

ITEM 6

COUNCILLOR PHILIP HICKSON JP
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Rt Hon John Reid MP
Secretary of State for the Home
Department
2 Marsham Street
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Your Reference

Our Reference
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Date
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Dear Dr Reid

PROCEDURE TO REINSTATE LAPSED SECTION 30 ORDERS

I write to ask that you give consideration to amending the process for the making of a Section 30 Order with a view to simplifying the procedure in limited circumstances.

As you know, the ACPO guidance made under the Anti Social Behaviour Act 2003 require a robust process to be followed before a Section 30 Order can be made. My Council generally supports the maintenance of those arrangements. Once made, an order can be continued beyond the original period with relative ease if the problems identified continue to apply. This has happened in Derby City Centre and the Order has proven an aid to policing the area.

Orders can be lapsed early if a review shows the problems have ceased, or will lapse at the end of the period if a positive decision is not made to extend them. Derby City Council is content with these arrangements. However, there is a sentiment that the process is too cumbersome in cases where the Order has ceased because the problems appeared to be solved but then recur.

At present all the steps involved in securing the original Order have to be repeated before one can be reinstated. Members of our Council say this has several consequences:

- it is not a good use of limited police resources to spend time producing the portfolio of evidence as to misbehaviour and offending and carrying out public consultation on the proposal
- it reduces the confidence of residents' in public services because the 'delay' caused by the process is perceived as unresponsiveness and they see it as wasteful to be asked once again about what consider to be self-evident
- the time lag means the police are denied the tolls to tackle the problem.

It is apparent that trouble causers from other areas of the city can be well aware about the existence of an Order, keep away for a while but then re-appear soon after it has lapsed. I therefore invite you to consider allowing a fast track route for reinstating a Section 30 Order, where one has ended within the previous three months. One suggestion is that records of police calls for service should be sufficient evidence of the need plus the necessary consent, under Section 31(2) of the district / unitary council. I am advised that no change to the 2003 Act would be required to achieve this, just a variation to guidance which the Home Office can arrange, if persuaded of the need for change.

Yours sincerely

Councillor Philip Hickson JP
Council Cabinet Member for Community Safety and E-Government
Derby City Council