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HOUSE OF COMMONS
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GENERAL COMMITTEES

Public Bill Committee

CRIMINAL JUSTICE BILL

Twelfth Sitting

Tuesday 23 January 2024

(Afternoon)

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Saturday 27 January 2024

The Committee consisted of the following Members:

Chairs: Hannah Bardell, † Sir Graham Brady, Dame Angela Eagle, Mrs Pauline Latham, Sir Robert Syms

Costa, Alberto *(South Leicestershire)* (Con)
† Cunningham, Alex *(Stockton North)* (Lab)
† Dowd, Peter *(Bootle)* (Lab)
Drummond, Mrs Flick *(Meon Valley)* (Con)
Farris, Laura *(Parliamentary Under-Secretary of State for the Home Department)*
† Firth, Anna *(Southend West)* (Con)
Fletcher, Colleen *(Coventry North East)* (Lab)
† Ford, Vicky *(Chelmsford)* (Con)
† Garnier, Mark *(Wyre Forest)* (Con)
† Harris, Carolyn *(Swansea East)* (Lab)
† Jones, Andrew *(Harrogate and Knaresborough)* (Con)
† Mann, Scott *(Lord Commissioner of His Majesty's Treasury)*
† Metcalfe, Stephen *(South Basildon and East Thurrock)* (Con)
† Norris, Alex *(Nottingham North)* (Lab/Co-op)
† Phillips, Jess *(Birmingham, Yardley)* (Lab)
† Philp, Chris *(Minister for Crime, Policing and Fire)*
Stephens, Chris *(Glasgow South West)* (SNP)

Simon Armitage, *Committee Clerk*

† attended the Committee

Public Bill Committee

Tuesday 23 January 2024

(Afternoon)

[SIR GRAHAM BRADY *in the Chair*]

Criminal Justice Bill

3 pm

Clause 52

NUISANCE ROUGH SLEEPING PREVENTION NOTICES

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to discuss clauses 53 to 55 stand part.

The Minister for Crime, Policing and Fire (Chris Philp): It is a pleasure, as always, to serve under your chairmanship, Sir Graham.

The nuisance rough sleeping direction in clause 51 was debated just before we adjourned this morning; it is one of a suite of tools that the Bill introduces to help local authorities and the police to tackle rough sleeping where it poses a nuisance. Clauses 52 to 55 additionally introduce nuisance rough sleeping prevention notices and outline how they will operate.

Although aimed at different behaviour, nuisance rough sleeping prevention notices will operate in a similar way to nuisance begging prevention notices, which we debated this morning. That being the case, I will not go into the detail of clauses 52 to 55, which largely mirror clauses 39 to 42, which we have already discussed. We also discussed at some length the substance of nuisance rough sleeping as part of the debate on clause 51. We may discuss what exactly constitutes nuisance rough sleeping when we come to clause 61, so I will leave my remarks there and simply respond to the shadow Minister or other colleagues as necessary.

Alex Norris (Nottingham North) (Lab/Co-op): As the Minister says, we gave the issue a pretty thorough airing in the debate on clause 51 this morning. The Opposition are in the same place as we were this morning: we do not think that the provisions are good additions to the Bill and we will not support them.

Having had a chance to reflect on some of the Minister's arguments, I might test some of them. He mentioned San Francisco frequently. I find it very hard to believe that what is standing between this country's situation and that of San Francisco, whose challenges are well documented, is the Vagrancy Act 1824—not least because San Francisco never had such legislation, so repeal of legislation could not have led to its problems.

The Minister challenged me on what alternative measures could be used. Actually, I did not detect—certainly not in the debate earlier—much enthusiasm from the Minister for the provisions in the Bill; he was more interested in our view rather than in what the Government were putting forward. Having reflected on that, we will go on to talk about community protection notices—an important civil power, from the Anti-social Behaviour, Crime and Policing Act 2014, that the Government are very keen on. The Minister's question was: if these clauses do not stand part of the Bill, what could be done if an individual sleeping in the doorway of a shop refused to move? I wondered about section 43 of the 2014 Act, which states that an authorised person would have the power to issue a community protection notice

"to an individual aged 16 or over, or a body, if satisfied on reasonable grounds that—

(a) the conduct of the individual or body is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and

(b) the conduct is unreasonable."

In the case that the Minister discussed, both those tests would be satisfied. They would provide the backstop without the need for any of the provisions that we are discussing. Using those section 43 powers would have the value, on the face of it, of not being targeted at rough sleepers. There would be a general power for use in the locality or amenity that would not require any of this dog and pony show. It would provide enough of a backstop and would pass the test that the Minister set us earlier.

I turn to the clauses themselves. The idea that a rough sleeping prevention notice could be handed, without any sense of adequate follow-up support, to someone sleeping rough, is, to me, for the birds—as if handing it to a person who has so little with them in the world would make any difference. Turning to clause 54, an appeals process would be an important part of such a regime, but we have a duty to be sure that what is written in a Bill in some way reflects the reality that we live in. My hon. Friend the Member for Birmingham, Yardley has made that point on multiple occasions.

We are talking about some of the most challenged people in society—the people with the fewest assets, and often those living with the most challenging mental health or substance abuse-related issues. I find it very difficult to believe that they will have the resources and support to lodge an appeal against their rough sleeping prevention notice and go to a magistrates court to uphold their rights.

We do not think that these measures are a good addition to legislation. I have given the Minister what is probably a better alternative. On that basis, we will vote against clause 52.

Chris Philp: First, I thank the shadow Minister for giving consideration to the comments I made before the lunch break. That was very helpful and perhaps facilitates a more thoughtful debate.

The shadow Minister referenced the comparison I have drawn with San Francisco and other cities on the American west coast and elsewhere. The point I was making was a slightly broader one. Essentially, some of those cities—Oakland, California is another on the bay—have adopted a very permissive approach to public drug consumption, antisocial behaviour, rough sleeping and things such as shoplifting, which we have debated previously.

A consequence of that very liberal approach has been widespread disorder on the streets of San Francisco and other cities. That has really undermined the quality of life in those places, and I do not think it has done any favours to the people who end up living those lifestyles either. There is no doubt that there is also a lack of treatment and support, but that very liberal approach has led to very bad outcomes. Some of those American cities, which are generally Democrat controlled, as the Committee can probably imagine, are beginning to reverse some of the measures on drug liberalisation, for example,

because they have led to such bad outcomes. A complete removal of current laws would be a significant step in that direction, and that would concern me. That was the broader point that I was making.

Jess Phillips (Birmingham, Yardley) (Lab): To go back to a conversation that we were having prior to the sitting about fentanyl in the US, does the Minister agree that the very strict rules about these sorts of things in various other US states have also led to terrible outcomes with regard to substance misuse?

Chris Philp: The tolerance of drug consumption in public places that we see in San Francisco and elsewhere has led to very bad outcomes. There are also serious problems with synthetic opioids in North America, which are, thankfully, not replicated in the UK. We are very anxious to prevent that from happening, as the hon. Lady can imagine.

The shadow Minister also suggested that there were other powers that could be used in some circumstances. He specifically referenced CPNs. We will debate those a bit more later, but they do not have the same powers as the notices that we are discussing. For example, a CPN does not allow for positive requirements to be set out—a requirement to attend treatment, for example—so it is not quite the same thing. CPNs also require individualised consideration. Many of the notices that we are discussing do too, which is fine, but they are quite intensive instruments to use.

Finally, the shadow Minister denigrated the approach taken in these clauses by saying that they simply criminalise rough sleeping without offering any support. They obviously do not do that. They criminalise nuisance rough sleeping, with "nuisance" defined in clause 61. *[Interruption.]* I can tell that he is eagerly anticipating our discussion of the precise provisions of clause 61.

On the support point, the purpose of some of these provisions is to help people into support. I think all of us would agree that the first step should be to support people with mental health issues, drug problems and alcohol problems, and to support them into housing. Everybody agrees that support should be the first step. That is what the police and local authorities should do initially, but if that fails and the rough sleeping is preventing a business from operating or adversely impacting other members of society, there needs to be some backstop power. That is the balance that we have tried to strike in these clauses, as we discussed before lunch.

Question put, That the clause stand part of the Bill.

The Committee divided: Ayes 6, Noes 5.

Division No. 6]

AYES

Firth, Anna	Mann, Scott
Garnier, Mark	Metcalfe, Stephen
Jones, Andrew	Philp, rh Chris

NOES

Cunningham, Alex	Norris, Alex
Dowd, Peter	
Harris, Carolyn	Phillips, Jess

Question accordingly agreed to.

Clause 52 ordered to stand part of the Bill.

Clauses 53 to 55 ordered to stand part of the Bill.

Clause 56

NUISANCE ROUGH SLEEPING PREVENTION ORDERS

Chris Philp: I beg to move amendment 77, in clause 56, page 51, line 13, after "application" insert "by complaint".

This amendment provides for applications for nuisance rough sleeping prevention orders to be made by complaint.

The Chair: With this it will be convenient to discuss the following:

Clause stand part.

Clause 57 stand part.

Government amendments 78 to 83.

Clauses 58 to 60 stand part.

Chris Philp: Clauses 56 to 60 provide a further tool for local authorities and the police to tackle nuisance—I stress the word "nuisance"—rough sleeping: namely, nuisance rough sleeping prevention orders. The clauses set out how the orders will work, specify the maximum time they can last and how they can be varied and discharged, and provide an avenue for appeals.

The clauses essentially mirror clauses 43 to 47 in relation to nuisance begging protection orders, so I will not repeat what I said about those clauses this morning. Similarly, amendments 77 to 83 mirror for nuisance rough sleeping prevention orders amendments 70 to 76 in respect of nuisance begging prevention orders, which we debated this morning. I will of course respond to any points raised by the shadow Minister.

Alex Norris: The Minister is right that we have already given these issues a run-out, so I will not rehash our earlier debate. With specific regard to these clauses, however, they give us at least some degree of comfort that this regime will be reliant on a magistrates court—an impartial arbiter. There is legitimate concern that a constable who might have had some training but not very much, or someone from the local authority—we will have very little sense of what training they have—could make profound judgments with respect to the first two tiers of powers, relating to directions and notices, with minimal oversight and recourse to justice. At least we will get an airing in a magistrates court. I suspect the magistrates will wonder why they are having to deal with the problem and why it was not dealt with by either an earlier intervention or a more positive intervention to help change someone's behaviour.

Clause 58 allows a duration of five years for a nuisance rough sleeping prevention order. That is five years of not being allowed to go to a certain place or act in a certain way. There are now actually very few crimes, except the most serious, for which someone would be prevented from doing anything for five years. I wonder what the logic is for that duration. Most of what is in these clauses is a counterpart to what is in the clauses on nuisance begging, and the line drawn there is three years. I am interested in the difference.

Again, we will not support the lead clause in this group, clause 56, because we think that these clauses should not be in the Bill at all.

3.15 pm

Chris Philp: I think that the maximum period for a nuisance begging prevention order, as opposed to notice, was five years, which mirrors this provision. The lengths of time match up. As we discussed this morning, the power is for the court to use, and it can use its discretion. It is a maximum duration; the court can use its discretion to hand down a shorter period. Courts often pass prison sentences that are lower than the maximum, and that may well be the case here as well.

Amendment 77 agreed to.

Question put, That the clause, as amended, stand part of the Bill.

The Committee divided: Ayes 6, Noes 5.

Division No. 7]

AYES

Firth, Anna	Mann, Scott
Garnier, Mark	Metcalfe, Stephen
Jones, Andrew	Philp, rh Chris

NOES

Cunningham, Alex	Norris, Alex
Dowd, Peter	
Harris, Carolyn	Phillips, Jess

Question accordingly agreed to.

Clause 56 ordered to stand part of the Bill.

Clause 57 ordered to stand part of the Bill.

Clause 58

Duration of nuisance rough sleeping prevention orders

Amendments made: 78, clause 58, line 2, leave out "on the day" and insert "at the beginning of the day after the day on which"

This amendment provides for a nuisance rough sleeping prevention order to take effect at the beginning of the day after the day on which it is made.

Amendment 79, clause 58, line 3, leave out "subsection (2)" and insert "subsections (2) and (2A)"

This amendment and amendments 81 and 83 provide that where a nuisance begging prevention order is made in respect of certain offenders, the order may take effect from a later time described in the table inserted by amendment 81.

Amendment 80, clause 58, line 6, leave out "be made so as to take" and insert "provide that it takes"

This is a drafting change.

Amendment 81, clause 58, line 7, at end insert—

"(2A) If a nuisance rough sleeping prevention order is made in respect of a person described in the first column of the following table, the order may provide that it takes effect as mentioned in the second column.

Description of person	Time when order takes effect
A person who has been remanded in custody, or committed to custody, by an order of a court	From the beginning of the day on which the person is released from custody
A person subject to a custodial sentence	Immediately after the person ceases to be subject to a custodial sentence"

See the statement for amendment 79.

Amendment 82, clause 58, line 10, leave out "not exceed" and insert "be a fixed period not exceeding"

This amendment clarifies that the specified period for an order must be a fixed period.

Amendment 83, clause 58, line 13, after "section" insert "—

"custodial sentence" has the meaning given by section 45;"

See the statement for amendment 79.—(Chris Philp.)

Clause 58, as amended, ordered to stand part of the Bill.

Clauses 59 and 60 ordered to stand part of the Bill.

Clause 61

Nuisance rough sleeping conditions

Question proposed, That the clause stand part of the Bill.

Chris Philp: Clause 61 is important; we referred to it during this morning's proceedings. It sets out the conditions that need to be met for rough sleeping to be counted as a nuisance. To repeat my earlier point, the Government do not want to criminalise rough sleeping in general; that is why the Vagrancy Act 1824 is being repealed. However, there are some kinds of rough sleeping that cause nuisance to other people to the point that the general public's own rights are unreasonably infringed. The definition tries to strike a balance. As I said, we do not want to criminalise rough sleeping in general, but we do want to define a threshold where the rough sleeping is unreasonably interfering with other members of society. The definition we have set out in the clause aims to strike that balance. I will be interested to hear Committee members' views on it.

The clause sets out the behaviours accompanying rough sleeping that either cause or are capable of causing nuisance to others: damage, distress, disruption, harassment, creation of a health and safety or security risk, or prevention of the determination of whether there is such a health and safety risk.

Alex Cunningham (Stockton North) (Lab): I wonder whether three teenagers who grab their tent and decide to sleep at the end of a farmer's field are causing a nuisance and will therefore fall under this law.

Chris Philp: That is obviously a fact-specific question. *[Interruption.]* Well it is, obviously. Every piece of behaviour, to assess whether it is criminal or not, needs to be measured against the relevant statute. It would obviously depend on whether it caused damage, disruption, harassment, distress and so on. But let me try to answer the hon. Gentleman's question—it is quite a good case study, so let us have a look at it and see whether it meets the test.

First, if we look at subsection (4), does the behaviour cause damage? Well, if the teenagers are simply pitching a tent at the end of a track, it probably would not. On the other hand, if they threw a load of rubbish everywhere and trashed the farm, then it might. It depends whether their behaviour causes damage or not, but, as the hon. Gentleman described it, it sounds like it probably would not.

We then come to disruption, which is defined in subsection (5) as

"interference with…any lawful activity…or…a supply of water, energy or fuel".

If the tent stopped the farmer bringing farm equipment in or out of the farmyard, that might count as interference, but if it did not, and if it did not interfere with water, energy or fuel, then that would not be disruption.

We then come to distress, the next limb of the test. If the people in the tent used

"threatening, intimidating, abusive or insulting words or behaviour,"

then the test might be met, but if their behaviour did not include any of those things—no threats, no intimidation, no abuse, no insulting words—then it would not be.

I am grateful to the hon. Member for Stockton North for intervening, because this little illustration gives us an opportunity to demonstrate that it is only where those tests are met that the provisions of the clause become engaged. I hope that it was clear from the way I talked through that little case study that the measure is relatively reasonable. That is what I think, but I am interested to hear other views. The clause sets a threshold, and only when that threshold is crossed do its provisions become engaged.

Alex Norris: I do think that was a useful worked exercise. The problem is that the Minister only did half of it, because he only applied the test of whether something causes damage, disruption, harassment or distress. He missed the test of whether something is capable of causing damage, disruption, harassment or distress. Will he do the exercise again for the "capable" test?

Chris Philp: The behaviour concerned might actually cause damage, distress or disruption, but it might also be capable of doing so. For example, someone might set up a tented encampment in a place that blocks a business premises. Let us imagine that they set it up at 4 o'clock in the morning, when the business is closed and there is no one coming in or out. At that point, it is not actually causing disruption. Let us say that the business wants to open at 6 o'clock in the morning. Would we want the police to wait until the business opens and the customers or the employees try to come in, when disruption is actually caused and the provisions are engaged? The police might want the power to take action not when the disruption is actually caused, but when it becomes reasonably foreseeable that it will be—in this case, in advance of the business premises opening.

Members can imagine circumstances like the one I just outlined where, although disruption is not being caused at that moment, it is clear that it is capable of being caused, and it is reasonably foreseeable that such disruption will be caused.

Jess Phillips: I just wonder what else that is annoying that might be outside the front of someone's business that we could criminalise. The bin lorry? It seems like there are loads of things. Cars get parked outside the front of businesses where I live, and it impedes the Warburtons van bringing in the loaves. The literally happens outside the corner shop right next to my house—bloody criminal! Why is it just homeless people that are a nuisance? I find cars to be a massive nuisance all the time. There are loads of things that are a nuisance. Kids going in and out of school? Nuisance. Criminalise 'em!

Chris Philp: I thank the hon. Lady for her characteristically emollient intervention. We are defining precisely what "nuisance" means, not using it as a general term. It means damage, disruption, distress or a health, safety or security risk. We are being precise about what we mean. We are not using it in a general sense; we are being specific.

The hon. Lady mentions a car blocking the highway and asks whether we should criminalise that. I refer her to section 137 of the Highways Act 1980, with which she is no doubt intimately familiar, which does precisely that. It criminalises wilfully obstructing a highway. We are not just picking on people whose disruption is associated with rough sleeping. There are plenty of other things on the statute book, including wilful obstruction of the highway, that seek to do similar things. I do not think it is reasonable to say that this is a unique set of provisions that have no analogues anywhere else on the statute book. *[Interruption.]* Would the hon. Lady like to make another intervention?

Jess Phillips: Oh yes, absolutely. It seems to me that there is this idea that it would cause distress to somebody to see a homeless person in a tent. I have greater faith in the British public than that. They are not just immediately distressed by somebody who is down and out. I am not immediately distressed by homeless people; I am distressed that they are homeless, but my distress is directed at the Government—who, by the way, I also find to be quite a nuisance, but I am not for one second suggesting that we should criminalise the Minister.

Chris Philp: I thank the hon. Lady for her forbearance. Of course we want to combat homelessness. That is why £2 billion is being spent for that purpose. On the serious point, the Government's position is categorically not that homeless people—or rough speakers, to be precise—cause distress. That is not what the Bill says. Distress is defined in clause 61(5) as being caused by

"the use of threatening, intimidating, abusive or insulting words or behaviour, or disorderly behaviour".

The Bill is not saying that rough sleepers in general automatically cause distress. It is only saying that threatening, intimidating, abusive or insulting words are taken as causing distress. It is really important not to mischaracterise what the clause does. It is very precise and specific, and it is very limited, for all the reasons that the Opposition have been pointing out.

Jess Phillips: Just to push my example, if I am obstructed in my daily life by a group of schoolchildren doing exactly that—using abusive, insulting words, saying "bitch" and things when I walk past—why is that any different? Surely causing distress to people is already illegal, so we do not need to define it in terms of rough sleepers.

3.30 pm

Chris Philp: The hon. Lady asked what happens if she was insulted in the way she describes, which I am sure rarely happens. There are provisions in the Public Order Act 1986, particularly sections 4, 4A and 5—

Jess Phillips: You're such a geek!

Chris Philp: I am not sure if *Hansard* is going to record that, but I will take it as a compliment. I do try to stay on top of the detail. There are provisions in that Act that would afford the hon. Lady some protection in those circumstances.

[Chris Philp]

This definition is very important, and we are trying to strike a balance. We do not want to criminalise rough sleeping in general or make a generic assertion that rough sleeping causes distress automatically. It does not, and the Bill does not say that. We are trying to define some very precise circumstances for when this clause is engaged to ensure that if interventions to support people either do not work or get declined, there is some backstop power to ensure that members of wider society do not suffer adverse consequences. We are trying to achieve that protection, and this clause is carefully crafted to strike the right balance.

Jess Phillips: I will not speak for long. The Minister and I have had a back and forth, and for the benefit of *Hansard*, when I called him a geek it was definitely a compliment. He is without a doubt on top of the detail not only of this Bill but of how it interacts with other legislation. It is a pleasure to sit on a Committee with a Minister in that position. I am a massive geek about how all these nice subsections will actually pan out in reality.

My main problem with the clause, although I appreciate it is less specific than the one on begging that we debated this morning, is that I am still at a loss about why we need laws specifically about nuisances caused by the most vulnerable people in society. There are so many things in the public realm that cause me much more nuisance than homeless people or people rough sleeping, such as the sexism that women experience in the street all the time. I get that we have to replace the vagrancy law and that we need guidelines, but do we really need specific laws about those people? Absolutely we need the provisions in the Public Order Act 1980, the year before I was born—

Chris Philp: 1986.

Jess Phillips: Oh, 1986. I was actually five years old then. I was a big fan of it back then.

But why do we need a specific law about this group of people? Why can they not be covered by the laws on the nuisances, insults and harassment that we can all define easily? That is the bit that I find alarming. If people are shooting up in the street or are openly engaged in dangerous practices such as pimping people, we are talking about a different thing, but there are laws covering those things already. If only I were the Minister, I could tell the Committee which ones. I am not him, but I am fairly certain they exist.

My brother, who slept on the streets, said to me, "It isn't the drugs that will kill me; it's the stigma. The stigma is the thing that is going to kill me." He has been clean for seven years, and he said that when he stands at the school gate to pick up his children, he feels like everyone knows he was a homeless drug addict. The idea that you are less—that you are a vagrant, a tramp—never leaves you. That is why I do not want to see people like my brother, who, as I said earlier, was a nuisance to me on many occasions—I just do not want to write that stigma into the law.

Andrew Jones (Harrogate and Knaresborough) (Con): I rise to make a couple of points. The Minister made a very important point: we have to get the balance absolutely right here. We have a case in Harrogate at the moment concerning a pavilion in Crescent Gardens that was used by rough sleepers in a series of tents in September. They were there for two weeks, and it has been fenced off ever since.

I have absolutely no doubt that when the hon. Member for Birmingham, Yardley says that she and the British public are not distressed by homelessness, she is absolutely correct. People want to see homeless people supported into accommodation and the underlying causes tackled. At the same time, there was a significant number of complaints from local residents about antisocial behaviour coming from that group of tents. Getting the right balance between protecting communities and offering support to homeless people is very difficult. In our case, we have a very impressive homeless charity, Harrogate Homeless Project, which is next door to my office in the middle of my constituency.

I just want to make sure that the Minister is clear that the balance is critical. I have been much reassured by his words, but it is an important balance, and we are dealing with some of the most vulnerable people in our community.

Alex Norris: It has been a good debate, and I am glad to have the opportunity to contribute to it. As we finish this section of the Bill, I have more hope than when we started it, in the sense that I now genuinely believe that we are seeking to do the same thing. The Minister has explicitly said on the record that the Government do not wish to criminalise rough sleeping in general, which is very welcome. I will just say—and this is where the disagreement lies—that that is not reflected in the Bill. The Minister talked about the Bill having a precise, specific and limited definition of nuisance rough sleeping, so that it criminalises only nuisance rough sleeping and not rough sleeping in general. I would argue very strongly that that is not what clause 61 does. It is much broader than that, as I will do my best to demonstrate.

The clause is crucial. It contains the definition, and it makes or breaks whether the Minister's case holds. The test is in subsection (2). The first limb, in paragraph (a), is that the person must be

"sleeping rough or…intending to sleep rough in a place".

My hon. Friend the Member for Birmingham, Yardley talked about stigmatising and subjective language, and there is an issue on the point of someone's "intending to sleep rough". What is the judgment that an individual is being expected to make? Is it about someone's appearance? Is it about what someone is carrying? If I am asked by a relevant person, who might be a reasonably junior member of the local authority, where I am sleeping that night and I cannot answer, am I intending to sleep rough? That test would be applied subjectively by a person who may not have very much training. If I looked dishevelled, would that be enough for me to be intending to sleep rough?

The reality is that we will see edge cases, but how will we test them? As I have said, the people we are talking about often have the least recourse to legal support. I would argue that there is nothing precise even about the point of someone's "intending to sleep rough". As the Minister said, subsection (2)(b) goes on to describe a person's

"doing something that is a nuisance".

Again, that is very much the crux of the debate.

Chris Philp: Just to make it clear, at the end of subsection (2)(a) there is the critical word "and". It is not enough simply to be sleeping rough or intending to sleep rough; it needs to be clear in addition that a nuisance is being committed. The clause requires both conditions to be met; one alone is not enough.

Alex Norris: I appreciate that, and I was getting on to that part of my argument, but that does not dilute the impact of the language "intending to sleep rough", which is a broad and subjective judgment that we will be asking people likely to have little or no training in this regard to make. The Minister says that the definition is precise. There is nothing precise about that.

As I said, subsection (2)(b) refers to nuisance. We are given a definition of nuisance that is not specific, precise or, I would argue, limited. The Minister half-applied his test to the example given by my hon. Friend the Member for Stockton North of the tent in the field. He was keen, and made a great display of going through the factors that could constitute having caused, or being in the act of causing, nuisance, but he did not address the factors that constituted being capable of causing it; he would not do that half of the exercise.

Chris Philp: Is the shadow Minister saying that if the words "capable of" were deleted, he would support the clause?

Alex Norris: It would be an improvement to the clause, but that is not what is in the Bill, and we would still have problems with "intending to sleep rough". There are even issues with "causing" in subsection (5), which mean that we cannot support it. That subsection says,

"'damage' includes…damage to a place",

and being capable of causing damage. If I sleep on a park bench, am I capable of damaging it? Well, I am using it for a purpose for which it was not intended, so, yes, presumably there is a risk of causing damage.

Chris Philp: With respect, I do not think that sleeping on a bench would cause damage to it, would it?

Alex Norris: Using anything for a purpose for which it was not intended risks damage, because the possibility of that damage has not been designed out. What if someone is sleeping on the bench persistently over a period? "Damage" could be breaking one of the wooden slats, but it could also be whittling down the paint or varnish. The Minister rolls his eyes. If he gave the commitment today that he personally will make all these decisions every day across the country, well, that might give me some comfort, but he clearly will not apply the test. It will be applied by possibly relatively junior members of staff with very little training. If the test is applied overly officiously, and there is a clear risk of that, then the damage to an individual could be considerable, and their recourse minimal. That is why this point matters, even in an extreme case.

Subsection (5)(c) refers to

"damage to the environment (including excessive noise, smells, litter or deposits of waste)".

"Smells" is particularly problematic. That is part of the stigma relating to people who do not have a roof over their head. Smelling could be enough to make them a nuisance. That is a real problem. My hon. Friend the Member for Birmingham, Yardley talked about the stigma test; the provision does not pass that test.

Carolyn Harris (Swansea East) (Lab): My hon. Friend makes a very passionate representation. Last November, on a very wet, cold night, I slept in a doorway. I went armed with a tarpaulin, a sleeping bag and cardboard. Homelessness is not a lifestyle choice. There were other people there who were obviously suffering from mental health issues, and some had been victims of sexual abuse. I had gone armed with equipment to be homeless, and to sleep on the streets. Does he not agree that under the rules in the Bill, I could have been arrested?

Alex Norris: My hon. Friend would certainly have passed the test of intending to sleep rough. A subjective decision would then have to be made on whether her behaviour caused damage, or even was capable of causing damage—the damage does not have to occur. She might also be found to have caused "disruption", which is

"interference with…any lawful activity in, or use of, a place."

It would not be very hard to pass that test. She is a fearsome opponent, so perhaps she is also a health and safety risk to others at times. So yes, she could in some way fail many, if not all, of the tests. *[Interruption.]* I think she will probably take that as a compliment.

Alex Cunningham: I am really interested in the sleeping rough bit. There are organisations across the country—business people—who opt to spend a night out, as did my hon. Friend the Member for Swansea East, to demonstrate their support for homeless people. They sleep in shop doorways and outside factories. It is a deliberate act. They raise lots of money for homeless people, which is great. Are they not criminalised by this law?

Alex Norris: That is an interesting case. I have absolutely no doubt that that is not the Government's intention, but could this clause be applied to such a case? I would make a strong argument that a member of council staff could say that those people have left rubbish or are capable of it. They do not have to have done it, but by generating rubbish that perhaps blows away, they could cause deposits of waste. Could this clause be used to prevent that activity? Yes, it could. That brings us back to asking whether it is precise, specific and limited, and the answer is no: it fails all three of those tests.

That takes me to the important points made by the hon. Member for Harrogate and Knaresborough. It is about finding a balance, because the public are sympathetic and want to see the issue tackled positively.

Andrew Jones: As do the Government.

3.45 pm

Alex Norris: As do the Government, as the hon. Gentleman says, but the question is whether that balance has been found. I do not see anything in the real-life example that he used that would not be covered by section 43 of the Anti-social Behaviour, Crime and Policing Act 2014. That notice could be used in that way. When I put that to the Minister in the previous debate,

[Alex Norris]

his only quibble, which I found a little hard to accept, was that these notices will give so much more support and that a reliance on section 43 would not provide enough help to homeless people. That does not chime with reality.

I am emerging from these discussions with much more hope than I had thought. I believe, much more than I did when the Bill was published, that the Government want to do something really limited in this space, but there is a significant landing zone for them to do more. We are interested in working on that point between stages. I understand how the mistake—the original sin—has happened. There is an elegance in trying to create a duplicate arrangement with nuisance begging, but actually that misses the point.

We will not be supporting the clause, for the reasons that we have given. Indeed, I am not sure how the Minister can support it, either, because it fails his own tests. We will have to divide the Committee. I think we can do much better than this, and, as I have said, there is a landing zone for that.

Chris Philp: I have made my points already, so I do not want to irritate the Committee by repeating them. The definition is pretty specific. As the shadow Minister has said, it is much more limited—and intentionally so—than the nuisance begging provisions that we debated this morning. However, if there are ways of ensuring that the right balance is struck, as my hon. Friend the Member for Harrogate and Knaresborough said, we are always willing to look at them. It is our intention to make this limited, narrow and specific. I think we have done that, but we are always open to ways of improving it.

The Chair: I am not permitted to have a view on these matters, but I will say how welcome it is to see displays of courtesy on the Committee.

Question put, That the clause stand part of the Bill.

The Committee divided: Ayes 7, Noes 5.

Division No. 8]

AYES

Farris, Laura	Mann, Scott
Firth, Anna	Metcalfe, Stephen
Garnier, Mark	
Jones, Andrew	Philp, rh Chris

NOES

Cunningham, Alex	Norris, Alex
Dowd, Peter	
Harris, Carolyn	Phillips, Jess

Question accordingly agreed to.

Clause 61 ordered to stand part of the Bill.

Clause 62

OFFENCE OF TRESPASSING WITH INTENT TO COMMIT CRIMINAL OFFENCE

Question proposed, That the clause stand part of the Bill.

Chris Philp: I hope that we now sail into less contentious waters. This clause recreates, in modern terminology, the current offence from the Vagrancy Act 1824 of being on enclosed premises for unlawful purposes. While a great deal of the Vagrancy Act is outdated and needs either repealing or replacing, we know through engagement with the police and other stakeholders that this particular offence is still used. It is still useful when someone is found on premises where they should not be and there are reasonable grounds to suspect that they are intending to commit a crime. It could be any crime—it does not necessarily have to be linked to begging or rough sleeping, and is probably rarely, if ever, linked in that way. Accordingly, this clause makes it an offence for a person to trespass on any premises, which covers

"any building, part of a building or enclosed area",

with the intention to commit any offence. The maximum penalty for this summary offence upon summary conviction is three months' imprisonment, a level 3 fine, which is £1,000, or both.

I checked whether there had been convictions using the offence from the Vagrancy Act, and there have been quite a few in the last few years, numbering in the hundreds, so it is actually used by police. I was made aware of a case involving a former premier league footballer. Somebody was found on their residential premises. They had not stolen anything, but it was reasonably suspected that they might, and a conviction was secured using those provisions. The offence is useful for the police in some circumstances, which is why we are seeking to legislate here.

Question put and agreed to.

Clause 62 accordingly ordered to stand part of the Bill.

Clause 63

POWER TO REQUIRE PERSON'S DETAILS

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to discuss clause 64 stand part.

Chris Philp: Clauses 63 and 64 make supplementary provision relating to earlier clauses on nuisance begging and, I hesitate to say, nuisance rough sleeping. Clause 63 enables an authorised person, defined as a constable or local authority, seeking to issue a direction or prevention notice, or to apply to a court for a prevention order, to require a person to provide specified personal details, specifically their name, date of birth and, if applicable, their address.

Failure to provide those details, or giving false information, will be an offence subject to a maximum penalty of one month's imprisonment, a fine, or both. That is necessary because, otherwise, an individual who does not want to receive a direction notice or order could simply refuse to provide their details. Failure to comply with the process required to make the direction notice or order is a form of non-compliance and carries the same maximum penalty as failing to comply with the direction notice or order itself.

Clause 64 defines the terms "relevant local authority" and "local authority" for the purposes of clauses 38 to 63. In essence, the definition focuses primarily on the area in which the nuisance begging or nuisance rough

sleeping occurred, or the area for which the relevant notice direction or order was given. On that basis, I commend clauses 63 and 64 to the Committee.

Alex Norris: I will be very brief, because I do not want to repeat the arguments that I have already made. Clause 64 defines "local authority" and addresses local councils. I have raised this issue a number of times, but have not asked a direct question. What guidance will be made available to enable local authority staff to apply the provisions in the way outlined by the Minister, as opposed to an overly officious, harmful and unhelpful way?

Chris Philp: Clause 64 relates to which local authority can issue the notice, which is a geographic question. The hon. Gentleman asks a different but valid question about the guidance. I repeat what I said earlier: the guidance will make clear that the first resort, as he and we would want, should always be to help people who are rough sleeping or having issues in their life that cause them to beg, whether that is support with mental health issues, drug treatment, alcohol treatment or support into housing. I reiterate what I said earlier: the guidance will emphasise support, help and treatment, if necessary, as the first action.

Question put and agreed to.

Clause 63 accordingly ordered to stand part of the Bill.

Clause 64 ordered to stand part of the Bill.

Clause 65

CIRCUMSTANCES IN WHICH COURT MAY ATTACH POWER OF ARREST TO INJUNCTION

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to discuss the following:

Amendment 144, in clause 66, page 58, line 18, at end insert—

"in subsection (4), after '48 hours' insert—

', unless—

(a) the individual has been issued with a direction under this section, relating to the same or a substantially similar or related location or behaviour, on one previous occasion, in which case the exclusion period may extend to seven days;

(b) the individual has been issued with a direction under this section, relating to the same or a substantially similar or related location or behaviour, on more than one previous occasion, in which case the exclusion period may extend to twenty-eight days.'"

This amendment would allow for longer exclusion periods under section 35 of the Anti-social behaviour, Crime and Policing Act 2014 for individuals who receive more than one such direction.

Clauses 66 and 67 stand part.

Amendment 145, in clause 68, page 58, line 37, at end insert—

"(2) Within twelve months of Royal Assent to this Bill, the Secretary of State must lay before Parliament a report on police use of the power to make public spaces protection orders and expedited orders under Chapter 2 of Part 4 of the Anti-social behaviour, Crime and Policing Act 2014 (as amended by this Bill)."

This amendment would require the Secretary of State to produce a report on the police's use of PSPO powers.

Clause 68 stand part.

That schedule 6 be the Sixth schedule to the Bill.

Clause 69 stand part.

That schedule 7 be the Seventh schedule to the Bill.

Clause 70 stand part.

Government new clause 21—*Dispersal powers: removal of senior police officer authorisation.*

Government new clause 22—*Dispersal powers: extension to local authorities.*

Chris Philp: This is quite a large group of amendments, but I shall try to be concise. Before I turn to new clauses 21 and 22, which I have tabled with the Under-Secretary of State for Justice, my hon. Friend the Member for Newbury, let me set out briefly why clauses 65 to 70 and schedules 6 and 7 should be included in the Bill.

The Government have a strong track record on tackling antisocial behaviour. In March 2023, we launched our antisocial behaviour action plan, which was backed by £160 million of new funding. The plan sets out a new framework for the Government, police forces, police and crime commissioners, local authorities and other partners, including housing associations and youth offending teams, to work together to prevent and tackle antisocial behaviour.

Off the back of the action plan, we launched the community safety partnership review and the antisocial behaviour powers consultation in March 2023. The consultation included a range of proposals to strengthen the powers in the Anti-social Behaviour, Crime and Policing Act 2014. The majority of respondents supported most of the proposals and, as a result, we are taking the opportunity presented by the Bill to back our police, local authorities and other partners to do even more to tackle the blight of antisocial behaviour.

Clauses 65 to 70 make provision for strengthened ASB powers as consulted on last year. Clause 65 provides that a power of arrest can be attached to any civil injunction by the court where it deems it appropriate. Clause 66 extends the period for which a dispersal direction can be in place from 48 hours to 72 hours and, following the issuing of a closure notice, extends from 48 hours to 72 hours the timeframe available to the relevant agency to apply to a magistrates court for a closure order.

Clause 67 amends community protection notices, to which the hon. Member for Nottingham North referred, to lower the age at which they can be given from 16 years to 10 years, bringing them in line with the criminal age of responsibility and the age at which civil injunctions might apply. Clause 68 and schedule 6 give police, in addition to local authorities, the power to issue public safety protection orders. Clause 69 and schedule 7 enable registered social housing providers to use both the closure notice and the closure order to quickly close premises that are being used, or are likely to be used, to commit nuisance or disorder. Clause 70 expands the community safety accreditation scheme so that CSAS officers can impose fixed penalty notices for a wider range of offences, and it increases the upper limit of the value of those FPNs from £100 to £500.

Finally, Government new clauses 20 and 21 build on those provisions by further reforming the dispersal powers provided for in part 3 of the Anti-social Behaviour, Crime and Policing Act. The powers will help the police

[Chris Philp]

and others, including local authorities, to tackle antisocial behaviour, and follow a consultation that we ran last year. On that basis, I hope that the Committee can accept the proposals.

Amendments 144 and 145 were tabled by the Opposition, so it would be courteous and appropriate to respond to them once the hon. Member for Nottingham North has had the opportunity to speak to them.

Alex Norris: Antisocial behaviour is a scourge on communities, and it is right that in legislation of this type we seek to ensure that police and local authorities have the correct tools to combat it. This is an issue about which our constituents have serious concerns and, like all right hon. and hon. Members, I have lots of conversations about this with people locally. Tackling antisocial behaviour is one of their top priorities, so we are broadly supportive of the measures in the Bill, although we might have gone a little further.

We have to ground this debate in a conversation about why we are where we are. We should test the effectiveness of the Government's action on antisocial behaviour, but the roots of the challenges lie in a diminution of neighbourhood policing: there are still 10,000 fewer on the frontline, and our communities have suffered as a result. A move away from proper problem-solving, problem-oriented policing has led us to a lack of focus on the issue. That is why we have many more challenges than we would like.

4 pm

Clause 66 relates to the maximum period a dispersal order can be in place. We have no problem with increasing it from 48 hours to 72 hours. Currently, the dispersal powers can be used only when authorised by an officer with the rank of inspector, but that will be changed by new clause 21. What rank of officer does the Minister think that power best sits with, and what oversight will there be?

Amendment 144 to clause 66 seeks to go further in the case of repeat offenders. It would provide that if an individual or group of individuals has been subject to a notice to quit or dispersal order for 72 hours, it could on a second occasion be extended to seven days and on a subsequent occasion to 28 days. It is an attempt to make things harder for those who do this repeatedly and to make the punishment a little more robust. I am interested in the Minister's views on that.

Clause 67 reduces the minimum age for a community protection notice from 16 years to 10 years. I appreciate that in a small number of cases the 16 threshold is too high and misses out on some significant disruption, even though it is perpetrated by some very young people—indeed, children. As we heard in our evidence sessions and in written evidence, however, we have to start from the understanding that children are far more likely to be victims than perpetrators of antisocial behaviour. Again, I hope that the Minister can tell us that the notices are expected to be used as a last rather than a first resort in the case of children, and that he can tell us what support would follow from them.

Amendment 145 to clause 68 relates to public spaces protection orders, or PSPOs. They were introduced by the 2014 Act, which I was talking about earlier, and are granted by the courts on application from local authorities. Clause 68 means that the police will be able to apply as well. I understand the rationale, and the Government have consulted on the measure, so we are not opposed to it in principle. However, allowing bodies other than local authorities to initiate the orders is a change of approach that takes the orders away from local democratic accountability and local council oversight. There will be oversight from police and crime commissioners, but they have a strategic and operational relationship with their police forces that is distinct from the relationship that councillors have with the decisions of their council, so there is a variance there in terms of democratic oversight.

The amendment would provide for a reporting requirement. The Minister is perhaps tired of responding with boilerplate language about such requirements, but they are a common and effective tool—well, they are definitely a common tool for Oppositions, and they are important way for us to be clear with the Government about what guardrails there are. The amendment would allow us to have a look at how the powers work. It might also—I do not think my remarks are out of scope, but I know you will tell me if they are, Sir Graham—give us a chance to reflect on powers that are unused. The Public Order Act 2023 allowed for PSPOs to be used in the case of buffer zones around abortion clinics. It is my understanding that that provision has not commenced yet. Can the Minister tell us when those powers will be commenced? I do not think the amendment places a hugely onerous duty on the Government, but I am interested in the Minister's views on that, so I will leave it there.

Chris Philp: I will briefly reply to some of the points raised by the shadow Minister. On clause 21, and the removal of the requirement for an inspector to make the authorisation, any officer of any rank can make that authorisation to speed things up where necessary. In relation to his points regarding amendment 144, which I think extends the exclusion period from seven to 28 days—

Alex Norris: It is seven days for the second offence and 28 days for a subsequent offence.

Chris Philp: Yes. I understand the thinking behind the amendment, and obviously I have a great deal of sympathy for it, as he can probably imagine. The Government considered it, but we need to be cognisant of the restrictions imposed by various articles of the European convention on human rights, on which views around the House vary, to put it mildly. Clearly, if one goes beyond a certain point, one begins to stretch the ECHR articles, for example, concerning freedom of assembly. There is a balancing exercise between what is permitted in domestic law and those European convention rights, and they can conflict. That is why we have set the boundary where we have.

Alex Norris: That is an important answer, but I am conscious that nuisance begging prevention notices, for example, could mean that someone has to quit an area for a period as long as three years. Surely that could not be the case for people engaged in nuisance begging, but not for those who are engaging in antisocial behaviour.

Chris Philp: Clearly, it is at the maximum and will follow fact-specific consideration. A calibration exercise can be performed, and there will be guidance around it, which can ensure that that balance is appropriately struck.

In response to Opposition amendment 145, I will of course mention the regular mechanisms for reviewing legislation, including review three to five years after passage. The Government regularly review the use of police powers under the 2014 Act. In fact, in November last year, just a couple of months ago, the Government reviewed police perceptions of the powers in that Act. We published a report on gov.uk that included data and police perceptions of the use of the 2014 Act powers, including public spaces protection orders. I hope that illustrates that the review of these powers is not just a theoretical exercise that Ministers refer to in resisting Opposition amendments; it actually happens.

On the shadow Minister's point about the interaction between police and crime commissioners and local councillors, he is right to say that the relationship between elected councillors and the council is a bit different from that between PCCs and the police. While a PCC sets the budget and strategic priorities and holds the police to account, they do not, for obvious reasons, have operational control over the police; they cannot direct the police. He is right to say that the relationships are a bit different; none the less the PCC has an important role to play in co-ordinating, convening and holding the police to account. Although there are slight differences, I think strengthening the role of the PCC in the system is useful and a good step forward. The public mostly know who the PCC is and hold them accountable for the delivery of public priorities on crime. I accept that the shadow Minister raises a fair point, but I think we should welcome the involvement of PCCs.

Question put and agreed to.

Clause 65 accordingly ordered to stand part of the Bill.

Clause 66

MAXIMUM PERIOD OF CERTAIN DIRECTIONS, NOTICES AND ORDERS

Amendment proposed: 144, in clause 66, page 58, line 18, at end insert—

"in subsection (4), after "48 hours" insert—

", unless—

(a) the individual has been issued with a direction under this section, relating to the same or a substantially similar or related location or behaviour, on one previous occasion, in which case the exclusion period may extend to seven days;

(b) the individual has been issued with a direction under this section, relating to the same or a substantially similar or related location or behaviour, on more than one previous occasion, in which case the exclusion period may extend to twenty-eight days.""—*(Alex Norris.)*

This amendment would allow for longer exclusion periods under section 35 of the Anti-social behaviour, Crime and Policing Act 2014 for individuals who receive more than one such direction.

The Committee divided: Ayes 5, Noes 7.

Division No. 9]

AYES

Cunningham, Alex	Norris, Alex
Dowd, Peter	
Harris, Carolyn	Phillips, Jess

NOES

Farris, Laura	Mann, Scott
Firth, Anna	Metcalfe, Stephen
Garnier, Mark	
Jones, Andrew	Philp, rh Chris

Question accordingly negatived.

Clause 66 ordered to stand part of the Bill.

Clauses 67 and 68 ordered to stand part of the Bill.

Schedule 6 agreed to.

Clause 69 ordered to stand part of the Bill.

Schedule 7 agreed to.

Clause 70 ordered to stand part of the Bill.

Clause 71

REVIEWS OF RESPONSES TO COMPLAINTS ABOUT ANTI-SOCIAL BEHAVIOUR

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to discuss the following:

Schedule 8.

New clause 42—*Requirement for anti-social behaviour lead—*

"(1) The chief officer of each police force in England and Wales must appoint a designated officer for each neighbourhood within the relevant force area to act as the force's lead on work relating to anti-social behaviour in that neighbourhood area."—*(Alex Norris.)*

This new clause would require each police force to appoint a designated officer for each neighbourhood area to lead work on anti-social behaviour in that area.

Chris Philp: As darkness falls over the Thames outside, I rise to speak to clause 71 and its associated schedule 8, along with new clause 42. Clause 71 and its associated schedule give effect to commitments made in part 2 of the police and crime commissioner review by expanding the ways in which local policing bodies work with relevant agencies to tackle antisocial behaviour.

The provisions also define the role of local policing bodies in the implementation of ASB case reviews, which afford a vital safety net for victims to request a review of their case. We recognise that no single agency has sole responsibility for antisocial behaviour. Preventing and tackling ASB depends on strong collaborative working between the police, local authorities, housing associations, health services and a range of other partners. Agencies must, however, collaborate and share information to create a full picture.

Government new clause 42 is—Sir Graham, I have just noticed that new clause 42 is, in fact, an Opposition new clause. I was just testing to see who is awake! I will not speak to the new clause, because I am looking forward to hearing the shadow Minister do so in a minute.

4.15 pm

That is why we are now legislating that relevant agencies share data on antisocial behaviour incidents and case reviews with police and crime commissioners, who, as I said earlier, have a critical leadership role to play. It is clear from engagement with community safety partnerships and responses to the antisocial behaviour

and CSP review that ASB data available locally is not habitually shared with local policing bodies. There is currently no duty for partners to share this important intelligence, leading to a disconnect. By legislating that the relevant data be shared, we expect those bodies to be in a stronger position to challenge local agencies by monitoring ASB in their area and taking the appropriate action.

The clause also seeks to strengthen the effectiveness of antisocial behaviour case reviews. There will be a new requirement for local policing bodies to promote awareness of the case review, as we have heard from victims that they do not know about it. Additionally, we are giving victims more rights when they are dissatisfied with the outcome of the case review. Currently, victims must simply accept the outcome of their case review, even if it does not solve the problems they are experiencing. In this legislation, we will ensure that local policing bodies are able to review a case review—lots of reviews going on here—where the recommendations have not resulted in a sufficient outcome for the victims. We want the case review to be as effective as possible. These measures will strengthen the working relationships between local policing bodies and relevant agencies to make them better aligned.

These changes come on top of the other actions in the antisocial behaviour action plan, including hotspot patrols, which—after the pilots were so successful across 10 police force areas—will be rolled out across England and Wales in a couple of months' time, in April, as well as the work that has been done on immediate justice, which again, has been piloted in 10 areas, and the ban on nitrous oxide, which took effect on 8 October. These are further measures to strengthen our antisocial behaviour action plan.

As flagged, I will respond to new clause 42 in a moment, once the shadow Minister has eloquently spoken to it.

Alex Norris: I got really excited; I thought we would sneak one through! It would have been a good one, as well. I will be honest: new clause 42 is probably my favourite out of all of them. There is a certain cruelty in the fact that I am yet again to be disappointed.

I start briefly with clause 71, which we do support. I have to say that given the number of reporting requirements that I have sought to put on the Home Office, which, sadly, have been rebuffed on each occasion, I am very pleased and amused that the Minister himself is now putting reporting requirements into the Bill, in this case on local policing bodies.

Jess Phillips: On someone else!

Alex Norris: Exactly, on someone else. But those are important reporting requirements, actually. Having that evidence will be of interest to local communities. I think that transparency could, at times, be challenging for local policing bodies, but that would not be a bad thing.

There are, again, issues relating to antisocial behaviour reviews. We want them to be done properly. We do not want people to get through to the end of the process and feel that they have not been listened to—that would be a double insult, given what they would have already suffered. I do fear that the lessons have never really been learned on the failure of community trigger over the past decade. We do not want to see, particularly with regard to the statistics reviews, a desire to localise blame for failures that often happen at a national level. Nevertheless, that is an argument to have at a later point. We have no issues with the requirements at all.

I have sought to improve the Bill with new clause 42, and I hope the Minister will be minded to show his support for it in other ways, if not directly. If the new clause were to be agreed to, that would be a really important building block in restoring neighbourhood policing for communities across England and Wales, and it would be at the frontline of our battle against antisocial behaviour. As I have said, the diminution and denuding of community policing over 14 years has had a significant impact. That is why half the population now say they rarely ever see the police on the beat—a proportion that has doubled since 2010.

People feel powerless to deal with antisocial behaviour, even though it happens right on their doorstep. That is compounded by the reduction in drug intervention services, as we have discussed in previous debates. Youth service budgets have been cut by £1 billion. Community penalties have halved, and there is a backlog of millions of hours in community payback schemes. We are creating the challenges we face because we are not contesting public space, and we must do something about it. That is what clause 42 offers. It is not a silver bullet, but it would entail rebuilding the fundamentals of good policing: officers serving and protecting their community, which requires the restoration of neighbourhood policing. Communities should know their police officers and be able to approach them directly if they need to.

We know that putting in the hard yards and building relationships makes the difference, and new clause 42 would be the first step towards achieving this. It would introduce a requirement that the

"chief officer of each police force in England and Wales must appoint a designated officer for each neighbourhood…to act as the force's lead on work relating to anti-social behaviour".

In other words, there should be a named officer leading on antisocial behaviour in every community. No longer would members of the public feel that, when they report antisocial behaviour, nothing is done and it disappears into the ether. Perhaps they do not have any contact with the police, or perhaps they have to ring 101 and get promised a call-back that does not happen. Instead, an officer embedded in the community—a face and name they recognise—would act as the lead on antisocial behaviour.

That is what the new clause would do, and it does not take much to imagine how an officer could work in this way. They could visit schools, community groups and youth clubs, engage with young people, build trust, try to prevent youngsters from being drawn into antisocial behaviour, and build relationships with parents where there are early concerns. That is what policing used to be, and it is what policing could be: policing in the community and serving the community. I know that there is demand among police officers, who want to be doing this sort of policing. The new clause would be a real enhancement to the Bill, so I hope the Minister is minded to accept it.

Chris Philp: Let me respond to the shadow Minister's comments on new clause 42. I sympathise with the intention behind it, which is to make sure that there is a

named officer working on ASB issues, but we have an important principle: the operational independence of policing.

Neither the Government nor Parliament direct the police to operate or behave in a certain way; they are operationally independent. That separation of powers is a fundamental principle, and instructing the police on how to structure their operations probably crosses the line of operational independence. However, I am sure that police and crime commissioners and chief constables will have heard about the Government's focus on antisocial behaviour via our ASB action plan. They will have heard our debates in Parliament, including this one, and will understand the significance that we attach to this particular issue.

On accountability and local connections, most forces have safer neighbourhood teams, who are typically attached to a council ward. We certainly have them in London, and they exist in many other places as well. Three or four months ago, we extracted from the police a commitment to always follow all reasonable lines of inquiry in relation to all crime, including where antisocial behaviour crosses the criminal threshold. That is a National Police Chiefs' Council commitment and we expect all forces to deliver it, including for the criminal elements of ASB.

On local accountability, we also have police and crime commissioners. If the public want to make sure that the police are held to account for delivering the commitment to always follow up on criminal offences, including criminal ASB, they can contact the police and crime commissioner, who is elected. Their job is to hold the local police forces to account for doing exactly the kind of thing that the shadow Minister outlined.

Jess Phillips: The Minister has somewhat answered my question, but what happens if the police do not follow up on every line of inquiry? Let us be honest: we will all have cases in our constituencies where that has happened.

Chris Philp: That is a great question. We have reached this national commitment, and the National Police Chiefs' Council has agreed to do this. But how will we know whether it happens? How can we ensure that the police deliver on that promise? First, we in the Home Office are following up via the National Policing Board. We have a meeting next week—I think it is on 30 or 31 January—and the first item on the agenda is investigations into crime. I will press the police chiefs particularly on the delivery of this commitment. Secondly, Chief Inspector of Constabulary Andy Cooke, former chief constable of Merseyside police, will conduct a thematic inspection of this issue in the spring, checking up on every police force in the country to ensure that they are actually doing this.

Thirdly, the commitment is being incorporated into the regular cycle of Peel inspections. Every couple of years, every police force is inspected. The commitment is going to be checked up on as part of that regular series of inspections. I also expect Members of Parliament and police and crime commissioners to hold the police to account. If we ever hear examples of the police not delivering this commitment, we should be asking the police about that.

The measure was inspired by the work done by Chief Constable Stephen Watson in Greater Manchester, which Sir Graham and I were discussing before the Committee started. He was appointed a couple of years ago and instituted this policy: always following up reasonable lines of inquiry for every criminal offence; no such thing as minor crime. That approach led to a 44% increase in arrests in Greater Manchester, and some previously closed down custody suites and magistrates courts had to be reopened because a load more people were being arrested. We are looking to apply that approach nationally. Of course, the police are never going to get it 100%, but it is the job of parliamentarians and the chief inspector to hold them to account and get as close to 100% as possible. We discussed facial recognition. CCTV evidence, for example, is a critical part of that for ASB and for all crime types.

Jess Phillips: The Minister's story about Manchester was great and a delight to hear; I hope that is replicated elsewhere because of this scheme. Are the Government committing to opening magistrates courts that have been closed in order to deal with that capacity?

Chris Philp: Magistrates courts are, of course, a matter for the Ministry of Justice. I am sure my MOJ colleagues will do whatever is necessary to ensure appropriate arrangements are in place. I know that they labour night and day—"labour" meaning work—to make sure the right arrangements are in place. I fear I may be about to stretch Sir Graham's patience in terms of scope.

I hope that the shadow Minister, the hon. Member for Nottingham North, will hear that I am in great sympathy with the spirit of the new clause. However, for reasons of police operational independence and because the police and crime commissioner has a role in terms of accountability, I do not think new clause 41 is appropriate. But I understand and appreciate its intent.

Alex Norris: I understand, Sir Graham, that I can have a second bite at the cherry; I think I am in order. Very briefly—I would not want to stretch your patience either—I am grateful for the Minister's response, although I think that he is in danger of falling into a trap, as the Home Office sometimes does, when it comes to defending the status quo. Neighbourhood teams at the level of 10,000 people, which would be a council ward—that is not what we are talking about here. That is part of the public disconnect about scale.

Similarly, the point about accountability to the police and crime commissioner is very good; that is an important part of the democratic process. I have a lot more enthusiasm than perhaps others have expressed previously for that role and its importance. However, my police and crime commissioner has nearly a million people in her footprint—her footprint is by no means the biggest—so there is a challenge about operating at the right scale.

On the Minister's point about all reasonable lines of enquiry—well, we will see. It very much remains to be seen whether that really is going to be meaningful beyond the rhetoric, but I am pleased to hear the Minister say that he thinks that applies more broadly. One of the most pernicious concepts is the idea of low-level antisocial behaviour; all sorts of problems are allowed to develop and a lot of misery is caused by looking at the issue in that way. That should not ever be the view we take.

[Alex Norris]

The Minister's point about operational independence is a good one and it is probably enough for me to resolve not to push my new clause to a vote. Perhaps I will come back with a different way of addressing the issue.

Question put and agreed to.

Clause 71 accordingly ordered to stand part of the Bill.

Schedule 8 agreed to.

Ordered, That further consideration be now adjourned. *—(Scott Mann.)*

4.30 pm

Adjourned till Thursday 25 January at half-past Eleven o'clock.

Written evidence reported to the House

CJB52 Dr Andrew Kirk

CJB53 Mr J Lee

CJB54 Letter from Ministers Philp and Farris, re: Criminal Justice Bill: Government Amendments for Committee, dated 18 January 2024

CJB55 Supplementary European Convention on Human Rights Memorandum by the Ministry of Justice

CJB56 Gender and Tech Research Group, University College London (UCL) - Dr Leonie Tanczer, Jennifer Reed

CJB57 Manchester City Council

CJB58 Refuge

CJB59 Dr E M Kubiak