



Cambridge City Council

To: The Executive Councillor for Community Development & Health
Report by: Liz Bisset, Director of Community Services
Relevant scrutiny committee: Community Services Scrutiny01/07/2010
Wards affected: All wards

Operational Guidance s. 30 Dispersal Orders.
Non key decision

1. Executive summary

- 1.1 This report sets out the Operational Guidance on the use of Dispersal Powers by Cambridgeshire Constabulary in the City of Cambridge under sections 30 – 36 of the Anti-Social Behaviour Act 2003 (more commonly referred to as “section 30”).
- 1.2 The Operational Guidance builds on the guidance agreed between the Constabulary and the City Council in March 2004 and is intended to document and up-date in the light of experience, the process by which section 30 Orders will be considered and applied for and, if granted, on how the powers will be applied by the Constabulary
- 1.3 The Guidance was placed on the City Council and Constabulary websites at the end of March 2010 and all Elected Members received a copy electronically at that time. A copy of the document is appended to this report.

2. Recommendations

- 2.2 Members are requested to note the content of the report and the Operational Guidance attached.
- 2.3 Members are requested to note the process for considering applications from the police and, in particular, where it is necessary for the local authority to decide quickly whether or not it will grant consent. This “fast track” process is shown graphically in the flowchart on page 14. Members are also requested to call for a further report on the operation of the fast track mechanism in twelve months time.

3. Background

- 3.1 The Anti-Social Behaviour Act 2003 is intended to help the police and local authorities to work together with local people to tackle anti-social behaviour.
- 3.2 The powers to disperse are set out in sections 30 - 36 of the Act and enable the identification of particular problem areas that require targeted action to help local communities to remove intimidation and ASB from the area.
- 3.3 In summary, s.30 – 36 of the Anti-Social Behaviour Act 2003 makes it possible for the police, in agreement with local councils, to designate an area for dispersal where evidence exists of persistent anti-social behaviour caused by groups. Once an area is so designated, Police Officers and Police Community Support Officers may disperse groups of two or more people and exclude those people from returning for up to 24 hours. If individuals refuse to follow an Officer's directions to disperse they are committing an offence and can be arrested. A Dispersal Order lasts for up to six months and can be renewed, thereafter.
- 3.4 The powers to Disperse came into effect on 20th January 2004 and were first used in Cambridge in April of that year. They have, to date, been used primarily, but not exclusively, to tackle the impact of the behaviours of members of the Streetlife community i.e. those persons that regularly socialise and drink on the streets and behave anti-socially. Since April 2004 Orders have been in place on a continuous basis in locations across the City.

4.0 **Structure of the s. 30 Operational Guidance Document.**

- 4.2 The Operational Guidance Document is divided into three parts:

- 4.2.1. the first gives a general outline of what is contained in the Act and of the constraints the Act places upon the authorisation of, and the application of, these powers.

- 4.2.2. the second details the operational guidance agreed between Cambridgeshire Constabulary and Cambridge City Council in 2004 for the purpose of making or withdrawing a Dispersal Order.

- 4.2.3. the third is a flowchart, which summarises the section 30 arrangements between the police and the City Council.

5.0 **What is the difference between the Operational Guidance agreed in 2004 and the current document?**

- 5.1 The main difference is in the consultation process. Until the revised guidance was issued the Leader of the Council would receive a copy of the Police analytical profile covering the six-month period preceding the request for renewal of the Order. The profile was a police restricted document i.e. it was protected and, therefore, could only be made available to certain nominated individuals.
- 5.2 At the point of receipt of this document, Ward Councillors were alerted to the fact that consideration was being given to an Order and invited to comment. Any comments were made known to the Leader prior to a decision being taken.

- 5.3 The consultation process will now begin in advance of any formal consideration of a Dispersal Order in that Councillors representing the ward/s affected, as well as local residents and stakeholders, will be alerted to any emerging behavioural problems that might result in the application of an Order. This will be done through Neighbourhood Policing reports to the Area Committees.
- 5.4 The consultation process will take on board the views of the Ward Councillors, residents and stakeholders and these will be made known to the Executive Councillor (please also see item 6.4 below) prior to a decision being taken. However, given the need to act swiftly in certain circumstances, it may be necessary for authorisation to be made through exercising delegated powers with what may be only minimal prior consultation. In these cases Ward Councillors will be made aware of the proposal as soon as possible by e-mail and/or letter and their views sought, but a limit of 48 hours will be placed on the time to respond.
- 5.5 As soon as the police have completed their analysis of reported incidents this document will also be sent to Ward Councillors and made more widely available through the Police and City Council websites in a non-restricted format.
- 6.0 **Members' Briefing**
- 6.1 A briefing on Dispersal Orders and the Operational Guidance was delivered on May 12, 2010 to an audience of 10 City Councillors. The briefing was presented by the co-authors of the guidance, the Safer Communities Manager, and the police Sector Commander for Cambridge City. The briefing explained the scope and legislative requirements and constraints of section 30, followed by an explanation of why the guidance was thought necessary. This was further followed by an overview of the document.
- 6.2 Questions asked by members centred upon the circumstances in which section 30 could be put in place and then used. It was clarified that the mere presence in an area of individuals appearing to belong to an identifiable group perhaps generally associated with a disproportionate degree of anti-social behaviour was not in itself a reason to apply section 30. There had to be evidence of actual, significant anti-social behaviour. Additionally, it was clarified that, should the Council refuse to support a police application to introduce a dispersal zone, that application then ended, although police might then submit an subsequent application making changes in respect of reasons why the Council initially refused consent.
- 6.3 On the question of agreement to a Dispersal Order being delegated to the Leader of the Council or a nominated individual rather than to a committee, the response was that as s.30 is a crime & disorder executive function with delegated powers it, therefore, rightfully sits at the Executive Councillor level.
- 6.4 Please note that, as discussed at the Civic Affairs Committee on 17th May and subsequently approved at full Council on 27th May 2010, it was agreed that the Executive responsibility for community safety (including CCTV and responding to Police consultation on the use of dispersal powers under section 30, Anti-Social Behaviour Act 2003), and the racial harassment service is moved from the Leader to the Executive Councillor for Community Development and Health.

4. Implications

Financial Implications – None.

Staffing Implications – None.

Equal Opportunities Implications – Cambridgeshire Constabulary and Cambridge City Council are committed to consulting as widely and as early as possible during the process of deciding whether or not a dispersal zone is suitable for an area.

Early identification of issues through the Neighbourhood Policing Reports to Area Committees ensures that wherever possible the views of the public are taken into account in the preparatory work over a s.30 Dispersal Order.

Procurement Implications – None.

Environmental Implications – None.

Community Safety Implications – Government guidance states that people have the right to feel safe in their communities. It is unacceptable for anyone to be afraid to use public spaces, cash points, shops and parks because they feel threatened by groups of people. Powers under the Act enable police and local authorities to work together to identify particular problem areas that need targeted action to help local communities to remove intimidation and anti-social behaviour from their streets.

5. Background papers ASB Act 2003 (relevant sections)

6. Appendices The Operational Guidance Document

7. Inspection of papers Contact the Author

7.1 To inspect the background papers or if you have a query on the report please contact:

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