

## **DRINK BANNING ORDERS**

1. Drink Banning Orders are introduced in the Alcohol Related Violence and Disorder section of the Violent Crime Reduction Act 2006 but are not in force at the moment. A drink banning order prohibits an individual against whom it is made from certain activities to protect other people from crime and disorder and could contain prohibitions against entering certain premises.
2. The proposed duration of the order will not be less than two months and not more than two years. The order can be sought against any individual aged 16 and above.
3. The Court cannot make an order unless it is satisfied that a place on a specified approved alcohol course is available and the subject of the order has agreed to take part in the course, however the Court can issue an Interim Order whilst it considers whether the conditions for the order are satisfied. The Secretary of State must approve the course. An order can include the provision to discharge it once the course is completed satisfactorily. If this caveat is not included the Court must give reasons for not doing so in open court.
4. It is proposed that the Police, British Transport Police and the local authority, can make an application for an order.
5. The order can be sought in the Magistrates and County Courts and it can be joined to other proceedings provided the conduct is material. The Court can also make an order on conviction if it is satisfied that the offender was under the influence of alcohol.
6. If the subject of the order does anything that they are prohibited from doing they are guilty of an offence and this breach will carry a fine not exceeding level four on the standard scale.
7. Members may be aware that the ASB Team currently use Anti Social Behaviour Orders and Criminal Anti Social Behaviour Orders against people who are causing problems in licensed premises. This follows a Pub Watch Banning Order when the recipient of the ban is continuing to enter the premises against the wishes of the landlord or if the offence is of serious nature for example when violent crime has been committed.
8. The Alcohol Community Safety Officer attends the Court User Group and is monitoring the introduction of Drink Banning Orders to ensure that we can continue to use the most effective order for our purposes.
9. A further paper will be brought to the partnership when detail of the introduction date and an approved course for this area is known.