
REPORT TO:	Housing and Community Services	AGENDA ITEM: 8
DATE OF MEETING:	26th August 2004	CATEGORY: DELEGATED
REPORT FROM:	Director of Community Services	OPEN
MEMBERS' CONTACT POINT:	Sue Haslett (ext 5924)	DOC:
SUBJECT:	Section 30 Anti Social Behaviour Act	REF:
WARD(S) AFFECTED:	Melbourne	TERMS OF REFERENCE: HCS07

1.0 Recommendations

1.1 To consent to the issuing of an authorisation, by Derbyshire Constabulary under section 30 of the Anti Social Behaviour Act 2003, to disperse groups of two or more people from designated areas in Melbourne for a maximum period of 6 months commencing in September 2004.

2.0 Purpose of Report

- 2.1 To inform Members of section 30 of the Anti Social Behaviour Act 2003 which gives the police, working with local authorities, new powers to target action in problem areas to help communities remove intimidation and anti-social behaviour from their streets.
- 2.2 To grant consent for the Area Policing Commander to designate an area of Melbourne for the dispersal of groups under Section 30.

3.0 Executive Summary

3.1 Section 30 of the Anti Social Behaviour Act 2003 provides powers that in a designated area, a constable in uniform can give directions where there are reasonable grounds for believing that the presence or behaviour of a group of two or more persons in any public place has resulted or is likely to result in any members of the public being intimidated, harassed, alarmed or distressed. Persons in the group can be directed to disperse and/or leave the locality for a period specified by the officer and not return for a period of up to 24 hours. Failure to comply with a direction can lead to arrest. It is proposed that Melbourne be designated as an area for the application of these powers.

4.0 Detail

Legislation

- 4.1 Part IV, section 30 of the Anti Social Behaviour Act 2003, permits the police to disperse groups of 2 or more young people under the age of 16, who are unsupervised in public places between 9 p.m. and 6 a.m. and return them to their homes. This part of the Act applies where there has been or is likely to be, a gang causing members of the community fear, alarm or distress.
- 4.2 In order to comply with the new powers the Police have to consult and obtain local authority authorisation before they can create an area for group dispersal. Before the power is available to an officer, an authorisation must be given by a Superintendent or above, this being on the basis that the Superintendent has reasonable grounds to believe that:
- Members of the public have been intimidated, harassed, alarmed or distressed;
 - As a result of the presence or the behaviour of a group of two or more persons in a public place in their police area; and
 - Anti social behaviour is a significant and persistent problem in that area.
- 4.3 The authorisation allows the powers to be exercisable for a period not exceeding 6 months. The power can only be used by a constable or Police Community Support Officer in uniform. If an officer has reasonable grounds to believe that such behaviour in a public place has resulted, or is likely to result in members of the public being harassed, alarmed etc as required under Section 30, the Constable may:
- Require those present to disperse immediately, or by such time and in such a manner as they so specify;
 - Require those persons not normally resident in the locality or that part of it, to leave immediately or in such time and manner as specified;
 - Prohibit any of those persons present from returning to that area within the period specified by them, but not exceeding 24 hours, from the time of the direction being given.
- 4.4 Refusal to follow the officer's directions to disperse is a summary offence. The penalty on conviction for this offence is a fine, and/or a term of imprisonment not exceeding three months', or both.
- 4.5 The decision to designate an area must be published in a local newspaper or by notices in the local area, the designation can then last for up to six months. The designated area must be clearly defined, usually by a description of the streets or roads bordering the area.

Melbourne

- 4.6 The Police have approached the local authority to designate an area of Melbourne and Kings Newton as per the attached map. Young children from the town attend Melbourne Infants and Primary School, but upon reaching secondary school age, fall within the catchment of Chelleston High School. As friendships form, students from Chelleston travel to Melbourne to meet friends. Melbourne is serviced by 2 bus routes which operate every 20 minutes from Shelton Lock and Chelleston. Youths congregate in numbers of up to 70 without warning. With the use of mobile phones

and bus fares, as cheap as £1 return from Shelton Lock and Chelleston, access is simple and affordable.

- 4.7 The problems arise when the young people wander around the streets of the town drinking alcohol. Businesses in the Market Place frequently have to clear up bottles, cans, cigarette stubs, stale urine and vomit from their shop doorways. When the young people have been moved on from the Market Place, they congregate in the public car park behind The Lamb public house.
- 4.8 The rugby club and cricket pitch have been broken into and damaged on four occasions in recent months. The Spinney Hill estate is frequently visited by youths shouting, swearing, drinking, urinating and throwing used condoms. Young people have been arrested for criminal damage to the Market Place and to bus shelters on Packhorse Road. There have also been numerous instances of damage to unattended motor vehicles, including the ripping off of wing mirrors and aerials.
- 4.9 Arrests have been made for the thefts of mopeds, possession of cannabis and being drunk & disorderly. Alcohol has been seized, letters sent to parents and in some cases follow up visits made. The Police have already altered many shifts to provide cover for Friday and Saturday evenings. Unfortunately these actions have had only a limited effect. A youth club that held twice-weekly meetings was closed due to the behaviour of young people in late 2003. The Methodist Church has recently raised and invested £30,000 in an internet café on Potter Street in an attempt to provide facilities of interest.
- 4.10 Melbourne has a natural 'ring road' from Robinsons Hill, Cockshut Lane through to the village of Kings Newton. To be effective, the area to be covered would need to be Melbourne and Kings Newton as shown on the attached map.

5.0 Financial Implications

- 5.1 There are no financial implications arising from this report as all publicity and resources will be funded through existing Police and/or Crime & Disorder Partnership budgets.

6.0 Corporate Implications

- 6.1 The introduction of this new power will support the Council's key aim of reducing crime and disorder along with the fear of crime.
- 6.2 ###Liberty is considering taking a test case through High Court under the Human Rights clause Freedom of Association. Liberty is considering this action as a defence for anyone who is arrested under the terms of the Anti Social Behaviour Act 2003 Part IV Section 30.

7.0 Community Implications

- 7.1 This power would impact considerably on the community of Melbourne, by improving the quality of life for those living and working in the area. It would not only help to reduce the fear of crime in the area, but also impact on levels of crime, noise and intimidation.

- 7.2 There are also likely to be some environmental improvements as many of the young people leave litter and broken glass. By designating the area for group dispersal, this may reduce the amount of littering, and damage such as graffiti.
- 7.3 Section 17 of the Crime and Disorder Act 1998 requires local authorities to consider crime and disorder implications while exercising their duties.

8.0 Conclusions

- 8.1 The designation of Melbourne under section 30 of the Anti Social Behaviour Act would help to alleviate the significant and persistent anti social behaviour problems in the area.

9.0 Background Papers

Sections 30-36 Anti Social Behaviour Act 2003