



Department of  
**Justice**

An Roinn Dlí agus Cirt  
Máinnystrie O tha Laa

# **A Consultation on Proposals to Amend the Legislation to Help Tackle Anti-Social Behaviour**

## **Summary of Responses**

**April 2025**

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# INTRODUCTION

This report provides a summary of responses received to a [public consultation](#) carried out jointly between the Department of Justice (DoJ) and the Department for Communities (DfC) on proposals to amend the legislation to help tackle Anti-Social Behaviour (ASB).

ASB is a term used to describe a wide range of behaviours that have a negative effect on quality of life and may cause minor disorder and incivilities. While much of this behaviour may not, in itself, be a criminal offence, the cumulative effective of this behaviour can have a devastating effect on the quality of life of individuals and communities.

A commitment to review ASB legislation was included in the draft Programme for Government 2016-21 and in 2018 the Department of Justice (DoJ) carried out an initial consultation with a particular emphasis on nuisance and inconsiderate behaviours linked to the consumption of alcohol in public spaces, or during public celebrations, and the consideration of legislative powers to address this issue.

Following on from this, the Department brought together a multi-agency, cross-departmental ASB Legislation Review Delivery Group to take forward the out workings on the original consultation. This group, chaired by the DoJ consisted of representatives from DfC, the Department of Agriculture, Environment & Rural Affairs (DAERA), the Northern Ireland Courts & Tribunals Service (NICTS), the Police Service of Northern Ireland (PSNI), the Society of Local Authority Chief Executives (SOLACE), the Northern Ireland Housing Executive (NIHE) and the Northern Ireland Federation of Housing Associations (NIFHA).

This group considered a total of nine powers, four of which were added to the agenda of the group in direct response to feedback received via the initial consultation. Of the nine powers, the four detailed below were identified as being worthy of further consideration for potential legislation and which were subject of the consultation, upon which this report is based:

- Anti-Social Behaviour Orders (ASBOs) – DoJ lead;
- Drinking in Public – DoJ/DfC joint lead;
- Injunctions Against Anti-Social Behaviour – DfC lead; and
- Absolute Grounds for Possession – DfC lead.

DoJ is the lead Department on the consideration of potential legislative change to ASBOs and is working collaboratively with DfC on the proposals related to Drinking in Public.

The two remaining provisions are led solely by DfC. Each Department will now progress any potential legislative amendments arising, and their attendant steps, separately where it can. For this reason, this report focuses only on responses in relation to ASBOs and Drinking in Public. Further details of the outcome of the proposals in relation to Injunctions Against Anti-Social Behaviour and Absolute Grounds for Possession will be available on the DfC website in due course.

## Consultation & Stakeholder Engagement

The public consultation opened on 28 November 2023, closing on 4 March 2024. A small number of organisations were provided with a short extension for their replies until 5 April 2024 on request.

A consultation paper, along with a number of screening documents, impact assessments and an Easy Read version were published on the Department's website ([justice-ni.gov.uk](https://justice-ni.gov.uk)), with a link to submit a response via Citizen Space on the NI Direct website. Respondents were also given the option to email responses to [cspbconsultations@justice-ni.gov.uk](mailto:cspbconsultations@justice-ni.gov.uk).

Between November 2023 and March 2024, the ASB consultation was viewed 2,782 times with 1,992 active users. The main consultation page was viewed 1,960 times with 704 active users

As well as the Departments own website the consultation was promoted on X (formerly Twitter) and shared on LinkedIn. Our partners in DfC reposted the Departments X post and this had 3,048 views.



The Department attended an in-person meetings of the West Belfast District Policing and Community Safety Partnership (PCSP), PCSP Managers and the Wider University and Lower Ormeau Intervention Inter-agency Group. Online meetings were conducted with the Chartered Institute for Housing (CIH) alongside further online and in person meetings with the office of the Northern Ireland Commissioner for Children and Young People (NICCY).

The Department encouraged sharing though its networks including the Community Safety Network, Business Crime Partnership, Rural Crime Partnership and PCSP's

The consultation was emailed to 601 stakeholders on launch and to a further 330 Community and Voluntary groups shortly after.

118 responses were received, via both Citizen Space and email. A list of respondents is provided at **Annex A**, and this included the public, housing professional bodies, voluntary and community bodies, PSNI, council and local government agencies,

housing and community forums, Policing and Community Safety Partnerships and businesses. Both Departments are grateful to all respondents for their interest in this consultation. The responses were collated and carefully considered and summary of responses to each of the consultation questions is provided in the next section.

## SUMMARY OF CONSULTATION RESPONSES

**NB: Not all respondents answered every question. Where that is the case, percentages given indicate the percentage of respondents who answered.**

### *Drinking in public*

**Question 1 - When considering the regulation of drinking in public places, should it be confined to:**

- **Any area within a Council district that the Council may designate.**
- **Areas where Councils are satisfied nuisance, annoyance to the public or disorder associated with consumption of alcohol has taken place.**
- **Any area open to the air and to which the public have access.**
- **Other**

There were 100 responses to this question. Of those who responded, opinion on the question of “where drinking in public should be regulated” was fairly evenly split between “any area the council may designate” (33%), “areas where the council are satisfied nuisance has occurred” (35%) and “any area open to the air and to which the public have access” (28%).

Only 2% more respondents thought that the regulation of drinking in public should be in areas where the council are satisfied that nuisance has occurred, than those who thought it should be any area the council may designate. In fact, one respondent felt that the power should cover communal areas in flats and apartments as these can often be hotspots for public drinking. This respondent thought areas such as these should be considered public walkways.

**Question 2 - When considering the regulation of drinking in designated public places, should it regulate:**

- **All consumption of alcohol in public places.**
- **Target those engaged in nuisance, annoyance or other ASB / offending behaviour associated with consumption of alcohol.**
- **Other**

There were 100 responses to this question. Again, when considering what should be regulated in those designated places, opinion was fairly evenly split, however, 5% more people thought that it should just target those engaged in nuisance (51%), as opposed to regulating “all consumption of alcohol in public places” (46%).

However, for those who were in favour of a blanket ban, not just for those behaving in an anti-social way, the rationale was that there should not be “two tier policing” and what was perceived as unacceptable for some, may be totally acceptable for others – there should be “one rule for all”.

**Question 3 - Should the legislation include a power of seizure and disposal of alcohol if an individual refuses to surrender?**

- **Yes**
- **No**

101 respondents answered this question. 98% agreed that the legislation should include a power to seize and dispose of alcohol. Of those who disagreed with this proposal, the comments focused on how restrictive this power would be.

**Question 4 – If yes, should this power be:**

- **Limited to individuals engaged in behaviour that has caused or was likely to cause harassment, alarm, or distress to one or more persons within designated zones and refusing to surrender alcohol.**
- **A general power available within designated zones if an individual refused to surrender alcohol.**
- **Available in any public area (no designated zones), regardless of behaviour.**
- **Available in any public area (no designated zones), but limited to individuals engaged in offensive conduct, or using or engaging in threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace.**
- **Other.**

97 people answered this question. 45%, (the highest percentage of any option chosen) thought that the power should be available in any public area, regardless of whether it



is a designated public area, but restricted to those engaging in offensive behaviour. This is supported by a number of comments in favour of allowing responsible drinking. One respondent felt that “it would be an undue waste of police time and resources to deal with responsible consumption of alcohol in non-designated spaces”.

Equally split were respondents who thought that the power to seize and dispose of alcohol should be limited to those engaged in offensive behaviour within designated areas and a general power available within designated areas for those who refuse to surrender alcohol (35%)

**Question 5 - If you selected "no" to Question 3, please provide some details as to the reason why you would not support this amendment.**

As per Question 3, only 2% of respondents thought a power to seize and dispose of alcohol should not be included in the legislation, with comments focused on the power being too restrictive.

**Question 6 - In the circumstances where an individual drinking alcohol in a public place and refuses to comply with a request from a Constable to stop, should officers have the power to:**

- **Seize all containers of alcohol on an individual's person (open and closed).**
- **Seize only open containers on an individual's person.**
- **Other**

There were 101 responses to this question, 80% of which thought that officers should have a power to seize all containers (both open and closed), in circumstances where an individual drinking in public, refuses to comply with a request from a constable to stop.

Some respondents believed it undermines the authority of a constable if they have no power to seize when a person has failed to comply with the constable's request to stop.

Alternatively, others were of the opinion that seizing all alcohol, including unopened containers, is too harsh and the individual may not have intended to open them, or were perhaps simply on their way back from purchasing said alcohol and that the alcohol is the property of that person and should not be seized without due process.

**Question 7 - Who should be enforcing the powers relating to drinking in public places?**

- **The PSNI should be solely responsible.**
- **Local councils should be solely responsible.**
- **The PSNI and local councils should be jointly responsible.**
- **Other Agencies.**

101 respondents answered this question. 75% thought that both the PSNI and the council should be jointly responsible for enforcing powers relating to drinking in public. 2% of respondents thought that the council should be solely responsible, with 20% thinking that the PSNI should be solely responsible.

**Question 8 - When considering the current solutions to address drinking in designated public places, should we:**

- **Do nothing – maintain the status quo keeping the current bye-laws and legislation that prohibit drinking/being drunk in designated public places in Northern Ireland.**
- **Commence Articles 68 – 72 of the Criminal Justice (Northern Ireland) Order 2008 as is, with its recognised operational difficulties (within 3 years this will replace the current bye-laws).**
- **Amend the current bye-laws prohibiting drinking in designated public places in Northern Ireland to make them more effective.**
- **Replace the current bye-law system and replace them with amended or new legislation that is fit for purpose, applying across Northern Ireland**

There were 100 responses to this question. Of those who answered, 97% thought that something needs to be done, with only 3 respondents saying that the status quo should be maintained.

By far the largest number (70%) thought that the current bye-law system should be replaced with legislation that is fit for purpose. 9% thought that the uncommenced provisions of the Criminal Justice (Northern Ireland) Order 2008 should be commenced and 18% thought current council bye-laws should be amended to make them more effective.

**Question 9 - Please explain the reason for your selection at question 8.**

Respondents' comments explaining their reasoning for their choice touched upon a number of topics with many around common issues including:

- Bringing our laws up to date and making sure they are fit for purpose
- Allowing for Fixed Penalty Notices to be issued on the spot
- Difficult to enforce and dated bye-laws which are disregarded
- To allow for consistency across Northern Ireland and
- The negative aspect of drinking culture, including ASB, litter and broken glass are a strain on local resources

**Question 10 - Please use the space below to provide any additional comments or suggestions you have in relation to the drinking of alcohol in public places:**

Additional issues which respondents thought needed highlighting included:

- Perennial issues in our public spaces such as Crawfordsburn and Helens Bay
- The need for communities to feel safe and drinking in public causing disturbances and taking police away from more serious issues
- Some called for a blanket ban accompanied by signposting to addiction services
- There were more calls for consistency across all council areas
- Conversely there were those who highlighted that not all drinking in public leads to anti-social behaviour, raising no objections where individuals aren't drunk and highlighting some European approaches to alcohol culture
- There were further comments rightly highlighting that any new legislation should not be used disproportionately against our homeless and vulnerable population
- Finally, there was a number of respondents who reiterated their belief that the current system is not working and that there is an urgent need to address the issue.

## *Anti-Social Behaviour Orders (ASBOs)*

**Question 11 - The current proposals suggest amending and expanding the definition of anti-social behaviour. Do you think that the definition of anti-social behaviour should be expanded to include provisions around housing as suggested?**

- **Yes**
- **No**

103 people answered this question. 92% agreed that the definition of anti-social behaviour should be expanded to include the provisions around housing.

**Question 12 - Do you think the 'not of the same household' qualifier should be amended to 'any person' as suggested?**

- **Yes**
- **No**

There were 103 responses to this question. 96% agreed with the proposal to amend the 'not of the same household' qualifier, to 'any person.'

**Question 13 - Do you think the minimum age for imposition of an ASBO should be reconsidered?**

- **Yes**
- **No**

There were 107 responses to this question. 85% agreed that the minimum age of imposition of an ASBO should be reviewed.

**Question 14 - If yes, should it be amended to allow an ASBO for:**

- **Those over 18 only**
- **Those under 18 but with suitable mitigations**

Despite there being 107 responses to the previous question, only 94 went on to answer this part of the question. Of those, 75% said that ASBO should be imposed on those under-18 but with suitable mitigations. 25% of respondents thought that ASBOs should only be available for those over the age of 18.

**Question 15 - Do you think the threshold for obtaining an ASBO should be lowered from ‘necessary to protect people’ to ‘helpful in preventing behaviour’?**

- Yes
- No

There were 108 responses to this question, 85% of which agreed that the threshold for obtaining an ASBO should be lowered from “necessary to protect people” to “helpful in preventing behaviour”.

**Question 16 - If yes, should it be lowered for:**

- Orders on Application.
- Orders on Conviction.
- Both

Again, whilst there were 108 responses to the previous question, only 90 people went on to answer this follow up question. Of those, 82% said that the threshold should be lowered for both ASBOs on application and ASBOs on conviction.

**Question 17 - Do you think the standard of proof threshold should be lowered from “beyond reasonable doubt” (the criminal standard) to “the balance of probabilities” (the civil standard)?**

- Yes
- No

There were 106 responses to this question. 76% agreed that the standard of proof threshold should be lowered from “beyond reasonable doubt” (the criminal standard) to “the balance of probabilities” (the civil standard).<sup>1</sup>

**Question 18 - Do you think that housing associations should be added to the list of “Relevant Authorities” who have the power to make an ASBO application?**

- Yes

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<sup>1</sup> Following the consultation, via an advisory group set up to consider its out workings discussed later in this report, the House of Lords decision in *R v McCann and Others* ([2003] 1 AC 787) was highlighted. In this case, the court determined that, although ASBOs are technically civil orders, the criminal standard of proof should apply when deciding whether an individual had engaged in previous acts of anti-social behaviour.

- **No**

There were 99 responses to this question. Of those 94% agreed that Housing Associations should be added to the list of Relevant Authorities alongside PSNI, NIHE and local councils.

**Question 19 - Do you think that positive requirements should be introduced as an option when making an ASBO application?**

- **Yes**
- **No**

There were 103 responses to this question. 88% of those agreed that positive requirements should be available as an option to the Court when imposing an ASBO, alongside the prohibitions currently available.

**Question 20 - The introduction of positive requirements, as suggested by these proposals, is intended to address the underlying conditions that cause the anti-social behaviour. With this in mind, if positive requirements are introduced, how do you think a breach of these conditions should be addressed?**

- **Dealt with in the same way as the current legislation defines (i.e. through criminal court with the same terms for imprisonment and fines);**
- **Dealt with in the same way, (i.e. through criminal court), but duration of imprisonment and maximum fines are reduced;**
- **Dealt with in the civil court, removing criminalisation of the individual (however civil sanction i.e. contempt of court and imprisonment a possibility); or**
- **No action taken for breach of a positive requirements**

There were 96 responses to this question. If positive requirements were introduced, 39.5% of respondents thought a breach of such a requirement should be dealt with in the same way as it is currently for prohibitions. 11% thought that the process should stay as is, but the maximum imprisonment / fine should be reduced.

47% thought that a breach should be dealt with in civil court, removing criminalisation of the individual (as is the case for the Civil Injunction in England and Wales currently,

analogous to the ASBO on Application, where breach of either a prohibition or requirement does not result in criminalisation however can see imprisonment for contempt of court).

Only 2% of respondents thought that there should be no action taken for breach of a positive requirement.

**Question 21 - If positive requirements are introduced, who should be responsible for ensuring the conditions of the order are complied with?**

- **The Applicant (e.g. if the NIHE apply for an ASBO with positive requirements then NIHE would be responsible).**
- **The Service Provider (e.g. the organisation providing the alcohol awareness course).**
- **Other – please specify.**

There were 98 responses to this question with over half (56%) saying that if positive requirements were introduced, the applicant agency (PSNI, NIHE or council) should be responsible for ensuring that the conditions of the order were complied with. 24% thought that the service provider should be responsible with 19% believing others should.

Comments as to who else should be responsible ranged from both the applicant agency and service provider being jointly responsible, a multi-agency approach to compliance, leaving the matter to the court to decide upon responsibility, the Department of Justice and the PSNI.

**Question 22 - Who do you think should be responsible for funding of services that are not free of charge?**

- **The Applicant (e.g. if the PSNI apply, the PSNI, if NIHE apply, then NIHE would be responsible).**
- **The body responsible for delivery of the service (e.g. Health & Social Care Trusts would be responsible for addiction services).**
- **The Department of Justice.**
- **Other**

There were 97 responses to this question. Nearly half of those (49%) thought that the Department of Justice should be responsible for the funding of services that are not free of charge with the remainder of responses fairly evenly split between the other options.

Of those who proposed others should fund, proposals put forward included the individual in receipt of the ASBO, a multi-agency approach to funding and the applicant agency and the Department of Justice jointly.

**Question 23 - Article 5 of the 2004 Order places a statutory obligation on the Relevant Authority making an ASBO application to consult with the other Relevant Authorities in advance of doing so. Do you think this legislative requirement should be extended to include managing, monitoring and reporting on ASBOs?**

- Yes
- No

There were 96 responses to this question. 83% thought that the current legislative requirement that relevant agencies consult with one another before applying for an ASBO should be extended to allow for a multi-agency approach to the management, monitoring and reporting of ASBOs.

**Question 24 - Please provide any additional feedback in relation to the proposals in the box below**

This section allowed for any final comment on the proposals suggested for ASBOs. Comments included: -

- allowing for Community and Victim Impact Statements to be given weight in determining any application for an Order,
- the need to address the root cause of ASB, including poverty and poor mental health,
- feelings of widespread ASB and intimidation in some communities and city centres,
- concerns around the use and impact of ASBOs on young people and conversely, calls for them to be imposed on those under-10 years of age,



- the need for a collaborative approach to tackling the issues and
- the current difficulty in obtaining an ASBO against individuals.

## **Additional Comments - ASBO**

Although the overall picture from the responses provided would appear to be in favour of the proposals, it should be noted that a significant number of responses to the ASBO questions were from the general public, most of whom did not provide any additional comments to support their response. It is therefore important to note the content of some of the more considered responses, many of which are from key organisations representing the interests of young people, the vulnerable, tenants and victims.

For example, whilst the consultation shows that 85% of responses thought the minimum age for imposition of an ASBO should be reviewed and 75% of responses stating that it should continue to be available for use on under-18s' with suitable mitigations put in place, the majority of responses from those engaged on behalf of young people stated that ASBOs are not appropriate for use on those under 18: -

- *“ASBOs for under 18-year-olds could result in duplication and “double jeopardy” for children i.e. children who are involved in the most serious and persistent offending, and who are before the court, are already likely to be subject to YJA court-ordered disposals which include similar requirements.” (YJA)*
- *“Introducing them (ASBOs) for under-18s runs contrary to departmental policy and operational practice and risks unnecessary criminalisation of children when other criminal justice partners are clearly focused on working together to prevent children becoming engaged with the justice system.” (YJA)*
- *“The use of ASBOs on those under-18s would appear to run contrary to departmental youth justice policy and operational practice, risking unnecessary criminalisation of children.” (Children’s Law Centre).*

- *“ASBOs have no place in a youth justice system based on the principles of children’s rights and, in particular, the child’s best interests, prevention, minimal intervention, diversion, reintegration and rehabilitation” (Include Youth).*
- *“The Northern Ireland Commissioner for Children & Young People (NICCY) wishes to raise concern over the potential impact on children and young people that the threshold reduction could have, if they continue to apply to those under 18.” (NICCY)*
- *“Those under 18 years of age who are issued with an ASBO carry that with them for a long time which has a massive impact on their outcomes in life.” (Northern Ireland Alcohol & Drugs Alliance – NIADA).*
- *“If ASBOs are to be used as a tool they should be exclusively for adults.” (Armagh City, Craigavon & Banbridge Council).*

92% of respondents agreed that the definition of ASB should be expanded to include provisions around housing. However, the majority of detailed responses objected to expanding with the definition of ASB, with comments focusing on the term being too broad and subject to interpretation:

- *“JUSTICE warns against expanding the definition of anti-social behaviour Terms such as “nuisance” or “annoyance” are highly subjective and open to interpretation. JUSTICE considers that vague, subjective statutory definitions are a major contributory factor, if not cause, of anti-social behaviour tools being applied for and imposed in inappropriate circumstances.” (JUSTICE).*
- *“Definitions of anti-social behaviour have been criticised for favouring the “virtuous majority” over the interest of marginalised populations such as those experiencing homelessness, children and young people and those with mental ill-health” (JUSTICE).*

- *“Broader definitions are likely to result in inconsistent interpretations across enforcement bodies, as we have seen to be the case with Orders in England and Wales” (JUSTICE).*

Another theme emerging from the more detailed responses, are concerns that lowering the threshold, both in terms of the threshold for obtaining an ASBO and the standard of proof, will make it easier to obtain ASBOs. Comments include:

- *“Voice Of Young People In Care (VOYPIC) is concerned that lowering the threshold will mean that ASBO’s would be ‘easier’ to apply for, greatly increasing young people’s risk of interaction with the criminal justice system, and having restrictions placed on them” (VOYPIC).*
- *“We are concerned that the proposals to make the ASBO easier to obtain could result in the most vulnerable in our community being criminalised, rather than being supported to address underlying issues” (Include Youth).*
- *“This would likely mean that ASBOs would be ‘easier’ to apply for, we have further concern about the impact that this could have on children and young people and those who have mental health and/or addiction issues.” (NICCY).*
- *“This lowering of this threshold will undoubtedly make it much easier for a person to be served with an ASBO, greatly increasing their risk of interaction with the criminal justice system, and having restrictions placed upon them.” (Housing Rights).*
- *“it is incongruous to apply a different standard of proof to the imposition of an ASBO than the standard used to determine a breach of an ASBO. The higher burden of proof was attached to the imposition of an ASBO for a specific reason.” (Housing Rights).*
- *“The fact that breach of an ASBO is a criminal offence should mean that the current criminal burden of proof for the imposition of an ASBO is retained in*

*law, and any dilution of this position is in serious danger of further blurring the distinction between the civil and criminal law.” (Housing Rights).*

- *“ASBOs should only be considered in the most extreme circumstances where all other efforts have failed. This would be strong indication that an ASBO itself will not be complied with (as the individuals behaviour pattern has not been changed with all earlier interventions) and instead will merely create a route for criminal conviction” (Armagh City, Banbridge & Craigavon Council).*

Conversely, those respondents in favour of reducing the thresholds, particularly those advocating on behalf of victims welcomed the ease in threshold requirements. Comments include:

- *“reducing the threshold for obtaining an ASBO on application, widening the definition to include housing-specific anti-social behaviour, lowering the standard of proof necessary for the imposition of an ASBO on Application and considering the introduction of positive requirements all have potential to make a difference to the experience of victims of anti-social behaviour.” (Commissioner for Victims of Crime).*
- *“By revising the legal test to focus on what is "helpful" for protecting relevant people, the process becomes more accessible and responsive to the diverse needs of communities.” (Chartered Institute of Housing NI).*
- *“If the standard of proof threshold is lowered to the ‘balance of possibilities’ this would make applying for and obtaining an ASBO, in circumstances in which it is appropriate and proportionate, a more attractive tool to tackle ASB” (Northern Ireland Housing Executive).*
- *” Lowering the proof threshold can go some way to improving the ability for landlords, agents and other tenants to gather the evidence they need for an ASBO to be issued.” (Propertymark).*

Whilst 88% agreed with proposals for introduction of positive requirements, more detailed responses commented that not enough information was provided and more detail about the implementation of positive requirements was needed before an informed response could be provided. Additionally, a number of respondents felt that issues around positive requirements was being over-simplified in the consultation. Comments include:

- *“The Department’s proposal to use Positive Requirements in addressing the root cause of anti-social behaviour is oversimplified and does not take into consideration the complexities involved in why some people engage in anti-social behaviour.”* (Voice of Young People in Care – VOYPIC).
- *“While NICCY welcomes the Department considering proposals for addressing action and mental health issues surrounding ASB, we do not agree that these at this stage will assist in addressing root causes of ASB”* (NICCY).
- *“We remain unconvinced that coercing individuals to engage with support services via criminalisation – e.g., via the use of an ASBO – is appropriate, nor effective. As stated above, there is limited evidence to suggest that punishing someone for failing to engage in a therapeutic programme or rehabilitation will prevent their behaviours, especially where those behaviours stem from complex health issues such as mental ill-health or substance use disorders.”* (JUSTICE).
- *“Housing Rights considers the imposition of positive requirements in an ASBO as the answer to addressing the underlying causes of ASB to be a considerable oversimplification of the complexities involved in why some people engage in ASB”* (Housing Rights).
- *“Recovery from addiction to alcohol or substances is not a linear, straightforward process for many who seek to address their addictions. It can be marked by relapse and regression as well as personal growth and progression. A concern noted was that if positive requirements are imposed it*

*may set a person up for failure if this reality is not recognised.”* (Homeless Connect).

In addition to the rationale above, many of the more detailed responses noted that there was a lack of empirical data to support many of the proposals, while also pointing out the risk associated with adding Housing Associations to the list of “Relevant Authorities” (RAs) as Housing Associations do not have the same accountability to the public that the other RAs have. Whilst the Northern Ireland Federation of Housing Associations (NIFHA) are in favour of having Housing Associations added to the lists of RAs, they comment as follows:

- *“The ability for Housing Associations to bring ASBO applications may have benefits, but such benefits will entail an increased burden as well as additional cost implications. Even if the legislation is modified, we believe it is unlikely that Associations will use ASBO’s as their primary tool of choice when dealing with tenant ASB.”* (NIFHA)

## CONCLUSION AND WAY FORWARD

The consultation has attracted a broad range of views from the general public as well as a range of organisations, from those within policing, local councils and housing providers to those dealing with the rights of the vulnerable and young people. The Department wishes to thank all respondents to the consultation for their invaluable input.

Going forward, it is clear that the legislative framework to tackle drinking in public needs updating to ensure it is fit for purpose. There is a desire, expressed via the consultation and from conversations with partners throughout this process, for change. As set out in the original consultation document, this is an issue which cuts across both the DoJ and DfC.

Addressing the results of the consultation, we note:

- 98% of respondents agreed that legislation used to address this issue should include a power to seize and dispose of alcohol,
- 97% thought that something needs to be done, and we cannot maintain the status quo,
- 70% responded to say that the current bye-law system should be replaced with legislation that is fit for purpose.

Given this level of support, it is proposed to continue working with our partners in DfC and PSNI to finalise proposals in this area with a view to bringing forward legislation in the next assembly mandate (2027-2032). This will of course be subject to Executive and Assembly approval.

The Department will undertake a full Equality Impact Assessment (EQIA) to ascertain the impact these proposals will have on Section 75 categories in the near future.

The picture when it comes to any potential amendment to the ASBO is more complex. Whilst the overall response was in favour of amendments, the

Department is conscious of, and very grateful to, those organisations who responded to the consultation raising concerns.

On foot of those concerns, last year the Department brought together an Advisory Group which, alongside those relevant agencies who may bring forward an application for an ASBO, also included some of those organisations who represent young people, tenants and vulnerable individuals as well as victims. This group reviewed the proposals put forward in the consultation alongside several other, less contentious, issues which had not been considered at that time.

This group has finished its considerations and a report detailing the out workings of the group has been completed. While this report is still in draft form the Department can advise that, whilst for most issues there was an agreed position reached, the Advisory Group had a divergence of opinion on two issues which will be considered by the Minister once checks on the draft report have been completed. These are, the legal threshold to be reached (this is different than the standard of proof required), and the minimum age for imposition of an order.

It is clear that further policy development work is required with respect to ASBOs. Going forward, the Department will consider the issues raised through the consultation exercise and the views expressed via the Advisory Group to inform its recommendations on the development of policy and legislative proposals in this area. As with drinking in public, the Department will undertake a full EQIA to ascertain the impact any proposals will have on Section 75 categories in the near future.

If you require any further information in relation to the consultation or this document please contact:

*E-mail:* [CSPBConsultations@justice-ni.gov.uk](mailto:CSPBConsultations@justice-ni.gov.uk)



## Annex A - ASB CONSULTATION RESPONDENTS

Armagh City, Banbridge and Craigavon Borough Council

Antrim and Newtownabbey Policing and Community Safety Partnership (PCSP)

Ards and North Down Borough Council

Belfast Healthy Cities

Cathedral Quarter Business Improvement District (BID)

CCF

Chartered Institute of Housing Northern Ireland

Children's Law Centre

Comber Community

Commissioner for Victims of Crime

Community group

Derry and Strabane PCSP

Extern

Fermanagh and Omagh District Council

General Public

Helens Bay and Crawfordsburn Residents Community

Hill Street Residents Group

Homeless Connect

Housing Rights

Include Youth

JUSTICE

Legacy Resources

Linen Quarter BID

Lisburn and Castlereagh City Council

Lisburn and Castlereagh PCSP

McDonalds

MLA

Newry Mourne and Down PCSP

NI Alcohol and drugs alliance

NI Human Rights Commission

NIACRO

NICCY

NI Environment Agency

NIFHA

NIHE

Participation and Practice of Rights

Portstewart Community Association

Propertymark

PSNI

Royal College of Psychiatrists

Supporting Communities

Voice of Young People in Care

Youth Justice Agency

## BREAKDOWN OF RESPONDENTS

