Anti-social Behaviour, Crime and Policing Bill

Fact sheet: Dispersal powers (Part 3)

1. The dispersal power is a new flexible power which could be used in a range of situations to disperse anti-social individuals and provide immediate respite to a local community. For example, if someone was riding a mini-moto on an estate and causing distress to others as a result of the noise, they could be asked to leave the area and their mini-moto could be confiscated. At the moment, agencies would have to go through a cumbersome process for designating the area a dispersal zone before they could deal with the problem, potentially leaving victims at the mercy of the ASB for months.

2. The new dispersal power will give the police the power to disperse individuals or groups causing or likely to cause ASB in public places. Police officers and police community support officers (if designated the power by their chief constable) will be able to require a person to leave an area and not return for up to 48 hours. The power can be used in any public place and in common areas of private land with the landowner or occupier’s consent (such as shopping centres).

3. The new power combines the most effective elements of the current legislation into a single tool. The current power under section 30 of the Anti-social Behaviour Act 2003 requires consultation with the local council to designate a dispersal zone in advance. This process can be very slow, and as a result victims and communities can suffer for a number of months before the police can act. It also means that in a fast-moving situation, where groups can quickly convene to cause ASB or disorder and then move to different areas, the current powers are not effective. The new power will be authorised by an officer of at least the rank of inspector and will not require consultation with the local authority.

4. The new power is preventative as it allows an officer to deal instantly with someone’s behaviour and nip the problem in the bud before it escalates. The police will be able to deal quickly with emerging trouble spots, providing immediate respite to victims.

5. Two conditions will need to be met for a dispersal order to be given. Firstly, the officer has to have reasonable grounds to suspect that the behaviour of the person has contributed or is likely to contribute to, members of the public in the locality being harassed, alarmed or distressed, or the occurrence of crime or disorder. Secondly, the officer has to consider that giving a dispersal order to the person is necessary for the purpose of removing or reducing the likelihood of ASB, crime or disorder.

6. To ensure the power is used proportionately there must be approval from an officer of at least the rank of inspector to use the power. This will make sure that the wider impacts on, for example, community relations, can be considered properly before use. The inspector can authorise the use of the power in a specific area for a period of up to 48 hours. For instance, on a particular housing estate where there is likely to be anti-social behaviour at the weekend, an inspector could pre-approve use of the new power by his or her officers. Alternatively, if an incident occurred at a different time of the week, when it had not been anticipated, a police officer could contact an inspector for authorisation to use the dispersal in that specific instance.
7. The direction must be given in writing, unless that is not reasonably practicable. The written notice will specify the locality to which it relates and can impose requirements as to the time by which the person must leave the locality and the route they must take. The officer must also tell the person that failure to comply is an offence.

8. Recognised good practice in relation to the use of current dispersal powers will continue. In many forces, officers carry a pre-printed notepad to provide details of the dispersal, the consequences of a failure to comply, where to collect any confiscated items, and a map to clarify the area a person is excluded from.

9. The direction can be given to anyone over the age of 10. The officer will be able to return children under 16 home or to another place of safety if they are behaving anti-socially and are not accompanied by an adult. Police forces already have safeguarding arrangements in place to ensure that children are not returned to unsafe homes or placed in potentially harmful situations.

10. The police officer or PCSO will be able to require the individual to hand over items causing or likely to cause ASB (for example, alcohol, fireworks, or spray paint). Confiscated items will be held at the police station and can be collected after the period of the dispersal. If the individual is under the age of 16 they can be required to be accompanied by a parent or other responsible adult to collect the item; this will help encourage greater parental responsibility.

11. Failure to comply with the dispersal will be a criminal offence and will carry a maximum penalty of a £2,500 fine and/or three months imprisonment. Failure to hand over confiscated items would also be a criminal offence and would have a penalty of up to a £500 fine. These sanctions are in line with current equivalent powers and will ensure there are serious consequences for those failing to comply.

12. As a safeguard to protect civil liberties, data on the use of the dispersal power would have to be published locally. Police and Crime Commissioners will have a key role in holding forces to account on this to ensure that officers are using the power proportionately. Publication of data locally will help highlight any “hotspot” areas that may need a longer-term solution, such as diversionary activities for young people or introduction of CCTV cameras to help “design out” crime and ASB.
Case study – Drunk person in town centre

It is a Saturday morning, and a person is behaving anti-socially in a town centre - they are drinking alcohol and being verbally abusive to members of the public. A PCSO observes the behaviour and considers that it is causing distress to members of the public. There is regularly a problem with anti-social behaviour in the town centre at the weekend, and the inspector has authorised that the dispersal can be used in the market square and surrounding parks between Friday evening and Sunday evening.

The PCSO issues the person with a direction to leave the town centre. The PCSO feels it is appropriate for the direction to last 48 hours to cover the whole weekend. The PCSO issues the person with a written direction, stating the area of the dispersal (the market square and surrounding parks) and the time and date the direction will apply until. The PCSO takes the name of the person and explains what the dispersal is for, where and when it applies, and what the penalty is for not complying.

The PCSO confiscates two un-opened cans of lager and one open can. The unopened cans are taken to the police station and the person can collect them after the 48 hours is over. The open can is not practical to store and the PCSO pours the contents away.

Home Office
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