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## **The Antisociality of Anti-social Behaviour Policy**

### **Emma Bell**

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For Theresa May, Home Secretary, introducing the Conservative-Liberal Democrat Coalition Government's White Paper on anti-social behaviour, *Putting Victims First: More Effective Responses to Anti-Social Behaviour*, it is quite obvious what such behaviour entails: it may include anything from vandalism to disorderly behaviour and even harassment:

No one should have to accept graffiti on their walls, public drunkenness on their streets or harassment and intimidation on their own doorstep. But for too many communities in this country such crime and anti-social behaviour remains a fact of everyday life (Theresa May *in* Home Office, 2012a: 3).

It may be criminal or simply anti-social – the two terms are conflated as if they were indistinguishable. In terms of the official response, both forms of behaviour may attract criminal sanctions, notably a prison sentence. Yet, behaviour which is considered as anti-social rather than criminal is targeted by civil measures and is to be subject to the lower civil standard of proof under the Anti-Social Behaviour, Crime and Policing Act which received Royal Assent on 14<sup>th</sup> March 2014. When determining whether anti-social behaviour did or did not take place, a court need no longer be satisfied 'beyond reasonable doubt', as was the case under the previous anti-social behaviour (ASB) legislation, but instead may take its decision based on a simple balance of probabilities.

This represents a considerable extension of the criminal law to encompass behaviour which would normally fall outside its remit, not being defined as a criminal offence. Whilst the House of Lords rejected plans to widen the definition of ASB to include 'conduct capable of causing nuisance or annoyance to any person', the new Act does go further than the original legal definition provided by the Crime and Disorder Act 1998. ASB is defined not just as (a) 'conduct that has caused, or is likely to cause, harassment, alarm or distress to any person'<sup>1</sup> but also as (b) 'conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or (c) conduct capable of causing housing-related nuisance or annoyance to any person' (Anti-social Behaviour, Crime and Policing Act 2014, Part I, section 2 (1)). Anti-Social Behaviour Orders (ASBOs) have now

been abolished but replaced by new injunctions which it seems will continue to target not just at any kind of behaviour capable of causing ‘harassment, alarm or distress’ but specifically the forms of behaviour most likely to be engaged in by narrowly-defined subgroup of the population, namely the poorest and most vulnerable groups in society: beggars, prostitutes, children and young people. The new power to exclude adults responsible for ASB from their homes is likely to exacerbate this trend.

Whilst there has been much official concern about the vulnerable victims of anti-social behaviour, there has been little official or media concern expressed about the vulnerability of those who perpetrate anti-social behaviour or about the socially exclusive consequences of ASB legislation on their lives. Similarly, there has been little official or media concern expressed about the vulnerable victims of forms of anti-social behaviour committed by the most privileged members of society. The very notion of *anti-social* behaviour has served to place it outside its social context, rendering the measures destined to tackle it futile in terms of preventing either its causes or its consequences. Poor communities have remained blighted by anti-social behaviour, but not just that perpetrated by the members of those same communities. Arguably, a much greater source of harm has been that caused by the anti-social activities of the powerful, whether by the State or private companies. Yet, the ideological construction of anti-social behaviour has meant that these significant harms have been ignored. Despite rhetoric to the contrary, there is every indication that the ASB of the powerless will continue to be the focus of repressive legislative interventions in the United Kingdom for the foreseeable future. It is in this sense that anti-social behaviour policy may be considered as antisocial in itself.

This chapter begins by looking at ASB policy in practice, outlining the way in which anti-social behaviour policy works to exacerbate existing social divisions, before moving on to examine the multiple kinds of anti-social behaviour which are left unchecked by such policy.

### **Criminalising the vulnerable**

There are no official statistics available on the actual offences subject to anti-social behaviour legislation. Nonetheless, official discussion of the causes of ASB reflects who is likely to be targetted by the legislation. For May, the ‘issues that drive much anti-social behaviour’ are, for example, ‘binge drinking, drug use, mental health issues, troubled family backgrounds and

irresponsible dog ownership' (Home Office, 2012a). 'Troubled families' have been identified as a key source of anti-social behaviour – they are those families which suffer from unemployment, drug addiction, alcohol abuse, low income and poverty, in other words, poor and vulnerable households. Crime and anti-social behaviour are thus linked to an underclass made up of those people who form the ranks of the 'broken society'. This would appear to be borne out by the large number of people served ASBOs for prostitution (Phoenix, 2008) and begging (Statewatch, 2012a).

From the official statistics on the use of anti-social behaviour legislation that are available, it is clear that young people aged between 10 and 17 have been disproportionately targeted by ASBOs. Out of a total of 21,749 ASBOs issued in courts in England and Wales from April 1999 to December 2011, 8,160 were issued to young people aged between 10 and 17, representing 37.5% of all cases (Home Office, 2012b). The new law also allows ASB injunctions to be implemented against children as young as ten, whilst children aged 14 or above may face a prison sentence for breach. As with adults subject to ASBOs, these children tend to suffer from a whole host of social problems, representing some of the most vulnerable people in society. A Youth Justice Board Study into the early use of ASBOs found that children and young people subject to them tended to suffer from family breakdown, educational failure, emotional difficulties, bereavement and abuse (YJB, 2006). In addition, many of them have been found to suffer from mental health problems (BIBIC, 2005).

Youth are also disproportionately targeted by other forms of ASB legislation, notably dispersal powers. Introduced by the Antisocial Behaviour Act 2003, these give senior police officers the power to disperse groups of two people or more from a public place when they have reasonable grounds for believing that *their presence or* behaviour has resulted in, *or is likely to result in*, one or more people being intimidated, harassed, alarmed or distressed. The powers tend to target groups of youths, responding to public fears concerning young people 'hanging around on the streets.'<sup>2</sup> They have been rebranded as police 'direction' powers under the new law but they will continue to allow police to direct any individual who they have 'reasonable grounds to suspect' that their behaviour 'has contributed *or is likely to contribute to*' harassment, alarm of distress' or the 'occurrence in the locality of crime or disorder' (Anti-social Behaviour, Crime and Policing Act 2014, Part III, section 35 (2), *my italics*). Barnardo's, a major children's charity in the UK, has criticised these powers, claiming that children sent back to 'abusive or unsafe households' or moved on without any attempt to address the reasons underlying their ASB could be placed in even greater danger (Barnardo's, 2011).

In addition, these powers to exclude certain individuals from public spaces have been extended by the new Public Spaces Protection Orders introduced by the 2014 law. These orders may be made by local authorities when it considers that ‘(a) activities carried on in a public place within the authority’s area have had a detrimental effect on the quality of life of those in the locality, or (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect’ (Anti-social Behaviour, Crime and Policing Act 2014, Part IV, section 59 (2)). Yet again, ASB is extraordinarily widely defined and there is no need to prove that the offending behaviour has actually occurred – only that it may occur. There are concerns that such powers may be used to further limit the right to protest or to penalise the simply ‘annoying’ behaviour of children and young people.

The parents of children may also be targetted by the Conservative-Liberal Democrat Coalition Government’s ‘Troubled Families Programme,’ the successor of New Labour’s Family Intervention Programme, which targets 120,000 ‘problem’ families across England and Wales,<sup>3</sup> using a combination of support and coercion. Families are offered practical help, such as parenting advice and assistance with drug and alcohol abuse. Yet, if they refuse the support offered to them, they may be subject to a range of sanctions, including injunctions to prevent ASB and demotion orders whereby tenants in social housing may be stripped of their secure tenancy and threatened with eviction. For those families who are evicted from their homes, local authorities may provide short-term family intervention tenancies which are made conditional on good behaviour and cooperation with family intervention social workers (see Bond-Taylor this volume).

### **The culture of anti-social behavior**

The use of coercion to tackle the multiple causes of anti-social behaviour as it is currently defined by the Government highlights the fact that ASB is seen to result from individual behavioural problems rather than from structural factors. Indeed, the very notion of ‘troubled families’ just mentioned immediately focuses attention on the families themselves rather than on their problems. A discursive slip is regularly made in Government discourse between families that have troubles to families that cause troubles (Levitas, 2012). ASB is essentially regarded as a cultural problem which is passed down from one generation to the next. For David Cameron, it springs from ‘a culture of disruption and irresponsibility that cascades through generations’ (Cameron, 2011). Even poverty, with which ASB is inextricably linked

in the eyes of the Government, is regarded as a cultural problem. For Frank Field, the Coalition's poverty tsar:

a modern definition of poverty must take into account those children whose parents remain disengaged from their responsibilities. I no longer believe that the poverty endured by all too many children can simply be measured by their parents' lack of income. Something more fundamental than the scarcity of money is adversely dominating the lives of these children. Since 1969 I have witnessed a growing indifference from some parents to meeting the most basic needs of children, and particularly younger children, those who are least able to fend for themselves. I have also observed how the home life of a minority but, worryingly, a growing minority of children, fails to express an unconditional commitment to the successful nurturing of children (Field, 2010: 16).

The Conservative-Liberal Democrat Coalition Government's approach to the issue of ASB and its social causes thus represents a classic case of victim-blaming. This means that its strategy is unlikely to be successful, neglecting the wider structural causes of ASB, such as poverty and unemployment. Furthermore, the use of sanctions such as eviction and imprisonment are likely to exacerbate the problem of social exclusion ensuring that the perpetrators of ASB are permanently cast out from mainstream society (the lasting effects of a criminal record are well-known). Yet, as Cameron himself has claimed, 'When one group in society seems to lead a life apart from the rest, that can have a corrosive effect on others' (Cameron, 2011). The strategy of tackling ASB which condemns those responsible for it to 'live apart from the rest' may therefore be regarded as *anti-social* in itself.

In addition, instead of calming public fears about ASB, the Government is participating in the stirring up of a genuine *moral* panic about ASB whereby it is not so much behaviour in itself which is regarded as problematic but rather the fact that this is seen as symbolic of the wider moral disintegration of society (Cohen, 2005). Stuart Waiton argues that the current panic about ASB is amoral rather than moral, claiming that it focuses on the amoral notion of safety and expects little in the way of moral transformation on the part of those deemed responsible for it (Waiton, 2008). For him, almost any behaviour is deemed acceptable, provided that it is 'safe and does not disturb the safety of others' (*ibid.*: 134) (see also Waiton this volume). Yet, it would seem that the intensive and intrusive intervention projects targeted at the poor and vulnerable are indeed a serious, if largely ineffective, attempt to transform their values. Furthermore, the moral dimension of the problem is repeatedly highlighted over the safety aspect of ASB. For Cameron it is all 'about blame, about good behaviour and bad behaviour, about morals' (Cameron, 2011). What constitutes good

behaviour is not radically different from the behaviour expected of individuals during the moral panics of the 1970s (contrary to what Waiton suggests). It is about assuming responsibility for oneself and one's family, preferably within the confines of the traditional two-parent family (*cf.* the Conservative Party's declared support for marriage and the introduction of married couples' tax breaks in 2013).

In a climate of moral panic about ASB, it is particularly difficult to have a rational debate and to consider policies which may be truly *social*, aimed at reintegrating those who are seen to be cut off from mainstream society. Instead, the perpetrators of ASB are demonised, regarded as morally and culturally different from the rest. Repairing the so-called 'broken society' becomes chimeric as social fissures widen into chasms.

In addition, communities are encouraged to become involved in the exclusion of those who do not share dominant norms and values. Already, communities have been encouraged to report anti-social behaviour to the authorities and to 'name and shame' those responsible for ASB. The naming and shaming of children attracted the criticism of the European Commissioner of Human Rights for violation of article 8 of the European Convention on Human Rights which protects one's right to a private life (Gil-Robles, 2005). Furthermore, under the new Anti-social Behaviour, Crime and Policing Act, children as young as ten responsible for ASB will continue to be named and a new 'community trigger' has been introduced which means that local authorities and police will be obliged by the local community to take action regarding a persistent problem. Whilst such a measure may help to ensure that serious ASB is not ignored, there is a danger that involving communities in this way will pit individual citizens against each other, again accentuating rather than healing community divisions. The community itself may thus become rather anti-social, characterised by a 'defensive exclusivity' (Crawford, 1998: 245). So, it is not just anti-social behaviour itself which may harm communities but also the measures taken to address ASB.

### **The ineffectiveness of anti-social behaviour measures**

It may be argued that the potential anti-social effects of anti-social behaviour legislation outlined above are a risk worth taking if this means protecting the public from the undeniably harmful effects of some forms of ASB. Yet, this legislation is arguably rather ineffective in terms of public protection. It is also likely to remain so despite the coalition's promises to develop what it terms as 'more effective responses to antisocial behaviour' (Home Office, 2012a). The legislation is to remain fundamentally the same as at present as ASBOs are

simply replaced by various forms of injunctions and Criminal Behaviour Orders (CBOs)<sup>4</sup> and dispersal powers as police direction powers. The system is to be somewhat streamlined and simplified with injunctions against for low-level behaviour now being easier to obtain, subject only to the civil standard of proof.

It is hard to see how the new system will address the problem of breach, despite claims to the contrary (see, for example, Home Office, 2012a). It is estimated that out of a total of 21,645 ASBOs issued between 1 June 2000 and 31 December 2011, 57.3 per cent were breached at least once (Home Office, 2012b). The proposed new legislation claims to address the problem by, for example, adding ‘positive requirements’ to the new ASBOs obtained on conviction – the Criminal Behaviour Orders (CBOs) – which it is hoped will enable offenders to address the underlying causes of their behaviour. Yet, if breach of these positive requirements is to be sanctioned, breach rates of the new orders could be even higher. Furthermore, given that prison is still to be used as a penalty for breach of CBOs and, as a last resort, for breach of other injunctions made against adults, the potential ‘anti-social’ impact of these disposals, in terms of their failure to reintegrate the perpetrators of such behaviour into society, remains unaddressed.

In addition, the disposals claim to empower victims of anti-social behaviour whilst in reality they tend to distract their attention from many more serious forms of ASB perpetrated by those living *outside* their own communities. Indeed, whilst the Conservative-Liberal Democrat Coalition Government can be criticised for its overly broad definition of ASB which can lead to the criminalisation of many forms of mere nuisance behaviour not usually defined as criminal, it can also be criticised for defining ASB too narrowly, associating it only with the underclass that belongs to ‘broken Britain’. There are in reality various forms of behaviour which may be regarded as thoroughly anti-social, given their capacity to cause ‘harassment, alarm and distress’ and to create considerable social harm, but which are not targeted by either criminal legislation or anti-social behaviour legislation.

### **The anti-social behaviour of the powerful**

David Cameron has recognised the need to tackle ‘problems at the top of our society’, recognising that ‘some at the top [...] have behaved appallingly’ (Cameron, 2011). He claims to be tackling these problems by rendering MPs’ expenses more transparent, by examining media corruption via the Leveson Inquiry, by placing new taxes on banks and closing some tax loopholes. Yet, he does not envisage using ASB measures to tackle this form of ASB,



despite the fact that these would get around the notorious difficulty of proving *mens rea* with regard to white collar crime (Whyte, 2004). Perhaps a new focus on the ASB of the powerful would also help to draw public attention to *their* ‘responsibility deficit’<sup>5</sup> rather than to that of ‘troubled families’. For Hazel Croall, anti-social behaviour measures could be a very effective way of targeting ‘economic crime’ perpetrated in the course of business since its wide definition would allow it to encompass many forms of harm which may cause real distress, such as harassment in the home by doorstep and telesales people (Croall, 2009). Indeed, the ASB of business is particularly concerning, yet the notion of ‘anti-social business’ has not yet entered either the popular or government lexicon. An internet search for the term ‘anti-social business’ throws up results from companies such as IBM focusing on the failure of business to use new social media tools in the most effective way possible.<sup>6</sup>

One particularly harmful form of ASB committed by big business in the UK and throughout the world is environmental harm. This may cause extreme damage, not just to the natural world, but also to human beings, resulting in anything from simple nuisance to injury and even death. Here again, the official definition of environmental anti-social behaviour is extremely limited, concerned only with acts such as criminal damage, vandalism, graffiti and fly-posting, littering, nuisance vehicles, disposing of used needles in the street and the misuse of fireworks. It does not refer to, for example, the environmental nuisance caused by the erection of mobile phone masts which are not just unsightly but often cause a considerable amount of worry and stress amongst local populations concerning the real or perceived health risks that they may have. Nor does it refer to the smoke, fumes and gases emitted by industry. These kinds of nuisance are regulated by existing statutory nuisance legislation such as the Environmental Pollution Act 1990. Yet, the sanctions are hardly dissuasive, usually consisting in a caution or a fine, the amount of which is often wholly insignificant when compared to the multimillion pound annual turnovers of the industries which are fined (Walters, 2009). A number of environmental nuisances identified as ‘significant’ air pollution by the Environment Agency, the regulatory body charged with enforcing such legislation, are often treated with a simple caution. For example, one case involving the deliberate release of kerosene and aviation fuel into a waterway resulted in a mere caution (*ibid.*: 8). Most of the matters taken to court were breaches of licences or cases involving the illegal burning or disposal of waste. Arguably, the threat of imprisonment underpinning much anti-social behaviour legislation would be a more effective deterrent, helping to ensure that big business refrains from causing environmental nuisance which can cause not just ‘alarm or distress’ but

even death. Indeed, it is estimated that 24,000 British residents die prematurely every year because of air pollution (cited by Walters: 1).

The social harm caused by the failure of employers to respect rules and regulations regarding health and safety in the workplace may also be regarded as serious forms of ASB. It has been argued that instances of such ASB are likely to swell as a result of the planned cuts to the tune of 35% to the budget of the Health and Safety Executive, leading to an estimated 11,000 fewer inspections a year.<sup>7</sup> As things stand, a British company can only expect a visit from the Executive once every twenty years (Whyte, 2007: 32). The failure of employers to respect their duty of care towards employees is of course punishable by the criminal law<sup>8</sup> but the lack of State regulation means that these crimes are very rarely ever prosecuted. These breaches of health and safety legislation are in reality serious crimes, even if they are rarely treated as such.

Businesses are also responsible for a range of anti-social behaviour with regard to their employees, frequently causing ‘harassment, alarm and distress’ when they restructure, relocate (Ramsay, 2004) or simply fail to respect the basic integrity of their workers, demeaning or denigrating them. Employees can complain to an employment tribunal when they feel they have been subject to some form of discrimination covered by the law, such as sexual or racial discrimination. However, there is nothing they can do about other harmful behaviour which remains entirely unregulated.

Recently, public attention has been drawn to the extremely anti-social practice of tax avoidance by huge multi-national companies such as Amazon, Starbucks and Google. Current ASB measures would obviously constitute a wholly inadequate response to such behaviour but it would at least be useful to highlight the anti-social nature of these practices. There is a strong case for formulating new legislation in order to tackle the real social harm caused by such behaviour, in terms of it hindering the funding of social services and the redistribution of wealth. Yet, the Coalition Government has only proposed introducing a limited anti-abuse rule which will affect just a tiny minority of cases as opposed to a more general anti-avoidance rule which would prevent large-scale tax avoidance (HM Revenue and Customs, 2012; War on Want, 2012).

Another way in which businesses have behaved antisocially is via the ‘regeneration’ of urban centres which has caused serious damage to the fabric of community life, often being just as, if not more, destructive than behaviour that is more traditionally regarded as anti-social. Within the context of urban ‘regeneration,’ there has been considerable focus on the need to tackle anti-social behaviour. Yet, the kind of behaviour targeted is not that which

tends to affect the lives of deprived communities but rather that which threatens to deter potential consumers from new commercial centres. Partnerships have even been developed between businesses and the police in an effort to tackle crime and anti-social behaviour against business. These partnerships have thus developed strategies to prevent criminal acts, such as shoplifting, but also merely troublesome behaviour which is seen to deter potential customers from newly regenerated urban areas such as the playing of outdoor games and sports and begging (Coleman, Tombs and Whyte, 2005; Minton, 2006: 14). The exclusionary effects of such measures may be described as being extraordinarily anti-social. In addition, local people may find their lives severely disrupted by regeneration programmes, often forced to move away from their area as housing costs escalate. Local businesses may also be forced to close, unable to afford the new rents (Monbiot, 2000). As large areas of Britain's cities fall into private hands, public space has become increasingly regulated, killing off many remaining forms of local diversity.

Far from being perceived as anti-social, business is usually presented as being a victim of ASB. Yet, it could just as easily be argued that business benefits considerably from ASB measures. It benefits from exclusionary measures such as dispersal powers and new Public Spaces Protection Orders which can exclude people who may be considered to threaten commercial interests. In addition, businesses have used ASBOs to protect their interests from protestors (Statewatch, 2012b). Under the Conservative-Liberal Democrat Coalition Government, businesses are actually profiting in a pecuniary from schemes aimed at tackling the perceived social causes of ASB. The private welfare-to-work company, A4e (Action for Employment) is involved in Family Intervention Projects via the 'Working Families Everywhere' campaign which aims to get families back into work. Furthermore, private companies can benefit more indirectly from ASB measures when those who breach them find themselves placed in prison. It is estimated that 13.1 per cent of the prison population of England and Wales is held in privately-run penal establishments (Prison Reform Trust, 2011: 71).

The State may also be seen to benefit from current ASB measures. Despite the ineffectiveness of such measures, they do at least allow the Government to appear to be doing something about crime and the problem behaviour which blights not just the lives of the middle classes but particularly those of the very poorest members of society. For the current Conservative-led coalition, such measures allow it to convey a more caring image, concerned with the problems of those who suffer from ASB and with the social causes of ASB itself.

ASB measures are presented as a key element in the project to repair Britain's supposedly 'broken' society.

A focus on the ASB of the powerless also enables the State, intentionally or not, to deflect attention from its own ASB. Indeed, the ASB of the State itself should not be overlooked. Agents of the State may engage in anti-social behaviour, either actively or passively. Police officers, for example, may passively fail to regulate the crimes and anti-social behaviour of the powerful whilst focusing their attentions on the powerless. Actively, the police have been engaged in anti-social policing methods, undermining the right to protest by harassing demonstrators (see Pickard this volume). A recent report has expressed concern over the use of pre-emptive arrest, the control of movement using kettling techniques (officially known as 'containment') and the gathering of personal data on protesters by Forward Intelligence Teams<sup>9</sup> (Netpol, 2012). Such policing methods do not just threaten to infringe civil liberties, but also risk causing considerable 'harassment, alarm and distress' to the individuals subjected to them, particularly during kettling whereby protesters are confined for long periods of time without access to basic hygiene facilities or to food or water.

### **Conclusion: the future of ASB legislation**

Over half-way into the Conservative-Liberal Democrat mandate, it would seem that little is likely to change. Despite claims to be creating 'more effective responses to anti-social behaviour' (Home Office, 2010b), measures to tackle ASB are to continue to be ineffective in terms of tackling the ASB of the poorest and most vulnerable members of society. Rebranded as ASB injunctions and police direction powers, these measures will remain anti-social in themselves, failing to reintegrate the perpetrators of such behaviour into society. Furthermore, a significant amount of ASB perpetrated by the powerful will remain unaddressed, leaving members of the public exposed to serious harm and nuisance. As the Government itself has noted, 'Anti-social behaviour still ruins too many lives and still damages too many communities' (Home Office, 2012a), yet the damaging effects of ASB perpetrated by the powerful and of ASB legislation itself must also be recognised if the lives of these communities are to be improved.

Nonetheless, the current political climate is far from favourable for a change of direction. Indeed, it is unlikely that the current Government, with its strong links to the world of business, will risk offending its core supporters by targeting their ASB. In addition, in the context of the current recession, it is probable that the Government will continue to attempt to

offset its failure to provide social and economic security with an attempt to provide security from crime and ASB to the public at large. Furthermore, the strategy of involving communities themselves in the fight against ASB (via the ‘community trigger’ for example) fits very well into the Government’s wider aim of building a ‘Big Society’ of volunteers, ready to supplant the State in the search for solutions to social problems. Moving away from State solutions to such problems is also facilitated by the increasing role played by the private and third sectors in tackling the perceived causes of ASB, notably the problems of unemployment, poor parenting and drug abuse associated with ‘troubled families’. For the foreseeable future then, official responses to ASB are to continue to be anti-social in themselves.

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## **Key-words**

Anti-social behaviour; coalition government; business crime; state crime; exclusion

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## **Abstract**

When New Labour first introduced legislation intended to deal with antisocial behaviour, it claimed to have been inspired by 'left realist' criminology which posits that crime is a socialist issue that had for too long been ignored by the political Left. A host of measures aimed at tackling antisocial behaviour were promoted as a means not just of protecting poor communities from undesirable behaviour but also as 'Trojan horses' aimed at tackling the social causes of such behaviour. However, the very notion of *antisocial* behaviour has placed outside of its social context, rendering the measures destined to tackle it futile. Poor communities have remained blighted by antisocial behaviour, but not just that perpetrated by the members of those same communities. Arguably, a much greater source of harm has been that caused by the antisocial activities of the powerful, whether by the State or private companies.

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<sup>1</sup> Behaviour is no longer limited to that which causes ‘harassment, alarm or distress to one or more persons not of the same household as [the perpetrator]’, as per the 1998 Act.

<sup>2</sup> According to the British Crime Survey, this was, until recently, considered to be the most serious worrying form of ASB for the general public (Home Office, 2010a).

<sup>3</sup> This figure of 120,000 problem families is spurious, based as it is on an outdated estimate from a survey originally carried out by the New Labour government’s social exclusion task force which attempted to count the number of families which had at least five characteristics identified with social exclusion (Levitas, 2012).

<sup>4</sup> The CBO replaces the CRASBO, an ASBO specifically designed for those already convicted of a criminal offence.

<sup>5</sup> The expression is borrowed from David Cameron (2011).

<sup>6</sup> One exception was an article by Aditya Chakraborty from *The Guardian* suggesting that tax-evading business leaders ought to be given ‘Anti-Social Business Orders.’

<sup>7</sup> Numerous ‘safety crimes,’ such as those perpetrated in the workplace, are not regarded as health and safety offences (Hillyard and Tombs, 2008: 9). Consequently, it is suggested that a ‘social harm’ approach should be taken to the problem of criminality, whereby attention is focused not just on crime as it is formally defined but also on physical, financial, emotional, psychological and sexual harm (*ibid.*: 14-16).

<sup>8</sup> The *Corporate Manslaughter and Corporate Homicide Act 2007*, intended to facilitate the prosecution of companies who breach their duty of care in this way, specifically ensured that company directors would not be made personally liable.

<sup>9</sup> These teams of police officers photograph and/or take video footage of individuals involved in political protest. They may also note down other personal information regardless of whether or not the individuals concerned have a criminal record.