



House of Commons

Thursday 27 June 2013

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING BILL

NOTE

The amendments have been arranged in accordance with the Order of the Committee [18 June]

- | | |
|--|----|
| Tracey Crouch | 9 |
| Clause 21, page 11, line 20, after ‘cause’, insert ‘bullying’. | |
| Mr David Hanson
Gloria De Piero
Phil Wilson | 28 |
| Clause 21, page 11, line 21, leave out from ‘persons’ to end of line. | |
| Mr David Hanson
Gloria De Piero
Phil Wilson | 29 |
| Clause 21, page 11, line 34, after ‘team’, insert ‘and relevant neighbourhood policing team’. | |
| Mr David Hanson
Gloria De Piero
Phil Wilson | 30 |
| Clause 21, page 11, line 37, leave out from ‘must’ to end of line 2 on page 12 and insert ‘take into account an assessment of— | |
| (a) any religious beliefs the offender may have; and | |

Anti-social Behaviour, Crime and Policing Bill, *continued*

(b) the offender's work, school or other educational commitments.'.

Stephen Phillips
Tracey Crouch
Stephen Barclay
Richard Fuller

50

☆ Clause 21, page 11, line 39, at end insert—

'(aa) any conflict with the offender's caring responsibilities including, in particular, any caring responsibilities for a child.'

Paul Maynard
Stephen Phillips
Tracey Crouch

49

☆ Clause 21, page 12, line 2, at end insert 'and must take into account any disability of the offender.'

Mr David Hanson
Gloria De Piero
Phil Wilson

31

Clause 22, page 12, line 13, leave out subsection (2).

Mr David Hanson
Gloria De Piero
Phil Wilson

44

Clause 23, page 13, line 29, at end add—

'(7) The Secretary of State shall produce guidance on the scope of requirements that can be used under this section.'

Mr David Hanson
Gloria De Piero
Phil Wilson

32

Clause 25, page 14, line 11, leave out subsection (3).

Anti-social Behaviour, Crime and Policing Bill, *continued*

Mr David Hanson
Gloria De Piero
Phil Wilson

Clause 26, page 14, leave out line 19.

45

Mr David Hanson
Gloria De Piero
Phil Wilson

Clause 26, page 14, line 21, leave out subsection (2).

46

Mr David Hanson
Gloria De Piero
Phil Wilson

Clause 26, page 14, line 27, leave out from 'order' to end of line 28.

33

Gloria De Piero
Mr David Hanson
Phil Wilson

Clause 32, page 18, line 17, at end insert 'and once the relevant local authority has been consulted.'

48

Stephen Phillips
Stephen Barclay
Tracey Crouch

☆ Clause 33, page 19, leave out line 5.

51

Stephen Phillips
Stephen Barclay
Tracey Crouch

☆ Clause 33, page 19, leave out lines 22 and 23.

52

Stephen Phillips
Tracey Crouch
Stephen Barclay

☆ Clause 34, page 19, line 31, at beginning insert 'Unless one or more of the conditions set out in subsection (2A) applies.'

54

Anti-social Behaviour, Crime and Policing Bill, *continued*

Stephen Phillips
Tracey Crouch
Stephen Barclay

55

- ☆ Clause 34, page 19, line 32, at end insert—
- (2A) The conditions in this subsection are that the constable has reasonable grounds to suppose—
- (a) that any person living at that place will be or is likely to be harassed, alarmed or distressed;
 - (b) that the behaviour in which the person given a direction under section 33 has engaged or threatens to engage consists of or includes the use or threatened use of violence against any person living at that place;
 - (c) that there is a significant risk of harm to any person living at that place.’

Mr David Hanson
Gloria De Piero
Phil Wilson

56

- ★ Clause 69, page 41, line 6, leave out ‘on reasonable grounds’.

Mr David Hanson
Gloria De Piero
Phil Wilson

57

- ★ Clause 69, page 41, line 35, at end insert—
- ‘(h) give details of who has been consulted under subsection (7).’.

Mr David Hanson
Gloria De Piero
Phil Wilson

58

- ★ Clause 69, page 42, line 3, at end insert—
- ‘(7A) A local authority must inform the chief officer of police, and a police officer must inform the local authority, when issuing a closure notice.’

Tracey Crouch

10

- Clause 93, page 64, line 1, after ‘in’, insert ‘bullying or’.

Tracey Crouch

11

- Clause 93, page 64, line 19, at end insert—
- “‘bullying’ means behaviour capable of causing physical or mental harm to a second person, including self-harm; or to arouse apprehension or fear

Anti-social Behaviour, Crime and Policing Bill, *continued*

in the second person for his or her own safety or that of any other person.’.

Richard Fuller
Stephen Phillips
Tracey Crouch
Stephen Barclay

Clause 98, page 70, leave out line 3 and insert—
‘(ii) for “injures any person” there is substituted “injures or kills any person or assistance dog”.’.

37

Tracey Crouch

Clause 98, page 70, line 3, after ‘dog’, insert ‘or protected animal’.

39

Mr David Hanson
Gloria De Piero
Phil Wilson
Julie Hilling
Huw Irranca-Davies
Luciana Berger

Clause 98, page 70, line 23, at end insert—
‘(1C) For the purposes of section 3, a Court must consider all the circumstances, and in particular if the owner, and if different, the person for the time being in charge of the dog at the time of the incident, took reasonable steps to prevent the dog being dangerously out of control in any place.’.

43

Richard Fuller
Stephen Phillips
Tracey Crouch
Stephen Barclay

Clause 98, page 70, line 28, at end insert—
‘(iii) for “two years” there is substituted “life imprisonment”.’.

38

Tracey Crouch

Clause 98, page 70, line 46, at end insert “‘protected animal’ has the meaning given by section 2 of the Animal Welfare Act (2006).’.

40

Tracey Crouch

Clause 98, page 71, line 1, at end insert ‘or protected animal.’.

41

Anti-social Behaviour, Crime and Policing Bill, *continued*

Tracey Crouch

Clause 98, page 71, line 2, at end insert 'or protected animal.'

42

Paul Maynard

☆ Clause 104, page 75, line 27, at end add—

'(2A) A person commits an offence if he or she—

- (a) causes a person to enter into a marriage who lacks capacity, as determined by the Mental Capacity Act 2005,
- (b) uses violence, threats or any other form of coercion, or practises any form of deception for the purposes of causing another person to enter into a marriage, and believes, or should reasonably believe, that such conduct may diminish the other person's capacity to make decisions, to the extent that they no longer have capacity to consent to the marriage.'

53

Mr David Hanson
Gloria De Piero
Phil Wilson

Clause 105, page 76, line 21, leave out from 'so' to end of line 22.

2

Mr David Hanson
Gloria De Piero
Phil Wilson

Clause 105, page 77, line 13, leave out from 'so' to end of line 14.

3

Mr David Hanson
Gloria De Piero
Phil Wilson

Clause 105, page 77, line 31, leave out from 'so' to end of line 32.

4

Mr David Hanson
Gloria De Piero
Phil Wilson

Clause 107, page 78, line 22, leave from 'officer' to end of line 24.

47

Anti-social Behaviour, Crime and Policing Bill, *continued*

Mr David Hanson
Gloria De Piero
Phil Wilson

59

- ★ Clause 107, page 78, line 29, at end insert—
(c) the scope of use by police forces of civilian and contracted staff.’.

Mr David Hanson
Gloria De Piero
Phil Wilson

60

- ★ Clause 113, page 80, line 33, leave out ‘five’ and insert ‘four’.

Mr David Hanson
Gloria De Piero
Phil Wilson

61

- ★ Clause 113, page 80, line 33, at end insert ‘and one member appointed by the Department of Justice in Northern Ireland.’.

Mr David Hanson
Gloria De Piero
Phil Wilson

62

- ★ Clause 113, page 81, line 4, leave out from ‘(4)’ to end line of 6, and insert ‘may not be made unless a draft of the instrument has been laid before both Houses of Parliament and approved by a resolution of each House.’.

Mr David Hanson
Gloria De Piero
Phil Wilson

34

- Clause 123, page 95, line 16, leave out ‘may’ and insert ‘shall’.

Mr David Hanson
Gloria De Piero
Phil Wilson

35

- Clause 123, page 95, line 27, leave out ‘may’ and insert ‘shall’.

Anti-social Behaviour, Crime and Policing Bill, *continued*

Mr David Hanson
Gloria De Piero
Phil Wilson

36

Clause 123, page 95, line 29, at end insert—

‘(3A) The Secretary of State shall from time to time publish guidance as to the quality standard of service expected under this section.’

NEW CLAUSES

Content of community remedy document

Stephen Phillips
Tracey Crouch
Mr David Hanson
Gloria De Piero
Phil Wilson

NC1

To move the following Clause:—

- ‘(1) Each of the actions contained in a community remedy document must—
- (a) consist of one or more of the elements within subsection (2),
 - (b) promote public confidence in the out of court disposal of any anti-social behaviour or offences capable of being dealt with under section 94.
- (2) The elements within this subsection are—
- (a) a punitive element reflecting the effects on the victim (if any) and the wider community of any anti-social behaviour or offences capable of being dealt with under section 94 in a manner proportionate to those effects;
 - (b) a restorative element ensuring appropriate restitution to the victim (if any) and the wider community of any anti-social behaviour or offences capable of being dealt with under section 94.
- (3) The Secretary of State shall from time to time publish guidance as to appropriate actions to be contained in a community remedy document.
- (4) In this section—
- “anti-social behaviour” means behaviour capable of causing nuisance or annoyance to any person.
- “punitive element” includes any action which results in a loss of free time to the person carrying it out.
- “restorative action” includes an apology in writing.
- “victim” means a person affected or principally affected by any anti-social behaviour or offence capable of being dealt with under section 94.
- “the wider community” means those living, working or visiting the area for which the policing body has responsibility.’
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Anti-social Behaviour, Crime and Policing Bill, *continued**Legal highs—offence*

Mr David Hanson
Gloria De Piero
Phil Wilson

NC2

To move the following Clause:—

- ‘(1) It is an offence for a person to supply, or offer to supply, a psychoactive substance, including but not restricted to—
- (a) a powder;
 - (b) a pill;
 - (c) a liquid; or
 - (d) a herbal substance with the appearance of cannabis,
- which he knows, or has reasonable cause to believe, to be so acting, that the substance is likely to be consumed by a person for the purpose of causing intoxication.
- (2) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale.
- (3) This section does not apply to alcohol, tobacco, or any drug currently scheduled under the Misuse of Drugs Act 1971 or the Medicines Act 1968.
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Review of effect of legal highs on anti-social behaviour

Mr David Hanson
Gloria De Piero
Phil Wilson

NC3

To move the following Clause:—

- ‘The Secretary of State shall carry out a review no more than 12 months following Royal Assent to this Act to assess the effect of legal psychoactive drugs on—
- (a) anti-social behaviour offending rates; and
 - (b) NHS, policing and local authority resources dedicated to tackling anti-social behaviour.’.

Anti-social Behaviour, Crime and Policing Bill, *continued**Dog control notice*

Mr David Hanson
Gloria De Piero
Phil Wilson
Julie Hilling
Huw Irranca-Davies
Luciana Berger

NC4

To move the following Clause:—

- ‘(1) Where an authorised officer has reasonable cause to believe that a dog is not under sufficient control and requires greater control in any place, as a preventative measure to protect the public, the dog itself, or another protected animal, he or she may serve on the owner, and if different, person for the time being in charge of the dog a written control notice which—
- (a) states that he or she is of that belief;
 - (b) specifies the respects in which he or she believes the owner, and if different, the person for the time being in charge of the dog is failing to keep the dog under sufficient control;
 - (c) specifies the steps he or she requires the owner, and if different, the person for the time being in charge of the dog to take in order to comply with the notice;
 - (d) specifies the date by which the terms of the notice must be complied with; and
 - (e) specifies the date that the notice expires which will not be for a period which exceeds six months.
- (2) In a control notice pursuant to subsection (1)(c) an authorised officer must require a dog to be microchipped (if not already done so) and the owner, and if different, the person for the time being in charge of the dog, register the dog with a microchip database, and may require the following steps, where appropriate, but is not limited to—
- (a) keeping the dog muzzled as directed;
 - (b) keeping the dog on a lead when in public or under control as directed;
 - (c) requiring the owner, and if different, the person for the time being in charge of the dog, to seek and implement expert advice about training and behaviour for the dog;
 - (d) having the dog neutered where appropriate; and
 - (e) keeping the dog away from particular places or persons.
- (3) Failure to comply with the steps required in a control notice within the time period specified, to the satisfaction of the authorised officer may lead to a complaint to a Magistrates Court under section 2 of the Dogs Act 1871.
- (4) The provisions of section 2 of the Dogs Act 1871 shall have effect if the owner, and if different, the person for the time being in charge of a dog fails to comply with the steps required in a control notice within the time period specified in accordance with subsection (3) above as they would apply if a dog was dangerous and not kept under proper control.
- (5) An “authorised officer” is a person that has been appointed by the local authority or police for the purposes of this Act.

Anti-social Behaviour, Crime and Policing Bill, *continued*

- (6) A “protected animal” is one that is commonly domesticated in the British Islands, is under the control of man whether on a permanent or temporary basis, or is not living in a wild state.’.

Firearms licences—assessing public safety

Mr David Hanson
Gloria De Piero
Phil Wilson
Grahame M. Morris

NC5

☆ To move the following Clause:—

- ‘(1) The Firearms Act 1968 is amended as follows.
(2) After section 28A (Certificates: supplementary) insert—

“28B Assessing public safety

- 5 (1) When assessing the threat to public safety under sections 27, 28, 30A,
30B or 30C the Chief Police Officer must ensure that a range of
background checks are performed.
- 10 (2) Where these checks uncover substantiated evidence of violent conduct,
domestic violence, mental illness or drug or alcohol abuse, the
presumption is that the Chief Police Officer should refuse the licence
application unless exceptional evidence can be brought forward by the
applicant as to their suitability to possess a weapon.
- (3) When assessing public safety within this section the Chief Police Officer
must follow any guidance issued by the Secretary of State.”’.

As an Amendment to Mr David Hanson’s proposed New Clause (*Firearms licences—
assessing public safety*) (NC5):—

Bridget Phillipson

(a)

★ Line 6, at end insert—

- ‘(1A) Background checks under subsection (1) must include, so far as practicable,
consultation with current and former partners of the applicant.’.

Anti-social Behaviour, Crime and Policing Bill, continued*Firearms: power of Secretary of State to alter fees*

Mr David Hanson
 Gloria De Piero
 Phil Wilson
 Grahame M. Morris

NC6

☆ To move the following Clause:—

- (1) Section 113 of the Firearms Act 1968 (power of Secretary of State to alter fees) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) Before making an order under this section the Secretary of State must consult with chief police officers to ensure the level of fees collected by the police under sections 32 and 35 are sufficient for the police to recoup the costs they incur through the administration and assessment of firearms licences made under this Act.”.

ORDER OF THE HOUSE [10 JUNE 2013]

That the following provisions shall apply to the Anti-social Behaviour, Crime and Policing Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 16 July 2013.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Other Proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.

ORDER OF THE COMMITTEE [18 JUNE 2013]

That—

- (1) the Committee shall (in addition to its first meeting at 8.55 am on Tuesday 18 June) meet—

Anti-social Behaviour, Crime and Policing Bill, *continued*

- (a) at 2.00 pm on Tuesday 18 June;
 - (b) at 11.30 am and 2.00 pm on Thursday 20 June;
 - (c) at 8.55 am and 2.00 pm on Tuesday 25 June;
 - (d) at 11.30 am and 2.00 pm on Thursday 27 June;
 - (e) at 8.55 am and 2.00 pm on Tuesday 2 July;
 - (f) at 11.30 am and 2.00 pm on Thursday 4 July;
 - (g) at 8.55 am and 2.00 pm on Tuesday 9 July;
 - (h) at 11.30 am and 2.00 pm on Thursday 11 July.
 - (i) at 8.55 am and 2.00 pm on Tuesday 16 July.
- (2) the Committee shall hear oral evidence in accordance with the following Table:

TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 18 June	Until no later than 10.00 am	Police Superintendents' Association of England and Wales; Police Federation of England and Wales
	Until no later than 2.30 pm	Independent Police Complaints Commission
	Until no later than 4.00 pm	Local Government Association; Social Landlords Crime and Nuisance Group; Chartered Institute of Housing; Standing Committee on Youth Justice
	Until no later than 5.00 pm	College of Policing; John Randall, Independent Chair of the Police Negotiating Board and Police Advisory Board for England and Wales
Thursday 20 June	Until no later than 12.30 pm	Association of Police and Crime Commissioners; Chief police officers
	Until no later than 1.00 pm	Karma Nirvana; Freedom
	Until no later than 2.45 pm	Victim Support
	Until no later than 3.15 pm	Fair Trials International
	Until no later than 4.00 pm	Liberty
	Until no later than 4.30 pm	Royal Society for the Prevention of Cruelty to Animals; Dogs Trust
	Until no later than 5.15 pm	Home Office

Anti-social Behaviour, Crime and Policing Bill, *continued*

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 10; Schedule 1; Clause 11; Schedule 2; Clauses 12 to 86; Schedule 3; Clauses 87 to 96; Schedule 4; Clauses 97 to 113; Schedule 5; Clauses 114 to 124; Schedule 6; Clauses 125 to 136; new Clauses; new Schedules; Clause 137; Schedule 7; Clauses 138 to 142; remaining proceedings on the Bill;
 - (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 16 July.
-