

## **Background**

Over the last two years Wiltshire Council has developed a positive partnership with the members of the Wiltshire Community Safety Partnership to obtain a number of Anti-Social Behaviour Orders (ASBO). This positive enforcement action is in part, alongside an extensive amount of intervention and preventative work, responsible for the recent reduction in reported Anti-Social Behaviour across Wiltshire.

Wiltshire Council and Wiltshire Police now wish to build upon this success to tackle alcohol fuelled crime and in particular that of a violent nature that occurs on the streets of Wiltshire. Our aim is to utilise a stepped process as with ASBOs to prevent persistent offenders from causing further issues.

Our approach will differ in that, rather than applying for ASBOs, we wish to utilise sections 1 – 14 of the Violent Crime Reduction Act 2006. This relates to the enforcement tool of the Drink Banning Order (DBO). Where they have been used in other areas DBOs have proved to show a significant reduction in alcohol related incidents.

This way of working will be launched in the Trowbridge Policing area from 26<sup>th</sup> November 2012. Wiltshire Police and Wiltshire Council will also work in partnership to advertise the use of DBOs.

## **Procedure**

A DBO is a civil order which is used to address alcohol related anti-social behaviour, and or violent behaviour by an individual; it aims to protect others and their property from such behaviour by imposing 'any prohibition ... which is necessary for the purpose of protecting other persons from criminal or disorderly conduct by the subject while he is under the influence of alcohol' (section 1 Violent Crime Reduction Act 2006 (VCRA 2006)). DBOs, if breached, are punishable by a fine not exceeding level 4 (up to £2500).

The police or a local authority may apply to the magistrates' court for a DBO on application if they are satisfied that the following conditions are met:

- that the individual is aged 16 or over;
- that the individual has engaged in criminal or disorderly conduct while under the influence of alcohol; and that
- such an order is necessary to protect other persons from further conduct by him of that kind while he is under the influence of alcohol.

Before such an order is obtained several informal actions will have taken place.

Individuals who have come to notice of the Partnership for at least two alcohol related offences will be referred to a decision making group to be considered for a DBO. Unless there is an aggravating factor (e.g. assault on a police officer or a vulnerable person) 'one off offenders are unlikely to be referred.

The next steps are:

- No further action – a DBO or warning letter is not appropriate.
- A warning letter advising them that a further offence may result in an application for a DBO. This will also be coupled with the offer of support for any needs they may have.
- An application for a DBO. Either the person has already had a warning letter in the last 12 months or the offence is so severe that an order is necessary to protect persons or property from further alcohol-related disorderly or criminal behaviour.

The magistrates can also refer the individual, at their own cost, to an approved brief intervention on alcohol awareness which can reduce the length of the DBO by half.

Once an order is obtained the name of the individual and the terms of the order will be publicised in the press and the community encouraged to report breaches of orders.

### **Conclusion**

In taking this approach we are sending out a very clear message to people who act in an inappropriate manner due to misuse of alcohol, that their behaviour will not be tolerated.