



Home Office

Norman Baker MP
Minister for Crime Prevention

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Dear Colleague,

Anti-social Behaviour, Crime and Policing Bill: Injunction to Prevent Nuisance and Annoyance

I am writing to you in response to concerns that have been expressed about the new Injunction to Prevent Nuisance and Annoyance (IPNA), provided for in clause 1 of the Anti-social Behaviour, Crime and Policing Bill. The IPNA is part of our reforms to simplify and strengthen the powers available to tackle anti-social behaviour, to better protect victims and communities from the actions of a selfish minority. Our new powers have been widely welcomed by the police, councils, social landlords and other frontline professionals, who have been closely involved in drafting and testing the legislation.

You may, however, have seen coverage of the recently launched 'Reform Clause 1' campaign, which has argued that injunctions could be taken out against carol singers and street preachers. Such assertions are utter nonsense. The purpose of our reforms is not to prevent people from exercising their rights to protest and free speech. On the contrary, our aim is to ensure that decent, law-abiding people can go about their daily lives and enjoy public spaces without having their own freedoms constrained by anti-social behaviour. I am determined to protect our democratic rights and I can assure colleagues that this Bill will not infringe those rights.

The campaigners also argue that the "nuisance or annoyance" test for the new injunction is too broad, and that the police, councils and other agencies able to use IPNAs are liable to use it inappropriately or disproportionately.

In fact, the injunction has robust safeguards to ensure it can only be used when appropriate. In particular, the test for securing an injunction comes in two parts. It is not enough to show that the individual's behaviour caused nuisance and annoyance. We all suffer annoyance in our daily lives and, of course, there is no place for the criminal or civil law to regulate behaviour simply because it is annoying. The second part of the test means that the court will also need to be satisfied that it is 'just and convenient' to grant an injunction to prevent the individual from engaging in anti-social behaviour. It is this 'just and convenient' test that incorporates an assessment of reasonableness, proportionality and the human rights of the respondent.

For this reason, I cannot believe there is a court in this country which would accept that carol singers, street preachers or other individuals reasonably

going about their lawful business would meet the test required to issue an injunction.

The test for granting an IPNA, as envisaged in the Bill, is already in daily use by the courts and frontline professionals as part of the current Anti-social Behaviour Injunction (which is part of existing housing legislation). The test is well-established with the courts and frontline professionals, and has been used for many years without the sort of perverse consequences highlighted now by the campaign group.

I am confident that the test will continue to be applied proportionately and appropriately when attached to the IPNA and the Law Society agrees, saying in a recent briefing on this issue:

"The Law Society supports retaining the legal test for the Injunction to Prevent Nuisance and Annoyance (IPNA) as currently drafted in the Anti-social Behaviour, Crime and Policing Bill."

"Some are worried that the test is too weak and could result in preachers, buskers and even carol singers finding themselves subject to an injunction but the Law Society do not agree with this interpretation."

"The Society strongly suggests that the test is retained and that Judges are allowed to exercise their discretion and considerable experience in dealing with these matters. The test is already familiar to the courts and other partners working with families and offenders."

Finally, I would note that when the injunction was considered at Commons Report stage on 14 October, it was agreed without a vote.

At the heart of our reforms is the need to protect victims and communities from the harm caused by anti-social behaviour. To do this, we need to give the police and others flexible and effective powers, including the ability to act quickly when a victim is vulnerable, or the behaviour in question risks escalating. The changes to the IPNA that have been put forward by campaigners would significantly weaken it, and reduce the protection it offers the public. I am determined to ensure that does not happen.

I hope that this reassures you but please let me know if you have any outstanding concerns.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Norman Baker', written in a cursive style.

Norman Baker MP
Minister of State