### Appendix 5: Dispersal power

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Requires a person committing or likely to commit anti-social behaviour, crime or disorder to leave an area for up to 48 hours.</th>
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</table>
| Used by | • Police officers in uniform; and  
• Police Community Support Officers (if designated the power by their chief constable). |
| Test    | • Contributing or likely to contribute to members of the public in the locality being harassed, alarmed or distressed (or the occurrence of crime and disorder); and  
• Direction necessary to remove or reduce the likelihood of the anti-social behaviour, crime or disorder. |
| Details | • Must specify the area to which it relates and can determine the time and the route to leave by.  
• Can confiscate any item that could be used to commit anti-social behaviour, crime or disorder.  
• Use in a specified locality must be authorised by a police inspector and can last for up to 48 hours.  
• A direction can be given to anyone who is, or appears to be, over the age of 10.  
• A person who is under 16 and given a direction can be taken home or to a place of safety. |
| Penalty on breach | • Breach is a criminal offence.  
• Failure to comply with a direction to leave: up to a level 4 fine and/or up to three months in prison although under 18s cannot be imprisoned.  
• Failure to hand over items: up to a level 2 fine. |
| Appeals | A person who is given a direction and feels they have been incorrectly dealt with should speak to the duty inspector at the local police station. Details should be given to the person on the written notice. |
| Important changes/ differences | • It is a more flexible power; it can be used to provide immediate respite to a community from anti-social behaviour, crime or disorder.  
• An area does not need to be designated as a dispersal zone in advance.  
• Although there is no requirement to consult the local council, the authorising officer may consider doing so in some circumstances before authorising use of the dispersal.  
• Police Community Support Officers may use all elements of the dispersal power (if designated the power by their chief constable). |
**Purpose**

The dispersal power is a flexible power which the police can use in a range of situations to disperse anti-social individuals and provide immediate short-term respite to a local community.

The 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. In areas where there are regular problems, the police force should work with the local council to find sustainable long-term solutions. In all instances, the impact on the local community should be considered before using the dispersal power.

**Who can use it?**

The dispersal power can be used by police officers in uniform. Police Community Support Officers (PCSOs) can also use this power if designated by their chief constable.