

Code of Best Practice for Licensed Premises

The purpose of this Code is to assist applicants and those responsible for managing licensed premises to operate in a safe and responsible manner.

Our aim in publishing this Code of Best Practice, is to build on the good relationships we have already established with the trade and partnership agencies to encourage communication, information sharing and partnership working.

The Code is not statutory guidance but a guide to encourage Best Practice throughout the Authority Area. However, the four licensing objectives that underpin the framework of the licensing legislation should be of paramount consideration at all times.

It's good to talk!

Members of the Licensing Team are here to discuss your licensing needs, as well as all the options available to you. We actively encourage event organisers and applicants to engage in pre-application discussions with any relevant Responsible Authorities or Residents' Associations.

The Authority acknowledges that one size doesn't fit all and that the individual style and characteristics of the premises will dictate what measures are considered appropriate and necessary for your business or client.

PREVENTION OF CRIME & DISORDER

Don't be afraid to say "No!"

- In times of austerity it is difficult to turn away custom, however you have the right to refuse admission to undesirable patrons and have a legal obligation to refuse to supply alcohol to anyone who is drunk or underage, or to any person who is buying alcohol for someone who is drunk or under age.
- In respect of the above, it's always a good idea to maintain a Refusals Register of refused sales and refused admissions.
- Local "Pubwatch/Nightwatch" schemes already operate within the Authority area offering both support and an opportunity for the trade to share information. If you are not already a member of one of these schemes just contact the Licensing Team at licensing@bathnes.gov.uk or call 01225 477556 for up to date contact details.
- If you supply alcohol by virtue of a Club Premises Certificate you will already be aware of the mandatory condition requiring all alcohol supplied for consumption off the premises to be in sealed containers. If your premises licence does not endorse this, the Authority would encourage the best practice of all alcohol sold for consumption off the premises being supplied in its original, sealed container.

Dispersal Policy

- Why not employ your Door staff to supervise patrons leaving premises en masse and to remain on duty for 20 minutes after closing?

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- Have you considered allowing your customers to wait inside the premises for their transport home?
- If Late Night Refreshment is permitted under your authorisation why not serve coffee and non-alcoholic beverages to those who are waiting for transport?
- Please be aware of any vulnerable people. Are there any young females leaving your premises alone for example? Could you offer to call a cab on their behalf and allow them to wait inside the premises?

Drugs Policy

- Advertise the fact that the premises has a “Zero Tolerance” policy in respect of drugs by prominently displaying signage at the premises.
- Refuse entry to any known or suspected drug dealers.
- Although not a legal requirement, premises who implement a drugs policy are demonstrating that they are taking a pro-active approach to safeguarding both their customers and their staff.
- Depending on the nature of the premises, search policies may be appropriate.
- Regularly carry out toilet checks and maintain a record of such checks or employ a toilet attendant or supervisor.
- Any items seized should be recorded and placed in an envelope or drugs bag detailing what the item is, the date it was found/seized and by whom. Place any items in a safe or drugs box and contact the Police.

Security

- If you are using CCTV it is essential that the system is maintained in good working order.
- Ensure footage is kept for a minimum of 31 days and made available to the Police or Licensing Authority upon request. Train staff so that they are competent at carrying out this task.
- Focus on internal areas that are accessible to the public and areas immediately outside the premises.
- Consider using an alarm system or other security measure so as to protect the premises when it is closed or empty.
- Notices advising “CCTV in operation” can act as a deterrent, as does the use of outside lighting – be careful not to cause a nuisance with regards to the latter.
- Review your security policy regularly.

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Door Staff

- Any door staff or persons employed to supervise the door or carry out security functions must be registered in accordance with the Security Industry Authority (SIA) Regulations.
- Fluorescent jackets can help customers more readily identify those who are employed to carry out a security function at your premises. If your authorisation does not require this then ensure that badges worn by SIA registered staff are always prominently displayed.

Search Policies

- Even if the need is considered low, some licensed premises would benefit from having a search policy even if it only consists of randomly searching bags.

Promote Well-Being and Reduce Anti-Social Behaviour, Crime and Disorder

- Refuse single can sales and refrain from displaying alcohol by exits or tills
- Offer a wide range of non-alcoholic beverages
- Remove super-strength (10%) cider, lager and beers from the offering
- Ensure all drinks promotions are risk assessed accordingly and comply with existing legislation!
- Cheap alcohol – do not sale alcohol below the cost of duty plus VAT and help reduce the number of people drinking to excess within our communities

PREVENTION OF PUBLIC NUISANCE

Sssssssshhhh!

- Displaying signage at all exits requesting customers to be considerate of your neighbours when leaving the premises is a pro-active, cost effective way of promoting this licensing objective.
- Have you considered restricting the use of any outside areas the premises may have as a means of preventing nuisance?
- Environmental Health Officers are available to offer advice in relation to reducing noise emanating from your premises. In addition the team has produced a Code of Practice and guidance notes on controlling noise at concerts and outdoor events. For further information please email environmental_protection@bathnes.gov.uk or telephone: 01225 477563.
- Keeping the frontage of your premises clean and clear of litter will not only prevent nuisance but will also make your premises more attractive to potential customers.

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- Consider closing windows and external doors after 23:00 when regulated entertainment is taking place.
- Be mindful of any outside lighting – there needs to be a balance between promoting public safety and preventing public nuisance.

PUBLIC SAFETY ON THE PREMISES

- To promote the safety of your customers whilst on the premises consider using polycarbonate or toughened glass after a certain time or during a specific event.
- Ensure that you promptly clear away any empty glasses or abandoned drinks from the bar, tables or outside areas.
- Under the Regulatory Reform (Fire Safety) Order 2005 you must risk assess your premises. Fire Safety Officers can offer advice to assist you with your assessment. For further information please contact:

Avon Fire & Rescue Service
Temple Back
Bristol BS1 6EU

Telephone: 0117 9262061 or email: BathCFSEnquiries@avonfire.gov.uk

- Do not carry out any irresponsible drinks promotions at or from your premises that encourage people to drink more than they would ordinarily do or faster than they would ordinarily do.
- Maintain a documented accident record at your premises, detailing the date, time and nature of any accident.
- Have you given due consideration to capacity limits and do you have an evacuation policy in respect of your premises? Have your staff received training in respect of this?

PROTECTION OF CHILDREN FROM HARM

Everyone involved in the licensing process has a duty to protect children from moral, psychological and physical harm.

- Always provide training for staff in relation to age related products and age/alcohol related offences to prevent any sales of alcohol to persons under the age of 18 taking place at your premises.
- For information relating to the illegal tobacco campaign visit www.stop-illegal-tobacco.co.uk.

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- Be aware that Test Purchase operations are actively carried out within the Authority Area. To report under-age sales please contact the Trading Standards Team.
- As it is a mandatory condition for you to have an age verification policy in place, why not protect yourself and your staff by adopting one of the following schemes?
- Retailers may reserve the right to refuse to sell alcohol to an adult accompanied by a child, if they believe the alcohol is being purchased for the child.

Challenge 21

- Awareness of the need for those involved in selling alcohol to be vigilant in preventing underage sales has for many years been raised by The British Beer & Pub Association's "Challenge 21" scheme. The scheme is a reminder to customers that it is illegal to purchase alcohol if you are under 18 years of age, or to purchase alcohol on behalf of anyone under 18 years of age.
- Challenge any person who appears to be under 21 years of age and refuse to serve alcohol to them unless proof of age bearing the persons photograph, date of birth and a holographic mark is produced. Use only passport, driving licence or accredited "PASS" card as proof of age.
- Hard copies of the "Challenge 21" poster (recently updated to include military I.D.) may be obtained from the BBPA's shop free of charge to members or downloaded for free from:

<http://www.beerandpub.com/industry-briefings/challenge-21>

Challenge 25

- The "Challenge 25" scheme builds on the Challenge 21 scheme introduced by the BBPA. Anyone involved in selling alcohol to the public can access further information about the scheme by accessing the Wine and Spirit Trade Association (WSTA) website at:

<http://www.wsta.co.uk>

Identification

- The False ID Guidance issued by the Home Office may be accessed from:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/98108/false-id-guidance.pdf

Restricting Access

- In the first instance the legislation encourages family friendly premises, however, depending on the nature of your premises it may be necessary to restrict children's access to certain areas or to restrict the times that children may remain on the premises.

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- You have a duty not only to protect children from the obvious harms associated with alcohol, but also to protect them from wider harms associated with adult entertainment and certain films.

Offences Relating to Children and Alcohol

- Are you fully aware of the offences relating to children under the legislation? Did you know that it is an offence:
 - to knowingly allow unaccompanied children under the age of 16 on premises when open and primarily used for the sale or supply of alcohol?
 - to sell alcohol to someone under 18 or supply alcohol to a club member or guest under 18?
 - to sell or supply liquor confectionery to a person under 16 years of age?
 - for an adult to buy or attempt to buy alcohol on behalf of someone under 18 years of age?
 - for someone under 18 years of age to buy alcohol or attempt to buy alcohol?
 - for someone under 18 to consume alcohol in a licensed premises except where the child is 16 or 17 years of age, accompanied by an adult, is having a table meal and beer wine or cider is purchased by the adult?
 - to knowingly allow the consumption of alcohol by a person under 18 on premises authorised by a premises licence, club premises certificate or temporary event notice excepting the above?
 - for an adult to purchase alcohol for someone under 18 to consume on licensed premises excepting the above re 16 and 17 year olds?
 - to give children alcohol if they are under 5 years of age?

Smoke Free

- Actively supervise customers smoking outside of the premises or in any outside areas – remember they may not be aware of any conditions that may be attached to your authorisation restricting the use of certain outside areas.

OTHER MATTERS FOR CONSIDERATION

Have you considered any ancillary permissions or guidelines that may be relevant to your business or client such as those relating to planning, street trading, the placing of tables and chairs on the highway or the use of “A” Boards?

Information regarding all of the above may be accessed via our website at www.bathnes.gov.uk .

Other useful contacts are:

www.drinkaware.co.uk