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A Review of Dispersal Powers

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social
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A REVIEW OF DISPERSAL POWERS

Ben Cavanagh
Justice Analytical Services

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EXECUTIVE SUMMARY

1. Dispersal powers were introduced in Scotland under the Antisocial Behaviour etc. (Scotland) Act 2004. Their introduction reflected the aim of the then Scottish Executive¹ to address the antisocial behaviour of groups in public spaces. This had consistently been rated as one of the main concerns of communities in Scottish Crime Surveys.

2. Dispersal powers allow police to designate a “dispersal area” in a location where there has been a history of antisocial behaviour caused by groups congregating in public spaces. From this area, for a 3-month period, they can disperse groups of two or more individuals whose presence or behaviour, in the view of police officers, is causing or is likely to cause alarm or distress to members of the public. Dispersed individuals (who do not live in the dispersal area) are not allowed to return to the designated area for 24 hours. The breach of an order to disperse is a criminal offence and is liable on conviction to a maximum £2500 fine or imprisonment or to both.

The Review

3. Section 24 of the Act required Scottish Ministers to arrange a study into the operations of the powers and to lay this before the Scottish Parliament within 3 years of their introduction. This study was designed to consider a wide range of issues around the main questions of how dispersal powers have been administered and how far they represent an effective means of providing relief to communities affected by the antisocial behaviour of groups.

4. The research was carried out within the Scottish Government in the Justice Analytical Services Division.

The following data was analysed:

- Police command and control statistics for use of the powers, individual dispersals, breaches and public complaints;
- Interviews with key professionals including representatives from the police, local authorities and social care organisations in all of the locations where dispersal powers have been authorised;
- Focus groups with residents of dispersal areas and representatives of businesses;
- Focus groups and semi-structured interviews with young people in 3 dispersal locations;
- Costs.

¹ The Scottish Executive changed its name to The Scottish Government in September 2007. The name “Scottish Executive” is used in this report where it refers to actions of the previous administration.

Focus groups and interviews with young people were undertaken by Dr Hannah Smithson and Leanne Monchuk of the Applied Criminology Centre, University of Huddersfield. Focus groups with residents were carried out by Louise Brown, an independent research consultant.

Dispersal Locations

5. Between October 2004 (when the powers were introduced) and the end of March 2007 dispersal powers were authorised for use on 14 occasions in 11 separate locations:

- Aberdeen (Beach Boulevard)
- Edinburgh (Hunter Square)
- Dingwall
- Mid Calder
- Dumfries (St Andrew's Church)
- Dumfries (St Michael's Church)
- Lockerbie (McJerraw Car Park)
- Moffat (Station Car Park)
- Knightswood
- Sauchie
- Dennistoun

6. They have been used once in 9 of the 11 locations. In Aberdeen, they were used twice and in Edinburgh Hunter Square, they were used 3 times. They were authorised 4 times in their first year, 10 times in the second year and none have been authorised, in the first 6 months of the third year (to the end of March 2007.) Fife Constabulary and Tayside Police are the only police force areas where dispersal powers have not been used.

7. In most cases, dispersal powers were used to address problems associated with groups of young people gathering in public spaces. The main types of behaviour residents had complained about were typically, alcohol misuse, fighting, intimidation, late night noise, litter, shouting, swearing, urination and vandalism of property. In Aberdeen, Lockerbie and Moffat the disorder was caused by groups of "boy racers." Although these people were gathered in and around parked vehicles rather than out on the street, many of the complaints were about noise, litter and intimidation as well road traffic offences.

8. In Edinburgh and Knightswood, the powers were used for slightly different purposes. In Edinburgh, they were used to disperse groups of street substance users in a busy part of the city centre and in Knightswood they were mainly used to disperse gangs of young people who gathered in Knightswood to fight with weapons.

9. Dispersal powers were not authorised in any of the most deprived parts² of Scotland and some of designations were made in some of the least deprived areas (as ranked by the Scottish Indices of Multiple Deprivation, 2006.)

² Most deprived 5% by Scottish Indices of Multiple Deprivation, 2006

10. Dispersal areas appeared to share geographical and topographical features that were said to attract groups and encourage antisocial behaviour such as accessibility/centrality, the presence of unguarded spaces and certain local shops and services.

Past Responses

11. In most dispersal locations police characterised previous responses to disorder as “cat and mouse.” They would receive a call about a disturbance but the group would move on before the police arrived. On other occasions the behaviour, although antisocial, was not serious enough for the police to take action using their traditional enforcement methods. Police would often return to an area repeatedly throughout the course of a day or evening.

12. Sometimes, limited staff resources meant that the police were unable to provide enough coverage to tackle the problems effectively. This aim was often frustrated by other police priorities such as dealing with other serious incidents and custodies.

13. Despite the difficulties, there were examples of “problem solving” activities in many areas where the police, local authority and other partners were involved in sharing intelligence, targeting main perpetrators, offering support through mediation and coordinating diversionary activities. The extent of this work was heavily dependent on local structures in dispersal locations and varied across all areas. There was an overall sense, despite these efforts, that police powers were not working to address the problems of group antisocial behaviour in public spaces.

Processes

14. The legislation requires senior police officers (Superintendent rank or above) in each location to follow a clearly defined process before authorising dispersal powers. This involves making a case based on evidence gathered in a location to show that the problem is “significant, persistent and serious.” Police are then required to consult with the local authority and other interested parties. If the senior police officer decides to use dispersal powers, the police have to publish an authorisation notice and advertise the power in the local press. They also are required to place notices in the relevant locations to make local people aware of the dispersal powers.

15. Police in all dispersal areas showed a strong commitment to the preparatory stages of authorisation and often went beyond minimum requirements to ensure there was as much local agreement as possible. The perceived high profile nature of the powers and the lack of precedents meant that police took a cautious approach, often using the experience of other forces and involving a wide range of partners, such as council service departments and third party youth organisations in the lead up to the authorisation of the powers.

Use of the Powers

16. There have been 14 authorisations of dispersal powers in Scotland. They have been used much less frequently than the similar powers available in England and Wales where 809 authorisations were made in the first 18 months after the powers were introduced (Home

Office, 2005.) In Scotland an additional legislative requirement means that in addition to evidence of significance and persistence, police also have to have evidence that the problems are “serious.” This might partly explain the difference in usage but variation also depends heavily on local circumstances; the seriousness of the problems, the strength of local partnerships and the willingness of police forces to try a new approach which might be thought to raise public expectations and bring with it the attention of the media.

17. During the 14 authorisations, police gave directions to disperse on 867 occasions. There were 38 arrests for breaches including 5 arrests for under 16s. Provisional data shows that there have been 15 proved breaches. Court disposals for these included 7 prison sentences, 3 fines, 1 restriction of liberty order and 4 admonishments. All 7 prison sentences relate to breaches of dispersal powers in Hunter Square, Edinburgh. Fines were between £100-£150.

18. Dispersal powers had an immediate impact. Police in most locations found that they only had to disperse individuals on the first couple of weekends.

19. Police and residents in all locations said that, in their experience, disorder was dramatically reduced for the periods when the powers were enforced. This was reflected in police incident logs; most police forces experienced large reductions in complaint calls and in some locations this reduction was still noticeable after 6 months.

20. The powers, in contrast to traditional enforcement powers, allowed police to be proactive and manage problems as they developed. Instead of responding to complaints after a group had gathered, the police were able to disperse smaller groups throughout the course of a day or evening before a situation developed where disorder was likely to occur. The police also found that the involvement of other organisations in the preparatory stages encouraged local support for the operations. In some locations the process of using dispersal powers encouraged the development of community structures that then became the sources of community involvement in problem solving activities.

21. In some locations the antisocial behaviour returned to pre-dispersal levels immediately or soon after the dispersal period ended. Evidence suggests that these effects were more apparent in locations where the perpetrator groups were young drivers and street substance users and less apparent where the groups were young people hanging around. In these cases it seems that unique topographical features of the location suit the social behaviour of the groups well and there are few alternative locations for them to move to.

Young People

22. In the consultation stage of the Antisocial Behaviour Bill, the powers were proposed as a means of addressing disorder caused by groups of young people (under 16s.) In the final legislation the age limit was removed and police are able to use them to disperse groups of any age. Eleven of the 14 authorisations were made to address the problems caused mainly by groups of young people present in public spaces.

23. Research took place with young people (aged 12-18) in 3 of the locations where dispersal powers were most recently authorised. These were people who lived or socialised in the dispersal areas but not necessarily people who had been given directions to disperse in the

dispersal periods. Some of these people suggested that, although they could understand and appreciate the effects of their behaviour, they did not conceive of themselves as intentionally trying to cause alarm or distress. Their view was that the powers were being used to prevent them from engaging in socialising activities.

24. There was a felt resentment towards the pro-active approach taken by police dispersing small groups of people based on provisions in the legislation that allow them to give individuals directions to disperse based on their presence as well as than their behaviour. The police can also direct individuals to disperse based on beliefs about how individuals are likely to behave as well as how they are currently behaving. Young people in dispersal areas ultimately believed the powers were unjustified and discriminatory.

25. Young people in 3 dispersal areas were asked about alternative places for them to go and they were often critical of the lack of, or poor quality of, youth services. In one of the areas there was support for most young people interviewed saw as a high-quality programme of activities.

Costs

26. In most locations the average cost, borne by police, of authorising dispersal powers was between £5,000-£7,500 for each authorisation of dispersal powers. This was calculated from the separate costs of statutory notices, newspaper adverts, leaflets and overtime costs. Extra staffing requirements were often covered by re-structuring shift patterns and by drawing in officers from other locations. There were hidden opportunity costs associated with the removal of officers from other locations.

27. In some of the locations the police operations were backed up with local authority support. In these areas the costs were not provided for the study but they included the staff costs for youth support teams and neighbourhood relations teams, the deployment of CCTV and community wardens. These were thought to represent a substantial amount of money and significant enough to place a limit on the number of dispersal authorisations that could be made in the police area.

Conclusions

28. In the locations where they have been authorised dispersal powers have been responsible for substantial reductions in antisocial behaviour for the period of their duration.

29. Evidence shows that this reduction in antisocial behaviour was due to the ways in which dispersal powers allow police to intervene in situations they were not able to previously. Police said that the high levels of compliance with directions to disperse were due to the perceived severity of the penalties for breach.

30. The powers allowed police to disperse individuals believed to be likely perpetrators of antisocial behaviour. In contrast to previous experience where the police were responding to problems once they had developed, the powers allowed the police to be proactive and prevent the disorder from occurring in the first place.

31. Reductions in antisocial behaviour typically lasted for the duration of the powers. In some locations, the powers appeared to break established patterns of behaviour and this relief continued when the powers ended. In other locations the antisocial behaviour came back almost immediately.

32. The return of antisocial behaviour appeared to be more common in locations where the problems were closely associated with perceived weaknesses in design or the physical environment. In the locations where this effect was most apparent (Aberdeen, Edinburgh, Lockerbie and Moffat) residents and business owners valued the respite that they received for the three months of the dispersal powers but they ultimately saw the solution in the “designing out” of the problem, through layout changes and with other powers rather than through additional dispersal designations.

33. Alcohol was also considered a contributing factor to the problems in dispersal areas and many contributors to the research commented on the necessity of addressing this as part of a long-term strategy to tackle antisocial behaviour.

34. Authorisations of dispersal powers have been high profile and have been the subject of local and national media coverage. Police said this extra scrutiny brought a greater degree of pressure on them.

35. There were police concerns that the authorisation of the dispersal powers could be misunderstood to represent a draconian last resort or an admission of failure unless members of the public understand the reasons for the authorisation of the powers and what the police hope to achieve by using them.

36. The requirement to consult with other agencies and community members represents a substantial amount of preparatory work for authorising officers. Partners’ have also offered useful support to police through the provision of other parallel services in dispersal locations such as mediation services, diversionary activity and mobile CCTV. There were mixed levels of partnership work but dispersal powers were regarded as being most effectively used as part of a wider partnership strategy rather than on their own.

37. In some locations, residents and police attributed the success of the operations to the ways in which problems have been addressed with the involvement of residents creating new lines of communication, and involving local authority representatives from other areas such as culture, leisure and health.

38. Official guidance says that the powers should not be used to disperse groups who are meeting socially and peacefully. The guidance also says in another section that the powers can be used to disperse individuals where the police believe that there is a risk of alarm or distress to members of the public. This police often came upon situation that satisfied both sets of criteria: groups meeting for social purposes that were nevertheless perceived as threatening. On these occasions the groups were often dispersed. Research with young people

showed that some participants resented being given directions to disperse on occasions when they were simply associating with their friends.

39. Analysis of command and control data was carried out by police in most locations to see if there was any displacement of antisocial behaviour. Most forces found no significant evidence of this. In one location where there were reports of increased antisocial behaviour in a neighbouring area the police found that this was caused by residents of the area in question who were no longer able to travel to the dispersal location in the evenings. Police often said they believed that individuals were congregating in smaller groups in their home locations rather than travelling to the dispersal locations where they had previously travelled to gather. The police did not identify displacement as a significant issue for them on a wider operational level in command and control systems.

40. The powers have been used infrequently compared to England and Wales where they were authorised on 809 occasions in the first 18 months of their introduction (Home Office, 2005.) Some of the possible reasons for this are police reservations about the short-term nature of the powers, the raised public expectations and the possibility of false perceptions that police are moving away from problem solving and prevention work towards enforcement strategies.

Recommendations

41. The following recommendations are suggested as issues for consideration by practitioners and policy makers following on from the report's main findings.

- Dispersal powers should be regarded as a short-term means for authorities' to "get a grip" on a problem by breaking established patterns of behaviour and offering a period of relief to communities whilst other longer-term solutions are considered.
- Environmental features should be considered as possible contributing factors to antisocial behaviour. Dispersal powers may have a limited effect on breaking patterns of behaviour if the problems are ultimately caused or aggravated by the layout of the physical environment. The "designing out" of antisocial behaviour through lighting, road design, provision of seating and surveillance may provide more satisfactory solutions for the longer-term.
- A summary of evidence, from partners involved, of the data used to support the authorisation of dispersal powers allows the community and perpetrators to be aware of the precise reasons for the authorisation of dispersal powers.
- Official guidance should be revised to clarify the occasions on when police can give directions to disperse to groups believed to have benign intentions but who nevertheless are causing or are likely to cause alarm or distress by their presence.

- A programme of diversionary activity directed at the perpetrator group should be arranged to work alongside the dispersal powers to explore alternative locations for them to gather after the dispersal period ends. This also might limit the possible damage caused to the relationship between the police and the perpetrator group by highlighting the balanced approach towards improving the quality of life for all members of the public.
- The investment of time in preparatory stages of dispersal power authorisations allows community safety partners' and members of the public the opportunity to share a common understanding of the aims and progress of dispersal operations. Collective contributions towards the costs of dispersal powers also allow the financial burden to be shared among agencies and this acknowledges the joint responsibility for improving community safety.

CHAPTER 1 INTRODUCTION

1.1 Dispersal powers were introduced in Scotland under the Antisocial Behaviour etc (Scotland) Act 2004. They formed part of a wider agenda to provide more tools to authorities responsible for tackling antisocial behaviour. The powers were designed to address the problems caused by the antisocial behaviour of groups in public spaces.

1.2 A range of interventions and procedures for dealing with antisocial behaviour had already been introduced during the first session of the Scottish Parliament 1999-2003. Some of these included the development of legislation on Antisocial Behaviour Orders (ASBOs), probationary tenancies, an action plan on youth crime, children's hearings, restorative cautions, funding for Community Safety Partnerships (CSPs) and the introduction of community warden schemes.

1.3 The Scottish Executive partnership agreement, "*A Partnership for a Better Scotland*", published at the beginning of the second session of the Scottish Parliament, in May 2003, committed the Executive to legislate further to tackle antisocial behaviour, with a particular focus on families and young people.

1.4 In the consultation document, *Putting Our Communities First* (2003a), the Scottish Executive laid out the proposed strategy in four themes:

- protecting and empowering communities;
- preventing antisocial behaviour – children and families;
- building safe, secure and attractive communities; and
- effective enforcement.

1.5 Within the "effective enforcement" section, the paper proposed new "dispersal" powers specifically designed to relieve the distress caused to members of the public by the presence and behaviour of large groups of young people in public spaces.

1.6 The paper introduced this proposal as a response to concerns within Scottish communities about groups of young people in public spaces and the report quoted evidence from the 2000 Scottish Crime Survey (Scottish Executive, 2002) where 40% of respondents said that groups of "young people hanging around" were either a "very big" or "fairly big" problem where they lived. This section of the paper also invited views on how the government might address other problem groups such as football hooligans.

Background

1.7 Previous research had identified the issue of young people congregating in public spaces as a cause of disorder and a problem for police. Fifty-nine percent of respondents to the Scottish Crime Survey of 1996 had cited this as a big or "very big" problem where they lived. Although this had dropped to 40% by 2000, it had risen to 43% by the time of the

Scottish Crime Survey of 2003 and was the second top answer when people were asked about the significance of certain types of disorder.

1.8 Problems associated with groups of young people in public spaces have presented a long-term challenge to authorities across the UK. Research carried out by the Home Office in the late 1990s identified the challenges associated with police responses to this behaviour (Bland and Read, 1999.) The authors interviewed police officers in different parts of the UK and found that often the difficulties arose because of the size of the groups rather than because of their behaviour,

“...two people drinking out on the grass was not a problem, and did not require a police response. Thirty people doing the same constituted a public order problem. Clearly there were circumstances where other members of the public found the sheer numbers of teenagers gathered intimidating.” (Bland and Read, 1999:13)

1.9 In this situation police officers would ask individuals to leave the area but they would expect to be called back to the location throughout the course of the evening in response to residents' complaints. The authors of the report found that these experiences resulted in feelings of frustration and fatalism in police and a lack of belief that they were doing anything constructive to tackle the root causes of the disorder.

1.10 A new approach to tackling this problem was used by Strathclyde police in Lanarkshire in 1997. This high profile police operation, named the “Hamilton Child Safety Initiative,” was set up in three housing estates in Hamilton, with the primary objective of increasing the safety of young people and secondary objectives of reducing juvenile crime and increasing parental responsibility. In the first 6 months of the operation the police intervened on 229 occasions with young people perceived as vulnerable; 87% of these people were taken by police from public spaces to their homes. This new approach represented a development of police enforcement methods.

1.11 The Scottish Office's evaluation of the initiative found support for the initiative from parents and local businesses and even young people themselves (McGallagly et al, 1998.) The initiative attracted significant publicity, from national and international media and was referred to in much of the coverage as a “curfew”. (Bland and Read, 2000: 34)

1.12 The desire of the UK government to offer new alternatives for the management of group public space disorder was expressed in other legislation including the 1998 Crime and Disorder Act which introduced “Local Child Curfew Schemes,” (England and Wales only) influenced by the Hamilton initiative, where local authorities could apply for curfews in an area (Home Office, 2001.) Within these curfew areas police were empowered to escort under-10s home who were in breach of the curfew. This would lead to local authority intervention or support proceedings if these were thought to be necessary. This policy was developed in the 2001 Criminal Justice and Police Act which further enabled Chief police officers to activate the powers and raised the age limit for curfew powers from 10 to 16 year olds.

1.13 There were no applications for local child curfew schemes in the first five years of their introduction and police forces and local authorities had concluded that other measures should be used to tackle the more specific causes of the problems.³

1.14 Dispersal powers were introduced in England and Wales in the Antisocial Behaviour Act 2003 (UK.) These powers enable police to designate an area with a history of antisocial behaviour problems as a “dispersal area” from which, for a period of up to 6 months, they would be allowed to disperse individuals. The legislation also contains a curfew element to enable police to take under 16s home if they were unsupervised in an area. Home Office figures released in 2005 showed that there had been 809 designations between Jan 2004 and June 2005 including 234 in the first seven months after their introduction (Home Office, 2005.)

Scottish Executive Consultation

1.15 The Scottish Executive’s consultation document *Putting Our Communities First* (2003) acknowledged that police already had powers to disperse or move young people on or take them home for criminal behaviour but proposed new police powers, similar to the dispersal powers introduced in England and Wales in 2003.

1.16 The consultation asked for respondents’ views on methods of protecting the interests of communities without stigmatising or potentially criminalising perpetrators, especially in circumstances where fear and intimidation were the (possibly unintended) consequences of gatherings of individuals.

1.17 The proposed dispersal powers were similar to those introduced in England and Wales and would allow police, in problem areas, to disperse groups of people (the 2003 consultation said under 16s but this age limit was removed from the Bill that eventually followed) and remove them to their place of residence if members of the public had been distressed as a result of their behaviour or presence.

1.18 Over 80% of the respondents to the consultation believed the police already had sufficient powers to deal with the antisocial behaviour of groups (Flint et al, 2003: 109.) Some people believed this new method would only create extra tensions between police and young people. Other points were made about the social effects of the legislation and the risk that young people would be further stigmatised and socially excluded. Other concerns were raised about the legal implications of the powers and the possible breach of international human rights conventions. Some organisations said that this proposed solution to the problem was too short term and missed the need for longer term solutions such as extra spending on parks and recreation facilities.

³ John Denham, Home Office Minister in answer to a written question, House of Commons, 10 January 2003

1.19 Young people were also consulted on the proposed powers and expressed objections to an approach which would apply blanket prohibitions on a geographical area rather than an offending individual.

1.20 Ministers said that these concerns were noted but that the measures represented a reasonable and balanced approach and would only be used where there had been a history of groups of people causing significant problems. They also said that the powers would be limited and safeguarded through the requirement of consultation with the local authority concerned (Scottish Executive, 2003b).

Dispersal Legislation

1.21 Dispersal powers were eventually introduced in Scotland in Part 3 of the Antisocial Behaviour etc (Scotland) Act 2004 and allow the police to designate zones from where they can disperse groups of people who are causing distress to members of the public. The powers came into force in October 2004. The original consultation document focused on young people but the final legislation places no age restriction on the powers.

1.22 The police already have powers under the Civic Government (Scotland) Act 1982 and at common law to deal with certain kinds of group related behaviour, (obstruction of passage, drunkenness in public places, noise nuisance and breach of the peace.) The new powers however, allow police officers to direct a group to disperse or leave the designated location and prevent non-residents from returning for a maximum period of 24 hours. Police must believe that the presence of the individuals is likely to, or has resulted in any members of the public being alarmed or distressed.

1.23 As with other methods introduced to combat antisocial behaviour in the 1998 Crime and Disorder Act and the 2004 Antisocial Behaviour etc (Scotland) Act, dispersal powers are designed to provide respite to communities who have suffered from forms of antisocial behaviour without the use of formal criminal sanctions. The legislation does however make the breach of a direction to disperse a criminal offence.

1.24 Contrary to the consultation and unlike England and Wales, the Act contains no curfew power and there is no provision for allowing police constables to remove under 16s to their place of residence. In circumstances where they have reason to believe that a child's welfare is at risk, police already have legal responsibilities and must follow force procedures on child protection.

1.25 The legislation places additional restrictions on Scottish police forces' use of the powers. The powers in Scotland can only be authorised for up to three months instead of the 6-month limit in England and Wales. Also, as well as the requirement to provide evidence of persistent and significant antisocial behaviour, as in England and Wales, Scottish police forces must have evidence also that the behaviour is "serious." Antisocial behaviour is described within official guidance document as being serious when it introduces a possible risk to members of the public in the location. This means that evidence of minor irritation is not sufficient evidence to warrant authorisation of the powers. It is the responsibility of the

senior police officer to decide whether the behaviour meets this criteria and the guidance suggest that police officers consider the cumulative effects of sustained antisocial behaviour on residents. In practice this means that there may be fewer circumstances where dispersal powers can be considered in Scotland.

Legislation Summary

- Dispersal powers can be authorised by senior police officers only (of Superintendent rank or above) where they feel that members of the public have been caused alarm or distress by the presence of groups of 2 or more people.
- The powers may only be authorised where the police officer believes the behaviour in question is significant, persistent and serious. After consultation with local authorities and other relevant organisations an area can be designated as a dispersal zone for a specified period within the maximum 3-month duration of the Dispersal powers. After this time the dispersal powers may be renewed only if a senior police officer believes that there is still a significant, persistent and serious problem.
- Police officers are required to consult with the local authority at an early stage but may ultimately authorise a designation without their agreement. The police are also required to publish an “authorisation notice” including details of the geographical area and the relevant times when the restriction is in place. This notice has to be displayed in conspicuous locations within the designated area and advertised in a local newspaper that is distributed in and around the area.
- The senior police officer can withdraw the authorisation at any time during the 3-month dispersal period if he or she is satisfied that the powers are no longer required.
- In the dispersal zone, during police-specified hours, police constables may require groups of 2 or more persons to disperse and, if they are not resident, require them not to return to the designated area for a minimum period of 24 hours.
- The constable must have reasonable grounds for believing that the presence or behaviour of the group in question is causing or is likely to cause alarm or distress to members of the public.
- The contravention of a direction to disperse is a criminal offence and is liable on conviction to a maximum fine at level 4 (£2500) or 3 months imprisonment or to both.

CHAPTER 2 THE RESEARCH

2.1 Section 24 of the Antisocial Behaviour etc (Scotland) Act 2004 required Scottish Ministers to arrange a study into the operations of the dispersal powers and to lay this report before the Scottish Parliament within 3 years of the introduction of the powers.

2.2 This work has been undertaken by Justice Analytical Services within the Scottish Government. The project was designed to consider questions of how dispersal powers have been administered and how far they represent an effective means of providing relief to communities affected by the presence and behaviour of groups of individuals in public spaces.

2.3 The following subject areas were looked at:

- the scale and nature of antisocial behaviour that had been commonly reported in the dispersal locations
- previous methods used to tackle antisocial behaviour
- evidence used by police to make a case for the use of dispersal powers
- the nature of consultation that took place before dispersal powers were authorised
- policing requirements during the 3 month operations
- the cost of dispersal powers
- displacement of groups to other locations
- the effects of dispersal powers on the behaviour of perceived perpetrators
- the number and type of complaints to police through the dispersal process
- perceptions of disorder once the dispersal period came to an end
- comparison with other measures designed to address the underlying causes of group related antisocial behaviour

Methods

2.4 Information regarding the operational effectiveness of the powers, as well as information about breaches, arrests and court disposals was taken from police command and control databases and the Scottish Government's court proceedings database. Statistics on police complaint calls were also analysed to consider the severity of the behaviour in the period leading up to the authorisation of the powers and allowed for comparisons with complaints data from previous years.

2.5 As well as the statistics, the research questions required the consideration of a variety of perspectives including those of police, residents, businesses, local authorities and voluntary organisations. In assessing the effectiveness of the powers it was necessary to interview the key individuals responsible for managing the problems in these areas: the police and local authorities. The views of the members of the public affected by antisocial behaviour were also sought through semi-structured interviews and focus groups. This included residents and businesses in each location.

2.6 Police in all areas were visited and interviewed. These officers had been through the process of deciding to use dispersal powers, consulting with the local authority and general public and establishing strategies for implementing the powers. On most occasions interviews took place with more than one officer in each location; senior officers spoke about alternative police approaches and how the powers fit into the overall police strategy and other officers spoke about the implementation of the powers in the designated areas.

2.7 This report also contains the results of research with young people in some of the areas where young people were perceived as the perpetrators of antisocial behaviour. These young people were asked about their experiences of antisocial behaviour, the previous and alternative methods used to tackle disorder, the effectiveness of dispersal powers and other mechanisms that have been used or considered as a means of reducing disorder. This also adds to the picture of antisocial behaviour in each location by bringing to light the experiences of young people who were sometimes themselves the victims of the antisocial behaviour of groups.

2.8 Other key individuals such as local authority solicitors, youth service managers and representatives of voluntary organisations were interviewed to comment on the input they gave to this process including legal advice and strategic help to enable effective coherence with other neighbourhood strategies designed to tackle antisocial behaviour.

2.9 The views of residents and businesses were sought through interviews with prominent local individuals, community councillors, residents' and tenants' association representatives and service managers. Focus groups were arranged in each location to obtain the views of members of the public. Other data were also considered including the results of locally organised surveys and police evaluation documents.

2.10 In summary, the following research methods were used:

- Semi-structured interviews with 54 key professionals including the police, local authorities, solicitors, owners/proprietors and representatives of stakeholder organisations
- Focus groups with residents in areas where 7 of the dispersal designations had been authorised (involving 31 individuals)
- Focus groups and interviews with young people in 3 areas where they were perceived as perpetrators of antisocial behaviour (involving 48 young people)
- Analysis of police command and control data on dispersals, breaches and public complaints
- Cost analysis

2.11 Parts of the research were carried out by external research contractors. Research with young people was undertaken by Dr Hannah Smithson and Leanne Monchuk of the Applied Criminology Centre, University of Huddersfield. The focus groups with residents of powers were undertaken by Louise Brown, an independent consultant. All other fieldwork was carried out by Ben Cavanagh, a Social Researcher in the Scottish Government, Justice Analytical Services.

Timing

2.12 Dispersal powers can be authorised at any time and location on the authority of a senior police officer; it was not known at the beginning or at any time throughout the duration of the research how many times dispersal powers would be authorised before the submission date. The same methodology was followed, as far as possible, in each location once the research team was made aware of the dispersal authorisation.

Notes on Methodology

2.13 The research in dispersal areas was commissioned an average of 6-12 months after the dispersal powers had ceased in each of the areas. Research participants' accounts of their experiences may have become less accurate over time.

2.14 Whilst the research methods used to gain the views of members of the public in Chapter 7 and young people in Chapter 8 are considered to be robust, the responses of the 31 residents and business owners who were interviewed and the 48 young people who participated in interviews and focus groups are not necessarily representative of the general population of these three areas.

2.15 Although the research with young people engaged people of a variety of ages and both sexes, further work on engaging with "disaffected" and "hard to reach" young people may have presented a range of different experiences with regard to the dispersal authorisation. "Disaffected" young people are likely to be those that would not attend a youth centre or may have been excluded from school. The use of these venues for the research might have meant that views of other people were missed.

Note on Terminology

2.16 Dispersal powers are commonly referred to by officials and members of the public as "dispersal orders." This term was used by participants in the course of this research to refer both to the use of dispersal powers generally but also to a direction to disperse, given to an individual by a police officer. For the sake of clarity, the phrases "dispersal powers" and "directions to disperse" have been used in the main text.

The Format of the Report

2.17 The report continues in Chapter 3 with a summary of locations where dispersal powers have been used including descriptions of the antisocial behaviour that has been experienced in those areas. Chapter 4 looks at the previous attempts of police, local authorities and local people to try to address the problems.

2.18 The implementation of the powers is discussed in Chapter 5 including what procedures were followed by the police during the authorisation stage, how they made local people aware of the restrictions, what legal advice was sought by the police and how police went about consultation with other partners. Chapter 6 looks at the numbers of times people were dispersed in each of the areas, how many times directions to disperse were breached and information about court disposals. The chapter also includes police views on their experience of using the powers.

2.19 Chapter 7 contains analysis of the views of members of the public and other organisations on the effectiveness of the powers. Chapter 8 includes the views of young people in three of the locations where the powers were used. Chapter 9 looks at the typical costs involved with the authorisation of dispersal powers and Chapter 10 offers conclusions about what the powers have achieved in the places where they have been used so far.

CHAPTER 3 DISPERSAL LOCATIONS

3.1 This Chapter looks at the locations where dispersal powers were authorised in the first two and a half years of the powers (between October 2004 and April 2007.) It considers the types of behaviour that were commonly experienced in each of the locations and describes some of the social and geographical characteristics of each area as well as commonalities between people, place and conflict.

Information Sources

3.2 The Scottish Government monitors the use of dispersal powers through six-monthly statistical returns submitted by the Association of Chief Police Officers in Scotland (ACPOS.) For the purpose of this research, the research team has regularly surveyed each of Scotland's 8 police forces to identify any new dispersal authorisations and to ensure that the research methodology could be modified as necessary to take account of these.

Dispersal Dates and Locations

3.3 Table 3.1 shows the local authority areas and police force areas where dispersal powers have been authorised so far (as of the end of March 2007.)

Table 3.1 Dispersal Locations

	Dispersal Location	Local Authority Area	Police Force Area	Dispersal Dates
1.	Beach Boulevard, Aberdeen	Aberdeen City	Grampian	1.3.05 – 30.5.05
2	Beach Boulevard, Aberdeen	Aberdeen City	Grampian	31.5.05 – 28.8.05
3	Hunter Square, Edinburgh	City of Edinburgh	Lothian and Borders	1.8.05 – 31.10.05
4	Millbank/Chestnut Rd, Dingwall	Highland	Northern	30.9.05 – 29.12.05
5	Hunter Square, Edinburgh	City of Edinburgh	Lothian and Borders	1.11.05 – 31.1.06
6	Mid Calder	West Lothian	Lothian and Borders	1.12.05 – 28.2.06
7	St Andrew's Church, Dumfries	Dumfries and Galloway	Dumfries and Galloway	30.4.06 – 29.7.06
8	St Michael's Church, Dumfries	Dumfries and Galloway	Dumfries and Galloway	30.4.06 – 29.7.06
9	Hunter Square, Edinburgh	City of Edinburgh	Lothian and Borders	5.6.06 – 31.8.06
10	Station Car Park, Moffat	Dumfries and Galloway	Dumfries and Galloway	26.8.06 – 25.11.06
11	McJarrow Car Park, Lockerbie	Dumfries and Galloway	Dumfries and Galloway	26.8.06 – 25.11.06
12	Knightswood	Glasgow City	Strathclyde	1.9.06 – 30.11.06
13	Sauchie	Clackmannanshire	Central	18.9.06 – 17.12.06
14	Dennistoun	Glasgow City	Strathclyde	13.10.06 – 11.1.07

3.4 Dispersal powers have been used on 14 occasions in 11 separate locations. They have been used once in 9 of the 11 locations. In one location they have been used twice and in another they have been used 3 times. They were authorised 4 times in their first year, 10 times in the second year and none have been authorised, so far, in the first 6 months of the third year (to April 2007.) They have mainly been used in the summer and autumn (10 of the 14 dispersal zones have been authorised between the end of April and the end of September.) Fife Constabulary and Tayside Police are the only police force areas where dispersal powers have not been used

Location Profiles

3.5 The dispersal locations are described in the following section. These descriptions are based on accounts of residents, business owners, police, community representatives, and others who took part in the research.

Beach Boulevard, Aberdeen

Beach Boulevard is a stretch of road adjacent to sea-front attractions in Aberdeen which has traditionally been used as a gathering venue for young motorists (known as “Bouley Bashers”) and their modified cars, motorbikes and scooters.

There had been a sharp rise in complaints to police in years before the dispersal powers were used and evidence that people were travelling from a wider area to congregate on the boulevard. Police statistics also confirmed that there had been a significant rise in recorded incidents in the months leading up to the authorisation of the dispersal powers.

The police have been aware of road traffic offences on the Boulevard including U-turns, dangerous driving and drivers mounting pavement areas at traffic lights. As well as these offences, local residents have complained about the general annoyance caused to them by the associated noise of revving engines, music and shouting especially when this occurs into the early hours of the morning. Vandalism and road traffic accidents were also seen by local people as being caused by the groups.

Dispersal powers were introduced in March 2005 for three months. Police decided that there was still evidence of significant, persistent and serious antisocial behaviour at the end of this time and the first authorisation period was followed immediately by another which ran until the end of August 2005.

Hunter Square, Edinburgh

Hunter Square is a pedestrian area in the centre of Edinburgh city centre. The Square houses restaurants, pubs, cafes and gift shops and there are outside seating areas for pedestrians and restaurant customers. There are also public toilets.

Residents and business owners have complained over the last 3-5 years, about the behaviour of groups of people typically aged 25-45, who have gathered in the square throughout the daytime to drink alcohol. They have complained about customers and passers-by being asked for money and physical/verbal assaults on business staff and customers. Police were also

aware of drug taking and prostitution in the square. There were also problems in nearby residential areas where there have been reported problems with people under the influence of alcohol/drugs using tenement close areas for urination, drug taking and sleeping.

Police introduced dispersal powers in August 2005 and this was followed by another 3 month dispersal period immediately afterwards which ran until 31st January 2006. A third dispersal authorisation for Hunter Square was imposed between 5th June and 31st August 2006.

Dingwall, Highland

The area covered by the dispersal zone comprised of two parallel streets Millbank Rd and Chestnut Rd, of modern, mainly terraced houses.

Antisocial behaviour reportedly took place on Millbank Rd and in the adjacent woodland areas. Complaints were received about the behaviour of large groups of young people, (approximately 20 people) aged 15-18 who regularly gathered there to consume alcohol, and drive mini-motorbikes. Residents complained of finding beer bottles, used condoms and vomit on the steps of their houses and in surrounding areas. Residents also said they have also had their cars vandalised and tyres slashed.

Dispersal powers were authorised by police to run between 30th September and 29th December 2005.

Mid Calder, West Lothian

Mid Calder is a village on the outskirts of Livingston. The village is a relatively affluent, residential area and is made up of private housing estates and a centre that contains pubs, restaurants and other businesses.

Residents have complained to the police and the councillor about the numbers of young people who use the village centre, woodland areas and playgrounds to congregate. Accounts were given of groups of up to 60 young people congregating in the Village on weekend evenings, drinking alcohol, shouting and leaving litter throughout the village. The police became aware of an escalation in violence and the dispersal authorisation followed a violent assault.

Many residents spoke of the atmosphere of intimidation that was created by such large gatherings of young people even if this was an unintended effect.

Dispersal powers were introduced to run from 1st December 2005 to 28th February 2006.

St Michael's and St Andrew's Churches, Dumfries

In Dumfries, the leadership and members of two church congregations had been reporting incidents of vandalism and graffiti to police over a number of years. Both churches are located close to the town centre and have been used by local young people as areas to congregate. St Michael's Church of Scotland building has a large graveyard that contains the Burns Mausoleum where the remains of Robert Burns and his family are kept. Both churches

are in relatively secluded areas and contain hidden places where local young people have congregated.

Church representatives have spoken about their constant need to remove drug and alcohol litter from Church grounds. The churches have also had broken stained glass windows and grave headstones. The Burns Mausoleum at St Michael's has been attacked and St Andrew's has had broken windows and vandalised property. Saturday evening mass at St Andrew's has been interrupted by young people entering the church.

Police introduced 2 separate dispersal authorisations for St Michael's and St Andrew's which both ran for three months between 30th April and 29th July 2006.

Station Car Park, Moffat and McJarrow Car Park, Lockerbie

Two car parks in Moffat and Lockerbie were the scene of congregations of "boy racers" aged 17-25 who met in the evenings. In both locations local residents were affected by the noise of the car engines, exhausts and stereo systems but also with the associated effects of the behaviour including litter, vandalism and intimidation.

The police authorised both car parks as dispersal zones for the 3 months following 28th August 2006.

Knightswood

An area of ground near the Forth and Clyde canal and close to a residential area was the scene of running battles between young gangs on weekend evenings. The area is on the boundary of gang territories and police had dedicated significant resources to policing the area over a long period. The police were aware that these fights were organised and many individuals carried weapons.

As well as the violence the perpetrators, mostly from other areas, broke fences, took short cuts through gardens and caused vandalism and litter. Local residents were heavily affected by the atmosphere of intimidation. The dispersal zone was designated from 1 September 2006 to 30th November 2006.

Sauchie

Sauchie is a residential area located close to Alloa. The police were aware of large gatherings of young people around bus shelters, shops and in the streets and persistent disorder involving public drinking, fighting, noise, drug abuse, urination, litter and vandalism to property. Many of the young people who caused the problem came from other areas including Alloa.

The police received large numbers of calls relating to incidents across the whole of Sauchie and decided to authorise dispersal powers over a large area. This ran from 18th September to 17th December 2006.

Dennistoun

Dennistoun is a residential and business area between the city centre and the east of the city. It is a busy part of the city with many types of businesses situated along the main thoroughfares including fast food outlets, 24-hour stores, off licenses, and other businesses. It is also a heavily residential area and many local residents had complained about the large numbers of young people who congregated in the streets and outside businesses. Common complaints included fighting, street drinking, drug misuse, noise and the general atmosphere of intimidation that was created by the presence of so many young people.

The police designated a dispersal zone covering a large part of the area including the main thoroughfare from 13th October 2006 for three months.

Size of Dispersal Areas

3.6 The size of dispersal areas varied from small areas between 2,000-3,000 square metres with no resident population to the largest dispersal areas in Mid Calder and Dennistoun that covered approximately 0.75-1.25 square kilometres and populations of between four and eight thousand people.

3.7 The boundaries of dispersal areas were chosen for strategic reasons and reflected the aims of the dispersal powers as the police conceived them. Some were small concentrated areas, as in the case of the two churches in Dumfries where the groups were responsible for mainly environmental damage: litter and vandalism. There the purpose of the powers was to move groups away from the seclusion and privacy of the churchyards. In other areas such as Dennistoun, Mid Calder, and Sauchie, the problems were more visible and less geographically specific. In these locations the boundaries were larger and designed to prevent the displacement of groups simply from one area to another. The decision where to put boundaries was heavily dependent on the specific topography of the location and police intelligence on the nature of the problem behaviour. Police considered the elements that attracted groups to the area and often targeted these when choosing where to designate boundaries e.g. seating areas, licensed off sales premises, public toilets, and bus stop shelters.

Antisocial Behaviour in Dispersal Locations

3.8 In most locations the behaviour was associated with groups of young people. Behaviour included late night noise, drunkenness, shouting, swearing and fighting, litter (including drug and alcohol litter), intimidation of passers-by, residents and business customers (whether intended or not) and environmental damage/vandalism of property.

3.9 In Aberdeen, Lockerbie and Moffat this disorder was caused by “boy racers” and their friends but the annoyance was ultimately expressed in the same way as noise, litter and intimidation.

3.10 Sometimes the antisocial behaviour became worse after residents attempted to intervene. Many of the people who took part in focus groups for this research said that they were frightened of complaining directly to the perceived perpetrators.

“If they make a comment to you, you daren’t retaliate. If you ask them to move to let you pass, they give you verbal abuse, kick you or spit at you and some have later smashed in my windows in revenge.”

Focus group participant, Mid Calder

3.11 Often the reports were of behaviour that might constitute a breach of the peace but much of the annoyance arose out of the persistence of the behaviour and the atmosphere of intimidation created by large groups. On these occasions it was the groups’ visibility and the proximity to residential areas that made the problems so significant.

3.12 On two occasions the police authorised dispersal powers to tackle different kinds of behaviour. In Hunter Square the complaints were about the behaviour of groups of street substance users aged 25-45, who met in the city centre each day to drink alcohol together. In Knightswood the disorder was caused by violent and organised youth gangs carrying weapons.

Social Characteristics of Dispersal Locations

3.13 The social characteristics of each dispersal location were compared at datazone level. Datazones are small-area statistical units that are used to provide neighbourhood-level statistics. They allow for a comparison of social-geographical information across a number of themes including, income, health, housing, and overall levels of deprivation as well as an approximation of the population, the tenure status and the age profile of each area.

3.14 Dispersal areas are custom geographies and do not map neatly onto datazones. For this study, the datazones that approximated the boundary of the dispersal area were chosen for analysis. In most locations this included more than one datazone. The two dispersal areas in Dumfries and the ones in Moffat and Lockerbie did not contain resident populations. For this purpose the datazone in which they are situated was included for analysis (St Michael’s and St Andrew’s Churches are in the same datazone.) Full methodology is contained in the Appendix.

Deprivation

3.15 The Scottish Indices of Multiple Deprivation (Scottish Executive, 2006) provides a relative measure of multiple deprivation and ranks each of Scotland’s 6505 datazones based on information collected on crime, education, geographic access, health, housing and income. These values are weighted and combined to create overall “deprivation ranks” from the most deprived datazone in Scotland (ranked 1) to the least (ranked 6505.) The SIMD rankings published in 2006 have been used for this report.

3.16 There have been few dispersal authorisations in multiply deprived areas. Of Scotland's most deprived 2168 datazones (the most deprived 15%) only 5 overlapped with dispersal zones. Dispersal powers were not used in any of Scotland's 5% most deprived datazones.

3.17 Table 3.2 shows the decile and rank of each datazone that corresponded with a dispersal location. Some of the larger dispersal areas contained more than one datazone.

Table 3.2 Deprivation in Dispersal Locations

Deprivation Decile	Dispersal Location Datazone SIMD Ranking (out of 6505)	Dispersal Location Datazone
Decile 1	503	Dennistoun
(most deprived)	509	Knightswood
	553	Dumfries - St Michael's & St Andrew's
Decile 2	848	Sauchie
	873	Sauchie
	1130	Knightswood
	1254	Knightswood
Decile 3	1346	Sauchie
	1367	Dennistoun
	1518	Dennistoun
	1563	Hunter Square
	1626	Dennistoun
	1700	Dennistoun
	1734	Dingwall
Decile 4	2239	Dennistoun
	2355	Dennistoun
	2407	Aberdeen
	2449	Aberdeen
	2481	Hunter Square
Decile 5	2642	Dennistoun
	3087	Dennistoun
Decile 6	3441	Mid Calder
	3514	Mid Calder
Decile 7	4152	Lockerbie
	4385	Dingwall
Decile 8	5156	Mid Calder
Decile 9	5266	Aberdeen
	5289	Moffat
	5447	Mid Calder
Decile 10	5926	Mid Calder
(least deprived)	6027	Mid Calder
	6223	Mid Calder

3.18 The table shows that the areas where dispersal powers were used have a variety of levels of deprivation. Dennistoun, Knightswood, Dumfries and Sauchie were the most deprived areas but Mid Calder, Moffat, Aberdeen and Dingwall dispersal zones contained some of the least deprived datazones in Scotland. These statistics do not reveal much in common between the locations as expressed in their social profile. Links between areas were more commonly evident through descriptions of how the physical environment and the layout of physical spaces appeared to transform seemingly low-level antisocial behaviour into large-scale annoyance.

3.19 Some people suggested that groups of young people from nearby areas had been attracted towards the dispersal areas precisely due to their positive characteristics such as local services, street-lighting and green spaces.

“I live in one of the nicest parts of the city and we get constant complaints about violence...if someone said to you that they were considering a dispersal order there people would laugh...yet it seems to be an area where certain people intent on causing hassle will congregate.”

Housing Manager

Environmental Factors

3.20 The relationship between group behaviour and the physical setting where it occurred was regarded as being a critical factor by some interviewees. Geographical features of the setting appeared to amplify the effects of behaviour that might have not caused annoyance in another setting.

3.21 One of the most important factors mentioned among interviewees was topography and design. In each location, these were aggravating factors that exacerbated the disorder.

3.22 In Aberdeen, the length of the esplanade, the street lighting and the multiple parking spaces attracted young drivers late at night. In Edinburgh the raised seating area in Hunter Square made the problem more visible and heightened the sense of aggression. Local residents and businesses also mentioned the proximity to off licences, Methadone dispensing pharmacies and the accessible public lavatories in the Square. Mid Calder, Dingwall, and the two churches in Dumfries all offered accessible open spaces and seclusion.

3.23 The two churches in Dumfries had both recently undertaken police property surveys that had highlighted a number of design weak-points including enclosed and hidden spaces where groups were gathering. In Sauchie and Dennistoun the late-night hustle of chip shops, pubs, bookmakers and well-lit accessible areas were said to have attracted people to congregate. The dispersal area in Knightswood was authorised for a relatively isolated and hidden “no man’s land”: a patch of ground on the fault line between gang territories.

3.24 Often apparently minor topographical features were suggested as the catalysts for disorder. In one location a “good quality chip shop” was said to be one of the reasons why groups travelled into an area from another. In another location a small car park was unlocked

during the evenings and this meant that it became a gathering place. The positions of streetlights, public toilets, bus shelters etc were regularly mentioned in the course of this study as reasons why groups congregated where they did rather than somewhere else.

Summary

3.25 It is difficult to draw conclusions about commonalities between a relatively small number of varied locations however the dispersal areas seemed often to share characteristics that attracted perpetrator groups towards the spaces. In the areas where young people were causing the problems the locations offered unguarded gathering areas. Sometimes these were near to shops, off licenses and bus routes; there were often hidden areas and networks of paths and streets.

3.26 It was not often the behaviour itself that was the problem, rather how it was felt by nearby residents. This depended on the physical layout of each area but also the tolerance levels and social expectations of residents. Further research on future authorisations of dispersal powers would allow these factors to be understood in more depth.

3.27 As well as the risk factors associated with design, problems appeared to be caused by a lack of perceived “protective factors” such as high-quality youth activities, community engagement through active community associations and neighbourhood watch schemes. These themes will be covered in later parts of the report.

3.28 Knightswood and Hunter Square, Edinburgh were locations with different types of problems. In these locations the dispersal powers fitted into wider police strategies designed to tackle the issues caused by violent gangs and street substance users. The original consultation document *“Putting our Communities First”* asked for views on how the authorities might tackle antisocial behaviour problems caused by groups of “young people hanging around” but also other intimidating groups.

3.29 Dispersal powers were eventually introduced to be used by police to tackle a wider range of problem groups. These authorisations provide examples of police considering the powers as a way of dealing with other problem groups apart from young people and the powers are considered in later chapters for their effectiveness at tackling the antisocial behaviour of these other groups.

CHAPTER 4 PAST RESPONSES TO ANTISOCIAL BEHAVIOUR

4.1 This chapter looks at responses to antisocial behaviour in the dispersal locations. One of the main challenges for this report was drawing general conclusions from locations that varied significantly in terms of topology, demographics, policing resources and the delivery of services around the community safety agenda. Though particular experiences differed, common themes often emerged through the recollections of typical experiences.

4.2 The Local Government Act (Scotland) 2003 provided a statutory basis for “Community Planning” to promote partnership working between communities and agencies. The Antisocial Behaviour etc. (Scotland) Act 2004 also initiated the requirement for police and local authorities to produce joint antisocial behaviour strategies and protocols for multi-agency information sharing. Following on from this legislation, agencies in many areas had been using “problem solving” methods to address antisocial behaviour. These methods involve local authorities, community groups and voluntary organisations together attempting to improve relations with perpetrators and to work out methods of improving the situations for all of the people involved. All of the locations however reported escalations of antisocial behaviour in spite of these efforts.

4.3 Police who were interviewed for this study spoke about typical responses before dispersal powers were used. These responses were developed in regular “tasking and coordinating” meetings where a large number of police officers (including police analysts, crime managers, CID officers, community police officers, community safety officers, sub-divisional managers and others) would meet to analyse command and control data gathered during relevant times and plan a response.

4.4 The response would be heavily influenced by the structure and resources available but typically it might include trying to increase visibility through extra foot patrols, increasing spending on overtime work, the deployment mobile CCTV units and working with partners on follow up actions. This included in many locations the use of parental contact cards where police would record the names of people they had stopped and they would follow this up with visits to the homes of the individuals concerned and their parents would be informed about the incidents.

4.5 Antisocial behaviour in dispersal locations often presented significant problems for the police. After attending the scene of a reported incident they might disperse a crowd and even arrest some individuals but would inevitably end up returning to the area throughout the course of the evening. Police characterised their response as “cat and mouse.” The topography often made this problem worse and in many of the locations there were networks of paths or streets that enabled people to move away quickly once the police arrived.

4.6 There were significant amounts of frustration on the parts of police officers and they were aware of negative perceptions of their work.

“...as we arrived they ran away, occasionally we would arrest one or two people but invariably as we went away they came back and it gave the impression that the police were hopeless at what they were doing and they were just making a mockery of us and they were to a certain extent.”

Police Superintendent

“On a good day I will have 10 cops but that is only 10 cops covering that whole area and if they are getting tied up with custodies or if there are prisoners to be watched...it drains the resources...”

Police Superintendent

Problem Solving

4.7 In many of the dispersal locations police used problem-solving techniques to address the problems. These approaches included educational activities, increased partnership work and an added emphasis on tackling previously overlooked types of behaviour that might have contributed to a build up of antisocial behaviour.

4.8 In one location police visited schools with exhibition stands and attention-grabbing activities to make perceived perpetrators aware of the social effects of their behaviour. These types of police activities were often timed with council representatives' approaches towards perpetrators and attempts to offer services designed to divert problem behaviour away from residential areas.

4.9 In one the dispersal authorisation was preceded by 18 months of “Problem Solving Partnership” meetings. This partnership comprised of 20 partners including police and council representatives as well as people from local care organisations, residents and businesses. The aim of this group was to generate ideas for alternative solutions to the problems and to find a solution that would balance the interests of law enforcement and public wellbeing with the social needs of the group thought to be causing the problem. This group was disbanded when the behaviour continued in spite of its efforts and when it became apparent to the police that different representatives were struggling to agree on the best way to make progress.

4.10 The community response to these approaches was not always positive and some people felt that the format was not successful or that there were too many people invited.

“What I sensed in attending all these meetings was that they had an agenda...and I was last on the list so I was supposed to sit around while all these people talked and... I was being isolated.”

Business owner

“...it became a ‘get the stakeholders and let’s not leave anybody out,’so whenever they had a meeting it became a talking shop. If you want to solve a problem you need a very small group.”

Voluntary organisation worker

Public Perceptions of Police Enforcement

4.11 One of the main themes running through focus group discussions in all of the locations was the insufficiency of police approaches before the dispersal powers were used. Residents said that they understood why the police were unable to deal with all of the problems that they faced and often attributed this to being overburdened or under-staffed. Despite a sympathetic understanding of the pressures that the police were under there was still a frustration of the means used to report antisocial behaviour and the measures used by the police to prevent it.

“It’s just a negative response, ‘We’ll look into it’.”

Resident, Aberdeen

4.12 Residents said that they felt guilty for repeatedly phoning to report incidents; others reported their frustrations at the call centre system. One focus group participant said, “you feel like you’ve been put through to an empty office.”

“It sounds terrible, but you kind of feel that you’re a pest to the police. I phoned 3 times one night because they were running riot throughout the scheme and I got to the point where I thought, “my God, they’re bound to be sick to death of me”.”

Resident, Mid Calder

4.13 Many residents shared examples of times when incidents had been reported and the police did not arrive to investigate or else provided a delayed response that meant that no action could be taken. One person spoke of being advised, by police, against taking matters into her own hands by following perpetrators, taking photographs of them or apprehending them in the act of an incidence of antisocial behaviour or crime. The perceived insufficiency of police approaches and the inability of victims to intervene in situations, commonly provoked feelings of frustration and powerlessness in residents.

4.14 In one of the locations, business owners said that antisocial behaviour had affected custom and prevented people from wanting to use outdoor seating areas at restaurants. Restaurants also experienced problems when front doors and windows were open in the summer and staff and customers were intimidated by shouting from outside. According to business owners, perpetrators abused staff and customers, entered the premises and begged customers for money and cigarettes.

4.15 Business owners believed that they were not receiving appropriate protection from the police and because of this they felt at risk of losing custom and at risk of becoming involved in confrontational situations with perpetrators. Some were concerned about being “pushed

over the edge” and were worried about the consequences of injuring perpetrators if they physically intervened to defend themselves or their property.

“...if [one of the people standing around] gets a punch on the nose, you think “oh that’s not serious, he only got a punch on the nose but there’s blood all over the place”... for any of our businesses that is a very, very, serious consequence because our clients are fairly middle class.”

Restaurant Owner

“The guy who hit me, I pushed him back. He was so drunk he fell down, fortunately someone’s foot got in the way of the step, otherwise he would have split his head open and I would have been done for assault.”

Bar owner

4.16 In some locations, people believed that the police approach was too sympathetic. This view, expressed in focus groups, was sometimes backed up by interviews with other stakeholders. In one location a councillor and youth-worker both said that they perceived a lack of effective police enforcement and attributed this to a police desire not to involve young people in the criminal justice system or “send them down the wrong path in life.”

“When the kids are vandalising or drinking in the street they should be arrested but they weren’t arrested for any of these things.”

Local Councillor

4.17 In many of the locations where they were receiving multiple complaints about group related antisocial behaviour, police felt limited in their ability to improve the situations with the use of their existing powers. The size of the groups, the topology of the problem areas and the restricted police resources meant that they were unable to attend to the scene of incidents and use existing powers sufficiently well enough to stop this type of behaviour.

4.18 Many of the police officers who were interviewed shared residents’ views and said that they were often unable to take action after arriving at a location after an incident had been reported.

“...when we were attending an area before the dispersal order was in place, although there had been mayhem and people had been making calls about it, when we arrived they were on their best behaviour.”

Police Inspector

Diversionary Services

4.19 Representatives of local authorities as well as police, residents, voluntary organisations and businesses, acknowledged the role of local authorities in preventing antisocial behaviour through the provision of social clubs, leisure centres and other activities. This was highlighted especially in the areas where the problems were caused by young people hanging around the streets. Police often had a strong desire to see the local authority provide more activities designed to prevent antisocial behaviour.

4.20 Interviewees from police and local authorities were aware of existing services and local authority initiatives to provide youth clubs and recreation facilities but they also acknowledged that many of the young people did not want traditional services of this kind. Many people said that the local young people seemed simply to want to gather in groups and drink alcohol.

“It’s not about putting youth groups on. They are not interested. They want to smoke, drink and have a laugh with their pals and we as a council can’t provide that for them.”

Local Councillor

4.21 In Edinburgh, where the perceived perpetrators were street substance users, focus group participants and local businesses were critical of the inappropriate management of care services that led directly to antisocial behaviour problems in the city centre. Business owners said that the problem was caused by the high number of methadone dispensaries in the heart of the city centre. They believed that addicts arrived in the city centre in the early morning and then stayed there through the day.

4.22 Police did not always feel supported in their work by the local authority and sometimes believed that they were being expected to solve the problems through enforcement alone. In one case, the police felt that they had been relied upon too heavily for a number of years while there were few initiatives introduced to offer leisure and support services for the local people perceived as the perpetrators of antisocial behaviour. After the dispersal period ended they expressed regret that they had not used the powers as a “carrot” and taken the opportunity to get the council to sign up to an action plan of service provision for the targeted group.

4.23 A common theme emerged that local authorities found it difficult to engage (particularly) with young people responsible for disorder. This had become evident through the perceived failure of consultation exercises and initiatives aiming to get young people involved in local decision-making. Although the desire (and often funding) was there to provide more activities, in reality there was little understanding on the part of local authorities on the types of services that could be provided to help reduce disorder.

4.24 In one location there was an example given of funding of innovative methods towards the provision of diversionary services but this was an expensive project. In this location the local authority area has a “stuff bus” with high-tech equipment including computers. The bus tours areas accompanied with youth workers and the police. They also have a mobile football pitch which can be taken to separate locations. The resources are rotated around “hot spot” areas where there is evidence of antisocial behaviour. There is however significant competition for the services and they can only be present in an area on a semi-regular basis. There are also sometimes problems with the deployment of the services and resistance from local residents when they are used close to residential areas.

Other Methods for Tackling Antisocial Behaviour

4.25 Before the 2004 Antisocial Behaviour etc (Scotland) Act local agencies were able to apply for Antisocial Behaviour Orders (ASBOs) for over 16s and to initiate Acceptable Behaviour Contracts (ABCs) for people of any age. These powers were extended in 2004 to include ASBOs for under-16s and other methods were introduced such as parenting orders and dispersal powers.

4.26 ASBOs and ABCs had been used for individual behaviour in some of the locations prior to the use of the dispersal powers but they had not been used specifically as a means for tackling problems of antisocial group behaviour. Police and local authority representatives believed that this was a different kind of problem that ASBOs and ABCs were not designed to address. The difficulties were brought about by the sheer mass of individuals and would not, they believed, be stopped by placing restrictions on only a few supposed ringleaders. Additionally it was felt that there were problems producing sufficient evidence of ringleaders' antisocial behaviour to present to the Sheriff in an ASBO application or to identify in an ABC.

4.27 Some of the residents who attended focus groups for this research said that there were definite ringleaders and prominent individuals who they felt brought the groups together. There was support from some individuals for greater use of ASBOs or ABCs to restrict the movements and behaviour of the main organisers of the groups.

4.28 In Aberdeen, Lockerbie and Moffat the antisocial behaviour was generated by groups of "boy racers." Part 10 of the Antisocial Behaviour etc (Scotland) Act 2004 gave the police the ability to follow a process of actions leading to a seizure of vehicles on occasions when they were being driven in an antisocial manner. These powers however only relate to occasions when the cars are being driven and were of limited use for the 3 problem areas where the problems were mostly about the noise of car stereos and revving engines. The provisions around seizure of vehicles also require the identification of individual drivers. In contrast, dispersal powers provide the police to authorise a blanket power over a geographical area rather than over individuals and were thus seen as potentially more effective.

4.29 The 2004 Antisocial Behaviour (Scotland) Act gave local authorities and police new powers and required them to agree a strategy for tackling antisocial behaviour. In many of the areas where research was carried out, local authorities' antisocial behaviour strategies were becoming more ingrained in the normal way of working. There was an acknowledgement of increasing opportunities to use and combine different methods to tackle antisocial behaviour as local authorities were becoming more experienced in using the new methods in partnership with other agencies.

Community Involvement

4.30 Community attempts at addressing antisocial behaviour before dispersal powers focused on highlighting the problems to the authorities, offering intelligence and feeding into

problem solving partnership work. The communities often, however, felt unable to deal with the problems directly and this was one of the reported frustrations.

4.31 Community councils and residents associations offered support to problem solving groups and were often consulted by local authorities, councillors and police on potential solutions. These groups often acted as representative voices for many people in the areas who felt unable to express their concerns. Tenants and residents in some areas expressed their concerns to nominated individuals who then passed it on to the authorities. This was important in some locations where elderly people were unable to come to meetings or where individuals were unwilling to become involved due to fear of reprisals.

4.32 Councillors were often important links in this chain and had been in close contact with community groups, police and council officials throughout the problem solving processes. Sometimes this would mean writing to constituents and meeting up with residents to hear complaints, in other places the local councillor took the lead in co-ordinating meetings and appeals to council members, officials and police for new strategies to be used.

4.33 In some locations, community involvement in problem solving strategies was frustrated by the fact that many people became disheartened if strategies were not working. Community representatives interviewed said that they knew people who, after an extended period of activity, had withdrawn from activity because they had lost faith in the possibility of any change or believed that their elected representatives and authorities were not interested in helping them find a permanent solution to the problems.

Summary

4.34 There was evidence in all locations that police had been proactive and attempted to address the problems through preventative approaches: educational visits to schools, engagement with the perpetrators and attempts to provide alternative facilities. There was also evidence of a willingness to offer support to victims by regular meetings with councillors, community representatives and residents. Many of the complainants said that they did not blame the police for the problems and acknowledged the difficulties they faced tackling antisocial behaviour problems. In many cases the main complainers had strong working relationships with the police officers involved.

4.35 Feelings of powerlessness were commonly described by police when talking about past approaches towards dealing with group behaviour. It was clear that they felt that they were unable to deal with the problems they were facing to their own satisfaction and to the satisfaction of the local community. Dispersal powers appealed to police and communities precisely because they were seen as a way of increasing police power and redressing the perceived imbalance between the perpetrators of antisocial behaviour and the officials responsible for dealing with it.

4.36 Police and members of the public said that they were attracted to the idea of dispersal powers initially because they had used so many other methods and had limited or no success. Interviewees described how their interest in dispersal powers as a new mechanism for dealing

with disorder grew out from the failures of past approaches. The new powers, it was hoped, would give police more of a proactive role in preventing disorder and send a stronger message to perpetrators that behaviour was not accepted by the wider community.

CHAPTER 5 PROCESSES USED IN AUTHORISING AND USING DISPERSAL POWERS

5.1 Dispersal powers can only be authorised by senior police officers who have reasonable grounds for believing that antisocial behaviour is significant, persistent and serious. An authorisation can be signed after consultation with the local authority (initially at Chief Executive level) but the ultimate decision on whether to authorise dispersal powers is made by senior police officers at Superintendent rank or above.

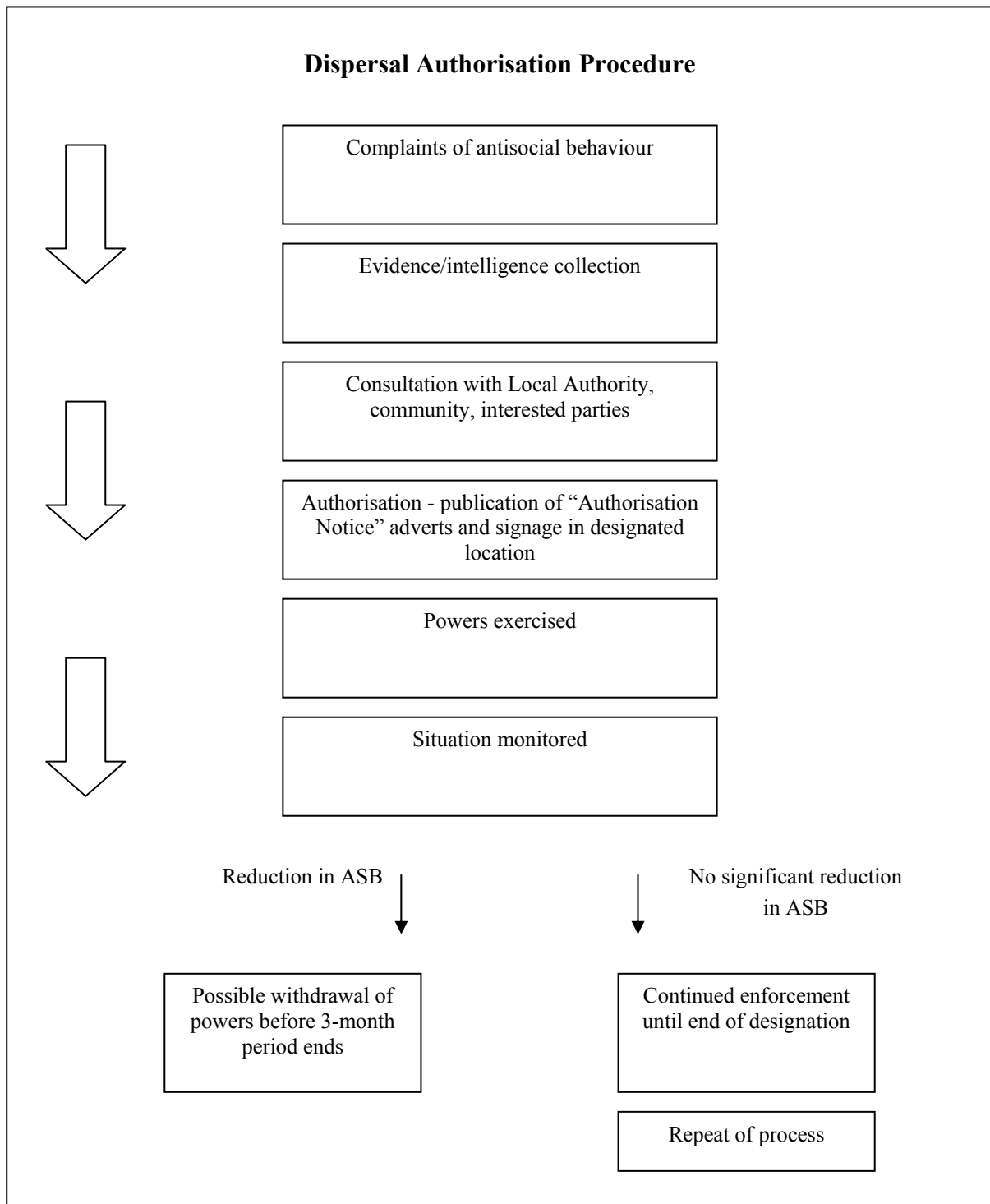
Initiation Process

5.2 Following the 2004 Antisocial Behaviour Act, the Scottish Executive published official guidance on the dispersal of groups legislation. This covered definitions of antisocial behaviour in relation to the congregation of groups, the required procedure in authorising and policing dispersal powers and recommendations for good practice. This was circulated to all police forces that were then responsible for briefing police officers and agreeing protocols for the use of powers in their own police force.

5.3 The nature of authorisations was different in each location due to idiosyncrasies of local partnership working, the personalities involved, past experiences of tackling group antisocial behaviour and procedures already in place. A similar overall process was however, followed in each location (see Figure 5.1)

5.4 The official guidance document, published by the Scottish Executive in 2004 and provided to police forces, was commonly used in each location by the police as they went through each step of authorising the powers. In some cases where there were strong links with antisocial behaviour or community safety representatives in local authorities, the guidance was used to inform protocol agreements between police and the authority. These commonly described the roles and responsibilities of each partner especially where the dispersal powers were closely integrated with the local authority's policies on the use of ASBOs and ABCs. In other areas, the police operated much more as a lead agency and established procedures on their own.

Figure 5.1 Dispersal Authorisation Procedure



Perceptions of Dispersal Powers

5.5 In interviews police spoke about some of the pressures they felt whilst they were initiating the authorisation process. There was an awareness of possible public views that dispersal powers were extreme or draconian measures out of proportion to the problems.

5.6 Police, councillors and local people believed that there was a stigma attached to antisocial behaviour measures, and some experienced negative media coverage and letters of complaint when it was announced that they were being used. This effect was felt in the locations where dispersal powers were first authorised: Aberdeen, Hunter Square and Mid Calder. These areas received large amounts of coverage, much of it from a negative perspective. Local police and residents in Mid Calder spoke about the surprise they felt when prominent national tabloids featured an articles on them with headlines: “The Village of the Banned” and “No-Go ASBO Town.”

5.7 Police in locations where dispersal powers were used most recently were aware of what had happened previously and prepared for a possible backlash. Some of these complaints were about the effect on house prices, and the general reputation of the locations if they became thought of as troubled areas.

5.8 Police often felt that the high profile nature of the powers meant that there was an added risk attached to their use: if they used the powers and they failed they could lose the trust of the local community, suffer media criticism and provide a signal to perpetrators of antisocial behaviour that the police were powerless to deal with their behaviour. The fact that the police alone bore the ultimate responsibility for authorising the powers made this a more important factor.

“...at the moment there is media interest every time an order is put in place and so you have to be prepared for that”

Police Superintendent

“The fear is that we designate something as a dispersal order and the disorder continues...I was coming in here each morning hoping and praying that nothing major happened in the dispersal zone.”

Police Superintendent

Initial Stages and Preparatory Work

5.9 In some of the first locations to authorise dispersal powers the impetus came from patrol officers. On a couple of occasions these requests were initially rejected by more senior officers. When interviewed these police officers said that they believed this was due to a hesitancy to use untested methods. In these cases, the powers were eventually authorised after police officers were persistent.

5.10 The perceived risk caused by the high profile of the powers meant that it was more common than it otherwise might have been for police to gain as much support as possible from the local community, council, central police intelligence units and the procurator fiscal service.

5.11 Before some of the most recent authorisations were made, police made contact with and visited their counterparts in the locations where dispersal powers were used and took

advice on a variety of issues including choosing the size of designated areas; displacement strategies; staffing requirements and other policing issues.

5.12 In one of the early cases the initial idea came from the community council who asked the police to look into the possibility of using dispersal powers. In most cases however, the police came up with the idea and then proceeded to consult the local community to see if they would be supportive.

5.13 In the cases where the response of the local authority or wider community was ambiguous, often due to concerns about adverse media coverage or simply through ignorance of what they might achieve, the police had to decide to authorise the powers based on their own understanding. Police acknowledged the risks attached to this strategy but said in interviews that the community and other individuals (often including people who had previously been opposed to the introduction of the powers) often offered much more support once they saw the effects of the powers.

5.14 In Glasgow, the partners decided to try 3 month long action plans in areas where dispersal powers were being considered as an option. For these 3 months a variety of other methods would be used to see if the problem could be addressed without the use of dispersal powers. Typically this would involve police and local authority home visits to perpetrators of antisocial behaviour and community wardens would be deployed in the area as well as mobile CCTV and the flexible police unit. They would also try to build in support for victims through a special “Victim Support Service.” In one location in the south west of the city this approach led to a reduction in antisocial behaviour and the dispersal powers were not required.

5.15 So-called “pre-dispersal” approaches were tried in other places where the police were considering using dispersal powers. In some locations (including Fife and Tayside where no dispersal powers have been authorised so far) the police spoke to local people about the possible use of dispersal powers if other methods failed. Police representatives in these locations said that on these occasions dispersal powers were effective simply as a threat. Improvements in antisocial behaviour were said to be achieved through greater involvement in problem solving.

Standard of Evidence

5.16 The legislation stated that senior police officers could only authorise dispersal powers where antisocial behaviour is significant, persistent and serious. The official guidance offered flexibility to police officers in the interpretation and definition of these terms but said that police should justify the use of dispersal powers with evidence to show that the behaviour:

- considerably affects the lives of people on whom it impacts,
- is source of several complaints made by different individuals,
- is recorded by the police,
- follows a repeated pattern,

- poses a possible danger or risk to members of the public,
- could have built into an annoyance through the cumulative effect of repeated incidents.

5.17 The guidance suggested that evidence of antisocial behaviour might come from the accounts of those who have been alarmed and distressed by the behaviour but also from a range of other sources including, police, community wardens, community safety partnerships, housing officers, social work officers, other members of the public or CCTV footage.

5.18 The lack of a specified form of evidence meant that there was no standard communication used to justify the use of the powers to members of the public. Evidence was sometimes referred to in authorisation notices and press releases but this was not always the case. These statements were generally a basic summary of the local issues rather than a formal presentation of complaints statistics or incident logs.

5.19 The evidence that was used to support the authorisations came mainly from police incident databases. In many cases, police analysts produced reports that showed the escalations in types of antisocial behaviour for the locations. Evidence also came from personal observations and experiences of policing the locations in question. In one location, even though there had been a steady increase in problems over time it was the occasion of a single violent incident, alongside the statistics showing regular disorder, that the police used to demonstrate the need for extra measures.

5.20 The discretion given to police to authorise the powers based on their own analysis of the problems potentially was felt to leave them open to criticism for heavy-handedness and publicity seeking.

5.21 In one of the locations, where the local councillor and police had received complaints about the use of the powers, the local MSP sent out a survey to residents. This took place at the end of the dispersal period and was distributed to all households in the relevant area. Local people were asked if they believed the dispersal powers were necessary and 95 of the 136 respondents (70%) said they believed they were. Many of the respondents also took the opportunity to note their thoughts on the issue and where there were objections to the dispersal powers, these were commonly concerned with the effects of negative publicity on the area or general criticisms of previous police approaches.

5.22 There was no evidence in any of the locations that local people believed the police had acted where no problem of antisocial behaviour existed.

Consultation with Local Authority

5.23 One requirement in the legislation is that the police consult the local authority at Chief Executive level. Following on from the initial enquiry this was often delegated by the CEO to the team responsible community safety.

5.24 In most cases the local authority was supportive of the initiative and the dispersal powers simply fed into the structures that had been established for community safety work.

5.25 In one case the police decided to use the powers without their agreement. This lack of willingness to back the use of the powers was attributed by the police, to the council's concerns about the possible impact of the powers on youth justice services and a fear that this would increase pressure on the local authority to provide diversionary services.

5.26 In some locations, tensions were described between different council departments. Some social work and youth services representatives from local authorities were concerned about balancing the needs of the perpetrators of antisocial behaviour with the need to protect the public from harassment. This often provoked tension between council social work and community safety departments who often assisted the police.

5.27 In one location youth justice workers and social work officers were worried that young people might be criminalised with the use of the powers. It was agreed in the procedures that these departments would be alerted at an early stage if there was a breach for an under 16 year old or if there were other concerns, so that it could be channelled through a children's hearing.

5.28 There was a feeling among police that there was overlap between the roles of police and local authority in tackling antisocial behaviour and that by using the powers the police were supporting the local authority. In some cases this was acknowledged and some councils funded or joint-funded the newspaper advertisements and signage. In other areas the police asked for funding but councils decided not to provide it.

5.29 In all cases however, the authorisation of the powers depended on strong police support. It was clear that dispersal powers were a police initiative and that they were asking for cooperation and partnership. Sometimes it was clear that there were different perceptions of need between police responsible for areas within a police division and the local authority staff responsible for the whole authority area.

“When they were looking at the dispersal order, at the very first meeting I thought “My God this is going to be [the first one] and they are looking at it in [an area] which we knew wasn't the worst... We are lucky because we get an analytical overview of every division... to know where the worst areas are.”

Local Authority, Community Safety Manager

Legal Advice

5.30 In some locations the police approached council solicitors to help with the wording of the authorisation notice and to check the legislation to see that they were complying with the legislation and were following the guidelines correctly.

5.31 In other locations the police felt able to write the authorisation document and agree enforcement procedures on their own.

“I was aware of the Scottish Executive antisocial behaviour website but I basically had no occasion to seek [legal] clarification. All I did was look at the antisocial behaviour 2004 legislation and it was quite clear of the processes in each section. I took an interpretation from that.”

Police Inspector

5.32 In one location there was an exceptionally strong partnership between all relevant agencies. Initially the police approached the council solicitor (the local authority’s antisocial behaviour team was not up and running at this point.) The council solicitor then arranged a multi-agency “case conference” where all partners met, the police made a report and then agencies considered the use of dispersal with the advice of the solicitor. A recommendation then went to the Superintendent who decided to authorise the dispersal notice based on the case conference recommendation.

Consultation with the Community

5.33 The official guidance says that consultation and discussion with community representatives should take place to discuss the possible use of dispersal powers. As in the case of consultation with local authorities, the police ultimately have the final decision whether or not to use the powers.

5.34 In dispersal locations, there had often been a long and established history of consultation at this level but the possibility of using new powers encouraged another series of interaction. In some locations public meetings were convened where local constituted groups and individual residents went along to express their views. These were often organised in conjunction with the local councillor, on other occasions the police arranged these meetings through residents associations. In one location the local councillor sent a letter explaining important information about dispersal powers, including potential benefits and causes for concern, to each residence in the affected area.

5.35 In areas where businesses were affected, the police visited and spoke to business owners individually. This was also the case in one of the locations where there were much fewer residents affected by the antisocial behaviour and it was practical for police to consult personally at each of the affected households.

5.36 In one of the focus groups convened for this research, some of the affected residents who were not heavily involved in local affairs felt that the consultation had taken place with community activists only and that other less-prominent members of the public were not included.

Police Protocol Documents

5.37 At the stage of authorising the dispersal powers, the police, often in consultation with antisocial behaviour units, established procedures for how they would act in the event of different circumstances: the treatment of under-16s, the handling of breaches and the dispersal of dispersal zone residents. The importance of police discretion in the application of the powers meant that police felt it was important to agree a strategy to help enforcement officers understand the procedures and apply consistency. In most locations, a desire for the powers to be a success led the police to make a decision to pro-actively use the powers fully. In practice this meant that they would disperse any group of people who were congregating for no apparent reason on the basis that they were potentially going to be involved in disorder. This strict approach was especially used during the initial period of many of the authorisations.

“If there was a group of 5/6 guys and we ask them “What are you up to?” and they say, “We are just going up to his house” and they have crisps and juice from the shop we would say “on you go then.” There is no likelihood that you think they are going to cause bother, they have a purpose and they are going to a certain address. That is the element of discretion that police were told about and officers were instructed to use. But if they are hanging about for no apparent purpose and they could, if the police left, cause bother then they are the kind of group that would be dispersed.”

Police Sergeant

Directions to Disperse

5.38 One of the operational issues police faced in the preliminary stages was how to identify breaches of directions to disperse. In most cases the relevant officer passed on the name and date of birth of individuals dispersed to information officers who would enter the details onto the command and control databases. In the case of a subsequent direction to disperse, the officer would then check the individual’s details against the records on the database to see if he or she was in breach of a direction to disperse that had been given in the previous 24 hours.

5.39 Sometimes after a shift change, one police force found that it was difficult for subsequent officers to know if individuals they saw in the designated area had received a previous direction to disperse. Police in one area said that they would in future consider providing officers with a rolling list of names of individuals who had received directions to disperse in the previous 24 hours.

5.40 Some police forces decided that they would issue notices to individuals when they were dispersed explaining the requirements of the direction. This was to ensure clarity and to make individuals aware of the legislation and potential penalties for breaching the direction.

It was also used to prevent the individual, in the event of breach, from being able to claim in court that they were unclear about the requirements of the direction.

5.41 The police, in all locations, felt it was an important part of the dispersal strategy that they would arrest all breaches of dispersal powers. This was to help ensure that the powers worked as a deterrent.

Under 16s Protocols

5.42 Part of the preparatory work was ensuring that protocols were established concerning the policing of the powers and the potential effects on council services. This had a particular emphasis in some locations where the police were keen to make all relevant parties aware of the proposed powers.

“We had the social work and children’s reporter to the panel before we started. We had a site visit and we took the reporter, the fiscal, ourselves and councillors up and walked around the area and basically met the people who were coming out ... We linked in the whole way...everybody knew what part they had to play.”

Police Superintendent

5.43 Police also made decisions about how they would respond to breaches by under-16s. In some locations the police decided that on occasion of a breach, by an individual under 16, he or she would be taken to a police station where parents would be contacted and told about the breach as well as other details about the incident such as possession of alcohol. The police would then decide whether to report the offence to the Children’s Reporter or the Procurator Fiscal.

5.44 In one location, the police decided with the local authority that they would take action against young people who were dispersed on more than one occasion, even when the two separate directions to disperse were complied with by the individual. In this event, the young person would receive a home visit with a police community officer who would inform the parents about the dispersal powers. If there were three or more directions to disperse during the 3-month period, the name of the young person would be passed to the antisocial behaviour unit who would then visit the young person and parents and initiate an Acceptable Behaviour Contract. Failure to sign up to or comply with an ABC would lead subsequently to a youth ASBO.

Exit Strategies

5.45 The police in dispersal locations were aware of the short-term nature of the powers and in consultation with the local authority agreed to run activities for young people towards the end of the authorisation periods to extend the effects of the dispersal period. This was seen as especially important in the areas where the perceived perpetrators were young people

who lived in or near the dispersal zone. Often the police combined these services with a continued police presence in the area for 2-3 weeks.

5.46 These strategies took different forms but examples included several weeks of “twilight” sports following the conclusion of the powers, one-off events for people who had been dispersed during the dispersal operation and the development of mechanisms to involve young people in decision-making processes when the powers ended. These services typically lasted only for a short time due to staffing or funding limitations.

Summary

5.47 Police felt that there were risks attached to the authorisation of dispersal powers. The high profile nature of the powers puts the authorising officer into the media spotlight and police often felt that the trust of the community was at stake if the powers were seen to fail. Police in some of the more recently authorised dispersal locations were aware of the national coverage given to dispersal operations in other locations and newspaper and TV interviews where senior police officers had to defend their strategy. The 3-month duration of the powers also meant that this increased scrutiny and media interest in their work lasted for a sustained period.

5.48 As well as the risks there was also an acknowledgement that dispersal powers might be seen to run contrary to recent emphases in policing where preventative approaches and multi-agency “problem solving” meetings were beginning to become established more widely. Police often stated that there was no inherent contradiction between problem solving approaches alongside enforcement methods like dispersal powers but there was an acknowledgement of possible public perceptions of heavy-handedness and the use of dispersal powers as an admission of failure.

5.49 Possibly due to the novelty of the powers, their high profile nature and the perceived risks associated with using them, police took great care to ensure that they followed the procedures correctly. Attempts were made in all locations to ensure that preparation was as comprehensive as possible. This included visits to other areas where the powers had been used, meetings with antisocial behaviour officers and council lawyers, and the agreement of protocol agreements with relevant stakeholders.

5.50 On occasions where police faced difficulties in the consultation process or challenges/opposition from other stakeholders and members of the public, there was a demonstrated willingness on the part of police to take the lead and take responsibility for the problems they felt that they could use the powers to address.

5.51 In terms of the purely practical side of initiating dispersal powers, police officers often found the process of authorisation straightforward to understand and follow. They did however, commonly acknowledge the large investment of time involved in the preparatory work: consultation, publicity, coordination with partners and the briefing of officers.

“Whether we like it or not, there is a fair bit of work that goes into this, linking with other agencies and you have got to pull the agencies together and get them around the table. You’ve got to link in with your MSPs, your local councillors, leisure services, all these people are involved in it. It’s getting everyone around the table, it is getting the thing kicked off and it is committing resources.”

Police Superintendent

CHAPTER 6 USE OF THE POWERS

6.1 This chapter describes police activity in the dispersal locations during the 3-month dispersal periods. All information was taken from police command and control databases. Statistics on court disposals for offences with a charge proved are taken from the Scottish Executive court proceedings database.⁴ In addition to the statistics, this section also provides explanatory remarks made by police officers.

Number of Dispersals/Persons Dispersed

6.2 Table 6.1 shows the number of directions to disperse given in each dispersal location and the number of separate individuals that were directed to disperse.

Table 6.1 Number of directions to disperse given by police

	Dispersal Location	Number of Directions to Disperse Given	Number of Separate Persons Directed to Disperse ⁵
1	Beach Boulevard, Aberdeen	62	N/A
2	Beach Boulevard, Aberdeen	0	0
3	Hunter Square, Edinburgh	235	143
4	Millbank/Chestnut Rd, Dingwall	7	7
5	Hunter Square, Edinburgh	29	26
6	Mid Calder, West Lothian	72	55
7	St Andrew's, Dumfries	8	N/A
8	St Michael's Church, Dumfries	25	N/A
9	Hunter Square, Edinburgh	115	105
10	Station Car Park, Moffat	7	N/A
11	McJerro Car Park, Lockerbie	5	N/A
12	Knightswood	81	67
13	Sauchie	72	54
14	Dennistoun	149	91

6.3 Hunter Square, Edinburgh was the location where the most directions to disperse were given out. A large number of the dispersals in the first dispersal period were also repeat

⁴ Provisional statistics at 13th August 2007

⁵ In some locations this data was not available. The data was requested after the dispersal period had ended in the locations and police forces no longer kept this information.

dispersals to individuals who had been dispersed already during the 3-month period. There were not as many repeat dispersals in the second or third dispersal authorisations.

6.4 Generally more directions to disperse were given out in the geographically larger areas with relatively high populations such as Dennistoun, Knightswood, and Mid Calder. Dingwall dispersal zone covered a large geographical area but only a small residential area. Dispersal zones in Moffat, Lockerbie and St Andrew's and St Michael's Dumfries were small non-residential dispersal zones and only a relatively small number of people were dispersed from these locations.

6.5 In Aberdeen, the police made 62 dispersals in the first 2 months of the authorisation (48 in the first month, 14 in the second) and found that a combination of a strong police presence and the publicity attached to the dispersal designation dramatically reduced the behaviour to the extent that the problem was almost completely relieved.

6.6 Police in Dumfries, Sauchie and Knightswood reported a sharp fall in the numbers of people being dispersed after an initial period. The same effect was noticed in the two Dumfries locations where previous complainers said that the problem "just stopped" after the first few nights.

Breaches

Table 6.2 shows the number of breaches in each location.

Table 6.2 Dispersal Breaches

	Dispersal Location	Arrests for Breach of Dispersal	% of Directions to Disperse Breached	Under 16s Arrested for Breach	Under 16s Total Arrests for Breach
1	Beach Boulevard, Aberdeen	2	3.2	0	0
2	Beach Boulevard, Aberdeen	0	0	0	0
3	Hunter Square, Edinburgh	18	7.7	0	0
4	Millbank/Chestnut Rd, Dingwall	0	0	0	0
5	Hunter Square, Edinburgh	2	6.9	0	0
6	Mid Calder, West Lothian	0	0	0	0
7	St Andrew's, Dumfries	0	0	0	0
8	St Michael's Church, Dumfries	0	0	0	0
9	Hunter Square, Edinburgh	0	0	0	0
10	Station Car Park, Moffat	0	0	0	0
11	McJarrow Car Park, Lockerbie	0	0	0	0
12	Knightswood	3	3.7	0	0
13	Sauchie	7	9.7	2	3
14	Dennistoun	6	4.0	2	2

6.7 Police did not arrest any individuals at all for breach in 8 of the 14 dispersal authorisations. In the other 6 dispersal zones the breach rate ranged from 3.2% to 9.7%. When all dispersal breaches are taken into account, there was an overall breach rate of 4.4%.

6.8 Police in each location were asked about compliance and said that they felt people generally obeyed because the powers were an “unknown” and a step up from previous powers. In some of the areas where young people were the perceived perpetrators this was thought to be an especially important factor. In these locations police thought that the consequences for the breach of a direction to disperse played an important factor; young people did not want to receive a criminal record.

6.9 In contrast, the police responsible for covering the Hunter Square dispersal zone said that the perpetrators arrested for breach were people they knew and who had previous experience of police contact. This familiarity with police attention was thought to explain the higher breach number of breaches in Edinburgh in the initial period. In many of the cases of breach, these people were arrested for other offences at the same time (such as breach of bail conditions, breach of ASBO, breach of the peace and assault.)

6.10 Police arrested an individual for breach of a direction to disperse, early on in the first Hunter Square operation. This charge was proved in court and the offender received a jail sentence in the first few days that the power was used. Police believe that this event made potential perpetrators aware of the severity of the powers and helped to prevent other breaches. This explanation was also used to explain why there were many fewer arrests in the second dispersal period and none at all in the third.

Court Disposals for Breaches

6.11 There were 38 arrests for breach of directions to disperse. As of August 2007, 15 of these charges have been proved in court. Five of the arrests related to breaches by under-16s. These breaches were referred to the Scottish Children’s Reporter Administration, the body responsible for reviewing cases that relate to under-16s. Due to protocols on disclosure it is not possible to find out what happened to these individuals after their cases were referred.

6.12 Information obtained from the Crown Office and Procurator Fiscal Service suggests that 4 of the remaining charges are pending and the others were marked for either non-court alternatives such as warnings or were closed as “no further proceedings.”

6.13 All of the custodial sentences were for breaches at Hunter Square, Edinburgh and were given to offenders aged 30-52. Of these 7 sentences 2 were for one month, 2 were for 2 months, 3 were for one month and one was for 6 months. This data relates to the total length of sentence imposed so where more than one charge is involved there may be a cumulative penalty e.g. 3 months imprisonment for charge A, plus 2 months (to be served consecutively) for charge B, with a total sentence length of 5 months. It is also possible for courts to impose

an additional element of sentence where an offence had been aggravated by having been committed while the offender was on bail.

6.14 Many police officers who were interviewed for this study said that they were unaware of action taken on individual cases once they had reported them to the Procurator Fiscal. In Edinburgh one police officer who was interviewed said he was surprised by the general severity of sentences for what they perceived as comparatively small crimes. This police officer believed that the court’s behaviour was impacted by the high profile nature of the powers and by the fact that antisocial behaviour was at the forefront of the political agenda.

“We got quite astounding support from the courts to send them to jail like that for a couple of months, especially when you look at more serious crimes where people are getting small fines, or community service.”

Police Inspector

6.15 The following table shows offences with a charge proved under dispersal legislation.⁶

Table 6.3 Disposals for proved charges of breach directions to disperse

Police Force	Charge Proved	Males	Females	Imprisonment	Fine	Restriction of Liberty Order	Admonished
Lothian & Borders	11	10	1	7	3	1	0
Strathclyde	1	1	0	0	0	0	1
Central	1	1	0	0	0	0	1
Grampian	2	2	0	0	0	0	2

Police Recorded Incidents

6.16 This section is based on police records of incidents recorded by police as a result of public complaints and police detection for the periods before, during and after the dispersal powers were used.

6.17 It is important to bear in mind some of the difficulties evaluating the effectiveness of high profile police operations by comparing the numbers of police recorded incidents before, during and after operations.

6.18 First, the focused attention on the operation, particularly if there is widespread media coverage, possibly makes members of the public more aware of disorder and more likely to report incidents in the knowledge that police have extra resources and will give added attention. A simple count of calls to the police also does not reveal information about the

⁶ Section 21(3)(A/B/C)+22 of Antisocial Behaviour etc (Scotland) Act 2004. Source: Scottish Executive, provisional data at 13 Aug 2007.

severity of behaviour that is being reported; it is possible for there to be reduced public disorder but also more calls logged by police.

6.19 Second, for this analysis, the 3-month periods before and after dispersal periods were considered leading to an analysis of recorded incidents over a 9-month period. Many factors can affect the volume of calls taken over this period including seasonal factors such as behavioural changes in the summer and winter and holiday periods.

6.20 Third, calls are logged on command and control databases for policing rather than reporting purposes and not always in categories that make it easy to make comparisons. Complaints are categorised at the time of entry and a nuisance call relating to group antisocial behaviour in a neighbourhood may, for example, be categorised as “youth nuisance”, “noise”, “environmental damage”, “road traffic annoyance” or another category that the police officer logging the call feels is most relevant. These categories are also not consistent across police forces and it is common for police to use different headings to categorise behaviour. For this research police provided data based on calls logged relevant to an assessment of dispersal powers. Categories were chosen by police officers/analysts and there is a complete list of included categories in the Appendix.

6.21 Despite these caveats, there is evidence that the powers were effective at reducing antisocial behaviour incidents. There were large reductions in incidents in 8 of the 14 authorised dispersal zones. The largest reductions in were in Dennistoun, Dingwall and Hunter Square where there were reductions of over 50% (55%, 55% and 52% respectively.) In Sauchie there was a reduction of 33% and Knightswood a reduction 19%.

6.22 In Hunter Square there were 42 incidents in the 3 months before the first authorisation of dispersal powers and 20 incidents in the dispersal period. This pattern of reduction was felt in all three authorisations of the powers in Hunter Square. In Dingwall, there were 44 incidents in the 3 months before dispersal and 20 incidents during the authorisation.

6.23 In Knightswood recorded incidents fell from 434 in the 3 months before dispersal to 171 in the 3 months of dispersal powers. In Sauchie the incidents fell from 211 to 171 and in Dennistoun from 539 to 239.

6.24 The numbers of incidents in four of the other, smaller, areas are too few to provide meaningful analysis. In these locations, despite mixed evidence of effectiveness, slight increases in incidents for the dispersal period compared to the 3 months before dispersal in St Andrew’s (from 7 to 10), St Michael’s (from 7 to 8) and Moffat (from 2 to 5) and a slight reduction in Lockerbie (from 4 to 3), there is limited meaning that can be attached to the figures because the numbers are so small.

6.25 Two of the dispersal powers had apparently little or no success as expressed in police incident logs: the second dispersal authorisation in Aberdeen and in Mid Calder.

6.26 In Aberdeen, incidents fell from 49 to 39 for the 3 months of dispersal powers compared to the 3 months previously. The first authorisation of the powers was followed immediately by another authorisation and the 39 recorded incidents rose to 74 in the 3

months of the designation. The police said that the apparent increase was due to increased police patrols operating within the area detecting and reporting incidents to the Force Control Room who added the calls to the system rather than an increase in calls originating from members of the public.

6.27 In Mid Calder, there were 48 incidents recorded in the 3 months before dispersal powers and 51 incidents recorded in the 3 months of the dispersal period. The police in Mid Calder said that 15 incidents were received on the last two evenings of the dispersal period when there was an organised act of celebration by local young people that distorted the true nature of the reduction in incidents.

6.28 In 7 of the dispersal authorisations, the reduction in incidents was maintained in the 3-month period after the powers had finished. In Hunter Square (first and third authorisations), and Knightswood the number of calls reduced even further after the powers had finished. In most locations however there was a slight increase, although not a back to pre-dispersal levels.

“For that 3 month dispersal we have now had an effect lasting for 6 months”

Police Sergeant

6.29 In interviews for this research police explained that complaints received from members of the public during and after the dispersal periods were less serious than those received previously. This was possibly because residents were reporting more trivial incidents in the belief that police were more likely to address them.

Police Perceptions of Effectiveness

6.30 Without exception, the police viewed the dispersal powers as a successful means of providing relief for the local community for the period where they were enforced. In many locations the police emphasised the dramatic and unexpected nature of the relief that the powers achieved.

6.31 Typically it took a short period for the powers to have an effect and in most locations the majority of breaches took places within the first few days or weekends of the designated period. After this, the police found that they were attending to far less incidents of disorder and were receiving positive feedback from members of the public about the difference the powers had made.

“...from the first couple of weekends...we didn’t require the resourcing levels – we still had [the power] every night but there was nobody to disperse.”

Police Superintendent

6.32 Some police officers attributed the success of the powers to the ability of the police to be proactive in tackling antisocial behaviour. Members of the public had previously

complained about police response time and the fact that police often could not take action if the perpetrators had moved on by the time of their arrival at the scene of a reported incident.

“This wording of “likely to behave in an antisocial manner” gave us the power to disperse them in groups of 2 or more, which was great.”

Police Inspector

“This is a really important power because we don’t have to wait for it to happen. We can stop things before they start.”

Police Superintendent

6.33 Police also believed that the power allowed them to prevent escalations of antisocial behaviour and to stop crowd numbers getting out of control. Instead of facing a situation where the police had to tackle problems being caused by a large group of individuals, police could disperse smaller groups of people throughout the course of the day or evening and manage the size of the groups before the number became overwhelming.

“Several of the ones who were dispersed were decent law abiding people but the fact that they were there allowed other people to see them there and it caused this magnet effect.”

Police Sergeant

Dispersals of Young People and Under-16s

6.34 The police found the novelty of the powers to be a powerful means of preventing behaviour. At the beginning of dispersal operations in three separate locations, young people (although not under 16s), breached the powers on a weekend evening and, following the Lord Advocate’s guidelines on liberation, were kept in custody until they could appear in court at the next possible opportunity on Monday morning. The police believed that young people wanted to test the powers and did not expect them to be enforced. Tough responses to breach enable them to convince the local community that the powers were strong and that repercussions for breach were severe.

6.35 In another location the police were aware that groups were congregating on the periphery of the dispersal area boundaries because they were worried about the possibility of a £2,500 fine or a prison sentence if they breached a direction to disperse.

6.36 The police said that they felt an effect of the powers was that parents prevented their children from going out in dispersal areas during the times when the powers were enforced.

6.37 In one of the areas where youth disorder was the source of the problems, a police officer suggested that disorder was heavily influenced by a “cohort” effect. As young people moved through school their friendship groups established norms of behaviour influenced by, and in reaction to, the behaviour of other school years. The places where they would socialise would become “their” place. The behaviour as observed by local residents and the police

would change each year and would be influenced by ringleaders in each group. Dispersal powers were said to have had a disruptive effect on these behaviour patterns.

Displacement

6.38 One of the main concerns for police forces was that they would simply move the problem from one area into another residential area. To counter this effect the police often designed the dispersal boundaries so that they would incorporate neighbouring areas.

6.39 On other occasions displacement to non-residential areas was an intended outcome for the powers. On these occasions the police recognised the fact that the groups were unlikely to disperse and go to their homes and, through the design of the dispersal area boundaries, attempted to manage the displacement of the group. The dispersal zone boundaries were designed so that the problem group could only move from where they had traditionally gathered to peripheral areas of the dispersal zone where the problem group would cause less or no annoyance to residents. Examples of this are Aberdeen where there are areas further away where fewer residents would be affected by loud car noise and Mid Calder where there are other large spaces away from houses.

“I would say to them, go down to [___], or down to [___]...go down and congregate where there’s no members of the public being intimidated by your conduct.”

Police Sergeant

6.40 Displacement was a greater concern in the areas where the dispersal zone bordered other residential areas or where there were other small villages/housing estates/towns nearby. In the locations police said that their own intelligence had shown that there was not a corresponding increase in disorder in any of the adjacent areas.

6.41 Police carried out analysis of command and control data throughout the operations to see if there had been a rise in complaints of antisocial behaviour in neighbouring areas. Police and other officials reported little or no displacement in Aberdeen, Dingwall, Dumfries, Hunter Square, Knightswood, Lockerbie, Moffat and Sauchie.

6.42 Detailed police analysis in Dennistoun however, found that there had been a dramatic increase in disorder in a neighbouring location while the dispersal powers were ongoing. Extra police patrols in this area suggested that only 2 out of 29 individuals stopped were resident of the dispersal area and the police concluded that individuals intent on antisocial behaviour were staying in their own location rather than travelling to Dennistoun to cause antisocial behaviour. Analysis of other areas near Dennistoun showed that there had been little or no displacement of behaviour.

6.43 Anecdotal evidence from residents and business representatives in some of the locations suggested that there was some displacement. It is not possible to know, based on the analysis performed by police, the extent of this displacement or if there had been a net reduction in annoyance over a wider geographical area.

Summary

6.44 Police believed that dispersal powers had advantages over Acceptable Behaviour Contracts and Antisocial Behaviour Orders for tackling group antisocial behaviour. Whilst these are thought to be useful for tackling the antisocial behaviour of groups where there are clear ringleaders, they are not as useful for most situations where group congregations are spontaneous and made up of large numbers of individuals.

6.45 The incident statistics suggest that dispersal powers have had an impact on incidents recorded by police. There are also examples of locations where this reduction continued for an additional period after the powers ended.

6.46 Police interviewees commonly said that they were surprised by how powerful dispersal powers were in providing instant relief on a large scale. The powers were often credited with “breaking the pattern of behaviour.” The belief was that group behaviour had become established over a period until it became a simple habit. By disrupting this pattern and forcing the groups to change their behaviour they were able to challenge the status quo. This was an especially common view in the dispersal areas where the groups were made up of young people and where they were not as attached to particular features of the area.

6.47 In some areas this effect was not as prevalent. In Aberdeen the Beach Boulevard esplanade was felt to perfectly suit the needs of young drivers looking for a central location with street lighting, parking spaces and relatively quiet roads. In this location the choice of location was felt to be more of a determined choice rather than chosen by accident and habit. This was also noticed in some of the other locations where young drivers gathered and Hunter Square where unique features of the Square appear to appeal to the groups who choose to gather there.

CHAPTER 7 PUBLIC PERCEPTIONS OF EFFECTIVENESS

7.1 In addition to interviews carried out with key individuals in each location e.g. stakeholders, business owners and main community activists; other local people were invited to attend focus groups in locally accessible venues. An external researcher was contracted to carry out this piece of work. The researcher liaised with the police to find out where the main “hot spot” areas of antisocial behaviour were within the designated areas. Residents and businesses adjacent to these areas were then invited to participate.

7.2 In these locations groups of typically 7-12 people discussed issues related to the local experiences of dispersal powers. The focus groups participants were asked about their experiences of antisocial behaviour before the dispersal powers were introduced, previous police methods to address the problems, their views on the enforcement of dispersal powers, what happened after the powers ended, and their views on alternative methods to tackle the problems.

7.3 This section also includes data from members of the public interviewed in other locations where focus groups were not carried out.

Impact of Dispersal Powers

7.4 Focus group participants in all areas reported a dramatic drop in the level of antisocial behaviour during the period of the dispersal powers. Almost all respondents considered the powers to have been effective as a short-term measure, providing respite.

“When the dispersal order came in it was fantastic, we were totally amazed.”

Focus group participant, Aberdeen

“Initially, it was like something was switched off – everything went quiet.”

Focus group participant, Mid Calder

“As soon as the dispersal order came in it stopped completely, it was like switching off a light. It went from being a huge problem to nothing at all.”

Resident, Moffat

7.5 Focus group participants claimed that the level of noise at night was much reduced and residents felt safe in their own homes and generally more at ease. One resident said his life completely changed during the dispersal period because it was so quiet and his door was not being constantly vandalised. Residents said they were able to walk out when it was dark without the fear of being intimidated by large congregations of people.

7.6 People welcomed the extra power given to the police and believed it redressed the balance between the young people and the police, which they said had recently been too much in favour of the young people causing disorder.

“The police had the ball-at-their-feet and they could say, “well this has come in, you’re not allowed to do that anymore,” ...all of a sudden they had a bit of power. And the kids didn’t like it.”

Focus group participant, Mid Calder

7.7 There were claims that the atmosphere lightened and that people felt more at ease. A couple who had recently bought a house in one of the locations said that the powers brought about the kind of atmosphere they were expecting when they moved into what they previously thought was a serene, leafy neighbourhood.

7.8 One of the most commented on features of the dispersal powers was the significant increase in police patrols. People now saw the police patrolling local areas regularly and not necessarily only in response to complaint calls. The police also made efforts to stop and speak to people they met in the designated zone boundaries while they were on patrol. Some residents believed this was part of a police strategy to advertise the powers and build relationships and goodwill but others perceived it as threatening and unwelcome.

7.9 One focus group respondent said that police approached her whilst she was outside a restaurant having a cigarette between courses. She said that the group of friends was laughing about it to begin with before they realised that the police were serious and they warned the group about the new powers. Some people said that they believed the police were occasionally over-zealous in their application of the powers.

7.10 Some members of the public interviewed believed that in certain locations, young people felt at risk of getting into trouble. There were reports of young people walking through dispersal areas in single file with gaps between them. Young people were evidently aware of the fact that the powers could only be used in circumstances where two or more individuals were thought to be causing antisocial behaviour so they broke into single units to protect themselves from police attention whilst they were travelling through dispersal areas.

7.11 One 15 year old took advantage of the “2 or more” part of the legislation to express his opposition to the police powers when he was alone. Local people were aware of repeated angry exchanges between the police and this person who believed that he was being unfairly targeted by the powers when he was with his friends.

7.12 There were mixed views from residents around whether they believed young people supported the use of the powers or not. Some people said that they thought that young people felt more protected because the problem was caused by groups of non-residents who congregated in public areas; the powers meant local young people did not now feel threatened. Other people said that parents were worried about the impact of their child getting into trouble with the police and made them stay indoors.

“I think a lot of people said you know, “look you are not going out because you’ll get your name taken”.”

Focus group participant, Mid Calder

7.13 The high visibility of the operations and the large increase in police patrol numbers provoked surprise in some of the people who witnessed it. The leader of a community council in a dispersal location, one of the main supporters of the powers, said he felt an unexpected sense of regret at the sight of the police patrols; there had traditionally never been the need for such a strong police presence.

7.14 In some of the areas, people commented on the effect of the dispersal powers in clearing people from the streets altogether. Some people welcomed this but others acknowledged that they were concerned about the restrictions on young people’s freedom and the lack of support that went alongside the dispersal operations.

7.15 Many people thought that the three-month designation period was too short and should have been longer. Other people believed that the police should have the use of dispersal powers indefinitely.

After the Dispersal Powers

7.16 Respondents in most areas noticed that the antisocial behaviour started again immediately after the end of the dispersal period. This effect was most dramatic in Edinburgh and Aberdeen. People in a few of the locations noticed an extended period of quiet after the powers ended.

7.17 During the dispersal authorisation in Edinburgh, business owners had noticed the police dispersing people until they eventually stopped congregating on the square. According to one business owner, the situation remained quiet for a short time after the powers had finished. When the local evening newspaper reported the end of the authorisation period (approximately 2 weeks after the powers had finished) a group of around 15 people returned the next day. According to the same person, the problems returned to previous levels quickly after this time and businesses asked police to consider another dispersal authorisation.

7.18 In Aberdeen a chairperson of the tenants association said that although the dispersal powers were effective, the problems were worse after the end of the three months than they were before (police incident logs also show an increase.) The interviews and focus groups took place with residents and tenants approximately 14 months after the end of the second dispersal authorisation and the consensus view was that the behaviour was as bad as it had ever been.

“The dispersal order is only effective for its duration. I’m not blaming the police... I just don’t think they have got the resources for all the things they have to attend to.”

Focus group participant, Aberdeen

7.19 There was variation in the long-term success of the methods. In some areas, mainly the areas where the perceived perpetrators were young people, it seemed to have made more permanent differences. In other locations the behaviour came back straight away after the powers ended and members of the public, although they appreciated the respite, said they wanted longer-term solutions. This was especially true in Hunter Square and Aberdeen.

“During those 3 months, to begin with they made a tremendous difference...after the 6 month period we are back to square one.”

Focus group participant, Aberdeen

7.20 There was some discussion in focus groups as to whether or not the dispersal powers had made any difference to perpetrators’ awareness of the effects of their behaviour. Some people believed that the perceived seriousness of the powers made perpetrators more aware of the effects of their behaviour on residents. Some participants believed that, in some cases, perpetrators’ behaviour was borne out of simple thoughtlessness. These people became more reflective about their behaviour when they realised that the community was taking their behaviour more seriously.

7.21 Some respondents agreed with the view of police, councillors and youth workers, that publicity surrounding the introduction and operation of the dispersal powers made parents more aware of the problems caused by their teenagers. They believed parents exercised more control over their sons and daughters’ movements.

7.22 In some areas, the dispersal powers helped bring about greater amounts of participation in the local community. In Dingwall, a residents’ association was formed as an effect of the introduction of the powers and a police representative now attends these meetings. The association circulates regular newsletters to households, which includes information about antisocial behaviour. This was seen by members of the association to be one of the main beneficial effects of the dispersal operation. It enabled local people to meet each other and recognise that a wider group of people in the community felt the problems. The residents association improved communication with the police and the council.

“The dispersal order brought to head a bigger issue. There’s a bigger voice there [now] – a committee of people.”

Focus group participant, Dingwall

“I think what the dispersal order has done; because the association has formed...people have taken more of an interest in where they live. And because of that there have been improvements.”

Focus group participant, Dingwall

7.23 The community council in Mid Calder had been operational prior to the authorisation and since the end of the powers has been involved in discussing potential longer-term solutions to the antisocial behaviour problems with the local councillor, the antisocial behaviour team and other local organisations.

7.24 In all of the areas focus group participants felt that the dispersal powers helped bring about more open channels of communication between the local community and the authorities (police and council) for discussion of solutions to the antisocial behaviour problems and of the need for general improvements to the area. The increased forms of community participation were acknowledged in areas even where the powers had only a short-term effect. Many residents considered that the authorities were now listening to their views and attempting to respond to them.

Long Term Solutions

7.25 In some locations, the benefits of the dispersal powers were maintained in the period following their use. As well as the effects on perpetrators of antisocial behaviour, the powers often encouraged a new level of impetus in community involvement, diversionary activity and problem solving methods more generally.

7.26 In Edinburgh and Aberdeen, and to a lesser extent Lockerbie and Moffat, interviewees said that whilst they appreciated the respite given to them by the dispersal powers, there was little or no long-term change to the behaviour of groups after the powers ended. Most respondents believed that other methods were required to bring longer-term relief to their problems. In these locations, when asked about alternative solutions, interviewees had clear ideas about what they believed would solve the problems more permanently.

7.27 In Edinburgh, local businesses and residents were campaigning for a drinking by-law that would prevent any public drinking in the square. One business owner stated that from their point of view, this would solve the problem immediately.

7.28 In Aberdeen, Lockerbie and Moffat local people and sometimes councillors and police were campaigning for physical changes to limit access to the areas where “boy racers” parked their cars. In Aberdeen, they were asking the council to close a stretch of Beach Boulevard where the local groups congregated, for part of the late evening and early morning as well as speed bumps and cameras. In Moffat and Lockerbie, they were asking for alternative solutions such as evening-barriers on car parks, the introduction of parking charges, speed bumps and cameras. In all of these locations, interviewees commonly said they would not object if the police authorised further dispersal operations (they appreciated the relief) but that they saw the ultimate solutions to their problems in other forms.

7.29 In the other locations where there was a greater sense that the dispersal powers had broken the patterns of behaviour, local people were still concerned that further attention would be given to possible longer-term solutions. There was a perceived lack of progress felt towards this ambition and a fear that eventually the behaviour would return. Extra provision of diversionary activities and more fundamental approaches towards preventing underage drinking were mentioned as issues that needed to be addressed to prevent the behaviour in the long term.

7.30 In Glasgow there has recently been a re-structuring of community safety functions within the local authority area around a partnership model where police, council, housing

organisations and youth services are all coordinated under one umbrella using police intelligence and analysis and a “problem solving” approach. This possibly represents a new opportunity to deal with the problems that had been caused in dispersal locations.

7.31 The representatives interviewed for this research spoke favourably about the new structure and developments and the success of the dispersal powers was largely attributed to the support that the local authority and other organisations were able to give to the police throughout the operations. Community safety managers said that they are able to respond to problems identified by the police in a much faster and more effective manner. This is mainly because they are aware of what the problems are as the police identify them.

Other Organisations

7.32 Representatives from youth and social care organisations acknowledged that dispersal powers had provided a period of respite for affected communities. There were however, general concerns among organisations interviewed about the effects of the powers on the perceived perpetrators and the change in approach from a problem solving philosophy towards, as they saw it, an enforcement strategy.

7.33 In interviews, representatives from these organisations said that they could understand that group disorder was causing distress to members of the public. They did not always have strong objection to the use of dispersal powers but they were concerned about long-term provision of support services for young people and a feeling that there was an emerging sense of intolerance towards certain social groups from residents and authorities. There was some criticism that the powers worked against the social inclusion agenda.

7.34 Some people believed that the voluntary sector should have a greater place in resolving these issues. Examples were given of times when organisations had worked with groups where underlying issues of social inclusion were addressed and where the problem group’s behaviour was altered through focused work. One of these examples was of an outdoor shopping centre where there had been complaints about the behaviour of “street drinkers” who gathered during the day. A voluntary organisation began to work with the group, on a model of relationship building and support for their addictions taken from a successful project in Brighton. Local people began to see effects of this on antisocial behaviour and the police were apparently satisfied that for present the situation was being managed and that dispersal powers were not necessary. Another example was given where the same organisation was working with a group of young people on Acceptable Behaviour Contracts who had renovated a property into a community flat that was used for community meetings and youth events.

7.35 One of the most important concerns was noted in relation to the Hunter Square dispersal zone where the group targeted with the powers had methadone and alcohol addictions. An organisation working in this location was worried about the way that the powers had been applied and the way in which individuals had been drawn into the criminal justice system through their behaviour.

“I think there have been a catalogue of unjust results particularly at Hunter Square...one of our clients plead guilty [to a breach] and got three months in jail which is longer than someone [might] get for aggravated assault.”

Voluntary organisation worker

Summary

7.36 There was widespread acknowledgement in all locations from members of the public, residents, business owners and representatives of other organisations, that the powers were effective at providing relief from disorder for 3 months.

7.37 Sometimes they provided an extended period of relief by breaking patterns of behaviour; after the powers ended residents noticed smaller sized groups of people congregating and they believed the problem group had moved to other locations.

7.38 In the areas where they were used to address the behaviour of groups of young people, residents believed they had encouraged a greater amount of parental responsibility. They also enabled new forms of community engagement with authorities and communication between local people and the police.

7.39 The successes of the dispersal powers was also partly attributable in some locations to the support provided by the local authority and other partners who helped to fund and provide services to assist with the enforcement of the powers. This often included mediation with perpetrators and diversionary activities for local people.

7.40 In Aberdeen, Edinburgh, Lockerbie and Moffat, the benefits seemed to be less permanent. In these locations the groups came back soon or immediately after the end of the powers. In these locations, topographical factors were thought to exacerbate the problems and local people believed that their problems would be more successfully addressed in the long term by environmental modifications.

CHAPTER 8 YOUNG PEOPLE

8.1 Despite the fact that legislation allows dispersal powers to be used to tackle any type of group disorder, they were initially conceived as a means of tackling youth disorder and this is how they were most often used in practice.

8.2 This chapter considers the views of young people in three of the areas where some of the most recent dispersal powers were authorised: Dennistoun, Knightswood and Sauchie.

8.3 Due to the specialised nature of this part of the research, the work was commissioned to external researchers. It was undertaken by Dr Hannah Smithson and Leanne Monchuk of the Applied Criminology Centre, University of Huddersfield. This chapter is based on data they collected and analysis they provided to the Scottish Government. Dr Smithson had previously carried out a similar study in Manchester using a similar methodology (Smithson and Flint, 2006.)

8.4 Young people were interviewed on issues around the following four headings:

- Knowledge of the dispersal powers;
- Experience of the dispersal powers;
- Views of the dispersal powers and the impact on behaviour;
- View of youth provision in the area.

8.5 A mixed methodology was used which made use of the following research techniques:

- Focus groups with young people;
- Out-reach street work with young people.

8.6 Focus groups were carried out in the areas of Dennistoun and Sauchie. The decision was made by the research team to undertake focus groups as the time constraints of the research did not allow for large numbers of young people to be interviewed individually. The focus groups typically included 4-8 individuals. Thirty-six young people participated aged 12-17.

8.7 Out-reach street work with young people was carried out in Knightswood due to a lack of pre-existing clubs or groups. Arrangements were made for the local sergeant to accompany the research team in an unmarked police vehicle and drive them around the Knightswood area on the evening of Saturday 9th June.

8.8 Young people who were walking around the area were approached by the research team and asked to take part in the study. Twelve young people participated – nine females and three males ranging from 13 to 18 years of age. The out-reach work involved speaking with groups of between two and six young people. The duration of the out-reach work was approximately three hours. The purpose of the research was fully explained to the young people involved.

Knowledge of the Dispersal Powers

8.9 It was apparent that young people in the 3 locations were taken by surprise by severity of the powers. Despite an awareness of the extra police attention among the people interviewed it is not possible to say that they were fully aware of the powers before they became subject to them.

8.10 The research looked at the means by which young people had been made aware of the new powers. People mentioned posters that were attached to lampposts, leaflets that were distributed around the area by the local police and presentations in schools.

8.11 In Smithson's previous work on dispersal powers (Smithson and Flint, 2006, Smithson and Armitage, 2007) the lack of specialised promotion to young people through schools was highlighted as a concern and a means of alleviating resentment before powers are authorised.

8.12 The vast majority of the young people could describe to some degree the nature of the powers. In Knightswood and Sauchie when asked if they had heard of them some of the young people responded that they had not. It was only when the researchers explained what the powers were that they recognised it as the dispersal designation. In Sauchie the reason for this could have been that the dispersal authorisation had been called "the ASBO" by local people and the local press. This had created some confusion about the powers.

8.13 There was evidence of confusion in all three locations about the powers that were being used. Some people spoke about being asked to move on, others said they were warned about being dispersed if they did not move, other people said they were "booked" or "lifted." Many people were not able to say if they had been officially issued with a direction to disperse or if they had simply been asked to move along informally.

"I was up the Parade and I was with more than three people and they booked us all and said, "right you're now dispersed. You can't come back in this area" and they gave me a map and said, "you can't come in here"."

Female, Dennistoun

8.14 The young people in Knightswood spoke of their experience of the powers and, as with Dennistoun, there were different experiences. Some spoke of being "booked" whilst others said that they had just received warnings. None of the young people had been arrested because of non-compliance. One young female had been taken home by the police but this was this was due to alcohol consumption.

8.15 The experience in Sauchie was similar to Dennistoun and Knightswood with some young people saying that the police warned them about being dispersed whilst others spoke of being "lifted", which was explained as being taken home. None of the young people said that they had been arrested due to non-compliance.

“They just said that if I didn’t go home, they were going to take my name and then if they saw me back out they were going to lift me.”

Male, Sauchie

“...sometimes you’d just be walking about and you’d get told to go away for 24 hours and if you didn’t, you’d get lifted.”

Male, Sauchie

Experience of the Dispersal Powers

8.16 The young people in Dennistoun were asked to provide an account of the behaviour that had led to their experience of the powers. They were able to provide detailed accounts of their experiences and a consistent theme emerged that young people felt they were unjustly stopped and/or “booked”.

“I remember one time, me, [name] and this boy [name], were sitting just about where I live, and we were just talking and the police came up to us and said “you better move”, and he said “well we live here”, and he said “I don’t care move”.”

Male, Dennistoun

8.17 One young girl spoke of how she had been told to disperse from her younger sister after returning from a dance class in the area. She had been asked what she was doing out on the street and told that she should be indoors after a certain hour.

8.18 The negative impact that dispersal powers can have on the relationship between young people and the local police has been documented in previous research (Smithson and Flint, 2006). The responses from young people in Dennistoun reinforced this. The main criticism was the inconsistency in the way in which individual officers policed the dispersal zone. Other youngsters expressed their concern and resentment about officer’s attitudes towards them;

“They could have spoken to us like we were normal people, not talking to us like we were three...”

Female, Dennistoun

“The way they talk to you...is totally wrong. They should be suspended or something for the way they talk to us...and their whole attitude towards us.”

Female, Dennistoun

8.19 The accounts of young people from Sauchie were similar to those expressed by the youngsters from Dennistoun. Their accounts suggested that they were stopped purely because they were in the dispersal area with their friends;

“I was at the chippy. I just sat down to eat my chips and they said, “move”.”

Male, Sauchie

“I was at the chip shop, and we were hanging about outside it and then we went up to the shop, and the police came, and they told us to move but we just ran away from them. The police started chasing us trying to tell us off...”

Male, Sauchie

8.20 Sauchie youngsters also spoke in detail about the attitudes of the police officers in the area and how they perceived this to be unfair and antagonistic. The overall opinion was that the police had been over zealous in their approach to policing the zone.

“We were just standing there and they’d say “move now.” Even if you were just going to the shop they would tell you to get away... and you have done nothing wrong. They didn’t ask you to move away, they just told you to move.”

Female, Sauchie

8.21 The issue of personal safety was mentioned by a number of the youngsters and the impact that the dispersal powers had on the usual information they were given about safety.

“I think it is pointless, because they tell you not to walk about yourself just in case something happens to you...safety in numbers...but then they tell you to split up.”

Male, Sauchie

8.22 There were a number of consistencies in the accounts of the young people’s experiences of the way in which the dispersal powers were policed in their area. Most significant was the way in which the legislation was interpreted by the police. The young people spoken to all described similar experiences of being warned, booked or dispersed because of what the young people felt were normal socialising activities.

Views of the Dispersal Powers and the Impact on Behaviour

8.23 The research explored the views of the young people with reference to whether they believed the powers were beneficial to their area and the extent to which the powers influenced their behaviour. In addition to establishing whether or not the young people had complied with the requirements of the powers they were also asked to provide their opinion of the impact of the powers generally in the area. This provided mixed responses with some stating that they felt that it had made the area quieter, others felt that it had displaced people to another area whilst others responded that it had had no influence whatsoever, as people just didn’t take any notice of it.

8.24 The young people in Dennistoun were asked if they felt that behaviour in the area warranted the use of dispersal powers. A number of young people referred to the fact that older residents may be intimidated by people hanging around.

“I don’t think there was a need for it. At the same time, if my granny stayed round here, obviously the older ones probably wanted it due to the, all the people hanging about because it is a lot more intimidating if you’re an old woman or an old guy, and there is a [group] of people hanging about... some people in the [group], when you think about it, they know most of the people in the area. You will walk by them and you will say hi to them, you know. I think it was just a ploy for [local councillors] to get more votes to be honest with you.”

Male, Dennistoun

8.25 Some young people said that they felt that they felt the powers were inappropriate because they did not distinguish between small friendship groups and larger groups. In one case an individual said that this made the group not inclined to comply with the police.

“We didn’t take any notice. It was just a load of rubbish. We did not see the point in [the rule being applied to groups of 2 or more] ...it was your best pals. I am quite sure that you have more than three pals. We were just mortified.”

Female, Dennistoun

Views of Youth Provision in the Dispersal Areas

8.26 Previous research in England (see Smithson 2005) recommended that a dispersal powers can be effective if youth diversionary activities are offered during the dispersal period. The establishment of appropriate youth facilities was written into a good practice guide on dispersal powers for Manchester City Council (see Smithson and Armitage, 2007).

8.27 The focus groups in Dennistoun were undertaken at the Whitehill youth project which was housed in the local sports centre. The project had commenced running just after the dispersal powers ended in the area. It receives funding from Glasgow Community and Safety Services, the organisation set up by the local authority and police force to deal with issues of antisocial behaviour and community safety. The project does not receive core funding and is only guaranteed 10 weeks funding at a time. The project offers a wide range of activities for young people in the area on Friday and Saturday evenings from 8.00pm to 12.00am. Activities include swimming, football, music lessons, drama and art. It is run by a number of youth workers from the area who work voluntarily for the project.

8.28 Young people were unanimous in their praise of the centre and viewed it as the focal point of their week. It was viewed as a facility that “kept them off the streets” and a safe place where they come and meet friends and make new friends without the constraints of an over-bearing adult presence.

“This is the only thing you can do in the area. Friday and Saturday, that’s all you look forward to.”

Female, Dennistoun

“You can just come up here and relax and you don’t have any trouble because you don’t need to be on the street for people to pull you up... And all the people in here, all the workers, they deserve a merit for what they do.”

Male, Dennistoun

8.29 Whilst the youngsters did praise the work of the centre some were critical of the fact that there was nothing available for them to do week day evenings. They all expressed a desire for activities to be held during the week.

“During the week? We sometimes hang around the streets, but it isn’t all that brilliant, we usually go in a lot earlier than on Friday and Saturday in here, but there’s nothing really to do is there?”

Female Dennistoun

“If this closed, if this closes it’s just going to be trouble. Because all of us are going to be out on the street and if we are out in the street then people are going to be bored and people will feel intimidated. They’re not going to like it hanging about the street when they are used to having a club to come up to.”

Female, Dennistoun

8.30 The young people in Knightswood agreed that there was a complete lack of facilities in the area. When asked if they would attend any of the centres in the neighbouring areas the response was entirely negative. Each young person spoken with stated that there was nothing to do in the area. A number of the youngsters stated that they had attended projects in the past but that they only ran a couple of nights a week (not weekends) and did not offer much in terms of resources.

“You don’t do anything [at the youth club] you just sit and draw pictures.”

Female, Knightswood

8.31 The lack of activities was also stressed by the local police sergeant as a legitimate and serious problem in the area. He expressed concern about the number of off licenses in the area that sold alcohol to juveniles and stated that one of the police priorities in the area was to close down off licenses who sold alcohol to those underage. He viewed the level of under-age drinking because of the lack of youth facilities in the area.

8.32 The young people all had ideas about the facilities they would like in the area and these ranged from dance classes, sport and football. One young person stated that a survey should be carried out in the area to obtain young people’s views about what resources they

would like in the area. They acknowledged that it is difficult to provide activities that everybody would like and that a survey would provide this information.

8.33 The focus groups in Sauchie were undertaken at the community resource centre and the local secondary school. Only 3 young people attended the session at the community centre and there wasn't a youth centre that the team could attend to engage with young people, which is why the local school had to be used. During the research at Sauchie the team were able to speak with community leaders who all expressed a concern that there were no youth facilities in Sauchie. The issue of territoriality was raised, as youngsters from Sauchie did not feel safe enough visiting the town of Alloa to attend the activities run there.

8.34 The young people agreed that Sauchie has no youth facilities that they can use. Many of the young people criticised the fact that any youth facilities that had been on offer in the area had since been closed down.

"They use to have Sauchie Hall...it's still there but nothing in it...bingo for old folk."

Male, Sauchie

8.35 The young people accounted in detail the fact that the neighbouring town of Alloa has a number of facilities including skateboard parks and a leisure centre. The majority of them expressed concern about visiting Alloa.

"You've got zones in Alloa to go skateboarding. But I can't go to Alloa."

Male, Sauchie

"In Alloa, they have got the leisure bowls, and everything. We used to have the gym and a youth club and it just went away."

Male, Sauchie

8.36 They complained that the facilities they were provided with were not adequate.

"They put these five-a-side football posts up [but] where they put them, there were no lights at all. They expect you to go and play football in the dark."

Male, Sauchie

8.37 When asked what types of facilities they would like to see in the area responses ranged from a leisure centre, swimming pool, a youth club, football and discos. One young person made the point that facilities should be offered prior to a dispersal authorisation and if young people still cause trouble then there is justification for the use of the powers.

"At least give it a go first. I mean, if they give us the arcade and it still does not work then fine, the dispersal order. But if they get an arcade and [levels of antisocial behaviour] dies down, leave us with that."

Male, Sauchie

Summary

8.38 The majority of young people across the three areas had some knowledge of the dispersal powers and this knowledge came from posters, leaflets and presentations in local schools.

8.39 Young people in this study spoke of being warned, “booked” or “lifted.” There was little clarification as to what constituted an “official” dispersal. The lack of clarity of language suggests that there was not a clear understanding of what the power required from those people who were dispersed.

8.40 There was belief among young people that police were being over-zealous in their application of the powers and were going beyond the provisions of the legislation to move people on who were merely present without any reference to their previous or current behaviour.

8.41 There was a resounding feeling amongst the young people that the powers had been used unfairly and unjustly by the police. Young people spoken to all described similar experiences of being warned, booked or dispersed for what the Scottish Executive’s official guidance refers to as “gathering peacefully in the streets to meet and enjoy each other’s company.” The lack of consistency of the attitudes among officers was cited as a source of resentment and young people criticised police for the tone of voice and language used towards them, which they felt, betrayed a prejudice.

8.42 Whilst young people generally felt that the powers were unnecessary in their respective area they did acknowledge that certain residents such as the elderly could feel intimidated by large groups of teenagers hanging around. Most of their criticism was directed at the short-term nature of (or lack) quality youth facilities where they lived.

CHAPTER 9 COSTS

9.1 This chapter looks at the basic costs associated with the authorisation and policing of dispersal powers. The data was collected from interviews with police officers and from police operational evaluation documents. It considers whether the costs could represent a barrier in future to forces wishing to use the powers powers.

Total Costs

9.2 The legislation requires the authorising police officer to put an advert into a local newspaper and to display notices in conspicuous places within the designated area. In addition to these costs there are costs from police overtime where it is required.

9.3 There are difficulties in establishing the true cost of staff time dedicated to the dispersal operations. Records of police staff time dedicated to policing the location were not always kept. In addition, in some locations the staff dedicated to the location were supplemented by other staff who were asked to “look in” to the area if they were passing. Sometimes staff shifts were restructured so that the locations were covered without a net gain in police time.

9.4 The amount of extra police staff time used was not recorded in many locations. Where information was provided the staff overtime varied from £2,000-£4,500. Some forces had no overtime budgets and had to make the staff time from normal shift policing and re-structured shifts. The extra policing was typically most intensive at the start of the dispersal periods when police used high visibility patrols to make the local community and the perpetrators of antisocial behaviour aware that the powers were now in-force. This intensity of policing was not always necessary after the first few weeks, when the powers became established, and police were able to police the dispersal zones with fewer officers.

9.5 There were costs associated with the production of leaflets and signage as well as newspaper notices required by the legislation. Sometimes these costs were met by the local authority, but in other areas the police paid for these out of their own budgets. The costs of newspaper adverts were around £1,000 but more in some cases. The overall costs of using the powers were estimated to be £5,000-£7,500 for each authorisation.

9.6 The police in some locations said that the costs of notices and newspaper adverts were higher than expected.

9.7 Some police officers in areas researched said that the cost would be not prohibitive to them if they wanted to use the powers again in the same location; if they were convinced that the powers would be appropriate they said that they would be able to get the money from somewhere.

9.8 In one location however, the police had been involved in preparing a dispersal authorisation for a small town nearby, with a designated area covering the town centre. The evidence had been collected and consultation was undertaken but they were unable to proceed because they did not have enough staff to police it.

“...looking at police staffing, for the type of area that it is, there are maybe only 2 cops on, to cover a large area and it’s pointless to put a dispersal area on and then not police it...It’s a money issue because they would need to pay lots of overtime... you’ve still got to get staff to volunteer the overtime, so it’s staffing and money.”

Police Constable

Partnership working

9.9 As well as police costs, the dispersal operations often involved support from community safety partners. This support generated costs for partners’, including staff costs but also costs associated with the use of mobile CCTV, flexible police teams and the deployment of diversionary services.

9.10 In Glasgow where community safety partners decided to use the 3-month “pre-dispersal” action plans, additional costs were borne by Glasgow Community Safety Services (GCSS), the organisation set up to address community safety issues throughout the city. The background support offered before, during and after the dispersal powers was not estimated but was estimated to represent a substantial amount of money for GCSS. This included the costs for the additional policing team, youth services, community wardens, deployment of CCTV and the opportunity costs associated with the transfer of these services from other communities to support the dispersal operation.

9.11 The amount of extra support offered to police by Glasgow Community Safety Services (GCSS), particularly for the dispersal operation in Dennistoun was unusual and there were no other examples of support given on this scale. This support programme included activity before, during and after the powers were used and represented a large commitment for the organisation. In interviews, officials said that their services were deployed on a needs-basis so the authorisation of dispersal powers by police, based on a local concentration of antisocial behaviour, might not match the priorities of GCSS who are responsible for community safety on a citywide level. The costs of the support programme would be an important factor in a discussion about the future authorisation of dispersal powers in the city.

Summary

9.12 Overall, the police costs were seen as being significant but not prohibitive. Police and residents believed that the powers had brought about significant improvements in quality of life and that this outcome itself provided value for money even if the improvement was only

temporary. It is clear that the relief provided to residents lasted for longer than the three months of the dispersal area designation.

“Six grand for 3 months peace and quiet...it’s nothing”

Police Sergeant

9.13 In some of the locations, the antisocial behaviour problems were the subject of so much police attention that they were locally conceived as being one of the main priorities for police. This priority made it easier for police to justify using their funds in support of the dispersal operations.

9.14 Apart from the basic costs of leaflets, adverts and public notices the extent of other costs depended heavily on the scale of the problem and the aims of the police operations. Larger, more populous areas had greater staffing requirements. The police were able in most locations to organise police shifts to cover the extra staffing requirements of the dispersal operations. Most forces also found that they were able to reduce the amount of police staff coverage after the first few weeks of the dispersal order when the operations had settled in and groups had stopped congregating in the dispersal areas.

9.15 The experience in Glasgow highlights that much greater costs can be involved when the police dispersal powers are accompanied by a wider programme of diversionary engagement with the perpetrator group.

CHAPTER 10 CONCLUSIONS

10.1 Dispersal powers were seen by the police and residents of dispersal areas to have had mainly positive effects. At a minimum they provided a period of respite for local communities. This was greatly appreciated by residents of dispersal areas. In many of the locations this reduction in antisocial behaviour continued for a significant period after the dispersal period ended. The gains were achieved mainly through the additional focus given to the problem area by the police but also through the way in which dispersal powers allowed police to intervene in situations that they would not have been able to with existing powers.

10.2 There were however, reservations expressed with regard to the extension in police powers, the use of discretion and the severity of penalties for breach of directions to disperse. There was also an expressed desire to see continuing efforts dedicated to other possible solutions through community involvement in problem-solving approaches. The most commonly mentioned of these other methods included restricting the provision of alcohol, the re-design of problem areas and the provision of mutually acceptable services and activities for perceived perpetrator groups.

10.3 This chapter considers some of the main themes that were brought out in the report. It also offers some recommendations for good practice based following on from insights given by practitioners and others.

Effectiveness of the Powers

10.4 One of the criticisms of the proposed powers in the consultation phase was that the police already had sufficient powers to tackle antisocial behaviour. The *Putting Our Communities First* consultation paper (Scottish Executive, 2003a: 60) asked about strengthening police powers to tackle disorderly behaviour amongst groups and about extending the powers to deal with groups of under 16s. According to the consultation report (Flint et al, 2003: 109) 80% of respondents to the consultation opposed the introduction of the powers. This included the Association of Chief Police Officers in Scotland (ACPOS) and the Scottish Police Federation (SPF.) Both of these organisations believed that an extension of powers was unnecessary as police already had sufficient powers to tackle disorderly behaviour amongst groups (Flint et al, 2003: 110.)

10.5 This research, however, found evidence that many of the problems that were causing annoyance to communities were not being addressed through existing police powers. This was often due to a lack of evidence, the offending behaviour not constituting a crime, the desire to not involve young people in the criminal justice process and simply the effect, on enforcement approaches, of the period between an incident being reported and the police arriving at the scene.

10.6 Some participants to this research believed that the success of the powers was simply due to their high-profile nature and the extra emphasis that the police gave to a specific

problem for three months. They believed that the same effect would have been achieved if there had been simply more police officers dedicated to an area for the three month period.

10.7 Many other research participants however saw the benefits of dispersal powers in the ways that they were different to previous powers. The main difference was the fact that police were acting in situations where they believed that antisocial behaviour was likely to occur. In practice this meant for example, that police were dispersing crowds of young people through the course of an evening before they had a chance to grow into an uncontrollable size.

10.8 The police found that they could manage public order in a way that they could not have done before with pre-existing powers. The new threat of arrest and the serious nature of potential penalties for breach of police directions to disperse increased the police's power within communities. This enabled the police to intervene in cases where individuals were not willing to test the resolution of the police.

“none of them, no matter how much of a “big shot” they think they are want to be arrested...there is a step change between [a fine] and having a criminal record.”

Resident

10.9 Some police officers commented on their concern that dispersal powers would raise expectations so that people would expect big differences that would be unrealistic from a police perspective. There was evidence from interviews with residents that expectations were indeed raised by the introduction of the powers and the attending media coverage.

10.10 In many cases however, these expectations were met through the course of the 3-month dispersal designations and members of the public experienced unprecedented quietness in their neighbourhood to the point that some people described the effect as being almost eerie. There was however, often a return of the behaviour after the dispersal period had expired and in some areas police were receiving many more complaints than they had received before, even if they were of a less serious nature.

10.11 Despite their effectiveness at tackling antisocial behaviour for the 3 months of their authorisation period, these effects did not always last beyond the end of the powers. The problems seemed to return most quickly in areas where there were few perceived alternative locations or activities for the perceived perpetrators.

Authorisation Process

10.12 Dispersal powers have been used far less than might have been expected given the much more widespread use of similar powers by police in England and Wales where there were authorised 809 times in the first 18 months after they were introduced (Home Office, 2005.) There was evidence that police found the authorisation process to be more expensive than expected, mainly due to costs incurred through compliance with statutory requirements to publish authorisation notices in the location and in local newspapers rather than costs incurred from extra staffing.

10.13 The main barriers to wider use appear to be related to public and media perceptions of dispersal powers as draconian or “last resort” measures. There is an emphasis within policing towards “problem solving” and preventative approaches where problems are identified and tackled through partnership work and information sharing among agencies. There is a perceived risk that the authorisation of dispersal powers symbolises a more extreme approach.

10.14 Due to the small number of previous authorisations of dispersal powers in Scotland and also the novelty of the powers and the focused media attention and scrutiny experienced, the police commonly took a more careful approach than is suggested in the official guidance. Police dedicated significant amounts of time to ensure that were being transparent and open through the consultation and information provision aspects of the operations so that police were seen to be using the powers effectively and appropriately.

10.15 Despite the careful way in which the powers were applied across all areas researched, other organisations were concerned about the potential misuse of the powers in the future. Fears were expressed about powers being applied simply to “clear” areas or to move on groups who caused alarm or distress simply by the fact of their presence. There were also concerns about the move away from problem solving towards enforcement philosophies. Concerns were also raised about the possibility of criminal convictions for individuals gained through repeated instances of low-level antisocial behaviour. Some contributors to this research were especially worried about circumstances where the offender might be thought to be vulnerable; if they were young, had mental health problems or if they were vulnerable in other ways.

Police Discretion

10.16 The Scottish Executive’s guidance document published in 2004 says that a direction to disperse may be given to an individual, “where a constable has reasonable grounds for believing that the presence or behaviour of a group of two or more persons in any public place in the relevant locality is causing or is likely to cause alarm or distress to any members of the public.” (Scottish Executive, 2004: 10)

10.17 The guidance offers examples of occasions when this “reasonable grounds” test might be met and it includes recorded observations by police officers, special constables, neighbourhood wardens, evidence captured on CCTV or evidence as reported by members of the public. The guidance also states that the “reasonable grounds” test would not be met where officers simply came upon a group whose members had been given directions to disperse previously “unless they had reasonable grounds for believing that those involved were likely to commit antisocial behaviour.”

10.18 In practice this has given the police a large amount of discretion and there are examples reported of police giving people directions to disperse if they perceived their presence as potentially threatening even if their behaviour was not immediately threatening.

10.19 The “reasonable grounds” test seems to conflict with other parts of the guidance which says that “there is certainly nothing in these provisions which would allow a police officer to disperse persons of any age who are merely gathering peacefully in the streets to meet and enjoy each other’s company.” (Scottish Executive, 2004: 1) Experience has shown that in reality, people engaged in these normal socialising activities, may find themselves given directions to disperse if the police believe, on the “reasonable grounds” test, that their presence is causing alarm or distress to members of the public.

Displacement

10.20 According to police in most areas there was little evidence that disorder was displaced to other locations. Examination of command and control systems did not highlight significant rises in the number or severity of complaints in neighbouring areas. In one location a rise was noticed but further investigation showed that this was because perpetrators were staying in their own location rather than travelling to the dispersal area. The police often said they believed perpetrators were congregating in smaller numbers in their own areas rather than travelling to the dispersal area to congregate in large groups.

10.21 The police noted a distinction between displacement of behaviour and displacement of disorder. It is possible for groups to congregate in other locations but this may not necessarily represent displaced antisocial behaviour if the group is congregating away from residential areas or if topographical features prevent the effects of behaviour, such as noise, vandalism, litter, etc. from being felt by members of the public. Additionally it was the persistence of some types of antisocial behaviour that had created the problems for residents. In another location, members of the public may not perceive the effects of group behaviour in the same way.

10.22 Police often mentioned in interviews that they were not so concerned about moving the behaviour to other locations that were not located close to residential areas. Their aim was to relieve public distress; the managed displacement of the behaviour to other, less visible, areas was a satisfactory outcome for police. This addressed the antisocial aspects of the behaviour.

Alcohol

10.23 Many participants in the research, including police, councillors, youth workers and members of the public noted their concern about the links between antisocial behaviour and widespread alcohol use. Alcohol related behaviour was the main issue in Hunter Square and alcohol was seen to be a main contributor to antisocial behaviour problems in many of the other areas where young people were involved. Members of the public and business owners at Hunter Square were asking for a ban on public drinking in the Square before dispersal powers were used and this remained as their favoured solution even after dispersal powers ended.

10.24 In the other locations members of the public blamed the “alcohol culture” for the problems they experienced. Respondents repeatedly mentioned the wide availability of alcohol to young people. People spoke about the fact that it was commonplace for parents to buy alcohol for their teenagers to drink while they went out for the evening. A councillor spoke about a consultation run with young people to identify what services the council could provide, the response was that young people just wanted to be left alone to drink with their friends “they want a bench, a bin and a streetlight.” Another councillor spoke about the massive increase in off sales license applications in his council area over the last few years and the contribution he felt this had made on youth disorder. Participants across the board spoke about the necessity of reducing the impact of alcohol to reduce group related antisocial behaviour.

Community Solutions

10.25 Some participants in the research suggested that the powers had enabled a greater amount of interaction between perpetrators and the police. They saw this as a deficiency in some of the dispersal areas prior to the introduction of the powers. Some police officers spoke about how the dispersal powers gave them the opportunity to make perpetrators aware of the effects of the behaviour on local residents.

10.26 In other locations, the extra focus given to antisocial behaviour by dispersal powers seemed to bring local residents together and established new lines of communication. It was common for there to be more contact between the local community and the authorities during and after the use of dispersal powers.

10.27 In some locations, this effect was achieved with “pre-dispersal” approaches that resolved the issues. Examples were offered where just the threat of dispersal powers led to a resolution of the problems through greater parental awareness of their child’s movements.

Recommendations

- Dispersal powers should be regarded as a short-term means for authorities’ to “get a grip” on a problem by breaking established patterns of behaviour and offering a period of relief to communities whilst other longer-term solutions are considered.
- Environmental features should be considered as possible contributing factors to antisocial behaviour. Dispersal powers may have a limited effect on breaking patterns of behaviour if the problems are ultimately caused or aggravated by the layout of the physical environment. The “designing out” of antisocial behaviour through lighting, road design, provision of seating and surveillance may provide more satisfactory solutions for the longer-term.

- A summary of evidence, from partners involved, of the data used to support the authorisation of dispersal powers allows the community and perpetrators to be aware of the precise reasons for the authorisation of dispersal powers.
- Official guidance should be revised to clarify the occasions on when police can give directions to disperse to groups believed to have benign intentions but who nevertheless are causing or are likely to cause alarm or distress by their presence.
- A programme of diversionary activity directed at the perpetrator group should be arranged to work alongside the dispersal powers to explore alternative locations for them to gather after the dispersal period ends. This also might limit the possible damage caused to the relationship between the police and the perpetrator group by highlighting the balanced approach towards improving the quality of life for all members of the public.
- The investment of time in preparatory stages of dispersal power authorisations allows community safety partners' and members of the public the opportunity to share a common understanding of the aims and progress of dispersal operations. Collective contributions towards the costs of dispersal powers also allow the financial burden to be shared among agencies and this acknowledges the joint responsibility for improving community safety.

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2. Interview Schedules

Police

1. When was the dispersal order?
2. What were the geographical boundaries? How were they decided?
3. What prompted the order to be put in place?
4. What types of antisocial behaviour were being committed?
5. Had anything been done to address the problem before the dispersal order was sought?
6. Was there any consultation with local people before the DO was used?
7. Who did you make contact with in the council before the order?
8. Was there any difference in behaviour during the period of the DO? Is this recorded anywhere?
9. Was there any impact on criminal behaviour? Is this recorded anywhere?
10. Has there been any difference after the DO?
11. How was the order enforced? How many police? What was the typical strategy?
12. How did you disperse someone?
13. Were there any breaches? How were they dealt with?
14. What information do you collect about those dispersed?
15. What contact did you have with the local authority? Councillor?
16. What involvement do other organisations have with you? Youth organisations etc?
17. What has been your strategy to tackle group disorder since the dispersal order?
18. How much did the dispersal order cost? Staff time, publicity?
19. Would it be affordable if you wanted to use it again?
20. If you were to think about the effects of the DO on antisocial behaviour and community safety would you say that it gave value for money?

21. Was there any evidence that the dispersal order moved the problem on to neighbouring areas?
22. Do you have any profiling information for the dispersal zones? What mapping systems do you use?

Local Authority

1. What is the usual process for responding to issues of youth disorder, gangs, antisocial behaviour of youths, of the type that had been happening in X?
2. What is the nature of partnership work that occurs and who are the partners?
3. How did the police initiate consultation re: dispersal orders with the council and what issues did they ask the council?
4. Who responded to the police consultation and what issues were raised?
5. What council officials were involved in any aspect of the policing of dispersal powers for the 3-month periods, and what roles did they play?
6. What areas of the council initiate diversionary activity in the local authority?
7. What money is spent on diversionary activity in the 2 dispersal areas?
8. What is the process for deciding on where money is spent across the city?
9. What budgets does “diversionary activity” come from and what policy themes does it fit in with?
10. Would you support the use of dispersal powers elsewhere in the city?
11. How do dispersal powers fit in with the council’s overall strategy to tackle ASB in X and other powers to do this?
12. Does the fact that it is a police power and police have overall sign-off on the powers present any difficulties for the council integrating the powers into its strategy?
13. Has there been much interest in the success of the dispersal powers from external sources? Who?
14. Were the powers regarded as successful in the Council?
15. What were the main positive and negative points?
16. How did local young people respond to the powers?
17. Are there any recommendations you would make to police, other local authorities on the basis of your experience?
18. What place did elected members play in the process?

3. Young People Interview Schedules

Section 1 Knowledge and Experience of the Dispersal Order

1. Have you heard of a dispersal order and know what one is? (prompt: splits groups of two up ran last year for 1 month)
2. Did you know that one had been introduced in [] last year? (prompt: did anyone come to your school and tell you about it? Was there anything in the local paper? Any other publicity?)
3. Did any of you have any experience of it (prompt: were you dispersed? How many times?)

4. If dispersed: What were you doing when you were dispersed?
 - (a) Who dispersed you? (prompt: was it the police or wardens?)
 - (b) How many times were you dispersed?
5. How did the police or wardens handle the dispersal order? (prompt: what did they say to you? Did they walk around the area or drive around? Was it always the same officers? What time did they patrol the area? Do you think the officers were fair?)
6. If you were dispersed did you take any notice of the officers or did you meet up with your friends again?
 - (a) If you did take notice why was that? (prompt: scared of what would happen if you didn't?)
 - (b) if you didn't take any notice why was that? (prompt: not bothered about the consequences? The police wouldn't do anything?)
 - (c) Did you experience any consequences of not taking any notice of the dispersal order (prompt: taken home to parents? Fined? Arrested?)
7. Do you think that the dispersal order changed young people's behaviour in the area? (did it get better? Did it get worse? Not change? Don't know?)
 - (a) When the DO was introduced did you hang out in other areas instead?
 - (b) Do you think the area needed a dispersal area (prompt: do large groups of young people cause trouble in the area?)

Section 2: Understanding of ASB and opinions of facilities and services in the area

1. What do you think ASB means? (prompt: what types of behaviour?)
2. What do you like to do with your spare time? (prompt: hang out with friends? Go to youth centre? Play sport? Etc)
3. Do you think that young people's behaviour causes any problems or annoyance to people who live in the area?
4. Other than hanging out on the street are there any other places for young people to hang around in this area? (prompt: youth shelter? Parks?)
5. What sorts of things are there for young people to do in this area? (prompt: do you think there are enough services/activities?)
6. What type of things/activities do you think would make yourselves/young people less likely to hang about on the streets?

If you could choose any facilities/activities to have in this area what would you choose and why?

4. Breakdown of Interviews

	Police	LA	Housing	Youth/Care	Business/Other
Mid Calder	2	1		2	
Aberdeen	2	1	2		
Dingwall	1	1			
Hunter Square	1	1		2	3
Dumfries, Moffat, Lockerbie	3	2			4
Sauchie	4	1			
Knightswood/Dennistoun	6	5	1	1	
Other	2				
Total	19	10	3	6	6

In addition to these interviews, focus groups with residents took place in locations where 7 of the dispersal designations had been authorised (involving 31 individuals) and focus groups and interviews with young people took place in 3 areas where they were perceived as perpetrators of antisocial behaviour (involving 48 young people.)

5. **Statistics:**

a. Call Category Types Included

	Dispersal Location	Call Category Types Included
1	Beach Boulevard, Aberdeen	"Youths", "RT Other" "Annoyance"
2	Beach Boulevard, Aberdeen	"Youths", "RT Other" "Annoyance"
3	Hunter Square, Edinburgh	"Disorder", "Noise", "Violence"
4	Millbank/Chestnut Rd, Dingwall	"Vandalism", "Disturbance/Noise", "Breach of the peace", "Assault", "Children and Youths", "Domestic Abuse", "Drugs", "Fire"
5	Hunter Square, Edinburgh	"Disorder", "Noise", "Violence"
6	Mid Calder, West Lothian	"Youth Calls", "Public Disorder", "Beat Complaints", "Environmental Issues"
7	St Andrew's, Dumfries	general complaints of antisocial youth disorder and vandalism
8	St Michael's Church Dumfries	general complaints of antisocial youth disorder and vandalism
9	Hunter Square, Edinburgh	"Disorder", "Noise", "Violence"
10	Glebe Car Park Moffat	antisocial driving, unacceptable noise
11	McJarrow Car Park Lockerbie	antisocial driving, unacceptable noise
12	Knightswood	youth-related calls including all crime types
13	Sauchie	"Breach of the peace", "Noise", "Neighbour Dispute", "Disturbance", "Drugs/Substance Misuse", "Abandoned Vehicles", "Nuisance Phone Calls", "Hate Crime", "ASBO", "Damage"
14	Dennistoun	All Disorder (service codes 24, 28, 39, 55, 71, 78)

b. Datazones analysed for each dispersal location

Dispersal Location	Datazones Included:
Aberdeen	S01000008, S01000030, S01000147
Sauchie	S01000854, S01000856, S01000860
Dumfries - St Michael's & St Andrew's	S01001014
Lockerbie	S01001055
Moffat - Glebe	S01001080
Hunter Square	S01002108, S01002118
Dennistoun	S01003371, S01003385, S01003392, S01003395, S01003406, S01003409, S01003417, S01003422, S01003426
Knightswood	S01003674, S01003678, S01003679
Dingwall	S01003910, S01003912
Mid Calder	S01006347, S01006356, S01006360, S01006363, S01006368, S01006381, S01006398

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