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### Citation

Millie, Andrew (2010). "It's time to move beyond the ASBO": The Coalition and anti-social behaviour. Howard League Early Career Academics Network Bulletin(6) pp. 9–12.

### URL

<https://oro.open.ac.uk/96918/>

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## **“It’s time to move beyond the ASBO”: The Coalition and Anti-Social Behaviour**

Dr Andrew Millie



**Dr Andrew Millie looks at the Coalition’s rhetoric to deduce what their approach to anti-social behaviour might be.**

On 28<sup>th</sup> July 2010, in a speech on anti-social behaviour, the Coalition Home Secretary Theresa May declared that, “It’s time to move beyond the ASBO”. In what appeared to be a radical departure from the (old) New Labour approach to anti-social behaviour, she went further in stating that, “For 13 years, politicians told us that the government had the answer; that the ASBO was the silver bullet that would cure all society’s ills. It wasn’t. Life is more complex than that.” Theresa May called for “a complete change in emphasis”. For a new government there are certainly political gains from being seen as different to the previous administration. In this short article I consider what the Coalition’s approach to anti-social behaviour (ASB) might be. There are some surprises in the rhetoric, but also some familiar Conservative themes.

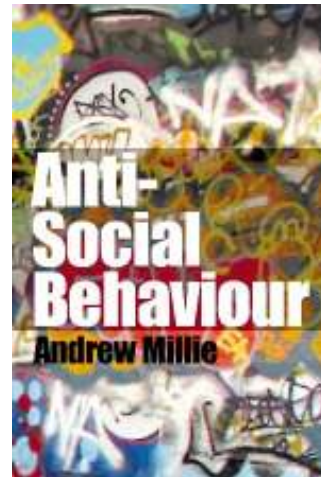
Tackling ASB was certainly an important part of New Labour’s approach to crime and disorder (see e.g. Squires, 2008; Burney, 2009; Millie, 2008; 2009a; 2009b). The previous Conservative administration under John Major had introduced the 1996 Housing Act – the first time ASB was mentioned in legislation – but New Labour had taken it *much* further. The most (in)famous measure was the Anti-Social Behaviour Order, or ASBO, introduced with the 1998 Crime and Disorder Act; but this was only the very public tip of a much larger iceberg of measures – and acronyms – including ABCs, ASBIs, DOs, DPPOs, FPNs, NANs, PNDs and POs. The New Labour government tried to coordinate these various responses centrally through various campaigns and taskforces including the Together Campaign 2002-2006, Respect Taskforce 2006-2007, Youth Taskforce 2007-2010 and ‘Tackling not Tolerating’ campaign 2009-2010 (Millie, 2009a; Millie, 2010).

Some of the language continues with Theresa May stating that “I believe it is time for us to stop tolerating [ASB]”. However, the top-down nature of the New Labour approach is seemingly being replaced by a local emphasis; as May has put it, “as with so much [New Labour] did, their top-down, bureaucratic, gimmick-laden approach just got in the way of the police, other professionals and the people themselves from taking action. ... the people who are closest to the problem need to be driving the solution”. For me this is good news. In a recent book on anti-social behaviour (Millie, 2009a) one of my recommendations was for a ‘bottom-up governance’ of ASB. Quoting Theresa May again, “The solution to your community’s problems will not come from officials sitting in the Home Office working on the latest national action plan”. It

is an approach that fits in with David Cameron's Big Society emphasizing a smaller state and bigger involvement at the local level:

... where people, in their everyday lives, in their homes, in their neighbourhoods, in their workplace don't always turn to officials, local authorities or central government for answers to the problems they face but instead feel both free and powerful enough to help themselves and their own communities (Cameron, 2010).

At a time of budgetary constraint, having less state involvement may also prove to be cheaper for the Government. However, I do not feel it will go far enough. The Conservatives have for a long time been attracted by 'underclass' thinking, and especially the work of Charles Murray (1990). It is a view that there are two categories of poor – the deserving and undeserving. The deserving poor are 'honest people' struggling on low incomes. According to Murray (1990: 5), the undeserving poor – or underclass – is "a subset of poor people who chronically live off mainstream society". For instance, according to Iain Duncan-Smith (now Secretary of State for Work and Pensions), there is a "creeping expansion of this underclass: the way 'decent' people are sucked into and governed by the 'code of the street'" (2008: 9). My fear is that the Coalition's Big Society project will be inclusive of those deemed to be 'decent', but exclusive of disempowered and marginalized others – and following underclass theory these others will tend to include working class youth, single parents and other groups deemed to be undeserving. It is similar to New Labour's emphasis on respect which created a neat divide between a respectful us, and a disrespectful them (Millie, 2009b). True bottom-up governance of ASB would be *inclusive* of those labelled as the underclass, the disrespectful and the anti-social other. The targets for Coalition policy on community engagement are more conventional; as Cameron (2010) has noted, "When I ... speak to council leaders, social entrepreneurs and local activists it's clear to me that there is a real hunger out there to do more". A truly *big* society would include all perspectives, would be characterized by mutual respect, and *more* tolerance of other ways of living rather than less. It would also challenge stereotypical views of 'others' (Mackenzie et al. 2010).



To return to ASB enforcement and the ASBO, Theresa May has promised a review of ASB powers and has suggested the need for, "Simpler sanctions, which are easier to obtain and to enforce, [and] will provide the police and practitioners with a firm hand to tackle the problem cases" (May, 2010). If it is "time to move beyond the ASBO", it is not time to move beyond strict enforcement; and making sanctions easier to obtain might not be all positive. However, May also suggests that:

Where possible, they should be rehabilitating and restorative, rather than criminalising and coercive. But where necessary, they should be tough and provide a real deterrent (2010).

There are grounds for optimism in the language used here. It is important that the *criminalising and coercive* nature of the ASBO is recognised. Furthermore, the talk of ASB policy being *rehabilitating and restorative* is almost revolutionary. Yet, this is still balanced by measures having to be *tough*.



What will follow a review of ASB powers is anyone's guess. However, there may be clues in the Conservative Election Manifesto (2010: 56) where a new Grounding Order was proposed as an 'instant sanction' curfew issued by the police to anti-social young people. The proposal seemed to be a cross between existing powers introduced by New Labour - the Fixed Penalty Notice, Dispersal Order and Local Child Curfew Scheme - despite the Child Curfew not proving popular or used by local authorities (Millie, 2010). The Grounding Order would fit the bill of being "easier to obtain and to enforce", but maybe less *rehabilitating and restorative*.

There are other Coalition plans for ASB, including partnership working, alcohol licensing and, of course, the plans to change how police forces are run with electable Police and Crime Commissioners. There are certainly interesting times ahead. The challenge for the Government will be to make their Big Society emphasis on the local truly inclusive of all perspectives, to make ASB policy *rehabilitating and restorative*, and not to get sucked into the trap of populism in talking tough, and acting tough. The longer the Coalition survives, the more tempting this may become.

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→ [Further details about Andrew's books on "Anti-Social Behaviour" and "Securing Respect"](#)