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We are all aware of the problems of alcohol-related crime or disorder, particularly those associated with the night-time economy, and how such problems can blight our communities. There are a range of tools and powers available to police and frontline enforcement agencies to tackle such problems and the Direction to Leave power, introduced through the Violent Crime Act 2006, is one such power available.

The power (as amended by the Policing and Crime Act 2009) enables the police to issue an individual aged 10 or over with a Direction to Leave a locality. The Direction prohibits their return to that locality for a period not exceeding 48 hours. The power allows the police to target particular problem areas that need action or early intervention and to reduce the likelihood of alcohol-related crime or disorder arising. It also allows the police to take the young person home or to a place of safety once an individual has been issued with Directions to Leave provided that the police reasonably suspect that they are under 16. This gives the police greater flexibility to tackle alcohol related disorder caused by groups of young people of mixed ages who drink in public and to safeguard the most vulnerable amongst them.

The Policing and Crime Act 2009 brought into force a number of new measures designed to particularly address young people drinking unsupervised in public places. These are:

- A new offence of persistent possession of alcohol in a public place by a person under 18 years
- Changes to confiscation of alcohol legislation in order to facilitate prosecution for the above

This updated guidance is provided to support and assist police officers in using Directions to Leave. It is intended to help them make the most effective possible use of the power and therefore how and when it should be used, including situations which are appropriate and how it should be recorded afterwards. It also contains a more detailed section on young people to help the police to use this power effectively with this particular group.

We recognise that use of Directions to Leave in isolation does not provide a single solution to preventing alcohol misuse or negative behaviours arising but is part of a package of measures intended to address all aspects. Other guidance on the wide range of tools and powers available for preventing and dealing with alcohol related problems is available at http://www.crimereduction.homeoffice.gov.uk/drugsalcohol/drugsalcohol104a.pdf

We encourage the police to use this power where they consider it would help reduce the likelihood of alcohol-related crime or disorder arising. If the Direction is issued to a young person then the police should ensure that they work in partnership with other youth services – in particular Youth Offending Teams (YOT) to tackle any underlying alcohol problems and to support the individual in changing their behaviour.

Alan Campbell
This second edition of the guidance has been updated to reflect the changes, brought about through the Policing and Crime Act 2009 to the power to give Directions to individuals to leave a locality. These are appropriate where an individual’s presence is likely to cause or contribute to the occurrence, repetition or continuance of alcohol-related crime or disorder in a locality and their removal is necessary for the purpose of removing or reducing the likelihood of there being such crime or disorder in the locality. The provisions are contained in section 27 of the Violent Crime Reduction Act 2006 as amended by Section 31 of the Policing and Crime Act 2009. The police can now issue Directions to individuals to leave a locality to persons aged between 10 and 15 as well as to those aged 16 and over. It also allows the police to take the young person home or to a place of safety if they are issued with Directions to Leave and the police reasonably suspect that they are under 16. A person who fails to comply with a Direction is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.

Directions to Leave are a preventative measure and are intended to pre-empt behaviour and prevent escalation by dealing with the issue at an early stage in order to prevent the likelihood of alcohol-related crime or disorder arising. The use of this power is at the discretion of police officers in individual circumstances where they consider it appropriate. We recognise that this necessarily involves a subjective judgement and we have therefore set out in greater details situations where it would be appropriate to use this power and also those situations where it would not be appropriate.

In tackling alcohol-related crime or disorder, or seeking to minimise the likelihood of it taking place, police tactics need to reflect local circumstances and priorities. Evidence, for example from previous alcohol misuse enforcement campaigns, suggests that addressing this issue can be effective when interventions are targeted at potentially troublesome individuals, particularly early in the evening prior to any escalation of drunken behaviour.

There are an extensive range of additional powers and tools for the police and other partners to use to help address the problems of alcohol misuse. Crime and Disorder Reduction Partnerships, working together with others i.e. children’s trusts, are best placed to consider which interventions are most appropriate for dealing with the alcohol misuse problems in their area. Alongside use of other additional enforcement tools and powers it is important that an individual is directed to alcohol treatment services and support to address and treat their drinking behaviour where appropriate, to try and prevent a recurrence. An integrated partnership approach is most effective. Like many tools aimed at tackling this problem, they are less effective when used in isolation and are likely to be most effective when used as part of an integrated partnership response to reducing the likelihood of alcohol-related crime or disorder taking place.

This power isn’t necessarily needed to be used every evening of the week, but should be part of focused multi-agency activity on tackling and preventing alcohol-related crime or disorder. In considering if it is appropriate to use this power it is important that the risk of displacing the potential problem, for example to a neighbourhood area or transport facility, is taken into account.
Section 2
What is a Direction to Leave?

This section covers issues such as:

- The power of the Direction and the test to be applied
- Defining a locality
- When might a Direction be appropriate?
- Directions to Leave to groups
- When a Direction should not be given
- Vulnerable individuals
- Displacement
- Enforcement
- Role of the alcohol industry
- Links to anti-social behaviour strategy

POWER OF THE DIRECTION AND THE TEST TO BE APPLIED

There is no power to direct an individual to leave an area simply because they are there per se. However, the power enables a constable in uniform to issue a Direction to Leave to an individual aged 10 or over who is in a public place where the constable believes that such a Direction is necessary to remove or reduce the likelihood of there being alcohol-related crime or disorder in the locality. A decision on whether to issue a Direction to Leave rests with the constable. A Direction must only be given when, in the constable’s judgement, the presence of the individual in the locality is likely to cause or contribute to the occurrence, repetition or continuance in that locality of alcohol-related crime or disorder. The detailed test for use of the power is set out at Annex B. Reference to a constable in uniform in the Act, referred to as a constable in this guidance, means any person holding the office of constable and therefore a police officer of any rank.

This test requires the constable to exercise appropriate discretion and judgement in respect of any situation on a case-by-case basis. It is likely, though not absolutely necessary, that in most circumstances the individual who has received a Direction to Leave will have consumed alcohol, or they will have been directly linked to the likely cause of alcohol-related crime or disorder. A constable should only give a Direction to Leave if the individual receiving the Direction is capable of understanding and complying with its terms.

Particular care should be taken with issuing Directions to vulnerable individuals and young people – please see later sections of this guidance document.

The Direction prohibits the individual from returning to that locality for a specified period not exceeding 48 hours. A constable therefore needs to consider the likelihood of continued or future alcohol related crime or disorder. The maximum 48-hour period should not be imposed as a matter of course or where a shorter ban would achieve the aim of preventing alcohol-related crime or disorder. A constable should therefore always consider the shortest period that would achieve the desired aims.

As we set out previously the powers under section 27 of the Violent Crime Reduction Act 2006 to give a Direction to Leave may be used in relation to an individual aged 10 or over. The constable should take reasonable steps to confirm the age of an individual. A constable who gives a Direction under this section may, if the constable reasonably suspects that the individual to whom it is given is aged under 16, remove the person to a place where the person resides or a place of safety. This is consistent with other powers e.g. confiscation and is intended to safeguard vulnerable individuals. Refer also to the section in this guidance on young people.

DEFINING THE LOCALITY

A constable of any rank can decide on the locality in respect of which a Direction to Leave can be given and there is no requirement to formally designate a locality. (However, the locality must be clearly identified in writing when the Direction is given.) Steps should also be taken, particularly when dealing with very young people or those with communication needs, to ensure that this is clearly understood. In response to a spontaneous outbreak or threatened outbreak of alcohol-related crime or disorder the locality where the power may be used could, for example, be the area in or around particular licensed premises, a geographical area including one or
more licensed premises, or any other area defined by the constable e.g. a particular street or park. However, in cases where the Directions to Leave may be given in anticipation of the likelihood of alcohol-related crime or disorder, it is recommended that a police officer with operational responsibility for the area decides on the defined parameters of the locality. This could be decided by the Basic Command Unit commander, a superintendent or the duty officer (inspector).

In deciding on the size of the area from which Directions to Leave are to be given, it is important to consider practical issues such as ease of enforcement and also whether the Direction will prevent an individual from being able to get to certain places which the individual needs legitimate access to – this is covered fully in the later section of this guidance under ‘when a Direction should not be given.’ Whatever the area decided on, it is important that the individual in receipt of the Direction to Leave is fully aware of the area that they are excluded from entering. That is why the legislation requires a Direction to be in writing and to clearly identify the locality to which it relates. The individual also needs to clearly understand the notice issued and the consequences should they re-enter the area. Again, extra caution should be taken when issuing a Direction to a very young person to ensure this is thoroughly understood.

[Note: Public space as defined means a highway, or any place the public (or a section of the public) has access to, on payment or otherwise, as of right by virtue of express or implied permission, and includes on public transport.]

**WHEN MIGHT A DIRECTION BE APPROPRIATE?**

As long as an individual is able to comply fully and understand its terms, there are various circumstances under which a Direction to Leave may be given to an individual because their behaviour is likely to lead to the occurrence, repetition or continuance of alcohol-related crime or disorder. While it is not intended to give an exhaustive list in this guidance some examples are as follows:

- Where an individual – or group of individuals – is in a public place and is causing a nuisance by being loud or troublesome. While no criminal activity or disorder may have taken place, the likelihood is that their continued presence is likely to lead to the occurrence of alcohol-related crime or disorder. A Direction to Leave may therefore be necessary for the purpose of removing or reducing the likelihood of such crime or disorder from taking place.

- Where an individual – or group of individuals – in a public space who have been drinking alcohol are compliant but it is likely they will insist on continuing to drink and will become drunk. While no criminal activity has taken place, the likelihood of the behaviour of the individual(s) causing or contributing to the occurrence of alcohol-related crime or disorder is present. A Direction to Leave, provided the individual is able to understand its terms, may therefore be necessary for the purpose of removing or reducing the likelihood of such crime or disorder from taking place. For young people this may link in to the new offence of persistent possession and the Direction to Leave may be given alongside the police officer confiscating the alcohol under stage 1 of the new approach. See the later section on young people.

- Where an individual, aged 16 years and over, is given a Penalty Notice for Disorder (PND) for an offence and the police officer is satisfied there is a likelihood of the individual’s ongoing behaviour causing or contributing to the occurrence, repetition or continuance of alcohol-related crime or disorder, a direction to leave may also be appropriate. A Direction to Leave might therefore be given in parallel with, but separate from, the PND where it may be necessary for the purpose of removing or reducing the likelihood of any repetition or continuance of the alcohol-related crime or disorder from taking place.
• Where a group of individuals represent a likelihood of alcohol-related crime or disorder taking place. The behaviour of the lead individual(s) in the group may necessitate them being arrested or justify a PND. This may not apply to the others in the group but, as their behaviour represents a likelihood of causing or contributing to the occurrence, repetition or continuance of the alcohol-related crime or disorder, a Direction to Leave may be necessary for these other group members for the purpose of removing or reducing the likelihood of such crime or disorder taking place.

In all circumstances, when using the Direction to Leave, the constable needs to ensure that an individual is capable of fully understanding the basis and terms of a Direction to Leave so the individual is capable of fully complying with it. It might otherwise be appropriate to consider using powers of arrest for any suspected offences or calling an ambulance for an individual who is drunk and incapable.

Particular care should also be taken if the individual seems vulnerable or is a young person – see later sections of this guidance on young people.

DIRECTIONS TO LEAVE TO GROUPS

As the above examples suggest, there is nothing in section 27 of the Violent Crime Reduction Act 2006 that prevents Directions to Leave being given to more than one individual. If a group’s behaviour represents a likelihood of causing or contributing to the occurrence, repetition or continuance of alcohol-related crime or disorder, Directions to Leave can be given to the group. However, a constable would need to give each member of the group a separate written Direction to Leave, recognising the need to avoid displacing potential problems arising from the group.

If there are areas where members of the public have suffered intimidation, harassment, alarm or distress due to the presence of groups, and where anti-social behaviour is a significant and persistent problem, then consideration should be given to the use of dispersal powers under Part 4 of the Anti-social Behaviour Act 2003 rather than a Direction to Leave. Further guidance on use of these powers is under the section on young people.

WHEN A DIRECTION SHOULD NOT BE GIVEN

Section 27(4) of the Violent Crime Reduction Act 2006 sets out that a Direction to Leave may not be given if it prevents the individual from:

• having access to their home;
• having access to their place of work;
• having access to a place they need to attend to receive education (i.e. school), training or medical treatment; or
• having access to a place that they have been ordered to attend under any enactment or by a court or tribunal.

Although under no statutory obligation, a constable should also consider not giving a Direction to Leave that would prevent an individual taking a child to a place where they may receive medical treatment. For example a Direction would not be appropriate if such medical treatment is likely to be urgently required. A Direction should also not prevent an individual from receiving treatment provision to address substance misuse behaviour. It should also not be given if it prevents an individual attending their normal place of worship, in rare cases where it would prevent them from fulfilling any special dietary requirements, or where it would prevent them from taking their child to school.

Discretion should be applied in giving the Direction to maximise the flexibility but also to minimise any abuse of the Direction by the individual who is subject to the Direction. Care should also be taken not to give a Direction to Leave to an individual that could make them vulnerable to an assault, robbery or other crime against the person.

Particular care should be exercised, with vulnerable individuals and young people, to ensure that the issuing of a Direction to Leave does not pose a greater risk for the individual in terms of compromising their safety or
welfare. Those issuing a Direction should also be mindful of gang related problems and should use police intelligence particularly in those areas suffering from postcode wars to ensure that issuing a Direction does not place the individual in an area of greater risk.

VULNERABLE INDIVIDUALS

Particular care must be exercised in the case of vulnerable individuals such as those suffering from drug or alcohol dependency, mental health problems or rough sleepers, or those whose communication skills are impaired or poor, as they may have difficulties in understanding, and therefore being able to comply with, a Direction to Leave. Individuals in these groups could be given a Direction to Leave if the test is satisfied, but given their likely vulnerability it may not always be appropriate. However, if a constable does decide to give the Direction to Leave to these individuals extra care should be taken to make the Direction as clear and easily understood as possible.

A Direction to Leave would not be appropriate for an individual who has difficulty understanding English, unless it is given by a multilingual constable in their language. Alternatively they should be provided with a translation of the requirement to leave in their own language.

DISPLACEMENT

Care should be taken to ensure that giving a Direction to Leave does not simply move a potential problem to another area. The potential risks for displacement should be considered before the power is used. Care must be taken to ensure that the potential problem is not simply ‘relocated’ to a bus, railway or underground station for example which would then have implications for the safety and welfare of the individual.

If it is intended to use Directions to Leave in significant numbers as part of a large scale operation that could mean convergence of a crowd at a bus, railway or underground station then the British Transport Police should be consulted. Care should be taken that people who have been issued with a Direction can still get home safely.

ENFORCEMENT

Enforcing a Direction is essential if this power is going to be effective at minimising the likelihood of alcohol-related crime or disorder. The ease of enforcing Directions to Leave should be a factor to consider before deciding on the size of the locality from which the powers are to be used.

To help in enforcement a constable can ask a police closed circuit television (CCTV) operator (or police mobile CCTV system, or video team) to photograph an individual who is being given a Direction to Leave. This may particularly be the case where photographic evidence is needed of a Direction to Leave being given for evidence for a prosecution. In addition to police operated mobile CCTV, ‘ICEFLO’ (immediate capture of evidence, for front-line officers), digital or Polaroid camera equipment may be useful for areas that do not have fixed CCTV coverage. However, the individual must be informed that the photograph is being taken.

Section 27(7) of the Violent Crime Reduction Act 2006 amends the Police and Criminal Evidence Act 1984 (PACE) to enable photographs to be taken by the police without the consent of the individual who will be subject to the Direction. It may also be used as evidence that a Direction was given. The general rules governing the retention and use of photographs are governed by section 64A(4) of PACE and set out in PACE Code D.

It may assist in enforcing Directions to Leave if the police make reference to the Directions that have been given as a standing agenda item for shift handover briefings, neighbourhood teams, or daily intelligence bulletins. However, care must be taken to ensure that the information is kept up to date and timings are accurate.

ROLE OF THE ALCOHOL INDUSTRY

The alcohol industry does not have a statutory role to play in Directions to Leave. However, premises licence holders and door staff can seek to ensure that where they are told by the police about individuals who are given a Direction to Leave, those individuals are not allowed into licensed premises within the locality. The role of Pubwatches and other information sharing initiatives can
also have a role to play in helping to ensure Directions to Leave are enforced where it is practical to do so.

**LINKS TO ANTI-SOCIAL BEHAVIOUR STRATEGY**

The Government’s approach to tackling anti-social behaviour (ASB) is tackling, not tolerating it. A range of tools and powers – anti-social behaviour orders, premises closure orders and crack house closure orders to name a few – have been given to the police, local authorities and other agencies, and there has been considerable success in using them. A study by the National Audit Office in 2006 found that 65 per cent of people desisted from ASB after the first intervention and 93 per cent after the third. Where individuals do persist in causing misery to local residents, agencies are taking robust action to deal with them.

We are continuing to provide significant support for practitioners and the public. Access to information on ASB services has been simplified. A quick postcode search on Directgov gives the public easy access to information on who is responsible for dealing with local problems and how to contact them.

Practitioners can call the ASB ActionLine for expert advice on tackling specific problems. The number is 0870 220 2000. Building on this, the Government announced a further package of measures on 13 October 2009, backed up by funding. This included extending Victim Support services to all victims and witnesses of ASB in magistrates’ courts; stepping up action on ASBO breaches; ensuring that the public understand what they can expect from local services on ASB; and working closely with the 62 Crime and Disorder Reduction Partnerships facing the highest perceptions of ASB to support and challenge them in delivering solutions to local problems.
Section 3
Young people

This section covers issues such as:

• the police service contribution to safeguarding and promoting the welfare of children
• communicating a Direction to Leave to a young person
• the power to return a young person, under the age of 16, to their place of residence or place of safety
• Operation Staysafe
• The offence of persistent possession

As a partner in the local Children’s Trust arrangements it is the duty of the police to safeguard and promote the welfare of all children in their areas. The police service contribution to safeguarding and promoting the welfare of children may include:

• making referrals to the relevant service for a common assessment (Common Assessment Framework) of need where a child or young person is seen as vulnerable and potentially in need;
• using police powers to take children into protective custody when appropriate;
• using Operation Staysafe and Street based teams to signpost young people to appropriate positive activities;
• working with partner agencies to divert children away from crime and/or away from sentences and into positive activities where appropriate;
• working with partner agencies to educate children and young persons on issues such as substance misuse and the prevention of crime. This might involve working as part of a Safer Schools Partnership;
• working closely with the Youth Offending Team, particularly the prevention team to ensure that a substance misuse issue is identified early and an appropriate referral is made to address underlying behaviour problems.

When communicating a Direction to Leave police officers will need to be mindful of the age of the young person and ensure that the young person demonstrates clearly that they have understood the Direction. Those under the age of 16 should be issued with the instruction (verbally and in writing) and then asked to repeat back the instruction to the police officer in order that the officer can ascertain whether the instruction has been clearly understood. Where there is doubt i.e. the young person clearly doesn't understand the instruction or they are especially young the police officer may consider it more appropriate to contact their parent or guardian or to consider taking the young person to their place of residence or place of safety.

Through the Policing and Crime Act 2009 a police officer can also remove, through the introduction of a new discretionary power, a person to a place where that person resides or a place of safety if the constable reasonably suspects that the individual to whom the Direction to Leave is given is under the age of 16. This power now forms Section 27(4A) of the Violent Crime Reduction Act 2006. The police have discretion to return home, or to a place of safety, those young people that they are concerned about.

Police already have some powers of removal under Section 30(6) of the Anti-social Behaviour Act 2003 which confers a power on a uniformed constable to remove a person to that person’s residence if he reasonably suspects they are under the age of 16 and are not under the effective control of a parent or a responsible person aged 18 or over. However, there are important limitations on this power. It is only exercisable between 9pm and 6am and it is exercisable only in a locality where a police officer of superintendent rank or above has given an authorisation that the powers in this section are to be conferred on police officers.

The power which has been introduced here does not contain restrictions around the time that it can be given and neither does it require a prior authorisation to have been given. It has been introduced in order to address circumstances where a young person is at risk from their own intoxication or other resulting harm from themselves or others and is intended as a safeguard to ensure that they are not left in a vulnerable situation. This power should not be used in all circumstances and it will be down to police discretion as to whether they consider the young person to be at risk.
In returning a young person to their place of residence or place of safety police should provide information on local positive activities and support agencies to the young person and their parents. Police should also ensure that Youth Offending Teams are aware of the incident.

It may not always be appropriate to return a young person to their own place of residence. Where this is the case a police officer may consider taking the young person to a place of safety. A place of safety can be a community home provided by a local authority or a controlled community home, hospital, surgery or any other suitable place if the occupier of that place is willing to temporarily receive that child. In the event of uncertainty as to whether somewhere is a place of safety then a police constable should check with a senior officer, social services or a safeguarding officer first.


Where an Operation Staysafe initiative is in place in the local area it may be appropriate to take a young person to a designated ‘place of safety’ as part of this initiative. Children’s services or a Youth Offending Team (YOT) worker are then best placed to carry out a risk and needs assessment on that individual. The YOT should also consider referral to a substance misuse specialist where appropriate. Wherever possible, parents or guardians should then be contacted to come and collect the young person, while multi-agency support will be called upon if necessary.

Where the young person is also found in possession of alcohol this will count as one of the instances to be recorded for the offence of persistently possessing alcohol in a public place, introduced through the Policing and Crime Act 2009 and the Direction to Leave may be one tool used as part of this approach. Where the young person is found in possession of alcohol this should be confiscated and the YOT will be informed through a letter to parents. This new approach is described fully in A tiered approach to tackling young people drinking in public places (Home Office guidance, January 2010). When issuing a Direction the police should ensure the Youth Offending Team (YOT) is informed as young people may not always be in possession of alcohol but the YOT will still need to be aware of problems early on.

OTHER TOOLS AND POWERS AVAILABLE TO POLICE FOR DEALING WITH YOUNG PEOPLE WHO REPRESENT A RISK TO THE LIKELIHOOD OF ALCOHOL-RELATED CRIME OR DISORDER ARISING

When dealing with young people who represent a risk to the likelihood of alcohol-related crime or disorder arising the following tools and powers may also be helpful (or more appropriate depending on the individual circumstances) in addressing the problem:

• Making a direct referral to the Youth Offending Team for an assessment of need where a child or young person is seen as vulnerable or potentially in need of support or services;

• Acceptable Behaviour Contracts (ABCs), which are voluntary agreements between the agency and the perpetrator (of any age) of anti-social behaviour. The perpetrator agrees not to carry out particular anti-social actions and signs the contract. There is no penalty for breach but evidence of failure to honour the contract may be used as evidence in applying for an Anti-Social Behaviour Order (ASBO). Where the perpetrator is a young person it is important to offer support to help them tackle the cause of their anti-social behaviour. Home Office guidance on Acceptable Behaviour Contracts (ABCs) is available at http://www.crimereduction.homeoffice.gov.uk/antisocialbehaviour/antisocialbehaviour058.htm

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1 Operation Staysafe uses police patrols to protect vulnerable children. They identify young people who are out late at night, and who are at risk of becoming victims of crime, or of being drawn into criminal behaviour, and take them to a place of safety.
• An ASBO with a support intervention to help the perpetrator avoid breach. The latter may take the form of an Individual Support Order (ISO), which must be considered by the court in every case where an ASBO is made against a 10-17 year old. ISOs can be attached to ASBOs and impose positive conditions on the young person to address the underlying causes of the behaviour that led to the ASBO. An ISO may last up to six months and can require a young person to attend up to two sessions a week under the supervision of the Youth Offending Team (YOT). Breach of an ISO is a criminal offence which may be punished by way of a financial penalty. Home Office guidance on ASBOs is available at http://www.crimereduction.homeoffice.gov.uk/antisocialbehaviour/antisocialbehaviour55.htm.

ASBOs should be used in a step by step approach. However, they can be used as a first resort if the behaviour is exceptionally serious. Where a young person (under 16) is showing continuous problematic or anti-social behaviour a referral should be made to the local Youth Offending Team (YOT). There is a range of prevention programmes available to target children or young people under the age of 18 who are at risk of involvement in offending or anti-social behaviour. A multi-agency approach and engagement with parents may be required, especially where there are multiple risk factors. These programmes include Youth Inclusion Programmes, Youth Inclusion Support Panels and parenting programmes. There are also other prevention and positive programmes co-ordinated by local children’s services, as part of Targeted Youth Support, which should be considered. Additionally support through the Youth Offending Team can provide an assessment of alcohol needs and appropriate referral into treatment provision.

• Using the powers under section 30 of the Anti-social Behaviour Act 2003 to disperse groups of two or more people of any age and to remove a young person under 16 to their place of residence (if an authorisation has been given under the Act). They allow police to take action to disperse the groups if they believe that their presence or behaviour has resulted, or is likely to result, in a member of the public being harassed intimidated, alarmed or distressed. The power is exercisable only in a locality where a police officer of superintendent rank or above has given a prior authorisation that the powers in this section are to be conferred on police officers. Young people should be signposted to relevant positive activities where appropriate.

• Using the alcohol (opened and sealed containers) confiscation powers under the Confiscation of Alcohol (Young Persons) Act 1997, which applies to those under the age of 18 and to remove a young person under 16 to their place of residence or a place of safety. See guidance on A tiered approach to tackling young people drinking in public places (Home Office guidance, January 2010).

• For the most serious, persistent cases of public drinking, using the powers under section 30 of the Policing and Crime Act 2009 to prosecute young people under 18 for persistently possessing alcohol in a public place. This new offence is part of the Government’s new three tiered approach for tackling young people drinking in public. Young people under 18 can be prosecuted for this offence if they are found with alcohol in a public place three or more times within a 12 month period. See guidance on A tiered approach to tackling young people drinking in public places (Home Office guidance, January 2010).

• Using the powers under the Criminal Justice and Police Act 2001, as amended by section 26 of the Violent Crime Reduction Act 2006, which enable local authorities to designate public areas through the introduction of a Designated Public Places Order. It is then an offence to drink alcohol after being required to by a police officer not to do so.

• Using test purchasing operations in on- and off-licensed premises to reduce the level of alcohol sales to those under age.
This section describes:

- Giving a Direction in writing
- Timing, manner and route of leaving
- Making a record of the Direction and monitoring
- Requiring the name and address
- Refusing to comply with a Direction
- Breach of a Direction
- Chart on issuing a Direction
- Forms for giving a Direction
- Appeals and varying or withdrawing a Direction

**GIVING A DIRECTION IN WRITING**

A Direction to Leave must be given to an individual in writing (refer to section 27(3) of the Violent Crime Reduction Act 2006) by a constable in uniform. While the Direction can, and best practice suggests that it should, be explained orally, it must be given by a written notice. The written notice of a Direction to Leave must:

- identify to the individual the area or locality the individual must leave and set out clearly the relevant area or locality to which the individual is prohibited from returning. This may be by reference to place names such as streets or licensed premises, the use of a map showing an area, or any other means that clearly identifies the relevant locality; and

- specify the period for which the individual is prohibited from returning. This period should not exceed 48 hours. A 48-hour ban should not be imposed where a shorter ban would achieve the aim of preventing the likelihood of alcohol-related crime and disorder arising.

Written information should also be provided that includes the following points:

- what a Direction to Leave is and why it has been issued;
- what the effect is of being given a Direction to Leave;
- how the Direction to Leave can be challenged, how a Direction to Leave can be varied or withdrawn, and where you can do this;
- the implications of failing to comply with a Direction to Leave; and
- an explanation that a Direction should not prevent the individual from having access to those places outlined in the previous section on ‘when a Direction should not be given’.

If appropriate, a constable may also provide information about the risks of excessive alcohol consumption.

**TIMING, MANNER AND ROUTE OF LEAVING**

The constable can require the individual who is issued with a written Direction to Leave, to leave the locality in question either immediately – where that is practically possible, which may be dependant on the size of the locality – or by such a time as the constable specifies. The constable therefore should take account of the time that it might take for the individual to safely leave the specific locality, for example on foot or by public transport, when they are given a Direction to Leave. A constable can impose requirements as to the manner in which the individual leaves the locality, including a route based on the situation at the time of giving the Direction. Consideration should therefore be given to ensuring that the individual given a Direction to Leave takes an appropriate and safe route, and where appropriate, the most direct route possible.

If the young person is under 16 it may be more appropriate to return them to their place of residence or a place of safety. The individual needs of the young person should be considered and their welfare and safety should be paramount. If the young person is directed to leave the constable should ensure that they take the most direct route and that taking this route does not put them in an unfamiliar or unsafe area.
MAKING A RECORD OF THE DIRECTION AND MONITORING

The constable who gives the Direction to Leave must make a record of:

• the terms of the Direction and the locality to which it relates;
• the individual to whom it is given;
• the time at which the Direction is given; and
• the period during which that individual is required not to return to the locality.

Refer to section 27(5) of the Violent Crime Reduction Act 2006 for further details.

These details must be recorded for the following reasons:

• evidential – in order to prove offences of failure to comply with the Direction;
• intelligence – use of this power could be useful to inform local intelligence systems; and
• monitoring – the Race Relations Act 1976 requires that any activity that may result in direct or indirect discrimination by way of victimisation on racial grounds, be monitored.

Each police force should determine how that information should be gathered and recorded.

Supervising officers must monitor the use of these powers – both decisions as to the locality in which the Direction to Leave power should be used and decisions at ground level to issue Directions to Leave to individuals. In the case of the latter, supervising officers must monitor the use of the power to consider whether there is any evidence that it is being exercised on the basis of stereotyped images or inappropriate generalisations. Supervisors must examine whether records of the directions reveal any trends or patterns that give cause for concern and, if so, take appropriate action to address this.

REQUIRING THE NAME AND ADDRESS

The Violent Crime Reduction Act 2006 does not provide a constable with a power to require the name and address of a person being given a Direction to Leave. However, under section 50 of the Police Reform Act 2002, if a constable has reason to believe that a person has been acting, or is acting, in an anti-social manner (within the meaning of section 1 of the Crime and Disorder Act 1998), they may require that person to give their name and address. Any person who fails to give their name and address when required to do so, or gives a false or inaccurate name or address, is guilty of an offence. Where relevant, this power may be used to seek the name and address of an individual being given a Direction to Leave. Where a constable is not satisfied that the person has provided satisfactory information concerning their name and address details, it is open to the constable to consider arresting the person in accordance with section 24 of PACE rather than issuing a Direction to Leave. Where no power to request the name and address of the person being given a Direction to Leave exists, the constable must inform the person of this when completing the Direction to Leave. Where a police officer is also confiscating alcohol from a young person then the power to take the name and address exists through the changes to the Confiscation of Alcohol (Young Persons) Act 1997 brought about through the Policing and Crime Act 2009.

REFUSING TO COMPLY WITH A DIRECTION

An individual is guilty of an offence if they fail to comply with the Direction to Leave (refer to section 27(6) of the Violent Crime Reduction Act 2006).

Section 24 of PACE provides constables with the power of arrest for all criminal offences. This therefore enables a constable to arrest an individual who knowingly fails to comply with a Direction to Leave, subject to compliance with the necessity criteria set out in section 24(5) of PACE and PACE Code G.

BREACH OF A DIRECTION

Any individual who knowingly fails to comply with a Direction to Leave when it is given or breaches the Direction during the period it applies is liable, upon summary conviction, to a fine not exceeding level 4 on the standard scale (refer to section 27(6) of the Violent Crime Reduction Act 2006). However, there could be situations where someone has failed to comply with a
Direction, for example, because of an emergency situation or another suitable justifiable reason. The constable would therefore need to take such factors into account before deciding what action should be taken.

CHART ON ISSUING A DIRECTION

A chart briefly setting out the process of issuing a Direction to Leave is provided at Annex A.

FORMS FOR GIVING A DIRECTION

The design of the form for the written Direction to Leave notice that should be given to the individual will be a matter for each police force to determine. Where necessary, consideration should be given to adopting existing forms, for example the carbonised HO/RT1 form pads or the similar pads that relate to Stop and Search. However, the form should incorporate the requirements as set out under section 27(3) of the Violent Crime Reduction Act 2006 as briefly outlined in this guidance. An illustration of what a Direction to Leave form might contain is included at Annex C.

APPEALS AND VARYING OR WITHDRAWING A DIRECTION

There is no route of appeal for an individual against the giving of a Direction to Leave. However, an individual can challenge whether the Direction was properly made in the course of their defence if they are prosecuted for breach of a Direction. A Direction to Leave can, however, be withdrawn or varied by any constable – but not varied to extend it for a period of more than 48 hours. Varying or withdrawing the Direction can be undertaken at a police station or another suitable place proposed by a constable. Individual police forces may want to establish effective procedures for dealing with requests to withdraw or vary a Direction to Leave in order to prevent the recipient approaching different police officers until their desired outcome is achieved.

A constable should provide the information referred to above so that an individual is fully aware of how the Direction to Leave can be varied or withdrawn should they so wish, and of where they should go to enable this to be undertaken.
A constable in uniform has reasonable grounds to believe that an individual's (aged 10 or over) presence is likely to cause or contribute to the occurrence, repetition or continuance of alcohol-related crime or disorder in a locality and it is necessary to remove them from the locality.

The constable issues a written notice of a direction to leave that:

- identifies to the individual the area or locality to which the individual is prohibited from returning (to be supported by an oral explanation of the direction to leave, a map of the relevant locality and written information on why a direction is being given); and
- specifies the period for which the individual is prohibited from returning to that locality – not exceeding 48 hours (a shorter ban should be imposed if it achieves the aim of preventing alcohol-related crime or disorder).

The constable makes a record of relevant details, such as:

- the terms of the direction and the locality to which it relates;
- the individual to whom it is given; and
- the time at which the direction is given and the period during which the individual is required not to return to the locality.

The constable directs the individual to leave the area or locality immediately or in the manner prescribed and also by an appropriate route and the most direct route possible.

The individual leaves the area or locality.
Annex B
TEST FOR USING A DIRECTION TO LEAVE

Section 27(2) of the Violent Crime Reduction Act 2006 provides for an explicit test that applies when a constable in uniform decides to give a Direction to Leave. The test is:

(a) that the presence of the individual in that locality is likely, in all the circumstances, to cause or to contribute to the occurrence of alcohol-related crime or disorder in that locality, or to cause or to contribute to a repetition or continuance there of such crime or disorder; and

(b) that the giving of a Direction to that individual is necessary for the purpose of removing or reducing the likelihood of there being such crime or disorder in that locality during the period for which the Direction has effect, or of there being a repetition or continuance in that locality during that period of such crime or disorder.

The test is designed to ensure that a Direction to Leave can only be given if the presence of an individual in the relevant locality is likely, in all the circumstances, to cause or contribute to the occurrence of alcohol-related crime or disorder in that locality, or to a repetition or continuance there of such crime or disorder. The constable in uniform also has to be satisfied that such a Direction is therefore necessary for the purpose of removing or reducing the likelihood of there being such crime or disorder in that locality during the period for which the Direction has effect, or of there being a repetition or continuance in that locality during that period of such crime or disorder.

The two elements of the test therefore jointly seek to ensure that a Direction to Leave should not be imposed by a constable in uniform unless it is absolutely necessary.
Annex C
EXAMPLE OF A DIRECTION TO LEAVE FORM

This is an illustrative example only, showing key information to be included in the form. It is not for use.

Date: .../.../...  Time: ...... hours ...... minutes  Section: ..............  Beat: ...............  

Street/location name: .................................................................  

First name(s): ...............................................  Last name: .................................................................  

Gender (M/F): ......................  Date of birth: .................................................................  

Address: ..............................................................................................  

..............................................................................................................  Postcode:  

Self-defined ethnicity: .................................................................  

Location excluded from: .................................................................  

Map and written supporting information given to the offender (not compulsory)?  Yes ☐ No ☐  

Required to leave locality:  

<table>
<thead>
<tr>
<th>Immediately</th>
<th>Within 15–30 minutes</th>
<th>Within 1 hour</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

Excluded from locality for up to ☐ hours (not to exceed 48 hours) from the start time of this record (taking into account the time needed to leave the locality).

Most appropriate and direct route to be taken to leave the locality: .................................................................  

Officer completing/issuing:  

Name: .................................................................  

Rank/No./Station: ...............  Signature: .................................................................  

Copy of written direction to leave received ☐  

Map and written supporting information provided (if necessary) ☐  

Received (individual's signature): .................................................................