

Coming of Age: Developments, Dilemmas and Debates about Anti-Social Behaviour [Editorial]

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Citation:

HEAP, Vicky (2016). Coming of Age: Developments, Dilemmas and Debates about Anti-Social Behaviour [Editorial]. Safer Communities, 15 (4), 173-175. [Article]

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Guest Editorial - Coming of Age: Developments, Dilemmas and Debates about Anti-Social Behaviour

This special edition of *Safer Communities* provides an opportunity to reflect and take stock of anti-social behaviour (ASB) legislation, policy and experiences. Since being introduced eighteen years ago by the Crime and Disorder Act (1998), ASB policy has adopted a number of foci including noisy neighbours (1997-2001), environmental concerns (2001-2005), 'respect' and early intervention with young people (2005-2010), and victims (2010- present). The breadth of behavioural issues encompassed by ASB policy is vast and as Squires and Stephen (2005) duly note, an ASB industry has emerged. This special edition contains a range of practitioner and academic papers that consider various aspects of the ASB industry, as well as lived experiences of ASB, providing a timely insight into current debates in the field.

It is a very opportune moment to consider developments within the ASB landscape, given that the biggest wholesale changes to ASB policy took place two years ago with the introduction of the Anti-Social Behaviour, Crime and Policing Act (2014). The act completely reconstituted existing ASB powers and streamlined them from nineteen to six, which understandably had a big impact on practice. With two years having passed since the legislative changes became enforceable, we are starting to see how the new powers have been interpreted by practitioners. In her paper, Kirsty Varley provides a reflexive account of the three main aspects of the Anti-Social Behaviour, Crime and Policing Act (2014) being used by landlords, in her role as an Associate Solicitor and Higher Courts Advocate. This includes a critical discussion of the new positive requirements that can be included in Civil Injunctions (the re-incarnation of Anti-Social Behaviour Orders). On a similarly practical theme, Brendan O'Brien's paper presents some of the technical enforcement issues created by the implementation of vague prohibitions in the new Public Spaces Protection Orders (PSPOs). Both of these viewpoint papers offer valuable insights into frontline ASB developments and shed light on areas which are worthy of further academic debate and inquiry.

Not only has the new legislation altered practice, it has also demonstrated the latest shift in policy emphasis, towards an agenda that 'puts victims first' (Home Office, 2012a). This is a welcome development, given the perpetrator-centric approaches of many previous policies. It also gives ASB policy a more inclusive sense, given the particular focus on vulnerable and repeat victims (Home Office, 2011; 2012b). Taking victims of ASB more into account has facilitated debates about the targeted nature of some types of ASB that relate to individuals' personal characteristics such as

disability and sexual orientation. There are clearly some blurred boundaries between hate incidents and ASB (Duggan and Heap, 2013), especially when considering the traditional harassment, alarm and distress definition. Adopting a broader definition of ASB, James Roffee and Andrea Waling's paper highlights the complexities of ASB when considering microaggressions experienced and perpetrated within LGBTIQ+¹ communities, in Australia. Their work uncovers intra-community microaggressions, building on previous research that suggests microaggressions against LGBTIQ+ people is a result of heterosexism. This paper provides a valuable insight into an emerging area of ASB study, which requires further investigation so interventions (be they educational or policy-related) can be put in place to ameliorate the harms being caused.

The new victims' policy focus has not meant that perpetrators have been entirely forgotten. Precipitated by the 2011 English riots, ASB legislation has adapted to include responses to urban unrest. In his paper, Gareth Young investigates how the use of eviction as a sanction for participating in urban disorder, introduced by a new riot clause contained in the Anti-Social Behaviour, Crime and Policing Act (2014), has created a disparity of behavioural control mechanisms between housing tenures. From undertaking interviews with a range of ASB-related practitioners it appears the definition of ASB continues to expand, with the use of housing-related sanctions considered to be disproportionate to the behaviour being exhibited by the perpetrators.

It is evident that conceptions of, and methods for tackling, ASB have changed rapidly over the past eighteen years. However, a number of traditional dilemmas plaguing the study and management of ASB have remained stubbornly the same. For example, the legal definition of ASB entailing 'behaviour that caused (or is likely to cause) harassment, alarm or distress to one or more persons not of the same household' remains as flexible and broad as it ever has. In fact, the scope for subjectivity and tolerance to play an even bigger role in behavioural perceptions has widened, due to the PSPO definition of ASB relating to anything that has a detrimental effect on the *quality of life*. No doubt this will make it more difficult to accurately count incidents of ASB, but from an efficacy perspective it also makes the trend of barely evidenced and unevaluated ASB powers likely to continue. The marginalisation and criminalisation of young people through the application of ASB powers such as dispersal orders, as noted by scholars such as Smithson and Flint (2006) and Crawford and Lister (2007), also looks set to continue. This is primarily because much of the substantive parts of the original legislation have not dramatically changed (Heap, 2014). In their

¹ Lesbian, Gay, Bisexual, Trans, Intersex and Queer, with the + recognising those who do not fall within these identities.

paper, Tom Cockcroft, Robin Bryant and Harshad Keval, assess the impact of dispersal orders on youths in a seaside town. Using qualitative methods, they replicated the results of earlier research in a different geographical environment, finding that dispersal orders created feelings of alienation and vulnerability in the young people affected by the restrictions. At a time when PSPOs have become the new socio-spatial governance tool, shining a light on the impact these measures have on those affected is something practitioners and law-enforcement agencies should take into consideration.

Despite eighteen years having passed since the Crime and Disorder Act (1998) and the numerous developments to ASB legislation and policy that have taken place since, it appears many of the original dilemmas emphasised by practitioners and academics in the very beginning are still pertinent now, bringing into question the amount of progress that has actually been made. All the papers in this special edition highlight deficiencies in the legislation and/or policy to effectively tackle ASB, be that on the side of (perceived or actual) perpetrators (Varley; O'Brien; Young; Cockcroft et al.) or victims (Roffee and Waling). Many of the issues stem from the seemingly unending flexibility of the ASB definition, which demonstrates how the trend for widening the net of unacceptability remains intact. The consequences of this approach mean that (even) more people are bought within the remit of the criminal justice system, with the new entrants appearing to be more vulnerable than ever, considering that PSPOs are targeting rough sleepers and dog owners without an appropriate 'receptacle' to pick up their dog's mess (O'Brien). Even where legislation has the capacity to enact a constructive outcome, through the positive conditions that have been put in place by Civil Injunction to address alcohol dependency (Varley), it appears there are not enough service providers (something that I suggested might be the case back in 2014). This assessment of ASB is not intended to be unduly critical of the practitioners working every day to reduce ASB, who are faced with complex problems and difficult individuals. What is required is well-thought through policies that cannot be manipulated to create extreme or unfair sanctions, as well as investment into support services to prevent reoffending and protect victims. It will certainly be interesting to see how the situation develops over the next ten years...

I would like to take this opportunity to express my thanks to all the authors for contributing to this special edition. Thank you for taking the time to produce a collection of high-quality and insightful papers, respond to the reviewers' comments and making my job pretty straightforward. I am particularly indebted to the practitioner contributors, given that writing is not part of their 'day jobs'. Including voices from the frontline is extremely valuable and I hope we can keep in touch. Thank you to all the reviewers who undertook the peer review process, you've been brilliant and had a really

positive impact on the development of these papers. I would also like to thank the Editors in Chief, Hannah Smithson and Tim Bateman for giving me the opportunity to edit this special edition. Finally, thank you to Jo Sharrocks (Publisher) and Katherine Farrar (Content Editor) at Emerald for being very patient and answering all my questions.

References

Crawford, A. and Lister, S. (2007) *The Use and Impact of Dispersal Orders: Sticking Plasters and Wake-Up Calls*. Bristol: Policy Press.

Duggan, M. and Heap, V. (2013) Victims as Vote-Winners? The Anti-Social Behaviour / Hate Crime Nexus. *Criminal Justice Matters* 94(1): 24-25.

Heap, V. (2014) Transforming Anti-Social Behaviour: ASBOs, Injunctions and Cross-Cutting Criminal Justice Concerns. *British Journal of Community Justice* 12(3): 67-79.

Home Office (2011) *More Effective Responses to Anti-Social Behaviour*. London: Home Office.

Home Office (2012a) *Putting Victims First: More Effective Responses to Anti-Social Behaviour*. London: Home Office.

Home Office (2012b) *Focus on the Victim: Summary Report of the ASB Call Handling Trials*. London: Home Office.

Smithson, H. and Flint, J. (2006) Responding to Young People's Involvement in Anti-Social Behaviour: A Study of Local Initiatives in Manchester and Glasgow. *Youth and Policy* 93: 21-39.

Squires, P. and Stephen, D. (2005) Rethinking ASBOs, *Critical Social Policy*, 25(4): 517-28.

About the Guest Editor

Vicky Heap is a Senior Lecturer in Criminology at Sheffield Hallam University, where she is co-chair of the Criminal Justice Institutions Research Cluster at the Helena Kennedy Centre for International Justice. Vicky has researched various aspects of anti-social behaviour including: public perceptions, victims and government policy. Further publications relating to this special issue include: 'Putting

Victims First? A Critique of Coalition Anti-Social Behaviour Policy', *Critical Social Policy* (2016) 36(2): 246-264; and *Administering Victimization: The Politics of Anti-Social Behaviour and Hate Crime Policy*, co-written with Marian Duggan (Palgrave Macmillan, 2014).