B.O.B.B
(Behave or Be Banned)

PROTOCOL

1. INTRODUCTION

The ‘Behave or Be Banned’ scheme (B.O.B.B) is owned by the licensed trade. Its objective is to address criminal and disorderly behaviour / and or which may adversely reflect on the quality of service offered by the licensed trade in the area. It is operated in partnership with Essex Police.

2. OBJECTIVES

   a) To promote a safe and secure environment for customers within the night time economy on, or in the vicinity of or connected with licensed premises.

   b) To support the Licensing Objectives contained within the Licensing Act 2003 –

      Prevention of Crime and Disorder;
      Public Safety;
      Public Nuisance;
      The Protection of Children from harm.

   c) To reduce the use of controlled drugs.

3. PURPOSE

   The purpose of the B.O.B.B scheme is to prevent crime and disorder. For the purposes of identification the police may provide details of the person’s name, date of birth, height, any distinguishing marks and photograph.

   For the purpose of the administration of the scheme, address details will be provided.

4. STRUCTURE

   The Pubwatch will establish a sub-committee to oversee the scheme, consisting of at least three members who will decide on behalf of the whole membership whether to exclude those troublesome persons to achieve the stated objectives. The sub-committee will meet when required and in decision making a simple majority vote will determine a decision.
5. **PROCESS**

Data provided under the terms of the Protocol to the Pubwatch / sub-committee by Essex Police as detailed in Section 14 will be extracted from the following systems: Custody, Command and Control, Intelligence and Crime Recording.

The data will be sourced by the following staff: Licensing Unit, Officer in the Case or the allocated Pubwatch Officer.

Data will be shared only in the agreed written format as detailed in the Protocol using the Appendices’ specified.

6. **POLICE IMPARTIALITY**

The police will only attend a sub-committee meeting at the request of its members to provide impartial guidance, advice, information and support as necessary.

7. **PROPORTIONALITY**

Those partners to this agreement that are public authorities are satisfied that the nature of the information to be shared under this Protocol and the manner of such sharing is compatible with the requirements of the Human Rights Act 1998: having particular regard to the exemptions to the right to respect of family life set out within Article 8(2) of the European Convention of Human Rights.

The sharing of this information is proportionate to the need to reduce crime and disorder, as per Section 29(1) Data Protection Act. The licensed premises that are signed up to this agreement will be provided with the name, address, date of birth, height, any distinguishing marks and photograph (if available).

8. **MEMBERSHIP**

All licensed premises wishing to become members of the B.O.B.B. scheme will be required to sign a Membership Agreement (Appendix A) which incorporates a confidentiality clause. A member is defined as a business which has signed an agreement to abide by the Protocol and rules of the Pubwatch. On signing this agreement, members agree to abide by decisions made by the sub-committee and most importantly uphold the principle of ‘**Banned from one premises means banned from all**’ by enforcing the banning notices.

The business signatory will be the Premises Licence Holder / Designated Premises Supervisor or their nominee.

In order for information to be shared by the Police all members must abide by this Protocol. The police reserve the right to refuse such sharing.
9. OPERATION OF THE SCHEME

The scheme has been developed to prevent the following persons from entering the premises of B.O.B.B. members:

*Persons having been given a Penalty Notice for Disorder (PND), a Caution, Reprimand, Formal Warning or Charged with offences involving:*


b) Causing criminal damage;

c) An offence under the Public Order Act 1986;

d) Possession or supply of a controlled substance;

e) Possession of an offensive weapon.

It must be noted that the majority of offences will be committed by people who have consumed alcohol. However, people committing such offences may be banned whether alcohol has been consumed or not.

An official member of the scheme may nominate a person to be banned for the subsequent consideration of the sub-committee. The nomination should reflect the specific objectives in Section 2 of this Protocol. The member / sub-committee may then submit a written request for data from the police, whom will consider whether the release of the data is justified for the purpose of the prevention of crime and disorder. The nominating member should not form part of the sub committee adjudicating the outcome or any subsequent appeal.

Interim Banning Notices will be issued, on behalf of the Pubwatch by the police, on their explicit written authority. The police will give consideration to Section 2 of the Protocol together with the above-mentioned specified offences.

Where a person is charged with an offence and subsequently found not guilty at court or the charge is discontinued, any personal data issued to the Pubwatch members will be returned to Essex Police on request. The Pubwatch may however decide to continue with the ban but without police supplied data / photograph.

An Interim Banning Notice should be issued at the earliest opportunity. If not issued at the time of the conclusion of the police investigation (on the explicit written authority of the Pubwatch), any member may, at the earliest opportunity submit a written request to the sub-committee (Appendix E) for the consideration of a Full Banning Notice.

10. INTERIM BANNING NOTICE (Appendix B)

When an incident occurs on, or in the vicinity of, or connected with licensed premises and falls within the objectives detailed in Section 2, consideration will be given for an Interim Banning Notice to be issued by the police (on the explicit written authority of the Pubwatch) at the conclusion of the police investigation.

This notice will be for a period of 28 days. It will state which premises they are banned from (Appendix D). The ban will remain in force until written confirmation is received from the sub-committee that the ban has either been cancelled (Appendix H) or extended to a Full Ban.
The sub-committee will meet **(at the earliest opportunity)** to consider any Interim Authority issued on their behalf. The police will share information within the agreed protocols for data sharing to enable the sub-committee to take the appropriate action.

Banned persons will be banned from all premises listed on the Banning Notice together with any subsequent new members and displaying the B.O.B.B. poster (Appendix J) for that particular scheme. This will not apply to other B.O.B.B. schemes operating within the County.

Details of all Interim Banning Notices will be held by the Secretary of the Pubwatch with copies of the notice retained by the police.

**11. FULL BANNING NOTICE (Appendix C)**

All Full Banning Notices issued by the B.O.B.B. sub-committee will be for a period as determined by them, a maximum of 2 years. In certain circumstances this period may be reviewable – see Section 13.

The sub-committee may also consider any written request from one of their Pubwatch members in relation to the issue of a Full Banning Notice. The sub-committee can if required request information from the police using the release of personal data form (Appendix F). On receipt of the request the police will assess and determine that it is appropriate to share information and will provide such (Appendix G / G(i)) within the agreed protocols for data sharing.

Any Full Banning Notice issued by the sub-committee will be signed by the Chairperson or a member of the sub-committee and served in writing on the subject.

A copy of the Banning Notice will also be provided to the police for their records with original records being maintained by the Pubwatch.

In the majority of cases, people becoming subject of these procedures will usually have been arrested, processed and disposed of in accordance with local police policy.

**12. RIGHT OF APPEAL**

Each Pubwatch may want to consider whether there will be any circumstances in which a ban imposed by them might be lifted or varied before the end of the original period. Pubwatch schemes are neither courts of law nor (as a general rule) public bodies and there is therefore no duty on them to follow any particular procedure in making their decisions. In short, whether a Pubwatch has an appeals procedure or not and if they do, how they conduct them is entirely a matter for them. Any police involvement in a local Pubwatch appeal process must be requested by the Pubwatch in writing.

**13. BREACH OF INTERIM / FULL BANNING NOTICE**

In the event of a breach of a Banning Notice the person may be asked to leave the premises and an entry made in the relevant incident book or completion of forms Appendix K / Appendix L (as appropriate). If the subject refuses to leave, members may consider calling the police to assist. It must be clearly understood by Pubwatch members that the powers associated with ejection of patrons with police assistance (Section 143 Licensing Act 2003) relate solely to persons that are drunk or disorderly.
It is important that occurrences are brought to the attention of the main Pubwatch committee for consideration of alternative courses of action that might be available. On request the police may be able to give advice in this respect.

In the event of a breach of any Banning Notice or the person being further arrested and dealt with by the police for a relevant offence (see Section 11); this will referred back to the B.O.B.B committee for a decision.

14. PERSONAL DATA (Appendix F and Appendix I)

Any data / photographs supplied by the police remains the property of the Chief Constable who is the data controller and owner of this data. Data / photographs supplied by members remain the property of the member.

Members must exercise great care in the way in which they handle all data / photographs and, in particular, must agree to the security arrangements to protect such data / photographs and observe the following conditions:-

a) Data / photographs (if available) are released only to assist in identifying persons banned under the B.O.B.B. scheme.

b) Data / photographs will only be supplied to members against a signature and must be accountable at all times.

c) Data / photographs remain the property of the supplier and must be returned on demand.

d) Data / photographs must not be placed on public display or in a place to which the public may have access.

e) Access to data / photographs must be carefully controlled and restricted to members of the scheme and their staff, including door supervisors.

f) Data / photographs must never be copied or removed from the premises and must only be used for the purpose that they are intended and for no other reason. Failure to comply will constitute a criminal offence.

g) On expiry of the Notice, any data / photographs must be returned to the police / data supplier for destruction. These must not be destroyed locally.

h) Any breach of the Protocol may result in the supplier refusing to provide further photographs to the Pubwatch. An offending member may be liable to prosecution.

15. MISCELLANEOUS

Because of the risk of loss of information (i.e. Burglary etc) it is strongly recommended that Pubwatch members should consider obtaining indemnity insurance.

It is strongly recommended that the Pubwatch members register with the Information Commissioner’s Office (ICO) - www.ico.gov.uk as being responsible for the processing of personal data sharing as required by the Data Protection Act 1998.

Persons subject of the scheme are entitled to request a copy of the information held relating specifically about them by making their request in writing to the Pubwatch.
Essex Police will be granted unrestricted access to the data retained by each member / Pubwatch upon reasonable request.

No personal data should be retained for longer than is justifiably necessary within the terms of this Protocol.

Breach of the terms and principles of the Protocol may lead to individual members being excluded from the scheme or even the whole membership from being provided access to police data.

All members of the B.O.B.B scheme and their employees should be reminded that any use of police derived data not in accordance with the purpose described under Section 1 is likely to represent a criminal offence under Section 55 of the Data Protection Act 1998.

16. FLOWCHARTS

Appended to this protocol are a number of charts that provide a simplified overview of key processes.
1. All requests are sent to BOBB Committee who consider whether banning may be appropriate.

   Yes

   Committee request information from Police Licensing Unit regarding circumstances of application.
   Note: Include names of relevant appendices

   No

   Local Police Licensing Unit consider whether the request is supported by BOBB protocol.

      Yes

      Refer to point 5. of ‘Interim Order made Full’ Overview

      No

      B.O.B.B. Committee informed that no information will be provided (including photographs)

      B.O.B.B. committee meet to discuss and decided whether to proceed with Full Ban in absence of police information

**BOBB Objectives:**
Prevention of crime & disorder
Public safety
Public nuisance
The protection of children from harm
To reduce the use of controlled drugs

**Qualifying Offending:**
Charged; Cautioned; Reprimand; Formal Warning; PND for;
A) Acts of violence (further defined in protocol)
B) Causing criminal damage
C) An offence under The Public Order Act 1986
D) Possession or supply of controlled substance
E) Possession of Offensive Weapon
B.O.B.B. – Breach (Full Ban)
An overview

- **Person subject of existing BOBB Ban**
- **Issued a new BOBB Interim Ban via Custody Suite**
- **BOBB Members log further relevant incidents**

- **Inform BOBB Committee (refer to Interim Order made Full – An overview)**
- **Committee request information from police to clarify facts**

- **Licensing Unit prepare disclosure Note: include reference to relevant appendices**
  - Yes
  - No disclosure

- **Licensing Unit consider whether requested Disclosure falls within BOBB Protocol?**
  - Yes
  - No

- **BOBB Committee meet and consider available information. Outcome:**
  - Ban to continue
  - Change in terms of ban
  - Fresh ban for new offences

- **Committee to inform subject of ban in writing. Licensing Unit may provide admin. Support.**

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**BOBB Objectives:**
- Prevention of crime & disorder
- Public safety
- Public nuisance
- The protection of children from harm
- To reduce the use of controlled drugs

**Qualifying Offending:**
- Charged; Cautioned; Reprimand; Formal Warning; PND for;
  - A) Acts of violence (further defined in protocol)
  - B) Causing criminal damage
  - C) An offence under The Public Order Act 1986
  - D) Possession or supply of controlled substance
  - E) Possession of Offensive Weapon
B.O.B.B. ‘Interim Order made Full’
An overview

1. Interim Banning Notice issued in Custody

2. Copy of Notice provided to Local Police Licensing Unit

3. Licensing Unit confirms Notice issued properly

4. Licensing Unit contacts Pubwatch Coordinator to arrange B.O.B.B meeting.

5. The Police prepare papers for disclosure to Committee. (Note: Identify appendices for use & MG5 etc)

6. B.O.B.B meeting hold. Committee consider Interim Banning Notice. Decision to uphold the notice?

   Yes

   7. Committee exercise their discretion to issue Full Banning Notice and agree length of ban

   Yes

   Committee inform subject person that the Interim Banning Notice is cancelled

   No

   Licensing Unit inform subject person that the Interim Banning Notice is cancelled.

8. Full Banning Notice signed by B.O.B.B. committee member and issued to individual. (Police Licensing Unit may provide administrative support)

9. Copies of Banning Notice retained by Committee and Licensing Unit

10. Banning Poster created in accordance with B.O.B.B protocol and issued to Scheme members. Police Licensing Unit may provide administrative support
B.O.B.B. – Return of photographs  
An overview

If

Police

BOBB Committee

BOBB Member

Becomes aware that a person subject of either Interim or A Full BOBB Banning Notice

In respect of offences that led to a BOBB ban has been:

Found Not Guilty

Had case dismissed

That police have disclosed information to BOBB Committee/Membership (including photographs)

Police Licensing Unit

BOBB Committee

BOBB Committee will request information from Police to confirm facts

Note: Details of relevant appendices here

Police Licensing Unit will draft material for disclosure to Committee

Note: Insert detail of relevant appendices

BOBB Committee meet to consider available information. Committee decide next step

Ban to be varied

Ban to be cancelled

Committee informed subject in writing. Police Licensing Unit may provide Admin Support

BOBB Committee inform subject that membership wish to maintain ban but that all material from a police source to be returned for destruction

All information relating to the subject (including photographs) are returned by BOBB members to Police Licensing Unit

Police Licensing Unit ensure all relevant records are diligently and appropriately recovered and destroyed

Immediately inform
B.O.B.B
(Behave Or Be Banned)

Membership Agreement

I confirm that I have read the Behave Or Be Banned Protocol together with this document and agree to comply with the terms set out therein and to abide by its regulations

1. Any member found not to be complying with the terms of the B.O.B.B. Protocol will be excluded from the scheme.

2. The B.O.B.B. sub-committee will regulate the scheme and hold meetings as required.

3. Data / photographs supplied by the police or any member including pictures of banned/excluded persons must not be on public display or in a place to which the public have access.

4. Data / photographs:- All members must comply with Section 14 of the B.O.B.B. protocol.

5. The local police licensing unit will provide administrative support to the Pubwatch Committee in relation to the appeals process, if requested to do so..

Signed:……………………………………….Date: ………………………………..

Name (Print): …………………………………………………………………………………

Premises: ………………………………………………………………………………...

Member of ……………………………………………..……………..…Pubwatch

Note: In order to share relevant data the police need to be confident that members understand and comply with the B.O.B.B. protocol. A copy of this Membership Agreement will be provided to the police.

Version 1.2 Jan 2012
B.O.B.B
( Behave Or Be Banned )

Interim Banning Notice

Name and address detail

Name: ____________________________________________ Date of Birth: ______________________________

Take note that for three months (from this notice) you are banned from entering any member of ____________________________ Pubwatch (shown on the attached list) displaying a B.O.B.B logo.

If you enter these premises you will be considered to be a trespasser, risk ejection and may be liable to further prosecution.

As a result of your alleged behaviour on (date) ________________________________
at (Location) ________________________________________________________________

The Committee of the Watch Group has asked Essex Police to issue this notice to you on their behalf. The Committee is independent of the police. The Committee will meet to discuss your case and consider whether the Interim Ban should be extended to a Full Ban (for a longer period), cancelled or otherwise amended. They will inform you of their decision in writing.

Signed: __________________________ Print: ________________________________
(person serving the notice)

Time: ________________ Date: ________________________________

Signed: ________________________________ ________________________________ (person being served)

This notice is issued following the explicit written request of the above Pubwatch. For the purpose of managing B.O.B.B. personal information including a photograph will be shared by police with members of Pubwatch. Copies of this notice are retained by the police and provided to the Pubwatch B.O.B.B. sub-committee and may be used in any subsequent court proceedings. Loss of the document will not amount to a defence of ignorance.

Do not enter any licensed premises displaying the B.O.B.B logo
See attached list

ONE COPY – to person subject to Notice

ORIGINAL – retained for B.O.B.B. Committee records
B.O.B.B
(Behave Or Be Banned)

Full Banning Notice

Name and address detail

Name:………………………………………………………   Date of Birth:……………………………………..

Take note that as a result of your alleged behaviour on (date)…………………………………….
at (Location)………………………………………………………..………………………………………………….
with immediate effect you are banned from entering any member premises of  ………………….
Pubwatch displaying a B.O.B.B logo. This ban lasts for……..months and expires on………………

This notice is to inform you of the decision of Pubwatch and that you are not welcome in member’s
premises (shown on the attached list). If you enter these premises you will be considered to be a
trespasser, risk ejection and may be liable to further prosecution

Should you breach or attempt to breach this ban the Pubwatch sub-committee may take steps to extend its
term.

This notice is issued by the Pubwatch B.O.B.B. sub-committee. This Committee is independent of the
police. For the purpose of managing B.O.B.B, personal information including a photograph will be shared
between the police and members of Pubwatch. Copies of this notice are supplied to the police and may be
used in any subsequent court proceedings. Loss of the document will not amount to a defence of
ignorance.

Do not enter any licensed premises displaying the B.O.B.B logo
See attached list

ONE COPY – to person subject to Notice               ORIGINAL – retained for BOBB Committee records

Version 1.2 Jan 2012
**B.O.B.B**
(Behave Or Be Banned)

**[Pubwatch name]: List of member premises**

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<th>NAME</th>
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Note: This list was accurate at time of issue. New member premises may have joined the scheme since. Persons banned are banned from all premises displaying the B.O.B.B. logo and this may include premises that aren’t shown here.

**Do not enter any licensed premises displaying the B.O.B.B logo**
Nomination of person to B.O.B.B. scheme by Members

Name: .............................................................................................................

Address: ........................................................................................................

Post Code: ....................................................................................................

Date of Birth / approximate age: .................................................................

Description: .................................................................................................

....................................................................................................................

Photograph available: Yes / No (see Section 14 of Protocol)

Reason for Nomination:-

Premises: ........................................................................................................

Name: ............................................................................................................

Signed: .......................................................... Date: ....................

Member of .................................................... Pubwatch

Version 1.2 Jan 2012
B.O.B.B
(Behave or Be Banned)

Application by ……………….. B.O.B.B. Committee / Member of Pubwatch to the police for release of information

Details (if known) of the person about whom information is sought

Name: ……………………………………………………………………………………………
Address: ……………………………………………………………………………………………
Date of Birth / approximate age: ………………………………………………………………………
Description: ……………………………………………………………………………………………
………………………………………………………………………………………
………………………………………………………………………………………
………………………………………………………………………………………

Photograph available? Yes / No

Details of incident

Time: …………… Date: ……………

Police STORM incident number (if known): EP-………..

Summary: ……………………………………………………………………………………………
………………………………………………………………………………………
………………………………………………………………………………………
………………………………………………………………………………………

Person making the application

Name (Print): ……………………………………………………………………………………………

Signed: ………………………………… Date: ………………………

Premises (Print): ……………………………………………………………………………………………
# B.O.B.B
(Behave Or Be Banned)

## Release of Information by Police to

... Pubwatch

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<th>Name of Subject:</th>
<th>Date of Birth:</th>
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### Alleged offence detail

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<th>Location:</th>
<th>Offence:</th>
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<th>Time:</th>
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The police have assessed the request for release of information from B.O.B.B. Committee/Member of Pubwatch dated ... and have determined that it is appropriate to share the following information in accordance with the B.O.B.B. Protocol.

### To whom the information was released

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<th>Name(s):</th>
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Detail of information released by police to persons shown above. This should include both initial disclosure and secondary if applicable (e.g. in response to ancillary questions from Committee members at case hearing).

For continuation sheet please use Appendix G(i)

### Details of police representative making disclosure

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A601b (14/07/11)
B.O.B.B
(Behave Or Be Banned)
Release of Information by Police to
........................................................................ Pubwatch

Continuation Sheet

Name of Subject: ........................................................................................................
Date of Birth: ........................................................................

Continued:
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Details of police representative making disclosure

Signed: ........................................................................................................ Date: ........................................
Print: .........................................................................................................................
Dear Sir/Madam,

Please take note that the Interim Banning Notice issued to you on (date)…………………….. prohibiting you from entering premises displaying the B.O.B.B. logo has been considered by the relevant Pubwatch committee.

The ban has now been cancelled for the following reason(s):

……………………………………………………………………………………………………..….
……………………………………………………………………………………………………....

Please note: should you come to the attention of the B.O.B.B. committee in the future, details of this case may be taken into account when considering whether or not to issue further banning notices.

It should also be noted that each individual member of the scheme has the common law right to refuse admission and some may decide to exercise that right.

Signed…………………………………………. ………………….  Date…………………
(Pubwatch sub-committee member)

Member of ……………………………………………………………………………………………Pubwatch

Version 1.2 Jan 2012
B.O.B.B
(Behave or Be Banned)

This sheet or any image contained in it MUST NOT be viewable by unauthorised persons or left / placed in a position where it may be seen by members of the general public

FULL BANNING NOTICE

Name: 
Date of Birth: 
Height: 
Any distinguishing marks: 
Banned until: 

This document remains the property of the police. It must not be copied or circulated.

It must be kept safe by Pubwatch members and returned on request or at expiry of the ban, whichever is sooner
B.O.B.B.

Behave Or Be Banned

MEMBER

We Exclude Troublemakers From These Premises
B.O.B.B
(Behave or Be Banned)

This form is to be handed to any person who has either attempted to gain or has gained entry to your premises whilst they are still the subject of a current B.O.B.B.

Issued to: ......................................................................................................................

You have been handed this to inform you have either (delete as applicable):

A. Entered this premises

B. Attempted to enter this premises

Whilst it is believed you are currently still subject of a B.O.B.B. ban.

As a result of this the Pubwatch Committee will be informed of your actions. This could result in your ban being extended from its current term.

To avoid confusion all premises that are members of the B.O.B.B. scheme will be displaying the B.O.B.B. poster at the entrance to their premises.

If you have any queries as to the content of this letter please contact the Police Licensing Unit on ........................................

Premises:..................................................................................................................

Member of .........................................................................................Pubwatch

Do not enter any licensed premises displaying the B.O.B.B logo

Version 1.2 Jan 2012
Send to:

Essex Police

………………………………………………………………………………….Licensing Unit
………………………………………………………………………………….………..
………………………………………………………………………………….………..
………………………………………………………………………………….………..
………………………………………………………………………………….………..

B.O.B.B
(Behave or Be Banned)

The following are details of a person who is currently subject of a B.O.B.B. who has either gained or attempted to gain entry to our premises.

Name of person in question:…………………………………………………………

Premises:………………………………………………………………………………

Date:…………………………………………………………………………………..

Time:…………………………………………………………………………………..

Entered or attempted to enter (Delete as applicable).

Issued with a warning letter (Appendix K): YES / NO (Delete as applicable)

Circumstances:

…………………………………………………………………………………………
…………………………………………………………………………………………
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…………………………………………………………………………………………

Name of person completing form (print details):……………………………………

Member of …………………………………………………………………Pubwatch

Version 1.2 Jan 2012