

BEDFORD AGAINST NIGHT-TIME DISORDER



BANNED FROM ONE - BANNED FROM ALL

Introduction

BED:SAFE B.A.N.D scheme has been introduced to combat persistent levels of violence and disorder. It is designed to target offenders committing serious offences with the specific aims to:

1. Reduce alcohol related crime, violence, disorder and anti-social behaviour in the Town Centre.
2. Eradicating the use and supply of drugs within licensed premises in the Town Centre.
3. Reducing the incidence of underage drinking in the Town Centre.

The scheme has been established by the North Bedfordshire Community Safety Partnership and is an integral part of the BED:SAFE initiative, which has already established close links with the licensees and door supervisors and funded the Nite Net Radio System.

Operating the scheme

The scheme is designed to target serious offenders and is not a tool to be used against general drunken behaviour. This is a role for individual licensees in their own premises. Specifically the scheme will seek to eradicate:

- Acts of violence – including assaults on staff at licensed premises, Police officers and members of the public.
- Causing criminal damage in the Town Centre, in particular to licensed premises.
- The use of and supply of drugs.

It must be noted that the majority of offences will be committed whilst under the influence of alcohol. People committing such offences, however will be excluded whether alcohol has been consumed or not.

The Licensee's Committee will sit on the last Tuesday of every month. This meeting is open to all Bed:Safe licensees with each member having a single vote. The Police and Local Authority Licensing Representative & Bed: Safe Project Manager will attend in a non-voting advisory role. The main order of

business will be discussions about those incidents leading to people receiving interim bans. These will either be lifted or confirmed as a 12-month ban which will be issued by the Honorary Secretary of the Licensee's Committee on behalf of licensees. The decision will be confirmed in writing. Any other business will be discussed.

Time limit for banning orders exclusions

All banning orders issued by the Licensee's Committee will be for a period of 12 months. Should a person breach the banning order and be arrested for a further offence, they will be issued with a further exclusion which will commence from that date for 12 months. The fact that this person has breached the exclusion will be brought to the attention of the courts, during proceedings for the further offence.

The courts have powers to issue exclusion orders, Exclusion orders issued by the courts will run for a minimum of 3 months and a maximum of 2 years.

Interim ban

Any person arrested for an offence which falls within the remit of the above and is reprimanded/cautioned or charged will be issued with an immediate interim, whether the offence is committed on licensed premises or in a public place. The ban will identify establishments they are excluded from and that they are banned until they receive written confirmation from the Licensee's Committee. The committee, together with the Police, will debate each interim ban at the monthly meeting. The meeting will either lift the ban or convey a 12- month exclusion on the individual. This will be confirmed in writing to them. The interim ban will be signed by the Honorary Secretary of the Licensee's Committee. Copies will be kept by the Police.

12-month banning orders – B.A.N.D scheme

12-month banning orders will normally be issued, as stated above, when confirming an interim ban. They will be signed by the Honorary Secretary of the Licensee's Committee, again copies will be kept by the Police.

In the majority of cases, the people who become subject of these procedures will have been arrested by the police and placed in the judicial system. However,

- the person need not be convicted at a court for the exclusion to remain in force.
- the person does not need to be arrested to be excluded in these circumstances each case will be treated on its own merits. Such an example would be an individual who regularly creates a nuisance for licensees. It is vital, therefore that all venues maintain logs of such events all of which should be brought to the attention of the Committee. These occurrences must be of a serious nature and would ordinarily involve the police.

- a person need not be issued with an interim banning order before a 12-banning order is served.

When considering a ban the following may be taken into account

- the seriousness of the incident,
- the acceptance or otherwise of wrongdoing by the person,
- the views of all persons involved in the incident,
- any restitution that has already taken place,
- any further details that are deemed relevant.

Exclusion orders - issued by the Court

When a court convicts a person of an offence committed on licensed premises during which the offender resorted to violence or offered or threatened violence, the court may make an exclusion order. Such an order prohibits that person from entering the premises or any other specified premises without the express consent of the licensee or his servant or agent.

A person who enters any premises in breach of such an exclusion order shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 (£1000) or imprisonment for 1 month or his servant or his agent, help expel from the premises any person who is reasonably suspected of breaching the exclusion order.

The Police will request that the Crown Prosecution Service applies to the courts for exclusion orders in all appropriate cases.

When an application is made for an exclusion order, the person concerned will still be the subject of an interim ban. If the application is unsuccessful, the Licensee's Committee will consider issuing a 12-month banning order under this scheme.

Right of appeal

Human rights legislation has been considered in the preparation of this scheme, and all persons issued with an interim ban or 12-month banning order by the Licensees Committee will have the right of appeal.

This right of appeal will be detailed in the interim order and 12-month banning order letters. They will be instructed to write to the Honorary Secretary of the Licensee's Committee c/o Bedford Borough Council Town Hall Bedford MK40 1SJ detailing any requests, change in behaviour or restitution etc. The letter will be acknowledged and decision will be taken at the time whether or not the person will be asked to appear before the Licensee's Committee. All persons will be advised of the outcome of their appeal immediately.

Juveniles

In such cases, interim orders and banning orders will also be served on the appropriate adult. Any meeting attended must be in the presence of an appropriate adult.

Regulations

A Licensee's Committee will oversee and co-ordinate the scheme

- Chairperson – responsible for the overall running of the scheme. He/she should maintain regular contact with the Police and BED:SAFE Project Manager for assistance, guidance and support. The Chairperson will encourage membership of the scheme, ensure communication between the licensees, chair and ensure that scheme decisions are implemented consistently.
- Deputy Chairperson – to work closely with the chairperson to assist in all aspects of running the scheme and assume responsibility in the absence of the Chairperson. The deputy Chairperson will look for ways to improve and develop the scheme.
- Honorary Secretary – responsible for the administration of scheme and distributing information between members. Bedford Borough Council will normally be a nominee for this position.

No tenure will be fixed for the above positions, however an annual general meeting will be held where, the positions will be open to election to ensure fairness and consistency.

The committee will sit on the last Tuesday of each month. This meeting will be open to all member licensees and will be attended by a representative from the Police. In decisions made about exclusions, the majority vote will be upheld. In split decisions the chairperson will hold the casting vote. A minimum of 5 members will be required to vote on an exclusion order. The Police, Local Authority Licensing Representative and BED:SAFE Project Manager will have no vote on such issues. They will provide guidance, advice, information and support.

The initial cost to set up the scheme will be met by the North Bedfordshire Community Safety Partnership.

Thereafter, an annual subscription of £300 will be made by all member licensees to assist with this project and the Bed:Safe initiative for general running costs.

Membership

The licensees of all licensed premises wishing to become members of the scheme will be required to sign a letter of agreement. On signing the agreement the licensee agrees to abide by decisions made jointly by the Licensee's Committee. The agreement stresses that banned from one premises means banned from all. Licensees should enforce rigidly

all banning orders. Failure to abide by decisions will lead to exclusion from the scheme. The decision to exclude a member will be taken by all member licensees.

The scheme will attract new members in time as new establishments open and may even expand to include existing licensed premises on the edges of the Town Centre. It will be stressed and detailed in the interim banning orders and 12-month banning orders that excluded persons are banned from all existing member establishments together with any new member establishments who join the scheme subsequently. In short, they will be banned from all venues displaying the BED:SAFE B.A.N.D logo.