

Dispersal Order Protocol – Cheltenham Town Centre

The Anti-Social Behaviour Act 2003 gives the police powers in designated areas to disperse groups of two or more where their presence or behaviour has resulted, or is likely to result, in a member of the public being harassed, intimidated, alarmed or distressed.

The basis of this application is supported by numerous complaints of crime and disorder within the designated area and it is anticipated that the introduction of a 'dispersal order' will provide a suitable tool to deal with the problem.

Individuals who do not reside within the designated area can be directed to leave the locality and may be excluded for up to 24 hours. A person does not commit an offence because an officer has chosen to use the power to disperse, but failure to follow the officer's directions is an offence. The 2003 Act also creates a power to remove to their home any young person under 16 who is out on the streets in a dispersal zone between 9pm and 6am and not accompanied by an adult.

The order incorporates 4 distinct areas where disorder is regularly reported;

- St Marys Churchyard - Street drinkers
- Outside McDonalds - youth ASB
- Jenner Gardens - Street drinkers
- Outside Hutchinson's - Street drinkers

The Protocol

This power will only be used when police or Police Community Support Officers (PCSO's) attend an incident of anti-social behaviour or disorder within the designated area and when they feel it is necessary, after engagement with the complainant and the offender.

Where the individuals are not known, their details will be obtained. They will be advised that their behaviour is unacceptable and should stop. If it doesn't, the power **may well** be used.

These details will be recorded on a spreadsheet maintained by the Local Policing Team for future reference.

Where individuals are known for a previous incident of anti-social behaviour, they will be told to stop their behaviour. If it doesn't then the power **will** be used.

If the offender is under 16, efforts will be made to engage with parents to negotiate some form of parental control/guidance to prevent further anti-social behaviour.

It is believed that this is a proportionate response to the problem and it is anticipated that few groups will need to be 'formally' dispersed. It is hoped that the powers can be used informally to facilitate dialogue with young people or street drinkers. They will provide front-line police with the flexibility that dispersal powers confer upon them, particularly as they provide police with formal authority to do what many consider to be a key aspect of traditional policing; namely engaging with groups of people, negotiating order and asking them to move elsewhere if their behaviour is causing offence to others.

Where under this legislation, a decision is made to return a young person under 16 years of age to their place of residence, any local authority whose area includes the whole or part of the relevant area must be informed. Therefore this will allow Cheltenham Borough Council the opportunity to monitor the pro-active use of the Dispersal Order.

A regular report will be made to the Cheltenham Anti-Social Behaviour Steering Group, such that appropriate follow up action can be taken, particularly in the case of repeat "offenders". For example, this may involve looking at delivering frontline services that are integrated and focused around the needs around the needs of the relevant community groups.