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National Pubwatch **Newsletter**



This edition comes to you courtesy of the British Institute of Innkeeping



ENTER THE BEST PUBWATCH AWARD

The search will soon start to find Britain's best pubwatch scheme.

At a time when pubs are under intense scrutiny to show they are acting responsibly, there's never been a more important time to enter the Best Pubwatch Award at the Responsible Drinks Retailing Awards 2008.

National Pubwatch committee members will once again be involved in the judging at the event, which is organised by trade publications Morning Advertiser and Off Licence News. The winner will be revealed at a ceremony in central London on 11 November 2008.

Judges will be looking for pubwatches that have helped reduce disorder in and around licensed premises and contribute to a better night out for all. They also want schemes that break the mold with innovative ideas to reduce the chance of disorder.

You have to be in it to win it – so keep a look out in the Morning Advertiser and the website www.morningadvertiser.co.uk over the coming weeks for details on how to enter.

INSURANCE COVER FOR PUBWATCHES

All Pubwatches should consider having insurance cover for their members. There is scope to reduce the cost of your local scheme by joining with other Pubwatches to seek insurance cover. Hence, as a group, each scheme and each member should pay less. Details of Insurance Companies willing to insure Pubwatches can be found at <http://www.nationalpubwatch.org.uk/insurance.htm>

If you are not the person to whom this was addressed or no longer wish to receive newsletters please let us know, one it saves money and two reduces unnecessary work. Our contact information is on page 2.

PUBWATCH AND LOCAL LICENSING POLICIES

The Licensing Act 2003 requires all Councils to review their licensing policies every three years. The first such review took place between June and December 2007, with all Councils across England and Wales issuing a draft policy for consultation. The British Beer & Pub Association responded to as many consultations as possible and, in total, responses to 300 Councils across England and Wales were submitted.

In reviewing the draft revised policies a number of common themes emerged which were drawn to the attention of the relevant local authority. Some policies failed to explain how conditions could be attached to licences - i.e. that they can only be attached following relevant representations from a responsible authority such as police, trading standards or EHOs and that such representations must have been upheld following a hearing or agreed to by the applicant. BBPA had emphasised that as breaching a licence condition attracted a fine of up to £20,000 any conditions attached must be necessary to achieve the licensing objectives. Some local authorities had included prescriptive expectations of measures to be included in operating schedules, some of which were not (in the BBPA's opinion) suitable for a licence.



The BBPA took a sample of policies from those that were deemed the most prescriptive. Of these, the majority sought to make membership of a Pubwatch a condition of licence. Even when looking at a sample of local authority policies with less of a prescriptive nature, over half of the less controversial policies mentioned that Pubwatch should be a condition of licence. In fact, Pubwatch was the most common issue to arise in Council licensing policies across the country.

As a major supporter of National Pubwatch the BBPA encourages its member companies and licensees to participate in their local Pubwatches - but does not subscribe to the view of many local authorities and police that such participation should be a condition of the licence. The BBPA's response had pointed out that Pubwatches were voluntary organisations and membership should Pubwatches should be able to determine their own membership, which

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How to contact us

By E-mail at : admin@nationalpubwatch.org.uk

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

By Phone: Malcolm Eidmans (Hon. Sec.) 01707 650095
Paul Wotton (Newsletter Editor) 020 8360 0612

Please note the change of Email address and contact person above.

Continued from Page 2 would remain voluntary if they were to be effective. As co-operative bodies, become almost impossible if leaving a Pubwatch could result in a breach of condition. BBPA had requested that licensing authorities make a recommendation with regard to Pubwatch membership rather than seek to make it a condition of licence.

Overall it was pleasing to see that licensing authorities clearly recognised that Pubwatches were important schemes that helped to improve safety for pub customers, licensees and their staff and provided a benefit to the local community as a whole. Licensing authorities across the country clearly consider Pubwatch to be a positive and effective initiative.

The BBPA is now in the process of evaluating the licensing policy review process and will share its findings with DCMS.

FUNDING FOR PUBWATCH – SOME IDEAS

Many Pubwatches need funding and often struggle to know where to go or who to approach. Prior to a funding bid it is important to have a business plan. This should include how the money will be spent, what measures you will have in place to show how the money was spent and what impact it had on the Pubwatch scheme and the community.

Funding sources can be found at Community Safety Teams for Tackling Violent Crime, from the Alcohol Harm Reduction initiative and from the local authority Licensing Teams.

Other funding streams can be found within the police authority and the Community Drugs & Alcohol Team. Some local police commanders often have some funding available for addressing local issues.

Such funding could be used for Radio schemes, training for both door supervisors (not SIA Badges) and Bar Staff and management, Hi Viss jackets for front of house staff and posters and leaflets relating to your watch scheme. Additionally, consider Crime Reduction giveaways like purse bells and anti drink spiking devices and personal alarms.

Having a member of the Community Safety Team and local authority Licensing Team as advisors on Pubwatch committee will help as they may be able to assist accessing most of the funding streams. Police (Safer) Neighbourhood Officers also have access to local funding. Additionally, local elected councillors are often able to sign post you to funding streams.

ANNUAL PARTNERSHIP EVENT IN CHESTER

Inspector Mel Williams, Cheshire Police, together with Frank Marnell, Chester Pubwatch, held their second annual Partnership Event at the end of last year, which was aimed at educating persons who were new to the licensing trade. Eighty persons attended this evening event and listened to short presentations from a variety of professionals, who drew on their personal experiences to give guidance and advice on how the effects of alcohol can impact on the local community.

The eight presentations comprised:

1. Paramedics – ‘Don’t leave him here’
2. A & E – Incidents with alcohol-related patients, including Pubwatch bans on those who attack medical staff
3. Fire Department – risk assessments for licensed premises
4. Pubwatch – How it works and its benefits for pubs, clubs, the legal system and the community
5. Police - Sexual Offences through alcohol; preventing lone persons going home in a vulnerable state and how to secure a crime scene
6. Police – Drugs; what to look for, power of confiscation, plus logging and reporting seizures
7. Licensing legislation and Inner City Policing – what is expected in a city centre and how partner agencies can help
8. Trading Standards - Challenge 21, under-age drinking, forged ID with input into the lower 6th Form curriculum

These presentations were a way of ensuring that new members to the licensing trade were clear on their responsibility to work lawfully and on the safety of those that they serve. Such an event has contributed to the reduction of alcohol-related violence in Chester Inner Neighbourhood Policing Unit, making this city a safe and friendly place for people to visit and socialise.

THETFORD PUBWATCH

Thetford Pub Watch has recently re-launched. It has been going for over a year but no-one was ever banned. Now the pubs have been joined by the nightclub in Thetford and the meeting resulted in 2 males, who had been arrested for a nasty assault on door staff, being banned for 6 months from all but one of the pubs in Thetford (only 1 won't join!) and the nightclub.

We have also been distributing notices printed in Polish and Lithuanian to our off licences as they have been having problems with under-age people getting them to buy drink for them. The notices explain that it is an offence to buy alcohol for under age people and that it will be their responsibility.

SOME INTERESTING COURT DECISIONS

There have been three recent court decisions which give operators comfort. Two of these concern Westminster where it is difficult to have licensed premises. It took a decision early on to restrict the hours it was prepared to grant to operators. The other decision involves a Daniel Thwaites' pub in the Wirral.

The Movida appeal is interesting because it completely blew apart Westminster's policy restricting hours. The Council turned down Movida's application for later hours. The District Judge, sitting as a Magistrate in the appeal, was clearly fed up with the way in which Westminster conducted their defence. He granted a licence allowing it to sell alcohol until 5am and open until 7am on most nights. Westminster took the case to the High Court and lost. It is true that some of the conditions were inelegantly worded and they now have to be redone. Nonetheless, the premises will keep its later hours that Westminster so vigorously fought against.

The image shows a logo for Poppleston Allen Licensing Solicitors. The logo consists of a green rectangular box at the top with the text 'Poppleston Allen' in white and 'LICENSING SOLICITORS' in smaller white text below it. Below the logo is a dark rectangular area with white text and graphics. The text reads: 'After all the shake-ups....' followed by several white circles of varying sizes, and then '....now's the time for expert advice'. At the bottom of this dark area, there is a green horizontal bar with white text: 'LICENSING LAW & REGULATORY CRIME ADVICE, PLUS QUALITY TRAINING'. Below this bar, there are two columns of text: 'Poppleston Allen Licensing Solicitors www.popsall.co.uk 0115 953 5500' and 'Poppleston Allen Consultancy & Training www.popsctd.co.uk 0115 948 7400'.

We are involved in another case which involved a relatively small bar called Fudge, just off Leicester Square. This was granted an extension of hours until 1am on the basis that it reduced its occupancy. Fudge had applied for 2am, difficult in a cumulative impact zone. This is an area where there is a high concentration of residents. This relatively small operator was successful upon appeal and 2am was granted on Fridays and Saturdays as requested. Interestingly, 1am was also granted on Thursday with midnight Monday to Wednesday. In other words, the Magistrates found in favour of the premises. There were no objections from residents. The bar was a relatively small cocktail bar and there were no incidents of violence. Nonetheless, it was good news because Westminster lost again – as they should have done.

The Daniel Thwaites' case, decided in the High Court in May this year, is interesting because the Council got the decision absolutely right. Thwaites applied to convert and vary the licence for the Saughall Hotel in the Wirral. The Police initially objected, reached an agreement with Thwaites, and withdrew their objection. Music and dancing was applied for until 11pm with alcohol until midnight except on Fridays and Saturdays when music and dancing would be until midnight with alcohol served until 1am. There were objections from the Conservation Society and residents. The Council granted the licence as requested whilst imposing certain conditions to control noise. The Conservation Society then appealed to the Magistrates. This appeal was heard in April 2006. Surprisingly, the Magistrates granted the appeal, reducing the hours to 11.30pm midweek with 12 midnight on Fridays and Saturdays. The Magistrates clearly found it surprising that the Police had not maintained the objection. They ignored the fact that there had been no reported complaints in the months prior to the

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Continued from Page 5 appeal being heard. They speculated that this would change when the summer months came in. The Magistrates failed to take proper account of the changed approach to licensing introduced by the Act. They should not have speculated as to what might happen in the future but simply looked at the evidence before them. In other words. They should have granted the application. If problems subsequently arose the situation could be reversed and the hours cut back. Two years later, the case was heard at the High Court. In essence, the Judge took the view that the Magistrates had imposed their own views. The Licensing Act produced a change of policy in the way applications were considered. You should grant the application unless there is good reason not to. The hours can always be cut back if problems arose.

PUBWATCH AND DISCIPLINARY ACTIONS

When considering disciplinary action against an unruly customer, Pubwatch committees should always deal with each and every case brought to them on their individual merits. After hearing all the evidence they should always look to handing out a punishment that is fair, proportionate and appropriate to the alleged incident. It is important that any notes made of the incident are factual. The following are a range of options that could be considered:

Warning Letters

Acceptable Behaviour Contract (ABC)

Suspended BAN (timed)

BAN – short, medium or long

Exclusion Order

Anti Social Behaviour Order (ASBO)

Criminal Anti Social Behaviour Order (CRASBO)

Bans. It is advisable to have an appeal procedure.

Exclusion Orders need to be done by the police and should only be used in the serious cases. The police need to ask for this on the court file and be at court on sentencing as it can only be issued on conviction of a relevant offence. Any breach carries a power of arrest.

Anti Social Behaviour Orders can be applied for by the Local Authority or police. Most now have ASB officers who deal with these daily.

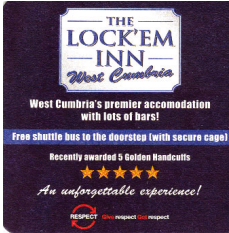
Criminal Anti-Social Behaviour Orders. These can only be used for persistent offenders and need to be applied for by the police on the court file at the time of conviction. On breach these Orders carry a prison sentence and are a good effective tool in dealing with offenders how don't comply with them.

NORTHANTS PUBWATCHES – UPDATE

Further to the launch of Roade Pubwatch, Northants (see Edition 24), the other scheme is Weedon & Flore. Additionally, another two new schemes, Moulton Area and Deanshanger, were launched recently. With these the total membership in 7 schemes amounts to 95 members.

WEST CUMBRIA NIGHTSAFE

This Nightsafe initiative launched in late 2006 consists of a range of actions relating to Enforcement, Education and Marketing. Core funding from identified partners provides the services already available to deal with violent crime and criminal damage. These partners include Magistrates, Fire and Rescue Service, Local Authority Enforcement Officers, Trading Standards and Highways, Licensees, Door Supervisors, A&E/Ambulance Service, Pubwatch Coordinator, CCTV Operators, Education, Town Centre Managers, Primary Care Trust, Probation, Taxi Association, Takeaways, Media, Government/Home Office, College Tutors, Solicitors, Youth Offending Service, Turning Point and other business and voluntary groups.



Enforcement is centred around a number of tactics, including:

- * Early intervention and prosecution for breach of on-street drinking laws
- * Confiscation of alcohol from persons under the age of 18
- * Support for Door Supervisors in relation to under-age drinkers
- * Identify persons at risk of offending and/or victimisation
- * Identify 'hotspots'
- * Interact with Licensees and Bar Staff, including supporting Pubwatch schemes
- * Deliver with partners consistent high quality Test Purchase operations
- * Conduct multi-agency visits to Licensed Premises

Education includes presentations to secondary schools on raising the awareness about the dangers of underage drinking, its potential consequences, which include anti-social behaviour, together with the impact such behaviour can have on people's lives.

Marketing includes a range of initiatives:

- * Wide distribution of 'The Lock Em Inn' leaflet highlighting a serious message in a humorous manner. This message is also featured on CFM throughout the festive season each year.
- * Car park tickets contain the Pubwatch theme 'Behave or Be Banned' and the Domestic Violence theme 'Kiss and Tell'.
- * Wide distribution of Beer Mats containing the above Pubwatch theme
- * Promoting the NHS message 'How Much Is Too Much' relating to knowing your limits
- * Gaining feedback on the impact of Pubwatch bans and the imposition of curfews under the 'Streetsafe' initiative
- * Encouraging the local media to highlight the Pubwatch scheme.



Since the launch of Nightsafe, incidents of violent crime and criminal damage have reduced considerably.

NATIONAL PUBWATCH SUPPORTS PASS

National Pubwatch is pleased to announce that they recently brokered a deal between Thames Valley Police and the Proof of Age Standards Scheme (PASS) board to purchase 175,000 sample/training cards.

The cards include a genuine PASS hologram a five-point guide on checking ID. It is hoped that the cards will give staff the confidence to accept genuine PASS accredited Proof of Age cards. Around half of the cards will be distributed to pubs, clubs and shops in Oxfordshire, Berkshire and Buckinghamshire. The rest will be distributed by the PASS board and National Pubwatch.

National Pubwatch chairman Steve Baker said the aim was to encourage more licensed premises to accept genuine proof-of-age cards. "Some pubs are worried about fake ID and it's easier to decline all proof-of-age cards and only accept passports and photo driving licences. However, that disadvantages the one and a half million people who have taken the trouble to legitimately obtain a genuine proof-of-age card. PASS is a good scheme that can protect licensees if properly used."

SWINDON - 'THREE STRIKES' INITIATIVE

Wiltshire Police, together with the town centre Pubwatch scheme, the Community Safety Team and the Town Centre Management Team, launched the 'Three-Strikes' initiative last year. Anyone arrested for drink-fuelled violence and issued with warnings, could, if ignored, see police applying for an Anti-Social Behaviour Order against them.

Persons committing offences while drunk will be arrested as normal. However, they will also be sent a letter explaining the potential consequences if they persist in their behaviour and offered health advice around excess alcohol consumption. If they are arrested for another similar offence within 12 months they will receive a further letter and will be banned from entering town centre venues for three months. Any further offences in the 12 months from this second letter will see police apply for a two-year Anti-Social Behaviour Order. This partnership aims to make Swindon town centre a safer and more attractive place to visit.

This new initiative supports the Pubwatch scheme with bar staff having been trained to recognize levels of drunkenness and told when it is best not to serve people. Venues have also been given a limit to the number of drunken incidents they can have before the Council review their license.

Police Constable Andy Alexander said, "The dramatic reduction in incidents at the venues taking part in Pubwatch shows just how committed these venues are to controlling the effects of excessive drinking in the town centre."