

# Great Aycliffe Town Council



## EXCLUSION POLICY

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# EXCLUSION POLICY

## Introduction

- 1 Following changes in legislation particularly the 'Openness of Local Government Bodies Regulations 2014, Recording of Decisions Made by Officers of the Council' a number of changes have been included in this policy to ensure compliance.
- 2 For the purpose of this policy, managers and officers making any decisions which affect the rights of the individual in particular should be aware of operational and reporting requirements set out below.
3. Officers of the Council have delegated powers to apply exclusions for the Town Council owned parks, play areas and facilities. Records of officers' decisions must be redacted and placed on the Town Council website and a report must be given to the next appropriate committee for Members information and to discuss any implications.
- 4 The Council are responsible for setting acceptable standards of behaviour from people using Council facilities including the Council Offices, Oakleaf Golf Complex, Pre-School and the Environmental Centre at Moore Lane.
- 5 As the licensee of the Sports Complex the Leisure Manager is the responsible person for the licensed areas and within the licensed areas can apply any exclusion considered appropriate at the time but must follow with a report to Recreation Committee. As owners of the building the Town Council are responsible for all other areas.
- 6 The Sports Complex and council facilities aim to provide a safe and secure environment for people to enjoy sport and recreation activities. It is with this in mind the following exclusions and time limits have been set out. Where applicable the time frames that Pub Watch use have been taken into consideration. As a public body the Council must ensure no Human Rights are being infringed and as such may not apply what may be considered as an unnecessarily long exclusion.
- 7 The Sports Complex is an active member of Newton Aycliffe Pub and Club watch scheme, any incident occurring in the Bar area of the Sports Complex will be reported at the first Pub and Club watch meeting following the incident. The incident will be discussed with members who will then take a vote on whether or not a ban should be given and how long that ban will be. If the incident is only minor then the perpetrator could be put on a 'For Information Only' list but if it is a major incident they would be banned for 1 year and it would be reviewed every year as a life ban cannot be given due to human rights. Bans or exclusions resulting from the Pub Watch Scheme do not fall under the Town Council's reporting procedures.
- 8 In the event of facts being unclear the appropriate Manager, or Committee, decision is final.

## Appeals

- 9 Customers have the right of appeal through the Comments and Complaints Procedure or the General Appeals Sub-Committee.

## Exclusions

- 10 ***Any exclusion can be of varying lengths according to the severity of any offences committed and the following details are for guidance only.***
- 11 ***All incidents will be investigated and it must be stressed that decisions to implement an exclusion period will be made on the facts of each individual incident. Previous incidents may be taken into account and if the incident is considered so serious that the safety of staff or users may be in jeopardy a longer exclusion than set out below may be applied. If necessary, once reported, Members may wish to specify that an exclusion can be concurrent or consecutive if there is more than one matter to take into account.***
- 12 ALL timeframes set out below are just guidelines. It will be the responsibility of the appropriate officers to agree a time period for each incident prior to it being reported at the next appropriate meeting.

All exclusions longer than 12 months will be reviewed at 12 months.

Any breach of an exclusion may result in a subsequent exclusion being added to the end of the current exclusion.

- **CAUSING DISTRESS TO A MINOR**

Immediate suspension with follow up letter confirming the incident and exclusion time to be applied. 6 weeks to 2 years, depending on the nature of the incident or if a previous exclusions has already been applied, reviewed after 12 months if applicable.

- **REFUSAL TO LEAVE A BUILDING OR COUNCIL FACILITY**

7 day exclusion, in all instances.

- **WEAPONS OR DRUG RELATED INCIDENTS**

- All incidents involving a weapon or drugs will be reported to the Police to investigate.
- A 6 week exclusion applied in all drug related instances with follow up letter confirming the incident and exclusion time to be applied which is then reported to the appropriate committee. If the same person is caught in a drug related incident on their next visit then a 6 month exclusion is to be issued confirmed in a follow up letter. If upon return, after this exclusion, the same person continues to be involved in drugs a further 12 month exclusion will be applied and reported to the appropriate committee.
- Any weapon related incident will result in an immediate minimum 12 months exclusion with follow up letter confirming the incident and exclusion time to be applied which will be reported to the appropriate committee.

- **VERBAL ABUSE TO STAFF OR MEMBER OF THE PUBLIC**

Immediate suspension with follow up letter confirming the exclusion period to be applied.

Serious verbal abuse – An exclusion period between 6 to 12 months can be applied depending on the severity of the incident, to be reported to the next appropriate committee. The incident should be reported to the Police, if necessary.

- **FOUL LANGUAGE & DRUNKENESS**

2 warnings and then asked to leave the premises and informed that they cannot return on the same day.

If the same person uses foul language on their next visit then a 6 week exclusion is to be issued confirmed in a follow up letter. If upon return, after this exclusion, the same person continues to use foul language a 12 month exclusion will be applied and reported to the appropriate committee.

If the same person continues to exhibit unacceptable drunken behaviour on any subsequent visits then a 6 month exclusion is to be issued, confirmed in a follow up letter and reported to the appropriate committee meeting.

- **THREATS OF VIOLENCE**

Immediate suspension of 6 weeks confirmed in a follow up letter. If the same person uses threats of violence on their next visit, then a 6 month exclusion is to be applied and reported to the appropriate committee meeting. The incident should be reported to the Police, if necessary.

- **FIGHTING**

Immediate suspension confirmed in a follow up letter which will include the exclusion period to be applied. An exclusion period of between 6 months to 2 years can be applied depending on the severity of the case which will be reported to the next appropriate committee meeting. The incident should be reported to the Police, if necessary.

- **PHYSICAL ASSAULT ON STAFF OR MEMBER OF THE PUBLIC**

All physical assaults on staff or member of the public will be reported to the Police to investigate. Physical assault also includes spitting at a person. Staff must complete an incident form and provide a verbal report to the appropriate Manager as soon as possible after the event.

Immediate exclusion for 2 years from all Town Council facilities, with a report to the appropriate Committee. Each incident will be considered individually.

- **DAMAGE TO PREMISES**

Any incident involving damage to premises should be reported to the Police. Immediate exclusion for 18 months to be reviewed after 12 months with a report to the appropriate Committee. Serious damage costs will lead to legal action being taken to recover the costs.

<b>Exclusion Time Frame</b>	<b>Action</b>	<b>Reporting</b>
6 weeks or less  Operational	<ul style="list-style-type: none"> <li>• Immediate verbal temporary suspension with person being informed a meeting will take place and a confirmation letter will be sent to their home address.</li> <li>• Meeting with a Senior Manager.</li> <li>• Letter sent to parents or person if over 18 confirming incident, details and right of appeal</li> </ul>	<ul style="list-style-type: none"> <li>• Incident report completed.</li> <li>• Record of Officers decision taken under delegated powers report required.</li> <li>• Redacted version to be given to admin and reported to committee.</li> <li>• Redacted version to be placed onto the Town Council website.</li> <li>• Original to be passed to the Town Clerk to file in a secure location.</li> </ul>
Anything over 6 weeks  Committee Report required	<ul style="list-style-type: none"> <li>• Immediate suspension with person being informed the incident will be confirmed in writing and the exclusion period will be confirmed then reported at the next appropriate committee meeting</li> <li>• A meeting will take place with a Senior Manager and a confirmation of the suspension letter sent to their home address giving details of the meeting date.</li> </ul>	<ul style="list-style-type: none"> <li>• Person who gave suspension to complete an incident report with a Senior Manager.</li> <li>• Senior Manager to complete a committee report.</li> </ul>

## EXCLUSION PROCEDURE

If **any** incident occurs where an exclusion may be applied the following procedure must be followed.

1. An immediate verbal temporary suspension should be given and made clear to the suspended person that they may not re-enter the premises until a meeting has been undertaken with the Manager/appropriate Senior Officer. (See guidance table above) If you are confident in the nature of the incident and the exclusion period inform them of that at the time. Whenever possible obtain the persons' name address and a contact telephone number.
2. Ensure the area is safe – including any people and/or equipment.
3. In the event of a serious incident of assault, theft or similar, inform the Police as soon as possible.
4. Investigate the incident and take statements – including any witnesses to the event.
5. Take photos of the incident – including any injuries or causes of accidents.
6. Log the incident in the appropriate register.
7. Complete an accident /incident report if required, including near misses.
8. Ensure a complete discussion of the incident is undertaken with the Manager/appropriate Senior Officer. Any exclusion will follow the guidance in the table above.
9. If an exclusion is to be given, notify the person as soon as possible. Confirm the exclusion in writing if possible. Ensure the person being excluded understands that they must arrange a meeting with the Manager or receive a letter from the Town Council, prior to being allowed back onto Town Council premises.
10. All exclusions must have a 'Record of Officer decision taken under delegated powers' complete and published on the Town Council's website (redacted). A copy of redacted forms will be held electronically.
11. A copy all information should be given to the Town Clerk who will file all documents together in an appropriate secure location.