

Licensing Seminar

13th December 2010



Agenda

- **New Mandatory Conditions** – Claire Van Heerden
- **Best Bar None** – Claire Thomas
- **Under Age Sales** – Kevin Law & Lucinda Molyneux
- **Responsible Retailing** – Sgt. Mark Voller
- **Questions and Answers**

New Mandatory Conditions

Licensing Act 2003 (Mandatory Licensing
Conditions) Order 2010

New Conditions

- Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 has introduced 5 new conditions to help combat under age sales and binge drinking.
- 5 conditions apply to 'on' licensed premises
- 1 condition applies to 'off' licensed premises

- Failure to comply with conditions: Offence under section 136 Licensing Act 2003
£20,000 fine and/or 6 months imprisonment

The liability for compliance with the new conditions is with:-

- The licence holder
- 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
- A member or officer of a club present on the club premises who can oversee the supply of alcohol

- These conditions DO NOT replace existing conditions.

1: Drinks Promotions

- The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

Slide 6

IoWC1

Isle of Wight Council, 08/12/2010

2: Dispensing into the mouth

- The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3: Free tap water

- The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4: Age verification policy

- On and Off sale premises
- The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- Example available at: <http://www.homeoffice.gov.uk/publications/alcohol/new-conditions-alcohol/age-verification-policy?view=Binary>

Policy example

Premises Age Verification Policy

Name and address of premises

.....
.....
.....

Name of premises licence holder

.....

Name of designated premises supervisor

.....

1. This policy applies in relation to the sale or supply of alcohol on this premises.
2. For this policy the responsible person is one of the following:
 - 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
3. Staff serving alcohol on the premises must require any individuals who appear to the responsible person to be under the age of 18 years of age to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and a holographic mark.
4. Examples of appropriate identification include:
 - A photo card driving licence
 - A passport
 - A proof of age card bearing the PASS hologram
5. The premises licence holder or club premises certificate holder will ensure that staff are made aware of the existence and content of this policy.

Signed.....
PREMISES LICENCE HOLDER /
CLUB PREMISES CERTIFICATE HOLDER



5: Smaller measures

- The responsible person shall ensure that—
 - a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - beer or cider: ½ pint;
 - gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - still wine in a glass: 125 ml; and
 - b) customers are made aware of the availability of these measures.

*excludes pre-packaged bottled wines and beers.

Misc. updates

- Following death or insolvency of licence holder – now 28 days to reinstate licence.
- Temporary Event Notices
 - 10 CLEAR working days notice
 - Police have 2 working days to respond.
- On its way..... Police Reform and Social Responsibility Bill 2010/11

Best Bar None 2010/2011



BEST BAR NONE

BB

What is Best Bar None?

- It is a national accreditation scheme for on-licensed premises which was introduced in Manchester in 2001
- It is an annual assessment of licensed premises against predetermined criteria with a view to:
 - Reducing alcohol related crime and disorder
 - Minimise the harmful effects of binge drinking
 - Improving the profitability of an individual business
- It aims to reward responsible licence holders who establish and maintain high standards of practice

Why participate?

- Nationally recognised accreditation
- Trading advantage
- Positive local publicity
- Team building and staff morale
- Recommendations for future improvements
- Satisfaction of achievement
- It's FREE!

Who can participate?

- The scheme is currently open to all 'on' licensed premises which are open to the general public – the scheme will exclude club premises, hotel bars open to residents only and also restaurants where alcohol is only ancillary to a meal.

Assessment Criteria

- Capacity Management
- Security
- Preventing and dealing with drunkenness
- Age/alcohol related offences and accepted forms of proof of age ID
- Drugs
- Anti-theft Strategy/Crime Prevention/Lost Property.
- Noise Policy
- Health and Safety (Public Safety)
- Fire Safety

Last years awards

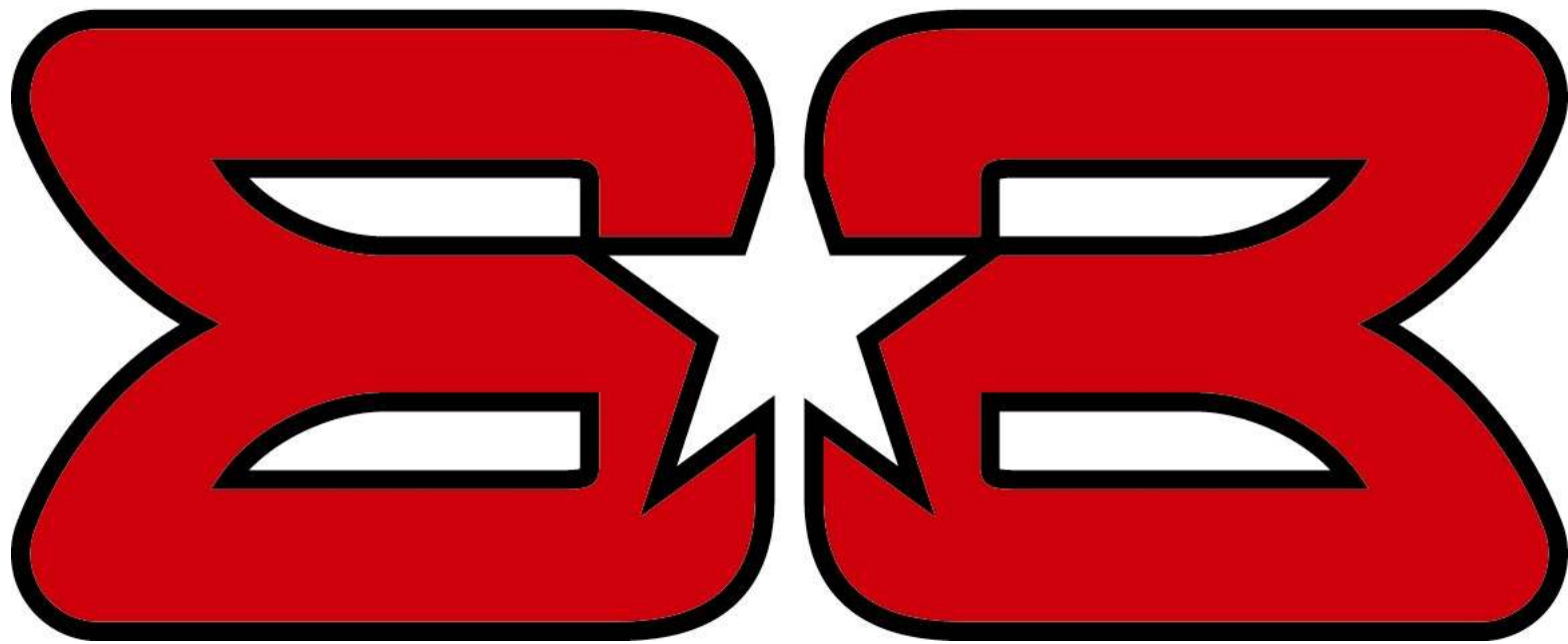
- Awards:
 - Best Practice in Protection of Young People
 - Best Practice in Crime Prevention
 - Best Practice in Community Impact
 - Best Practice in Public Safety
 - Best Licensee 2009/2010

2010/11 scheme

- Best Bar None Steering Group.
- This year the standards will be judged in the following way against the four licensing objectives.
 - *Bronze award* = minimum criteria
 - *Silver awards* = evidence of over and above minimum criteria and best practice
 - *Gold awards* = for premises who have achieved an exemplary standard.

Look out for the logo when you are out!

BEST BAR NONE



Trading Standards

Underage Sales / Fake ID

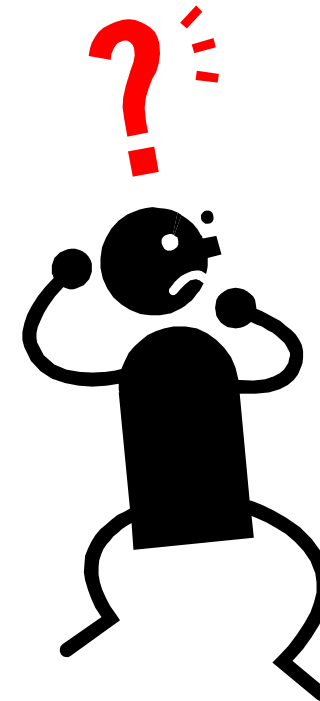


How do TS fit in with licensees?

- Tobacco
- Pricing
- Weights & Measures
- 85 Test Purchases for underage sales a year

Confused about selling alcohol?

- Statutory age limit is 18
- Challenge 21/25
- Under 21 Weekends



Test Purchasing for Underage Sales

- Sales for alcohol & tobacco
- Keep evidence of training & refusals
- Volunteer suitability



Easily available online...

The screenshot shows a Microsoft Internet Explorer browser window displaying the website <http://www.myfakeid.co.uk/fake-id/european-driving-permit.aspx>. The page title is "European Driving Permit < Fake ID cards by myFakeID. - Microsoft Internet Explorer provided by Isle of Wight Council".

The website header includes the text "best Fake ID online..." and a navigation menu with links: Home, Deals, Cards, Articles, FAQ, Account, and Contact Us.

The main heading is "myfakeID - European Driving Permit". On the left, there is a "FAKE ID CARDS" menu with the following options:

- International Drivers License
- European Driving Permit
- Provisional Motorcycle Permit
- National Identity Card
- Student Card
- International Age Card
- Sex Instructor Card
- Superhero Card

Below the menu is a "SHOPPING BASKET" section stating "There is currently nothing in your shopping basket" with "VIEW" and "CHECKOUT" buttons. A "CURRENCY" section shows flags for the UK, USA, EU, and Australia.

The main content area is titled "European Driving Permit with Hologram". It includes a breadcrumb trail: "Fake ID > Fake ID cards > European Driving Permit".

There is an image of a "EUROPEAN DRIVING PERMIT" card. The card details are as follows:

1. O'NEIL	2. CONNOR
3. UK (EU) UNITED KINGDOM	4. 87-08-87 - 86-08-87 AL DPLA
5. O'NEIL CONNOR	6. 2008-08-08
7. [Signature]	8. 14 WELLSIDE ROAD, HAMPTONSHIRE, NEW ZEALAND
9. 87-08-87	10. 87-08-87

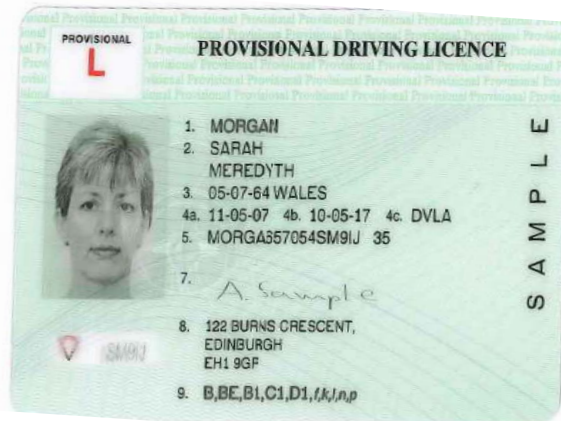
Below the card image is a "view large image" link.

To the right of the card image, there is a text description: "The European Driving Permit card is the best selling fake ID card that we supply, im sure you can see why. Our European Driving Permit is the best novelty card of this type you will find on the internet. Our novelty European Driving Permit has been designed by our professional in house designers to look as real as possible giving the authentic look. This will ensure when you are playing tricks on your friends they are sure to believe you. Your signature (which you provide) will be printed on the front of your European Driving Permit and the hologram (which is on the front and the back) will ensure your fake drivers licence is realistic. The hologram is provided at no extra cost."

At the bottom right, there is a dark grey box with the text "Card cost :£25" and a red "BUY NOW" button.

The browser's taskbar at the bottom shows the Start button, several open applications (Microsoft Office Outlook, UA5seminar09, European Driving Per...), a search bar, and the system tray with the time 14:33.

Acceptable ID



How do I detect a fake driving licence?



Use a UV light!



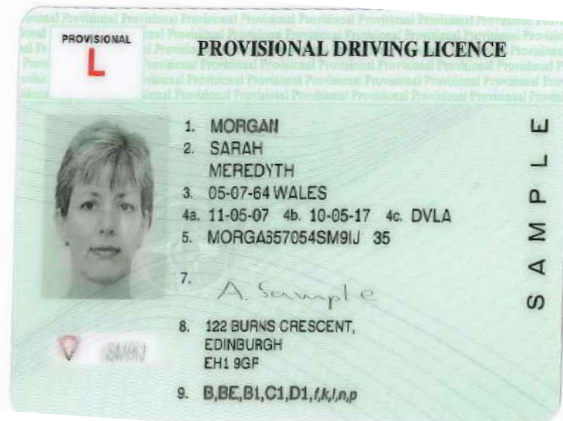
How about a fake PASS card?



Fake Provisional Licences



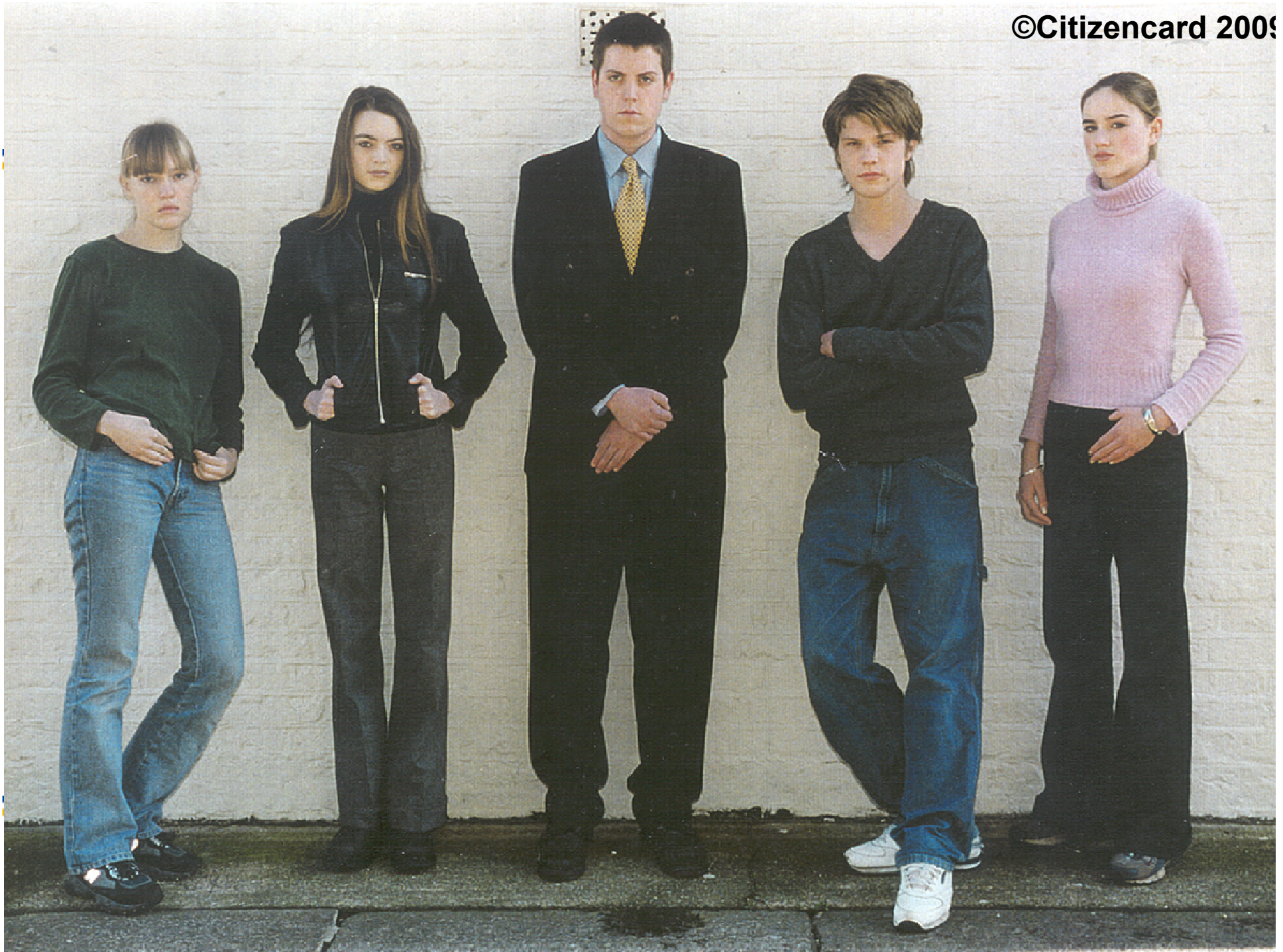
Acceptable ID

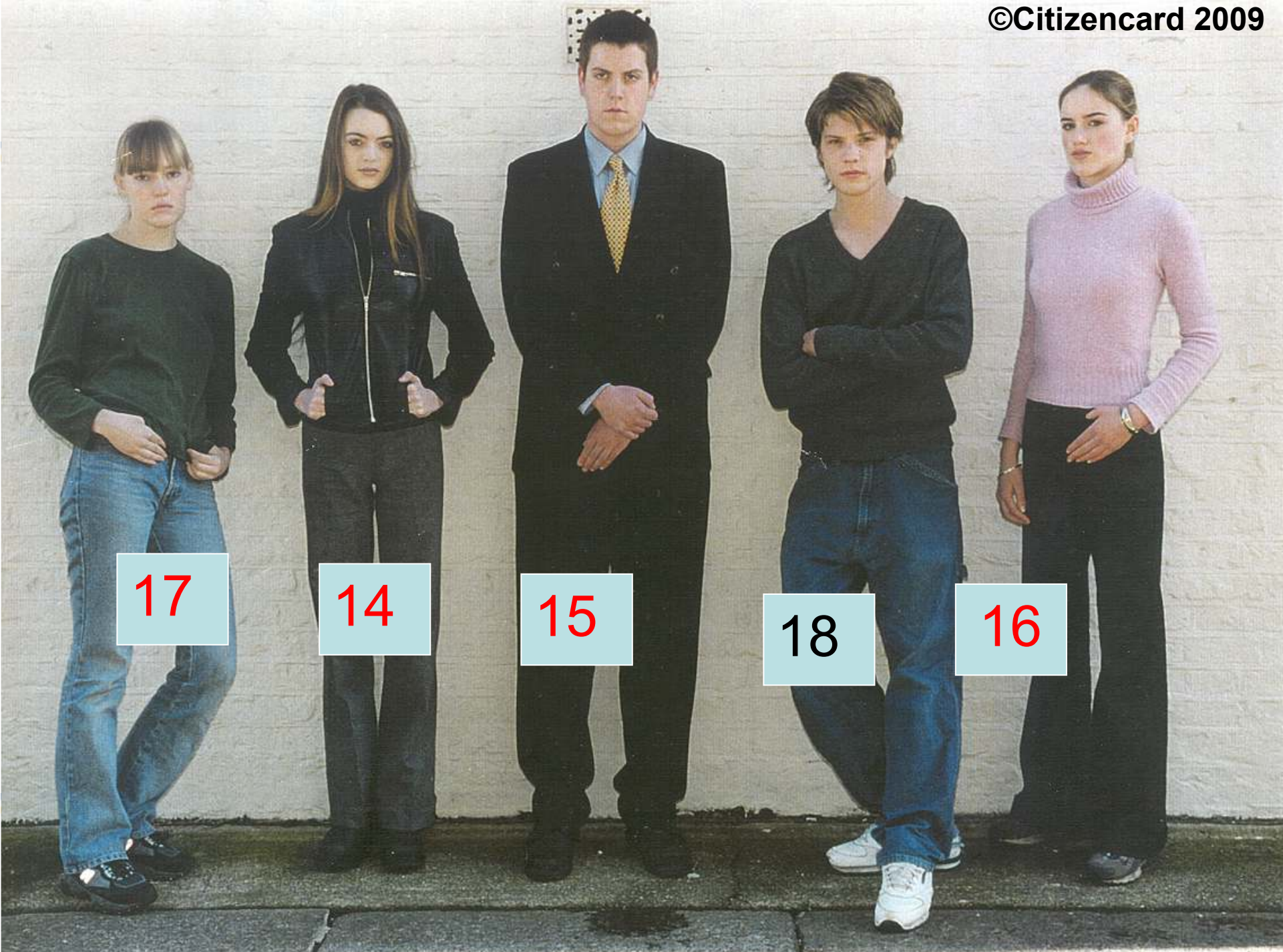


How to avoid selling

- Start/end of shift
- Distracted by phone/friend?
- Problems at home?
- Lone working
- Get a good reputation, they won't try
- Work with Police & TS

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Any questions?

trading.standards@iow.gov.uk

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Responsible Retailing
Police Sgt. Voller

Crime and Disorder

- **Police are concerned about the continuing link between violent crime on the Isle of Wight and drunkenness, which is attributable in part to the irresponsible sale of alcohol.**
 - **Drunkenness is causative factor in much crime and antisocial behaviour and also increases the risks of victimisation.**
 - **It is recognised that the ‘on’ licensed trade (pubs, clubs etc) is not wholly responsible for the problem, and that off licences have their part to play. It is increasingly difficult for staff to tell how intoxicated customers may be as some will ‘pre-load’ with alcohol and drugs before arriving at a premises.**
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- **Almost daily, avoidable incidents happen in licensed premises on the Isle of Wight. In too many cases licensees and staff are assaulted or abused, sometimes for trying to enforce the law and good practice on their premises. It is vital that incidents are managed appropriately to reduce risks to staff and customers.**
 - **Many incidents can be avoided altogether if the correct 'culture' is created in the premises. Licensees are urged to decide a 'code of conduct' for the premises and to communicate this to customers (e.g. verbally, on signage, via the internet etc.). Staff should know the standard of behaviour which will be tolerated.**
 - **Those who breach the agreed standards should be dealt with appropriately. In some cases a pubwatch ban may be sought.**

Drinks promotions

- **Incidents can also be reduced where irresponsible promotions are avoided, as per the new mandatory licensing conditions.**
 - **Where a drinks promotion is contemplated, it is a good idea to consult police licensing unit in advance. This is because some licensees may find the mandatory conditions confusing and open to various interpretation.**
 - **Where incidents do occur it is important that these are managed correctly, to defuse confrontation and the risks of violence. It is better to identify someone getting drunk at an early stage and act to prevent him drinking heavily than to allow the customer to get drunk, having then to eject him from the premises.**
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Drunkenness

- **Staff should be trained to identify the signs of drunkenness and to take preventative steps. These include speaking to the customer, either at the time (or sometimes later when he is sober) to get him to confront the issue of his drinking. There is no single method for dealing with drunk customers, since every premises is different, with a differing customer profile, but avoidance of the issue is never an option.**
- **Where a customer is likely to become violent and customers and staff may be at risk, do not hesitate to call police to assist (or at least be present nearby as you deal with the problem.)**

- **It is essential that staff understand it is an offence to sell alcohol to a drunk person. It is also an offence to permit disorder on licensed/club premises. Offences can be committed by any member of staff, also by a licence holder and DPS (or in the case of clubs by officers of the committee or by members who are present.)**
- **There is no legal definition of drunkenness in the Licensing Act, so a common-sense understanding of the term should apply. Licensees and their staff are expected to recognise and deal properly with drunkenness where it occurs.**

- **All licensees have a common law power to refuse service of alcohol to a customer or to request him to leave. The individual should be made aware he must leave. He may then become a trespasser and reasonable force may be used by the licensee or his agent to eject him. Where a person who is drunk or disorderly fails to leave, or enters without permission, a criminal offence may be committed.**
- **All premises are advised to maintain a log of incidents and of refusals to sell alcohol. This record not only protect the licensee in the event of a prosecution or review, but is a useful aid to staff training, helping to focus their attention on these key issues.**
- **Licensees who reduce the incidence of drunkenness not only make their premises safer for staff and customers but serve the wider community, who bear the brunt of the antisocial acts of customers when they leave.**

- **In the event that a premises fails to control the excessive drinking of customers, action may be taken by police. In the first instance police may work with the licensee to secure improvement, sometimes agreeing an 'action plan.' If this fails, a licence review is a possibility.**
- **Where an immediate incident of violence is taking place police have a power to close a premises. In such cases, licensees are encouraged to co-operate with police and to offer to close the premises voluntarily if necessary. A police emergency closure order will always trigger a licence review.**
- **Police recognise the good practice that already exists in pubs and clubs around the Island, but seek further improvement in order to help reduce violent crime in our communities.**