

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 relevant Responsible Authorities or Residents' Associations where applicable.

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 characteristic 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. Making reference to professional and legal obligations will help to de-personalise the refusal.
- 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 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.
- Monitor customers – early intervention, a friendly word, can often help prevent situations escalating into violence.

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 patrons leaving the premises, and perhaps remaining 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 who are on, leaving, or within the vicinity of your premises.
- Please be extra vigilant at night; be alert to those who appear lost or disorientated. The River Avon has taken too many lives so let’s all work together by making a concerted effort to look out for those who may not be capable of making it home safely. Could you offer to call a cab? Could you allow a vulnerable person to wait inside the premises for their lift or friends? Could you communicate with other premises if you see a vulnerable person heading in their direction? **COULD YOU POTENTIALLY HELP SAVE A LIFE?**
- Avon Fire & Rescue Service can offer staff training on emergency interaction and raising awareness in respect of vulnerable people. Please contact the service via BathCFSEnquiries@avonfire.gov.uk
- Consider displaying “Don’t Drink & Drive” notices at exits.
- Consider displaying information in respect of “Drug 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.
- Customers may “pre-load” drugs before entering your premises so ensure staff are trained and remain alert to the signs that may suggest a customer is having an adverse reaction to something they have taken.
- 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 the date it was found/seized and by whom. Place any items in a safe or drugs box and contact the Police.

Security

- The General Data Protection Regulation (GDPR) and the Data Protection (Charges and Information) Regulations came into force in May 2018 requiring every organisations or sole traders who processes personal information to pay a data protection fee to the Information Commissioner’s Officer (ICO). It replaces the previous requirement to notify (register) under the Data Protection Act 1998.
- The proposed use of CCTV must have a lawful basis, be justified, necessary and proportionate. Is there a history of crime or anti-social behaviour associated with the premises or surrounding area?
- If you are using CCTV it is essential that the system is maintained in good working order.
- The retention of CCTV footage should be informed by the purpose for which it is being used and as such kept for no longer than is strictly necessary. On occasion it may be necessary to provide footage to the Police or Licensing Authority so ensure staff are competent at carrying out this task.
- Focus on internal areas that are accessible to the public and areas immediately outside the premises. Display notices advising customers that CCTV is in operation.

- Review your security policy regularly. Could other less privacy intrusive methods be considered such as lighting or door staff?
- 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.
- If you operate licenced premises in Bath, consider participating in the Bath BID’s Nightwatch radio scheme - it 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.
- Ensure SIA registered staff always have their badges 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

- If you area among the Authority’s growing “off trade” establishments, consider refusing 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 greater amounts 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;

Dispensing alcohol directly into the mouth of another person.

- Please ensure that no alcohol is sold below the cost of duty plus VAT. Guidance on banning the sale of alcohol below the cost of duty plus VAT was published in February 2019.
- “**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.

- Help reduce the number of people who are at risk of drinking to excess within our communities by encouraging customers to drink responsibly.

PREVENTION OF PUBLIC NUISANCE

- 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.
- An easy to use Noise Nuisance App is also available to those with an Android or Apple smart phone. By using the free app an electronic diary may be created and the recordings of noise disturbance can be shared with officers in the Environmental Protection Team.
- 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
Police & Fire HQ
PO Box 37
Valley Road
Portishead
Bristol
BS20 8JJ

Telephone: 0117 9262061

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?

PROTECTION OF CHILDREN FROM HARM

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

Child Sexual Exploitation

- It is expected that operators in the leisure industry have processes in place to identify possible issues regarding Child Sexual Exploitation and that staff shall be appropriately trained in respect of these processes.
- It is vital that information is shared with partner agencies to protect vulnerable children.

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 recognised and widely used schemes in the trade:

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 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 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>
- 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 out in accordance with that policy?**
- If 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.
- The Proof of Age Standards Scheme (PASS) is the government backed scheme that gives young people a valid and accepted form of proof of age.
- 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 via:

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>

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?

OTHER MATTERS FOR CONSIDERATION

Smoke Free

- Smoke free legislation applies to premises that (with the exception of doors, windows and passage) are completely enclosed **AND** applies to premises that are "substantially" enclosed.

- **A premises/smoking shelter is considered substantially enclosed when it has a roof and more than half of the wall area is enclosed.**
- The Smoke Free (Premises Enforcement) Regulations 2006 state that a roof includes any fixed or moveable structure or device capable of covering all or part of the premises as a roof, and the area of the walls includes any other structure that serves the purpose of a wall and constitutes the perimeter of the premises or shelter.
- If more than 50% is enclosed, the shelter is considered to be a smoke free place and as such anyone who smokes in this area will be committing a criminal offence as will anyone responsible for managing or controlling the area who fails to prevent persons smoking there.
- 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.

Alcohol Wholesaler Registration Scheme

- Since 1 April 2017 retailers of alcohol and trade buyers such as pubs, clubs, restaurants, cafes and hotels, must ensure that the UK wholesalers from which they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). Further information may be found at: <https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs>

Ancillary permissions/consents

- 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:

The Portman Group

20 Conduit Street

London

W1S 2XW

Tel: 020 7290 1460

www.portmangroup.org.uk

Drinkaware

Finsbury Circus (Salisbury House)
3rd Floor (Room 519)
London
EC2M 5QQ

Tel: 020 7766 9900
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/>

The Licensed Trade Charity

Heatherly
London Road
Ascot
Berks
SL5 DR
www.licensedtradecharity.org.uk

Drugwise
www.drugwise.org.uk

Licensing Team

Public Protection Service
Lewis House
Manvers Street
Bath BA1 1JG
Tel: 01225 477556
Email: licensing@bathnes.gov.uk

A model age verification policy is attached below.

Premises Age Verification Policy

This policy has been drafted in compliance with the Licensing Act 2003 (Mandatory Licensing Conditions) (Order) 2014 and applies to the sale or supply of alcohol on the following premises:

Name of Premises.....

Address of Premises.....

.....

Name of premises licence holder.....

In respect of this policy, the responsible person is:

- the holder of the premises licence;
- the designated premises supervisor;
- a person aged 18 or over who is authorised to allow the sale or supply of alcohol by an under 18; or
- a member or officer of a club present on the club premises in a capacity which enables him or her to prevent the supply in question.

The responsible person will ensure staff serving alcohol on the premises will require any persons who appear to be under the age of (please circle)

18 **21** **25**

or **Other** (please state age)

to produce before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark or ultraviolet feature. Acceptable forms of identification: proof of age card bearing the PASS logo, passport, driving licence or military identification card.

Where applicable the DPS will ensure that the supply of alcohol is carried on in accordance with this age verification policy.

This policy has been signed by the premises licence holder / club premises certificate holder who will ensure that staff are made aware of the existence and content of this policy.

Signed.....

Capacity.....

Date.....

