

Extract from a Home Office publication about Section 27 of the Violent Crime Reduction Act 2006

SUMMARY

This guidance explains the new power to give directions to individuals to leave a locality. This is where an individual's presence is likely to cause or contribute to the crime or disorder in a locality and it is necessary to remove the individual from the locality 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, which received Royal Assent on 8 November 2006.

PURPOSE OF THE NEW POWER

This section explains:

- that the aim of the new power is to minimise the likelihood of alcohol-related crime or disorder arising
- the benefits of the power as an early intervention tool
- that it could be used most effectively as part of focused multi-agency activity on tackling alcohol-related crime or disorder

The Violent Crime Reduction Act 2006 provides the police with a power to issue a direction to an individual aged 16 years or over who is in a public place to leave a locality. The direction will prohibit their return to that locality for a specified period not exceeding 48 hours.

The power should be used proportionately, reasonably and with discretion in circumstances where it is considered necessary to prevent the likelihood of alcohol related crime or disorder. The aim of the new power is therefore to minimise the likelihood of alcohol-related crime or disorder arising and/or taking place.

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. But 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 is already an extensive range of powers and tools for the police and other partners to use to help address the problems of alcohol misuse. Crime and Disorder Reduction Partnerships are best placed to consider which interventions are most appropriate for dealing with the alcohol misuse problems in their area.

However, this new police power to give a direction to leave a locality provides a further tool that should enable the police to target particular problem areas that need action or early intervention to reduce the likelihood of alcohol-related crime or disorder arising.

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 new power would not necessarily need to be used every evening of the week, but ideally should be part of focused multi-agency enforcement 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 neighbouring area or transport facility, is taken into account.

YOUNG PEOPLE

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 power to issue a direction to leave applies to those aged 16 years or over.

When giving a direction to leave to an individual aged 16 or 17 the police should be mindful of their duties under the Children Act 2004 to safeguard and promote the welfare of children. 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;
- working with partner agencies in the criminal justice system dealing with youth offenders to divert children away from crime and/or away from custodial sentences where it is felt that community-based sentencing is most appropriate;
- working with partner agencies to educate children and young persons on issues such as substance misuse and the prevention of crime.

Those under the age of 16 can also represent a risk to the likelihood of alcohol-related crime or disorder arising. If that is the case the following tools can help address the problem:

- Making referrals under the Children Act 2004 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 of support and 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.

The Home Office is currently preparing updated guidance on ABCs and it is expected to be issued in August 2007.

- An ASBO with a support intervention to help the perpetrator avoid breach. The latter may take the form of an individual support order, which must be considered by the court in every case where an ASBO is made against a 10–17-year-old. Home Office guidance on ASBOs is available on the Respect website (www.respect.gov.uk) and advises that they be used in a step by step approach. However, they can be used as a first resort if the behaviour is particularly 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.

- 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 that Act).
- 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.
- 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 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.