

EXECUTIVE

DATE: 20TH APRIL 2009

SUBJECT: APPLICATION FOR DISPERSAL ORDERS UNDER SECTIONS 30 TO 36 (PART 4) OF THE ANTISOCIAL BEHAVIOUR ACT 2003

REPORT BY: PRINCIPLE COMMUNITY SAFETY OFFICER

CONTACT OFFICER: VICKY HAYES 01582 556629

IMPLICATIONS:

LEGAL	STAFFING	
EQUALITIES	COMMUNITY SAFETY	✓
FINANCIAL	RISKS	✓
OTHER		

CONSULTATIONS:

COUNCILLORS CONSULTED	✓	SCRUTINY COMMITTEE CONSULTED
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STAKEHOLDERS CONSULTED	OTHER
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WARDS AFFECTED: BISCOT

LEAD EXECUTIVE MEMBER(S): COUNCILLORS SIMMONS AND ASHRAF

RECOMMENDATION(S)

- Executive is recommended to consent to the local Divisional Commander, Bedfordshire Police giving an authorisation that the powers conferred by s30 (3) – (6) of the Anti-Social Behaviour Act 2003 are to be exercisable for a period of six months in respect of the Dorrington Close area as outlined on the map attached to the police report.

REPORT

- Part 4 of the Anti-social Behaviour Act 2003 introduced the power for a "relevant officer" i.e. a Police Officer of or above the rank of superintendent,

with the consent of the local authority to authorise uniformed constables to give directions requiring the dispersal of groups and to remove persons under 16 years of age to their place of residence.

3. This power can be applied where a relevant officer has reasonable grounds for believing:
 - (a) that any members of the public have been intimidated, harassed, alarmed or distressed as a result of the presence of behaviour of groups of two or more persons in public places in any locality in his police area (the “relevant locality”), and
 - (b) that anti-social behaviour is a significant and persistent problem in the relevant locality.
4. If a constable in uniform has reasonable grounds for believing that the presence or behaviour of a group of two or more persons in a public place has resulted, or is likely to result, in any members of the public being intimidated, harassed, alarmed or distressed he/she may give one or more of the following directions:
 - (a) a direction requiring the persons in the group to disperse (either immediately or by such time as he/she may specify and in such way as he/she may specify);
 - (b) a direction requiring any of those persons whose place of residence is not within the relevant locality to leave the relevant locality or any part of the relevant locality (either immediately or by such time as he/she may specify and in such way as he/she may specify);
 - (c) a direction prohibiting any of those persons whose place of residence is not within the relevant locality from returning to the relevant locality or any part of the relevant locality for such period (not exceeding 24 hours) from the giving of the direction as he/she may specify;
5. Furthermore, if between the hours of 9pm and 6am, a constable in uniform finds a person in any public place in the relevant locality who he/she has reasonable grounds for believing; -
 - (a) is under the age of 16; and
 - (b) is not under the effective control of a parent or a responsible person aged 18 or over.
6. He/she may remove the person to the person’s place of residence unless he has reasonable grounds for believing that the person would, if removed to that place, be likely to suffer significant harm.
7. The Act requires that the relevant officer seek the consent of the relevant local authority (or local authorities) and that upon that consent being given an authorisation notice should be published in a local newspaper and/or posted in some conspicuous place or places within the relevant locality.
8. A dispersal order may be exercised for a maximum period of six months.

9. Council officers were informed on the 15th April 2009 of an impending request for a dispersal order and received a formal request on the 17th April 2009 authorised by Superintendent Mark Turner of Bedfordshire Police seeking the Council's consent to the making of a dispersal order under the Anti-social Behaviour Act 2003 for the area of Dorrington Close.
10. The Police have supplied operational information in support of the requests which can be viewed by Members of the Executive but may not be made public.
11. However, a copy of the application and background information is appended to the report. This information leads officers to recommend approval of the applications.
12. The Police have advised that there have been ongoing issues of anti-social behaviour in the Dorrington Close area over the last few years. Over the past 12 months they have recorded 31 recorded crimes and 81 incidents of anti-social behaviour that have occurred in Dorrington Close. Out of these 10 recorded crimes and 17 incidents have occurred in the past 4 months. These incidents include groups congregating in the area – smoking drugs, littering and being verbally abusive to residents. Homes have had graffiti sprayed on them and damage has been caused to property.
13. The Central Safer Neighbourhood Team, following concerns raised by the local community, have prioritised dealing with the anti-social behaviour issues in Dorrington Close. The Community has also engaged with the Police and Council to find sustainable solutions to the problems they have experienced.
14. It should be noted that the police and other agencies have undertaken a great deal of alternative solutions to combat the anti-social behaviour within this location. Additional patrols and operations have been put in place including a blanket stop and search power by the police. Warning letters and visits have been carried out where offenders have been identified. The Police and the Council's Community Safety Team alongside other Council departments and will continue to use further actions and powers, in conjunction with the dispersal order, to resolve the issues in this area.

COMMUNITY SAFETY IMPLICATIONS

16. The authorisation of this dispersal order will, it is felt, have a positive impact on improving the quality of life of the residents and users of the areas covered by those orders.

LEGAL IMPLICATIONS

17. There are no legal implications other than those set out in the body of the report and this has been agreed with Brenda Vale in Legal Services on 17th April 2009.

RISKS

17. Whilst there is an issue around civil liberty and the potential for young people not involved in the anti-social behaviour to be affected by these orders should the Executive fail to support the applications for dispersal orders there is a risk that the Council will be viewed as not being responsive to the concerns of local people about anti-social and criminal behaviour. This could lead to criticism and a negative public reaction. It may also impact adversely on the Council's community cohesion initiative.

COUNCILLORS CONSULTATIONS

18. In light of the fact that this request made very shortly before the Executive Committee, we have not had the opportunity to consult with the Ward members in relation to this application.

OPTIONS

20. The following options are open to the Executive:
1. To approve the dispersal order.
 2. Not to approve the dispersal order.

APPENDIX

21. The following appendices are attached to this report:

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| Appendix A - | Background information provided by the police to support the application. |
| Appendix B - | Plan of the proposed dispersal area in Dorrington Close |

BACKGROUND PAPERS

Sections 30-36 of Part 4 of the Anti-Social Behaviour Act 2003.