

Annex B- 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. The four licensing objectives that underpin the framework of the licensing legislation however, 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 responsibility for operating a premise in a safe, responsible and compliant manner need not rest with one person. It is sensible that all persons involved in the day to day operation of the premises such as bar staff, door staff and managers, work together to achieve full compliance in respect of their particular authorisation. Team meetings therefore provide an excellent opportunity to remind colleagues of the mandatory conditions and those attached specifically to your licence or certificate.

You may find it of mutual benefit to hold regular meetings with your local residents' associations. During such sessions you could discuss any future plans you may have in respect of your premises, and in turn listen to their concerns.

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 detailing all refused sales and refused admissions.
- Local "Pubwatch" & "Nightwatch" schemes already operate within the Authority area offering support and an opportunity for the trade to share information. If you are not already

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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.

Alcohol sold for consumption off the premises

- 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

- Do you have a dispersal policy in place?
- Why not consider employing door staff to supervise your patrons when leaving the premises and to remain on duty for 20 minutes after closing?
- 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 on, or within the vicinity of your premises. 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 until it arrives?
- Think about displaying 'Don't drink and drive' messages at exits to remind customers of the dangers of drink driving

Drugs Policy

- Advertise the fact that the premise 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.

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- 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.
- If you are a licensed premises in Bath you could participate in the Bath BID’s Nightwatch radio scheme that connects licensed premises with the Police, CCTV and other licensees. Contact the Bath BID Company for more information at 01225 430 640.

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, tabards and arm bands can help customers more readily identify those who are employed to carry out a security function at your premises. Fluorescent jackets can be provided free of charge to licencees through the Bath BID Nightwatch scheme. 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.

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

- If you are among the Authority's growing "off trade" establishments, refuse single can sales and refrain from displaying alcohol by entrances, exits or tills;
- Remove super-strength (10%) cider, lager and beers from your offering.
- Offer a wide range of non-alcoholic beverages
- If you are selling or supplying alcohol for consumption on the premises you **MUST ENSURE** free drinking water is available at all times. It is irrelevant whether the water comes from a tap or is bottled just as long as it is fit for drinking ("potable").
- Ensure all drinks promotions are risk assessed and comply with existing legislation. It is no longer sufficient to show that "all reasonable steps" have been taken – it is now a mandatory condition that all premises selling or supplying alcohol for consumption on the premises **MUST ENSURE** staff do not carry out, arrange or participate in any **IRRESPONSIBLE PROMOTIONS**. You may find the following factors worth considering when determining whether your proposals are irresponsible, or not.

CONSIDER:

- The nature of the premises – is it a family orientated community pub, a restaurant closing at 23:00 or a high volume vertical drinking establishment?
- The nature of the promotion – consider the size and duration of the discount you are proposing; is there a "significant risk" that your promotion will undermine a licensing objective????
- The type of customers your promotion has the potential to attract.
- The number of customers your promotion has the potential to attract along with any knock-on effect this will have in respect of security requirements and staffing levels.
- The history of the premises – is there anything to be learned from the outcome of any previous promotions held at the premises? Has the premises licence been subject to a recent review?
- Are you confident that you can run your promotion without it causing a detrimental effect on the licensing objectives?

The following activities are **not permitted** under any circumstances:

- Drinking games that encourage people to consume a greater amount of alcohol in a shorter period of time or simply to drink as much as possible;
- The use of promotional materials that condone or glamorise anti-social behaviour or drunkenness;

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- Dispensing alcohol directly into the mouth of another.
- Please ensure that no alcohol is sold below the cost of duty plus VAT.
- **“All good things come in small packages”** – as you are no doubt aware, since 1 October 2010 it has been a requirement that all premises selling or supplying alcohol for consumption on the premises make the following alcoholic drinks available in the following measures:
 - Beer or cider: ½ pint;
 - gin, rum, vodka or whiskey: 25ml or 35ml;
 - still wine in a glass: 125ml

In addition to the above, you are now required to display these smaller measures on menus and price lists, and, where a customer does not inform you of their preferred size, you must make your customer aware of the range of sizes available to them. It is important therefore to ensure staff are appropriately trained and all materials such as menus and price lists have been re-printed to avoid breaching this mandatory condition.

“Step up to the plate” and do your bit to help reduce the number of people who are at risk of drinking to excess within our communities.

PREVENTION OF PUBLIC NUISANCE

Sssshhh!

- 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?
- Closing windows and external doors at 23:00 when regulated entertainment is being provided can greatly reduce noise nuisance to nearby residents.
- Have you considered providing your neighbours with a contact telephone number on which someone at the premises may be reached if noise related problems occur?
- Regular noise monitoring carried out around the perimeter of the premises is simple, cost effective, and will help you to gauge the level of noise other people are experiencing within the vicinity of your premises. If this is something you regularly practice, why not record your findings - they may prove useful in the future.
- 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.

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- Be mindful of any outside lighting – there needs to be a balance between promoting public safety and preventing public nuisance.

First impressions really do count

- 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.

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.
- Did you know that licensed premises are regularly prosecuted for not having carried out adequate fire risk assessments?
- 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 colleagues received training in respect of this?

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PROTECTION OF CHILDREN FROM HARM

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

Age related products

- Always provide training for staff in relation to the sale of alcohol/ age related products. Update training on a regular basis to ensure they are aware and understand the implications of any changes in the legislation. You may find it beneficial to keep a record of training given especially if your premises has a high turnover of staff or operates on a seasonal basis.
- For information relating to the illegal tobacco campaign visit www.stop-illegal-tobacco.co.uk
- 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.
- 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.
- As it is a mandatory condition for **all premises** selling or supplying alcohol to have an age verification policy in place, why not protect yourself and your staff by adopting one of the following schemes?

Challenge 21

- Awareness of the need for those involved in selling alcohol to be vigilant in preventing underage sales continues to be 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 else who is under 18 years of age.
- If you choose to adopt this scheme, 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.
- 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>

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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>
- As mentioned above, there is a mandatory condition requiring all premises who sell or supply alcohol to have an age verification policy– **What’s yours?**
- **Did you know that although the holder of the premises licence or club premises certificate has a responsibility in respect of adopting a policy at the premises, it is the Designated Premises Supervisor who is responsible for ensuring that the supply of alcohol at the premises is carried on in accordance with that policy?**
- Do you need a little help drafting a policy? Just flick to the end of the Code – we’ve attached a model policy that you can easily adapt to suit your needs.

Identification

- All age verification policies must require individuals to produce on request identification bearing their photograph, date of birth and either a holographic mark or ultra violet feature.
- Did you know that the Proof of Age Standards Scheme (PASS) was re-launched earlier this year? The good news is that all future cards will be of a standard design so that they are easier to recognise.
- Other acceptable forms of identification are military passes, passports and the photo card part of driving licences.
- 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
- Consider subscribing to the “No proof of age- No sale” toolkit which is published by SWERCOTS. This is a training resource and more information can be found at <http://swercots-partners.org.uk/npoans-demo>

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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.
- 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 conditions that may be attached to your authorisation restricting the use of certain outside areas.
- Remember it is against the law to sell tobacco products from a vending machine directly to the public, and that it is also illegal to display pictures or advertisements of tobacco products on vending machines.

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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

DHI (Developing Health and Independence)

Tel: 01225 329 411 available from 10am -7pm

Email: info@dhibath.org.uk

Website: <http://www.dhi-online.org.uk/>

Licensing Team

Public Protection Service

Lewis House

Manvers Street

Bath BA1 1JG

Tel: 01225 477556

Email: licensing@bathnes.gov.uk

Model age verification policy to be attached