

CAMBRIDGE BUSINESS AGAINST CRIME

EXCLUSION NOTICE SCHEME

Dear Member,

Welcome to the Cambridge Business Against Crime exclusion notice scheme.

Please find attached the exclusion notice package, for your immediate attention. There is a need for a united approach in tackling business crime in the in and around the City of Cambridge and this initiative has been established as part of the crime reduction strategy of the Cambridge Business Against Crime partnership. This provides assistance to you and your business in the following areas:

- A collective approach in dealing with persistent and prolific thieves and troublemakers by excluding them from the member shops, stores and businesses.
- Protects staff from acts or the threat of physical violence and verbal abuse.
- Reduces the fear of crime in members' premises, for the benefit of staff, customers and the public.
- Frees up resources otherwise spent observing and apprehending repeat offenders.
- Encourages greater economic investment by creating and promoting a safer place to invest and work.

The scheme, which is supported by police, is a civil agreement between you and other businesses within the Cambridge Business Against Crime partnership area of operation, where you will collectively ban habitual offenders or troublemakers who may not have committed an offence in your premises. In joining, it must be stressed that for the scheme to be successful you must be prepared to eject an excluded person from your premises immediately and on every occasion they enter, despite the fact that the individual may not have committed an offence against your business. There will only be a relatively few offenders receiving the exclusion notice enabling the scheme to be manageable. It is important to note that these individuals will be responsible for a significantly high proportion of offending and anti social behaviour in the area.

By joining the Cambridge Business Against Crime partnership you will be part of the exclusion notice scheme and be expected to support and enforce the scheme on the understanding that you will be challenged if you fail to do so.

Should you have any queries or need clarification on any aspect of the exclusion notice scheme, please contact the Cambridge Business Against Crime partnership manager.

1. Introduction

- 1.1 The scheme operates by utilising the business community as one voice thereby sending a strong message to those persistent thieves and troublemakers, who regularly intimidate and harass staff, by telling them that we know who they are and that they are not welcome in the area.
- 1.2 Many of the offenders are well known to both businesses and police and cause a considerable drain on resources, with arrests sometimes leading to violence with the potential for injury to staff.
- 1.3 This has a detrimental effect on trade and the impact on peoples' perception of crime and the fear of crime is significant

- 1.4 The scheme will be run on a day-to-day basis by the partnership manager and overseen by the board of management (BoM), or their nominated representatives, who are elected in accordance with the partnership constitution.
- 1.5 In addition to administering the scheme, the manager and BoM will be responsible for liaising with members and outside agencies and organisations.

Exclusion notice schemes are an effective means of managing offenders and ensuring that they are deterred from committing crime.

We will provide window stickers advertising your commitment and inclusion in the scheme and notes for your information and guidance.

2. Objectives

2.1 These are:

- To exclude persistent and prolific offenders and troublemakers from members' premises.
- To reduce the opportunity for crime and anti social behaviour to take place.
- To protect staff from acts of physical violence and verbal abuse.
- To reduce the incidents of crime and the fear of crime for the benefit of staff, customers and the public.
- To improve the economic and general environment of our area, subsequently improving prosperity within the area and helping to protect and create employment.
- To encourage greater economic investment by creating and promoting a safer place to invest and work.

3. What is an Exclusion Notice?

- 3.1 There is a presumed invitation by businesses, which allows members of the public to enter their premises and either view or buy merchandise on display.
- 3.2 The issue of an exclusion notice withdraws that invitation to the person issued with the exclusion notice.
- 3.3 This scheme only applies to those businesses that are members of Cambridge Business Against Crime and have confirmed their involvement in the scheme and have signed the relevant partnership protocols and agreements.
- 3.4 Some businesses already operate similar notices, but only in relation to their own businesses.
- 3.5 This scheme allows the partnership to issue exclusion notices on behalf of its members, excluding offenders from the premises and all of members of the Cambridge Business Against Crime.

4. How will it work?

4.1 Criteria for the issue of an exclusion notice

4.1.1 Individuals receiving an exclusion notice will normally be known as persistent offenders or troublemakers. Circumstances leading to the issue of an exclusion notice will vary, for example, where an individual commits an offence that requires an immediate and appropriate response or where the number of documented incidents reported to the partnership manager suggests that an individual's behaviour has reached the stage where an exclusion notice is appropriate. Reported incidents will relate to, for example:

- Theft Act offences
- Illegal drugs
- Public Order offences
- Criminal damage
- Possession of offensive weapons
- Assault
- Anti social behaviour

4.1.2 It may also be the case that an individual has a case pending which may lead to a conviction in the near future. In these circumstances the partnership manager will consult with the police and the partnership before a decision is made to proceed. Due consideration must be given to all the circumstances involved to ensure the decision to proceed is fair and appropriate.

4.1.3 The issue of an exclusion notice is not dependent on a previous criminal conviction/caution or anti social behaviour order.

4.1.4 Therefore, subject to Human Rights considerations, and having regard for all the circumstances of the offending behaviour/ documented activity, consideration to issue an exclusion notice will be made, for example, as follows:

a) Adults

1. Where an offender is arrested and subsequently prosecuted or cautioned. A caution may be counted as a conviction as the offender will have admitted the offence.
2. Where an individual is arrested and bailed by the police to conduct further enquiries into offences against member/s premises and the circumstances of the case/s suggest that the alleged offences were of such a nature that an exclusion notice is appropriate.
3. Where the number of documented incidents or the gravity of the offending reported to the partnership manager suggests that an individual behaviour has reached the stage where an exclusion notice is an appropriate response.
4. A person subject of an exclusion order from the courts under the Licensed Premises (Exclusion of Certain Persons) Act 1980.

or a combination of the above circumstances.

b) Juveniles -

1. Where a decision is made to prosecute an offender or formally deal with (ie. reprimand or final warning) the offence committed.
2. Where an individual is arrested and bailed by the police to conduct further enquiries into offences against member/s premises and the circumstances of the case/s

suggest that the alleged offences were of such a nature that an exclusion notice is appropriate.

3. Where the number of documented incidents or the gravity of the offending reported to the partnership manager suggests that an individual behaviour has reached the stage where an exclusion notice is an appropriate response.

or a combination of the above circumstances.

You may wish to consider that where a decision is made to prosecute a juvenile offender, the police, on behalf of the partnership, in the presence of an appropriate adult, may serve the exclusion notice at the time of processing the offender at the police station.

Links with restorative justice teams (if appropriate) may be useful here as the offender could be referred.

4.2 Exclusion Notice procedures

- 4.2.1 The members must complete incident reports, as required, to be submitted to the crime manager for inclusion on the database as normal practice. From this information individuals will be identified who meet the criteria as outlined in 4.1 above.
- 4.2.2 A decision will be taken by the partnership crime manager in liaison with the police whether the circumstances satisfy including the person in the exclusion notice scheme. The decision to proceed will be ratified by the BoM who will keep a record of their decision and reasons agreed.
- 4.2.3 The partnership manager will be responsible for serving the exclusion notice:
 - a) by recorded delivery to the person's home address, or
 - b) given personally, directly to the individual concerned and circulating the details to the members.
 - c) by Cambridgeshire Constabulary on CAMBAC's behalf
- 4.2.4 A certified copy of service of the exclusion notice will be retained by the partnership manager. A further copy will be forwarded to, and retained by, police.
- 4.2.5 The police officer(s) in the case will liaise with the criminal justice unit (CJU) to monitor the progress of any prosecution. Alternatively, the crime manager will liaise with the magistrate's court office to monitor the progress of the prosecution and to establish the result of the court proceedings.
- 4.2.6 The result of any court proceedings will be notified to the partnership manager and at that point the exclusion notice will be re-evaluated to ensure that it is still appropriate.
- 4.2.7 The police may, if appropriate, update the relevant PNC record with details of the exclusion notice ensuring that PNC national guidelines are complied with.

A decision to issue an exclusion notice should be in accordance with the Data Protection Act and the Human Rights Act.

The reason for issuing the notice should be recorded and kept with other supporting documentation including incident reports. It is recommended that partnership managers use the Human Rights Act 1998 “decision considerations” to record their decision making process. In all cases the decision to issue an exclusion notice must be justified, auditable, proportionate, appropriate and necessary. For example, where an individual’s offending behaviour relates exclusively to documented incidents, (ie shop theft), is it both proportionate and necessary to exclude him/her from all members’ premises, eg. members of pubwatch premises? The decision to exclude from specific premises should be justified and care taken to comply with race/sex discrimination law.

4.3 What action should members follow?

4.3.1 When a person is known to have previously been served an exclusion notice and is recognised inside a members’ premises (and not thought to have committed an offence at that stage), that person should be immediately asked to leave the premises as they are regarded as a trespasser.

4.3.2 The person will be informed that all other members of the scheme will be notified of their presence and if they attempt to enter, they will also be requested to leave those premises.

The fact that a person, subject of an exclusion notice, has been ejected from a members premises should then be communicated over the radio link system to all other members informing them that an excluded person (identify him or her by the reference relating to the individual concerned) is in the locality, giving a brief description of clothing and direction of travel.

4.3.3 The existence of an exclusion notice does not confer any additional powers for eviction and current procedures for removing unwanted persons as trespassers should continue to be exercised. (The offence is civil trespass and should the member wish to pursue a complaint, they should do this through the civil courts).

4.3.4 If an excluded person is suspected of committing any offence within a member’s premises, Police should be called. When an offender has been previously issued with an exclusion notice and that person is arrested committing another offence, the fact that they have been previously issued with an exclusion notice will be included in the evidence.

4.3.5 If an excluded person is subsequently charged with the offence, the partnership manager will arrange for a certified copy of the exclusion notice to be included on the prosecution file for the information of the Crown Prosecution Service (CPS).

4.3.6 The CPS have agreed that provided the required evidential procedures have been followed, they will inform the court of the existence of the exclusion notice, at the point of conviction, as antecedents.

4.3.7 The chair of the justices and the clerk to the magistrates court have been acquainted with the objectives of the scheme. They have indicated that if an excluded person is convicted of another offence against any partnership member, the existence of an exclusion notice will be considered as an aggravating fact and would be reflected in the sentence imposed by the court.

4.3.8 The local press will be informed by the partnership of the existence of the exclusion notice and the identity of the excluded person for publication.

5. Possible exceptions to the issue of an exclusion notice

Examples might be:

- a) When the decision is for a store caution. (Unless there is a recent history of repeat offending). The BoM will make the final decision.
- b) When the incident involves elderly or confused persons.
- c) Where, in the case of a juvenile, further police investigations lead to a decision not to prosecute. In this case, police may make a recommendation to the partnership to withdraw the exclusion notice.
- d) For first offences, depending upon the severity of the offences

Where a decision is made not to issue a partnership exclusion notice, the member still maintains the right to issue a ban in respect of their individual premises, which shall not form part of this scheme.

6. Time limits for exclusion notices

Exclusion notices must include a time limit, which will normally be twelve months, but may be extended as set out below.

Immediately prior to any exclusion notice becoming time-lapsed, the partnership will review each notice and determine whether or not the notice should lapse or be extended. Reasons for extending the period rests with the BoM and a record kept and reasons recorded.

Circumstances for extension of an exclusion notice will be either further evidence of re-offending (of relevant offences) within our area or a decision by the partnership, after consideration of any further information, which may be provided by partnership members.

Where an exclusion notice has been extended the offender will be notified together with the reasons, and the information circulated to all members.

The partnership may consider the early lifting of the order where exceptional circumstances prevail and the offender requests the lifting of the order in writing, giving reasons for the same.

7. Distribution of exclusion notice copies

Exclusion notice documentation should be produced in triplicate (by photocopy, if necessary), signed by the recipient if possible, with copies as follows: -

Copy 1 To be forwarded (or handed) to the person receiving the exclusion notice
(This should be sent by recorded delivery to the offender and the receipt slip retained with the indexed copy)

A copy of the partnership exclusion notice window sticker must be shown to the individual when he or she receives their copy of the exclusion notice so that the individual recognises those businesses that are members of the scheme.

Copy 2 To be handed to the police for inclusion in the arrest file. Details of the issue of the exclusion notice require being included in the statement of evidence provided for the offence.

Copy 3 To be held in the Cambridge Business Against Crime office by the partnership manager, in order that updated lists can be distributed to the membership on a regular basis.

8. Other information

*a). The breach of an exclusion notice may be regarded as an act of anti social behaviour. You may consider including a statement to this fact on the partnership exclusion notice, such as, **“If you breach this exclusion notice it will be regarded as an act of anti-social behaviour”***