

# National Pubwatch

## Newsletter



## Our 2007 Conference - An Offer You Ought Not to Refuse!

Our fourth annual conference will take place in Coventry, West Midlands on **Tuesday 20th February 2007**. Please note your diary and let colleagues know. The aim of this conference is to assist Pubwatches to continue to share ideas and good practice, specifically when addressing the four objectives of the Licensing Act 2003 and to identify issues of national importance. We again have the inclusion of very interesting and important topics, not least the terrorist threat to licensed premises.

It is planned to have presentations from representatives of the National Counter Terrorism Security Office (NaCTSO), National Pubwatch, Coventry Licensing Authority and a local Pubwatch partnership with their town centre management. There will also be a Panel discussion and the opportunity to attend two of four workshops, each covering a specialist topic - terrorist threat, civil litigation, young people and alcohol and anti-social behaviour contracts, anti-social behaviour orders, banning and exclusion. In the near future, invitations, together with application forms, will be sent to representatives of PubWatches, Licensed Trade Associations and companies, Local Authority Trading Standards and Community Safety Officers, Drug Action Teams, Police Forces, Association of Town and City Centre Managers, Magistrates Association, and relevant Government Departments.

To book your place early either e-mail or write to us for an application form or download one direct from our website ([www.nationalpubwatch.org.uk](http://www.nationalpubwatch.org.uk)) and forward it to us.

This year, payment will be required to have been received prior to the date of the conference.

## Our Good Practice Guide has been revised

The Guide, which has been in print for nearly 8 years, has just been revised and reprinted to take account of the lessons learnt and changes in legislation. Copies can be obtained by request or downloaded from our website. If you are wishing to download the item, you will have to contact us for a **new** username and password to gain access.

**This edition comes to you  
courtesy of the British  
Institute of Innkeeping, who  
have taken over sponsorship  
of the newsletter**

**Please help to keep the records up to  
date.**

**If the name and address to which this newsletter was sent is no longer correct, or if you no longer wish to receive it, please let us know of the change.**

**Our contact details are on page 2**

## Pubwatch Calls Halt on Troublemakers

Halton and Runcorn believe they are one of the first in the Country to utilise the high speed benefits of the Web. Runcorn, home of the TV series "Two Pints of Lager and a Packet of Crisps", now has its own website and interactive secure database for Pubwatch Licensees, thanks to the work of Steve Davies from Base IT and the local licensing officer, Ian Seville.

The website: [www.haltonpubwatch.co.uk](http://www.haltonpubwatch.co.uk) has been created to offer Runcorn and Widnes Pubwatch licensees the latest in electronic facilities. Pubwatch licensees, signed up to local intelligence protocols, are now able to access photographs of locally banned persons once they sign on to the password-protected security encrypted site. This removes all the previous problems of distribution, collection and weeding of photographs. To effectively monitor the data, all accesses to the files or print requests are watermarked to identify the operator.

After rigorous testing, the site has passed the scrutiny of Cheshire Constabulary's Legal Department and that of the Cheshire-based Information Commissioner. The possibilities of the site and its links are endless. Unique features include a flash warning screen, which will alert licensees to live, real time incidents. The bandwidth of the scheme enables not only live captured photographs to be instantly transmitted, but also the possibility of live video being circulated between premises using Internet Protocol (IP) CCTV cameras. Also on the system are essential housekeeping facilities such as Pubwatch form templates and posters ready for printing off.



Future developments being considered are intelligence submission forms sent directly to the Police from licensees and a Crimestoppers-type of intelligence reporting system for the public to inform on criminals involved in Pub crime.

The scheme is being viewed favourably by the other Pubwatch schemes in Cheshire and enquiries are already coming in to Steve from other schemes around the Country.

## Swindon pubwatch consolidates its position

Linda, the Chair of the newly formed Swindon Pubwatch, recently contacted us to provide an update on progress and give her thanks to National Pubwatch committee member, Mike Weber, for his help in getting things off the ground.

She tells us that things are going really well in Swindon, which now has 16 signed-up members who attended the last two meetings. They really feel that the whole thing is coming together. They have umbrella'd themselves into the local crime reduction partnership, who are assisting them with photographs, data protection and newsletter updates. Meetings are well organised, with the police happy to attend at a later time in each meeting, thus enabling them to discuss local issues. In fact, the police are starting to ask for their opinions on schemes rather than railroading them with their schemes. They are forming a very happy little group!!

None of this would have been possible without Mike's input, so they sent their sincere thanks for his help and have invited him back to be a guest speaker at a future meeting.

## HAND in Hereford grows as pub watches start in surrounding market towns

Hereford's pubwatch is known as HAND. Since its launch in 2004, it has continued to grow and now includes 48 premises. This idea is catching on and, as a result, new watches have been formed in surrounding towns. Kington now has a watch with 15 premises involved and Leominster has one with 20.

Clearly there is a knock on effect from the impact of HAND, which suggests that if you have towns around you that do not have pubwatches, NOW is the time to talk to some of the licensees and suggest they start up one and link with you.

### **How to contact us**

By E-mail at : [National.Pubwatch@btinternet.com](mailto:National.Pubwatch@btinternet.com)

By Post at: **17 Chace Avenue, Potters Bar, Herts, EN6 5LX**

By Phone: **Malcolm Eidmans 01707 650095**  
(Hon. Secretary)

**Bill Stone**  
(Ops support)

**01303 241906**

## Where might legal challenges come from?

Well, to date, the experience of National Pubwatch has shown there are several possible sources:

Challenges from solicitors alleging breach of human rights on behalf of banned persons.

or

Action by the Commission for Racial Equality alleging discriminatory practice in relation to banned persons.

or

Civil litigation against either the watch or a member in relation to written allegations of conduct that led to the ban.

or

Allegations of breach of data protection requirements in relation to photos or personal information held about banned persons.

### **Are they common occurrences?**

The answer is that in reality they are quite rare, one might almost say that they are almost non-existent. If your watch is unfortunate enough to receive one of these challenges what should you do?

The first thing is not to ignore it as letters from Solicitors or other authorities, if not adequately responded to, can lead to court proceedings, which are very expensive.

If the letter is about a banned person's human rights, then rather than getting worried and backing down, we suggest that you respond by acknowledging the letter and replying by asking the solicitor to explain their grounds for considering you to be a public authority, as the legislation in question applies only to the actions of public authorities. Provided you have followed our advice and made sure that police officers and Local Authority personnel have no role on your Committee or in making your decisions, then it is very unlikely that you can be construed to be a public authority and Human Rights issues will not apply. To the best of our knowledge, no Pubwatch responding in this way has even had a reply and, certainly, we are not aware of any action under this heading that has succeeded.

If you get a letter from the Commission for Racial Equality about possible discrimination in how you ban someone, you need to respond and show that decisions are made purely on the basis of behaviour, and that race, colour, creed, etc., are often not even known when the decision is taken, as they are viewed as irrelevant. Only by keeping careful records of the information on which you made the decision, can you support this claim. It is for this reason that we stress the need to keep comprehensive records over your decision making process and the information used to reach the decision. Failure to respond could result in the Commission taking you to the civil courts for discriminatory behaviour and a damages claim against the pubwatch of several thousands of pounds. We only know of one case of this sort and the outcome is not yet known, however the pubwatch members suffered a lot of anguish and worry over it.

Letters and court proceedings for defamation by banned people are going to be very rare, as legal aid is not available to people who initiate this type of civil action and the costs of such litigation are very high. However, we do know of a case currently happening where the banned person has means and has instituted such action. If you receive correspondence that indicates an intention to institute civil action for defamation, you really need to engage a solicitor to represent the watch and, hopefully, head off any court action.

This page would normally be devoted to an article from Poppleston & Allen covering an issue raised by pubwatches. However, as nothing has been raised by watches, we are giving them a break and using the page to re-iterate some advice on how to prevent your watch getting in a position to need their services.

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## SMOKING BANS

***Worried about the effect on your bottom line?  
Want to accommodate your smokers outside?  
Wondering how to attract more non-smokers?***

**If the answer to any of these questions is  
'yes' then we are here to help.**



The ban in Ireland, and more recently in Scotland, shows that bans can cause business casualties, but getting a head start is the best defence – and could even make the ban work for you.

Whether you think smoking bans are a good or a bad idea you need to start making changes to your business now or you may run out of time.

We can:

- Provide **free** advice and materials to get your business ready
- Attend one of your meetings and
  - update you and your colleagues on what the bans will mean for you
  - share our research, ideas and contacts to help you prepare

**Get in touch today.**

To request a presentation, or further information,  
call us on 020 7482 0620 or email [air@crconsulting.co.uk](mailto:air@crconsulting.co.uk).

**Their Top Ten Tips are to be found on our website**

*Continued from page 3* You will only be able to do this if you have followed our advice about not putting any detailed information in any banning letter, and ensuring that you have comprehensive records relating to the incident that gave rise to the ban and details of witnesses. Any banning letter should also be signed by the Chair 'on behalf of the pubwatch' to avoid the liability becoming that of the Chair rather than the whole watch. **Such cases will be rare** but we advise taking out professional indemnity insurance on the part of the watch to provide legal support and avoid costly legal bills.

Finally, we come to the threat of action over breach of data protection; this will often be in relation to the use of photographs exchanged with the police. Provided the proper protocols are in place and have been followed, it should not be a problem. Any response should state that the protocol is in place and has been followed, provided you have first checked to ensure that this is the case. If it is not, then someone is in breach and there may be consequences for that individual. Where it relates to personal information contained in minutes of meetings, then there is reason to believe that these will not come under data protection. However, incident reports, if used by the watch, might. In relation to the latter point, National Pubwatch is currently investigating this aspect to see if it is necessary to register for data protection purposes over such reports. The outcome of our investigation will be covered in the next newsletter and reported on our website, once available.

It is important to remember that all these sorts of issues arise from the success of a pubwatch's actions, as those banned seek ways of getting the ban lifted. It must also be recognised that such challenges are, in reality, few and far between and, in many cases, they will fall at the first hurdle if your pubwatch has taken heed of the advice already mentioned, and further re-iterated below:

**Do not ignore letters, take advice and respond,  
Keep comprehensive records,  
Provide little or no detail in the banning letter - preface with the word 'alleged' in relation to the incident and the letter should be signed on behalf of the pubwatch,  
Get professional indemnity insurance for the actions of the watch.**

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# Terrorism remains at the forefront of the news

Events over the summer period have once again re-inforced the reality that terrorism has not gone away and still remains an issue for us all. The National Counter Terrorism Security Office (NaCTSO) has been acting on a number of fronts, providing advice and help to elements of the community that are viewed as vulnerable to attacks. Whilst, up to now, the focus has clearly been on forms of transport, as security in these areas tightens up and deters the terrorist attackers, you can be sure that they will look for softer targets on which to wreak their vengeance. As the threat remains high, now is the time to give some thought to your premises and how to deter the terrorist from selecting you as a future target. Remember, that during the IRA troubles on the mainland, UK pubs were frequently targeted, sometimes with serious consequences. Abroad we have also seen numerous attacks, under the auspices of Al Qaida, against bars, clubs, hotels, etc., whilst Israel has suffered attacks on shopping centres and entertainment areas on a regular basis. So, do not think that places of entertainment in the UK are inviolate in this situation.

## **What can you do?**

Well, whilst NaCTSO is in the process of consultation and preparation of guidance for the entertainment industry as a whole, there are some measures that you can implement now that will probably form part of the guidance.

**Good Housekeeping:** Basic good housekeeping reduces the opportunity for planting suspect packages and helps to deal with false alarms and hoaxes. You can reduce the number of places where devices may be left by considering the following checklist:

Have you reviewed the use and location of all litter bins in and around your premises?

Do you keep external areas, entrances, exits, stairs, reception areas and toilets clean and tidy?

Do you keep furniture to a minimum to provide little opportunity to hide devices?

Are unused offices, rooms and function suites locked?

Do you use seals / locks to secure maintenance hatches, compactors and industrial waste bins when not required for immediate use?

Have you marked your first aid fire fighting equipment as your property and checked that it has not been replaced?

**Searching:** Searching of licensed premises (inside & out) should be undertaken before, during and after opening hours and should be conducted as part of routine good housekeeping. All staff should be reminded to remain vigilant for unattended / suspect packages.

Door supervisors, if you use them, should identify and search persons carrying bags or wearing clothing that could conceal an explosive device. Searches should be carried out overtly (as a visual deterrent), as far away as possible from any queue or crowd; and any person declining a search should be refused entry.

## Searching Checklist:

Do you operate an overt person / bag searching operation outside your premises to demonstrate a robust regime and act as a visual deterrent?

Do you deny access to anyone or any thing that has not been thoroughly searched?

Have you considered training door staff in profiling people as they approach the search regime?

Do your entry rules include a right to refuse entry unless searched?

Are your searching staff properly briefed on their powers and what they are searching for?

Do you have a sufficient number of searchers and space to search effectively?

More detailed and custom-made advice will be available to the industry in the coming months but for now these measures, if put in place now, will start to create a higher level of awareness and security for your premises and should make you less likely to be picked as a target.



BII launched its Responsible Alcohol Retailing Campaign in November last year as a means of pulling together the vast collection of work the organisation undertakes in its commitment to social responsibility. It is a long term and sustained campaign that BII intends to run and gain momentum over the coming years.

As part of the campaign, BII ran its inaugural Responsible Alcohol Retailing Week in August and, following the success of the week, there are plans to make it bigger, better and more wide ranging next year.

The week kicked off with a high level launch at a well known Fullers pub in the City of London, the Counting House. John McNamara, BII's chief executive and Jacque Macey, one half of this year's BII Licensees of the Year, spoke passionately about the importance of responsible alcohol retailing and the impact of professionalism on the licensed retail sector.

Later in the week representatives from the licensed trade, local authorities, the police and the media were treated to a tour around four BII member pubs in south west London on a BII branded Routemaster bus. Each pub showed a different type of pub experience from an after-work venue, gastro pub, community pub and a music venue. Dubbed the BII Pub Experience, it showed how to enjoy a variety of pubs responsibly and also how some of the best pubs are run.

We all know that the licensed trade can have a hard time at the hands of some sections of the media, but research since November 2005 has shown that the relaxation of the terminal hour has actually decreased alcohol-related problems, as the trade predicted. Events such as the BII Responsible Alcohol Retailing Week can help to raise the profile of the pub, but everyone in the licensed retail sector can, and should, play a part in showing the positives rather than the negatives of the trade.

Below are a few ways you can make a difference (many of which you may already be doing) and this is by no means an exhaustive list.

Get your staff trained! BIIAB offers a vast number of professional qualifications for the licensed retail sector. For example, the BIIAB Award in Responsible Alcohol Retailing is a quick, inexpensive, but thoroughly effective way of ensuring your staff have the knowledge and confidence to understand, and follow through with, their responsibilities in selling alcohol.

Join local partnerships or even instigate them. For example, there are BIDs, Best Bar None and City Safe schemes, just to name a few.

If you gained your personal licence with grandfather rights, consider taking the National Certificate for Personal Licence Holders. You may have been operating responsibly and successfully for many years, but there are a number of new responsibilities under the Licensing Act 2003 that you need to understand.

Finally, join BII and become one of 17,500 responsible alcohol retailers. Membership of BII will raise your standing in the local community and will underline your commitment to operating professionally and responsibly to the police, local authority and the community at large. It will also help you build your business.

For more information visit [www.bii.org](http://www.bii.org) or [www.biiab.org](http://www.biiab.org).

## Be Aware or Beware

Some recent stories from local newspapers in north London have included court reports where licensees have been fined for licensing offences. In Barnet one licensee was fined £950 when one of his staff was caught by Trading Standards officers for selling to a person under age, in this case 15 years. Although the licensee stated in court that the barman had been dismissed and all staff were being retrained, this did not help as he was still fined heavily.

On the same day at the same court, the Tesco Express Assistant manager was fined £750 for a similar offence relating to a similar aged young person.

In New Southgate, Enfield, a licensee of a supermarket, following several warnings, had his license revoked for selling alcohol outside his permitted hours.

There are, no doubt, many more similar prosecutions across England and Wales. Be warned and be aware.

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## Romford Safe and Sound

Romford Safe and Sound is a partnership approach made up of Licensees, the Police and the London Borough of Havering, who have joined together to tackle the negative image Romford's night time economy has.

To launch the initiative the Licensees developed a new non-alcoholic Romford cocktail that reflects the town's vibrant night-time economy. Bartenders from 10 of the town's bars and clubs converged to work with the Institute of Professional Bartenders (IPB). Commissioned by Romford's Safe and Sound initiative, the 'non-alcoholic' cocktail is designed to be an attractive alternative for those that wish to limit the amount of alcohol they consume. "We're not suggesting for a moment that people stop drinking in Romford" said Gillian Balfe, Romford's Town Centre Manager. "We're just ensuring that in Romford there is an exciting alternative to Cola, mineral water or fruit juices. The target market for the drink is initially, of course, those that do not want to drink; drivers, pregnant women and the likes. However, we believe that many people would enjoy alternating alcoholic drinks with a refreshing and healthy cocktail."

"The brief was to create a non-alcoholic drink unique to, and reflective of, Romford." Said Nick Wykes of the IPB, "I was really impressed with everyone's enthusiasm; I was there to explain the 'mixology' behind preparing drinks and to spark creativity. The town's bartenders did the rest. The Romford Cocktail is a fairly dry fruit drink that is exceptionally refreshing, definitely something that you could drink all night".



The name of the cocktail was revealed during a free party organised at the town's premier nightclub 'The Opium Lounge' where, for the first time, the public were able to experience the drink. A competition was run on the local radio station Time Fm to name the cocktail. This was revealed to be 'Romford Revival'.

Jane Eastaff, who chairs the Safe and Sound group said, "The non-alcoholic cocktail is the first of a series of initiatives which will see the introduction of a whole series of measures over the coming year involving the Police, licensees, Council staff and other agencies. Thousands of young people have a great night out in Romford every week and the partnership wants to ensure that everyone can enjoy a great time out, day or night, in a relaxed and comfortable environment."

Andy Conway, Romford Town Centre Police Inspector, said, "Any town the size of Romford that has a vibrant club and bar scene will have alcohol-related incidents, yet in 2005, Havering was recorded by the Metropolitan Police to be the 3rd safest Borough out of 32 in Greater London. The Safe and Sound initiative is committed to further reducing crime and disorder, ensuring that Romford remains a safe place for everyone to enjoy themselves."

**The National Pubwatch website is at :- [www.nationalpubwatch.org.uk](http://www.nationalpubwatch.org.uk)**

You can find back editions of the newsletter that are text searchable, news flashes of current issues, recently available information of interest to pubwatch and licensees, useful links to other sites with information and a synopsis of our past Conferences.

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## Is 'Clubscan' something that your watch can use?

Clubscan has been sweeping its way across the country since its launch in January of this year with installations in more than 30 towns and cities across the UK.

This revolutionary concept from UK company idscan combines membership, marketing, age verification and ID reading into a single swipe. Clubscan was developed specifically for the licensed trade, and has been installed in hotels, pubs, bars, concert venues, casinos, nightclubs and even kebab shops and holiday camps. Incorporating a discreet scanner, backed up by a powerful processing unit, clubscan is capable of over 700 scans per hour. This, coupled with a touch-screen display, makes for an attractive unit designed to revolutionise the way venues deal with identification and age verification as well as vital revenue opportunities in marketing and membership.

One of the key features of idscan is its ability to read an ID card or passport in a couple of seconds and immediately alert to under-age or banned customers. Since the introduction of the new licensing laws, in November last year; licensees are now subject to a fine and possible criminal prosecution with a maximum penalty of six months imprisonment for knowingly serving someone who is under-age.

Such an efficient means of identifying banned or under-age patrons has resulted in rapid adoption, to the point where local authorities have helped entire towns come on board with venues from traditional pubs to late night bars and nightclubs. Whilst crime reduction reports are anecdotal at this stage, operators and enforcement agencies have noted a marked improvement in general behaviour, which they have attributed to a combination of improved management procedures, higher visibility policing, public awareness campaigns and clubscan.

Chief Engineer, Ricky Spires from idscan, describes a situation at a club that recently installed clubscan. "The venue had been operating a membership system for two years. After initial start-up costs of software, PC, card printer and blank cards, the venue employed a data collector at the front door and a girl on the membership desk to process each new member with a photo; photocopying of IDs and data processing. Wages for the two employees added up to £100 a night, five nights a week. Over two years, the venue had spent more than £50,000 on wages as well as the initial £3000 start-up costs. After an initial rush the venue had 3,500 members, meaning that each member had cost them £16. But the turning point, that directed the venue to clubscan, was when the venue had a serious incident involving two female customers, both of whom were members, the only problem being that one of them was sixteen. Suddenly the questionable integrity of the database meant that the £50,000 plus investment by the venue had to be reconsidered. Six months on, the venue now estimates that, with clubscan, its processing cost per customer is less than a penny. It operates a think 23 policy, using DVLA and other recognised IDs as a membership card and charges customers who are clearly over 18, but without ID, or not a member, an extra pound to gain entry."

**The system, which can be installed on a no-obligation 14 day trial, costs from £33 per week and idscan is currently running a campaign attending Pubwatches up and down the country – if you would like Idscan to attend your Pubwatch please contact Idscan on 0207 345 5278**

### Derby City Pubwatch

David Lalor, Chairman of Derby City pubwatch, reports that they are making efforts to raise the profile of Derby City Pubwatch to show themselves as actively contributing to the community as a whole. They will achieve this by promoting their website and fundraising activities through the local press and use of window stickers etc. The membership is making a donation of £500 to Derbyshire Royal Infirmary Acute Stroke Unit, and in the near future they are hoping to run a Derby City Pubwatch fundraising day, which will involve all 120 members. Any monies raised will go to local charities as decided by the committee.

At present they are working closely with Diageo on a pilot scheme in the Derby area promoting Responsible Drinking (as per the TV Advertising Campaign). This entails member premises with large screens showing the TV advertisements on a loop at relevant times between scheduled programmes.

### St Johns Wood pubwatch kicks off

July this year saw St John's Wood launch its pubwatch, with the support of the Church Street Safer Neighbourhood team, to target anti-social behaviour in the area. The twelve premises forming the watch will be using the cascade telephone system, as they are all in close proximity to each other, to pass on information about criminal damage, drunken behaviour and issues such as counterfeit banknotes.

The local Safer Neighbourhood team will provide support and back up if they experience problems and will provide advice and information on persistent issues.