

Anti-social behaviour powers and young adults

By Helen Mills
and Matt Ford

How dispersal powers, community protection notices and public spaces protection orders are used to sanction young adults.

The Data

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About the authors

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Introduction

This data briefing aims to identify how three key anti-social behaviour powers are being used to sanction young adults (18-25 year olds) in England and Wales and to invite further discussion about their implications.

It focuses on identifying the most comprehensive picture possible about the numbers of young adults sanctioned in relation to three anti-social behaviour powers:

DISPERSAL POWER

A police-only power to exclude individuals from a specified area for up to 48 hours.

COMMUNITY PROTECTION NOTICE (CPN)

Enables councils, the police and housing providers to give notices to individuals and businesses prohibiting them from doing, and / or requiring them to do, certain things.

PUBLIC SPACES PROTECTION ORDER (PSPO)

Allows local councils to prohibit or require specific behaviours in public places.

The briefing brings together data for the first time about young adults and these anti-social behaviour (ASB) tools. Compiling this data addresses an area of considerable uncertainty.

Very little information is in the public domain about ASB powers; how they are used, who is being sanctioned by them, or what the outcomes are of using them. There is no centralised data collection about their use and there is significant local discretion regarding when and how they might be applied.

The practices the data in this briefing refers to are part of new and evolving approaches. The tools described here have their origins in ASB strategies that have been in operation for several decades. However, the overhaul of the ASB framework in 2014 created new mechanisms for the – potentially much more extensive – use of ASB responses by councils, housing providers and the police.

Young adults are those aged between 18 and 25 years old. Approximately ten per cent of the general population are young adults.

¹ See Transition to Adulthood website www.t2a.org.uk/t2a-evidence/research-reports/

² More detail on the mechanics of each of these three powers, according to the statutory guidelines for their use, is summarised at the start of each section of this data briefing. The remaining three powers are the Civil Injunction, Criminal Behaviour Order and the New Closure Power. It was not within the scope of this project to consider how all six powers had been used to sanction young adults. We selected the three tools which are mainly used in relation to sanctioning behaviour in public places.

This data briefing covers three of the six powers created in the *Anti-social Behaviour, Crime and Policing Act 2014*.

In addition, young adults have been established as a group for whom there are specific needs.¹ The Transition to Adulthood Alliance has given attention to how prisons, probation, courts and policing could best respond to these needs. However, to our knowledge, young adults have not been the subject of research regarding ASB powers. Age considerations in ASB, at least in terms of the research literature, have tended to focus on under 16 year olds.

ASB has also attracted controversy. For some, ASB legislation has created important tools which can legitimately make public spaces places everyone can enjoy. Others have been critical about the potentially arbitrary nature of an ASB enforcement approach; that its use represents a failure to address fundamental social problems, and may further marginalise vulnerable groups.

This briefing is not intended to promote the greater use of ASB powers. Nor have we set out to show the use of these powers is necessarily unjustified. Instead we hope to offer rigorous, objective information and critical analysis about the way these powers have been used since important changes in their governance. We hope this is a useful contribution to the ongoing debate about ASB.

What are ASB powers?

Local authorities, the police and

housing providers have various powers to sanction behaviours that impact on the quality of life of others.

These powers have been created under

ASB legislation, which was overhauled in 2014. Under New Labour in the 1990s ASB enforcement was created as a top-down process with national oversight. In 2014 the then coalition government devolved ASB powers to local areas with national guidance issued by the Home Office.

Three of the six ASB powers created

in the 2014 Act are considered in this data briefing: Dispersal Powers, Public Spaces Protection Orders (PSPOs), and Community Protection Notices (CPNs).²

A wide range of behaviours have

been targeted by these powers, including street drinking, loitering in groups, and behaviours associated with rough sleeping.

The measures encompass actions

such as warnings, confiscation of items (for example alcohol), and fixed penalty notices (FPNs). Breach of these sanctions is a criminal offence, with consequences following conviction including a fine, and in the case of dispersal powers, may result in a custodial sentence.

Layout of this data briefing

We sought data about all three levels of sanctioning young adults could receive as a result of the three powers considered here. These are:

1.	Informal sanctions. Local enforcement agencies (usually the police and council enforcement teams) issuing informal warnings, asking people to move on, and confiscating items.
2.	Formal sanctions. Local enforcement agencies issuing FPNs, formal warnings or notices to individuals.
3.	Criminal prosecutions and court sentencing. Breach of these ASB powers is a criminal offence. Individuals may be prosecuted and appear before a court.

The next three sections consider in turn each of the three ASB powers. Each section details the available data about the number of young adults sanctioned in relation to this power at all three stages of sanctioning.

The *Criminal prosecutions* section collates data about young adults and criminal prosecutions for all three powers in England and Wales.

The final section summarises the key findings from the data and highlights their implications.

Readers interested in gaining a national picture about young adults sanctioned in relation to these three powers may wish to go straight to the criminal prosecutions section. Prosecution data was the most comprehensive source of information about young adults and the three ASB powers. Readers are reminded this section only refers to young adults who breached local sanctions and were prosecuted. It does not include data on local ASB responses and young adults.

About the data

Unless otherwise stated the data in this briefing was obtained through freedom of information (Fol) requests to all 348 city, borough and district councils and all 43 territorial police forces in England and Wales, and a request to the Ministry of Justice regarding prosecutions for breach of dispersal powers, CPNs, or PSPOs.³

To our knowledge the data we have obtained has not been in the public domain before.

³ In addition to councils and the police, housing associations can issue CPNs. This report does not include data about housing associations' use of CPNs.

⁴ Data from two police force areas was not provided by the Ministry of Justice and so it was not possible to include these two areas in the prosecution data described here (City of London and Gloucestershire).

Response rate to our FoI requests		
Public body	No. approached	No. responded
Local councils	348	Over 300
Police forces	43	41
Ministry of Justice	N/A	41/43 Returned prosecution data for 41 out of 43 police force areas. ⁴

The Ministry of Justice prosecutions data refers to the time period 1 October 2014 (when the new ASB powers came into force) to 31 December 2016 (a period of two years and three months). The data from councils and police forces in England and Wales refers to the time period 1 October 2014 to 30 June 2017 (a period of two years and nine months).

The geographic area referred to in this data briefing varies according to the data source.

Council data is reported according to the 348 council areas in England and Wales.

Both police force and prosecution data is reported according to the – much larger – 43 police force areas in England and Wales. The prosecution data is inclusive of prosecutions by the police and by

local councils, and doesn't only reflect prosecutions by police forces.

Both council areas and police force areas vary significantly, not least in terms of geographic area, population size and their particular demographics.

The Dispersal Power

What does it involve?

TRIGGER

ASB, crime or disorder is occurring or police have reason to believe ASB, crime or disorder may occur.

AUTHORISED BY

A police inspector or higher ranking officer must declare the specified area these powers can be used in (a dispersal zone), or must authorise police officers with the power to issue directions to leave. This may be designated either in advance (e.g. over the weekend in a town centre), or in response to a request from a police officer. Specific behaviours do not have to be identified in advance.

WHERE CAN BE USED

Must be a defined area, could range from a few named streets, to a shopping centre to a town centre or whole London borough.

DURATION

An area can be designated as a dispersal zone for a period of up to 48 hours. Can be used in the same area repeatedly.

WHO ENFORCES

A direction to leave is issued by police officers or Police Community Safety Officers (PCSOs) to individual(s), in writing if reasonably practicable. The direction must include the area the individual is excluded from and the period of time for

which they are excluded (up to 48 hours). Items may also be confiscated (e.g. fireworks / spray paint / alcohol).

BREACH AND CONSEQUENCES

Being observed in the designated area during the exclusion period is a criminal offence for which individuals can be arrested. Conviction carries a max penalty of a £2,500 fine, or up to three months in prison. Failure to surrender items is also a criminal offence with a maximum penalty of £500.

AGE CONSIDERATIONS

Can be issued to individuals believed to be over ten years old. Children aged 16 and under may be returned home or to a place of safety.

ILLUSTRATIVE EXAMPLE

Police routinely respond to drunk and disorderly behaviour in a town centre on Friday and Saturday nights. A dispersal zone is authorised from 7pm on Friday. Late on Saturday night a police officer observes a group of young adults shouting verbal abuse at passers-by and drinking alcohol in the street. The group is given directions to leave and provided with a written note of the area they cannot re-enter until Sunday evening. Cans of alcohol are confiscated.

General use	In 2016...⁵	
	13,350 dispersal zones were declared in England and Wales.	
	London, Northumberland and Norfolk were the three highest users of dispersal zones.	
	Greater Manchester, and Devon and Cornwall were the only police forces with no dispersal zones.	
Young adults	Only five of 43 Police Forces were able to provide information about the age of those given directions to leave.⁶	
	Main reason for non-supply of age data: not easily retrievable (e.g. data only collected in pocket books).	In these five areas: Between 2% and 47% of those given directions to leave were young adults. At least 646 young adults were given directions to leave.
	Reasons dispersal zones were declared⁷: ASB, night time economy / weekend night time economy, ASB and crime and disorder, town centre violence, street drinking / drunkenness, youths congregating in large groups, begging, protests, specific individuals, events: horse fair, fun fair, student events, fireworks / arson / bonfire, hate crime, drugs, intimidating behaviour, throwing things at a building, Halloween.	

⁵ Source: HMICFRS, Police Effectiveness data 2016 (excel). These figures do not reflect the number of people dispersed and do not include those dispersed where no dispersal zone had first been declared.

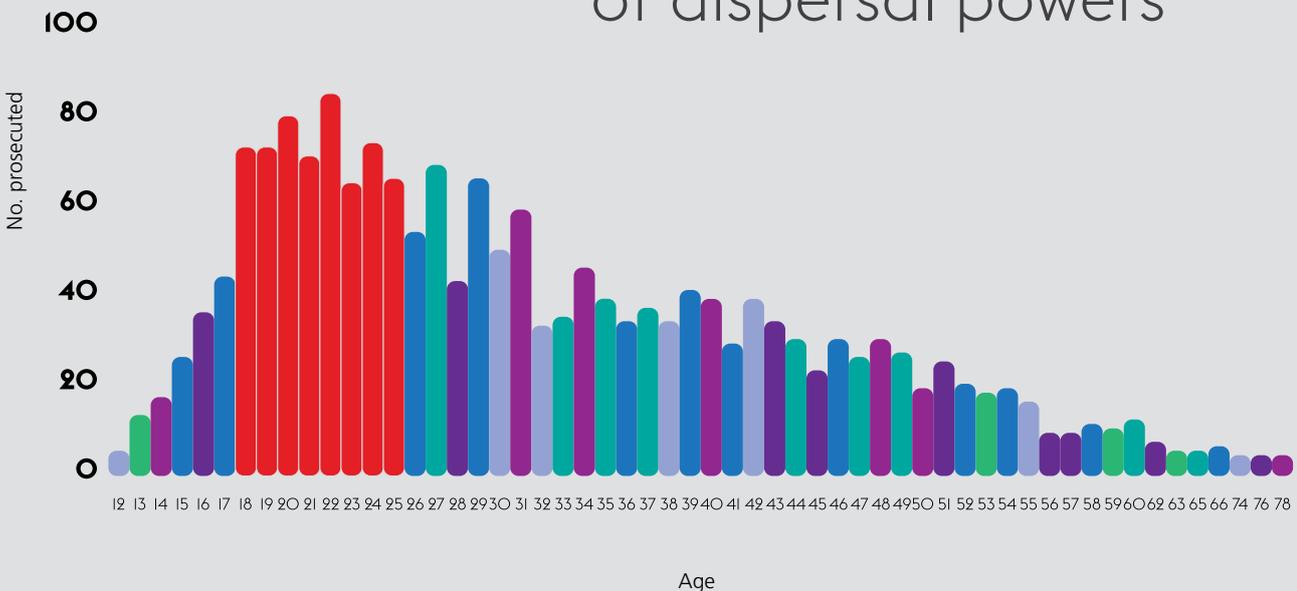
⁶ The five police forces were: Cumbria, Humberside, Warwickshire, Cambridgeshire and Cheshire.

⁷ Reasons as defined by the Police.

Prosecutions for breach in England and Wales	
No. of young adults prosecuted:	563
Most common age of all those prosecuted:	22
Percentage of all prosecutions young adults:	33%

- Nearly 9 in 10 of young adults prosecuted for breach of a dispersal power are male.
- In London over 30% of young adults prosecuted for breach of a dispersal power were Black African people. Black African people make up 9% of the 18-25 year old population in London. All the Black African people prosecuted were male.⁸

Age profile: Prosecutions for breach of dispersal powers



⁸ Where sex was specified. Of the 41, one young adult's sex was not specified. Additional source: 2011 Census

Where young adults are prosecuted for breach of dispersal powers			
Highest		Lowest	
London (133 young adults prosecuted)	133	Durham	0
Cheshire, Norfolk	38	Cumbria, Merseyside, Cambridgeshire, North Wales	1
Humber-side	32		
Northumbria	29	Lincolnshire, Essex, Surrey	2
Hampshire	25		
West Yorkshire, South Yorkshire	18	Lancashire, Wiltshire, Gwent	3
Devon and Cornwall, Avon and Somerset	17		

Sentencing

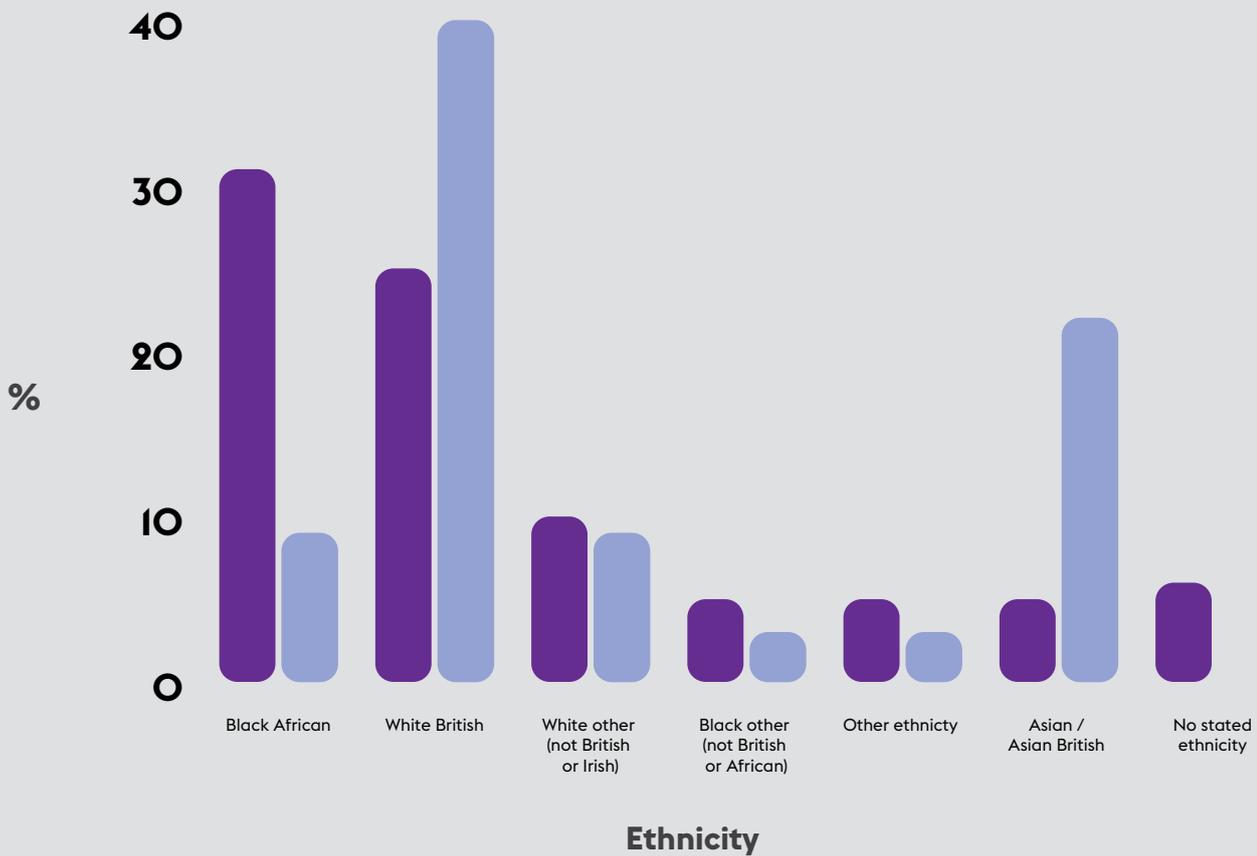
Over half of the young adults convicted of breaching a dispersal power were fined by the court. Just under half received 'other' sentences.⁹

Four young adults received a prison sentence for breach of a dispersal power.

⁹ Other sentences that were given include: absolute and conditional discharges, community-based sentences, compensation orders, one day police cells, victim surcharge, Criminal Behaviour Orders, Hospital Order, and the criminal courts charge.

Percentage of young adults prosecuted for breaching dispersal powers in London, by ethnicity (n=133)¹⁰

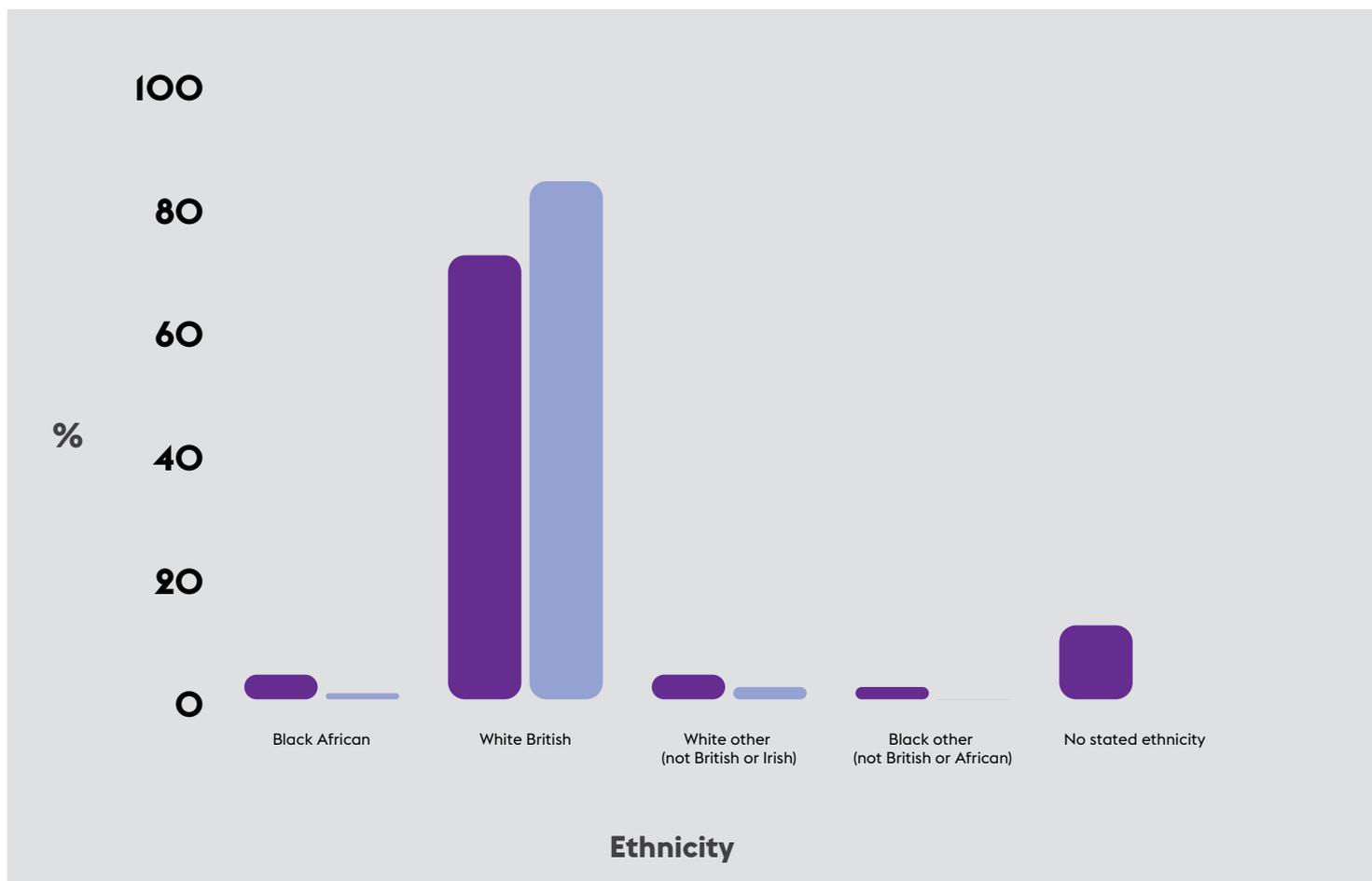
¹⁰ Ethnicity categories for which less than four young adults were prosecuted are not shown. These categories were: Mixed ethnicities, White Irish, Black Caribbean, Asian Pakistani, Asian Bangladeshi, Asian other background. Percentages have been rounded to the nearest whole number. Additional source: 2011 Census.



■ % of 18-25 year olds prosecuted for breach of dispersal powers
 ■ % of 18-25 year old population in London

Percentage of young adults prosecuted for breaching dispersal powers in England and Wales excluding London, by ethnicity (n=430)¹¹

¹¹ Ethnicity categories for which less than one % of young adults were prosecuted is not shown. These categories were: White Irish, Mixed White and Black African, Mixed White and Black African, Mixed White and Black Caribbean, Mixed other, Asian Indian, Asian Pakistani, Asian Bangladeshi, Asian other background, Black Caribbean, Other. Percentages have been rounded to the nearest whole number. Additional source: 2011 Census.



■ % of 18-25 year olds prosecuted for breach of dispersal powers

■ % of 18-25 year old population

The Community Protection Notice

What does it involve?

TRIGGER

ASB must be persistent or continuing.
Can be issued to individuals, businesses or organisations affecting the community's quality of life.

AUTHORISED BY

No prior authorisation is required, however statutory guidance advises consulting with members of the community prior to use.

WHERE CAN BE USED?

Anywhere behaviour impacts on others.

DURATION

N/A. Issued to individuals.

WHO ENFORCES?

The council, police officers and (if designated), by PCSOs and social landlords. A written warning is first issued, requesting for the behaviour to stop and the consequences if the behaviour continues. Should behaviour continue, a Community Protection Notice (CPN) can be issued. This written notice can include requirements aimed at rectifying the problem and preventing it occurring in future.

BREACH AND CONSEQUENCES

If the behaviour continues, this is a breach of the notice and a criminal offence. A FPN of up to £100 can be issued. Individuals can also be arrested and charged. Conviction carries a max penalty of a £2,500 fine (individuals), or £20,000 (businesses). Conviction can also include paying for remedial work and the forfeiture / seizure of items (e.g. a motorbike).

AGE CONSIDERATIONS

Can be issued to those aged over 16.

ILLUSTRATIVE EXAMPLE

Complaints are received about graffiti in a park. On the basis of observation and patrolling, a group of young adults are identified spraying graffiti by a community safety patrol. The identified individuals are each issued a Community Protection Warning stating not to graffiti and that the consequences of doing so again will be a Community Penalty Notice. A community safety officer identifies the group of young adults with spray paint cans in a park. Community Protection Notices are issued to all the individuals. If the young adults are found again they face a fine or prosecution.

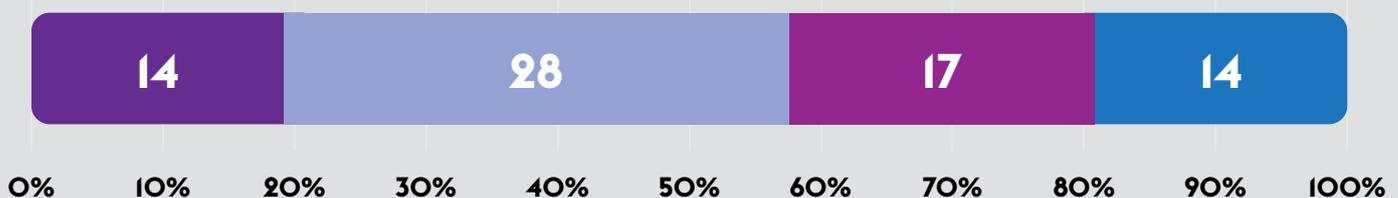
General use	In a sample of 100 councils...¹²
	73 had used CPN powers.
	6,263 Warnings were issued.
	1,780 Notices were issued.
	782 FPNs were issued.
	65 prosecutions for breach.
	In 2016, the police issued...¹³
	2,889 CPNs.
	2/3 Of the CPNs issued by the police were given in three areas: Durham, South Yorkshire and London.

¹² It was not within the scope of this project to quantify the use of CPNs by all the councils who responded to our FoI request. To better understand general use we generated a sample by analysing the first 100 councils who provided useable responses to our FoI request. The main categories of behaviour CPNs are issued for are likely to have been identified from our sample. However, given the significant variation between councils' use of CPNs, the distribution is not representative of CPN use amongst all 348 councils.

¹³ Source: HMICFRS, Police Effectiveness data 2016 (excel).

- Only issued warnings
- Issued notices, not prosecuted
- Issued notices and FPNs, not prosecuted
- Prosecuted individuals for breach (i.e used all measures)

Sample of **73** councils that had used CPNs



Behaviours councils used CPNs for...		
General category (defined by the authors)	Recorded behaviour this includes (defined by ASB teams)	No. of councils that issued at least a formal warning (n=100)
Animal-related	Mainly related to dogs, also includes horse tethering.	29
Waste	Gardens maintenance, domestic or commercial waste, fly tipping.	25
Noise	Shouting in the street, playing music in park, neighbour noise.	14
Motor vehicle-related	Car racing, performing car stunts.	14
Property management	Leaving derelict property unsecured, leaving buildings with graffiti.	12
ASB	Not specified.	9
Other specific behaviours	Brothel-related ASB, defecation / urination, exclusion / safeguarding, fighting, theft, running a business from a residential address, bin raking, nuisance busker, misuse of emergency services, loitering.	9
Threatening / intimidation / abuse	N/A	8
Fires	N/A	6
Drug / alcohol related	N/A	6
Begging	N/A	4
Neighbour disturbance	N/A	4
Rough sleeping	N/A	1

Numbers of FPNs issued and paid under CPN (for a sample of 15 councils)		
Council	No. of FPNs issued	No. paid
Oxford	29	12
South Derbyshire	13	11
Bradford	12	2
Wolverhampton	7	3
Runnymede	1	1
Lichfield	3	0
Mole Valley	1	0
Hinckley-Bosworth	1	0
Councils in which no FPNs had been issued: Fareham, Greenwich, Lancaster, Bassetlaw, Corby, Teignbridge, and Sunderland		

Young adults

Only around 1 in 9 councils could provide even partial data about the age of those given warnings, notices or FPNs.

Main reason for non-supply of age data: Not recorded or not retrievable.

Over half the notices issued by the 39 councils that were able to provide data about young adults were issued in two areas. Neither of these councils were able to provide age data on FPNs by age.

The 8 FPNs recorded against young adults relate to three council areas.

Fewer than 1 in 12 councils could provide data about both the behaviours and ages of those sanctioned (27 councils).

Reasons young adults were sanctioned (issued a warning or above)¹⁴: **ASB, drug / alcohol related ASB, threatening / intimidation / abuse, neighbour disturbance**, rough sleeping, noise, **motor vehicle related (i.e. car racing, performing stunts)**, waste, misuse of emergency services, begging, defecation / urination, exclusion / safeguarding, running business from residential address, and theft (27 councils).

Sanctioned behaviours for which no young adults had been sanctioned: animal related ASB, property management, fires, loitering, motor vehicle repair related ASB, fighting, nuisance busker, nuisance parking, bin raking.

RED: Most frequent behaviours.

BLUE: Strongest relationship with young adults in particular.

¹⁴ As defined by council enforcement teams.

¹⁵ The main reason for no identified age was because no age had been recorded. In some cases it was because the sanction was issued to a business or property (particularly for waste or noise ASB).

¹⁶ No. of FPNs relates to data from 37 councils that provided data. The two councils who had issued the most notices to young adults were unable to provide data about FPNs by age.

CPN sanctioning in 39 councils			
Sanction	Total no. given	No. given to individuals with identifiable age ¹⁵	No. given to 18-25 years old (% of all those with identifiable age)
Warnings	2,088	1,322	164 (12%)
Notices	519	380	52 (14%)
FPNs	114	100	8 (8%)¹⁶

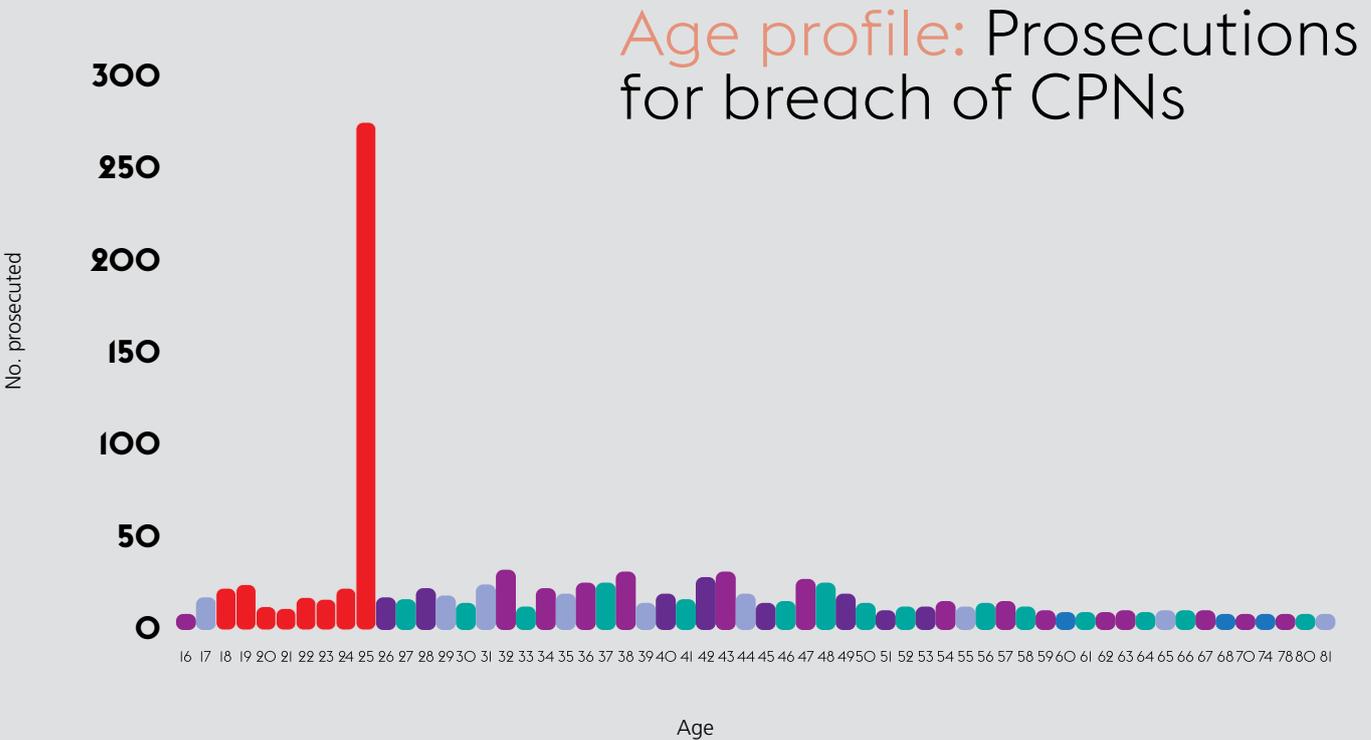
Prosecutions for breach in England and Wales	
No. of young adults prosecuted:	343
Most common age of all those prosecuted:	25
Percentage of all prosecutions young adults:	44%

Five police forces were able to provide at least partial data on age.¹⁷

¹⁷ The five police forces were Cheshire, City of London, Cumbria, Norfolk, Warwickshire and West Mercia (one force).

Those five forces issued:

- 514 CPNWs.
- 110 CPNs.
- At least 56 CPNWs to young adults.
- At least 11 CPNs to young adults.
- Behaviours analysis was not possible due to almost no data on the behaviours for which individuals were sanctioned.



Where young adults are prosecuted for breach of CPNs			
Highest		Lowest	
Durham (97 young adults prosecuted)	97	Cumbria, Cheshire, Northumbria, North Yorkshire, West Midlands, Warwickshire, Derbyshire, Surrey, Sussex, Wiltshire, North Wales, Gwent, South Wales, Dyfed-Powys	0
West Yorkshire	93		
London	48		
South Yorkshire, Staffordshire, West Mercia	10	Cleveland, Cambridgeshire, Norfolk, Essex, Dorset	1
Greater Manchester	9		
Lincolnshire	8		
Nottinghamshire Suffolk	7		

RED: Areas where police enforcement of CPNs is highest.

Sentencing

No ethnicity as stated for over 80% of young adults prosecuted for breach of a CPN.

Most young adults convicted of a breach of a CPN are fined by the court (90%).

Gender of young adults prosecuted for breach of a CPN			
Male	Female	Unknown	Total
129	129	85	343

The Public Space Protection Order

What does it involve?

TRIGGER

Targeted behaviour has to have had a detrimental effect on the quality of life of local community or it has to be likely that activity will take place that will have a detrimental effect on the local community. Targeted behaviour also has to be, or be likely to be, continuing or persistent in nature. People who breach prohibitions or requirements can be sanctioned.

AUTHORISED BY

Councils designate PSPO restrictions (e.g. no street drinking, required to walk dogs on lead, no aggressive begging) and the area it applies to. An order can have one or more requirements / restrictions. The Police, Police and Crime Commissioner and local community have to be consulted as part of this process. Other bodies with responsibility for public land can designate a PSPO with the agreement of the Secretary of State. Information about the Order must be published and displayed on signage in the designated area.

WHERE CAN BE USED?

Specified public area, can range from a town square, to a park or a London borough.

DURATION

Up to three years, can be renewed.

WHO ENFORCES?

Council enforcement officers or the police. This may include informal warnings and requests to move on. If prohibited behaviour is witnessed by enforcement teams the individuals can be

asked to leave the area, items (e.g. alcohol) can be confiscated.

BREACH AND CONSEQUENCES

If the individual does not comply (e.g. the behaviour persists or they do not leave) this is a criminal offence. A FPN of up to £100 can be issued. Individuals can be prosecuted. Conviction carries a maximum penalty of £1,000 or £500 if related to alcohol prohibition.

AGE CONSIDERATIONS

FPNs can only be issued to those aged over ten years old. The parents / legal guardians of anyone under ten years old can be contacted regarding a child's behaviour. Councils will also have their own protocols regarding issuing fines, including for example, whether or not fines are issued to those aged under 18 years old.

ILLUSTRATIVE EXAMPLE

A community safety team receives complaints about a number of cars gathering in a housing estate car park. Local residents report being kept awake by the associated noise and dangerous driving. A community safety officer seeks to designate a PSPO for vehicle nuisance in the car park and streets around the housing estate. Prior to commencement, the community safety officer speaks to those gathering. The group are warned once the PSPO commences anyone caught committing vehicle nuisance will be fined and can be prosecuted.

Young adults

Approximately 1 in every 16 councils could provide data about both the behaviours and ages sanctioned.

General use	In a sample of 100 councils... ¹⁸
	51 had at least one PSPO in place.
	28 had used FPNs for breach of a PSPO.
	798 FPNs were issued.
Only 13 of the 348 councils contacted provided information about the number of verbal and or written warnings issued. The number of warnings issued by councils ranged from 2000 to 0	

¹⁸ It was not within the scope of this project to quantify the use of PSPOs by all the councils who responded to our Fol request. To better understand general use we generated a sample by analysing the first 100 councils who provided useable responses to our Fol request. Given the significant variation between councils' use of PSPOs, it is not representative of PSPO use amongst all 348 councils.

Prohibited behaviour for which FPNs were issued in relation to PSPOs in 21 councils

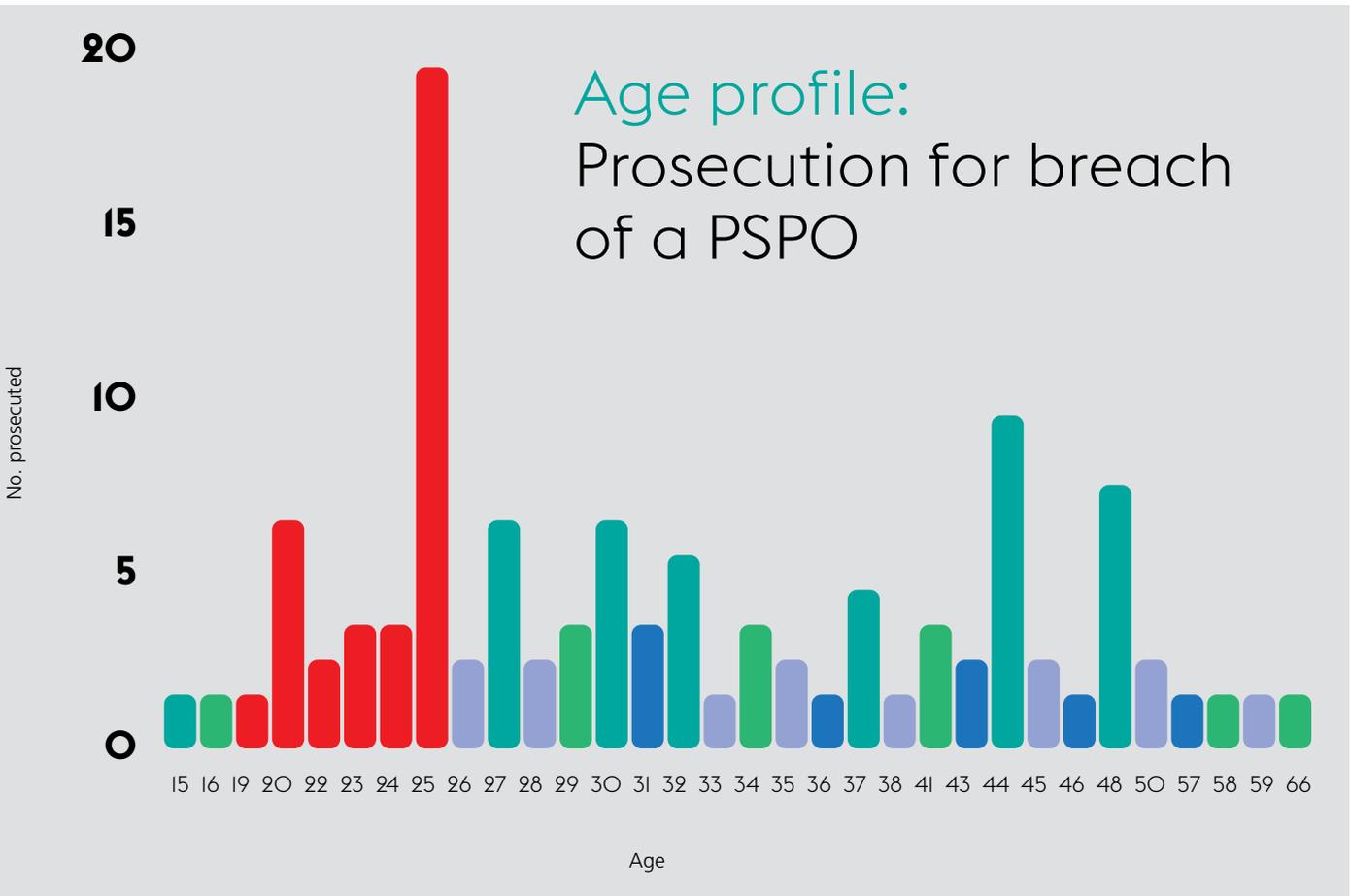
Behaviour	No. of FPNs issued	No. of FPNs issued to young adults
Public drinking	327	41
Motor vehicle nuisance (stunts and racing)	10	10
Legal highs (possession / consumption)	20	9
Begging	66	7
Unauthorised access to festival	7	4
Touting and soliciting business	9	3
Urinating and defecating	7	0
Dog control	4	0
No one under 16 years old allowed in a specific area between 11pm and 6am	1	0
TOTAL	451	74

Numbers of FPNs issued and paid under PSPO (for a sample of 15 councils)

Council	No. of FPNs issued	No. Paid
Greenwich	86	11
Corby	15	1
Wolverhampton	14	9
Bassetlaw	13	0
Hinckley-Bosworth	5	5
Oxford	4	4
Bradford	3	1
Teignbridge	3	3
Lancaster	3	1
Mole Valley	3	0
South Derbyshire	1	1
Sunderland	1	0
Councils in which no FPNs had been issued: Fareham, Lichfield and Runnymede		

Prosecutions for breach	
No. of young adults prosecuted:	34
Most common age of all those prosecuted:	25
Percentage of all prosecutions young adults:	32%

Only ten police force areas had prosecuted young adults for breach of a PSPO.



Young adults

Young adults' prosecutions for PSPOs

are relatively low compared to the two other ASB powers considered here. This may be a consequence of the time period the data relates to (the first two years and three months since the creation of this power).

Creating new PSPOs requires public

consultation and preparation in terms of signage, unlike the other ASB powers. The number of prosecutions may well change as both more PSPOs are adopted and as PSPOs are in place for longer periods of time.

Sentencing

Nearly all the young adults convicted of a breach of a PSPO were fined by the court (27 young adults fined out of 29).

Where young adults are prosecuted for breach of a PSPO	
Police force area	No. of young adults prosecuted
Essex	9
Derbyshire	7
London	6
Lincolnshire	4
South Yorkshire	2
Bedfordshire	2
Merseyside	1
West Midlands	1
Warwickshire	1
Kent	1

Gender of young adults prosecuted for breach of a PSPO			
Male	Female	Unknown	Total
20	1	13	34

Criminal prosecutions

This section combines prosecution data for all three ASB powers in 41 police force areas.

Where young adults are prosecuted for breach of all three ASB powers			
Highest		Lowest	
London (187 young adults prosecuted)	187	North Wales, Cumbria	1
West Yorkshire	111		
Durham	97		
Norfolk	39	Cambridgeshire, Surrey	2
Cheshire	38		
Humberside	36	Wiltshire, Gwent	3
South Yorkshire	30		
Northumbria	29	North Yorkshire	4
Hampshire	27	Merseyside	5
Thames Valley	26	Hertfordshire, Warwickshire	6

Young adults

940 young adults were prosecuted for breach of a dispersal power, CPN or PSPO.

563 for breach of dispersal powers (60%)

343 for breach of a CPN (36%)

34 breach of a PSPO (4%)

The most common age for someone to be prosecuted in relation to these three ASB powers was 25.

Young adults accounted for 36% of all those prosecuted for breach of these three ASB powers. Young adults accounted for 10% of the general population.

All 41 police force areas for which there was data had prosecuted young adults in relation to the three ASB powers.

This ranged between 187 prosecutions in London to one prosecution in North Wales and one in Cumbria.

An average of 16 out of every 100,000 young adults were prosecuted in relation to these three ASB powers in England and Wales.

40% of the young adults prosecuted did not have their ethnicity recorded.

Sentencing

782 young adults have been convicted at court in relation to the three ASB powers.

69% of whom were fined by the court.

DURHAM

81% of those prosecuted for breaching the three ASB powers were young adults. Has both the highest number of young adults prosecuted for breach of a CPN (97) and the lowest number of young adults prosecuted for breach of a dispersal power (0).

NORFOLK

Both a relatively high user of dispersal powers in general and a high prosecutor of young adults in relation to dispersal powers in particular. Nearly half of those prosecuted for breach of a dispersal power were young adults (47% of 81 prosecutions).

WEST YORKSHIRE

Half of all those prosecuted for breach of the three ASB powers were young adults. Prosecutions dominated by CPN breach. Area where the highest number of young adult women are prosecuted of the three ASB powers (51 young adult women prosecuted).

CHESHIRE

Relatively high prosecutor of young adults, all those young adults prosecuted had breached dispersal powers.

ESSEX

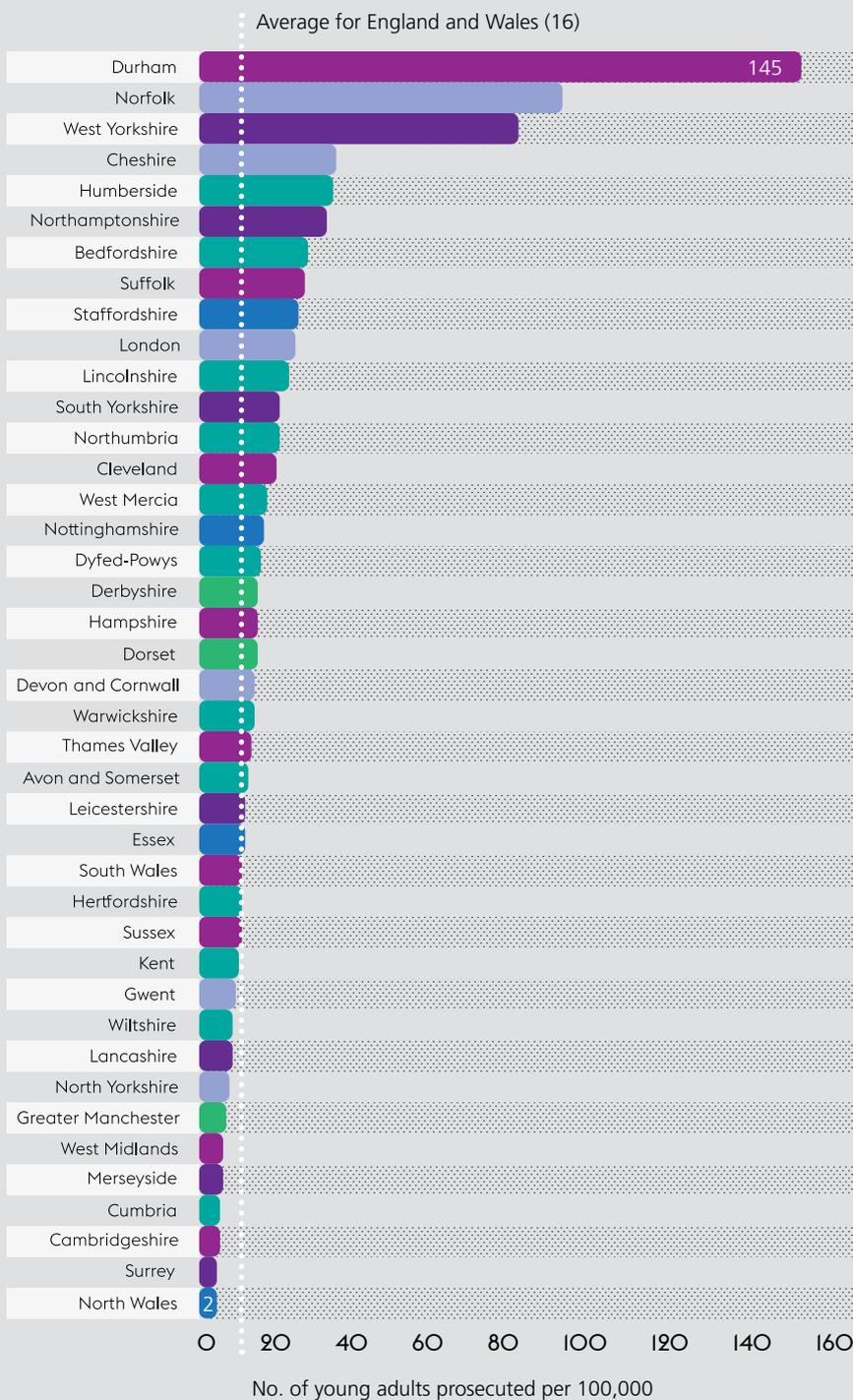
Nine of the ten people prosecuted for breach of a PSPO were young adults.

LONDON

Over 30% of young adults prosecuted for breach of a dispersal power were Black African.

Rate of young adult prosecutions in relation to three ASB powers per 100,000 young adults¹⁹

¹⁹ This graph adjusts the number of young adults' prosecutions to take into account the varying size of the young adult population in each police force area. Additional sources: Mid-2016 population from Office National Statistics. No data is available for Gloucestershire and City of London police forces.



Key findings and implications

THE NATIONAL PICTURE

1. Approximately 16 young adults per 100,000 were prosecuted in England and Wales in relation to dispersal powers, Community Protection Notices and Public Spaces Protection Orders.
2. A national picture of the numbers of young adults who have; been moved on, had items confiscated, been subject to informal warnings, or excluded from public spaces as a result of these three powers has been impossible to establish due to **limited data** collection about such practices. In relation to the three levels of sanctioning shown on page seven, it has only been possible to quantify the tip of the wider iceberg of ASB sanctioning.
3. **Twenty five** was the most common age of those prosecuted for breaching a CPN and for breaching a PSPO. **Twenty two** was the most common age of those prosecuted for breaching a dispersal power.
4. Young adults account for 36 per cent of those prosecuted in relation to all three ASB powers.
5. Using prosecution data as the best available proxy indicator of the workload of those involved in ASB approaches, **young adults appear to constitute a key part of the workload** of council and police ASB teams across England and Wales.
6. It was beyond the scope of our research to consider how the use of ASB powers that has been identified here may relate to the wider range of formal criminal justice sanctions that could have also been used to sanction young adults, such as stop and search and arrest. It however worth noting that the time period considered in this briefing corresponds with a significant decline in the number of young adults serving prison and probation sentences. This population declined by 31 per cent in the case of prison, and 40 per cent in the case of probation, between 2011 and 2017.²⁰ The time period considered here has also been a period of significant austerity across public services and reductions including to local youth services, education and others. Whether ASB powers may have been used as an alternative to a formal criminal justice sanction, as well as whether they have taken the place of **non-enforcement based approaches to engagement**, are questions worthy of further investigation.
7. **Motor vehicle related ASB, alcohol / drug related ASB, and neighbourhood disturbance** were amongst the most frequently identified behaviours for which young adults were sanctioned.
8. **Men dominated** the young adults prosecuted for breach of dispersal powers and for breach of PSPOs. The gender split was much less pronounced with CPNs, with young adult women accounting for between a third to half of all those prosecuted for breaching this power.²¹
9. Dispersal powers (a police-only power) dominated the prosecution of young adults. For CPNs three of the six areas where the most CPNs were given to young adults were areas with the highest police enforcement of CPNs (Durham, London, and South Yorkshire). Who enforces ASB powers has been shown to have a significant impact on the numbers of young adults sanctioned. **Most young adults prosecuted for breach have occurred when the police appear to be leading the enforcement of ASB.**

²⁰ Source: Ministry of Justice, Criminal justice system statistics quarterly, March 2017.

²¹ The reason for this variation is due to the high proportion of unrecorded gender in the CPN prosecution data.

VARIATIONS IN PRACTICE

10. In some areas young adults were the main demographic group being sanctioned through these powers, in other areas young adults featured rarely.
11. All areas that provided data (41 out of the 43 police force areas in England and Wales) had prosecuted at least one young adult in relation to at least one of the three ASB powers considered here.
12. **Three areas were responsible for 70 per cent of all the CPN breaches** of young adults: Durham, West Yorkshire, and London. The remaining 38 police forces for which there was data had each prosecuted ten young adults or less.
13. Prosecutions of young adults for breach of dispersal powers are more widely spread than CPNs, but still 17 of the 41 police force areas accounted for 82 per cent of young adult prosecutions for breach.
14. Given ASB approaches involved powers devolved to local areas, some variation in their use is to be expected. However, the existence of such significant outliers in use of these powers suggests there is **considerable variation in local practice**, with very different consequences in terms of the numbers of young adults sanctioned. Why young adults in Norfolk were ten times more likely to be prosecuted in relation to these three ASB powers than young adults in the West Midlands or Greater Manchester is a question worthy of future investigation.
15. Differences in the use of these powers is not due to differences in the size of the young adult population in each area. This explanation was tested and shown not to be the case. Nor were there obvious geographic patterns to the regions that

are most or least using these measures to sanction young adults.

16. Areas with a high number of prosecutions tended to be a relatively high user of one of the three tools in particular, rather than a high number of prosecutions being spread between different powers. One explanation this suggests is that local practice in the use of these measures, rather than difference in the underlying behaviour of young adults per se, is a key determinant of the extent to which young adults are sanctioned by these powers.

DATA COLLECTION AND OMISSIONS

LOCAL DATA

17. The proportion of councils and police forces that could provide information about the age of those receiving sanctions was **disappointingly small**. The current reliance on councils and police forces to provide this information is due to the Home Office, the government department which oversees ASB, not routinely collecting and publishing national data about the use of ASB powers in local areas, or data about who is sanctioned.
18. For councils: Information about how the tools had been used informally; to move young adults on, to informally warn young adults or to confiscate items from them, was **very poorly recorded**. In the case of formal powers such as FPNs and CPNs, the vast majority of councils do not collect information about the age of those sanctioned in a way that was straightforwardly retrievable.
19. For the police: There is a statutory obligation for officers to record in their pocket books information about the individuals issued directions to leave. Responses to our FoI requests suggest

that what happens to this information varies. In most forces it looks like it remains only recorded in officers' pocket books.

20. The unspecified, non-descriptive reasons provided by many police forces for use of dispersal powers, such as 'ASB' or 'crime' do little to address concerns about the potential low threshold for use of these powers.
21. Neither police forces nor councils were able to provide demographic information, including ethnicity, about the young adults they sanctioned.

PROSECUTION DATA

22. The centrally collected prosecution data provided more comprehensive information, enabling an analysis of age and of young adults in particular. However, this source had no information about the behaviour for which individuals had breached the three ASB powers. This was a disappointing omission.
23. Forty per cent of the young adults prosecuted did not have their ethnicity recorded. The ethnicity of over 80 per cent of young adults prosecuted for breach of a CPN was not recorded. This makes **accurate analysis of the ethnicity of young adults sanctioned across all three powers impossible.**
24. **In London over 30% of the young adults prosecuted for breach of a dispersal power were Black African.** Black Africans make up 9% of the 18-25 year old population in London. Monitoring the ethnicity of those sanctioned through ASB powers is not a specific requirement of ASB legislation. However under current equalities legislation, public authorities do have a statutory duty to eliminate discrimination. This finding underlines the need for

comprehensive data on ethnicity and nationality to be collected and published so that issues can be better understood and concerns about disproportionality can be identified and addressed.

25. **The lack of comprehensive data makes scrutinising the use of ASB powers for particular groups difficult.**

Current Home Office guidance about the use of ASB powers makes no centralised data collection obligations on those implementing these powers. Guidance does however highlight the benefits of data collection, not least from an operational point of view:

Police forces may wish to put in place appropriate arrangements for maintaining records of authorisations and use of the dispersal power and the circumstances in which it is used, and to publish data on its use. Police and Crime Commissioners have an important role in holding forces to account to ensure that officers are using the power proportionately. Publication of data will help to highlight any 'hotspot' areas that may need a longer-term solution, such as diversionary activities for young people or security measures in pubs and clubs to prevent alcohol-related anti-social behaviour in town centres.

Given the limited information local areas were able to provide, how the use of these powers is evolving, and on what basis those involved in implementing these powers are making decisions about their use, are interesting questions.²²

²² Source: Home Office, 2017, Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers statutory guidance for frontline professionals.

This data briefing provides some answers about young adults and ASB powers. But it raises at least as many questions about them. Our findings hopefully intrigue and will spark debate, but they are far from being able to providing the whole picture. Young adults have been shown to be a key group on the receiving end of these sanctions. *Why are young adults overrepresented and can their needs be better understood?*

The data here indicates that variations in local practices may crucially influence the extent to which young adults are subject to ASB approaches and the sanctioning they receive. *To what extent is this variation a problem to be addressed?* Patchy data collection by those involved in ASB strategies about these local practices has frustrated the emergence of a more complete picture. *Is the limited data available, including regarding ethnicity acceptable? And who should be accountable for this?*

To complement the broad picture established here, the second and final briefing in this series looks more closely at how those charged with implementing ASB powers use them to sanction young adults, informed by case studies and ASB practitioners' views and experiences.

The Centre for Crime and Justice Studies is an independent educational charity that advances public understanding of crime, criminal justice and social harm. Through partnership and coalition-building, advocacy and research, we work to inspire social justice solutions to the problems society faces, so that many responses that criminalise and punish are no longer required.

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