



# **BRAUNSTONE TOWN COUNCIL**

Serving the communities of Braunstone Town and Thorpe Astley

## **CORPORATE WARNING AND BANNING POLICY AND PROCEDURE**

### Purpose and Principles

1. Braunstone Town Council has a duty to ensure that staff and volunteers working for the Council, Councillors and customers, hirers and users of the Council's services are able to undertake their work or access the Council's services free from all types of discrimination, abuse, threatening behaviour and harassment. The Council has a duty to protect the safety and welfare of its staff, volunteers, Councillors, customers, hirers and users and will not tolerate unacceptable behaviour.
2. The purpose of the Corporate Warning and Banning Policy and Procedure is to define the process of either issuing a warning and/or banning a member of the public from using the Council's services following an incident of inappropriate behaviour.
3. An unreasonable or unreasonably persistent member of the public is one which, because of the frequency or nature of their contact, hinders the effective delivery of the Council's services; examples include:
  - a) antisocial behaviour;
  - b) damage to property;
  - c) danger to and breaches of health & safety;
  - d) physical assault or perceived threat of physical assault;
  - e) verbal assault;
  - f) inappropriate behaviour of a sexual nature;
  - g) discriminatory behaviour or language in relation to race, gender, age, disability, sexual orientation;
  - h) inappropriate use of facilities;
  - i) substance abuse – includes being under the influence of alcohol or drugs;
  - j) activities deemed to be abusive, threatening or inappropriate; and
  - k) theft or fraud.
4. It is a formal process, which involves formally recording and issuing a warning and/or a ban.

### Scope

5. This policy applies to members of the public who engage in abusive, threatening or inappropriate behaviour.

6. This policy is not intended to prevent members of the public from raising legitimate and important concerns, enquiries or requests, or from pursuing them.
7. In this Policy & Procedure, members of the public includes residents, hirers, users, customers (anyone who is not a Town Councillor, Town Council employee or Town Council volunteer).

### Process

8. For one-off occurrences of poor behaviour an individual can be asked to leave the premises by a member of staff.
9. If a member of staff, volunteer, councillor or member of the public experiences or witnesses inappropriate behaviour they are advised to report to a staff member who will apply the policy, procedure and guidance. A decision to issue a ban will be based on:
  - a) Staff reports of an incident or a behaviour
  - b) Recorded evidence of existing and/or previous unacceptable behaviour
10. If a member of staff, volunteer, councillor or member of the public experiences or witnesses inappropriate behaviour they are advised to report to a staff member who will apply the policy, procedure and guidance.
11. A member of staff on duty should gather evidence and record details relating to the behaviour/incident using the appropriate procedure which typically would involve recording the details in the Incident Book or on the Incident Report form.
12. The Chief Executive and Town Clerk and/or relevant Service Manager will assess the evidence and recorded incidents in order to determine whether to formally log and issue a warning / ban to a member of the public.
13. Evidence includes:
  - a) Staff reports of an incident/behaviour
  - b) CCTV images
  - c) recorded evidence of existing and/or previous unacceptable behaviour
  - d) Intelligence from local PCSO/police
14. Prior communications with any member of the public who is exhibiting unreasonable or unreasonably persistent behaviour will have included a verbal warning that their behaviour is unacceptable, and so it is important that this is recorded.

### Banning Orders

15. The Chief Executive & Town Clerk and/or responsible Service Manager will determine the length of the banning period based on the severity of the behaviour/incident.

16. The person responsible for issuing the banning order will determine the length of the banning period based on the severity of the behaviour/incident/repeat offending as follows:
  - a) 2 weeks
  - b) 1 month
  - c) 3 months
  - d) 6 months
  - e) 12 months
  
17. A 12 months ban will apply in the following circumstances:
  - a) physical assault or perceived threat of physical assault (towards staff or members of the public)
  - b) verbal assault (towards staff or members of the public)
  - c) inappropriate behaviour of a sexual nature (towards staff or members of the public)
  - d) discriminatory behaviour or language in relation to race, gender, age, disability, sexual orientation (towards staff or members of the public)
  - e) inappropriate use of Council equipment
  - f) theft
  
18. Where it is felt appropriate to issue a ban of more than 12 months, the Chief Executive & Town Clerk will report to Policy & Resources Committee in private session and the Committee will determine, using the evidence before it, whether to approve the recommendation or make an alternative decision. The individual subject to the ban has no right to attend or contribute to the item in private session; however, the individual will have the right of appeal using the Council's Complaints Procedure.
  
19. The Council will do its best to communicate with the individual concerned where a warning has been issued or a ban has been applied by
  - a) sending either a paper copy of the policy or a link
  - b) explaining why they are applying the policy to the individual
  - c) detailing what it means for their future contact with the Council and how long any restrictions will last
  - d) explain how the individual may challenge this if they disagree with the course of action by using the Council's Complaints Procedure
  
20. Behaviour considered to be harassment, aggressive or a threat to safety and welfare may also lead to police involvement or legal action. In such cases, where there is a need or justification for protecting staff, volunteers, Councillors, other customers, hires and service users, the Council may not need to give the individual concerned prior warning of this action.
  
21. The relevant Service Manager will inform appropriate staff of any banning order applied and its terms.

22. If a member of the public has received a number of verbal warnings; then the Chief Executive & Town Clerk and/or relevant Service Manager can decide to impose a banning order.
23. Where a member of the public has received several banning orders, the Chief Executive & Town Clerk and/or relevant Service Manager can decide to impose a longer ban

#### Appealing a ban

24. Where a member of the public is unhappy with the application of a ban, which could either be the ban itself or the terms of the ban, the individual should raise their objections using the Council's Complaints Procedure. Any complaint submitted in this respect will be considered at the Formal Stage of that Procedure (the outcome of which can be appealed).

#### Managing a Banning Order

25. Where a member of the public has a live banning order, staff and volunteers should ask the individual to leave any premises where the ban is applicable and should record this in the Incident Book or using the appropriate report forms.
26. If the individual concerned refuses to leave and/or keeps returning, then the police should be called on 101. Where there is an immediate threat to staff/public safety then call 999 or activate the attack alarm. These incidents must be recorded.

#### Information and Record Keeping

27. The Council will maintain a Corporate Warning and Banning Register detailing Written Warnings and Bans issued under this policy & procedure.
28. Whenever this policy is applied, we will record in the Corporate Warning and Banning Register in line with GDPR requirements:
  - a) any correspondence or interactions with the member of the public written or verbal
  - b) name, contact details, images of the individual, as appropriate, the details of the warning or the ban, and the reasons for issuing it.

#### Review of the Policy

29. This Policy will be reviewed by the Policy & Resources Committee every three years following consultation with residents, customers, users, councillors, staff and volunteers.

DATE ADOPTED	16th January 2023	REVIEW DATE	January 2026
REVISED DATE/S			