



To: West/Central Area Committee
8th April 2010

Report by: The Director of Community Services

Wards affected: Market ward

Subject: s. 30 Dispersal Order to cover the Historic Centre of the City.

1. Executive summary

- 1.1 This report follows that submitted to the West/Central Area Committee in 4th February 2010 on the possible implementation of a Dispersal Order under section 30 of the Anti-social Behaviour Act 2003 to cover the historic centre of the City.
- 1.2 The report is a summary of the analysis received from Cambridgeshire Constabulary and submitted to the Leader of the City Council in which they conclude there is insufficient evidence to justify making a request to the Leader to approve a section 30 Order at this time.

2. Recommendations

- 2.1 The Committee is requested to note the content and recommendations being presented to the Leader that support the case for not implementing a Section 30 Order at this time and to comment accordingly (police analytical document already provided to members). The report highlights that the current levels of anti-social behaviour exhibited by the streetlife community will be better addressed at this time by:
- 2.2 ASB related to streetlife activity remaining as a Neighbourhood Priority as the spring and the better weather approaches.
- 2.3 The police give the historic City Centre local priority status to ensure the area receives regular patrols and an increased police presence in the area.
- 2.4 Requesting Streetscene to carry out, on a trial bases, a greater level of litter picking/street cleansing in the areas most affected.
- 2.5 Requesting residents and members of the retail trade to report all incidents of ASB to the police on 03454564564 and request to be given an incident number.
- 2.6 That the police and City Council monitor the situation closely in readiness for 'fast tracking' the implementation of a s.30 Dispersal Order if the current situation deteriorates.

3. Background

- 3.1 A Dispersal Order is implemented under section 30 of the Anti-Social Behaviour Act 2003. A Dispersal Order provides the police with powers, in a designated area, to disperse groups of two or more where their presence or behaviour has resulted, or is likely to result, in members of the public being harassed, intimidated, alarmed or distressed.
- 3.2 The Leader of the Council can give approval to an Order but any approval must be reported to the next available meeting of the Strategy & Resources Scrutiny Committee.
- 3.3 A Dispersal Order was in place in the City Centre from 8th October 2007 until 6th April 2008. This Order covered the Market Hill, Sidney Street and the King's Parade locality. It was in place primarily to address the issues of behaviour of the streetlife community. S. 30 is seen as a short-term measure to tackle symptoms and not underlying causes of a problem.
- 3.4 Such was the success of the Order in reducing the drink related problems that there was no evidence to justify its renewal thereafter. It was also felt that any residual issues could be dealt with under other legislation such as the Violent Crime Reduction Act 2006 and the Public Order Acts.
- 3.5 However, complaints of anti-social behaviour associated with the streetlife community in the City centre increased during the summer of 2009 and into the autumn.
- 3.6 The view that the situation was becoming a serious concern resulted in a survey of the business community followed by meetings with interested parties to establish the exact extent of the problem. However, it was acknowledged that complaints did not always turn into reported and recorded incidents and this is not unusual.
- 3.7 ASB associated with the street life community was raised at the West Central Area Committee in December 2009 when it was reported that research and analysis was taking place with a view to considering making the area the subject of a Dispersal Order. In the meantime the reported behaviours were made a local neighbourhood priority to be addressed through existing powers.
- 3.8 In early January 2010 a new Dispersal Order came into effect covering the area of Parker's Piece, Christ's Pieces and the Grafton and the streets in between. This will be subject to ongoing review.
- 3.9 Research and analysis of data and information became available on 11th March 2010. This shows that street life ASB incidents in the Market ward equate to 4 per week (206/52, February 2009 – January 2010). Comparatively, this is significantly lower than baseline findings in areas where s.30 legislation has been applied before in the City.
- 3.10 The incidents that have been reported highlight Sidney Street, Sussex Street and parts of the Market Square as problem areas. However, there has been no

increase since the summer and this is predictable in view of the season and particularly harsh weather conditions.

- 3.11 CCTV Operators and the Street Outreach team have not noticed an increase in ASB during the period in question.
- 3.12 Other information considered has been the survey of businesses in the City centre, which was sent out at the height of concerns last autumn attracting 88 respondents. In addition the Cambridge Evening News also ran a survey during January 2010, which attracted 46 respondents. A significant proportion of business respondents felt that ASB in the City related to the street life community was getting worse.
- 3.13 Additionally, an open consultation process followed the CEN survey where telephone and e-mail opportunities were provided to which there were no responses.

4. Considerations

- 4.1 The power to require people to leave a public place under a s. 30 Dispersal Order is a significant one which has the potential to challenge deeply-held beliefs about individual liberties and the rights of the citizen. In order to observe these rights certain tests need to be applied.

- 4.2 There are three parts to the test:

- 4.2.1 Is it necessary? (This is a test based on evidence both factual and anecdotal)

- 4.2.2 Is it proportionate? (This is a test as to whether the imposition of an Order is proportionate to the problem being experienced).

- 4.2.3 N.B. These tests are important because the Order can impose restrictions on the rights of individuals under the European Convention on Human Rights. Such rights include the right to liberty and security, the right to respect for private and family life, the right to freedom of association and the right of children to play.

- 4.3.4 Is it appropriate? (This is a test of whether an Order will actually contribute to reducing anti-social behaviour, that is, are there alternative, effective measures that could be taken which would have a lesser impact on personal liberty?)

4.3 **Application of the above tests:**

- 4.3.1 Is a s.30 Order Necessary? There is clear evidence both factual and anecdotal that there is an issue of anti-social behaviour caused by members of the street life community in the defined area of the historic core of the City centre. However, an upward trend in street life incidents since the summer cannot be seen in the data. The number of street life anti-social behaviour incidents for the last year was only 4 per week (206/52, Feb 2009 to Jan 2010).

- 4.3.2 Is a s.30 Order Proportionate? CCTV operators at Cambridge City Council have not noticed an increase in anti-social behaviour over the last six months or so, and their perception is that levels of street life ASB have not changed. Their statistics show a slight decrease in ASB incidents. However, it is not possible to

differentiate between streetlife related ASB and other types. The Street Outreach Team have also not noticed an increase in anti-social behaviour, and if anything, feel that the situation may have improved due to several problematic individuals no longer being around. Nonetheless, public perception is that the situation is getting worse.

4.3.4 Is a s.30 Order Appropriate? There has been a street drinking presence in the historic centre for many years, to varying degrees, and a Section 30 Dispersal Order was in place for approximately six months in 2007/08. It was withdrawn upon review, generally noting a significant and lasting reduction in intimidating association in that area based in part of the successful use of dispersal powers. Other powers are now available to the police.

- 4.4 Whilst the powers conferred under the legislation can be extremely useful as part of a suite of options to tackle the specific problem identified, agreement to its use in this geographical area is considered not to be necessary, appropriate or proportionate at this moment in time.
- 4.5 Members are asked to note that an Operational Guidance document detailing the use of s.30 and future consultation process is about to be issued.

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