

Anti-Social Behaviour Act 2003

S.30 Dispersal Order

These dispersal orders can apply where a police officer of at least Superintendent rank has reasonable grounds for believing:

- That any members of the public have been intimidated, harassed, alarmed or distressed as a result of the presence or behaviour of groups of two or more persons in public places in any locality in his police area, and
- That anti-social behaviour is a significant and persistent problem in the relevant locality

An order will give a police constable the following powers:

- Disperse groups of more than two persons for up to 24 hours, and
- Between the hours of 9pm and 6am return young persons under the age of 16 (not in the charge of an adult) to their home address.

When an order is made it must be publicised by:

- Publishing an authorisation notice in a newspaper circulating in the relevant locality and/or
- Posting an authorisation notice in a conspicuous place or places in the relevant locality

The authorisation notice must state:

- That the authorisation has been given
- Specify the relevant locality
- Specify the period (these orders may last for up to six months but may be re-applied for)

The local authority must agree to the order being made and the local authority for the purposes of the Act is the district council. The local authority must also be consulted when it is proposed to withdraw the authorisation.

Proposed Protocol

This paper looks at a suitable protocol for obtaining the agreement of the local authority.

It is a requirement to have some consultation before agreeing to the police request and it is suggested that the Community Safety Officer consults with the agencies below, all of whom would have a legitimate input.

- District Council Ward Members
- County Councillor
- Town or Parish Councillors (via Town or Parish Clerk)

- Chairman of the Local Action Group of the Community Safety Partnership
- Youth Offending Team
- Devon Youth Service

This consultation would normally take the form of a multi-agency meeting to specifically discuss the issues of the location and why the police feel a Section 30 Dispersal Order is appropriate. A senior Police Officer would be invited to attend the meeting.

The results of the meeting will be put to the Chief Executive of Mid Devon District Council to make a decision, based on the evidence of the problem. If the consultation meeting is adverse to the agreement then minutes of the meeting will be copied to the Chief Executive so he/she is aware of the concerns/issues, together with the Superintendent's Authority Form.

At the same time it would be expected that a longer-term strategy would be worked out with multi-agency input to look at other methods of dealing with the problem – a dispersal order is only one tool for dealing with anti-social behaviour and should not be used in isolation. The Community Safety Officer would co-ordinate a problem solving meeting to address this.