



EXCLUSION POLICY

BACKGROUND

1. The exclusion scheme vests authority in the Hastings Area Business Crime Reduction Partnership CIC (HABCRP) to issue notices on behalf of its members. These notices withdraw the tacit permission from named individuals that, under normal circumstances, allows them to enter private properties (e.g. shops, bars, nightclubs etc.) which are open to the public
2. Members of give the HABCRP formal authorisation to act on their behalf and exclude individuals from their premises by signing up to the scheme terms and conditions in the partnership application form.
3. The exclusion scheme is a powerful tool to remedy the behavior of known persistent offenders who are responsible for shop thefts, violence, and general forms of antisocial behavior.
4. The scheme is a civil remedy and breaches do not constitute criminal offences. However, breach of an exclusion notice [caused by the individual entering or attempting to enter premises from which he/she has been excluded] can contribute towards evidence for a Criminal Behaviour Order [CBO].
5. The exclusion notice scheme will be used judiciously and must be: -
 - fair and applied to everyone equally
 - robustly evidenced
 - proportionate and time limited
 - open to appeal [with a formal procedure]
 - business-led
 - only applied when there is good reason to do so



6. Although statutory bodies can provide evidence and information, the police and/or local authority are not involved in decisions to exclude individuals to avoid the exclusion notice scheme becoming a 'public function'.

PROCEDURE

7. The decision to exclude an individual is based upon the receipt of incident reports from members or the police or the results of relevant criminal court cases.
8. A points-based system is used, allocating points depending on the seriousness of the incident.
9. The threshold for exclusion is set by members of the scheme and can either be collected in a single incident or accumulated across a range of incidents over any 12-month period.
10. The allocation of points is based broadly on criminal sentencing guidelines.
11. The threshold and the allocation of points are reviewed every six months and any changes are evidenced and recorded in formal minutes.

THE EVIDENCE BASE FOR EXCLUSION

12. Great care is taken to ensure the evidence base for exclusion is robust and beyond challenge.
13. Evidence received from the police, the courts or other statutory bodies is deemed the most robust.
14. Reports received by members with corroborative intelligence such as independent witness statements or CCTV footage is deemed satisfactory.



15. Reports concerning new offenders not previously known to the scheme or the police and lacking in additional evidence are treated with caution and would only normally be used to assist in identification of the individuals concerned.
16. To comply with the requirements of the Data Protection Act 2018, all identified offenders for whom the partnership has a current address will be sent an Offenders Privacy Notice letting them know what data is held and what the HABCRP intends to do with it.
17. This takes the form of a 'warning letter' pointing out the consequences of further offending.
18. Exclusions are communicated to offenders either by being served in person or by post.
19. The exclusion notice will include:
 - the Offenders Privacy Statement
 - the date and nature of the incidents that have triggered the exclusion
 - the start and end date of the exclusion term
 - a list of venues from which the offender is excluded
 - the appeal procedure
20. The offender photo, date of birth and details of the exclusion term will be retained on the offender database and the secure intranet so that the individual can be identified and denied entry to BCRP member premises.

APPEALS PROCEDURE

21. If the evidence base is robust, valid reasons for appeal against the circumstances of an exclusion notice are very limited.



22. An offender can, however, request their exclusion be shortened if they have not been reported as committing an offence in a member premises for the first half of their exclusion term.
23. All appeals or requests for a shortened term must be in writing and may be made by the offender themselves or via a solicitor.
24. Upon receipt of a solicitor's letter the partnership will request proof that the solicitor has been appointed by the offender as divulging information to a third party without such proof will compromise the integrity of the data held on the individual and contravene the Act.
25. The offender must appear in person before the Executive Committee to present his/her appeal accompanied by his/her social worker or caseworker if appropriate.
26. If their offences involved drunken behaviour they may be asked to attend an alcohol diversion course prior to appeal and, if their offences involve violence or threatening behaviour, they may be asked to attend an anger management course.
27. Appeals supported by a social worker or an anti-social behaviour caseworker are more likely to be successful.
28. If a notice is waived it will be with the condition that a single future incident of anti-social behaviour within the original exclusion term will result in an automatic 12-month exclusion without the right to appeal.
29. If the offender has court cases pending, their appeal cannot be heard until the outcome of the case.