

## 10. 2 EXCLUDING THE UNDESIRABLE 2

### *Exclusion orders*

112. It is of course not only the licence holders or registered club that must be the subject of sanction and penalties. Licensees and their staff are often the victims of violent crime themselves and require proper protection. It is important to note particular provisions of the existing laws which we believe could be more actively used now, but will require some modernisation. The first concerns the provisions of the Licensed Premises (Exclusion of Certain Persons) Act 1980. Following conviction for an offence committed on licensed premises involving violence or threats of violence, these provisions enable the court to make an order prohibiting the person from entering those premises and any other specified licensed premises. The order may remain in force for between three months to two years. We propose that the courts should be empowered to extend such bans up to ten years. In the



most serious cases involving violence, it should be open to courts to ban an individual from licensed premises for life.

113. Secondly, the Licensing Act 1902 includes provisions prohibiting the sale of intoxicating liquor to people declared by the courts to be “habitual drunkards” for a period of three years. The

courts should also be able to extend these prohibitions for up to ten years.

114. The importance of these provisions is heightened by the proposals we have set out in this White Paper which anticipate a more family orientated and café style environment in many public houses. Those who have a propensity to violence and who cannot drink and behave acceptably should be excluded from licensed premises and from registered clubs. In particular, these issues need to be addressed against the background of our proposals concerning access to licensed premises and registered clubs by children.

### *The personal security of retailers*

115. We have received representations from the trade which point out that many existing off-licence retailers, particularly those opening later at night, can feel intimidated and vulnerable to certain customers. They have in mind those who are drunk (whom it is unlawful to serve) and others who behave aggressively. They resent the fact that they are often seen as the problem when they believe they are entitled to proper protection themselves. At present, shopkeepers are forced to obtain injunctions barring particular individuals from their shops.

116. Accordingly, we propose:

- ✓ that the existing powers to exclude individuals from on-licensed premises, should be extended to permit the exclusion of named individuals from specified off-licensed premises and registered clubs where alcohol related offences have been committed
  
- ✓ placing a duty on the courts to consider exclusion in any case where an individual is convicted for an offence involving disorder or violence on licensed premises of any kind or in a registered club.