Court	U	
26/03/2003	LC	DPM	Scope of Anti-Social Behaviour Bill	U	
26/03/2003	ss/defra	DPM	Anti Social Behaviour Bill	U	
27/03/2003	MS/DPMO	HS	ASB Bill: Costs related to power to close crack houses	U	
28/03/2003	HS	DPM	Parenting and the anti social behaviour bill	C	
02/04/2003	LC	DPM	Anti-Social Behaviour Bill: Juveniles in the County Courts	U	
03/04/2003	SS/DoH	DPM	Anti-Social Behaviour Bill: Proposed amendment on residential parent	C	
03/04/2003	LPS	HS	LP Correspondence : Anti Social Behaviour Bill : Parenting Orders	R	
05/04/2003	LC	DPM	Anti Social behaviour Bill Changes to parenting orders	U	
08/04/2003	HS	LPS	ASB Bill : Amendment on Residential Parenting	U	
16/04/2003	SS/WAP	DPM	Anti Social Behaviour - Housing Benefit sanctions	R	
16/04/2003	LP	HS	ASB Bill: Amendment on Residential Parenting	U	
26/04/2003	LC	DPM	Anti social behaviour housing benefit sanctions	C	
29/04/2003	ms/cabinet office	DPM	Anti social behaviour housing benefit sanctions	C	
29/04/2003	dpmo	LP	Anti-Social Behaviour Bill: Amendments to Part 2 - Housing	U	
30/04/2003	SS/WO	DPM	Anti social behaviour housing benefit sanctions	C	
30/04/2003	SS/SO	DPM	Anti-Social Behaviour - Housing Benefit Sanctions	U	



Series : HOME AFFAIRS

File Title : ANTI SOCIAL BEHAVIOUR

Part : 3

Date	From	To	Subject	Class	Secret
26/02/2003	PD(NA)	PM	Civic Society Meeting	R	
27/02/2003	CDL	DPM	Anti Social Behaviour Bill - Closure of Premises due to Nuisance and	R	
27/02/2003	PPS	HO	PM's Civic Society Group	U	
28/02/2003	HS	DPM	Anti-Social Behaviour Bill - Power to Disperse Groups	U	
28/02/2003	HO	DPM	Anti-Social Behaviour Bill	U	
28/02/2003	AG	MS/HO	Anti-Social Behaviour Bill: Measures Relating to Juveniles & Parentin	U	
03/03/2003	dpmo	DPM	Anti-Social Behaviour Bill: Measures to Tackle Properties where Drug	U	
03/03/2003	SS/DoT	DPM	Anti-Social Behaviour White Paper	U	
03/03/2003	PUS/DoH	DPM	Anti-Social Behaviour Bill - Closure of premises due to Nuisance and	U	
03/03/2003	MS/DPMO	DPM	Anti-Social Behaviour Bill - Measures related to juveniles and parenti	U	
04/03/2003	ss/dfes	DPM	Anti-Social Behaviour White Paper	U	
04/03/2003	HO	Cab Off	Juveniles and parenting for inclusion in the anti social behaviour bill	C	
04/03/2003	ss/defra	DPM	Scope of the anti-social bill	C	
04/03/2003	MS/HO	DPM	Anti Social Behaviour Bill	C	
05/03/2003	HS	DPM	Additional housing measures to deal with anti-social behaviour	C	
05/03/2003	dpmo	DPM	Policy Clearance for the Anti-Social Behaviour (ASB) White Paper	U	
05/03/2003	SS/SO	DPM	Anti social behaviour WP	C	
06/03/2003	DoH	DPM	Anti-Social Behaviour Bill - Local Authority Remands for Juveniles	U	
06/03/2003	ss/dfes	DPM	Anti social behaviour bill Measures related to Juveniles and parenting	C	
06/03/2003	Cab Off	DPM	Anti social behaviour WP	C	
06/03/2003	DCMS	HO	Anti social behaviour WP	C	
06/03/2003	SS/DCMS	HS	Anti social behaviour WP	C	
06/03/2003	HO	DPM	Anti social behaviour bill fixed penalty notices for juveniles	C	
06/03/2003	ss/defra	DPM	Anti social behaviour WP	C	
06/03/2003	ODPM	HO	Housing Measures to Deal with Anti-Social Behaviour	U	
06/03/2003	ODPM	HO	Anti social behaviour white paper : Policy update	U	
06/03/2003	ms/ODPM	DPM	Anti Social behaviour bill Measures to promote the effective use of an	U	
06/03/2003	ms/ODPM	DPM	Anti Social Behaviour Bill _ Measured related to the sale of spray pai	U	
06/03/2003	SS/DWP	DPM	anti social behaviour WP	C	
06/03/2003	SCU	CommsDir	Anti social behaviour WP	C	
07/03/2003	SS/DoT	DPM	Anti social Behaviour Bill Power to disperse groups	U	
07/03/2003	MS/DoH	DPM	Anti-Social Behaviour Bill - Measures related to juveniles and parenti	R	
07/03/2003	SS/WAP	HS	Anti social behaviour WP	C	
07/03/2003	LC	MS/HO	Anti Social Behaviour Bill - Measures to promote the effective use of	C	
07/03/2003	AG	MS/HO	ASB Bill: Fixed penalty notices for juveniles	U	
08/03/2003	NIO	DPM	Anti Social Behaviour	U	
10/03/2003	ss/dti	DPM	Anti Social Behaviour white Paper	U	
10/03/2003	HS	DPM	Ant-Social Behaviour White Paper : Policy Update	U	
10/03/2003	AG	MS/HO	ASB Bill: Spray Paints	U	
11/03/2003	DPM	HS	Anti Social Behaviour Bill white paper	C	
11/03/2003	DPM	HS	Anti Social Behaviour Bill	C	
11/03/2003	LP	DPM	Anti Social Behaviour Bill: progress on instructions	C	
11/03/2003	DPM	HS	Second Reading Approach to the Anti-Social Behaviour White Paper	C	
11/03/2003	LC	DPM	Anti Social Behaviour Bill - Measures Related to Juveniles and Paren	U	
12/03/2003	LC	MS/HO	Anti Social Behaviour Bill: power for EHOs to close licensed premesi	C	
12/03/2003	DPM	HS	Anti-Social Behaviour Bill - Power to Disperse Groups	U	
13/03/2003	DPM	MS/HO	Anti Social Behaviour Bill - Measures related to Juveniles and Parent	R	
13/03/2003	SS/DWP	DPM	Anti-Social Behaviour - Housing Benefit Sanctions	R	
16/03/2003	LC	MS/HO	Charging Entertainment Outlets for Policing Costs	U	
17/03/2003	DPM	HS	Anti-Social Behaviour Bill - Measures to tackle properties where drug	R	
17/03/2003	SS/DTI	DPM	Anti-Social Behaviour Bill	U	





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Rt. Hon John Prescott MP  
Deputy Prime Minister  
26 Whitehall  
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30 April 2003

#### ANTI-SOCIAL BEHAVIOUR - HOUSING BENEFIT SANCTIONS

I am responding to Andrew Smith's letter of 16 April. I have a number of comments.

As Andrew indicates, Option 2 has devolved implications for the Scottish Executive in areas such as the anti-social behaviour functions to be imposed on local authorities. Option 1 may also have devolved implications as well. If we put forward primary legislation at Westminster to introduce Housing Benefit sanctions, the Executive might, given the devolved implications, need to table a Sewel motion in the Scottish Parliament to allow the UK Parliament to legislate for Scotland in relation to devolved matters or introduce parallel legislation in the Scottish Parliament to cover devolved matters.

There is no guarantee that the Executive would want to take action along these lines. Much will depend on the outcome of the elections.

Therefore, if we proceed with Housing Benefit sanctions there may have to be different arrangements for Scotland when compared with England. This would impact on the unity of the benefits system across Britain. We would need to consider whether we should proceed on this basis. My view is that we should still consult on a GB basis but once the consultation is finished we should consider the next steps very carefully indeed.



Any decision to give a formal role to prosecutors in relation to seeking anti-social behaviour declarations from the Courts would need to be discussed very thoroughly with the Crown Office in Scotland, who are responsible for the Procurator Fiscal service.

If we should proceed with sanctions on an England-only basis, we would need to consider any cross-border issues (e.g. a tenant being sanctioned in England but then moving to Scotland).

I strongly support the need to tackle anti-social behaviour. However, we do need to ensure that the proposals are workable in practice either from the point of view of court procedures (option 1) or local authority administration of the Housing Benefit service (option 2).

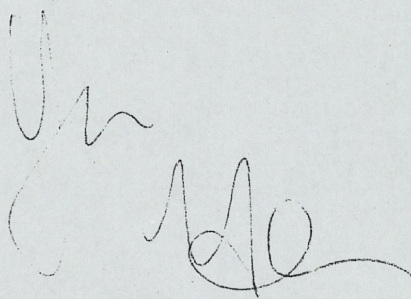
Again, I think we should consult on the proposals but should be prepared to modify the proposals in the light of the responses and further discussions with other UK Departments and with the devolved administrations.

If we should decide to proceed with the proposals, we would need to be clear about how the proposed appeals mechanisms would work in Scotland.

Any costs falling on services for which the Scottish Executive or the Crown Office is responsible would require compensating contributions from DWP.

Finally, I have a number of detailed drafting points on the consultation paper to pick up references to legislation that does not extend to Scotland; some devolution points and some minor matters. These drafting points are in the attached annex.

I am copying this letter to the Prime Minister, Andrew Smith, other members of DA and to Sir Andrew Turnbull.

A handwritten signature in dark ink, appearing to be 'Helen Liddell', written in a cursive style.

**HELEN LIDDELL**



## **ANNEX**

### **Page 3 of consultation.**

Clarify that the legislation referred towards the top of the page does not generally extend to Scotland. This means the text should read as follows:

"The Bill will bring in powers for social landlords in England and Wales to secure injunctions to provide quick relief from anti-social behaviour. There will also be powers to "demote" tenants in England and Wales to a less secure form of tenancy where the lessening of security will make it easier for landlords to evict.

" This was almost immediately followed by the publication of a draft Housing Bill. This heralds, amongst other things, discretionary powers for local authorities in England and Wales to licence private landlords in those areas where a combination of neglectful landlords and irresponsible tenants frustrates efforts to create sustainable communities".

### **Page 6 of consultation**

The document needs to be clear about who would apply for a declaration of anti-social behaviour in a civil case.

### **Page 7 of consultation**

Change the end of the first paragraph on Option 2, to be clear about what would be devolved in this area:

" The new duties proposed for the local authority anti-social behaviour co-ordinator (or equivalent) would be a devolved matter. Any decision to introduce new duties of this nature in Scotland or Wales would be a matter for the devolved administrations".

### **Page 8 of consultation**

In the penultimate bullet point, "co-ordinator's" needs an apostrophe.

Again in the penultimate bullet point, is it correct to say that "sanction would not be applied pending outcome of appeal unless there is a hardship regime"?

### **Final Page**

"And" is missing in the term "Department for Work and Pensions".





Ysgrifennydd Gwladol Cymru  
Secretary of State for Wales

**Rt Hon Peter Hain MP**

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on  
ad

Our ref: POH/198

30 April 2003

*John*

### ANTI-SOCIAL BEHAVIOUR – HOUSING BENEFIT SANCTIONS

I am responding to Andrew Smith's letter of 16 April, seeking agreement to a consultation document on the imposition of Housing Benefit sanctions for anti-social behaviour. I strongly support our commitment to tackle anti-social behaviour and agree that we must continue seeking new ways of tackling this problem. I am therefore happy that we should consult on the practicalities of introducing such a sanction.

However, before we proceed, I feel that we need to be clear about how we will respond to the criticisms that we will inevitably face over this proposal.

First, that we are establishing the principle that those who cannot afford to own or rent their property independent of the state face an additional penalty for the same offence, creating an unfairness under the law.

Second, that we are willing to allow tenants to get into rent arrears, with the potential loss of their home [particularly in the case of private landlords], risking increased social exclusion. It will also be argued that, in reality, those for whom we might reduce Housing Benefit will have no realistic practical way of meeting the shortfall. In the case of local authority tenants, rent arrears will also have knock on effects for other rights – for example, housing transfers etc.

Third, that we are clear about the effect on local government finance of reducing Housing Benefit for local authority housing tenants. Presumably any reduction means a shortfall in the funding the authority would be expecting to receive on behalf of tenants?





Fourth, the potential charge that by removing Housing Benefit we are punishing whole families including, for example, younger siblings for the actions of one member of the household.

We also need to be clear about whether this signals a wider change of approach by the government, with the potential for sanctions to be applied to other income-related benefits in due course.

Finally, housing is devolved to the National Assembly for Wales and I know that Andrew has also written to Rhodri Morgan. It is important that the Assembly is fully involved in the development of this policy. I would expect them to raise a number of concerns along the lines I have set out.

I am copying this letter to the Prime Minister, members of DA and LP committees and to Sir Andrew Turnbull.

A handwritten signature in black ink, appearing to be 'John Prescott'.

Rt Hon John Prescott MP  
Deputy Prime Minister and First Secretary of State  
26 Whitehall  
London SW1A 2WH





From the Office of Jeff Rooker  
Minister of State For Housing,  
Planning and Regeneration

Rt Hon Dr John Reid MP  
Leader of the House of Commons  
and President of the Council  
2 Carlton Gardens  
London  
SW1Y 5AA

*Dear John*

**Anti-social Behaviour Bill: Amendments to Part 2 - Housing**

I am writing to ask for clearance to make one substantive amendment to the housing provisions in the Anti-social Behaviour Bill. We also intend to make a number of minor and technical amendments and have attached details of these for your information. These amendments have been cleared by the Home Office. With apologies for the very short deadline, I should be grateful for clearance by Friday 2 May in order to be able to introduce these amendments at Committee stage.

Our proposed amendment follows discussions on the provisions in the ASB Bill with practitioners. The proposed amendment to clause 13 allows the court to attach a power of arrest or grant an exclusion order to an injunction to prohibit a breach or anticipated breach of a tenancy agreement where:

- a) the tenant has him or herself, or by allowing, inciting or encouraging others, engaged or threatened to engage in conduct that is capable of causing nuisance or annoyance to any person; and
- b) the conduct consists of or includes the use or threatened use of violence or there is a significant risk of harm to any person.

This would allow landlords to put terms in their tenancy agreements to protect a wider group of people from anti-social behaviour by their tenants than is already covered in the Bill. For example a local authority could make it a condition of the tenancy that no tenant should act anti-socially towards any member of a local authority's staff wherever the conduct occurred. This would protect staff outside of the local authority housing department where there was no link to the landlord's housing management function other than the fact that the behaviour capable of causing nuisance was perpetrated by a tenant. For example, this could protect environmental health staff, or general reception staff.

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29 APR 2003

Top: PD (NA)

✓ PD (MH)

PD (S)

Qs

SKP 30/4/03

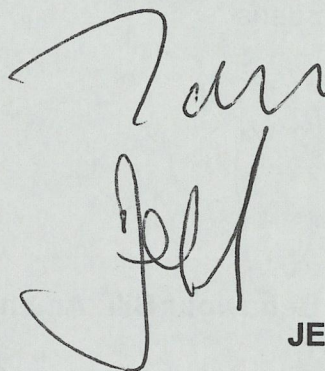


Whilst this amendment is substantive, it does not involve a departure from our existing policy direction on injunctions. We believe the amendment will add significantly to the effectiveness of the injunctions and therefore hope that you will look upon this request favourably.

In addition, our discussions have highlighted a number of areas where minor amendments are required. Details of these are attached for information.

Part 2 of the ASB Bill is likely to be debated in Committee on 13<sup>th</sup> May. In order to introduce these amendments in time for Committee I am seeking clearance by Friday 2 May. I apologise for the very short deadline.

I am copying this letter to the Prime Minister, members of the LP Committee and Bob Ainsworth, and to Sir Andrew Turnbull.

A handwritten signature in black ink, appearing to read 'Jeff Rooker', with a stylized, cursive script.

**JEFF ROOKER**



## SB Bill - Minor amendments to Part 2

1. Demoted assured shorthold tenancies - clauses 14 and 15: Demoted tenancies in the Registered Social Landlord (RSL) sector are based on existing assured shorthold tenancies. We would like a clarifying amendment that explains the relationship between assured shorthold tenancies which arise under new section 20B and sections 19A and sections 20 of the Housing Act 1988. Practitioners have expressed difficulty in understanding the new provisions.
2. We would like to confirm that these are periodic assured tenancies, which are periodic assured shortholds during the demoted period. The period of the tenancy should be the same as under the secure or assured tenancy which preceded the demotion, unless the tenancy which preceded the demoted tenancy was a fixed term tenancy in which case the tenancy should be a weekly periodic tenancy.
3. We wish to clarify new section 20B(2) of the Housing Act 1988 introduced by clause 16. An amendment to clarify the nature of demoted assured shorthold tenancies and to ensure that their status when they revert to assured tenancies on successful completion of the demoted period is completely clear. The clause as it is currently drafted is silent on this point and I think it would be clearer if this was explicit in the Bill.
4. Further we wish to clarify that S21(5) of the Housing Act 1988 does not apply to demoted assured shorthold tenancies arising under new section S20B. Landlords should not be prevented from obtaining a possession order under S21(4) which will take effect within the first six months of the demoted tenancy. If S21(5) applied then landlords would not be able to get possession of their properties simply by giving 2 month's notice in the first six months of the tenancy. They could obtain possession on one of the discretionary grounds but would need to prove a ground for possession and show the court that it was reasonable for an order to be made. The proposed amendment would ensure that RSLs could obtain a possession order more easily against demoted tenants as soon as there is further anti-social behaviour. If we did not make this amendment landlords would have to wait for the first six months of the demoted tenancy to elapse, or seeking a further possession order using one of the discretionary grounds.
5. An amendment is required to clarify the effect of demotion on the following terms and conditions of a demoted tenancy.
  - a) the rent payable under the tenancy
  - b) the dates on which the rent is payable
  - b) any term providing for the review of the rent payable under the tenancy
  - d) terms relating to any credits or debits on the tenants rent account under the old tenancy which will be transferred to the new tenancy. Provision for rent liability has already been made in new sections 82A of the Housing Act 1985 and 6A of the Housing Act 1988 but counsel may wish to include all issues relating to the terms of the tenancy in one new clause.



e) any other express term which applied under the tenancy which preceded the demoted tenancy that the landlord would like to apply under the demoted tenancy,

6. An amendment to the injunction provisions introduced by clause 13 to give the staff of Arm's Length Management Organisations (ALMOs), Private Finance Initiatives (PFIs), Tenant Management Organisations (TMOs) and other bodies who carry out housing management functions on behalf of the landlord, the same protection as the housing management staff of the social landlord.
7. We are seeking an amendment to new section 153A of the Housing Act 1996 to ensure that the term 'locality' fits with the original policy intention and is not too tightly defined. We will seek to ensure that the clause means that a landlord can prevent any person from causing nuisance and annoyance in the locality providing that there is a link with the housing management function. For example, this would allow landlords to take action against their own tenants who were causing a nuisance to people in the neighbourhood, including owner-occupier neighbours.
8. An amendment to 153D(11) to clarify what is meant by 'housing management function'. This is to ensure that the original policy intention is achieved and the definition covers housing management in its widest possible sense, e.g. mediation, community capacity building etc.





*File*

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WH*

The Rt Hon Lord Macdonald of Tradeston CBE

Minister for the Cabinet Office &  
Chancellor of the Duchy of Lancaster

The Rt Hon John Prescott MP  
Deputy Prime Minister  
Office of the Deputy Prime Minister  
26 Whitehall  
London  
SW1A 2WH

29 April 2003

*Dear John,*

#### ANTI-SOCIAL BEHAVIOUR – HOUSING BENEFIT SANCTIONS

I have seen Andrew Smith's letter to you of 16 April seeking DA colleagues' views on, and approval of, a consultation document on the imposition of Housing Benefit sanctions for anti-social behaviour. I am writing as Minister responsible for better regulation.

Although the consultation document acknowledges that the proposed sanctions will require the involvement of private landlords, a Regulatory Impact Assessment has not been included. Before I can agree to the consultation going forward, I would like to see a more considered analysis of the impacts of this policy on private landlords and charitable housing associations in terms of bureaucratic burden as well as potential loss of rental income. A partial RIA included with the consultation document will demonstrate that the impact has been thoroughly considered and should result in a more robust consultation exercise with higher quality feedback.

Copies of this letter go to the Prime Minister, members of DA Committee, and Sir Andrew Turnbull.

*Yours*  
*Gus*

GUS MACDONALD







02072192220

FROM THE RIGHT HONOURABLE THE LORD IRVINE OF LAIRG

Top: PD (NA) File

&lt; PD (MH)

PD (CO)



HOUSE OF LORDS,

LONDON SW1A 0PW

26

April 2003

The Rt Hon John Prescott MP  
Deputy Prime Minister and First Secretary of State  
Cabinet Office  
70 Whitehall  
London  
SW1A 2AS

Dear John,

**ANTI-SOCIAL BEHAVIOUR – HOUSING BENEFIT SANCTIONS**

I have seen Andrew Smith's letter of 16 April to you, seeking agreement to a consultation document on the imposition of Housing Benefit Sanctions for anti-social behaviour. I am content in principle for this consultation to proceed but the proposals will affect my Departmental interests and I would be grateful for an undertaking that my officials are actively engaged in the development of this policy and the detail of the processes.

I appreciate that this draft consultation paper is seeking early views in considering if a workable measure can be developed. Nonetheless, it seems likely that any solution could have significant resource and ongoing financial implications for my Department. Further work needs to be undertaken to look at the detail of the key processes involved in how a Court or administrative based sanction would work, and to forecast potential caseloads, costs of each option, legal aid position and to ensure ECHR compliance.

My agreement to proceed is conditional, on acceptance that this further work is done. I would of course expect any costs falling to my Department as a consequence of the developed solution to be borne by the Department for Work and Pensions.

I am copying this letter to the Prime Minister, members of DA and LP committees and to Sir Andrew Turnbull.

Yours ever,  
Serry





**RT HON DR JOHN REID MP  
LEADER OF THE HOUSE OF COMMONS  
AND PRESIDENT OF THE COUNCIL**

2 CARLTON GARDENS  
LONDON SW1Y 5AA  
TEL: 020 7210 1025

Our Reference: 0017495

16<sup>th</sup> April 2003

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*Dear David,*

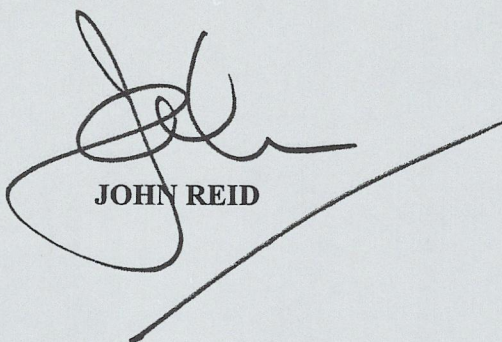
**ASB BILL: AMENDMENT ON RESIDENTIAL PARENTING**

Thank you for your letter to Gareth of 8 April reiterating your request to amend the Anti-Social Behaviour Bill in Commons Committee in order to modify the provisions relating to Parenting Orders. I am replying as Chair of LP Committee.

Whilst I appreciate that the Anti-Social Behaviour Bill has been prepared on an extremely challenging timetable, I am still not in a position to give clearance for Government amendments that add to or amend the Bill's existing policy. As you know, if we are effectively to manage the legislative programme, and to ensure that our priorities are delivered in any given session, we must exercise discipline over the growth of Bills once they are before Parliament. I am therefore unable to agree to your proposed amendment, since it does not fall into the categories that are acceptable to LP Committee.

I am copying this letter to the Prime Minister, members of LP and DA Committees, Bob Ainsworth, Sir Andrew Turnbull and First Parliamentary Counsel.

Yours sincerely

  
**JOHN REID**

Rt Hon David Blunkett MP  
Home Secretary







From the Secretary of State  
for Work and Pensions

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## RESTRICTED – POLICY

Rt Hon John Prescott MP  
Deputy Prime Minister  
26 Whitehall  
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16 April 2003

NA  
JK  
EM  
CO  
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## ANTI-SOCIAL BEHAVIOUR – HOUSING BENEFIT SANCTIONS

**This letter seeks DA colleagues' views on, and approval of, a consultation document on the imposition of Housing Benefit sanctions for anti-social behaviour**

1. In the recently published Home Office White Paper, *Respect and Responsibility – Taking a Stand Against Anti-Social Behaviour*, at paragraph 4.48, the Government announced its intention to consult on the possibility of introducing Housing Benefit sanctions: "We will be consulting on whether to give local authorities an enabling power to withhold payments of Housing Benefit to individual tenants where they believe this is the most effective way of tackling anti-social behaviour".

2. Any system of sanctions needs to be workable and capable of being applied decisively in response to antisocial acts in the local community. They must act as a true deterrent, not simply as a punishment after the event. They must be capable of being applied quickly and decisively, so that they can make a real difference, and they must not be so cumbersome



## RESTRICTED - POLICY

to administer that the costs of doing so outweigh the benefits. If a workable measure can be developed, we will legislate to implement it.

3. The document sets out the case for linking the right to support for housing costs to socially responsible behaviour. But it also sets out the practical tests that any housing benefit sanctions would have to pass: effective deterrence; speed and decisiveness; fairness and usability. It outlines, and invites views on, two approaches to implementing housing benefit sanctions.

4. Clearly, we cannot consult on something that we might later discover we cannot do, or could only do subject to certain further constraints, such as the requirements of the Human Rights Act. The draft therefore acknowledges these constraints and describes two options where we have already received advice on ECHR matters:

- the modified Frank Field proposal from last year (Option 1); and
- an administrative sanction (Option 2). This option would entail legislating for an administrative process in relation to anti-social behaviour. This might have devolved implications. We will, of course, liaise very carefully with the Scottish Executive and recognise the need to ensure that any proposals that have devolved implications have the full approval of the Executive and the Scottish Parliament.

5. We have also picked up references in the White Paper to an "enabling power" for local authorities and to triggers for the use of powers in particular areas or where anti-social behaviour passes a certain threshold. We have dealt with them in fairly general terms in the consultation document in a section which invites views on the trigger for use of any powers we may introduced following the consultation.



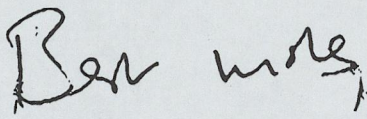
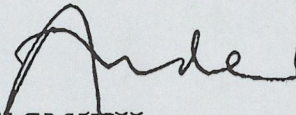
**RESTRICTED - POLICY**

6. We are consulting on proposals that set out possible ways in which a system of sanctions could be designed. Our aim is to obtain views so that we can then consider whether we can develop a workable system.

7. Housing Benefit, like all social security benefits, is reserved to Westminster. Our starting point is therefore that any benefit measures must be available to be applied throughout Great Britain. But the objectives and some of the mechanics of sanctions would clearly relate to devolved responsibilities, in particular for anti-social behaviour, for housing and for the courts and criminal justice. Our considerations will, of course, involve working closely with colleagues in Scotland and Wales, to ensure that our approach is consistent with relevant devolved policy.

8. Because of the elections in Scotland, Wales and England, we cannot publish the consultation document until May. It will therefore overlap with consultation on the draft Housing Bill for England and Wales being undertaken by the Deputy Prime Minister from 31 March.

9. I would be grateful for responses by 30 April. I am copying my letter to members of DA and to Sir Andrew Turnbull. I shall be writing separately to the devolved administrations.

  
  
**ANDREW SMITH**





02072733965



# Home Office

Home Secretary  
50 Queen Anne's Gate, London SW1H 9AT

8<sup>th</sup> April, 2003

Lord Williams of Mostyn  
Leader of the House of Lords  
Cabinet Office  
70 Whitehall  
London SW1A 2AT

NA

✓ e: JR  
EM  
CS

Dear Gareth,

**ASB BILL: ADMENDMENT ON RESIDENTIAL PARENTING**Thank you for your letter of 3<sup>rd</sup> April 2003.

As you know the Bill was not planned for this session – it has required a huge amount of high-speed work across government. I regret having to introduce this by amendment but I do believe it is essential. It may affect only a small number of families but the provision for residential parenting is an integral element of our overall strategy based on a balance of incentives and sanctions.

For the most anti-social families, repeated evictions are a fact of life, but not the solution for communities or for them. We know from standard Parenting Orders that compulsion can work – many of the parents tell us we should have made them do courses years ago. As Alan has said, at present, if families in crisis don't accept voluntary approaches then they are probably at the stage when Social Services will be looking to put their children into the looked after sector in any case. My proposal will give them a real chance to sort themselves out once and for all. Residential Parenting Orders will help break the cycle of repeated evictions- we can put the family back into their own home on a probationary tenancy and give them support and courses until they can live peacefully and bring their children up properly. If residential Parenting Orders fail to secure improved behaviour then we know that we have reached the end of the road. This is central to our philosophy of something for something.

Finally, could I say that, on a recent visit to the United States, we were presented with precisely the model that we are outlining – but on a much grander scale! I am copying this letter to the Prime Minister, members of DA and LP Committees, Bob Ainsworth, Sir Andrew Turnbull and First Parliamentary Counsel.

Best wishes,

DAVID BLUNKETT



02072192220

FROM THE RIGHT HONOURABLE THE LORD IRVINE OF LAIRG

HOUSE OF LORDS,  
LONDON SW1A 0PWThe Rt Hon John Prescott MP  
Deputy Prime Minister  
26 Whitehall  
London  
SW1A 2WH

NA

CEM  
JR  
CO  
EC

5 April, 2003

Dear Sir,

**ANTI-SOCIAL BEHAVIOUR BILL - CHANGES TO PARENTING ORDERS**

In principle, I support the changes which David Blunkett proposes for parenting orders in his letter to you of 28 March, subject to the same assurances about funding which I raised in my letter to you of 13 January on the scope of the Anti-Social Behaviour Bill. I do, however, wonder whether these changes are entirely suitable to take forward as a Government amendment to the Bill given that they have quite far reaching consequences. It might be more appropriate to consult further on this in the Children at Risk Green paper.

David refers to parenting orders with a residential requirement as "small but important change to the published Bill", but I think we need to recognise that the change is in fact quite radical. There are plainly human rights implications here under Article 8 (family life). Though the prevention of offending and protection of others might justify the proposals, some will regard a court order imposing a residence requirement on a person who has not necessarily been convicted of any offence as draconian or an extreme example of the nanny state.

We will need to look very closely at what safeguards the legislation should provide. These might include for example provisions that: (a) before making an order with a residential requirement the court must be of the opinion that constructive work can only be done with the parent in a residential setting; (b) ensure adequate provision has been made for the safety of participating parents and children and (c) that it must be satisfied that adequate provision has been made for the children and dependants of a parent who is "away" on residential programme. A parent might well have caring responsibilities in relation to an elderly relative or disabled adult children.



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In some cases it might be possible for the child (or children) to accompany the adult, on a purely voluntary basis, and be looked after at the residential centre where the parent is taking part in the programme. But David does not provide any detail about who will be running these centres, their qualifications or how they will be regulated. These are questions which are bound to be asked in Committee.

I am copying this letter to the Prime Minister, members of DA and LP, and to Sir Andrew Turnbull.

Yours ever,  
Derry



The Rt. Hon. The Lord Williams of Mostyn QC



The Leader of the House of Lords

NA

✓: JR

EM

CS

3 April 2003

**RESTRICTED - LEGISLATION**

The Rt Hon David Blunkett MP  
Secretary of State  
Home Office  
50 Queen Anne's Gate  
London SW1A 9AT

*Dear David,*

**LP CORRESPONDENCE: ANTI SOCIAL BEHAVIOUR BILL: PARENTING ORDERS**

Thank you for copying to LP Committee your letter of 28 March to John Prescott seeking DA and LP clearance to amend the Anti Social Behaviour Bill in Commons Committee in order to modify the provisions relating to Parenting Orders.

The Anti Social Behaviour Bill is a significant and controversial Bill that has been introduced to Parliament at a late stage during the second session. At each of our recent meetings to discuss the Bill, LP Committee has been very clear that there is no scope for any Government amendments to the Bill, other than those responding to real world events or points raised in Parliament on which action is needed, if we are to secure its successful passage this session. As this amendment falls into neither category, I am unable to give LP agreement to its being tabled.

I am copying this letter to the Prime Minister, members of LP and DA Committees, Bob Ainsworth, Sir Andrew Turnbull and First Parliamentary Counsel.

*Yours ever,  
John*

**RESTRICTED - LEGISLATION**





Richmond House 79 Whitehall London SW1A 2NS Telephone 0171 210 3000

*From the Secretary of State for Health*

IMC: 26748

The Rt Hon John Prescott MP  
Deputy Prime Minister and First Secretary of State  
26 Whitehall  
London  
SW1A 2WH

3 April 2003

Dear John

**ANTI-SOCIAL BEHAVIOUR BILL – PROPOSED AMENDMENT ON RESIDENTIAL PARENTING SUPPORT**

I have seen David's letter of 28 March, seeking clearance for bringing an amendment at Committee stage to modify the ASB Bill in order to allow residential parenting support as part of parenting orders.

My assumption is that this would provide a last resort in cases where there has been non-compliance by the family with voluntary approaches, and other options for intervention are not available. I do think that in many cases of this type, the family is likely to be in such a state of crisis, that there may well be grounds for care proceedings to be taken under the Children Act.

I also think that although the intervention proposed appears to be a useful response to have available to us in order to deal effectively with families in crisis, there are some practical issues that would need to be resolved. The main issues are around the capacity to deliver residential family support of this kind at the moment. Also, because provision is sparse, it is geographically dispersed. This would inevitably disrupt education and work as families would have to travel some distance. The estimated numbers are of course small, but I am not clear how robust these estimates are. Also, the cost estimates seem to be conservative – costs would depend on the duration of the placement.

I think it would be useful to pilot the intervention to assess its effectiveness, to clarify the likely cost implications for YOTs, and to assess its potential for wider roll out before further capacity is built.

I am copying this letter to the Prime Minister, members of DA and LP Committees and to Sir Andrew Turnbull.

  
**ALAN MILBURN**



02072192220

FROM THE RIGHT HONOURABLE THE LORD IRVINE OF LAIRG

NA

HOUSE OF LORDS,  
LONDON SW1A 0PWCJR  
EM  
NA  
CS

The Right Honourable John Prescott MP  
Deputy Prime Minister  
Office of the Deputy Prime Minister  
Dover House  
Whitehall  
LONDON  
SW1A 2AU

2 April, 2003

Dear John,

**ANTI-SOCIAL BEHAVIOUR BILL: JUVENILES IN THE COUNTY COURTS.**

I have seen your letter to David Blunkett of 25 March, in which you grant DA clearance for the Anti Social Behaviour Bill to be introduced including provisions which allow for applications for ASBOs to be made against juveniles in the County Court. I am writing to express my great dissatisfaction at the way in which this policy decision has been concluded and to request that the committee reconsider its decision.

As the Minister with responsibility for the Courts in England and Wales my agreement is required to alter the way in which the Courts administer justice. Despite my consistent opposition to the proposals, provisions giving them effect have been included in the Bill. I first wrote on 7 March, in response to John Denham's letter of 24 February, clearly stating that I was opposed to this proposal and explaining at length the reasons for my opposition. When I wrote again on the 11 March, giving my agreement to the publication of the Anti Social Behaviour White Paper conditional upon all the proposals being cleared through DA committee (rather than the Civic Society group), I expressly welcomed David's reassurance that the provision would not be included in the White Paper as I thought the issue was of fundamental importance. I relied on this assurance given that neither I nor my officials saw a copy of the final draft of the White Paper in advance of publication. I wrote for a third time on the 26<sup>th</sup> March (although I understand this may have crossed with your sign off letter) reaffirming my view that County Courts are not the forum for applications of this kind.

I have since received a letter from the President of District Judges, District Judge Cochrane, which I attach, which explains how such a policy will lead to greater delay and complexity of proceedings in the County Courts. The letter clearly describes how such applications for ASBOs against Juveniles might require up to 5 hearings before an order may be granted in possession cases in the County Court. Such complexity clearly runs contrary to the desire for simplicity, which was expressed at the Civic Society meetings. Judge Cochrane also gives a rough idea of the costs of the provision. Judge Cochrane estimates that over £200,000 will be need to be spent on Judicial training for such a provision, but that figure does not include the additional costs that will necessarily be incurred on, for example, Legal Aid and building modifications. My officials are presently working up detailed costings of the proposals, which I will distribute when available, but



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their initial estimate is that the figures involved will not be less than £250,000 and could well be up to or beyond £1million. That really is an astonishingly high figure for an estimated 0-30 cases a year.

It is apparent from the above that the policy now adopted does not achieve its stated aim. It is equally clear that if we are to have effective and workable policies, the very strongly held views of Ministers whose areas of responsibility are directly affected should not be ignored, simply because to do so is expedient when a Bill is being very hastily prepared. This is particularly the case when, as in the current example, a Department's settled policy is only challenged shortly in advance of legislation being introduced.

As I believe the present policy is manifestly incorrect, I request that my objections be reconsidered and that the policy be overturned.

I am copying this letter to the Prime Minister and members of DA committee.

*Yours ever,  
Denny*



3-MAR-2003 14:12 FROM

02072192220

TO 908707394142  
10:00012194111

P.0001000

Telephone: 01332 557895



686743.

10 King's Croft  
Allestree  
Derby  
DE22 2NF

From District Judge Jeremy Cochrane

29<sup>th</sup> March 2003

The Right Honourable The Lord Irvine of Lairg,  
The Lord Chancellor,  
House of Lords,  
LONDON, SW1A 0PW.

Nick  
Matthews

Dear Lord Chancellor,

### Anti-Social Behaviour Orders in the County Court

I write on behalf of The Association of District Judges, whose members have a reputation for positive, innovative and effective action in implementing procedural and jurisdictional reforms. District Judges welcomed the Government's determination to confront and tackle anti-social behaviour, and have demonstrated an ability to deal efficiently and justly with claims for possession under the anti-social behaviour provisions created by Section 148 Housing Act 1996.

The proposal to enable county courts to hear and determine applications for Anti-Social Behaviour Orders ('ASBO') against children gives rise to serious concerns. Any such procedure will involve extensive expenditure of public funds, will result in significant delay and will not provide the immediate benefit or protection to the sections of the community the procedure is intended to protect.

The standard period between the issuing of a county court claim for possession and the hearing is eight weeks. Inevitable delays will arise if the Police, as a relevant authority, apply under CPR Part 19 to be joined in the proceedings as an additional claimant. Yet further delays arise were the Police, once joined as a party, themselves then to apply to join a child as an additional defendant.

If proceedings are issued in the county court against a child it is an absolute requirement that a litigation friend be appointed, and in most cases a parent or guardian is eminently suited to assume this responsibility. The very nature of ASBO proceedings makes this most improbable, and indeed it is likely be inappropriate for a member even of the extended family to be appointed. Identifying a litigation friend will be an immediate problem giving rise to delay, and we cannot perceive that it would be either practical or proper to involve Social Services, CAFCASS, or the Official Solicitor. Public funding for legal representation will be essential, and



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involvement of a 'professional' litigation friend will increase the cost. If such cases are dealt with by the magistrates' court the question of a litigation friend does not arise, and costs are contained.

It is possible to envisage a sequence of no less than five hearings, with cumulative expense and delay, viz:

- the initial, non-effective, possession hearing
- the application by the relevant authority to be joined as additional claimant
- the application to join the child as additional defendant
- the hearing to approve the appointment of the litigation friend
- the ultimate possession hearing when the ASBO is considered

Listing ASBO applications for early disposal at a busy county court will almost inevitably necessitate other cases already listed being postponed, to the detriment of parties and public perception of the civil justice system, which has become very much more positive as a result of the civil justice reforms. Parties will also suffer irrecoverable expense. The nature of business conducted at magistrates' courts facilitates more immediate listing, as do the lesser procedural requirements.

We are also most concerned at the investment of substantial public money in training judiciary unlikely to be required to hear more than a relatively small number of cases. Even the most rough and ready costing of a training programme occupying no more than a day produces expenditure in excess of £200,000. This calculation is of the simplest: 415 full-time district judges at a cost of £406 per day, the fee paid to a deputy district judge, the remainder representing an inadequate sum to cover the expense of trainers, venue and travel. The figure would rise considerably if such training were also to embrace the circuit bench and the part-time judiciary

The Association is dedicated to being positive and encouraging procedures that will benefit the public, but the proposals will have a significant negative impact upon the civil justice system and the public purse.

*Jeremy Cochrane*  
*Jeremy Cochrane*  
Jeremy Cochrane  
President

The Association of District Judges





# Home Office

Home Secretary  
50 Queen Anne's Gate, London SW1H 9AT

NA  
C. SR  
Em  
CS.

28<sup>th</sup> March, 2003

The Rt Hon John Prescott  
Deputy Prime Minister  
Dover House  
Whitehall  
LONDON  
SW1A 2AU

Dear John,

**I am writing further to my letter of 14 February to seek clearance for changes which would clarify existing measures relating to parenting orders. With apologies for the short deadline I should be grateful for responses by Friday 4 April.**

Residential parenting support was described in the Anti-Social Behaviour White Paper as an option to provide support for families in serious crisis. It said where the parents were unwilling to accept the voluntary support offered to them, particularly where anti-social behaviour was disrupting the community, "we will consider whether we need to take further powers to ensure parents comply, for example by extending a Parenting Order to include a residential requirement...".

The Anti-Social Behaviour Bill is an opportunity to build an integrated package of measures to increase acceptance of responsibility by parents of children over and under 10. It brings together policy on Parenting Contracts and Parenting Orders for behaviour both inside and outside school. Freestanding parenting orders are to be available to YOTs and local education authorities.

I wish to bring in an amendment at Committee stage to modify the ASB Bill so as to ensure that there is flexibility to enable orders to require parenting classes of varying duration including residential work with parents. The key thing is to ensure that we are able to implement the measures properly. We need to avoid the problem encountered on introducing ASBOs which have had to be revisited several times to make them as simple and workable as possible.

The existing provisions for Parenting Orders in section 8 of the Crime and Disorder Act 1998 will need amending. Change will also be required to the ASB Bill provisions for free standing parenting orders available to youth offending teams and education authorities which mirror the existing legislation.



The amendment will provide additional flexibility to make parenting orders residential requirements where needed as result of exceptional home circumstances.

The objective of the amended measure will continue to be to reduce youth crime. There is evidence that parenting orders contribute to a reduction in offending, as described in my earlier letter. The purpose of imposing a residential requirement would be to enable residential parenting counselling and guidance to be made available for families in serious crisis, where a non-residential approach is not appropriate.

The cost of residential programmes, including costs of childcare if necessary in those cases where children did not attend on a voluntary basis, is estimated at £4,000. We further estimate that such a programme would be needed for 2% of parenting orders – although the early implementation phase will help us establish more precise demand. Based on the estimated number of orders (we expect some 1,975 after the new ASB and Criminal Justice bill powers have been made available to YOTs and education authorities) this would bring the number of such orders to 20 each year, thus at a cost of £80,000. We anticipate that there would no additional application or court costs.

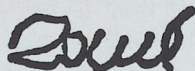
The benefits, based on the PRB research findings described in my earlier letter, assuming 2 crimes avoided in 75% of cases, would amount to £54,000. The intangible benefits to the community however in helping to improve parenting would be of great value.

Costs would be met in principle from funds currently available to YOTs and education authorities. If additional funding proved necessary the Home Office would provide funding.

I wish to make reference to this small but important change to the published version of the Bill in my speech at Second Reading. Therefore, and with apologies for the short deadline, I should be grateful for responses by Friday 4<sup>th</sup> April.

I am copying this letter to the Prime Minister, members of DA and LP and to Sir Andrew Turnbull.

Best wishes,



DAVID BLUNKETT





**Jeff Rooker**  
**Minister of State For Housing,**  
**Planning and Regeneration**

The Rt Hon David Blunkett MP  
Home Secretary  
Home Office  
50 Queen Anne's Gate  
London  
SW1H 9AT

*Dear David*

**OFFICE OF THE**  
**DEPUTY PRIME MINISTER**

26 Whitehall  
London SW1A 2WH

Tel: 020 7944 3012

Fax: 020 7944 4489

E-Mail: [jeff.rooker@odpm.gsi.gov.uk](mailto:jeff.rooker@odpm.gsi.gov.uk)

Web site: [www.odpm.gov.uk](http://www.odpm.gov.uk)

27 MAR 2003

**ASB BILL - COSTS RELATED TO POWER TO CLOSE CRACK HOUSES**

Thank you for your letter to John Prescott of 25<sup>th</sup> March concerning the costs related to the power to close crack houses.

I welcome the additional work your Department has undertaken to determine the likely costs of these new powers on local authorities. If the estimated cost to local authorities is, as you state, £0.6 million, then this will clearly require additional expenditure and therefore represents a new burden.

You suggest that longer-term savings may be achieved through wider benefits but these have not been fully identified or costed and are unlikely to be recovered in the short term. I would also point out that any costs incurred are likely to be extracted from local authorities' general funds. The majority of the proposed benefits, if any materialise, would be realised by landlords and where this is a local authority, the benefit would be directed to the Housing Revenue Account and not the general fund. Where it is another landlord, the benefit would certainly not be realised in financial terms by the local authority.

The new burdens principle states that it is for the lead department to fully fund any costs incurred by local authorities. The crack house powers have been proposed and developed by the Home Office and it is therefore clear that the costs fall to your Department and not to the ODPM. DA clearance was only granted on the basis that Home Office makes available the extra funding through a transfer into the Local Government Finance Settlement.

I am copying this to the Prime Minister, members of DA Committee and Sir Andrew Turnbull.

**JEFF ROOKER**



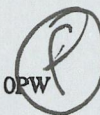
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FROM THE RIGHT HONOURABLE THE LORD IRVINE OF LAIRG



HOUSE OF LORDS,

LONDON SW1A 0PW



26

March 2003

The Right Honourable  
John Prescott MP  
Deputy Prime Minister  
26 Whitehall  
London SW1A 2WH

NA

cc/ CS  
EM  
NA

Dear John,

#### SCOPE OF ANTI-SOCIAL BEHAVIOUR BILL

Margaret Beckett wrote to you on 19 March seeking final DA approval for a number of Defra measures to be included in the Anti-Social Behaviour Bill; and to respond to the points I raised in my letter of 8 March. In view of the assurance that Margaret gives in her letter that her proposals for increasing the scope of the fixed penalty notices will not lead to extra work for the courts I am content for them to be included in the Bill. I am pleased that her officials and mine have been able to agree the costs arising from the measures to deal with fly tipping and expect them to be reimbursed in the usual way.

I would like to reserve my right to return to this matter should the estimates provided on fixed penalties prove to be wrong and it is found that these proposals do impact on the work of the courts. I assume that Margaret's officials will be monitoring their use and would be grateful if mine could be kept informed.

I am copying this letter to the Prime Minister, members of DA Committee and to Sir Andrew Turnbull.

Yours ever,  
Dewy.



02072192220  
FROM THE RIGHT HONOURABLE THE LORD IRVINE OF LAIRG



HOUSE OF LORDS,  
LONDON SW1A 0PW

26 March 2003

Rt. Hon John Prescott MP  
Deputy Prime Minister  
Office of the Deputy Prime Minister  
Dover House  
Whitehall  
London  
SW1A 2AU

NA  
cc: CS  
UR  
EM

*Deputy Prime Minister,*

**ANTI-SOCIAL BEHAVIOUR BILL:  
JUVENILES IN THE COUNTY COURT**

I am writing in response to the Home Secretary's letter of 20 March about the proposal to allow Anti-social Behaviour Orders against juveniles to be made in the County Court.

I would like to reiterate my support for the considerable amount of work which the Home Secretary, his Ministerial team and his officials have undertaken to ensure that a Bill on anti-social behaviour will be introduced into Parliament this week. It is vitally important that we, as Government, address concerns about the increasing incidence of anti-social behaviour across the country. However, I cannot support the proposal to allow applications for orders against juveniles to be dealt with in the county court for a variety of reasons which I will outline below.

Whilst I understand the Home Secretary's argument about allowing applications against juveniles to be made in the county court, we should not allow matters of convenience to override principle. The primary purpose of the county courts is to resolve private disputes between individuals. My agreement to allowing the partner/friend of a defendant to be joined to proceedings already extends this principle. I am anxious to avoid the blurring of the distinction between the civil and criminal jurisdictions to which allowing orders to be made against juveniles in the county court would lead. Juveniles are only dealt with by the county court in exceptional circumstances, where a child is bringing a claim for sums due to him as wages, for example. I believe that this should remain the case.

I do not believe Juveniles should be dealt with in the County Court beyond the very exceptional circumstances outlined above. County Courts do not have the necessary facilities or procedures for dealing with vulnerable and disturbed Juveniles, nor are County Court Judges trained to deal with Juveniles in quasi-criminal applications of this kind.

Your officials estimate that the number of possession claims to which an ASBO will be attached from 1 April 2003, when orders will be introduced into the County Court as a result of the Police



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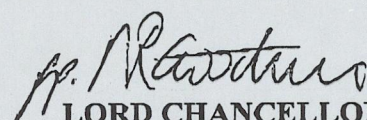
Reform Act 2002, will be 300. They also anticipate a further increase of 30 applications as a result of the proposal to allow parties including juveniles to be joined to proceedings. This means that the total number of applications involving juveniles in the County Court will be in the region of 0-30. This could not conceivably justify the cost involved in training judges across over 400 county courts across the country, nor the cost involved in establishing the procedures and facilities required to deal with juveniles.

I support the Home Secretary's argument that 'it is in no-one's interest to slow down the judicial process'. However, the need for a litigation friend to be appointed before either the principal proceedings or the application for an order in the County Court, could progress, would slow the process. Introducing delay into proceedings is contrary to the reforms to the civil justice system that I introduced in 1999 which aimed to ensure that civil disputes are resolved within a reasonable period of time. Introducing such a cumbersome procedure into the county court would also militate against Home Office proposals to introduce legislation to enable authorities to deal with anti-social behaviour swiftly and effectively.

I appreciate the Home Secretary's commitment to ensuring that the necessary funds are available to implement the measures proposed in the White Paper effectively. His commitment to funding additional training for County Court Judges if juvenile applications were allowed in the County Court is welcome in this regard. Training, however, can only provide the theoretical grounding and needs to be complemented by practical experience. In view of the low numbers of cases involving juveniles which it is anticipated that the county court would deal with, it is unlikely that County Court judges will have the opportunity to build up their expertise in this area. This would mean less experienced judges dealing with complex child welfare issues. This would be at odds with the emphasis on a holistic approach to 'Children at Risk' in the latest Green Paper. Such a low volume of cases before the County Court would also not justify the expenditure required to enable judges to receive the training and the courts the facilities to deal with this type of case.

Finally, I would like to reassure the Home Secretary that both Ministers and officials have considered this proposal in great detail and reaffirm my Department's commitment to working with the Home Office as the Bill progresses through Parliament.

I am copying this letter to the Prime Minister, members of DA, and to Sir Andrew Turnbull.

  
LORD CHANCELLOR  
(Approved by the Lord Chancellor  
and signed in his absence)





6403/2003, 12:59

DEFRA CABINET SECTION ▲

NO. 026

0001

Nobel House  
Smith Square  
London SW1P 3JR

020 7238 6465

Telephone 08459 335577

Email [secretaryofstate@defra.gsi.gov.uk](mailto:secretaryofstate@defra.gsi.gov.uk)Website [www.defra.gov.uk](http://www.defra.gov.uk)**defra**Department for Environment  
Food and Rural Affairs

The Rt Hon John Prescott MP  
Deputy Prime Minister  
26 Whitehall  
London  
SW1A 2WH

26 March 2003

From the Secretary of State  
The Rt Hon Margaret Beckett MP

*Dear John,***ANTI SOCIAL BEHAVIOUR BILL**

Nick Raysnford wrote to me yesterday in response to my letter to you of 19 March seeking DA approval of Defra measures for inclusion in the Anti-Social Behaviour Bill. Alun Michael has also spoken to Nick to set out clearly the position. This letter sets out the consequences if Defra's measures are prevented from inclusion in the Bill on the grounds of cost. The Home Office advises us that this matter must be decided by Wednesday morning at the latest, so I should be grateful for an immediate reply.

First let me clarify from the position that I spelt out in my letter of 19 March. While there will be set up costs for local authorities in using the new powers we are seeking to give them, any costs could only arise for a local authority that chose to use the powers. My letter of 4 March provided the best estimate that we have but it is based, as ODPM wished, on the costs if every local authority chose to use these optional powers in full and we have made clear from the beginning that we seek to provide powers not responsibilities or duties.

The point I was seeking to make in my last letter was that at worst the costs will reduce over time to cost-neutral and at best may produce real savings as the number of offences reduces, as the amount of enforcement time expended by local authorities reduces, as local authorities incorporate new functions into existing work patterns and, in the case of fly tipping, as less is spent on clear up.

I am absolutely clear that Defra does not have the resources to transfer to ODPM to cover these costs; we have made this clear repeatedly while working closely with Home Office colleagues to deliver on the Government's agenda.

NVA  
✓ JR  
GJM  
EM  
MH  
JK



020 7238 6465

As you know, the issue of graffiti and fly tipping were singled out in the Queen's speech opening Parliament last November. Their effect on anti-social behaviour, and on the quality of the local environment, were therefore clearly identified. This commitment to dealing with these issues was further backed up in the ASB White Paper – Respect and Responsibility – Taking a Stand Against Anti-Social Behaviour. If we do not have our measures in the ASB Bill, the Government will be failing in the commitment to tackle these issues. We are not likely to have another legislative opportunity for some considerable time. As a result these issues, which clearly contribute and encourage anti-social behaviour, will not be dealt with. This will seriously undermine the anti-social behaviour agenda and the other measures which the Home Office are taking forward in their Bill.

This will not play well for the Government, as it will appear to show a lack of commitment to dealing with key criminal issues which blight local environments and lead to a poor quality of life for our citizens. The Anti-Social Behaviour Bill seeks to tackle the issue in an holistic way, dealing with the foundations that underpin bad behaviour. Removing Defra's measures will seriously weaken those foundations and the Government's message, *- which is of course a key aspect of our local election campaign!*

I should also say that I was surprised to hear that the LGA has changed position following their discussions with ODPM officials. They had provided us with a statement supporting 'wholeheartedly' the inclusion of Defra's measures in the Bill but appeared to have retreated from that position. Alun Michael has been in touch with them as he agreed with Nick and explained that we are trying to help. Each local authority is different, managing its local environment in its own way. The freedom to do so is entirely consistent with giving them the flexibility to manage matters in a way that allows them best to deliver services to local people. Our measures would give them further tools to use should they wish to do so. This must be a good thing for local people! Sir Jeremy agreed with this approach and Alun has offered further discussion with them if that would help.

I recognise the pressures ODPM are under to provide additional resources to local authorities, particularly in light of recent Council Tax rises, but by and large such rises are not as a result of environmental management. These measures will make an important difference to local authorities, and as a result to local people. They also send a powerful message that the Government is serious about helping local authorities to tackle local environmental quality issues, issues that fit smoothly into the liveability agenda that has such prominence at the moment.

I hope that we can achieve agreement to allow these important measures to go forward without the need for funding from Defra which we do not have.

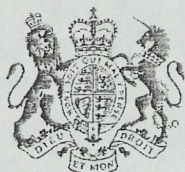
I am copying this letter to the Prime Minister, Members of DA Committee, Nick Raynsford, Bob Ainsworth and Sir Andrew Turnbull.

Regards

Margaret

MARGARET BECKETT





DEPUTY PRIME MINISTER

OFFICE OF THE  
DEPUTY PRIME MINISTER  
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London  
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Tel: 020 7944 8623

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②

RESTRICTED: LEGISLATION

The Rt Hon David Blunkett MP  
Home Secretary  
50 Queen Anne's Gate  
London  
SW1H 9AT

NA  
JR  
CS  
EM

25 March 2003

ANTI SOCIAL BEHAVIOUR BILL: RESOLUTION OF  
OUTSTANDING POLICY ISSUES PRIOR TO INTRODUCTION

I understand that at LP Committee this morning, Gareth asked Bob to seek to reach agreement with colleagues on three outstanding issues of policy in the Anti-Social Behaviour Bill. These issues had previously been considered by DA Committee, and I am writing as Chair of that Committee to outline the basis on which you should proceed, given that the Bill must be introduced on Thursday 27 March.

**Powers to disperse groups**

I understand that Yvette raised concerns with the breadth of the proposed power to disperse groups that is included in the Bill, which was previously agreed by DA Committee on 12 March and was included in the Anti-Social Behaviour White Paper. Whilst I appreciate Yvette's concerns, I do not propose that the Bill be amended at this stage. The way in which the power will be used will ultimately be an operational decision for the police, in line with the Code of Practice that will support the Bill's provisions. I understand that the power has the support of ACPO and the Metropolitan Police and therefore propose that you should work together with Yvette and police representatives in drawing up the Code of Practice to ensure that the power does not risk being abused when it is put into practice.



## RESTRICTED: LEGISLATION

### **Recycling of Fixed Penalty Notice revenues for fly posting and graffiti**

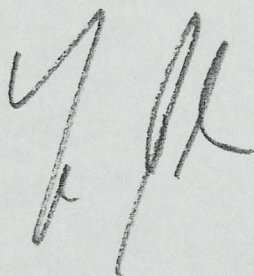
In our recent correspondence on this issue, there has been disagreement over the issue of recycling of Fixed Penalty Notice revenues for fly posting and graffiti. I am grateful to Paul for his offer to consider Margaret's proposal to extend the hypothecation of revenues from dog fouling and litter to cover fly posting and graffiti and to help her Department in working up a proposal so to do. However, given the lack of time to complete work on this issue before the ASB Bill is introduced, I should be grateful if you would introduce the Bill on the basis that these revenues will not be recycled, and if Margaret and Paul's officials would continue to work together on the issue in the meantime.

### **Juveniles in the County Court**

I have seen the recent correspondence between you and Derry on the issue of whether juveniles' anti-social behaviour can be attached to proceedings in the County Court. Whilst I appreciate that County Courts do not routinely deal with juveniles, you will be aware that the Prime Minister's Civic Society Group has given a clear steer that we should endeavour to simplify the tools available to practitioners for dealing with Anti-Social Behaviour. I therefore favour the option of dealing with juveniles and adults in the County Courts, but am grateful for your suggestion that you will meet the additional training costs that would be required to equip the judiciary for this new responsibility.

I should therefore be grateful if you would introduce the Bill on the basis that juveniles should also be dealt with by the County Court, but to pay the costs of the additional training required.

I am copying this letter to the Prime Minister, members of DA and LP Committees, Bob Ainsworth, Sir Andrew Turnbull and First Parliamentary Counsel.



JOHN PRESCOTT



02072733965



## Home Office

Home Secretary  
50 Queen Anne's Gate, London SW1H 9AT

NA

OC EM  
SR  
JSH  
AA  
CS25<sup>th</sup> March, 2003

Rt Hon John Prescott MP  
Deputy Prime Minister  
Office of the Deputy Prime Minister  
Dover House  
Whitehall  
London SW1A 2AU

Dear John,

### **COSTS RELATED TO POWER TO CLOSE CRACK HOUSES**

As you are aware, within the Anti-Social Behaviour Bill, we are proposing to introduce new powers for the police, in consultation with local authorities, temporarily to close down properties where there is an allegation of Class A drug supply or use, and resultant public nuisance. Our officials have been working closely to develop the policy and identify all of the costs and benefits involved.

We estimate the full cost to local authorities to be £0.6 million, based on 300 cases per annum. However, I do not believe that this should be viewed as a new burden on local authorities. Rather, this will be offset by the longer-term savings which will be delivered as a result of the wider benefits of the policy including: enhanced community safety and well-being; more positive tenant/landlord relationships; an increase in the value of properties; increased trade for local businesses; and a significant reduction in local crime. This will also have an impact on housing management resources within local authorities' housing areas. We know that the emergence of a crack house can clear many properties within a small area, creating considerable management problems and intensive input from front-line housing officers. These resources will reduce significantly when we have the necessary powers to close down such properties within a very short period.

Introduction of these powers will also allow for us to postpone the implementation of the amendment to Section 8(d) of the Misuse of Drugs Act. We believe that these new powers are wider in scope and offer potentially greater impact against the real problem - crack houses. The implementation of the amendments will,



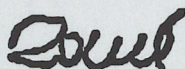
02072733965

however, remain on the statute book and will be reviewed in the light of the effectiveness of the powers contained in the Anti-Social Behaviour Bill. This will, of course, be received with enthusiasm from housing providers who had expressed serious concerns about the amendment and their abilities to continue to provide drug users with the housing and support that is needed.

I am therefore requesting that, given the benefits that local authorities and their staff will gain from the introduction of these powers, that you make a financial contribution, commensurate with these benefits. I know you are committed to making our communities safer and feel sure you will see the benefits that these proposals will bring.

I am copying this to the Prime Minister, members of DA Committee and Sir Andrew Turnbull.

Best Wishes,



DAVID BLUNKETT





The Rt Hon Nick Raynsford MP  
Minister of State for Local  
Government and the Regions

The Rt Hon Margaret Beckett MP  
Department for Environment, Food  
and Rural Affairs  
Nobel House  
17 Smith Square  
London  
SW1P 3JR

*To the Rt. Hon. Margaret Beckett.*

OFFICE OF THE  
DEPUTY PRIME MINISTER

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Tel: 020 7944 3013  
Fax: 020 7944 4539  
E-Mail: [nick.raynsford@odpm.gsi.gov.uk](mailto:nick.raynsford@odpm.gsi.gov.uk)

Web site: [www.odpm.gov.uk](http://www.odpm.gov.uk)

25 MAR 2003

#### SCOPE OF THE ANTI-SOCIAL BEHAVIOUR BILL

I have seen your letter of 19 March to John Prescott, concerning the DEFRA measures to be included in the Anti-Social Behaviour Bill. You will have also received the one from him of the same date giving DA clearance subject to the views of other DA colleagues.

I would like to respond to the points that you made on new burdens for local authorities. I am pleased to see that you have consulted the LGA, and that they would welcome these additional powers. However, I am surprised at the discrepancy between the zero or negative net cost given in your 19 March letter and the detailed costings tables you provided in your letter of 4 March. The earlier letter gave estimates of the costs, in the order of £35-£45m in the first year, reducing over years 2 and 3 to between £27-£37m per annum. In discussing the LGA's response to you on the issue of costs, it is clear that they are content with your estimates and consider that these costs are consistent with the principle that funding should be provided when new burdens are generated, so local authorities can make the most effective use of the new powers.

It is in light of the 4 March calculations and the LGA's comments that I do not accept that new powers do not require additional local authority expenditure. I do not think your 19 March letter implies that you have revised calculations suggesting a zero or negative cost. I recognise that there may be longer term savings, but the short term set up costs must be met and under the long-standing new burdens rules, it is for DEFRA to make a transfer into the local government finance settlement.

We should be clear what would happen were we to introduce the powers without funding. Either local authorities will not be able to use these powers fully, and they will lie on the statute book. Local expectations of action will have been stoked up, but we will not see the outcomes on fly-tipping, litter and minor vandalism we want to achieve. The alternative is for authorities to cut other services or pass the costs of using the powers straight on to increases in council tax. I am sure you will agree that this something Government would not wish to happen.

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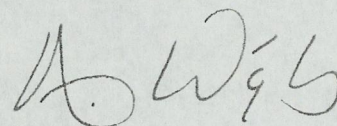


Therefore think that the consequence of including these measures in the Bill is that they are not commenced until Defra fully fund them, either from your existing funds, or through some successful future spending review bid.

I am copying this letter to members of DA.

Approved by the Minister  
and signed in his absence

**NICK RAYNSFORD**

A handwritten signature in dark ink, appearing to read 'A. W. G. S.', located to the right of the typed name.





## Home Office

Bob Ainsworth MP  
PARLIAMENTARY UNDER SECRETARY OF STATE  
50 Queen Anne's Gate, London SW1H 9AT

John Prescott  
Deputy Prime Minister  
26 Whitehall  
London  
SW1A 2WH

*Den Jahn*

24 March 2003

File  
NA  
C: JK  
EN  
CO  
EC

### Anti-social Behaviour Bill: New Burdens on Local Authorities

I have seen Nick Raynsford's letter to you of 10 March about the Anti-social Behaviour Bill and measures that place a potential burden on local authorities. I am writing to assure you and colleagues that I am fully aware of the issue and intend to follow the new burdens procedures as far as is possible in each case.

As Nick points out, the measures for inclusion in the ASB Bill have been worked up at considerable speed and thus far, it has not been possible to complete the work on identifying costs and to whom they will fall. However, I can assure you that this work is in hand. Where that work confirms that a new burden would fall on local authorities as a direct result of each measure for which we are responsible the Home Office would, in principle, be prepared to meet unavoidable net expenditure arising from them. This was reflected in John Denham's letter of 11 March to Jeff Rooker on measures to tackle the nuisance of "crack houses". We will, of course, consult with the LGA before finalising our view on each measure, and in some cases this process has already begun.

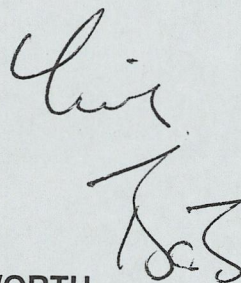
As you know, the ASB Bill has been drawn up across a number of Government departments and the measures outlined in Nick's letter go beyond the Home Office's area of responsibility. I understand that Margaret Beckett has written to you separately on Defra's proposals for inclusion in the Bill. Charles Clarke wrote to you of 6 March. The proposed DfES measures will offer local authorities cheaper and more effective means of carrying out existing responsibilities. They will provide considerable scope for savings and generate income. Taken together, their net effect on local authority expenditure is therefore likely to be neutral. But the DfES will of course be consulting the LGA about implementation, including potential costs and how they can be balanced by income and savings

Finally, I would like to point out that many of the proposed measures in the ASB Bill offer local authorities a wider, more flexible range of powers to meet



their existing responsibilities and respond to the needs of their local communities. In some cases this will bring savings. In other cases new powers will allow local authorities to take a different approach to services they are already providing and redirect resources accordingly. It is important that these are also considered as this work progresses.

I am copying this to the Prime Minister, members of DA committee and to Sir Andrew Turnbull.

A handwritten signature in black ink, appearing to read 'Bob Ainsworth', written in a cursive style.

**BOB AINSWORTH**



MAR-2003 16:51 FROM:

TO: 020 7839 9044

P. 001/002



LORD CHANCELLOR'S DEPARTMENT  
SELBORNE HOUSE  
54-60 VICTORIA STREET  
LONDON SW1E 6QW

DX 117000

**YVETTE COOPER MP**  
**Parliamentary Secretary**

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yvette.cooper@lcdhq.gsi.gov.uk  
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The Rt Hon David Blunkett MP  
Home Secretary  
50 Queen Anne's Gate  
London SW1H 9AT

NA  
SE: CS  
JR  
EM

24 March 2003

*Dee Dinel*

### ASB BILL - POWER TO DISPERSE GROUPS

Having seen the draft ASB Bill I am very concerned about the power to be given to the police to disperse groups in designated areas and whether a code of practice will be sufficiently effective to prevent misuse. I feel very concerned that the benefits, which this power is intended to bring will be totally negated by the potential for its misuse, if there are not satisfactory checks or safeguards in place.

The draft Bill has a very wide definition of the circumstances in which officers will have the power to disperse people who are not committing (or thought likely to commit) any offence. Clause 28 gives the police the power to disperse two or more people and prevent them returning to the area within 24 hours wherever they have "reasonable grounds" to believe that members of the public have been or could be "intimidated, harassed, alarmed or distressed."

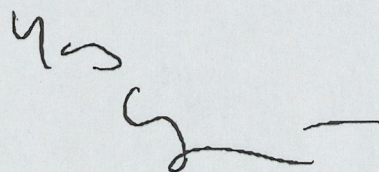
As you will appreciate, the definition of what is intimidating, alarming or distressing behaviour is highly subjective and, however well intentioned the exercise of the power may be, it does have the potential to ratchet up tension in selected areas. What if, for example, a racist old lady walking down a street sees three black men sitting on a wall and feels intimidated by their presence? What if people are unreasonably claiming to be alarmed by a good-natured gathering of two or three teenagers with nowhere else to hang out? Who is to say that such a scenario might not lead to an unjustified response, i.e. the heavy-handed use of dispersal action against persons who have committed no offence, have caused no harm and show no risk of being about to commit any offence? I am very concerned about the risks involved here and the need to safeguard against both injustices and community tensions.

I am also concerned that the decision to designate an area will be taken by individual police officers alone and that there is no democratic or judicial accountability for decisions, which have the potential to increase tensions and restrict the liberty of innocent people if handled badly. I am concerned that merely consulting local authorities will not be sufficient. What will happen if a local authority strongly disagrees with a police officer's decision to designate an area?



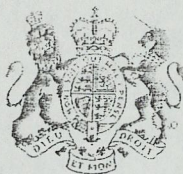
I am very concerned that the impact of this measure could be to undermine many of the extremely positive and valuable measures elsewhere in the Bill

I am copying this letter to the Prime Minister, John Prescott and members of DA and LP Committees, to Sir Andrew Turnbull and to First Parliamentary Counsel.

A handwritten signature in black ink, appearing to read 'Yvette Cooper', with a long horizontal flourish extending to the right.

YVETTE COOPER





DEPUTY PRIME MINISTER

OFFICE OF THE  
DEPUTY PRIME MINISTER  
26 Whitehall  
London  
SW1A 2WH

Tel: 020 7944 8623  
Fax: 020 7944 8621

The Rt Hon David Blunkett MP  
Home Secretary  
50 Queen's Anne Gate  
London SW1H 9AT

20 March 2003

#### ANTI-SOCIAL BEHAVIOUR BILL

John Denham sought policy agreement in his letter to me of 24 February to include a number of measures in the forthcoming Anti-Social Behaviour (ASB) Bill. He said the measures would repeal Child Curfew Orders; extend powers for issuing Fixed Penalty Notices (FPNs); ban the sale of spray paints to under 18s; and, expand powers to issue FPNs for night noise. This letter gives you DA clearance to proceed, subject to the views of colleagues recorded below.

Replies were received from Peter Goldsmith and Jeff Rooker.

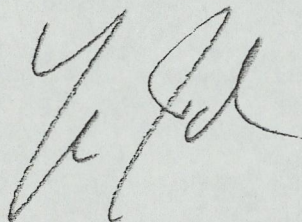
Peter said he did not object strongly to your proposal, however, he envisaged difficulties arising from the legitimate use of spray paint such as by art or interior design students or demonstrators making placards. He said he believed that the offence could be difficult to enforce because in a significant number of cases, legitimate use would be put forward as a defence. He said the CPS were in contact with your officials regarding the resource implications of this proposal for the CPS.

Jeff said that the proposed extension of powers for council staff, including Neighbourhood Wardens, to issue FPNs was likely to pose additional costs which would have to be addressed under the New Burdens principle. He said the long term savings envisaged were difficult to quantify and in any case the additional costs would have to be met from the outset. Jeff said you would have



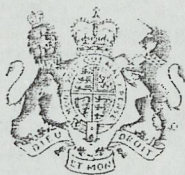
to discuss this proposal with the LGA in order to achieve a fully worked up estimate of local authorities costs, the necessary funding would then have to be transferred into the local government settlement by the relevant department.

I am copying this letter to the Prime Minister, members of DA and LP Committees, to Sir Andrew Turnbull and to First Parliamentary Counsel.

A handwritten signature in dark ink, appearing to read 'J. Prescott', written in a cursive style.

**JOHN PRESCOTT**





DEPUTY PRIME MINISTER

NA  
✓ EM  
JSH  
JR  
AA  
CS

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Bob Ainsworth MP  
Parliamentary Under Secretary of State  
Home Office  
50 Queen Anne's Gate  
London  
SW1H 9AT

20 March 2003

#### ANTI-SOCIAL BEHAVIOUR BILL

John Denham sought policy agreement in his letter to me of 4 March to include further measures in the Anti-Social Behaviour Bill. He said the proposed measure would give senior Environmental Health Officers powers to close noisy premises. This letter gives you DA clearance to proceed, subject to the views of colleagues recorded below.

Replies were received from Derry Irvine, Patricia Hewitt, Kim Howells, Nick Raynsford and Alun Michael.

Derry said that the partial Regulatory Impact Assessment (RIA) made no reference to the impact of the proposal on the work of the courts. He said that although he supported this proposal in principle, its introduction was likely to make additional work for the courts and have an impact on the legal aid fund. Derry said his department was unable to absorb these costs and would therefore expect the relevant Department to meet any costs arising from this change.

Patricia said that it was as yet unclear what warnings will be given before closure of premises occurs, and what system of appeals will be available to businesses that feel they have been unfairly treated. She asked you to work with her officials to resolve this issue in a way which would alleviate the worries of the licensed trade as the Bill was drafted.

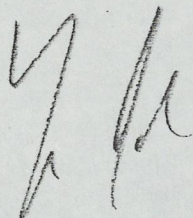


Kim said he was content to agree to this proposal on the basis that it was included as a free-standing provision in the ASB Bill and not as an amendment to the Licensing Bill. Tessa Jowell's letter to me of 6 March had set out how this new power should differ from that already available to the police. Kim also said that seeking to link the "growth of the 24 hour culture" and increasing noise nuisance from licensed premise may leave the Government open to serious challenge. He said he was anxious to avoid confusing the message that the Government expects the greater flexibility in licensing hours and other measures that the Licensing Bill will introduce to reduce crime, disorder and public nuisance.

Nick said that the Home Office had recognised that these enhanced powers were likely to lead to an increase in the number of complaints reported to local authorities. He said that the lead departments, in this case either DCMS or DEFRA, would have to work with the LGA to fully cost the impact of this new measure and make a transfer into the local government finance settlement as appropriate.

Alun said whilst he fully supported this measure he was concerned that only limited consultation appears to have taken place with stakeholders. He said that you would have to agree how the safety of environmental officers would be ensured when issuing and implementing closure orders, this might involve national policy on how the police will support the local authority. He said that whilst the legislative aspects of this proposal were primarily a Home Office issue, DEFRA would provide support by encouraging commitment to the change through its links with the environmental health profession.

I am copying this letter to the Prime Minister, members of DA and LP Committees, to Sir Andrew Turnbull and to First Parliamentary Counsel.



JOHN PRESCOTT



02072733965



# Home Office

Home Secretary  
50 Queen Anne's Gate, London SW1H 9AT

20<sup>th</sup> March, 2003

Rt. Hon John Prescott MP  
Deputy Prime Minister  
Office of the Deputy Prime Minister  
Dover House  
Whitehall  
LONDON  
SW1A 2AU

NA  
EC JR  
EM  
CS

Dear John,

## ANTI-SOCIAL BEHAVIOUR BILL: JUVENILES IN THE COUNTY COURT

Further to your letter of 11<sup>th</sup> March I am writing once again on the proposal to extend orders in the county court.

I welcome the agreement for this measure with regard to adults but am concerned that the exclusion of juveniles seriously undermines its potential effectiveness in tackling anti-social behaviour. I would like to address the concerns set out by the Lord Chancellor in his letter to John Denham dated 7<sup>th</sup> March.

As the Lord Chancellor rightly says, enabling relevant persons to be joined to county court proceedings with a view to an ASBO being made against them in circumstances where their behaviour is directly relevant would obviate the need for an ASBO application in the magistrates' court, involving much the same evidence. It would also benefit victims and witnesses.

However I do not believe that juveniles should be excluded on the basis that the county court does not routinely deal with juveniles. I do not doubt that the judiciary in the county court is more than capable and will be able to manage cases involving juveniles. I recognise, though, that additional training may be required – for which we are prepared to pay.

In addition, the issue raised about a lack of administrative interfaces with the Youth Justice Board should not present a problem because additional support measures, such as parenting orders, are not available with county court-made ASBOs. And whilst I agree that young people need the appropriate support it is a clear waste of court time to repeat evidence presented in the county court in a separate hearing in the magistrates' court, not to mention the delay in protecting victims. However, I should also like to stress that the magistrates' court will remain the main route for obtaining an ASBO.



02072733965

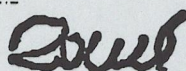
The practical issue of the need for a 'litigation friend' for juveniles in the county court before legal proceedings can be commenced should not be used preclude juveniles completely. It is no one's interest to slow down the judicial process, especially a local authority or registered social landlord which seeks to evict a tenant because of the anti-social behaviour of their child. The decision whether or not to apply to attach a child to proceedings should be made by the agency taking the civil action on the basis of the particular case. The final decision on whether or not to join the young person will of course be left to the judge.

With regard to volume, I am grateful to the Lord Chancellor for clarifying that 2.5% to 5% of possession cases solely involve anti-social behaviour. I believe that the number of possession actions by social landlords stands at around 150,000 cases a year. The number relating to anti-social behaviour is therefore in the region of 3,750 to 7,500 cases a year. I would suggest that, even if a minority of such cases are due to the behaviour of young people, the numbers involved are more than sufficient to justify inclusion of juveniles.

I am grateful for the Lord Chancellor's on-going support for ASBOs. I hope that we can ensure that the ASB Bill contains no unnecessary gaps or loopholes and that the issue of county court orders being made against juveniles can be resolved swiftly.

I am copying this letter to the Prime Minister, members of DA, and to Sir Andrew Turnbull.

Best wishes,



DAVID BLUNKETT





DEPUTY PRIME MINISTER

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The Rt Hon Margaret Beckett MP  
Secretary of State for Environment, Food and Rural Affairs  
Nobel House  
17 Smith Square  
London  
SW1P 3JR

19 March 2003

#### SCOPE OF THE ANTI-SOCIAL BEHAVIOUR BILL

You sought policy agreement in your letter to me of 4 March to include a number of measures in the forthcoming Anti-Social Behaviour Bill. You said the measures would give the Environment Agency and local authorities greater powers to tackle the problems of fly-tipping, litter and minor-vandalism. This letter gives you DA clearance to proceed, subject to the views of colleagues recorded below.

You do not have DA agreement for the proposal to allow local authorities to retain revenue from fixed penalty notices for graffiti, fly posting and minor acts of vandalism.

Replies were received from Paul Boateng, Derry Irvine and Nick Raynsford.

Nick said that although the new powers are optional, it was inevitable that local authorities would come under pressure to use them. He noted that the LGA had been fully consulted and welcomed the new powers, however, they had expressed concerns about potential costs. Your officials will have to finalise these cost estimates with the LGA and ODPM officials as soon as possible.

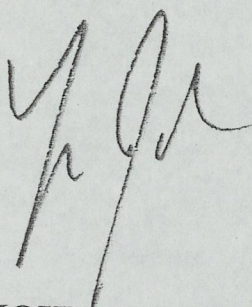
Nick also said that any additional net costs under the new burdens principle will need to be provided by the responsible Department.



Derry said that he was content with your proposals, subject to two conditions. Firstly that your officials clarify with him how the fixed penalty notices suggested in response to graffiti, fly posting and other minor acts of vandalism will be enforced; and, secondly that any impact on the courts and legal aid will be funded by your department.

Paul said that he was content with most of the proposals on the basis that the new burdens procedure was followed to ensure funding for any additional burdens placed on local authorities. He said he was not content with your proposal that local authorities will have the power to retain revenue from fixed penalty notices for graffiti, fly posting and minor acts of vandalism. He said that any such proposals for retention of revenue would have to be considered by the Treasury on a case by case basis. I understand that you have agreed to drop this proposal from the White Paper and will seek agreement from the Treasury at a later date.

I am copying this letter to the Prime Minister, members of DA and LP Committees, to Sir Andrew Turnbull and to First Parliamentary Counsel.

A handwritten signature in dark ink, appearing to be 'John Prescott', written in a cursive style.

JOHN PRESCOTT



The Rt Hon Patricia Hewitt MP  
Secretary of State for Trade and Industry

The Rt Hon John Prescott MP  
Deputy Prime Minister and First Secretary of State  
Dover House  
Whitehall  
London  
SW1A 2AU



Secretary of State  
Department of  
Trade and Industry

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17 March 2003

Dear John,

#### ANTI-SOCIAL BEHAVIOUR BILL

I have seen John Denham's letter to you of 4 March. I agree that enabling Environmental Health Officers to close licensed premises for up to 24 hours because of noise nuisance as part of this Bill will bring about improvements to local communities.

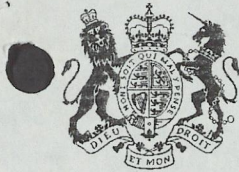
However my officials have raised some concerns and I hope that they will continue to work with you to establish a process that alleviates the worries of the licensed trade that this may affect. It is unclear as yet what warnings will be given before closure occurs, and what system of appeals is available to businesses that feel they have been unreasonably treated. I hope that these issues can be resolved during the drafting stages of the Bill.

Best wishes,

PATRICIA HEWITT

I am copying this to members of DA committee, the Prime Minister and Sir Andrew Turnbull.





RESTRICTED: POLICY

Ku

DEPUTY PRIME MINISTER

NA  
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em  
CS

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The Rt Hon John Denham MP  
Minister of State  
Home Office  
50 Queen Anne's Gate  
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SW1H 9AT

17 March 2003

John Denham

**ANTI-SOCIAL BEHAVIOUR BILL – MEASURES TO TACKLE PROPERTIES  
WHERE DRUGS ARE BEING SUPPLIED OR USED**

You sought policy agreement in your letter to me of 14 February to introduce new powers in the Anti-Social Behaviour Bill to tackle the problem of properties where drug supply or use is causing serious public nuisance to neighbours and the wider community. This letter gives you DA clearance to proceed, subject to the views of colleagues recorded below.

Replies were received from Gus Macdonald, Hazel Blears, Jeff Rooker, Derry Irvine, Peter Goldsmith, Patricia Hewitt and Paul Boateng.

Derry agreed in principle to the proposals, subject to your satisfying a number of concerns. Firstly, he said that the estimated £1.5 million cost to the courts and legal aid had to be met by the Home Office, and that this figure would need to be re-negotiated should workload estimates increase. Secondly, he asked you to clarify whether the tenant, with others, would be a respondent to the application for closure of premises, and if so, whether he or she would also have a right of appeal to the Crown Court, in addition to an owner or landlord. He also suggested that the period of seven days during which an owner, occupier or landlord might be allowed by the court to take steps to control the unwanted behaviour, should be extended to fourteen days to allow a more realistic chance of achieving this and to enable the police to satisfy themselves about changed circumstances. He said it was not clear whether the period of "interim limited closure" effected by police action would continue during this period of adjournment. Fourthly, he suggested that you confirm that the closure order will lapse after the three months ordered, unless the court agrees to earlier revocation on application by any party, or extends the order for a further three months on application by the police, in liaison with the local authority.

Derry said he did not support any proposal to transfer normal possession proceedings away from the county court, and was anxious to minimise potential for confusion between the



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jurisdictions of the magistrates' and county courts. He also felt that it was important to ensure that tenants evicted from their properties as a result of a closure order were released from the obligation to pay rent for that property. He suggested that Home Office, in consultation with ODPM, consider a closure order on a property by a magistrates' court as a mandatory ground for possession under existing housing legislation. He said that Home Office would need to consult closely with ODPM and LCD if the Bill contains provisions for local authorities to take over management of properties following closure.

Whilst he understood the consideration of a civil remedy to tackle the problem of obtaining criminal convictions against drug dealers operating from crack houses, Derry said he was concerned that civil remedies should not generally be introduced to tackle difficulties in obtaining criminal convictions. There was a danger that the distinction between the civil and criminal jurisdictions could be eroded, and this would have important implications for the court structure in England and Wales.

Finally, he said that proposals to allow the courts to levy the costs of the process of sealing the property against the landlord may not be justified in cases where the landlord was not colluding with the individuals dealing drugs in the property. He also suggested that you consider the possibility of compensation claims by landlords who had been unable to rent their property for three months.

Peter said that he welcomed the proposals in principle, subject to advice of the Law Officers on EHCR compatibility, which I understand you have now received. However he pointed out that where closure or possession is sought simultaneously with criminal proceedings, or where a criminal investigation is continuing, it would be essential to have arrangements in place via the police to ensure that the prosecutor in any criminal proceedings was in a position to fully discharge the obligations of disclosure that arose.

Hazel noted that it was proposed that no matter what the use of a property, it would be removed from any possibility of being the venue for Class A drug supply. She was anxious that certain types of property, for example drug treatment services, bail hostels and housing associations, should be excluded from this provision, as, given the nature of these properties and the client group they serve, there was always a risk that Class A drug supply might take place. I understand your officials are currently considering this issue. She also urged you to consider the impact on drug treatment services of closing a number of crack houses in an area, and suggested the proposed legislation should encourage police to consult local authorities and other interested parties on providing treatment to drug users who may require it, as well as on pressing charges and to act to close properties.

Jeff supported the proposals, but raised a number of concerns, particularly around reimbursement to local authorities of costs incurred in implementing these measures, compatibility with ECHR of the proposals with regard to housing legislation, rent liability for tenants excluded by a closure order, and informing landlords once a closure notice has been issued. I have seen your letters of 7 and 11 March which address these matters, and Jeff has now confirmed that he is content for you to go ahead on the basis of the assurances you have provided.

Gus supported the proposals, but highlighted the potential impact on landlords and businesses not involved in drug-related crime. A full regulatory impact assessment (RIA) would aid



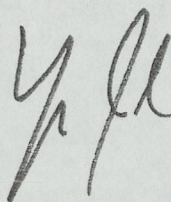
**RESTRICTED: POLICY**

consideration of the options for action, costs and effectiveness of the proposed measures. You included a partial RIA in your letter to me of 7 March, and I understand you intend to write again once the full assessment is complete.

Patricia asked that you re-consider the definitions used in the proposal, which on the one hand described the closure of 'premises' and on the other the closure of 'property'. The Small Business Service sought assurances that closures would be restricted to the immediate premises in which the offence occurred, and not for example include the closure of a shop underneath a flat where drug dealing took place.

Paul said he was concerned by the lack of detailed cost and value for money estimates. However, I understand that, in the light of the Home Secretary's letter of 10th March which confirmed that his officials are continuing to work with other departments to identify all the financial implications of the policy, where any new burdens may fall, and how they will be met, he is now content for you to proceed

I am copying this letter to the Prime Minister, members of DA and LP Committees, to Sir Andrew Turnbull and to First Parliamentary Counsel.

A handwritten signature in dark ink, appearing to be 'JP' or 'John Prescott', written in a cursive style.

**JOHN PRESCOTT**



02072192220  
FROM THE RIGHT HONOURABLE THE LORD IRVINE OF LAIRG



HOUSE OF LORDS,  
LONDON SW1A 0PW

NA  
JR  
GM  
CS  
JTM  
AA

16 March, 2003

Our ref: 685469

Rt Hon John Denham MP  
Minister of State  
Home Office  
50 Queen Anne's Gate  
London  
SW1H 9AT

Dear John,

**RE: CHARGING ENTERTAINMENT OUTLETS FOR POLICING COSTS**

I have seen your letter of 25 February to Kim Howells, seeking agreement to consider a power in the forthcoming Anti-Social Behaviour Bill by which the policing costs of tackling disorder and anti-social behaviour in an area may be passed on to licensed premises in the affected area.

Although I understand the reasons behind the proposal, I would suggest that this is probably the wrong time to be raising such an idea. The licensed trade are presently having to deal with the upheaval and uncertainty of the Licensing Bill currently before Parliament, and they are unlikely to take kindly to the prospect of a further financial burden.

Nevertheless, if this suggestion is taken forward, my Department has an interest in how the contributions will be collected, particularly in the enforcement of this through the courts. If it becomes necessary to pursue a licensee for their contribution, it would need to be decided whether this legal action would take place in the civil or criminal courts. In either case, there will be workload and funding implications for the courts system, for which I will have to look to your department to fund. Your officials' first point of contact should be Rob Linham (☎ 020 7210 1318).

I am copying this letter to members of LP committee, First Parliamentary Counsel and Sir Andrew Turnbull.

Yours ever,  
Derry.





DEPUTY PRIME MINISTER

RESTRICTED: POLICY

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The Rt Hon John Denham MP  
Minister of State  
Home Office  
50 Queen Anne's Gate  
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13 March 2003

**ANTI-SOCIAL BEHAVIOUR BILL – MEASURES RELATED TO JUVENILES  
AND PARENTING**

You sought policy agreement in your letters to me of 14 February and 6 March to measures on juveniles and parenting which you intend to include in the forthcoming Anti-Social Behaviour Bill. This letter gives you DA clearance to proceed, subject to the views of colleagues recorded below.

Replies were received from Nick Raynsford, Paul Boateng, Peter Goldsmith and Jacqui Smith.

Nick emphasised the importance of the Home Office and DfES, as the Departments responsible for these measures, consulting with the Local Government Association on the costs of implementation of the proposed measures and transferring appropriate levels of additional funding into the local government finance settlement. He pointed out that if extra funding was not provided to fully cover implementation costs, councils would either not use their new powers, or would need to cut services or raise council tax.

Nick also said that schools should be encouraged to take a supportive approach to tackling truancy before resorting to the use of FPNs, and guidance issued to schools and LEAs should reflect this. He asked that Home Office officials work closely with ODPM to draft this guidance before submitting it to DA for clearance. He also highlighted the need for the Home Office to encourage close links between Youth Offending Teams and local neighbourhood warden teams when implementing Parenting Orders for poor behaviour outside schools.

Paul said that he welcomed the balanced approach proposed to tackle truancy and juvenile ASB. He was content for you to go ahead with the measures outlined in your letter, subject to you seeking further clearance from DA before extending the fixed penalty notice (FPN) regime for disorder to the under 16 age group. He agreed that LEAs could



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retain fine revenues from FPNs for truancy, up to the level of enforcement costs. Paul also pointed out that Departments should reach collective agreement to ensure that the incurred cost of all measures set out in the Bill could be absorbed from within settlements.

In your letter to me of 6 March, you confirmed that you would seek further DA clearance before going to Parliament with secondary legislation to reduce the age limit for FPNs below 16. I understand that Paul is content for you to proceed on this basis.

Peter expressed concern that the proposal to extend FPNs for disorder to 16 and 17 year olds, with a power to extend this further to the under 16s, might be inconsistent with the Children at Risk Green Paper and suggested that you may wish to consider this further. The view of the Crown Prosecution Service was that the administration of a fixed penalty was contrary to the ethos of early intervention and the diversion of youths to the criminal justice system and moves away from the application of restorative justice. One of the major objectives of the Children at Risk Green Paper, was the "earlier identification of, and intervention with, children at risk of re-offending." FPNs for disorder for youths may be inconsistent with the objectives of the Green Paper as youths involved in disorder and drink-related offences were more likely to commit more serious crime if there was not immediate intervention.

Peter also said that FPNs could have resource implications for the CPS in cases which proceeded to court, and that if these costs were more than minimal he would look to the Home Office to provide the relevant funding.

In your letter of 6 March you said that you expected the costs of FPNs for 16 and 17 year olds will be subsumed in the overall scheme and that there will be only minimal impact on the CPS or court resources. You agreed that costs might be more of an issue for under 16s and confirmed that a cost benefit analysis would need to be worked up for any pilot scheme involving under 16s. In his letter of 7 March, Peter confirmed that he was content for you to proceed on the basis of the commitments you had given.

Jacqui said that whilst she supported the proposed package of measures, and was keen to see the work on intensive fostering taken forward, she had some concerns about the use of intensive fostering through a criminal justice route. This was due to lack of capacity and resource implications for local authorities, both in the long and short term. DH officials were working with the Home Office on a revised form of words for the White Paper to reflect this and better describe the objectives of intensive fostering, and she was keen to see these, and other drafting amendments, reflected in the final draft.

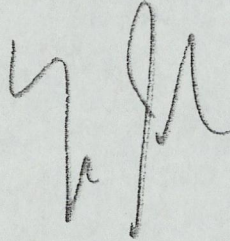
Jacqui emphasised that, subject to resource and capacity issues, much of what the Government wanted to do could be achieved through existing legislation. She said that Home Office and DH would need to work together to build capacity in the system for some of the proposed models of fostering. It was important that the intensive fostering pilots were consistent with the work DH was doing to build treatment foster care capacity in local authorities. Furthermore, local authorities should not be put under pressure to employ costly agency foster care, either to provide intensive provision or to substitute where local authority foster carers are providing intensive provision to young people



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coming in through the criminal justice route. Finally, she expected the Home Office to undertake detailed costing estimates on where costs would fall for local authority social service functions, and other relevant agencies, and to meet these costs in full.

I am copying this letter to the Prime Minister, members of DA and LP Committees, to Sir Andrew Turnbull and to First Parliamentary Counsel.

A handwritten signature in dark ink, appearing to be 'JP' with a stylized flourish.

**JOHN PRESCOTT**





From the Secretary of State  
for Work and Pensions

**DWP** Department for  
Work and Pensions

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## RESTRICTED - POLICY

Rt Hon John Prescott MP  
Deputy Prime Minister  
Office of the Deputy Prime Minister  
26 Whitehall  
London SW1A 2WH

13 March 2003

NA  
✓ JR  
EM  
CO  
EC  
MH.

## ANTI-SOCIAL BEHAVIOUR - HOUSING BENEFIT SANCTIONS

1. I have just seen paragraphs 4.47 to 4.48 of the Anti-Social Behaviour White Paper which cover the anti-social behaviour consultation on Housing Benefit proposals.
2. As you will know following our meeting with David Blunkett on 6 March I circulated some draft text for the White Paper (my letter of 7 March). It is not clear why this text was not adopted, indeed there was no subsequent discussions with me or my officials about the revised text.
3. This was a serious omission but even more concerning is the fact that the text that appears in the White Paper commits the Government to consult on a policy of "withholding payments of Housing Benefit". This is a policy which could not be adopted (you may recall that we already have legal advice that we cannot stop completely (i.e. withhold) payments of Housing Benefit). What we are proposing to do is to consult on sanctioning (i.e. reducing by a set amount) entitlement to Housing Benefit.

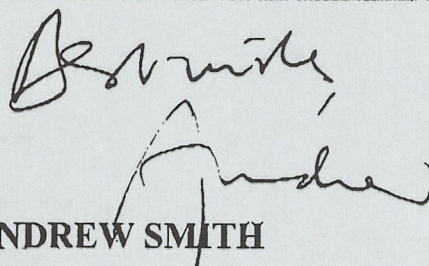


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4. We will, of course, make the correct position clear in the consultation document but my reason for writing is to alert colleagues to this problem so that we do not compound the problem in any subsequent public statements.

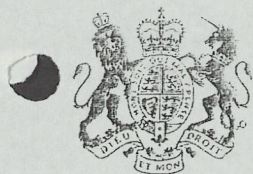
5. A copy of this letter goes to the Prime Minister, members of DA Committee and Sir Andrew Turnbull.

---



ANDREW SMITH





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Top: PD (NA)  
PD (JR)  
PD (EM)  
PD (CS)  
Qs ✓

The Rt Hon David Blunkett MP  
Home Secretary  
Home Office  
50 Queen Anne's Gate  
London  
SW1H 9AT

12 March 2003

#### ANTI-SOCIAL BEHAVIOUR BILL – POWER TO DISPERSE GROUPS

You sought policy agreement in your letter to me of 28 February to include a power in the ASB Bill to allow the police to disperse groups from designated areas. This letter gives you DA clearance to proceed, subject to the views of colleagues recorded below.

A reply was received from Alistair Darling. He said he fully supported the proposals particularly as they would help tackle the problem of anti-social behaviour on and around public transport. He said that discussions at official level had suggested that your intent was to extend these proposals to the British Transport Police operating on railways property within the Force's jurisdiction.

I am copying this letter to the Prime Minister, members of DA and LP Committees, to Sir Andrew Turnbull and to First Parliamentary Counsel.

JOHN PRESCOTT



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02072192220

HONOURABLE THE LORD IRVINE OF LAIRG

File

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Top: PD(NA)

PD(JK)

PD(JN)

PD(MH)

PD(SK)



HOUSE OF LORDS,

LONDON SW1A 0PW

The Right Honourable John Denham MP  
Minister of State  
Home Office  
50 Queen Anne's Gate  
London SW1H 9AT

12

March 2003

*Dear John,*

**ANTI-SOCIAL BEHAVIOUR BILL PROPOSED POWER FOR ENVIRONMENTAL HEALTH  
OFFICERS TO CLOSE LICENSED PREMISES CAUSING A NOISE NUISANCE**

I have received a copy of your letter of 4 March to John Prescott seeking policy clearance for a measure to be included in the Anti-Social Behaviour Bill that will give senior Environmental Health Officers (EHOs) powers to close noisy premises. I have no objection to this proposal, subject to my Department being reimbursed for any additional costs arising from its introduction.

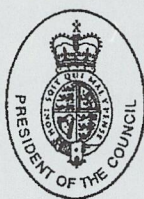
Your letter and the enclosed partial RIA makes no reference to the impact of this proposal on the work of the courts. The proposal is to extend to senior EHOs the power currently available to a senior police officer (under the Licensing Act 1964, as amended by the Criminal Justice and Police Act 2001) to make temporary closure orders regarding relevant licensed premises where the public is being disturbed by noise emitted from them. This legislation empowers the police to apply to the relevant magistrates' courts as soon as practicable after the coming into force of a closure order, for them to consider the order and any extension of it. A licensing hearing will normally also follow a closure order. The introduction of this proposal is likely to make additional work for the courts and have an impact on the legal aid fund. My Department is unable to absorb these costs and, therefore, I must look to the relevant Department to meet any costs arising from this change.

I am copying this letter to the Prime Minister, the Deputy Prime Minister and members of DA committee, and to Sir Andrew Turnbull.

*Yours ever,  
David*



RESTRICTED - LEGISLATION



NA  
cc. JR  
EM  
CS

RT HON ROBIN COOK MP

LEADER OF THE HOUSE OF COMMONS

2 CARLTON GARDENS

LONDON SW1Y 5AA

TEL: 020 7210 1025

11 MAR 2003

*Dear John,*

**ANTI SOCIAL BEHAVIOUR BILL: PROGRESS ON INSTRUCTIONS**

At the last meeting of LP Committee on 10 March, we discussed progress on the Anti Social Behaviour Bill which is due to be introduced to Parliament on 27 March. During the course of our discussion, Parliamentary Counsel gave an update on progress in drafting the Bill and noted that instructions were outstanding for a number of provisions.

Given that a number of colleagues are involved in work on this important Bill but were not present at LP's meeting, I thought I should take the opportunity to highlight the areas on which instructions or answers to questions from Counsel are outstanding, and ask you, David, Margaret and Tessa to ensure that any remaining material is delivered to Parliamentary Counsel by the end of this week.

I understand that the areas where further instructions are needed, or greater clarification is required are as follows:

- Enhancing the role of the Crown Prosecution Service prosecutors in seeking orders on conviction (Item 6) (Home Office)
- Powers to close premises used for drug dealing or use (Item 22) (ODPM)
- Powers for Environmental Health Officers to close premises due to noise (Item 25) (DCMS)
- Graffiti and fly posting (Item 36) (Defra)

I should be grateful if you and colleagues would ensure that final instructions on these issues are sent to Parliamentary Counsel by 14 March, so that drafting can be completed in time for the Bill's introduction on 27 March. It is of course imperative that the material is complete and thoroughly worked-through so that the Bill does not require amendment following its introduction.

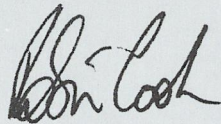




**RESTRICTED - LEGISLATION**

I am copying this letter to the Prime Minister, members of LP Committee, David Blunkett, Margaret Beckett, Tessa Jowell, John Denham, Sir Andrew Turnbull and First Parliamentary Counsel.

Yours sincerely

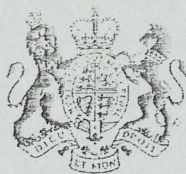


**ROBIN COOK**

The Rt Hon John Prescott MP  
Deputy Prime Minister







DEPUTY PRIME MINISTER

RESTRICTED: POLICY

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The Rt Hon David Blunkett MP  
Home Secretary  
Home Office  
50 Queen Anne's Gate  
London  
SW1H 9AT

11 March 2003

#### ANTI-SOCIAL BEHAVIOUR WHITE PAPER

You sought policy agreement in your letter to me of 21 February to publish the Anti-Social Behaviour White Paper. I am also grateful for your letter to me of 10 March in which you outlined the policy changes you have made in response to points raised by colleagues since the White Paper was circulated.

This letter gives you DA clearance to proceed, subject to the views of colleagues recorded below.

Replies were received from Paul Boateng, Derry Irvine, Tessa Jowell, Alistair Darling, Charles Clarke, Helen Liddell, Margaret Beckett, Patricia Hewitt, Paul Murphy, Andrew Smith, Peter Goldsmith, Gus Macdonald, Jacqui Smith and Jeff Rooker.

Tessa said that she remained opposed to any blanket system of charging licensed premises for police costs. However, she said that you had discussed this issue at a recent meeting and had agreed to drop this proposal from the Bill and the White Paper. She also said you had agreed that the statutory guidance that will accompany the Licensing Bill would make it clear that, where appropriate, conditions attached to premises licenses could include a requirement to join a radio pager scheme. She suggested a form of words for inclusion in the White Paper.

Tessa also said that she was content to agree the new power for environmental health officers (EHOs) to close down establishments that create noise on the basis that it is included as a free standing provision in the ASB Bill and not as an amendment to the Licensing Bill. She said the White Paper should state explicitly that the power will apply to licensed premises and asked you ensure that the White Paper definition of a "persistent noise nuisance" should reflect that already set out in the Licensing Bill. She

Tp: PD(NAP)  
PD(AA)  
PD(EM)  
PD(JR)



said that her officials and lawyers would be working closely with yours on the detail of the proposals. However, she said that her agreement to this proposal was only on the basis that: the powers should be restricted to noise nuisance and not extend to disorder; the orders should not be capable of extension beyond 24 hours; local authorities should not have the exemption of liability for damages which the licensing Bill provides for the Police; and only senior EHOs (of similar rank to a Police Inspector) should have these powers.

Lastly, Tessa noted that some of the information and references to the Licensing Bill in the White Paper do not accurately reflect its provisions. She attached a number of drafting amendments to rectify this. You should ensure these amendments are reflected in the re-drafted White Paper.

Alistair said he still believed that the use of Fixed Penalty Notices (FPNs) should be extended to the railway byelaws to tackle anti-social behaviour on the railways and asked you to reconsider its inclusion in the White Paper. He noted that your officials were engaged in ongoing discussions with his on this matter. In your letter of 10 March you said that officials had agreed that this could be tackled best through a by-law by by-law approach.

Alistair said that he supported your proposals for removing the driving licenses of those convicted of causing a nuisance and/or damage by using off road vehicles, however he asked you to consult closely with his officials before proceeding with the details of the measure. He said that he was not convinced by the merits of disqualifying drivers for kerb crawling and asked that the reference in the White Paper should draw attention to existing powers rather than implying that new powers are to be taken.

Lastly, Alistair said he had forwarded a number of drafting amendment to Chapter 5 of the White Paper to ensure that it accurately reflects the remit of the Safer Travel on Buses and Coaches Panel and more clearly sets out the Government's intention to work with the transport industry to tackle anti-social behaviour. He said he was content for you to publish the White Paper on the basis that the document was amended along these lines.

Paul Boateng said that he was only content for you to publish the White Paper on the basis that all the measures for which policy clearance was still outstanding were agreed otherwise they would have to be removed from the White Paper. He said that the costs for implementing the proposals would have to be funded from within existing settlements. In your letter of 10 March you confirmed that your officials were continuing to work with officials in the Treasury and other departments, to identify the financial implications of the policy, where any new burdens may fall and how they will be met.



Paul also said that the White Paper could be stronger at anchoring the new proposals in the framework of the existing preventative delivery systems and should focus on the drive to prevent anti-social behaviour happening in the first place. His officials had forwarded detailed drafting suggestion to address these issues, these should be reflected in the published Paper. In your letter of 10 March you confirmed that changes had been made to the White Paper to reflect these concerns.

Derry said that he was only willing to agree the publication of the White Paper on the basis that all the policy proposals contained in it had been agreed collectively. He was concerned to ensure that the drafting points which impact on his department were incorporated into the published White Paper. He also said that implementation of the measures that impact on the courts or legal aid was entirely dependant on any additional costs being met from the department with lead policy responsibility.

Derry also said that he supported the piloting of community justice centres, however, he said that the reference to them in the White Paper should be worded in such a way as to not raise expectations as there was still considerable work to be done on the details. He said that he remained concerned about the proposed power for a County Court to make an Anti-Social behaviour Order (ASBO) against a child during ASB related possession cases. In your letter to me of 10 March you agreed that the published White Paper would not contain reference to juveniles, however you would continue to discuss this proposal further.

Derry wrote to me again on 11 March. He said that neither he nor his officials had seen the version of the White Paper which you propose to publish, he was therefore giving his consent for publication on the basis of your letter to me of 10 March in which you assured me and colleagues that you had obtained the agreement of all those Ministers who may have an interest in the policies concerned. He welcomed your acknowledgement that any new burdens on the courts above and beyond the SR2002 settlement must be fully funded and he re-iterated the point that he will not be able to implement measures that impact on the courts without the necessary funds being made available. Derry said he also assumed that the drafting changes requested by his officials have been made as some of these contained substantive points of principle. Derry also raised the question of his proposals to allow youth courts to deal with applications for anti-social behaviour orders (ASBOs) which he had asked you to include in the ASB Bill in his letters of 13 January and 17 February. I understand that these provisions were discussed by LP Committee when it met on 26 February. It was agreed that they could not be included in the Bill unless the policy could be resolved before the deadline for delivery of agreed instructions to counsel (28 February). I am advised that it is now too late for these measures to be included in the ASB Bill. If Derry feels that legislation is still necessary to deal with this issue he will have to seek the agreement of LP to include them in some future legislation once DA clearance has been given for the policy.



Jeff said that the proposal to close crack houses had a number of policy implications for ODPM, these would have to be resolved to ensure that his policies were not undermined by the new power. He said that if further funding for local authorities was not made available to fully cover the costs when the White Paper is implemented, many local authorities would be unable to make use of potentially valuable new powers. Jeff said that endorsement of the White Paper was therefore dependent on further discussions taking place with ODPM and the Local Government Association to firm up estimates of the costs and to agree additional grant being made available by the responsible departments. Jeff also said that references in the White Paper to the retention of revenue generated by Fixed Penalty Notices (FPNs) should be drafted to ensure consistency with ODPM policy on this issue.

Jeff wrote to John Denham on 11 March seeking further assurances on the crack houses proposals. John replied on 11 March and on the basis of this letter Jeff replied saying he was prepared to give clearance to these measures strictly on the basis that he did not accept any new financial burdens on local authorities, and therefore on ODPM budgets, as a result of these measures.

In relation to planning policy, Jeff asked you to clarify what "strategic powers" were to ensure that new powers do not duplicate or cut across existing planning powers. He said that in terms of the White Paper proposal for a review of Community Support Officers (CSOs) and Neighbourhood Wardens, it was important to clarify their respective roles but this should not be with a view to streamlining these very separate initiatives. It would be a matter for individual Local Authorities and other local budget holders to decide whether to mainstream wardens and, if so, how to deploy them once ODPM funding ended in March 2004.

Finally, Jeff said that his officials had identified a number of drafting inaccuracies in the White Paper which had been passed to your officials, he said that once his officials were content with the exact final text of the White Paper he was happy to agree publication.

Margaret said she welcomed the publication of the White Paper, her officials had worked closely with yours in order to reflect issues which affect DEFRA's policy. She said that once the analysis of the response to the consultation exercise *Living Places – Powers, Rights and Responsibilities* had been completed it might be possible for her department to bring forward further legislative options to complement those in the ASB White Paper and Bill.

Helen said that she welcomed your work on anti-social behaviour and was content for you to publish the White Paper. She said that the proposals relating to firearms and air weapons, and the housing benefit measures were a reserved matter, therefore your officials would have to work closely with hers and those in the Scottish Executive when taking them forward.



Gus said that the White Paper, which was being re-drafted to reflect the concerns of colleagues, should contain a complete RIA when published. He asked you to continue to give consideration to developing ways to mitigate or reduce the impact of measures to tackle drug dealing from premises. In your letter of 10 March you said that it had not been possible to complete a full RIA in the short time-scale available. However you confirmed that the published White Paper would be accompanied by a partial RIA and that your officials would continue to work with Gus's and Patricia Hewitt's to ensure that all of the measures were properly assessed before being implemented.

Patricia said that, whilst she supported the Government's commitment to tackling anti-social behaviour, she was concerned at the speed with which the White Paper and the associated RIA had been developed and the relatively short time given for collective consideration. She noted that proper regard had not been paid to the Cabinet Office guidance on Better Regulation and that there would be insufficient time before the ASB Bill was published to consult adequately with stakeholders. She asked you to ensure that her officials were fully consulted before the ASB Bill was introduced, particularly on the issues of airgun-related measures; spray paints; extending powers to close noisy licensed premises to Environmental Health Officers; closure of premises used for dealing in drugs; and licensing of private landlords.

Peter said that he was grateful that your officials had worked closely with his to resolve outstanding issues of funding, Community Justice Centres and the role of the CPS in applying for an ASBO on conviction. This work would have to continue as the details of the proposals were developed. On the issue of Community Justice Centres (CJCs), Peter said that he did not agree to any proposal which precluded co-location or development of the charging pilots. You will have to ensure that the White Paper reflects this.

Charles said he welcomed the proposals contained in the White Paper. He attached a number of amendments to the draft White Paper intended to clarify and reinforce the important role of Education in tackling anti-social behaviour and in particular the role of Connexions and the Youth Service. In your letter to me of 10 March you said that these drafting suggestions had been incorporated.

Jacqui said her officials had forwarded a number of minor drafting comments on the White Paper, but overall she welcomed the package of proposals and was content for you to publish.

Paul Murphy said that whilst the proposals will only apply in England and Wales, he was actively considering appropriate similar measures which could be applied in Northern Ireland. He therefore asked that your officials keep in close contact with his as this work develops.

On the specific issue of housing measures to deal with anti-social behaviour, you met with Andrew Smith, Louise Casey, Jeff Rooker and me on 6 March. My Private

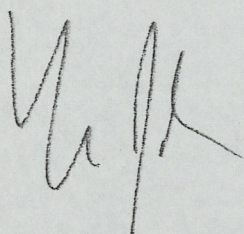


Secretary wrote to Jonathan Sedgwick the same day and confirmed that we had agreed that the possible use of housing benefit sanctions should be mentioned in the ASB White Paper in the context of a consultation on the proposals to be run in parallel with consultations on the draft Housing Bill. If the consultation was positive, then housing benefit sanctions could be included in the Housing Bill when it was introduced. In his letter of 7 March, Andrew proposed a suitable form of words for inclusion in the ASB White Paper. I am content with Andrew's draft and assume that they have been included in the White Paper.

On the issue of selective licensing of private sector landlords, we agreed that the proposal for selective licensing at the request of local authorities and with the approval of the Secretary of State could be included in the ASB White Paper; the existing provisions in the Housing Bill will be adjusted to allow the selective licensing of private sector landlords outside high demand areas; and, a consultation would be carried out, given that there had been no consultation on this so far.

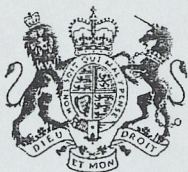
The timetable for agreeing the text of the ASB White Paper was very tight and colleagues have been put under considerable pressure to agree to proposals which in many cases will impact directly on the work of their departments. Whilst collective agreement has been reached for the contents of the White Paper, it is clear that a considerable amount of work is still required to ensure that the details of many of the proposals discussed in the White Paper are acceptable to colleagues both in terms of policy and funding. It is therefore essential that your officials continue to work closely with their colleagues in stakeholder departments to ensure that proposals outlined in the White Paper are translated into properly costed and workable measures before the introduction of the Anti-Social Behaviour Bill.

I am copying this letter to the Prime Minister, members of DA and LP Committees, to Sir Andrew Turnbull and to First Parliamentary Counsel.

A handwritten signature in dark ink, appearing to read 'John Prescott', is positioned above the printed name.

JOHN PRESCOTT





DEPUTY PRIME MINISTER

PERSONAL, PRIVATE AND  
CONFIDENTIAL

OFFICE OF THE  
DEPUTY PRIME MINISTER  
26 Whitehall  
London  
SW1A 2WH

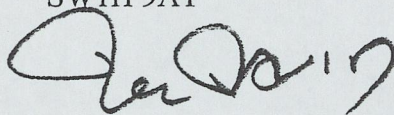
Tel: 020 7944 8623

Fax: 020 7944 8621

The Rt Hon David Blunkett MP  
Home Secretary  
50 Queen Anne's Gate  
London  
SW1H 9AT

NA  
cc: PM  
Em  
CS

11 March 2003

  
You copied to me your letter of 7 March to the Prime Minister about the process for securing collective agreement for policy proposals. I have to say I am in fundamental disagreement with what you propose. And I am surprised by what you propose because you had expressed satisfaction with the 'second reading' approach to the Anti-Social Behaviour White Paper.

The assumption upon which you base your proposal is that there is no benefit to be had from collective consideration and agreement by Ministerial colleagues. That is a view shared by some of our (unelected) advisers, but it has led to some of our most difficult problems, and I reject it completely. One of the fundamental difficulties with issues like Foundation Hospitals and Higher Education funding is that there was not been enough collective consideration. I do not see that problem being solved by the institutionalisation of bilateral agreements between interested Ministers. Nor do I see bilateral discussions as a way to avoid leaking.

That said, I recognise there is a problem with leaking of documents, but I believe it could be dealt with by the more sensitive handling of documents within departments. Far too often documents are copied far too widely. Circulation of numbered copies is one way to deal with this – as is done for example with cabinet committee minutes.

On another point, while I'm writing, I notice that your draft press notice for the Anti-Social Behaviour White Paper majors on Housing Benefit sanctions. As you know, the meeting I chaired between you and Andrew Smith last week concluded that we should mention Housing Benefit sanctions in the White Paper, but that we would only go ahead with them if there was a successful consultation. It would therefore be deeply misleading to open your press notice with a reference to Housing Benefit sanctions.

I am copying this letter to the Prime Minister

  
JOHN PRESCOTT



02072192220

FROM THE RIGHT HONOURABLE THE LORD IRVINE OF LAIRG

HOUSE OF LORDS,  
LONDON SW1A 0PW

11 March 2003

The Right Honourable John Prescott  
Deputy Prime Minister and First Secretary of State  
26 Whitehall  
London SW1A 2WH

NA  
✓ G. SM  
JR  
G

Dear John,

**ANTI SOCIAL BEHAVIOUR BILL  
MEASURES RELATED TO JUVENILES AND PARENTING**

I support the majority of these measures, subject to an undertaking that costs issues can be revisited in the light of monitoring and piloting to assess the impact on the courts. However, I have a major concern about fixed penalty notices for under 16s which must be resolved before I could agree to legislation; and the proposal for intensive fostering needs further thought.

I have seen John Denham's letter of 14 February. I support the proposals for parenting orders and parenting contracts. It must be right to seek to intervene early to support and encourage families to play a more active role in the education and care of their children and so prevent future offending. There may be some more detailed work to be done here, for example, against whom can a parenting order be made – does it include all those with parental responsibility and also unmarried fathers without parental responsibility? We will need to ensure that these areas have been fully thought through and any implications thoroughly assessed and costed. I would expect my officials to be involved in the detail of the drafting.

I can see that fixed penalties (FPNs) for the parents of truants offer LEAs an attractive alternative to prosecution. I am concerned, however, that the FPNs approach is unable to distinguish between the parent who is on low income who is struggling and desperate to get a troubled child to school and the parent who is either complicit in keeping a child off school or not attempting to address the problem. In the former case I would be concerned at the prospect that the rest of the family on low income might be caused further financial difficulties because of a difficult child they could do nothing about despite their best efforts. This problem must be resolved before we legislate because I would not consent to legislation which had this discriminatory impact without any means of relief. I still have concerns about the cost implications for my Department because the expected number of FPNs each year, 17,100, creates a large pool of potential prosecutions. I cannot support the proposal without an undertaking to monitor the scheme and to revisit the question of costs if John's estimated net increase of 200 prosecutions is found to be wide of the mark.



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I am cautious about the proposal to extend FPNs for anti-social activities to 16 and 17 year olds. The expectation that almost half of the FPNs issued will be paid seems optimistic. Therefore, my agreement is subject to an undertaking from John Denham that he will monitor the scheme and revisit the question of costs if the estimates are found to be wrong. I should also clarify that courts do not keep all the revenue received through FPNs and fines. Cost estimates based on that assumption are misleading and should be corrected.

I also have reservations about the proposal to take a power to enable the FPN regime to be extended to younger people, subject to the outcome of the pilots for 16-17 year olds. I have reservations about applying a penalty regime to such young children because it seems to conflict with the preventative approach taken by the youth court. We must revisit this for further consideration before the enabling power is actually used.

I do not think full account has been taken of the legal implications and costs of the plan for intensive fostering. I note that the intention is not to allow large numbers of young people to enter the care system through the CJS, but clearly it will allow some, and we need to get a grip on the scope. Equally we need to ensure that all the legal ramifications of this have been explored properly. For example, the questions of who would hold parental responsibility for the child in these circumstances and any role for a CAFCASS Officer in this process needs to be thought through. I am happy for officials to continue to seek to resolve these issues and report back to enable clearance in time to include this measure in the Bill.

If the issues cannot be resolved, I would not be happy for the courts to be given a power which due to its impracticality could very rarely be used. Although courts need to have a comprehensive range of responses at their disposal, options need to be real and useable, otherwise they lose credibility and lead to inconsistent treatment of people with similar needs.

I am copying this letter to the Prime Minister, members of DA committee, and to Sir Andrew Turnbull.

Yours ever,  
Derry



02072733965

**Home Office**

Home Secretary  
50 Queen Anne's Gate, London SW1H 9AT

NA  
cc: JM  
om

10<sup>th</sup> March, 2003

Rt Hon John Prescott MP  
Deputy Prime Minister  
Office of the Deputy Prime Minister  
26 Whitehall  
London  
SW1A 2AU

Dear John,

**ANTI-SOCIAL BEHAVIOUR WHITE PAPER: POLICY UPDATE**

I have seen your Private Secretary's letter of 6<sup>th</sup> March to mine in response to my request for DA clearance to publish the Anti-social Behaviour White Paper (letter of 21<sup>st</sup> February). I have also seen colleagues' responses to that circulation.

You requested an update of policy changes since the White Paper was circulated. These are:

- We have reworked the "intensive fostering" section to reflect the agreed position with Alan Milburn. References to tagging 10-11 year olds have been removed.
- There are amendments to the sections on licensing private landlords and other housing-related measures for anti-social behaviour to reflect the position agreed with you and Andrew Smith.
- References to Anti-Social Behaviour Injunctions, reviewing wardens, and measures to tackle raves and unauthorised campers have been dropped from the White Paper
- Since my letter, we have rationalised a number of Bill measures and colleagues have been notified of these changes in the letters we have sent seeking Bill clearance. The relevant parts of the White Paper have been altered accordingly.
- There have also been changes to the structure and drafting of the White Paper to reflect the comments of colleagues on tone and presentation.



02072733965

I thought it might also be helpful to take this opportunity to respond to colleagues' comments on the White Paper.

Paul Boateng wrote on 7<sup>th</sup> March requesting a greater focus in the White Paper on the prevention of ASB. I agree that this is desirable and I am happy to assure him that changes have been made to the draft to reflect his concerns, and that these have been discussed with his officials.

Paul also raised the issue of costs. These concerns were also reflected in letters from Derry Irvine, Jacqui Smith and Jeff Rooker. I can confirm that my officials are continuing to work with other departments to identify all the financial implications of the policy, where any new burdens may fall, and how they will be met. This process will continue as we seek to implement proposals set out in the White Paper but I fully recognise the need to address colleagues concerns that any new burdens on, for example, local authorities and the courts, over and above the previous targeted settlement from the 2000 spending review, be fully funded when the work on costings is completed.

Similarly, I am aware of the concerns of Gus Macdonald and Patricia Hewitt on regulatory impact. In the short time available my officials have sought to produce regulatory impact assessments wherever necessary and consult as widely as possible on those. Again, this process will continue in more detail as we take forward the various measures, but I can confirm that a partial RIA will accompany the White Paper. I am grateful for the continued assistance of colleagues' officials in this task.

Derry's letter of 7<sup>th</sup> March raised concerns about the power for a County Court to make an ASBO against a child during ASB related possession cases. I still believe that this is a worthwhile measure but recognise that further discussions are necessary on this issue. I can confirm that the current draft White Paper does not contain a reference to juveniles

Alistair Darling raised the issue of extending the use of fixed penalty notices to the railway by-laws. Our officials have discussed this proposal. We believe it is preferable to take this forward on a by-law by by-law basis to ensure fixed penalty notices are issued for the appropriate level of offence and with proper Parliamentary scrutiny. This approach would not require additional primary legislation. We therefore propose to take this forward with the British Transport Police as part of a wider consultation with police interests and this is reflected in the White paper. Alistair also asked that his officials be consulted on the power of the courts to remove driving licences. I have instructed my officials to discuss the detail of implementation with Department for Transport officials as requested.

Alistair, Tessa Jowell and Charles Clarke all offered specific drafting suggestions, which have been taken on. My officials have also been discussing drafting with Derry's, Patricia's and Jeff's officials to ensure that their concerns are properly reflected, particularly with regard to accuracy.



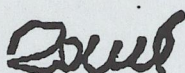
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Jeff asked for some clarification on the measures proposed by Defra to tackle environmental nuisance. Further detail was included in Margaret Beckett's letter of 4<sup>th</sup> March and I am assured that her officials are in contact with Jeff's.

I am pleased to say that we now have clearance for all of these measures through the Prime Minister's Civic Society meeting, LP Committee meetings and meetings held under your auspices as chair of DA Committee.

I am copying this letter to the Prime Minister, members of DA and to Sir Andrew Turnbull.

Best wishes,



DAVID BLUNKETT





020-7271 2460

The Rt. Hon. the Lord Goldsmith QC

9 BUCKINGHAM GATE  
LONDON SW1E 6JP

The Rt. Hon John Denham MP  
Minister of State  
Home Office  
50 Queen Anne's Gate  
London  
SW1H 9AT

NA  
cc: EM  
JR  
CS

Our Ref: MAN/2/03  
10th March 2003

*Dear John*

**ANTI-SOCIAL BEHAVIOUR BILL: SPRAY PAINTS**

Thank you for sending me a copy of your letter to John Prescott dated 24 February in which you seek policy clearance for a number of measures including the banning of spray paints to under 18s.

Whilst I do not object strongly to the proposal, I envisage difficulties arising from the legitimate use of spray paint such as art or interior design students or demonstrators making placards. I am sure the list of legitimate users can be expanded.

I note the draft regulatory impact assessment does recognise that there are legitimate creative purposes for purchasing spray paint but it states that on balance, the harm that will be addressed outweighs this.

I appreciate this is a policy decision but in practice, I fear the offence may well be difficult to enforce as I anticipate that in a significant number of cases legitimate use would be put forward as a defence.

I understand that the CPS are in contact with your officials regarding the resource implications of the new offence for the CPS and has agreed to provide an estimate.

I am copying this to the Prime Minister, members of DA Committee and Sir Andrew Turnbull.

*Yours truly*  
*h*



The Rt Hon Patricia Hewitt MP  
Secretary of State for Trade and Industry



The Rt Hon John Prescott MP  
Deputy Prime Minister and  
First Secretary of State  
Dover House  
Whitehall  
LONDON  
SW1A 2AU

Secretary of State  
Department of  
Trade and Industry

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London SW1H 0ET

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e-mail [mpst.hewitt@dti.gsi.gov.uk](mailto:mpst.hewitt@dti.gsi.gov.uk)

10 March 2003

Dear Deputy Prime Minister,  
**ANTI-SOCIAL BEHAVIOUR WHITE PAPER**

I have seen David's letter to you, dated 21 February, seeking agreement from DA for publication of the proposed White Paper.

I strongly support David's commitment to tackling anti-social behaviour. But I am concerned, as I said in my letter to you of 10 February, at the speed at which this White Paper and associated Regulatory Impact Assessments have been developed and referred to DA for clearance. The process has not paid due regard for the procedures laid down by the Prime Minister in the Cabinet Office guidance on Better Regulation. I am conscious also of the stated intent to produce the subsequent Anti-social behaviour Bill only two weeks after publication of the White Paper. This does not allow adequate time for proper consultation and consideration with the stakeholders concerned.

While I support the underlying intent of the proposed measures in the White Paper and for the Bill expected in a fortnight's time, I would be grateful if my officials were involved in detailed drafting discussions particularly on airgun-related measures, spray paints, extending powers to close noisy licensed premises to Environmental Health Officers, closure of premises used for dealing in drugs and licensing private landlords.

Yours sincerely

**PATRICIA HEWITT**

(Approved by the Secretary of State  
and signed in her absence)

I am copying this letter to the Prime Minister, members of DA and to Sir Andrew Turnbull.

JW3051

**dti**

Department of Trade and Industry





SECRETARY OF STATE  
FOR  
NORTHERN IRELAND

NORTHERN IRELAND OFFICE  
CASTLE BUILDINGS  
BELFAST BT4 3SG

The Right Honourable John Prescott MP  
Deputy Prime Minister  
Office of the Deputy First Minister  
70 Whitehall  
LONDON  
SW1A 2AB

JR  
CC EM  
NA  
CS

8 March 2003

I have seen David Blunkett's letter to you seeking policy clearance for the White Paper on Anti-Social Behaviour.

I am content with the proposals which apply only to England and Wales. When I wrote in response to John Denham's earlier letter to you on measures to be included in the Bill, I said that I was actively considering appropriate measures which could be applied in Northern Ireland to deal with similar problems. That work is progressing and will be informed by developments in England and Wales.

As ever, the proposal will generate further interest here and I would be grateful if your officials would continue to keep in close contact with mine.

I am copying this letter to the Prime Minister, Members of DA and to Sir Andrew Turnbull.

PAUL MURPHY



INVESTOR IN PEOPLE





*File*

Department for  
**Transport**

From the Secretary of State

The Rt Hon John Prescott MP  
Deputy Prime Minister  
26 Whitehall,  
LONDON  
SW1A 2WH

Department for Transport

Great Minster House  
76 Marsham Street  
London  
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E-Mail: [alistair.darling@dft.gsi.gov.uk](mailto:alistair.darling@dft.gsi.gov.uk)

Web Site: [www.dft.gov.uk](http://www.dft.gov.uk)

Our Ref: AD/002719/03

- 7 MAR 2002

*NA*  
*C: JKR*  
*EM*

**ANTI-SOCIAL BEHAVIOUR BILL - POWER TO DISPERSE GROUPS**

I have seen David Blunkett's letter to you dated 28 February seeking agreement to provide senior police officers with powers in the Anti-Social Behaviour Bill to designate areas prone to anti-social behaviour in order that their officers can disperse groups and exercise child curfew powers

I am willing to support these proposals for new police powers to disperse groups where anti-social behaviour is a problem. As the White Paper points out anti-social behaviour on and around public transport has a significant impact on people's decisions to use the railways, it increases the costs of transport providers and can also have a significant impact on people's perceptions of crime in general. Railway stations, because of their central locations, are too often the focus for groups who gather and behave in socially unacceptable ways and this can impact on a large number of people using the station.

I understand from discussions at official level between the Home Office and my Department that it is intended these proposals would also extend to the British Transport Police operating on railways property within the Force's jurisdiction.



I am copying this letter to the Prime Minister, members of DA committee and to Sir Andrew Turnbull.

Yours  
A

**ALISTAIR DARLING**





020-7271 2460

The Rt. Hon The Lord Goldsmith QC

9 BUCKINGHAM GATE  
LONDON SW1E 6JP

The Rt Hon John Denham MP  
Minister of State  
Home Office  
50 Queen Anne's Gate  
London  
SW1H 9AT

~~NA~~  
✓ C: EM  
JR  
CS

Our Ref: PUB/14/03  
7 March 2003

*In view*

**ANTI SOCIAL BEHAVIOUR BILL: FIXED PENALTY NOTICES FOR JUVENILES**

Thank you for your letter of 6 March 2003. I am grateful for the reassurances given concerning the proposed pilots and in particular, that guidance will be issued concerning risk factors to juveniles.

I agree that it will be important to fully evaluate how the pilots operate in relation to 16-17 year olds and that DA will be consulted further before any plans to extend piloting to under 16s.

I am copying this letter to DA colleagues, the Prime Minister and Sir Andrew Turnbull.

*Yours sincerely*  
*John Denham*



02072192220  
FROM THE RIGHT HONOURABLE THE LORD IRVINE OF LAIRGHOUSE OF LORDS,  
LONDON SW1A 0PW

The Rt Hon John Denham MP  
Minister of State  
Home Office  
50 Queen Anne's Gate  
London SW1H 9AT

NA  
cc: JM  
EM  
CS  
Q'S

7 March. 2003

Dear John,

**ANTI-SOCIAL BEHAVIOUR BILL - MEASURES TO PROMOTE  
THE EFFECTIVE USE OF ASBOs AND EQUIVALENT ORDERS**

I have received a copy of your letter of 24 February to John Prescott, in which you detail proposals to amend existing provisions on ASBOs further. I am content with the majority of these. My qualifications are set out below. I am also asking you to reconsider what I proposed in my letter to John Prescott on 17 February, about ASBO applications in the Youth Court.

I have no objections to relevant persons being joined to county court proceedings with a view to an ASBO being made against them, in circumstances where their behaviour is directly relevant to those proceedings. This would obviate the need for an ASBO application in a magistrates' court involving much the same evidence. However, I would want juveniles excluded from the proposal as county courts do not routinely deal with juveniles and the administrative interfaces with bodies such as the Youth Justice Board do not exist. It is particularly important that children involved in ASB are dealt with in specialist courts, as they may well be children at risk where wider child welfare or child protection issues need to be addressed. The principle we have adopted to date, in both youth and family cases, is that children must be dealt with by trained and experienced professionals, for example, no judge or magistrate can deal with child protection cases unless he or she has been specifically nominated and trained for that work. On a practical level we could not proceed with an ASBO against a child unless that child had a litigation friend appointed to ensure that they understood what this meant. This would cause delay, so working against the quick intervention approach that has been agreed for ASB in the county court. Finally, as studies suggest that only 2.5 - 5% of possession cases solely involve ASB, the number of cases involving children will be very small indeed. We would, therefore, be undermining a fundamental principle in youth and family justice, that dealing with children requires a specialist approach, for the sake of a very small percentage of housing cases.

Whilst I agree to the removal of the *automatic* reporting restrictions in relation to ASBOs on conviction in the Youth Court, for the reasons you have given, I reject the idea that relevant authorities should have the right to attend the Youth Court in order to make representations to a



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similar right. Breach of an ASBO is a criminal offence and once the prosecutor has secured a conviction for it, his duty consists of informing the court of all relevant factual information and stopping it from making mistakes in law. A prosecutor does not have powers to make representations as to the severity of sentence and nor should third parties. It may be that the word *representations* has been used without full consideration of what such a right might permit. Certainly, I would have no objection to the prosecutor calling someone from a local authority, for example, to give factual evidence about the circumstances in which the ASBO was applied for and granted, and submitting a Victim Personal Statement in relation to the offence itself.

I do not understand the proposed introduction of a power for courts making an ASBO also to make a parenting order where certain conditions apply. This power already exists under the Crime and Disorder Act 1998.

I have no objections in principle to allowing local authorities to prosecute for breach, for Housing Action Trusts to apply for ASBOs, and for prosecutors to seek an ASBO on conviction, even to the point of calling evidence additional to that which was used to secure the conviction. I would only emphasise the importance of your officials working closely with mine to ensure the satisfactory detail of these provisions and to assess the costs to my Department of any provisions which are likely to make additional work for the courts and have an impact on the legal aid fund. I am not in a position to absorb extra costs and will need to look to you for an undertaking to meet any costs arising from the intended changes.

Finally, I have also seen David Blunkett's letter of 21 February, in which he questions the value of the two changes which I propose to make. I explained these in my letter of 13 January. David did not respond. Therefore, on 17 February, I sought DA clearance. Draft instructions for Parliamentary Counsel were prepared by the deadline of 28 February, but have been rejected by David's officials.

The Youth Court has no jurisdiction to deal with applications for ASBOs against young people, which, consequently, have to be made to the (adult) magistrates' court. I want to change that. The Youth Court is the right venue for young people. An ASBO application is civil in nature and does not involve a criminal charge. I believe that it is wrong that a young person should have to appear before the adult court, an environment which carries the risk of contact with adult offenders, when s/he is not even appearing on a criminal charge. Although an ASBO application against a young person has to be made to the adult court, breach of the Order is a criminal offence and is therefore dealt with by the Youth Court. It is bizarre that the Youth Court can deal with the serious offence of breach but is not allowed to deal with an application for an Order in the first place. This situation is even more untenable given that the Youth Court now has power to make an ASBO of its own volition when a young person is convicted before it. My change would insert the only missing link and is compatible with our objective of handling anti-social behaviour (ASB) in an holistic way. It complements your proposed changes to reporting and access restrictions in the Youth Court. It also complements your proposal that the prosecutor should have an enhanced role when a person is convicted of a relevant offence, including in the Youth Court, to support the making of an ASBO - effectively converting that stage into an ASBO application.

I would also like the magistrates' court to have discretion to refer to the Youth Court an application for an ASBO against an adult, where it is linked to a group of applications being made to the Youth Court. I would expect this to happen infrequently and only where one or perhaps two of the group have slipped over the age limit of the Youth Court. David comments that the (adult) magistrates' court can hear cases against juveniles and adults where the same facts apply and that my proposal



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might undermine that arrangement. I do not see why. As I have already made clear, an ASBO is civil in nature and does not involve criminal charges. Our holistic approach towards ASB includes the need to intervene at an early stage to steer people away from crime. Channelling people who are not charged with criminal offences into the adult court when they can be dealt with effectively by the Youth Court with their peers is not consistent with that. Thus I really do urge clearance of these two proposals.

I am copying this letter to the Prime Minister, the Deputy Prime Minister and members of DA, and to Sir Andrew Turnbull.

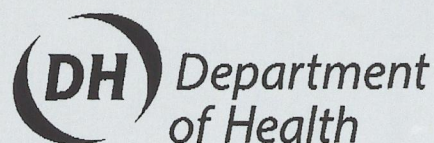
*Yours ever,*

*Derry*



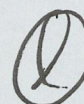
From Jacqui Smith, Minister of State

Restricted - Policy



Richmond House  
79 Whitehall  
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Tel: 020 7210 3000

The Rt Hon John Prescott MP  
Deputy Prime Minister  
Office of the Deputy Prime Minister  
26 Whitehall  
London  
SW1A 2WH



7 March 2003

NA  
JR  
EM  
CS  
SS  
DH

*Dear Deputy Prime Minister,*

**ANTI-SOCIAL BEHAVIOUR BILL - MEASURES RELATED TO JUVENILES AND PARENTING AND ANTI-SOCIAL BEHAVIOUR WHITE PAPER**

This letter provides a combined response to John Denham's letter of 14 February, which sought clearance to juveniles and parenting measures in the Anti-Social Behaviour Bill, and David Blunkett's letter of 21 February seeking clearance of the Anti-Social Behaviour White Paper.

I support the Bill measures proposed on juveniles and parenting, and also the overall package of proposals outlined in the White Paper. However, while I am keen to see the work on intensive fostering taken forward, I have a number of points to raise in relation to these proposals.

I raised some issues on the use of intensive fostering through a criminal justice route in previous DA correspondence. Our main concerns are that intensive fostering only exists in small pockets around the country – there is considerable capacity to be built as we are experiencing a shortage of traditional foster carers. Our current estimates are that we need another 8000 foster carers just to meet existing need in the welfare system, at a time when the population of looked after children is rising significantly.

Also, young people coming into intensive fostering through a criminal justice route would become looked after children. This means there are likely to be significant resource consequences for local authorities, both in the short and long term. The local authority may be required to 'look after' the young person once the sentence has come to an end, and they may also acquire leaving care obligations for these young people, which potentially could require them to support the young person until he or she is 24. The financial and human resource impact, for social services, health and education are not inconsiderable as intensive fostering schemes are expensive and rely on input from a range of agencies, most notably education and mental health.

With these concerns in mind, my officials met with their Home Office colleagues this week to map out what I think is a constructive way forward. Officials have since been working on a revised form of words for the White Paper on intensive fostering, so that it better describes what we are trying to achieve, placing intensive fostering at the end of a spectrum of intensive family support mechanisms, and recognising that



much of what we want to do can be achieved through existing legislation, albeit there are capacity and resource issues to consider.

Home Office officials will also establish a working group to work through the practical implementation issues on the use of fostering for young people in the criminal justice system. For some of the models of fostering that have been proposed, we need to consider how we might work together, as part of SR2004 and beyond, to extend capacity in the system.

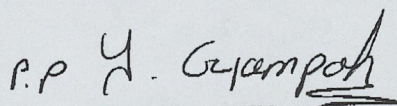
We also need to ensure that the intensive fostering pilots that John describes, are consistent with the development work that my department is doing to build treatment foster care capacity within local authorities. This will ensure that we share the learning so that we serve the needs of the welfare and criminal justice systems. The programmes will also help us to flush out the full costs of intensive fostering for young people in the criminal justice system.

Finally, in the light of the supply side issues for foster carers, we need to be clear that we do not put local authorities in a position where they are having to employ more costly agency foster care, either to provide intensive provision, or to substitute where local authority foster carers are providing intensive provision to young people coming in through the Criminal Justice route.

I would expect the Home Office, working with DH colleagues as necessary, to carry out some detailed costing estimates on where the costs will fall for local authority social services functions, and the other relevant agencies, and to meet these costs in full.

My officials have also made a number of minor drafting comments on the draft White Paper text, and I am keen to see these reflected in the final draft. We have also responded separately to John's letter on the new powers we are taking to tackle the problems caused by properties that are used for supplying Class A drugs.

I am copying this letter to the Prime Minister, to members of DA committee, and to Sir Andrew Turnbull.

  
P.P. Y. Gyampoh  
JACQUI SMITH

[Approved by the Minister  
and signed in her absence]





From the Secretary of State  
for Work and Pensions

**DWP** Department for  
Work and Pensions

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G  
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## RESTRICTED – POLICY

Rt Hon David Blunkett MP  
Home Secretary  
Home Office  
50 Queen Anne's Gate  
LONDON SW1H 9AT

7 March 2003

*Dear Home Secretary*

## ANTI-SOCIAL BEHAVIOUR – HOUSING BENEFIT SANCTIONS

1. You and I met John Prescott yesterday evening to discuss the housing components of our anti-social behaviour proposals. We recognised, in principle, the attraction of a role for a Housing Benefit sanction in tackling anti-neighbourly activity. But we also recognised the practical difficulty of devising a sanction that would bite with the immediacy we needed to make a difference and which local authorities would use. And I pointed out the need to maintain local authority support for our important reforms of Housing Benefit itself.
2. We agreed that the right way forward was to use your White Paper to foreshadow consultations on how a workable sanction could be developed.
3. If you and colleagues agree, I suggest that we include in the White Paper paragraphs on these lines:

“The Government has previously recognised the case for a role for

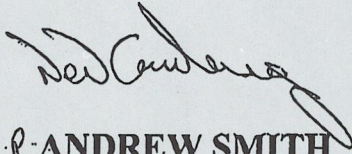


**RESTRICTED - POLICY**

sanctions of Housing Benefit in tackling bad neighbour nuisance. We remain interested in developing an effective housing benefit sanction. To be workable, such a sanction must be capable of being applied decisively, but fairly, in response to anti-social acts in the local community. It must act as a deterrent, not simply as a punishment after the event. And it must not be so cumbersome to administer that the costs of doing so outweigh its benefits. It must have the backing of local authorities, landlords and other agencies supporting local communities' efforts to address anti-social behaviour.

In taking forward the other measures outlined in the White Paper, the Government therefore intends to consult widely about how such a benefit sanction could be devised that meets these criteria. If a workable measure can be developed, it will then legislate to implement it."

4. I am sending copies of this letter to the Prime Minister, John Prescott, Gordon Brown and Sir Andrew Turnbull.

  
p.p. **ANDREW SMITH**  
(Approved by the Secretary of State  
and signed in his absence)





7/03/2003

11:17

DEFRA CABINET SECTION ▲

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The Rt Hon John Prescott MP  
Deputy Prime Minister  
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NA  
cc: JR  
EM  
MH  
JK

7 March 2003

From the Secretary of State  
The Rt Hon Margaret Beckett MP

Dear John,

**ANTI-SOCIAL BEHAVIOUR WHITE PAPER**

I am writing in response to David Blunkett's letter of 21 February seeking DA policy clearance of the Anti-Social Behaviour White Paper.

I am content to approve the White Paper. I very much welcome the action David is taking to tackle anti-social behaviour. By broadening the agenda and developing policy measures to back to this up, significant strides will be made in dealing with these very serious issues.

My officials have been working closely with the Home Office on this agenda and have offered a number of drafting suggestions on issues which affect Defra's policy. We have today sent some final suggestions which we hope the Home Office will include.

As you will know we have recently concluded a major consultation exercise *Living Places – Powers, Rights, Responsibilities*. When we have properly evaluated responses to this consultation we may be able to bring forward legislative options of our own which will complement those in the Bill and White Paper. For the time being therefore I am content with the statement in the White Paper to the effect that the anti-social behaviour agenda will be informed by responses to this consultation.

I am copying this letter to the Prime Minister, Members of DA and Sir Andrew Turnbull.

Yours  
Margaret

MARGARET BECKETT





**Jeff Rooker**  
**Minister of State For Housing,**  
**Planning and Regeneration**

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Deputy Prime Minister and First  
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Our ref: 003430/03

06 MAR 2003

NA  
C2 E17  
JR

**ANTI-SOCIAL BEHAVIOUR BILL - MEASURES RELATED TO THE SALE OF  
SPRAY PAINTS; A REPEAL OF THE CHILD CURFEW ORDER; EXPANDED  
POWERS TO ISSUE FINES FOR NIGHT NOISE; AND EXTENDED POWERS TO  
ISSUE FPNs**

I have seen John Denham's letter to you of 24 February, seeking policy clearance for a number of measures proposed for inclusion in the Anti-Social Behaviour (ASB) Bill. These measures relate to banning the sale of spray paints to under 18s; expanding powers to issue Fixed Penalty Notices (FPNs) for night noise; a repeal of the child curfew order; and extending powers to issue FPNs.

I would like to welcome these measure to tackle a variety of nuisances, such as graffiti and noise, which can blight local communities. I also welcome the rationalisation of measures available to local authorities, via the abolition of the largely unused child curfew schemes, as part of the Home Office's efforts to create a clearer and more manageable framework of powers to deal with ASB.

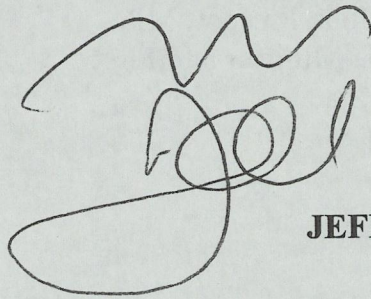
With regards to the potential new burdens on local authorities brought about by these measures I would only wish to add that the proposed extension of powers for council staff, including Neighbourhood Wardens, to issue FPNs is likely to pose some additional costs, in terms of accredited person time. The reduction of costs to the police are recognised, and I accept that there may be possible savings in the longer term with the reduction of graffiti and vandalism. However, at this stage these long-term savings will be difficult to quantify and authorities will need to have their additional costs covered from the outset. I understand that Defra have already discussed this with the Local Government Association and I would only request that further discussions take place in order to achieve a worked-



up estimate of local authorities costs and that necessary funding is transferred by the responsible Department into the local government Finance Settlement.

I feel that it is also worthwhile emphasising that ODPM discussions with Neighbourhood Wardens indicate that any suggestion that 1000 wardens will be given these new powers to issue FPNs is rather optimistic. The ODPM Neighbourhood Wardens Team will be able to offer the Home Office more advice on this issue.

- I am copying this letter to DA colleagues, the Prime Minister and Sir Andrew Turnbull.

A handwritten signature in black ink, appearing to be 'Jeff Rooker', with a large, stylized loop at the bottom.

**JEFF ROOKER**

AM  
173 2  
SD





**Jeff Rooker**  
**Minister of State For Housing,**  
**Planning and Regeneration**

The Rt Hon John Prescott MP  
Deputy Prime Minister and First  
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Our ref: 003430/03

06 MAR 2003

NA

C: JR  
EN

**ANTI-SOCIAL BEHAVIOUR BILL - MEASURES TO PROMOTE THE  
EFFECTIVE USE OF ANTI-SOCIAL BEHAVIOUR AND EQUIVALENT ORDERS**

I have seen John Denham's letter to you of 24 February regarding policy clearance for measures to promote the effective use of anti-social behaviour and equivalent orders that the Home Office wish to include in their Anti-Social Behaviour (ASB) Bill.

The ODPM welcomes the Home Office's proposals to enable relevant persons to be joined to proceedings in the County Court. This will enable ASB problems to be tackled in a more comprehensive way and will help reduce the number of times victims and witnesses need to attend court. However, this must only be done by the lead agency, or with the agreement of the lead agency. There may be cases where the speediest possible possession is vital, and would override the usefulness of a concurrent ASBO application (which could slow proceedings down). The lead agency must be allowed to make the final decision on this.

The proposals to give local authorities the option to prosecute for a breach of an ASBO are also welcomed. Local authorities have often invested a great deal of time and effort in securing an ASBO. As you point out, local authorities work closely with the local community in securing the ASBO and are in a favourable position to monitor whether the order is working effectively. It is clearly in their interest, as well as that of the community they serve, that they should be able to enforce the ASBO this way.

We also welcome the proposal to allow Housing Action Trusts (HATs) to apply for ASBOs. As John Denham's letter says, the extra cost of this is likely to be minimal and it will enable the HATs to act directly rather than rely on other agencies.

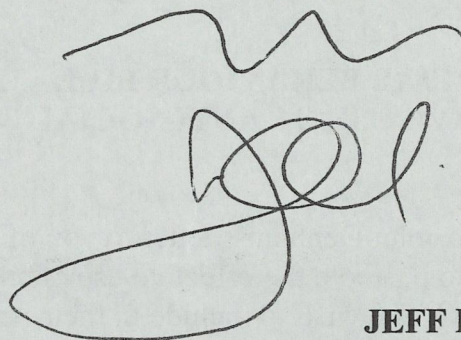
However, as in my previous correspondence regarding this Bill, I do wish to flag up the fact that these measures will place an expectation on local authorities to use their new



powers. Whilst I welcome the measure to give local authorities a new power to prosecute for breaches of an ASBO, this is likely to involve at least an up-front cost to authorities, even if savings can be made in the longer term. For this reason it will be necessary for the Home Office to establish the implementation costs of this measure in consultation with the Local Government Association (LGA) and transfer necessary funding into the local government finance settlement.

This is similarly the case for the other measures referred to in John's letter that may mean new burdens on local authorities. This includes any resulting increase in the workload of Youth Offending Teams (YOTs) as a result of a greater use of parenting orders, since YOTs receive the majority of their funding from local authority partners. Additionally, whilst it is stated that the new right for local authorities to attend Youth Court hearings is purely optional, their appearance is still likely to mean some increase in responsibilities and resource pressures, hence we would also wish the Home Office to fully consult the LGA on this issue.

✓ I am copying this letter to DA colleagues, the Prime Minister and Sir Andrew Turnbull.

A handwritten signature in dark ink, consisting of a series of loops and a long horizontal stroke at the bottom.

**JEFF ROOKER**





DEPUTY PRIME MINISTER

*From the Principal Private Secretary*

Jonathan Sedgwick  
Private Secretary to the Home Secretary  
50 Queen Anne's Gate  
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SW1H 9AT

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DEPUTY PRIME MINISTER  
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NA

C: JR  
SM

6 March 2003

*Dear Jonathan*

**ANTI-SOCIAL BEHAVIOUR WHITE PAPER: POLICY UPDATE**

The Deputy Prime Minister has seen the Home Secretary's letter of 21 February seeking DA Clearance to publish the Anti-Social behaviour White Paper. He is also aware that a considerable amount of work is going on bilaterally and at official level to resolve the concerns of other Ministers before collective agreement can be reached. As a result of which some of the proposals in the circulated draft of the White Paper may be revised before publication.

The Deputy Prime Minister has therefore asked for an update on the main policy changes to be circulated to members of DA Committee for information at the beginning of next week.

I am copying this letter to the Private Secretaries to the Prime Minister, members of DA Committee, Sir Andrew Turnbull and to Paul Britton.

*David*

DAVID PROUT





## Home Office

The Rt Hon John Denham MP  
MINISTER OF STATE  
50 Queen Anne's Gate, London SW1H 9AT

NA

✓ Lee: PM

Em

CS

The Rt. Hon. John Prescott MP  
Office of the Deputy Prime Minister  
25 Whitehall  
London  
SW1A 2WH

6 March 2003

Dear Sir

### ANTI-SOCIAL BEHAVIOUR BILL: FIXED PENALTY NOTICES FOR JUVENILES

I wrote on 14 February seeking policy clearance for measures relating to parenting and juveniles, asking for responses by 28 February. This letter concerns the proposal to extend the fixed penalties for disorder scheme to juveniles. I have seen the responses of 28 February from Paul Boateng and Peter Goldsmith. They both expressed some reservations in principle to giving fixed penalties to juveniles. Paul was particularly concerned about extension to children below 16. I am happy to give him the assurance that we would seek further DA clearance before going back to Parliament with secondary legislation to reduce the age limit below 16. I hope that colleagues will now be able to give their agreement to the measures as I proposed.

Peter had concerns that fixed penalties were contrary to the ethos of early intervention with young offenders and the application of restorative justice.

I do not believe this will undermine the effectiveness of interventions under the final warning scheme. We see FPNs primarily as an alternative tool in the police armoury, with the final warning scheme remaining the main disposal for under 18s. I believe that the measure will encourage the police to deal with anti-social behaviour in the street, which is not being tackled at present.



As is happening in the adult pilots, we expect that in most cases the young person will be taken to the police station, where previous offending history and risk factors can be established. Guidance will be issued to the pilots to emphasise that where there were risk factors, consideration should be given to dealing with the young person under the final warning scheme with referral to the Yot for consideration of an intervention programme.

We will evaluate how FPNs work in practice with this age group before implementing them nationally and before coming back to DA concerning secondary legislation and piloting for under 16s. We plan to pilot in the existing pilot areas in order to evaluate the circumstances in which FPNs are used: whether this is new business or substituting for reprimands/final warnings/prosecutions; the impact on the young people and their parents; how many are paid upfront; what happens at the fine enforcement stage and the final outcome.

Peter also makes a point about resources. This does not arise in the adult scheme as overall there will be large savings in prosecution costs. However, as juveniles are more likely to be diverted from the court system than adults, there will not be the same scope for savings. But we expect that the costs of FPNs for 16 and 17 year olds will be subsumed in the overall scheme and that there will be only a minimal impact on the CPS or court resources. Costs might be more of an issue for under 16s and a cost benefit analysis would need to be worked up for any pilot scheme involving under 16s.

I am copying this letter to the Prime Minister, members of DA, and to Sir Andrew Turnbull.

Tm

JD

JOHN DENHAM





DEPUTY PRIME MINISTER

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Jonathan Sedgwick Esq  
PP3/Home Secretary  
Home Office  
50 Queen Anne's Gate  
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SW1H 9AT

NA  
✓  
canu  
JK  
EM  
JK.

6 March 2003

*Dear Jonathan*

## HOUSING MEASURES TO DEAL WITH ANTI-SOCIAL BEHAVIOUR

The Home Secretary, Andrew Smith and Louise Casey met the Deputy Prime Minister and Lord Rooker this afternoon to discuss discretionary housing benefit sanctions and selected licensing of private sector landlords.

### Discretionary Housing Benefit Sanctions

The Home Secretary said the point of housing benefit sanctions was to get landlords to accept responsibility for the behaviour of their tenants. Louise Casey added that this was particularly important in relation to private sector landlords. However, the Home Secretary recognised that there were complex legal issues.

Andrew Smith said he saw the appeal of housing benefit sanctions in principle. However, there was likely to be substantial opposition, particularly in the House of Lords, because they were sanctions against the poor and not the rich. In addition, there were substantial practical difficulties. A scheme could be put together, but it would be cumbersome because of appeal rights and slow in terms of the sanction actually biting. In the end the sanction would only lead to arrears and thus eventual eviction. The question then arose of where the evicted tenants would end up. He recognised that a discretionary power might attract less opposition but he wondered whether in the real world local authorities would actually make use of a discretionary power. There was a danger that if we hyped up the sanction, there would be a great row about its introduction, but in reality it would not be used. There was also a problem with Scotland. Housing benefits were reserved, but housing policy was devolved. The Scots might disown housing benefit sanctions and that potentially caused more controversy.

Lord Rooker wondered if there was another possibility. Housing benefit sanctions could be discretionary, but if anti-social behaviour in a particular area reached a particularly high level then there could be an automatic trigger for housing benefit sanctions to be used. The advantage of that





proposal was that we could be sure that housing benefit sanctions would be used in particularly difficult areas. Andrew Smith saw attractions in this. Lord Rooker added that it would not be possible to draft clauses for the Housing Bill in time for its publication in draft at the end of March.

The DPM said he was worried about a controversial measure that would be little used holding up the Housing Bill. Given that all agreed that housing benefit sanctions would be controversial it would be necessary to consult on any proposals before they were included in the Housing Bill when it was introduced in September. He thought the right way forward was as follows:

- the possible use of housing benefit sanctions should be mentioned in the forthcoming anti-social behaviour white paper;
- consultation on the proposals should go ahead in parallel with consultations on the draft Housing Bill;
- the consultation should include the possibility of an automatic trigger once anti-social behaviour reached a particular level;
- if the consultation was positive, housing benefit sanctions could be included in the Housing Bill when it was introduced in September.

#### **Selective Licensing of Private Sector Landlords**

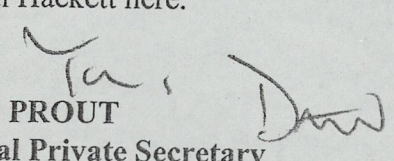
The Home Secretary said he accepted the strength of the DPM's arguments as set out in his letter of 27 February. It was not practical or desirable to introduce licensing for all 590,000 private sector landlords in England.

Lord Rooker proposed a compromise whereby licensing would be highly targeted and introduced only at the request of local authorities and with the approval of the Secretary of State. Louise Casey asked if for example that meant Bristol City Council would be able to introduce licensing of private sector landlords in its problem suburbs. Lord Rooker confirmed that would be possible, but he would certainly be very opposed to Bristol City Council introducing licensing throughout the City.

The DPM said the way forward was to:

- include the proposal for selective licensing at the request of local authorities and with the approval of the Secretary of State in the anti-social behaviour white paper;
- adjust the existing provisions in the draft Housing Bill to allow the selective licensing of private sector landlords outside high demand areas; and
- carry out consultation as appropriate, given that there had been no consultation on this proposal so far.

I am copying this to Neil Couling (DWP), Louise Casey (Home Office), Jeremy Heywood (No 10), Paul Britton (CO) and Mavis McDonald, Neil McDonald, Phil Carey, Dawn Eastmead, Julia Penton and Paul Hackett here.

  
**DAVID PROUT**  
Principal Private Secretary



Department for Culture, Media and Sport  
Rt Hon Tessa Jowell MP  
Secretary of State

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C02/28233/09105/mk

The Rt Hon David Blunkett MP  
Home Secretary  
50 Queen Anne's Gate  
London  
SW1H 9AT



6 March 2003

Dear Home Secretary,

**ANTI-SOCIAL BEHAVIOUR WHITE PAPER**

**First, can I thank you for our meeting on Monday. It proved an excellent opportunity to discuss and agree upon a number of issues relating to both the Anti Social Behaviour White Paper and the Licensing Bill. As a consequence, I am content to clear the White Paper, subject to the following comments.**

**Police charging of entertainment outlets**

Paragraph 3.12 refers to the recovery of police costs. John Denham has written separately to Kim Howells on this issue. You are aware that I am opposed to any system of blanket charging of licensed premises for police costs and we agreed when we met on 3 March that this proposal would be dropped from the White Paper. However, as we agreed, I am content for the statutory guidance that will accompany the Licensing Bill to make it clear that, where appropriate, conditions attached to premises licences could include a requirement for them to join a radio pager scheme if this is necessary to promote the licensing objectives. We have also considered whether other model conditions relating to crime, disorder and anti-social behaviour, such as the use of toughened glass drinking vessels in certain circumstances could be referred to in the guidance. My officials will continue to liaise with yours on this point and I am content for the White Paper to contain an appropriate reference. A suggested form of words is set out at Annex A.

**Closure powers for environmental health officers**

Paragraph 3.32 outlines a new power for environmental health officers to shut down establishments that create noise nuisance with immediate effect. I am happy to agree to this power provided that it is included as a free standing provision in the ASB Bill and not as an amendment to the Licensing Bill. I do, however, have some minor concerns about the details of your proposal.



INVESTOR IN PEOPLE

N/A  
cc: JR  
AM  
SH  
NP



Firstly, the current draft is not clear that the power will apply to licensed premises (ie those for which premises licences exist under the Licensing Bill). We have agreed that this is the intention and I think it should be stated explicitly.

Secondly, I am not clear precisely to what the term "the creation of persistent noise nuisance" refers. We have agreed that the definition should reflect that set out in the Licensing Bill so that the power would apply where "a public nuisance is being caused by noise coming from the premises and the closure of the premises is necessary to prevent that nuisance". I would be grateful if you could redraft the White Paper in those terms.

DCMS lawyers are assisting with the production of Instructions to Parliamentary Counsel and my officials are in consultation with yours. However, I should make my views clear at this point that the power should differ from that available to the police in the following ways:

- the powers should be restricted to noise nuisance and should not extend to disorder as the police powers do, on the grounds that, EHOs have expertise in the control of noise nuisance, but they have no role in addressing disorder;
- the orders should not be capable of being extended beyond 24 hours. This would be an unnecessary provision since the power relates to noise and the premises could not be causing a noise nuisance if it was closed. If there is a persistent problem, EHOs can request a review of the licence;
- local authorities should not have the exemption of liability for damages which the Licensing Bill provides for the police; because the exemption for police was justified as unusual precedent on the advice of the Law Officers (when the Criminal Justice and Police Act 2001 was in Parliament) because policemen would have to make urgent decisions where individuals were in physical danger arising out of disorder. This cannot be justified in the same way in the context of noise nuisance; and,
- the Licensing Bill only gives senior Police officers (Inspector or above) the power to close licensed premises. Only senior EHOs of a similar rank should have these powers.

In practice, I have concerns as to whether EHOs would be able to close a licensed premises without Police assistance. It may be worth your officials looking into this in more detail.

I understand that John Denham has written separately on this issue yesterday and reserve the right to respond in more detail once I have taken into account the points raised in his letter.

### **The Licensing Bill**

To note, some of the information on the Licensing Bill in para 3.11 does not accurately reflect its provisions. An amended version of the paragraph is attached at Annex B. Some of these inaccuracies are also reflected in the text under the heading "Measures on licensing on premises" in your covering letter which states that "Police powers will be extended to close any licensed premises that have

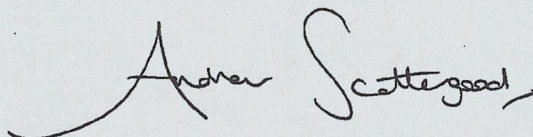


become the focus of disorder and give them the option to impose temporary changes or sanctions". This is not strictly correct. The Bill will extend the existing power to any premises where a premises licence is in force, not simply those selling or supplying alcohol, but the police do not have, and nor will they be given, any powers to impose temporary changes or sanctions. That said, the use of the power may lead to a review of the premises licence by the licensing authority, at which point temporary (or, indeed, permanent) conditions may be imposed, or other sanctions taken such as revocation or suspension of the licence. The police will be able to make representations to the review hearing and so influence the action taken.

I would like to take this opportunity to thank you for this work. Reducing anti social behaviour is a key goal of this Government and I commend all the work you have done to such a tight timescale.

I am copying this letter to the Prime Minister, members of DA and LP, Robin Cook, Bruce Grocott, and to Sir Andrew Turnbull and First Parliamentary Counsel.

Yours Sincerely

A handwritten signature in dark ink, appearing to read 'Tessa Jowell', with a long, sweeping horizontal stroke extending to the left.

TESSA JOWELL

Approved by the Secretary of State and signed in her absence



## ANNEX A

### New paragraph 3.12:

"The statutory guidance for licensing authorities that will accompany the Bill will include model conditions that could be attached to premises licences, in appropriate circumstances, for the promotion of the licensing objectives introduced by the Bill, for instance to address issues of crime and disorder. These could, for example, include the installation of CCTV, participation in a radio pager scheme or the use of toughened glass drinking vessels."



## ANNEX B

**3.11 The Licensing Bill, currently before Parliament, introduces a new licensing scheme that is currently scheduled to come into force in 2004. The Bill contains a number of measures to tackle crime, disorder and anti-social behaviour. These include:**

- Expanding existing court powers, on application by the police, to close all licensed premises within a specified geographical area for up to 24 hours where disorder is occurring or anticipated.
- Expanding existing police powers introduced in December 2001 to close down disorderly and excessively noisy pubs, nightclubs, restaurants and hotels instantly for up to 24 hours. Permanent or temporary measures may be imposed on a premises licence following these closures by the court or by a licensing authority following a review.
- A new offence of selling alcohol to children anywhere, not just at licensed premises. It will also reproduce the offences of buying alcohol on behalf of a person under 18, and of knowingly permitting a sale to an under 18. This will deal with children hanging around outside an off-licence and asking passing adults to buy them alcohol. An adult who decides to buy alcohol to take it home and then gives it to their child would not be committing an offence.
- Police and local residents, among others, will be able to call for a review of any premises licence at any time. A review could lead to a range of measures including revocation, suspension or modification of the conditions of the licence (eg by requiring additional security or CTV to be provided).
- **Amending existing legislation by extending police powers to confiscate alcohol in designated public places to include sealed containers and enable the police to seek court orders banning the sale of alcohol on train routes (either temporarily or permanently) that have caused problems in the past.**



Department for Culture, Media and Sport  
Dr Kim Howells MP  
Minister for Tourism, Film and Broadcasting

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C02/29176/09173/mk

The Rt Hon John Denham MP  
Minister of State  
Home Office  
50 Queen Anne's Gate  
London SW1H 9AT



NA  
CV: JR  
RM  
SH  
WP  
CS  
Q13

6 March 2003

*Dear Minister,*

**ANTI-SOCIAL BEHAVIOUR BILL**

Your letter of 4 March sought policy clearance to your proposal to give Environmental Health Officers powers to close noisy premises. As Tessa Jowell indicated to David Blunkett in her letter of 6 March, we are happy to agree to such a power provided that it is included in a free-standing provision in the ASB Bill, and not as an amendment to the Licensing Bill. Tessa's letter to David set out the ways in which I believe this power should differ from that available to the police and also suggested some redrafting of the White Paper to provide greater clarity.

I should also make it clear that the lead for the policy does not rest with this Department, although we have instructed our lawyers and officials to assist yours in working up the measure.

Finally, seeking to link the "growth of the 24 hour culture" and the increasing importance of noise nuisance from licensed and entertainment premises may leave us open to serious challenge. Licensing hours have remained largely unchanged, subject to one relaxation in 1988, for ninety years. Furthermore, I am very anxious that we should avoid confusing the message that we expect the greater flexibility in licensing hours and other measures that the Licensing Bill will introduce to reduce crime, disorder and public nuisance.

I am copying this letter to the Prime Minister, members of DA and LP, and to Sir Andrew Turnbull and First Parliamentary Counsel.

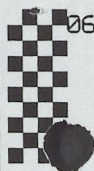
*Yours sincerely*

*[Signature]*  
DR KIM HOWELLS MP  
*(Approved by the Minister and signed in his absence)*



INVESTOR IN PEOPLE





## RESTRICTED - POLICY

CABINET OFFICE  
70 Whitehall  
London  
SW1A 2AS

*The Rt Hon Lord Macdonald of Tradeston CBE*

Minister for the Cabinet Office &  
Chancellor of the Duchy of Lancaster

Tel: 020 7276 1250  
Fax: 020 7276 1257

NA  
cc: JR  
EM  
CS  
Q's

The Rt Hon John Prescott MP  
Deputy Prime Minister  
Office of the Deputy Prime Minister  
26 Whitehall  
London  
SW1A 2WH

6 March 2003

*Dear John,*

## ANTI-SOCIAL BEHAVIOUR BILL WHITE PAPER

I have seen David Blunkett's letter to you, dated 21 February, asking for policy clearance of the White Paper. I am writing as Minister with responsibility for better regulation.

I understand that RIU and HO officials are working to develop a RIA for the measures included in the White Paper. As you know, it is not usual practice to circulate documents without an impact assessment but I accept that the need to develop measures on anti-social behaviour at speed has resulted in delays in preparing the RIA. That said, it is important that information on impact is included in the paper when it is published.

It is clear that this is not an easy task, given that the White Paper will have to be amended to reflect agreements on policy and content. I recognise that there is still work to do on the liveability agenda and that proposals on fly tipping, litter and street furniture will be amended to reflect recent discussions. It seems that these costs have already been removed from the draft RIA, which shows an estimated cost to business of £19.7m - £47.2m. I must emphasise that a complete RIA, reflecting the full range of measures, must be published in the White Paper. It is important that work continues to finalise the RIA.

I notice that the White Paper includes a proposal to extend measures in the Housing Bill to license private landlords. This power would allow any Local Authority in England and Wales to apply to license all or part of their rented sector, at a cost of £13.4m based on 25% take-up. This impact would be in addition to new proposals in the Housing Bill.



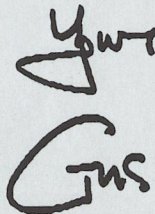


## RESTRICTED - POLICY

I have also noted that the paper suggests a mechanism to recover the cost of additional security or policing from licensed premises. It is important that there is a thorough analysis of the impact of any proposals in this area, particularly if they are supported by the possibility of compulsion. I am concerned that this issue continues to be taken forward without any consideration of impact and will be writing in more detail on this point in response to John Denham's letter dated 25 February.

You will be aware that I have written already to express concerns about the impact of certain of the measures in the White Paper. In particular I have asked for thought to be given to developing ways to mitigate or reduce the impact of measures to tackle drug dealing from premises.

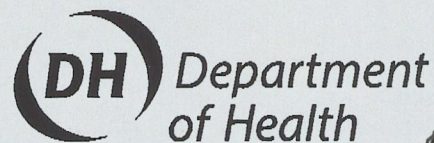
I am copying this letter to the Prime Minister, members of DA, Sir Andrew Turnbull, and also to Charlie Falconer as the HO regulatory reform Minister.

A handwritten signature in dark ink, appearing to read 'Gus' with a stylized flourish above it.

GUS MACDONALD



From Jacqui Smith, Minister of State



Richmond House  
79 Whitehall  
London  
SW1A 2NS  
Tel: 020 7210 3000

Handwritten initials: *JS*, *NA*, *SS*, *DH*, *MH*

IMC: 26266

The Rt Hon John Prescott MP  
Deputy Prime Minister  
Office of the Deputy Prime Minister  
70 Whitehall  
LONDON  
SW1A 2AS

06 MAR 2003

**ANTI-SOCIAL BEHAVIOUR BILL -  
LOCAL AUTHORITY REMANDS FOR JUVENILES**

This letter provides a response to John Denham's letter of 28 February, which seeks clearance for a new measure to be included in the Anti-Social Behaviour Bill. This measure would require local authorities, in certain cases, to undertake an initial investigation and report back to the court on how it would exercise its responsibilities if the court decided to remand the child to local authority accommodation.

I support the objectives behind the proposed measure as I think it will create a valuable mechanism to allow courts to deal more effectively with serious and persistent offenders and should also enable better communication between local authorities and courts. However, I have two or three concerns that I would like to raise, particularly in relation to costs and capacity.

My main concern is in relation to costs. There would be a direct cost to local authorities in carrying out investigations and producing a report, and potentially, in providing additional foster care or residential placements for remanded young people. There are New Burdens issues here for local authorities. The Home Office will need, therefore, in piloting and implementing the new measure, to bear the full costs. We also need to bottom out these costs through the pilot phase.

There needs to be some realism about capacity, particularly in relation to fostering. The local authority should not be put in a position where it is driven by the courts to deliver places for young people coming through the criminal justice route, at the expense of other needy groups of children and young people. Equally, we need to be able to service the courts effectively. This is an issue we should explore further when drafting guidance.

This issue is particularly relevant to 12-16 year olds. I note that this provision would only be used for borderline cases, where courts were undecided about whether to make a court ordered secure remand, and that the estimates are that



this would only apply to 50 to 100 cases per year. However, there could be a net widening effect if 'borderline' cases are interpreted broadly by the court, and hence I am concerned about the validity of this estimate. It would be helpful, therefore, to tie down the criteria more closely. This might be achieved by limiting the measure to those young people:

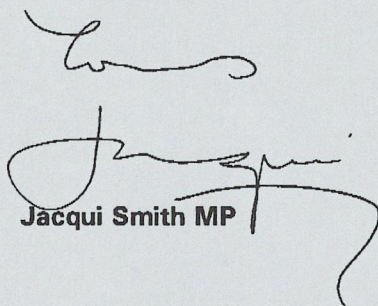
- who are serious and persistent offenders and who would be eligible for a court ordered secure remand under s23 of the Children and Young Person's Act 1969; but
- the security requirement could be avoided if appropriate provision was available in the community (eg. remand fostering), and that this provision would also better meet the needs of the young person, in terms of tackling their offending behaviour.

John's letter also states that, where a court is not satisfied with the report from the local authority, it can order local authority to undertake an investigation into the child's circumstances with a view to taking care proceedings, under section 9 of the Children and Young Person's Act 1969. This is not legally correct – the court can require the local authority to undertake an investigation, but not with a view to taking care proceedings. It is for the local authority to decide what action to take following an investigation. Care proceedings may be one course of action, family support may be another. In either case, the local authority would need to carry out further assessments.

I do not think, in any case, that the above provision would be required. We need to ensure instead that report back mechanism is effective. Guidance on the new measure could cover what is expected of the local authority, and could be quite specific about what needs to be covered in the report back eg. possible grounds for care proceedings. The fact that this measure is being piloted will also help us to understand how the reporting process can be made effective.

I am pleased that this measure will be piloted, with 10-11 year olds in the first instance. I would be keen for the pilots to fully evaluate the practicality and total costs of the measure, as well as its effectiveness.

I am copying this letter to the Prime Minister, to members of DA committee, and to Sir Andrew Turnbull.



Jacqui Smith MP





Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT  
tel: 0870 0012345 dfes.ministers@dfes.gsi.gov.uk  
**Rt Hon Charles Clarke MP**

li

CS

NA

MIT

AA

PD

The Rt Hon John Prescott MP  
Office of the Deputy Prime Minister  
26 Whitehall  
London  
SW1A 2AU

6 March 2003

*Dear John,*

#### **ANTI-SOCIAL BEHAVIOUR BILL: MEASURES RELATED TO JUVENILES AND PARENTING**

I have seen Nick Raynsford's letter to you of 3 March in which he comments on fixed penalty notices for truancy, parenting contracts for truancy and bad behaviour in school and parenting orders for bad behaviour in school.

No local authority will be required to use any of these measures. Local authorities already have responsibilities for promoting regular attendance and good behaviour in schools. The new powers we are providing them will offer cheaper and more effective means of discharging those existing responsibilities. They will provide considerable scope for savings to local authorities in terms of avoiding prosecutions for truancy and expensive alternative provision for excluded pupils. And they will generate income because, as Paul Boateng's letter to you of 28 February confirms, Treasury have agreed to allow local authorities to keep revenue from fixed penalty notices for truancy to offset enforcement costs. So I do not regard these measures as new burdens on local authorities. However, we will of course be consulting the Local Government Association and local authorities more generally about implementation and this will include discussion of potential costs and how these can be balanced by income and savings.

I welcome Nick's strong support for parenting contracts. Like him, I believe that they can make a very important contribution to improving behaviour and attendance. But some parents need a sharp reminder of their legal responsibilities and prosecution (the only truancy sanction currently available) is sometimes too heavy handed. Local authorities need the option of an alternative sanction, which is what fixed penalty notices will provide.

department for

**education and skills**

creating opportunity, releasing potential, achieving excellence

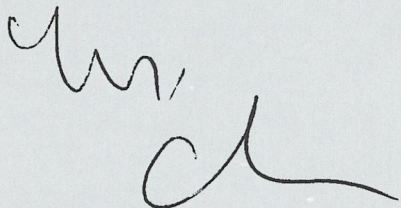


INVESTOR IN PEOPLE



However, I fully accept that we need to strike the right balance between support and sanctions. So we would be happy to show ODPM our draft guidance on fixed penalty notices when it is ready.

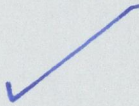
I am copying this letter to the Prime Minister, members of DA and to Sir Andrew Turnbull.

A handwritten signature in dark ink, appearing to be 'Charles Clarke', written in a cursive style.

**Charles Clarke**



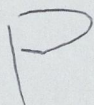
ALASTAIR  
JONATHAN  
JEREMY



We have a ridiculous situation over the Anti-Social Behaviour White Paper, with David Blunkett and Robin Cook not agreeing on the time of the Statement next Thursday, both having lunches they want to give priority to.

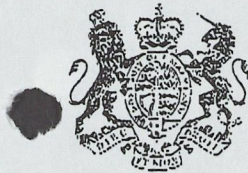
This means that David wants to cancel the White Paper launch next week. This will (a) leave us with no business at all on Thursday because we have kept the coast clear (b) push the White Paper into unknown waters the following week (c) mean the White Paper coming out only the week before the Bill.

Can the PM say that the White Paper has to be on Thursday and DB and RC need to sort it out?



PAUL





From the Secretary of State  
for Work and Pensions

DWP

Department for  
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NA  
CGM  
JK  
JHM  
AA

## RESTRICTED – POLICY

SOS/03/1600

The Rt Hon John Prescott MP  
Office of the Deputy Prime Minister  
26 Whitehall  
London  
SW1A 2WH

6 March 2003

## ANTI-SOCIAL BEHAVIOUR WHITE PAPER

David Blunkett seeks clearance for the White Paper on Anti-Social Behaviour, circulated in draft under cover of his letter of 21 February.

I am content with the draft which has been circulated.

A copy of this letter goes to the Prime Minister, members of DA and Sir Andrew Turnbull.

  
**ANDREW SMITH**





SCOTLAND OFFICE  
DOVER HOUSE  
WHITEHALL  
LONDON SW1A 2AU

www.scottishsecretary.gov.uk

The Rt Hon John Prescott MP  
Deputy Prime Minister  
Cabinet Office  
70 Whitehall  
LONDON  
SW1A 2AS

NK ✓ EM + imp.  
JR  
JH  
AK 5 March 2003  
NH

#### ANTI-SOCIAL BEHAVIOUR WHITE PAPER

David Blunkett copied to me his letter to you of 21 February and the draft White Paper on Anti-Social Behaviour.

I am content for the White Paper to be published as drafted. However, although almost all of the proposals will apply to England and Wales only, I would like to flag up two Scottish issues that will need to be kept in mind as the proposals and legislation are developed further.

The first is regarding the new offence of having an air weapon or imitation firearm in a public place without lawful authority or reasonable excuse, and banning air cartridge weapons that can be easily converted to firearms. Firearms legislation is reserved, and I understand that it has been confirmed that these provisions will extend to Scotland.

The second issue is in relation to the housing measures. While most aspects of housing are devolved, housing benefit (as a DWP benefit) is reserved. I note from David's letter that it is now proposed that guidance that local authorities should defer payments to landlords after 8 weeks of rent arrears should be reversed so that landlords do not automatically receive the housing benefit direct. I am not clear on what this will mean in practice. However, given the reserved nature of housing benefits, it will be essential that both my officials and those in the Scottish Executive are fully involved in the development of this proposal. The implications for Scotland could be controversial, given the impact on devolved housing policies, including action on homelessness.

I am copying this letter to the Prime Minister, Members of DA and Sir Andrew Turnbull.

HELEN LIDDELL





**Jeff Rooker**  
**Minister of State For Housing,**  
**Planning and Regeneration**

**OFFICE OF THE**  
**DEPUTY PRIME MINISTER**

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The Rt Hon John Prescott MP  
Deputy Prime Minister and First  
Secretary of State  
Office of the Deputy Prime Minister  
26 Whitehall  
London SW1A 2AU

*Dear John*

I have seen David Blunkett's letter of 21 February to you seeking policy clearance for the Anti-Social Behaviour (ASB) White Paper. Tackling ASB is a high priority of the ODPM, given our SDA-level target on reducing the perception of ASB, which we share with the Home Office and Defra. Tackling ASB is also vital to ensuring the thriving and liveable communities we wish to achieve in taking forward our *Sustainable Communities* report. We therefore welcome this White Paper, which highlights the cross-cutting nature of the agenda and the shared responsibilities for taking action.

There is wide-ranging interest in the White Paper right across the ODPM's responsibilities. There is particular interest with regards to our housing policies to tackle anti-social tenants, but the White Paper is also very relevant to our responsibilities in the areas of homelessness, local government, planning, neighbourhood renewal and liveability.

Whilst there were a number of inaccuracies in the draft of the White Paper circulated by David on 21 February, I know that my officials have been in contact with the Home Office officials, as indeed they have throughout the process of producing the White Paper, to ensure that any errors are corrected in time for publication.

Additionally, we are working closely with the Home Office to ensure that the new measures to be included in the White Paper do not compromise existing ODPM policies and legislation to tackle ASB. I understand the extremely tight timescale that the Home Office is working to, but we must be careful not to take forward measures hastily that might not work in practice. There are two particular areas of housing policy referred to in the White Paper – namely housing benefit sanctions for anti-social tenants, and the licensing of private sector landlords - which you, David Blunkett and Andrew Smith are to discuss further on Thursday 6 March. These issues have significant implications for the OPDM Housing Bill and I will, therefore, respond separately on these issues after Thursday's discussion.

File  
NA  
cc: EM  
JR  
MH  
AA

5/3/03



With regards to the rest of the White Paper, provided my officials are content with the exact final text of the White Paper, I am happy to pass on ODPM endorsement. I would, therefore, request that the Home Office circulate their final draft of the White Paper to officials in ODPM before it is passed for publication.

I also feel that it necessary to flag up a number of issues with respect to how the policies within the White Paper will need to be taken forward.

First, the proposal to close crack houses has a number of policy implications for ODPM and we will need to continue to work closely with the Home Office in taking this policy forward. An initial outline of our concerns was given in my letter to you of 3 March, regarding clearance of this measure for inclusion in the ASB Bill. I will follow this up with a more detailed letter setting out those policies that we will need to ensure are not undermined by this new power.

It is also worth emphasising the issue of new burdens on local authorities with respect to the numerous new duties and powers for local authorities that will be announced in the ASB White Paper. There will be an inevitable expectation on local authorities to take action in these areas and, if extra funding is not made available to fully cover the costs when the White Paper is implemented, then councils will not be able to use their new powers. This would render potentially valuable new powers useless. In practice councils will be under pressure to use these new powers and faced with either cutting other services or increasing council tax in order to do so. ODPM endorsement of the White Paper is, therefore, conditional on further discussions taking place with ODPM and the Local Government Association to firm up estimates of the local costs of implementing new powers and duties and on additional grant being made available by the responsible Departments and transferred into the appropriate local government finance settlement. I would also wish to ensure that the risks of increasing bureaucracy and losing local flexibility are minimised.

The White Paper refers to a number of areas where local authorities will be able to retain the revenue generated by Fixed Penalty Notices (FPNs). It is important to bear in mind that ODPM policy on this issue is that full consideration should be given to local authorities retaining the proceeds of FPNs and that high performing authorities should have complete freedom on how they use this income. This needs to be borne in mind with respect to all references in the White Paper to retaining FPN fines, so that they are all consistent with ODPM policy.

With regards to planning policy, my officials would appreciate clarification of precisely what constitutes "strategic powers", where the White Paper refers to such powers being made available to local authorities to deal with local environmental problems. There are already existing powers to enable local authorities to remove fly-posters or placards, as set out in the Town and Country Planning Act 1990. Additionally, London authorities have slightly wider powers, including recovery of the cost of intervention, which ODPM intends to extend to the rest of England when a suitable legislative opportunity arises, as we announced in June 2000. Clarification of what is meant by "relevant land", where the White Paper refers to new powers for local authorities to intervene and clean such land, is also requested. Again, there are existing powers in this area under the Town and Country Planning Act. Care must be taken to ensure that new powers do not duplicate or cut across existing planning powers and our announced amendments to them.



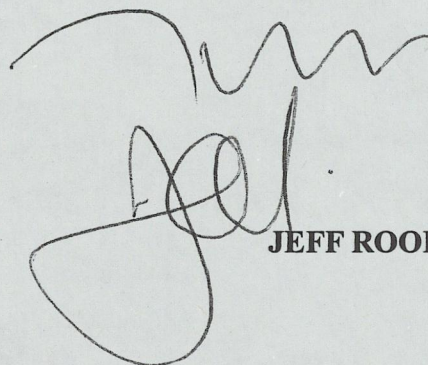
With regards to the proposed review of Community Support Officers and Neighbourhood Wardens, as referred to in the White Paper, I agree that it is important to clarify the respective roles. However, I would not wish to see a review carried out with a view to streamlining these two very separate initiatives. Work is already in hand on joint ODPM/Home Office guidance so that local authorities and others are not confused between wardens and CSOs but neither of the two schemes have common objectives and roles across the country. Both respond to local needs and priorities and so the nature and value of links between the two will vary, making national attempts to rationalise impractical. Funding for nearly all ODPM warden schemes, is due to end in March 2004. Before then, Local Authorities and other local budget holders will need to decide whether to mainstream wardens and, if so, how to deploy them and connect them with PCSOs. These will need to be individual decisions based on local circumstances

We need to ensure sufficient emphasis is given to long term prevention of ASB and reintegration, as well as enforcement. Officials in the Social Exclusion Unit could offer suggestions drawing on their experience of local projects. To ensure that the implementation of the measures announced in the White Paper will make a real difference on the ground it will be important to take full account of our evidence and experience of what works – for example, the Policy Action Team report on Anti-Social Behaviour in 1999. In addition, there are valuable examples of local authorities working with vulnerable groups within the community to tackle the problems caused by the unnecessary fear of perceived ASB.

I welcome the strong links that are being made between the ASB White Paper and the Children's Green Paper. This is vital to ensure that we are able to develop the best possible set of proposals.

Finally, I welcome the re-insertion within Chapter 5 of the draft White Paper of the link between ASB and use of transport, and the recognition of the particular barriers that this can create in ensuring that people are able to access key services.

I am copying this letter to the Prime Minister, members of DA and to Sir Andrew Turnbull.



**JEFF ROOKER**



02072733965

**Home Office**

Home Secretary  
50 Queen Anne's Gate, London SW1H 9AT

NA  
cc: ~~PM~~ JN  
EM  
MH  
JK

5<sup>th</sup> march, 2003

Rt Hon John Prescott MP  
Deputy Prime Minister  
Office of the Deputy Prime Minister  
26 Whitehall  
London  
SW1A 2WH

Dear John,

**Additional Housing Measures to deal with Anti-social Behaviour**

Thank you for your letter of 28 February about the possibility of two additional housing measures to deal with anti-social behaviour.

I am grateful for your offer to accommodate all the housing measures to deal with anti-social behaviour in the Housing Bill. However, following last week's meetings of LP and the Civic Society Group I don't believe this move will be necessary.

I am also grateful for your agreement to the possibility of taking forward measures enabling local authorities to apply to the Secretary of State to operate a scheme to license private sector landlords. I understand our offices have fixed a meeting for Thursday to discuss this as well as the Housing Benefit sanctions with Andrew.

I am copying this letter to the Prime Minister, the Chancellor, Robin Cook, Andrew Smith and Jeff Rooker.

Best wishes,

**DAVID BLUNKETT**





File

*[Handwritten signature]*

## Home Office

The Rt Hon John Denham MP  
MINISTER OF STATE  
50 Queen Anne's Gate, London SW1H 9AT

Nick Raynsford  
Minister of State  
26 Whitehall  
London  
SW1A 2WH

*NR*  
*JK*  
*EM*  
*DM*  
*AA*  
*KS*

4 March 2003

*Den Nick*

Thank you for your letter of 3 March to John Prescott giving your response to my letter of 14 February seeking policy clearance for measures relating to juveniles and parenting for inclusion in the Anti-Social Behaviour Bill.

I am pleased that you are supportive of the approach that we have adopted with the use of voluntary parenting contracts supported by parenting orders.

Your letter raises the issue that the statutory power to make parenting contracts would place an additional burden on the Local Authority. Firstly, I would like to assure you that my officials will be liaising with the Local Government Association and the Youth Justice Board in order to undertake further work to assess any implementation costs. Nevertheless, parenting is already an existing priority for Youth Offending Teams and we believe that the power in statute will strengthen their position when Youth Offending Teams are working on a voluntary basis with parents – giving them an additional tool at their disposal to tackle anti-social behaviour. The new statutory power will encourage more Youth Offending Teams to consider investing in parenting interventions using existing funds, but it will remain the choice of the Youth Offending Team how they choose to prioritise within their existing budget.

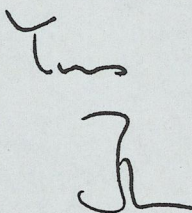
We will be issuing guidance to Youth Offending Teams about the new powers before they become available, and will include encouragement for Youth Offending Teams to have close links with local neighbourhood warden teams.

You also mention intensive fostering. We are planning to legislate to allow intensive fostering to be available as a requirement of a supervision order, for persistent young offenders who might otherwise have been sent to custody, and whose home situation



is contributing to the offending behaviour. We are also looking at how we can develop foster provision for young offenders more generally, such as for those on remand, to keep them out of custody. We have already accepted that this will need to be funded by the Home Office, including looking sympathetically at additional burdens falling on local authorities as a result of this. We plan to pilot the supervision order with intensive fostering with very small numbers - perhaps as few as 26 places per year. These pilots will be funded from the Home Office and they will give us a clearer picture of where the burdens fall and the costs and suitability of the scheme for national roll-out.

I am copying this letter to DA colleagues, the Prime Minister and Sir Andrew Turnbull.

A handwritten signature in black ink, consisting of a stylized 'J' followed by a horizontal line and a small upward stroke.

**JOHN DENHAM**





## Home Office

The Rt Hon John Denham MP  
MINISTER OF STATE

50 Queen Anne's Gate, London SW1H 9AT

The Rt Hon John Prescott MP  
Deputy Prime Minister and First Secretary of State  
Dover House  
Whitehall  
LONDON  
SW1A 2AU

4 March 2003

Dear John Prescott

### ANTI-SOCIAL BEHAVIOUR BILL

Further to my recent correspondence regarding the Anti-Social Behaviour Bill and White Paper, I am writing to seek policy clearance for a further measure I would like to see included, to give senior Environmental Health Officers powers to close noisy premises. This policy is being taken forward by DCMS with support from Defra. You will already have seen a reference to a measure along these lines in the draft White Paper that we circulated on Friday 21 February, this letter provides more detail. In order to coincide with the timetable for the White Paper, and with great apologies for the very short deadline, I would be extremely grateful if you would respond by 7 March.

The growth of the 24-hour culture has meant that late-night noise from licensed and entertainment premises has become an increasingly important issue. Currently a police officer of the rank of Inspector or above may make temporary closure orders regarding relevant licensed premises for up to 24 hours. One circumstance in which this power can be used is where a disturbance is being caused to the public by noise emitted from the premises. These powers are currently being updated and expanded in the Licensing Bill and we anticipate that the police will continue to take the leading role in dealing with any kind of disturbance caused by such businesses. However, in some cases, the police could benefit from the support of the local authority's environmental health teams who have the training, skills and experience to deal effectively with excessive noise complaints and to identify and assess the impact on local residents. For this reason it is proposed that the power relating to noise complaints (but not associated powers related to disorder) be extended to senior environmental health officers.

Environmental Health Officers (EHOs) have the power to issue an abatement notice where a statutory noise nuisance exists or is likely to occur or recur. This may be served in anticipation of a noise nuisance occurring to seek to prevent it; or during the course of a noise nuisance to seek to abate it; or it may be served after the event to seek to prevent a recurrence of the nuisance. However we feel that this does not give the environmental health service the power and authority required to tackle all noise nuisance.

EHOs are often present when the police are tackling noise nuisance but they are dependent on the presence of a senior police officer to call on the powerful deterrent of a closure order if they feel it is required. We want to support the police and EHOs



by giving senior staff the appropriate powers to do their job. The police will continue to be the main users of these powers, and where a senior environmental health officer authorises closure it will be with police support as it will be important to ensure the safety of EHOs when issuing or implementing closure orders. The Chartered Institute of Environmental Services and the Association of Chief Police Officers have a history of supporting partnership working and have in the past produced good practice guidelines. We will continue to work closely with these two associations to implement these powers. This will not, therefore, create a new workload for environmental services, it will simply provide the tools for the police and environmental health officers to take action without unnecessary bureaucracy. The level of environmental health service provision will continue to be a decision for Local Authorities to make as part of their regular Best Value review process. As there is not the same structured hierarchy in the environmental health services, the power will be assigned to senior staff by the Chief Executive of the local authority.

Unfortunately the timescale allowed by this Bill has not allowed the degree of consultation we would normally wish to take place with the industry. The attached partial RIA shows our initial assessment of the impact on business of these measures. We will be sharing this RIA with key representatives from the industry over the next weeks. As we are not introducing a new power and in most cases the Police will continue to lead on using these powers, we therefore do not feel that the impact will be great. Experience with the police powers to close premises instantly, is that the powers provide a significant deterrent effect but only very rarely need to be used. The threat of a closure order normally results in voluntary closure. Since December 2001 (approximately 15 months) the police have only had to serve orders about 4 times. In closures related to noise, any orders would most likely occur late at night and closure would normally be required until normal closure time. So the impact on business is minimal and only applies to the most extreme cases.

I am copying this letter to members of DA committee, the Prime Minister and Sir Andrew Turnbull.

*Yours sincerely*

*John Denham*

JP JOHN DENHAM

APPROVED BY THE  
MINISTER AND  
SIGNED IN HIS  
ABSENCE



## **Proposed EHO Power to close Licensed Premises causing a Noise Nuisance**

### **1. Purpose and Intended Effect of the Measure**

(i) **Issue:** Currently under the Licensing Act 1964 as amended by the Criminal Justice & Police Act 2001, a Police officer of the rank of Inspector or above may make temporary closure orders regarding relevant licensed premises.

These orders can be made either because it is believed

(a) there is likely to be – or there is - disorder on, or in the vicinity of and related to, the premises and the closure of the premises is necessary in the interests of public safety;

(b) a disturbance is being caused to the public by excessive noise emitted from the premises and the closure of the premises is necessary to prevent the disturbance.

However the Police unlike the local authority's environmental health teams do not have the training, skills and experience to deal effectively with (b) excessive noise complaints.

(ii) **Objectives:** Extending the temporary closure power on ground (b) – excessive noise emitted from licensed premises - to senior environmental health officers (EHOs) within local authorities should produce reductions in noise disturbance suffered by local residents. This is a particular important issue with the growth and spread of the '24-hour society'.

(iii) **Risk assessment:** Noise from licensed premises, particularly on Friday and Saturday nights can cause considerable disturbance and irritation to local residents, and in severe cases induce fear of criminal damage. However, if the temporary closure power is extended to local authorities there will a significant personal safety issue for its environmental health officers when issuing a closure order. This will mean that a Police presence will be essential when issuing and implementing an order.

### **3. Options**

(i) **Identify options:** Two options have been identified:

**Option 1** - leave power exclusively with Police of the rank of inspector or above.

**Option 2** - provide senior EHOs with an equivalent power to react swiftly to close licensed premises which are excessively rowdy.

### **4. Benefits and disadvantages**

(i) Option 1 would leave the position unchanged. With regard to the other option, the benefits and disadvantages affect five groups of stakeholders to varying degrees: the local community, the licensed trade, the Police, the local authority, and consumers.

#### **The local community**

##### **Benefits**

- greater assurance of swift local authority action to reduce disturbance



- reduced noise & nuisance

#### **Risks**

- none identified

#### **The licensed trade**

##### **Benefits**

- support for the industry's efforts to promote social responsibility among traders
- exposure of licensees who damage the industry's reputation by failing to maintain orderly premises

##### **Risks**

- commercial losses during period of closure up to 24 hours

#### **Local Authorities**

##### **Benefits**

- improved ease of enforcing existing law
- greater efficiency in preventing noise nuisance
- major deterrent for licensees who might allow premises to fall into disorder
- improved ability to deal with problem licensed premises
- support for aims in reducing crime and disorder generally

##### **Risks**

- personal safety issues when issuing and implementing a closure order

#### **Consumers**

##### **Benefits**

- more civilised drinking environments

##### **Risks**

- none identified

#### **Police**

##### **Benefits**

- noise complaints from licensed premises will be handled by local authority officers with skills, training and experience in noise control

##### **Risks**

- none identified

**(ii) Measurable outputs and anticipated outcomes:** The following key outcomes should be obtained:

- a decrease in reports of nuisance and noise by local residents living near licensed premises to both local authorities and the police;
- improved liaison between the local authority, police and licensees

#### **5. Enforcement, monitoring and review**

The local authority maintain records of their responses to noise complaints for the purpose of making reports to the CIEH (Chartered Institute of Environmental Health). These records will be used to monitor the impact of the new powers.

#### **6. Compliance costs**



**(i) Business sectors affected:** The sectors affected are the retail, hospitality and leisure sectors. There are approximately 111,000 premises permitted to sell alcohol for consumption on those premises, of which around 60,000 are public houses. These premises broadly employ over 1 million people.

**(ii) Compliance costs for a typical business:** There is no typical business. The sector includes traditional public houses; so-called "superpubs" with large capacities; nightclubs and discotheques; restaurants; wine bars; hotels and premises which provide a range of these facilities. Currently a local authority will respond to noise and nuisance complaints using its powers under Part III of the Environmental Protection Act 1990, and will issue an abatement notice where a statutory nuisance is occurring. This will remain the preferred approach to dealing with the vast majority of noise complaints from licensed premises.

However in the very exceptional circumstances which justify the local authority using the proposed temporary closure powers, the business will incur commercial losses relative to the period that it is shut. This could be less than an hour or take up much of the next day's opening hours in extreme cases. Accordingly, potential losses might range from £100 (closure for less than one hour in a small public house) to £50,000 (closure of a 2,000 capacity "superpub" for a period of 24 hours at a weekend). The licensee will also be likely to incur legal costs as he or she will be required to appear before the licensing authority as soon as possible after the event. The legal costs of these proceedings might be between £1,000 (no appeal) to £10,000 (with appeals).

**(iii) Total compliance costs:** There would be no compliance costs for businesses which maintain orderly premises.

As regards errant premises which do not comply with the law, it is estimated that a very small number of businesses are likely to fall foul of this closure power.

We predict that the proposed change will result in very few closure orders. Currently local authorities handle the vast majority of noise complaints without needing to resort to enforcement action. Just 4% of noise complaints about commercial or leisure premises handled by LA environmental health departments result in enforcement action, and a mere 1.4% of all complaints about commercial or leisure premises result in a prosecution [source:CIEH,2002].

Local authorities would be expected to only use the proposed closure power in exceptional and rare circumstances, where alternative enforcement has or is expected to fail, and the licensee is not co-operating. A further restriction on its use would be the need for the local authority to gain agreement from the police to attend the venue to ensure both the personal safety of the local authority's officers and for the police to attend in sufficient numbers to successfully and safely empty the premises of customers.



For this reason the maximum number of closures would be 100 per year, with the actual figure probably below 10.

The costs to those businesses, depending on their size and the length of the closure, will range from £1,100 to £60,000 in terms of commercial losses and legal costs associated with subsequent revocation proceedings. If we take the maximum number of closures as one hundred, the total cost could therefore be between £110,000 and £6 million.

The costs to a business of the potential loss of licence following a hearing are unquantifiable, involving both owners of businesses and salaried managers.

## **7. Competition Assessment**

We do not expect that the proposal will have any implications for competition. This view is based on the fact that the order would only be for very limited period and their usage would be relatively rare. Also, it would be unlikely that any business receiving an order for temporary closure would account for a significant proportion of the market such that its temporary closure would have a significant effect on competition.

## **8. Other costs**

### **8.1 Local Authorities**

The intention is that these measures should act as a strong deterrent against the development of noise nuisance on licensed premises. Because of the deterrent effect, these powers should very rarely need to be deployed. There should therefore be no major increase in the work of the relevant licensing authority in following up the action. Where the local authority does use the proposed powers to close licensed premises, the burden of monitoring those premises for the rest of the night will be reduced. However, public expectation following an introduction of a new power is likely to mean an increase in the number of complaints reported to local authorities regarding noise nuisance from licensed premises, and also an increase in the public's perception of the ability of a local authority to deal with them.

According to recent statistics, 36% of English local authorities and 53% of Welsh local authorities supply a full 24-7 noise response service [CIEH, 2002]. When figures for those local authorities that offer either a partial or full out-of-hours service are considered this increases to 84% of English local authorities, and 67% of Welsh local authorities. However this still leaves 16% of English local authorities, and 33% of Welsh local authorities that do not offer a noise response service during the hours when nuisance from licensed premises is most likely to occur. In these cases public expectations may mean that these local authorities will need to consider a partial out-of-hours service to meet local demand.

### **8.2 Legal**



All closures would result in an initial referral to the magistrate's court. This would mean a very maximum of 100 additional hearings in the magistrate's court, but probably this figure will be below 10.

## **9. Consultation**

No consultation with the industry or other interested bodies has taken place.

## **10. Summary and Recommendations**

### **Option 1**

No additional financial costs would arise from a decision not to extend the closure powers to a local authority.

### **Option 2**

The financial costs to industry only involve businesses which are producing unacceptable levels of noise nuisance, and do not convince the local authority that adequate steps are being taken to control this. The predicted costs to business of between £110,000 and £6 million would seem acceptable when weighed against the significant benefits expected. Furthermore, these measures should not impact on businesses maintaining orderly premises save by creating a deterrent against any reduction in standards. The benefits to the police, local authority and local community in preventing general disturbance should be significant. However this does represent an additional burden on local authorities, in particular those that do not yet offer an evening and night-time noise response service. Its successful introduction would also require the Police and local authorities to work closely and effectively in partnership to manage any risks to personal safety when issuing and enforcing an order.





4/03/2003

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**defra**Department for Environment  
Food and Rural Affairs

The Rt Hon John Prescott MP  
Deputy Prime Minister  
26 Whitehall  
London

4 March 2003

From the Secretary of State  
The Rt Hon Margaret Beckett MP

*Dear Deputy Prime Minister*

#### SCOPE OF THE ANTI-SOCIAL BEHAVIOUR BILL

I am writing to seek clearance for a number of measures which I propose to ask Home Office colleagues to introduce in their forthcoming Anti-Social Behaviour Bill. Given the very tight timetable to which the Home Office are operating, John Denham has indicated that he is content for me to write round on Defra measures for inclusion in the Bill. I should be grateful for responses by 7 March.

I apologise for the short deadline which is necessary to fit in with the timetable for the Anti-Social Behaviour White Paper. However, these measures (full details at Annex A) were included in John's letter to you of 20 December 2002 seeking initial DA approval of measures to be included in the Bill. They are:

- Extend to local authorities the Environment Agency's powers to stop, search and seize vehicles suspected of being used for fly tipping;
- Extend to local authorities the Environment Agency's powers to investigate fly tipping incidents;
- Make provision for statutory guidance to be issued which covers the respective roles and responsibilities of the Environment Agency and local authorities;
- Extend local authorities' powers for dealing with litter to include other aspects concerning the quality of the local environment (e.g. graffiti, fly posting and other minor acts of vandalism);
- Extend local authorities' intervention powers to include all relevant land.

You will also be aware of the Defra-led measure regarding night noise, which John Denham included in his further letter of 24 February.



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The measures we propose will contribute significantly to dealing with anti-social behaviour and other, wider Government initiatives. This Bill provides an early legislative opportunity to make changes that will impact on the quality of life across the country. This is something that the Home Office, Defra and ODPM are committed to through our shared Service Delivery Agreement (SDA) target.

My officials have been working with colleagues in a number of other Departments in developing these policy measures. These build on the successful inter-departmental consultation document *Living Places – Powers, Rights, Responsibilities*. However, the necessarily tight timetable for production of the Anti-Social Behaviour Bill has precluded what would be the normal full round of inter-departmental discussions.

### **Regulatory Impact Assessments**

We have conducted a consultation exercise on a draft partial regulatory impact assessment (RIA) for the options at bullet 4 and 5 above. I am grateful to the Regulatory Impact Unit in the Cabinet Office for their help and guidance in conducting what was a very short consultation. My officials will be discussing the outcome of this exercise with ODPM and Cabinet Office officials shortly.

### **Costs**

In developing these proposals, Defra has had regard to the comments received from Government Departments following John Denham's letter of 20 December 2002 and in subsequent meetings. Further detail attached to this letter enables colleagues to make further judgement regarding the costs of these measures, which are outweighed by the benefit of real and lasting impact in dealing with anti-social behaviour. The costs indicated are our best estimate, based on evidence supplied by stakeholders, of the likely impact on the public sector, especially local authorities.

### **Local Authority Burdens**

Specific issues raised by Ministerial colleagues after the first round of correspondence, notably from ODPM and HM Treasury, centred primarily on the cost of our measures to local authorities who would be the principal enforcers of the new legislation, and the operation of fixed penalty notice regimes.

We are aware, both from a preliminary analysis of the responses to the *Living Places – Powers, Rights, Responsibilities* consultation which closed on 14 February, and responses to the partial RIA, that our measures will result in additional financial burdens to local authorities, particularly in the first year or two that the measures would be introduced. The provision of statutory guidance on fly tipping will make all local authorities act to tackle fly tipping, but they will still have the freedom to decide exactly what measures are taken and which powers they use.

ODPM officials have argued that the issue of new burdens stands so long as there is an expectation that local authorities will use the new powers. While I understand the position adopted by ODPM and Treasury officials on this point, I would argue strongly that the measures are introduced. A number of local authorities have indicated in their response



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to our consultation exercise that they would use the powers even if additional resources were not allocated. The Local Government Association, while expressing concern about costs, are keen for local authorities to be given these powers. Local authorities invest a lot of time, effort and money in investigating complaints as a result of crime and vandalism such as that which we are trying to address with these measures. Ultimately this is wasted cost and effort because they lack the necessary powers to address the problem. It therefore costs local authorities not to deliver in this area. Our measures seek to address this problem.

I believe that the freedom to choose to act is entirely consistent with the new freedoms and flexibilities which have been extended to local authorities. It would, in my view, be a real shame if lasting improvements to the quality of the local environment, which complement the anti-social behaviour and liveability agendas, were prevented because of a lack of resources.

We believe that, overall, the cost to local authorities in undertaking the powers provided by some of our measures will be cost-neutral, initially as revenue increases through fixed penalty notices and over time as incidences of crime and vandalism reduce, largely as a result of increased enforcement. It is important to bear in mind that we estimate local authorities and the Environment Agency are already spending between £50-£150 million a year in clearing up fly tipping, and local authorities spend in excess of £450 million on litter clearance. In London alone the cost of clearing graffiti is estimated to be in the order of £100 million per annum. We are extremely keen to see better use of this public money and the measures being proposed should ensure that more is spent on enforcement and prevention and less on clearing up. This should bring significant benefits, both direct and indirect, in future years.

### Fixed Penalty Notices

I am given to understand that Treasury have allowed hypothecation of monies from fixed penalty notices in respect of littering and dog fouling, which is included in the Local Government Bill currently at report stage in the house, on the basis that the sums involved are so small. But, they will only extend this further in exceptional circumstances. This poses problems for us in respect of our measure to extend local authorities' powers for littering and dog fouling to graffiti, fly posting and minor acts of vandalism.

In bringing this measure forward, we would want local authorities to have the powers to issue fixed penalty notices for such offences (except where the magnitude of the offence warrants greater punishment through the courts), and retain the receipts for use on further enforcement. This would demonstrate a consistent approach to dealing with enforcement of crimes affecting the quality of the local environment. I believe strongly that preventing local authorities from keeping these receipts for use on enforcement would provide no incentive whatsoever for local authorities to use the powers they will be given. This will lead to a further proliferation of graffiti and fly posting to the lasting detriment of the local environment. Experience in respect of penalties for littering and dog fouling has shown us that very few local authorities will issue fixed penalty notices if they are then required to surrender those sums to the Exchequer. In addition, the power to issue fixed penalty notices for minor offences will relieve pressure on the courts which are currently the only



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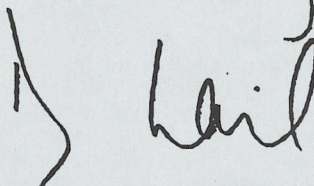
avenue open to local authorities in respect of enforcement in the area of graffiti and fly posting.

### Conclusion

I believe strongly that the measures I am seeking to bring forward in the Anti-Social Behaviour Bill will make a real difference to the quality of our local environments and contribute significantly to combating anti-social behaviour. I hope that colleagues feel able to support our measures.

I am copying this letter to the Prime Minister, Members of DA, John Denham and Sir Andrew Turnbull.

Yours sincerely



MARGARET BECKETT

RP

(Approved by the Secretary of State  
and signed in her absence)



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### Annex A

Defra measures for inclusion in the Anti-Social Behaviour Bill are:

- **Fly tipping – Extend to local authorities, the Environment Agency's powers to stop, search and seize vehicles suspected to being used for fly tipping.**

This measure would help local authorities to catch people they suspect, through prior investigation, are fly tipping. It could also be used to help enforce the duty of care and registration of carrier requirements. Under current legislation, these powers are only available to the Environment Agency and local authorities have for some time requested the powers to be made available to them.

- **Fly tipping - Extend to local authorities the Environment Agency's powers to investigate fly tipping incidents.**

At present, the Agency has powers to, for example, take samples and evidence from fly tipped waste to help trace, catch and prosecute those responsible for dumping the waste. Extending these powers to local authorities should help to ensure that more fly tippers are caught.

- **Fly tipping - Make provision for statutory guidance to be issued which covers the respective roles and responsibilities of the Environment Agency and local authorities.**

Under a voluntary agreement between the Local Government Association and the Environment Agency, the Agency has agreed to deal with fly tipping of hazardous waste and serious environmental crime. Local authorities are supposed to deal with fly tipping incidents involving non-hazardous waste. Local authorities are not however bound to follow this agreement and, in some areas, the Environment Agency needs to step in to deal with more local/minor incidents, leading to an additional call on their scarce resources and confusion amongst the public about who is responsible for dealing with fly tipping. Issuing statutory guidance will help to reinforce our new approach of making local authorities more responsible for dealing with issues that affect the local environment and it will help the general public to know who to contact about specific incidents. We would also like to use the statutory guidance to help overcome the current situation where we have no national data on levels of fly tipping. This makes it difficult to assess the impact of other waste policies and to track whether action on fly tipping is having any positive effect. Local authorities currently collect data but it is not in any standardised format. We would like to use the statutory guidance to require local authorities to use the Agency's classification system for fly tipping incidents, to collate data annually and to submit them to the Agency so that it could produce national statistics on our behalf.

- **Local Environmental Quality – Extend local authorities' powers for dealing with litter to include other aspects concerning the quality**



**of the local environment (e.g. graffiti, fly posting and other minor acts of vandalism)**

We propose that powers equivalent to those they already have in respect of litter and refuse contained in Part IV of the Environmental Protection Act 1990 (specifically in sections 88, 89(1) and (2), 90(3), 91, 92(9), 93, 94(4-6) and (8), and 95), be given to local authorities in respect of graffiti, fly posting and other minor acts of vandalism. In respect of fixed penalty notices under s.88, the new powers would be restricted to *minor* instances of graffiti, fly posting etc, while at the same time it is accepted that the boundary between these and other, more serious acts of vandalism may be difficult to define. But, the issuing of a fixed penalty notice will be at the discretion of an authorised officer of a litter authority, and the dividing line is best left to his/her discretion. The point here is that we would not wish to see, for example, "major" acts of vandalism (e.g. copiously "tagging" the entire length of a tube train), or vandalism (e.g. arson) being dealt with by means of fixed penalty notices, but instead be dealt with, as is the case now, under the Criminal Damage Act 1971 (c.48)

- **Local Environmental Quality – Extend local authorities' powers to undertake remedial action in default of such action by either the Crown or a statutory undertaker further to the service of a Litter Abatement Notice to relevant Crown land and relevant land of statutory undertakers.**

We wish to reduce the scope of the exemption contained in s.92 (10) of the Environmental Protection Act 1990. We propose that relevant land of statutory undertakers is removed completely, except where the land in question could be said to be used for a purpose affecting "National Security" (such as civil nuclear establishments) as defined in an order made by the Secretary of State (in respect of England) or the National Assembly for Wales (in respect of Wales). (This will include the land of any owner or other operator of any street furniture where he, further to the implementation of the measure immediately below this one, now to be categorised as a statutory undertaker.). With respect to relevant land and Crown land, it is proposed that only –

- (a) such land as is occupied for naval, military or air force purposes;
- (b) any in respect of which the requirements of "National Security", as evidenced by certificate of a Minister, make local authority intervention undesirable; and
- (c) any in respect of which considerations of safety preclude local authority intervention,

should continue to be exempted from intervention, further to non-compliance with a Litter Abatement Notice, by an authority under s.92(9)



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Our ref number	Lead Dept	Policy Area	Measure	Desired outcome(s)	Impact	Is it a cost or a benefit?	Volume			Volume Assumptions	Cost (+) or Benefit (-)/£			Monetary Assumptions	Headcount of Public Sector Manpower impact	Who bears the cost/receives the benefit?	Have they agreed to bear any cost?
							2003-04	2004-05	2005		2003-04	2004-05	2005				
5.3	Defra	Cleaning public space	Extend powers to LAs to stop, search and seize vehicles being used for fly tipping	Increased enforcement of current legislation. Reduction in the level of fly tipping	LAs will have a power to carry out stop and search operations if they want	cost	400	400	Assume 200 LAs carrying out two operations a year	£48k	£48k	£48k	Assume average cost of £60 per hour and each operation lasts for 2 hours	No data	LA bears the cost		
					Police assisting in stop and search operations	cost	1600 hours	1600 hours	400 operations each requiring two police officers for 2 hours	£192k	£192k	£192k	Assume average cost of £60 per hour and each operation lasts for 2 hours	No data	police forces bear the cost		
					Storage of vehicles seized	cost	1,000	1,000	Assume 5 vehicles per year for each of the 200 LAs carrying out operations as above	£84k	£84k	£84k	Assume £3 per day for 28 days each vehicle	No data	LA bears the cost (although could allow for cost recovery by selling vehicle)		
					Increased burden on courts for seizure of vehicles (JP needs to issue a warrant when vehicle is to be seized)	cost	1000 hours	1000 hours	Assume 5 vehicles per year for each of the 200 LAs carrying out operations as above. Assume courts spend one hour per case.	£20k	£20k	£20k	Assume court costs of £20 per hour	No data	Courts bear the cost		
					Fewer resources spent by LAs on clearing up fly tipped waste	benefit	100 incidents prevented	105 incidents prevented	Assume operations have 25% success rate in prevention of operations. Assume 5% increase in number prevented in 05/06	(-) £200k	(-) £210k	(-) £210k	Estimate that 50,000 incidents a year costing £100m to clear. This equates to average cost of £2,000 per incident	No data	LA receives the benefit		



5.3	Defra	Cleaning public space	Extend investigation powers for fly tipping to LAs	Increased enforcement of current legislation. Reduction in the level of fly tipping	<p>Increase in prosecutions brought for fly tipping offences (although some will be issued with FPNs)</p> <p>cost to LA</p> <p>1000 cases</p> <p>1000 cases</p> <p>Assumes 5 prosecutions a year pursued by each LA carrying out operations as above.</p> <p>£1m</p> <p>£1m</p> <p>Assume costs to LA of £1000 per case to pursue prosecutions</p> <p>No data</p> <p>LA bears the cost, although some costs may be awarded</p>
					<p>Increase in prosecutions brought for fly tipping offences (although some will be issued with FPNs)</p> <p>cost to courts</p> <p>1000 cases</p> <p>1000 cases</p> <p>Assumes 5 prosecutions a year pursued by each LA carrying out operations as above.</p> <p>£38k-110k</p> <p>£38k-110k</p> <p>Assume average cost of £38 per uncontested case and £110 per contested case</p> <p>No data</p> <p>Court bears the cost, although some costs may be awarded</p>
					<p>Net total</p> <p>£1.2m-£1.25m</p> <p>£1.2m-£1.25m</p>
					<p>LAs will have a power to investigate fly tipping incidents if they want</p> <p>cost</p> <p>35,300</p> <p>35,300</p> <p>Assume 353 LAs carrying out 100 investigations a year</p> <p>£10.8m</p> <p>£10.8m</p> <p>Assume average cost of £300 per investigation</p> <p>No data</p> <p>LA bears the cost</p>
					<p>Fewer resources spent by LAs on clearing up fly tipped waste</p> <p>benefit</p> <p>3530 incidents prevented</p> <p>3706 incidents prevented</p> <p>Assume 10% of investigations lead to prevention of incidents. Assume 5% increase in number prevented in 05/06</p> <p>(-) £7m</p> <p>(-) £7.5m</p> <p>Estimate that 50,000 incidents a year costing £100m to clear. This equals to average cost of £2,000 per incident</p> <p>No data</p> <p>LA receives the benefit</p>
					<p>Costs to LA through increased prosecutions brought for fly tipping offences</p> <p>cost</p> <p>1765</p> <p>1765</p> <p>Assumes investigations lead to prosecutions pursued in 5% of cases</p> <p>£12.4m</p> <p>£12.4m</p> <p>Assume average cost of £700 to pursue each prosecution</p> <p>No data</p> <p>LA bears the cost, although some costs may be awarded</p>
					<p>Increased burden for courts through more prosecutions brought for fly tipping offences</p> <p>cost</p> <p>1765</p> <p>1765</p> <p>Assumes investigations lead to prosecutions pursued in 5% of cases</p> <p>£67k-194k</p> <p>£67k-194k</p> <p>Assume average cost of £38 per uncontested case and £110 per contested case</p> <p>No data</p> <p>Courts bear the cost</p>
					<p>Net total</p> <p>£16m</p> <p>£15.5m</p>







020 7238 6465

**ASB Bill – LEQ Costings****Our Ref 5.5****Lead Department - Defra****Lead Official - Lee Harbord****Policy Area - Cleansing Public Space****Measure** – Extending local authorities powers for dealing with other aspects of local environmental quality e.g graffiti and fly posting.**Desired Outcome** – Reduction in the amount of graffiti and fly posting blighting the quality of the local environment.**Impact** – Costs to local authorities who choose to use additional powers, particularly in issuing fixed penalty notices, administration and general clean up costs. Costs may reduce if graffiti and fly posting reduces.**Is it a cost or a benefit** – Initially a cost, may become a benefit over time as cost of enforcement and clean up costs reduce. Fine income unlikely to cover cost of doing additional work.**Costs (+) or Benefit (-)£**

2003/4	2004/5	2005/6
Cost - £13.5m-£22.5m	Cost - £13.9m-£23.1m (represents an inflationary rise on year 2003/4 of approx 2.8%)	Cost - £14.3m-£23.8m (represents an inflationary rise on year 2004/5 of approx 2.8%)
Benefit - £200,000	Benefit - £200,000	Benefit - £200,000
Net Cost £13.3m - £22.3m	Net Cost £13.7m- £22.9m	Net Cost £14.1m - £23.6m

**Monetary Assumptions** – Costs based on very rough estimate of one City Council of an increase in costs to their authority in using these powers of £30,000 - £50,000 extrapolated across 450 local authorities in England and Wales. Benefit would be based estimate of fine income from fixed penalty notices based on those for littering for all local authorities in the year 2001/2**Headcount of Public Sector Manpower Impact** – No data**Who bears the cost/benefits** – Local authorities will bear the enforcement, administration and clean up costs.



020 7238 6465

Have they agreed to bear any cost – No.

Our Ref 5.6

Lead Department – Defra

Lead Officials – Lee Harbord

Policy Area – Cleansing Public Space

**Measure** – Extend local authorities' litter intervention powers to include all relevant land (e.g. Relevant Crown Land and land of statutory undertakers)

**Desired Outcome** – Reduction in blight of land owned by statutory undertakers or the Crown to which local authorities currently have no access rights.

**Impact** – Costs to local authorities initially in going into land and clearing it of blight. Costs may be recoverable but will lead to administrative costs through the courts.

**Is it a cost or a benefit** – Cost initially, benefit over longer term if local authorities can recover costs through the courts.

**Cost (+) or Benefit (-)£**

2003/4	2004/5	2005/6
£22,500,00	£18,000	£14,400,00

**Monetary Assumptions** – Based on cost to LA of one team at £50,000 per annum extrapolated across 450 local authorities, costs should be recoverable through the courts. Under this measure local authorities would be able to enter and clear land and then seek to recover costs from the owner of the land through the courts. Owners of land can also be fined for failing to act on a Litter Abatement Notice served by a local authority. Reductions on years two and three based on 20% reduction on levels of intervention. Reductions may be considerably cheaper if owners of land comply with Litter Abatement Notices as a result of increased enforcement.

**Headcount of public sector Manpower impact** – Local authority employees deployed to clear streets of litter and detritus would be diverted to clear such land as part of existing duties. Number of staff vary from local authority to local authority.

**Who bears the costs/receives the benefits** – Local authorities bear the costs although these may be recovered through the courts. The real benefits are to the community through an improvement in the quality of the local environment.



04/03/2003

14:53

DEFRA CABINET SECTION ▲

NO.846 0012

020 7238 6465

Have they agreed to bear any cost – No





Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT  
tel: 0870 0012345 dfes.ministers@dfes.gsi.gov.uk  
Rt Hon Charles Clarke MP

NA

CLJR  
EM  
✓ HA  
PD

The Rt Hon John Prescott MP  
Office of the Deputy Prime Minister  
26 Whitehall  
London  
SW1A 2WH

4 March 2003

*Dear John,*

**ANTI-SOCIAL BEHAVIOUR WHITE PAPER**

I have seen David Blunkett's letter to you of 21 February seeking policy clearance for the White Paper on Anti-Social Behaviour. I believe the measures it outlines are a necessary and proportionate response to a wide range of selfish, irresponsible and sometimes dangerous behaviours that can seriously damage the quality of life of individuals and communities. I therefore welcome the package and am happy to give it policy clearance.

I am pleased to see that the White Paper will highlight the importance of the work being done by the education service to reduce anti-social and criminal behaviour. It is important not to lose sight of the simple fact that, because education is such a crucial determinant of life chances, raising educational standards is a very powerful way of promoting good citizenship. It is also important to highlight, as the White Paper does, our ambitious programme for improving standards of behaviour and attendance in schools and the work done with young people beyond school by Connexions and the Youth Service. To clarify and reinforce those points I attach an annex suggesting a few detailed amendments that I would like the Home Office to take on board.

I am copying this letter to the Prime Minister, members of DA and to Sir Andrew Turnbull.

*Charles Clarke*

**Charles Clarke**

department for

**education and skills**

creating opportunity, releasing potential, achieving excellence



INVESTOR IN PEOPLE



**ANTI-SOCIAL BEHAVIOUR WHITE PAPER: DfES AMENDMENTS****Chapter Four**

**Paragraphs 4.24 and 4.25:** revise to read:

"Schools have a pivotal role in tackling anti-social behaviour. Education is a key determinant of aspirations and life chances of young people. The Government's continuing drive to raise standards in schools has a crucial part to play in preventing anti-social behaviour. There are strong links between poor education and future offending behaviour. We are working with schools and local education authorities (LEAs) to:

- raise educational standards for all children and young people;
- support children and young people who are struggling;
- improve behaviour in schools;
- tackle truancy; and
- reinforce parental support and responsibility for their children's education.

Raising standards goes wider than academic achievement. Schools teach values as well as knowledge and skills, and these aspects of the curriculum have an equally important part to play in reducing anti-social behaviour. In Autumn 2002, "Citizenship" became part of the secondary National Curriculum. This will give young people the knowledge, skills and understanding to play an effective role in the community, aware of their rights and responsibilities. It aims to make young people more self-confident and responsible in and beyond the classroom and encourages them to play a helpful part in their schools, communities and the wider world. OFSTED will monitor this process."

**Paragraph 4.27:** second bullet: revise to read:

"A targeted element for schools facing more serious problems. In April 2002, we launched Behaviour Improvement Projects (BIPs) – tailored packages of measures to support selected schools in the 34 LEAs with the highest levels of street crime and truancy. BIPs include key workers to support children at risk of truancy or exclusion from school and Behaviour and Education Support Teams to provide multi-agency support for children with the most serious problems. Over the summer, they also provided key workers and positive activities for over 10,000 young people most at risk of committing crime. By 2005-06 BIPs will be extended to 61 LEAs and 89 Excellence Clusters, providing intensive support for about 400 secondary schools and about 1,500 primary schools educating about 800,000 children."

**Paragraph 4.28:** after first sentence insert:

"This is consistent without outcomes achieved by pioneers of such partnerships."

**Paragraph 4.30:** final sentence: revise to read:

"By signing the contract, parents will be agreeing to co-operate with support provided or arranged by the LEA or the school (such as parenting classes) and to take specified action to improve their child's attendance or behaviour."

**Paragraph 4.31:** first sentence: after "Parents" delete "will" and insert "may".



**Box after paragraph 4.34:** after second sentence insert – “By doing this, Connexions can play an important part in preventing anti-social behaviour” and, insert “However” before “When” in the next sentence.

**Paragraph 4.37:** at beginning insert:

“LEAs are responsible for the Youth Service in their area and work in partnership with the voluntary and community sector to deliver a wide range of services. This provides learning and challenge through constructive activities that are built around the interests of individuals and the issues they face.”

**Paragraph 4.38:** at end add:

“Key workers played a pivotal role last year for many of the young people that were targeted under the Connexions Summer Plus programme. The new programme of positive activities retains this essential role which will be provided by Connexions Personal Advisers for those most at risk. The key worker will ensure that each young person on his or her caseload receives a tailored package of provision and is supported back into education, training or employment.”

**Paragraph 4.40:** at end add:

“This will complement powers for LEAs and schools to arrange Parenting Contracts for school attendance and behaviour.”

#### **Chapter Four: Summary of new measures**

**Schools: first bullet:** final sentence: revise to read:

“By signing the contract, parents will be agreeing to co-operate with support provided or arranged by the LEA or the school (such as parenting classes) and to take specified action to improve their child’s attendance or behaviour.”

**Schools: second bullet:** first line: after “contract,” delete “will” and insert “may”.





**Jeff Rooker**  
**Minister of State For Housing,**  
**Planning and Regeneration**

The Rt Hon John Prescott MP  
Deputy Prime Minister and First  
Secretary of State  
Office of the Deputy Prime Minister  
26 Whitehall  
London SW1A 2AU

*Dear John*

**ANTI-SOCIAL BEHAVIOUR BILL - MEASURES TO TACKLE PROPERTIES  
WHERE DRUGS ARE BEING SUPPLIED OR USED**

I have seen John Denham's letter to you of 14 February regarding new powers to tackle the problem of properties where drugs are being supplied or used, proposed for inclusion in the Anti-Social Behaviour (ASB) Bill. The ODPM welcomes the Home Office's proposals to take firm action to control the menace of crack houses. This is a very important issue, which can greatly affect local quality of life and where both enforcement and preventative action needs to be taken hand in hand. Provided the Home Office continue to work closely with ODPM officials on the detail and development of this measure, to ensure that there are no negative impacts on our housing policies and that, under the new burdens principal, the responsible Department fully funds local authorities to cover their costs, I am happy to give ODPM endorsement to these measures.

Rapid action to close properties where drugs are used and supplied has a number of positive points with regards to creating the safe and clean local environments we wish to see for our communities. It will send a highly visible message that the supply of class A drugs will not be tolerated and offer a quick remedy to communities that live within the vicinity of a drugs den, or who may even had their homes taken over by drug dealers.

However, this measure should be treated as one of a number of tools available to the police and other local agencies to deal with this problem and needs to be complimented by other actions, such as ASBOs, which would prevent the problem only being moved on to another area or property. For this reason I feel that supportive guidance needs to be issued to ensure that property closure is not seen as the only solution and that DA is given the opportunity to clear this guidance when it is prepared.

**OFFICE OF THE  
DEPUTY PRIME MINISTER**

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London SW1A 2WH

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*3/3/03*

*NA  
cc: TR  
Jm  
CS*



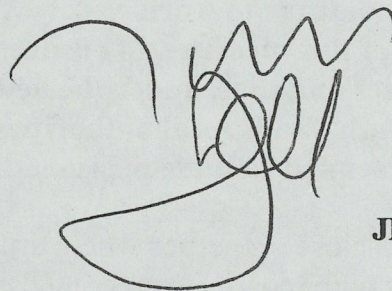
ODPM housing officials will be able to provide information on a number of non-closure options for tackling this problem. In particular my officials have suggested that you might wish to explore provisions for the alternative management by a local authority of a privately rented property that would mirror what we are proposing for Houses in Multiple Occupation licensing and the selective licensing of private sector landlords.

Ensuring that the closure of crack houses does not undermine or cut across wider ODPM housing and homelessness policies and legislation presents significant further work. This issue must be properly considered throughout the process of introducing this legislation and will require close co-operation between the Home Office and ODPM in the development of this policy. A particular concern we have is that, after a property is closed, the drug dealers and users could move to the next vulnerable property or community. The Home Office has highlighted that it can be difficult to obtain convictions after raids on crack houses and in the absence of such convictions it is likely that relief would be short-lived if the problem is merely displaced. I have enclosed a breakdown of other potential negative impacts which both of our Departments will need to bear in mind as the policy is worked up.

I should also stress that these measures will place significant new burdens on local authorities. Working in consultation with the police to identify relevant properties will place a demand on local authority resources, as will the new responsibility to secure and seal off premises after the Emergency Closure Order. Local authorities would certainly face pressures if they were required to re-house people following closure and eviction. The temporary management of the property during the period of the Order, which could advance to full management or compulsory purchase, would also impose substantial costs.

It will be necessary for the Home Office to consider these additional costs fully, in consultation with the Local Government Association, and make available the extra funding through a transfer into the Local Government Finance Settlement.

I am copying this letter to DA colleagues, the Prime Minister and Sir Andrew Turnbull.

A handwritten signature in black ink, appearing to read 'Jeff Rooker', with a large, sweeping flourish at the bottom.

**JEFF ROOKER**



## OTHER EXAMPLES OF POTENTIAL KNOCK-ON EFFECTS OF CRACK HOUSE CLOSURE

### 1. Protection of innocent residents

Closure will make all residents of the property homeless. These people may have a wide variety of legal statuses (e.g. tenant, homeowner, licensee, squatter), and may have a wide variety of statuses as regards their rights to temporary or permanent re-housing by the local authority. It should not be assumed that the human rights implications of depriving them of their home can be overcome simply by exercising their right to apply as homeless.

The issue of Houses in Multiple Occupation is also very relevant here and needs careful consideration. Large numbers of people could become homeless because of activities taking place in one of the rooms of a shared home, which other residents have no knowledge or control over.

### 2. Protection of innocent landlords

It may well be the case that landlord does not know about the activities within their property – or have little control over the behaviour of tenants. The support of landlords is, however, crucial to effectively deal with problems in their properties. Consultation with landlords and other interested parties should therefore be a priority. The policy would need to be very carefully presented to persuade landlords that they are not being punished for matters that are properly those of the police.

### 3. Political issues around re-housing residents of crack houses

It will not always be straightforward who is innocent and who is not when crack houses are closed – i.e. who is a user or a dealer within the property. It may, therefore, be possible for a crack dealer to obtain social housing as a result of a closure. This will not be met well by the local community or landlords particularly when the housing situation of those evicted become improved. ODPM's proposal to compulsory transfer anti-social tenants was extremely negatively received for this reason.

### 5. Potential impact on other ODPM policies

ODPM has policy aims of reducing voids, reducing empty properties, reducing homelessness, not increasing burdens on local authorities, and tackling rather than displacing ASB. We will need to ensure that as far as possible that new policies do not work in opposition to these aims.

MR  
3/3





From the Secretary of State

The Rt. Hon John Prescott MP,  
Deputy Prime Minister,  
Office of the Deputy Prime  
Minister,  
26 Whitehall,  
London SW1A 2WH

NA  
211 32  
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Department for  
**Transport**

Department for Transport

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Web Site: [www.dft.gov.uk](http://www.dft.gov.uk)

Our Ref: AD/002488/03

- 3 MAR 2002

*John*

**ANTI-SOCIAL BEHAVIOUR WHITE PAPER**

I have seen David Blunkett's letter to you dated 21 February seeking agreement to publish a White Paper on Anti-Social Behaviour.

I am supportive of the general principles set out in the White Paper on Anti-social Behaviour, but there are a few more specific areas of concern which are set out below.

My letter of 10 January in reply to John Denham's of 20 December put forward the proposal for extending the use of Fixed Penalty Notices (FPNs) to the railway byelaws. I remain convinced that this would be an ideal use of FPNs, being an effective and cost efficient way to tackle anti-social behaviour on the railways and I am disappointed that the White Paper makes no reference to this proposal. However, I note that officials from the Home Office and my Department are still considering this as an option for the Anti-Social Behaviour Bill and I trust this opportunity will not be lost.

I support the proposal to take powers for courts to, where appropriate, remove the driving licences of those convicted of causing a nuisance and/or damage by using off-road vehicles. The process by which licences may be removed in these circumstances is particularly complex and there are a number of procedures by which this could be achieved. In implementing this proposal I would be grateful if Home Office officials could discuss this matter with my officials before proceeding further.



I am less convinced about the merits of disqualifying drivers for kerb crawling. Generally, disqualification is a disposal for which courts should have regard to road safety. I would not object strongly to the reference but I think the emphasis should be on drawing attention to existing powers rather than implying, as the text does, that new powers are to be taken. Included in the attached Annex is a new paragraph 3.29 to reflect this.

As drafted, Chapter 5 of the White Paper includes a section headed Public Transport Providers and the Police. I understand that my officials have forwarded to Home Office colleagues a number of drafting changes - these are repeated in the annex attached.

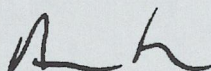
These amendments will ensure that the paper accurately reflects the remit of the Safer Travel on Buses and Coaches Panel (STOP) panel, more clearly sets out the Government's intention to work with the transport industry to tackle anti-social behaviour and the fear of crime and sets this work within the context of the SEU Report *"Making the Connections: Final Report on Transport and Social Exclusion"*.

Both the Home Office and my Department are committed to raise the profile of transport crime amongst Crime and Disorder Reduction Partnerships and, indeed, we are both currently in the process of developing a number of initiatives to achieve this aim. To not reflect this in the Anti-social Behaviour White Paper would be a missed opportunity to clearly restate this commitment.

Subject to reassurance on the concerns set out above and the document being amended as set out in the attached Annex, I am happy to agree to the publication of the White Paper on Anti-Social Behaviour.

I am copying this letter to the Prime Minister, members of DA committee and to Sir Andrew Turnbull.

Yours sincerely



**ALISTAIR DARLING**



## Drafting Changes to the Anti-social Behaviour White Paper

### Chapter 3 paragraph 3:29

*Replace paragraph 3.29 with the following paragraph*

"As an additional deterrent courts are able to take away the driving licences of those convicted of kerb crawling by virtue of regulations made under the Crime (Sentences) Act 1997. Courts will be notified of provisions under Powers of Criminal Courts (Sentencing) Act 2000 that enable them to consider disqualifying from driving anyone convicted of kerb crawling. Disqualification can last for as long as the court considers appropriate."

### Chapter 5 under the section headed Public Transport Providers and the Police.

*Retain paragraph 5.41 to stand as drafted*

*Insert a new paragraph 5.42*

"The Social Exclusion Unit's report, *Making the connections: Final report on transport and Social Exclusion*, sets out the framework for a new process of accessibility planning. Accessibility planning will bring together local transport authorities and key partners such as CDRPs, to identify and tackle the barriers to people's access to key services. The Government will issue guidance on accessibility planning, and will encourage co-operation between transport providers and CDRPs. Tackling crime and the fear of crime around public transport will make people's journeys safer, and provide them with more attractive travel options. "

*New paragraph 5.43 replacing old paragraph 5.42*

"5.43 The Government has promoted initiatives such as the Secure Stations Scheme; a national accreditation scheme recognising set standards of good practice in rail station, staff and passenger security. The Government has also set up a new "Safer Travel on Buses and Coaches Panel" to look at ways to combat crime on buses and coaches in England and to create a safe environment for crews and passengers."

*Retain the current paragraph 5.43 but re-number as paragraph 5.44.*





The Rt Hon Nick Raynsford MP  
Minister of State for Local  
Government and the Regions

The Rt Hon John Prescott  
Deputy Prime Minister  
26 Whitehall  
LONDON

NA  
a: JR  
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Our Ref: 003432/03

0 3 MAR 2003

**ANTI-SOCIAL BEHAVIOUR BILL - MEASURES RELATED TO JUVENILES AND PARENTING**

I have seen John Denham's letter to you of 14 February, seeking policy clearance for measures in relation to juveniles and parenting, which are proposed for inclusion in the Anti-Social Behaviour (ASB) Bill. The Home Office has helpfully set out some costings for the implementation of these measures, for which the Home Office or DfES will of course be responsible for funding, under the new burdens principle. Further work is needed with local government to finalise these estimates. On this basis I am content for these proposed legislative changes to be included in the ASB Bill. I do, however, wish to add some particular points for clarification, in terms of how these measures will be implemented, where I would appreciate the Home Office and DA Committee's attention.

Tackling anti-social behaviour in our communities is a high priority within the ODPM, and we welcome the Home Office's focus on the highly important area of addressing ASB committed by young people, as part of their overall package.

I welcome the costings of implementing these proposals that have been included in John's letter and the recognition of where these costs will fall upon local authorities, namely: the Intensive Fostering measures; the issue of Fixed Penalty Notices (FPNs) for truancy; a statutory power to enter into parenting contracts; and the issue of Freestanding Parenting Orders for bad behaviour in school. Whilst the costs of some individual measures may be relatively small, and in some cases there could be wider benefits (including cost savings), there will still be a need to fund each of these measures. Even when there are savings they will not be realised immediately and extra funding will be needed in the short term. Additionally in some cases they may not be savings for the agency making the initial investment. Encouraging agencies to "invest to save" will be difficult where they will not see the benefit.

Under the new burdens principle, it will be necessary for the responsible Department for these measures – in this case the Home Office or DfES – to consult with the Local Government Association on the costs of implementation, and transfer appropriate levels of additional funding into the local government finance settlement.



If extra funding is not provided to fully cover these costs, councils will simply not use their new powers, which will render useless these valuable new measures. In practice, councils are likely to feel under pressure to use these new powers and without extra funding would need to either cut services or increase council tax.

I would also like to highlight that ODPM would not wish to see an extended regime of FPNs used too readily. Introducing a system of "fast track prosecution" should not encourage schools to go down this route when a more supportive approach would be more effective. Therefore, it will be important for the guidance issued to schools and LEAs to stress that FPNs are not to be used when other issues need to be addressed first. I would, therefore, request that the Home Office work closely with the ODPM on preparing this guidance and that DA is given the opportunity to clear it when it is ready.

The voluntary approach of use of parenting contracts, before a Parenting Order is enforced, is a very welcomed aspect of this package of measures, especially given the prediction that such contracts would half the amount of Parenting Orders and the level of permanent exclusions. This early intervention will encourage parents to take responsibility before the problem gets worse. I would only wish to highlight again here the need for appropriate resources to be made available to those agencies, such as social services, that will be responsible for providing this extra parental support.

Finally, can I add that it will be important for the Home Office to encourage close links between Youth Offending Teams and local neighbourhood warden teams when implementing parenting orders for poor behaviour outside schools.

I am copying this letter to DA colleagues, the Prime Minister and Sir Andrew Turnbull.

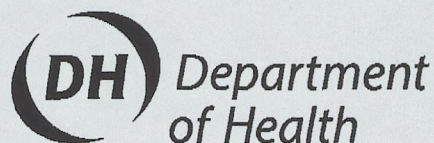
*Yours ever*

*Nick*

**NICK RAYNSFORD**



From the Parliamentary Under Secretary of State for Public Health  
Hazel Blears MP



Rt. Hon John Prescott MP  
Deputy Prime Minister  
Dover House  
Whitehall  
London  
SW1A 2AU

Richmond House  
79 Whitehall  
London  
SW1A 2NS  
Tel: 020 7210 3000

NA

cc JR  
cm  
CS  
SS  
DH

Dear John,

03 MAR 2003

**ANTI-SOCIAL BEHAVIOUR BILL- CLOSURE OF PREMISES DUE TO  
NUISANCE AND SUPPLY**

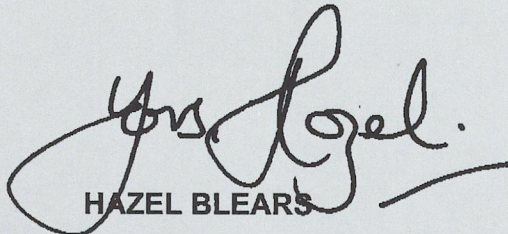
I welcome your letter of the 14<sup>th</sup> February, on the introduction of new powers to tackle the problem of properties used for the supply and use of drugs, which are causing serious nuisance. These are positive proposals, which are vital to provide protection to vulnerable people and our communities.

There are however, a few areas of possible concern that need to be taken into account during the development of the Bill.

It is proposed that no matter what the use of a property it will be removed from any possibility of being the venue for Class-A drug supply. I note that there will be some provision for exclusion of certain types of property. Such exclusions will be vital for specialist drug treatment services, bail hostels, housing associations, etc, where, because of the nature of these properties and the client group that they serve, there is always a risk that some supplying of Class A drugs may take place.

It is also important to take into account the impact of shutting down a number of crack houses in an area, particularly on local drug treatment services, as there is likely to be an increase in demand for treatment. Therefore, not only should the proposed legislation encourage the police to consult with Local Authorities and other interested parties on pressing charges and to act to close properties, but also in the matter of providing treatment to drug users who may require it.

I am copying this letter to the Prime Minister, members of DA committee and Sir Andrew Turnbull.

  
HAZEL BLEARS





020-7271 2460

The Rt. Hon. the Lord Goldsmith QC

9 BUCKINGHAM GATE  
LONDON SW1E 6JP

The Rt. Hon John Denham MP  
Minister of State  
Home Office  
50 Queen Anne's Gate  
London SW1H 9AT

NA

cc: ~~DN~~  
Em  
CS

28 February 2003

Dear John

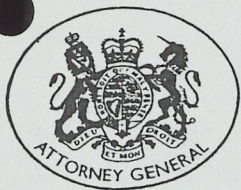
**ANTI-SOCIAL BEHAVIOUR BILL: MEASURES RELATING TO JUVENILES AND PARENTING**

I have seen your letter of 14 February addressed to the Deputy Prime Minister and have two points to raise. First, I agree with you about the need to ensure that there is consistency between this White Paper and the "Children at Risk" Green Paper, and I wonder whether the proposal to extend the fixed penalty notice scheme to 16-17 year olds, with a power to extend this further to those under 16, may be an example of a potential inconsistency which you may wish to consider further.

I understand that the fixed penalty notice scheme for adults is currently being piloted, and that the pilot will run until July 2003. I am not aware that there has been any formal evaluation of the scheme, but it is clear from your letter that the majority of fixed penalty notices have been issued for public order and drink related offences.

Youths were specifically excluded from these pilots because of the existence of the referral order and the final warning scheme introduced by the Crime and Disorder Act 1998. It was then, and is still, the view of the Crown Prosecution Service that the administration of a fixed penalty is contrary to the ethos of early intervention and the diversion of youths from the criminal justice system and moves away from the application of restorative justice. The "Children at Risk" Green Paper has as one of its major objectives the 'earlier identification of, and intervention with, children at risk of offending'. Aside from the issue of principle highlighted by the Lord Chancellor in relation to under 16s, there is the wider question as to whether fixed penalty tickets for offences relating to disorder and drink related offences by youths may be inconsistent with the objectives of the Green Paper because youths





involved in this type of conduct are more likely to commit more serious crime if there is not some immediate intervention.

The second point relates to resources. Fixed penalty notices do not affect the Crown Prosecution Service except in cases which proceed to court. I note that you will be in a better position to assess the resource implications of these proposals once the existing pilots have been evaluated. If there are likely to be more than minimal resource implications for the CPS I will of course look to you to provide the relevant funding or to make other provision.

*Yours ever*  
*Dr*





## Home Office

The Rt Hon John Denham MP  
MINISTER OF STATE  
50 Queen Anne's Gate, London SW1H 9AT

✓ CM  
JR  
JHM  
AA  
CS

The Rt Hon John Prescott MP  
Deputy Prime Minister and First Secretary of State  
Dover House  
Whitehall  
LONDON  
SW1A 2AU

26 February 2003

Den J.H.

### ANTI-SOCIAL BEHAVIOUR BILL

Further to my letter of 20 December I am writing to seek policy clearance for an additional measure that I would like to include in the Anti-Social Behaviour Bill and to respond to colleagues queries from the previous circulation. I would welcome responses by 7 March 2003. I am sorry for the short deadline but I need to obtain DA clearance for the Anti-Social Behaviour White Paper by this date.

Anti-social and criminal behaviour amongst 10 and 11 year olds if left unchecked can lead to the young person's behaviour becoming entrenched. We want to ensure that the courts have an effective response to this age group at an earlier stage of the court process and to reduce the risk of further offending whilst on remand to local authority accommodation. We have developed a policy which allows this issue to be addressed.

As with the previous package of juvenile measures I wrote to colleagues about on 14 February there are strong links with this measure and the work in relation to a Green Paper on Children At Risk. As you are aware I am overseeing the day to day work of the Children At Risk Green Paper and I am also the lead minister for the Anti-Social Behaviour work so I will be actively ensuring a co-ordinated and consistent policy approach.

I am seeking clearance for court requested local authority report for 10 and 11 year olds and would like to outline in more detail this proposal. I would also like to have clearance to be able to extend this policy to 12-16 year olds.

- Court requested local authority reports for 10 and 11 year olds

Further to my letter of 20 December I would like to respond to concerns expressed by colleagues, in particular, to Jacqui Smith, at the Department of Health. I would like to outline in more detail how this proposal will operate.

Courts cannot issue secure remands for 10 and 11 year olds which means that there is a risk of further offending whilst on remand or bail. We also have uncovered information



through talking to youth justice professionals on specific cases that even if a court does remand a 10 or 11 year old to local authority accommodation, the local authority, despite their best efforts, can sometimes be unable to find a suitable placement, which results in the young person being returned to their family home, albeit under the supervision of the local authority. This does mean that courts may sometimes be unwilling to remand a child to the care of a local authority. For some of these children their actual home circumstances are directly contributing to their offending behaviour. There is a need to ensure the local authority engages with these children to allow their multiple needs to receive the welfare input that they require alongside their treatment in the youth justice system.

We wish to legislate to allow a criminal court at first hearing to require a local authority to undertake an initial investigation of the child's circumstances and to report back within 7 working days on how it would exercise its responsibilities if the court decided to remand the child to local authority accommodation. This would enable the court to know where the child would be placed on remand by the local authority. Whilst the investigation was being undertaken the court would make a decision whether to grant bail or impose a local authority remand during this period. If the court was not satisfied with the report from the local authority it could order the local authority to undertake an investigation into the child's circumstances with a view to taking care proceedings under section 9 of the Children and Young Persons 1969.

The investigation would run in parallel with the criminal proceedings and would have a bearing on any eventual sentencing decisions. The policy would increase the dialogue between the local authority and the court, increase the confidence of the magistrate in the decision to remand the child to local authority accommodation and increase the scrutiny of where young offenders are placed on remand.

During 2000, 1,564 10 and 11 year olds were proceeded against in magistrates' courts. We estimate that in 30% of these cases the court might ask the local authority where they would place the child on remand - a total of 470 cases per annum. The costs of compiling the report would fall to the local authority. We estimate that this would cost £300 per report and that the total annual cost would be £141,000.

The benefits of the policy would be a reduction in youth crime. We estimate that we would save 200 crimes a year resulting in savings to the criminal justice system. Home Office economic analysts have calculated that the savings from preventing one crime amount to £1,800 across the criminal justice agencies. The annual savings to the criminal justice system would be £360,000. Whilst local authorities would bear the costs of compiling the report they would benefit from a reduced number of crimes in their area.

I would also like to respond directly to the concerns expressed by Jacqui Smith in her letter of 9 January 2003 about the proposal. She was concerned about the need to evaluate existing legislative filters where home circumstances were responsible for offending behaviour. As a result of discussions with the Department of Health we have made a number of amendments to the proposal. It was agreed that legislation was required in order to give the courts the power to ask the local authority what they would do with the child if remanded into local authority accommodation and that the time limit for local authorities to report back should be extended to 7 working days.



It was also agreed that there was no need to legislate to allow the court to direct the local authority to undertake an investigation into the child's circumstances as this could be done by using existing legislation under section 9 of the Children and Young Persons Act 1969. This approach will allow reasoned dialogue between the courts and local authorities to facilitate improved decision making at an early stage in the court process in cases of persistent and serious offending by 10 and 11 year olds.

- **Court requested local authority reports for 12-16 year olds**

As part of our work in developing alternatives to custody this measure has a wider application for 12-16 year olds. It would help to encourage the use of remand fostering whereby the young person is placed with specially trained and supported foster carers. The measure would allow the court to ask the local authority to consider fostering as an option if the young person was remanded to local authority accommodation. This would help inform remand decisions as the court may be content to make a non-secure remand to local authority accommodation if the child can be safely managed in such a setting rather than a court ordered secure remand. It would prevent unnecessary secure remands to the juvenile secure estate.

We are proposing to implement this provision for 12-16 year olds but would not wish to do this immediately. We would want to pilot the measure in selected areas. However, we want to ensure that we can extend this policy to 12-16 year olds through secondary legislation if the pilots for 10 and 11 year olds are successful.

We estimate that the number of 12-16 year olds where the court would ask the local authority where they would place the child on remand would be very small - between 50 and 100 cases a year. These would be borderline cases for secure remands where the court might have otherwise considered a remand to local authority accommodation if remand fostering was available and possibly supported by electronic monitoring (which is already available for 12-16 year olds on remand to local authority accommodation). The costs of compiling the report would fall to the local authority. We estimate that this would cost £300 per report and the total annual costs would be between £15,000 and £30,000.

There would also be the cost of remand fostering and we estimate that the cost of each placement would be approximately £2,000 per week (including payments to foster carers, the costs of providing 24 hour support to the placement and structured day time activities). This amounts to an average cost of £16,000 per placement over an 8 week period. Based on our estimate of between 50 and 100 cases a year then there would be an average of between 8 and 16 cases subject to remand fostering at any one time. The costs for providing remand fostering for these cases would be between £128,000 and £256,000 and the annual costs would be between £768,000 and £1,536,000.

In addition, the court would have the option of making the young person subject to electronic monitoring whilst on remand to local authority accommodation. The unit cost for electronic monitoring on remand is £2,585 per young person. Based on our estimate of between 50 and 100 cases a year then the annual costs would be between £129,250 and £258,500. The overall costs of this proposal would be between £912,250 and £1,824,500.

The benefits of the policy would be a small reduction in the use of secure remands for 12-16 year olds. We estimate that the average length of a secure remand would be



approximately 8 weeks and most of these young people would be placed within local authority secure units. The unit cost per place for a local authority secure unit is £2,975 per week. Over the average period of remand the cost per place would be £23,800. Based on our estimate of between 50 and 100 cases a year then the court would be dealing with an average of between 8 and 16 cases over an 8 week period so the saving would be between £190,400 and £380,800. The annual savings would be between £1,142,400 and £2,284,800.

Taking into account the costs and benefits outlined above the net saving of this measure would be between £230,150 and £460,300.

I am copying this letter to DA colleagues, the Prime Minister and Sir Andrew Turnbull.

Tms

JL





# Home Office

Home Secretary  
50 Queen Anne's Gate, London SW1H 9AT

Rec'd already

file

28<sup>th</sup> February, 2003

The Rt Hon John Prescott MP  
Deputy Prime Minister and First Secretary of State  
Dover House  
Whitehall  
LONDON  
SW1A 2AU

Dear John,

## ANTI-SOCIAL BEHAVIOUR BILL- POWER TO DISPERSE GROUPS

Further to John Denham's letter of 24 January, I am writing to seek policy clearance for one further measure I would like to see included in the Anti-Social Behaviour Bill, to allow for the designation of areas where anti-social behaviour is a particular problem. In these areas I propose to give the police powers both to disperse groups and to use a child curfew power. You will already have seen a reference to a measure along these lines in the draft White Paper that we circulated last week, this letter provides more detail. In order to coincide with the timetable for the White Paper, and with apologies for departing from the normal ten days, I would be grateful if you would respond by 7 March.

Current legislation covers situations where people are gathered and behaving in a way which causes intimidation, nuisance, disorder or obstruction. However it does not cover the situation where their presence is making other people feel frightened and discouraged from using the park, playground or streets where the people are gathered.

In 2000, 32% of respondents to the British Crime Survey cited teenagers hanging around in the street as a very or fairly big problem in their area.

I wish to create a power, where a senior officer has given an authorisation in relation to a particular area, for police and CSOs to disperse groups of two or more people. A similar authorisation system is in place for stop and search powers for knives and offensive weapons under section 60 of the Criminal Justice and Public Order Act 1994.

In John Denham's letter of 24 February he put forward the option of repealing the child curfew scheme. The development of these additional powers for

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dealing with groups where there is significant disorder in the community can be usefully supported by the child curfew scheme, and I no longer wish to repeal the scheme. In addition, I propose that, where an authorisation described above is in place, the police will also have powers, in the same designated area, to take home any child they had reasonable cause to believe was under 16 and was in the specified area between 9pm and 6am otherwise than under the effective control of a parent or someone aged 18 or over.

The authorisation would be given by a senior officer in relation to any locality within his police force area. Before giving an authorisation, the officer would be required to consult the local authority for the area covered. He would also need to have reasonable grounds to believe that intimidation, harassment, alarm or distress had been caused to members of the public in the area by the presence or behaviour of groups of people in public places in the area.

An authorisation could be for any period up to 6 months. It could be withdrawn at any time during that period by an officer of the same or higher rank as the officer who gave it, again having informed the consultees.

The reason I have decided to describe a group as two or more in this context is because, in my view, it is possible for two people to behave in as intimidating a way as a bigger group of five or six, and because it would create a loophole if a bigger group could just disperse into smaller groups of two or so. There would be a specific exemption for those engaged in lawful pickets and marches.

It would be an offence to refuse to comply with a direction, with a power of arrest for the police to enforce it. In areas where CSOs have powers of detention, they would be able to use this as a means of enforcement.

It is difficult to predict how often this power will be used by the police, in most cases this power will simply build on the impact of a police or Community Support Officer's presence to ensure that people feel secure in their surroundings. We do not, therefore, consider that this would lead to any significant burdens, as in the majority of cases people will obey the police as Community Support Officers and disperse. However this measure could lead to significant savings to the Criminal Justice System through the possible prevention of crime and disorder.

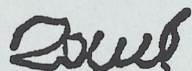
We have discussed existing powers informally with representatives of rank and file officers, as well as of Chief Officers of Police. There has been a mixed reaction. Rank and file officers would welcome a power that enables them to be proactive against groups that appear to members of the public to be intimidatory, before their behaviour gets out of hand. Chief Officers of Police are more cautious. They highlight the risk of bringing the police into an adversarial relationship with people in public spaces; we believe that they often already are, but without enforcement power, which is the worst of all worlds.



There will be handling issues associated with this power and I will ensure that the White Paper is clear about our intentions.

I am copying this letter to the Prime Minister, members of DA, and to Sir Andrew Turnbull.

Best wishes,

A handwritten signature in black ink, appearing to read 'David Blunkett', written in a cursive style.

DAVID BLUNKETT





10 DOWNING STREET  
LONDON SW1A 2AA

lie  
SUBJECT  
MASTER  
Filed:

From the Principal Private Secretary

27 February 2003

Dear Jonathan,

### PRIME MINISTER'S CIVIC SOCIETY GROUP

The Prime Minister chaired a meeting of the Ministerial Group on Civic Society on 27 February, to consider progress on the Anti-Social Behaviour (ASB) Bill and the political strategy for the next few months. John Prescott, Jack Straw, David Blunkett, Alan Milburn, Charles Clarke, Andrew Smith, Tessa Jowell and Douglas Alexander attended. Also present were Louise Casey and Hannah Pugh (HO), Paul Britton and Sarah Tobin (Cabinet Office), Justin Russell, Carey Oppenheim, Clare Sumner, Natalie Acton and me (No 10).

#### Implementation

Louise Casey updated the meeting on the ongoing work of the Home Office to embed real and lasting improvements in the way that ASB was tackled at a local level and across Whitehall. There was real willingness among all partners to engage in this process. Key elements of the implementation strategy were likely to include better co-ordination of existing partnerships and funding streams; cutting bureaucracy and red-tape in accessing funding; a clear and sustained focus on enforcement and addressing the things that mattered most to communities (eg litter). The best approach might be to focus on identifying priority local areas and focusing co-ordinated government attention and support (with the Neighbourhood Renewal Unit) on those areas.

Charles Clarke said that to ensure the strategy was implemented effectively it would be vital to identify, for each target area, the lead agency, which would take responsibility for tackling the handful of households that were most disruptive. The lead agency could vary from locality to locality, but should be clearly identified and agreed in each area.

John Prescott welcomed the proposed approach and said that the experience of the New Deal for Communities showed that tackling these sorts of

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problems was as much about culture change as about legal powers. He also said that the ASB team and the Neighbourhood Renewal Unit should seek jointly to identify the best performing local areas and to work with them to fast track existing good practice over the next six months or so. This was agreed.

The Prime Minister welcomed the proposed approach and asked Louise Casey to come back with proposals for a fully worked-up implementation strategy by the end of April. He also said that the ASB Bill should be used to ensure that the powers needed to enforce the strategy were in place. It was vital that this enforcement regime was simple to use, otherwise it would not be effective.

### ASB Bill

David Blunkett said that he had pared down the ASB Bill, and with a couple of exceptions, the policy had been agreed with colleagues and the scope of the Bill agreed at LP committee on 26 February. He hoped that it would be possible to take forward some of the measures that had been dropped, eg on fly-tipping and graffiti, through other legislative vehicles. Still outstanding was the question of licensing private sector landlords, which he was due to discuss with Jeff Rooker later in the day. He also proposed to combine powers to disperse groups with a revamped version of the curfew order, giving the police powers in particular areas to extend and make curfew orders.

John Prescott said that where the Bill provisions did not have policy clearance, this would need to be sought from the Domestic Affairs Committee.

The Prime Minister said that the Bill should include something on the liveability agenda, given that this had been referred to in the Queen's Speech, even if this was only one clause on fly-tipping and litter. He asked for the proposal on licensing of private sector landlords to be worked up in time for inclusion in the Housing Bill and the ASB White Paper. And he asked Andrew Smith, with David Blunkett and John Prescott, to work up instructions on a housing benefit sanction for the Housing Bill and the ASB White Paper.

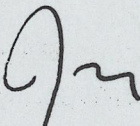
### Action Points

- Home Office to come back to the Group with proposals for a fully worked-up implementation strategy by the end of April.



- Home Office and NRU to work together to develop proposals to fast track existing good practice over the next six months.
- Home Office to seek DA clearance for those Bill provisions which do not have policy clearance.
- DEFRA, in consultation with Home Office, to provide instructions to Counsel on simple and effective measures to tackle fly-tipping and graffiti (if possible limiting this to one clause).
- Home Office and ODPM to work up proposals on the selective licensing of private sector landlords for inclusion in the Housing Bill and ASB White Paper.
- DWP, in consultation with Home Office and ODPM to work up proposals on a housing benefit sanction for inclusion in the Housing Bill and ASB White Paper.

I am copying this letter to the private secretaries of those Ministers who were present, to Lucy Makinson (HMT), Christian D'Cunha (Cabinet Office), Gavin Ross (DEFRA), Glynne Jones (Robin Cook's office), Sarah Albon (LCD), Louise Casey (Home Office), Paul Britton, Sarah Tobin and Ian Fletcher.

Yours,  


**JEREMY HEYWOOD**

Jonathan Sedgwick  
HO





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CABINET OFFICE  
70 Whitehall  
London  
SW1A 2AS

*The Rt Hon Lord Macdonald of Tradeston CBE*

Minister for the Cabinet Office &  
Chancellor of the Duchy of Lancaster

Tel: 020 7276 1250

Fax: 020 7276 1257

The Rt Hon John Prescott MP  
Deputy Prime Minister  
Office of the Deputy Prime Minister  
26 Whitehall  
London  
SW1A 2WH

NA  
cc: M  
Em  
CS

27 February 2003

*Dear John,*

**ANTI-SOCIAL BEHAVIOUR BILL – CLOSURE OF PREMISES DUE TO  
NUISANCE AND SUPPLY**

I have seen John Denham's letter to you, dated 14 February, seeking agreement for measures in the Anti-Social Behaviour (ASB) Bill to close down premises where Class A drugs are supplied or used. I am writing as Minister with responsibility for better regulation to express my disappointment at again being asked to agree policy without having any information on impact.

First let me say how much I agree with the need to take action to reduce the nuisance and disorder experienced within communities where Class A drugs are sold and used. It is important that targeted and effective measures are developed to deal with drug related crime.

I am, therefore, surprised that the correspondence does not include information on impact. I understand that my officials saw a draft RIA for the first time earlier this week which shows that voluntary sector or private landlords may be denied income for three months from around 250 properties a year. It also suggests that 15 commercial premises would have to shut down for three months. In some cases these will be warehouses but the majority will be shops with flats above. There is no suggestion that the landlords or businesses are directly involved in drug related activity although they would have to meet the cost of the action.

It is important that there is a thorough analysis of the impact of the measures, including any indirect or unintended effects on business. I understand that our officials are now working together to develop the RIA and hope that this will aid our consideration of options for action, costs, and the effectiveness of the proposed measures. In particular I would welcome HO views on ways to mitigate or reduce the impact on landlords and businesses not involved in drug related crime.





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I am copying this letter to the Prime Minister, members of DA, Sir Andrew Turnbull,  
and also to Charlie Falconer as the HO regulatory reform Minister.

Yours

Gus.

GUS MACDONALD



Rle  
Added to DCO in Box

From: Natalie Acton  
Date: 26 February 2003

PRIME MINISTER

cc: JJH, AA, SM, JR, CS, SV, WP,  
CO, EM, SH, EC, MH

## CIVIC SOCIETY MEETING

At tomorrow's civic society meeting Louise Casey will give an oral update on the Bill, the White Paper and the delivery strategy, and Douglas Alexander will update the group on his and John Reid's campaigning strategy on ASB for the local elections. A handling brief is set out below.

As you know, LP met this afternoon to discuss the ASB Bill shortly after your phonecall with DB. DB reported at the meeting that you had agreed that the following measures should be taken out of the Bill:

- tagging 10 and 11 year olds;
- measures requiring owners of street furniture to keep it clean/fly-tipping;
- measures on raves/unauthorised encampments.

...and that these measures should remain in:

- duty to publish ASB plans;
- powers for Environmental Health Officers to close down premises on the grounds of anti-social behaviour (despite DCMS objections);
- power for police to disperse groups of young people through a revamp of the existing curfew order;
- intensive fostering (which DB said he had agreed with Alan Milburn).

DB also said that he can get the Bill down to 50 clauses by removing all of the DEFRA/liveability measures - this would leave out the measures on graffiti and fly-tipping which you have said publicly would be core to the Bill.

Robin Cook said at the meeting that his concern was not with the policy in the Bill, but with whether instructions would be with counsel by this Friday - the final deadline for instructions if the Bill is to be introduced as planned on 27th March. Any measure which has not been instructed on by this Friday won't be in the Bill.

Our assessment is that this is likely to rule out:

- power to disperse;
- housing benefit sanctions for ASB;



- crack houses;
- private sector licensing in high demand areas (although it was floated that this could be introduced as a limited power for LAs, and amended later).

### **Handling Brief**

1. Louise will open with an oral update on the Bill, the White Paper and the delivery strategy. She will also table at the meeting a revised list of measures for inclusion in the Bill following today's discussion at LP.

### **The Bill**

**You should strongly reiterate Robin Cook's message that any measures for inclusion must be instructed on by this Friday and press Louise Casey and DB at tomorrow's meeting on precisely which measures will and which measures won't be ready for this Friday.**

**You may also want to have a final discussion tomorrow about the following measures, which remain unresolved:**

- Housing benefit sanction – will this be ready to be instructed on by this Friday? If not, is AS preparing instructions on it for the Housing Bill and to what timetable?
- Power for Environmental Health Officers to close premises causing ASB – we does not need this power (the police will already have it once the licensing bill is passed) and giving it to EHOs could be dangerous – they have no locus in controlling the sort of public disorder which could result from short-notice closure of licensed premises.

### **The White Paper**

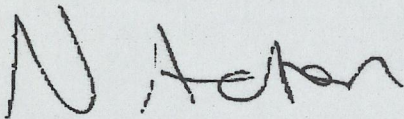
**We have seen an early draft of the White Paper, which seems to be progressing well. The structure needs further work, but we successfully steered DB away from including detail on almost every area he covers (community cohesion, race, voluntary sector etc) and the content is now much more focused. You should use the meeting to seek colleagues' early thoughts on the White Paper.**

### **Delivery**

**Given the recent focus on the Bill, Louise has only just begun to develop a strategy for delivering real results in reducing ASB on the ground. You should use the meeting to:**



- press her on her timetable;
  - query whether a full 'action plan' is really necessary – can't we just get on with it?
  - ask which geographical areas she intends to focus on and why.
2. Douglas Alexander will then give an oral update on his and John Reid's political strategy around ASB. You should thank him for the work and ask what impact he thinks the campaigning pack is likely to have, but use this slot mainly as a chance for Ministers to comment.

A handwritten signature in dark ink, appearing to read 'N Acton'. The signature is written in a cursive, slightly slanted style.

NATALIE ACTON



**CONFIDENTIAL**



**CONFIDENTIAL**