
REPORT TO:	Housing and Community Services	AGENDA ITEM: 12
DATE OF MEETING:	3 rd February 2005	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: HSC07
WARD(S) AFFECTED:	All	TERMS OF REFERENCE: HCS07

1.0 Recommendations

1.1 That the Chief Executive, in consultation with the Chair of the Committee, be authorised to give consent to proposed authorisations pursuant to section 30 of the Anti-Social Behaviour Act 2003.

2.0 Purpose of Report

2.1 To consider granting the Chief Executive, in consultation with the Chair of the Housing & Community Services Committee, authorisation to give consent on behalf of the authority pursuant to section 30 of the Anti-Social Behaviour Act 2003, which will provide the police with additional powers to disperse groups of people and remove persons under 16 years of age to their place of residence.

3.0 Detail

Legislation

3.1 Part IV, section 30 of the Anti Social Behaviour Act 2003 enables the police to disperse groups of two or more persons in any public place, who have or are likely to cause any members of the public to be intimidated, harassed, alarmed or distressed. It also permits the police to remove 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.

3.2 Under section 31, 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.

3.3 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.

3.4 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.

3.5 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.

Designated Authority

3.6 Based on the experiences gained from the section 30 in Melbourne, it has been determined that there are likely to be occasions when the Police need to obtain or amend an authorisation quickly. As a result, it would be more effective for the giving of consent to be delegated to the Chief Executive, in consultation with the Chair of the Housing & Community Services Committee.

4.0 Financial Implications

4.1 There are no financial implications arising from this report.

5.0 Corporate Implications

5.1 It will support the Council's key aim of reducing crime and disorder along with the fear of crime.

6.0 Community Implications

6.1 This authorisation would enable the police to utilise the legislation more speedily. Consequently anti-social behaviour problems in the District could be tackled more effectively, thereby improving the quality of life of the local community.

7.0 Conclusions

7.1 South Derbyshire's pilot section 30 order in Melbourne has already proved to be successful in tackling anti-social behaviour. Lessons have been learnt from its implementation and action is being taken to ensure that the legislation can be used even more effectively in future.

8.0 Background Papers

Sections 30-36 Anti Social Behaviour Act 2003

