

Cheltenham Borough Council

Gang Injunction

Delegated decision by Cllr. Andrew McKinlay, Cabinet Member Development and Safety

Accountable member	Cllr. Andrew McKinlay, Cabinet Member Development and Safety
Accountable officer	Richard Gibson, Strategy and Engagement Manager
Ward(s) affected	All
Key Decision	No
Executive summary	<p>Cheltenham Borough Council has been approached by Gloucestershire Constabulary to provide financial support to enable the Constabulary to take out a gang injunction.</p> <p>This report sets out the background behind the gang injunction and the reason why this funding request is being supported.</p>
Recommendations	To support Gloucestershire Constabulary with the process of taking out a gang injunction through providing financial support of 25% of the total costs of the injunction up to a maximum cap of £5,000.

<i>Financial implications</i>	<p>It is proposed that the £5k is funded from the following cost centres: PLP103 R4401 - £2,000 COR003 R4401 - £1,500 SUP037 R4401 -£1,500</p> <p>Contact officer: Sarah Didcote</p>
<i>Legal implications</i>	<p>Section 92 of the Police Act 1996 give powers to local authorities to provide grants to the Police and Crime Commissioner whose police area falls wholly or partly within the Council's area. Under this provision the grant may be made unconditionally or, with the agreement of the chief officer concerned, subject to conditions. The Council may therefore require a grant agreement to be entered into which sets out terms for the use of the grant.</p> <p>A gang injunction is one which the police is empowered to seek pursuant to powers contained in the Policing and Crime Act 2009; it contains provisions for injunctions to prevent gang-related violence and gang-related drug dealing activity to be sought against an individual.</p> <p>I have been informed by the report writer that the legal process associated with the gang injunction will be undertaken by the Gloucestershire Constabulary Legal Team.</p> <p>Contact officer: Donna Ruck Solicitor - One Legal Donna.ruck@tewkesbury.gov.uk 01684 272696</p>

HR implications (including learning and organisational development)	None identified
Key risks	See risk register at appendix 1
Corporate and community plan Implications	The health inequality grants will both help deliver the council's corporate outcomes: <ul style="list-style-type: none"> • People live in strong, safe and healthy communities
Environmental and climate change implications	None identified

1. Background

- 1.1** A multi-agency meeting was held on 29 November to hear about the Constabulary's proposals for a gang injunction to be taken out against 11 members of two rival gangs that have been involved in violent drug-related activity in Gloucester and Cheltenham.
- 1.2** Due to escalating scale of the violence, and the unwillingness of witnesses to provide evidence, the Constabulary proposed a gang injunction – this would give the Constabulary a powerful tool to reduce the activities of individuals associated with the two gangs.
- 1.3** At the meeting, it was made clear that due to the costs of taking the gang injunction through the court process, the Constabulary would be looking to financial contributions from partners.
- 1.4** Subsequent to the meeting, the proposed funding arrangements for injunction were communicated to the funding partners;
- Constabulary – 50%
 - Gloucester City Council – 25% (with a cap of £5k)
 - Cheltenham Borough Council – 25% (with a cap of £5k)
- 1.5** This report sets out the background behind the gang injunction and the reason why this funding request is being supported.

2. Summary of gang-related activity

- 2.1** The gang injunction will be taken out against 11 members of two family-based criminal gangs that are involved in the supply of class-A drugs.
- 2.2** A member of each gang lives in Cheltenham and one of the girlfriends also lives in Cheltenham.
- 2.3** The violence started in mid-August and seven further violent incidents were described by the police culminating in the discharge of a firearm outside a night-club in Gloucester. One of the violent incidents took place inside a Cheltenham night-club.
- 2.4** In the police's view, the violence is increasing and a member of the public may get seriously hurt.
- 2.5** They also reiterated that although the majority of gang members live in Gloucester, there is a high degree of movement between Cheltenham and Gloucester which they have evidenced from ANPR trackers.

3. About the gang injunction

3.1 The gang injunction will last for a term of 2 years.

3.2 It will have three impacts:

- Exclusions – named gang members will be prevented from entering defined parts of Gloucester and Cheltenham.
- Non association - named gang members will be prevented from associating with each other.
- Positive actions, gang members will be set specific positive actions; for instance to get a job, engage with probation, take anger management courses etc,

3.3 If the injunction is breached, it would be a contempt of court. This will then give the police powers to take out a search warrant or potentially lead to criminal proceedings and jail terms.

3.4 The Police are estimating that the costs of taking out the gang injunction will be in the region of £20k which is based on need for QC advice - CBC are being asked to fund 25% of costs up to a maximum of £5k.

3.5 The police's summary is that the gang injunction is the strongest power that police will have to tackle the threats associated by these gangs – whom they class to be the most serious organised criminal gang active in the county.

4. Cheltenham Borough Council's response

4.1 It is clear that these two gangs present a risk to the general public in Cheltenham. If the injunction proceeds without Cheltenham's support and with greater powers available to the Police in Gloucester to moderate the gangs' activity, there is a risk that their criminal behaviour might be displaced to Cheltenham.

4.2 I am therefore proposing that Cheltenham Borough Council's makes contribution of 25% of the costs of taking out the gang injunction up to a maximum cap of £5,000.

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Appendices	1. Risk Assessment
Background information	

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the council does not contribute the requested sum, there is a risk that the gang injunction proceeds but with a focus on Gloucester rather than the proposed joint approach across the two urban areas. This may cause additional gang-related criminal activity to be displaced to Cheltenham from Gloucester.	Strategy and Engagement Manager	Jan 2018	5	3	15	Reduce	Decision report to provide funding to support the gang injunction	End of Jan 2018	Strategy and Engagement Manager	
Explanatory notes											
<p>Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p>Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p>Control - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											