

# Drink Banning Orders



**Wiltshire Police**

Delivering safe, satisfied and confident communities

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Community Safety

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## **DBOs on Application**



Commenced Sections 1-5 and 9-14 of the Violent Crime Reduction Act 2006.

Introduced Violent Crime Reduction Act 2006 (Drinking Banning Order) (Approved Course) Regulations 2009.

Both came into force on 31<sup>st</sup> August 2009.

Exclusion Orders remain in force and have not been repealed.

## **DBOs on Application**



To address an individual's alcohol misuse behaviour and protect others and their property from such behaviour.

Alcohol misuse behaviour a strong contributory factor in:

- public order offences
- criminal damage
- minor and serious assaults
- violent offences
- traffic offences.

Can be applied to individuals 16 and over.

## Who can apply?



Police (including British Transport Police).

Local Authorities in England and Wales.



# Courts



Magistrates' courts (acting in their civil capacity)

County courts (where the principal proceedings involve alcohol misuse crime or disorderly behaviour by those who are party to the proceedings or could be made a party).



## Length of a DBO



- 2 months - 2 years
- Different prohibitions can take effect for different time periods
- Consideration of an approved course

## Is a DBO appropriate?



A DBO may **not** be appropriate if:

- A ban longer than 2 years is needed
- Football match related behaviour
- Domestic violence or non-molestation proceedings
- Vulnerable, drug or alcohol dependent or mental health problems
- Offending behaviour is solely related to drug use



**Before making an application consult with the relevant ‘appropriate persons’:**

- The **Chief Officer of Police** for the police area in which the conduct in question took place;
- The **Chief Officer of Police** for the police area in which the subject usually resides;
- Every **Local Authority** in whose area the subject usually resides;



## Prohibitions



Cover the range of criminal and disorderly conduct

Be necessary to protect others/or property

Be reasonable and proportionate

Be realistic and practical

Be clear, concise and easy to understand

Be specific -location

Be specific -times

Must NOT prevent access to home; place of work, place of education, worship, training or medical treatment; place ordered to attend.

## Prohibitions



Prohibitions can be proposed by the authority seeking the DBO, and/or the court can impose those prohibitions that it considers necessary.

Examples of prohibitions could include;

- *Excluding the individual from specific licensed premises*
- *Preventing the individual from entering specific areas of a town*
- *Preventing the individual from consuming alcohol in public*
- *Preventing the individual from purchasing alcohol*

## Evidence



Conduct must be after the commencement of the Act

Previous convictions, cautions and PNDs can be used.

Applications must be made within 6 months of the conduct.

Hearsay evidence is permitted.



## Approved courses



Recipient can be referred by the court if he/she agrees

Undertaken on a voluntary basis

Can reduce the ban by up to half

Recipient pays for their own attendance  
(Min £125 -Max £250)

16hrs tuition time = 3 days

Service provided by “SWADS” based in Swindon



## Interim DBOs



Interim DBOs can be made if the Police/Local Authority believe that persons or property are in urgent need of protection from the individual.

Application must be accompanied by an application for a full DBO, and can last for up to 4 weeks.

Can be applied for without notice to the defendant and can be heard in their absence. This can be done only with the permission of the court.

If an interim DBO is granted, the relevant authority who applied for the is responsible for serving the individual with the order.

## Publicity



- Case by case basis
- Pubwatch
- Local Media
- No restriction on sharing of photographs, provided it is for the purpose of enforcing the order

## Breach of a DBO



- Breach of a DBO without reasonable excuse is an offence.
- On summary conviction liable to a fine not exceeding £2500



## **DBOs on Conviction**



In 25 Local Justice Areas - BUT NOT WILTSHIRE  
(Consider use of exclusion legislation) as alternative.

Courts will be required to consider imposing a DBO in all cases where the offence was committed if the individual was under the influence of alcohol.

Same rules apply to DBOs on conviction as they do to those made on application. There will be instances where DBOs are not appropriate; eg football, DV.



## ASBO / DBO Comparison



ASBO -Min 2yrs

DBO -2mths to 2yrs

No approved course

Approved Course.  
Reduces term by half

Breach = Imprisonment or  
Fine

Breach = Fine £2500

On conviction or on  
application

On application or On  
conviction but only in 25  
areas

## Licensed Premises (Exclusion of Certain Persons) Act 1980



- This Act allows the courts to make orders excluding potentially dangerous convicted persons from licensed premises.
- Where a person is convicted of an offence committed on licensed premises, the court may, if satisfied that he resorted to violence or offered or threatened to resort to violence in committing that offence, make an 'exclusion order' prohibiting him from entering those premises or any other specified premises.

## Licensed Premises (Exclusion of Certain Persons) Act 1980



- Where a subject is charged with a violence or disorder offence connected with a licensed premise.
- An exclusion order is for a period of not less than three months or more than two years.
- The order needs to specify the premises and notify the licence holders.
- Administration can be picked up by Licensing Department.