LONDON BOROUGH OF SUTTON

LICENSING COMMITTEE

TUESDAY, 9 JUNE 2009

10.00 am at the

Civic Offices, St Nicholas Way, Sutton, SM1 1EA

To all members of the Licensing Committee:-

Chair: *Councillor Sue Stears*
Vice-Chair *Councillor Roger Roberts*
Councillors: *Margaret Ali, Sheila Andrews, Richard Bailey, Joan Hartfield, Eric Howell, Janet Lowne, Jonathan Pritchard, Barry Russell, Tony Shields, Roger Thistle, Peter Wallis and Graham Whitham*

Substitutes: *Councillors:*

Paul Martin
Chief Executive
Civic Offices
St Nicholas Way
SUTTON
SM1 1EA

29 May 2009

Enquiries to: Mr Peter Snow, Principal Committee Manager
Tel: 020 8770 5119 Fax: 020 8770 5404 E-mail: peter.snow@sutton.gov.uk

Copies of reports are available in large print on request

CIVIC OFFICES, SUTTON
GROUND FLOOR MEETING ROOMS

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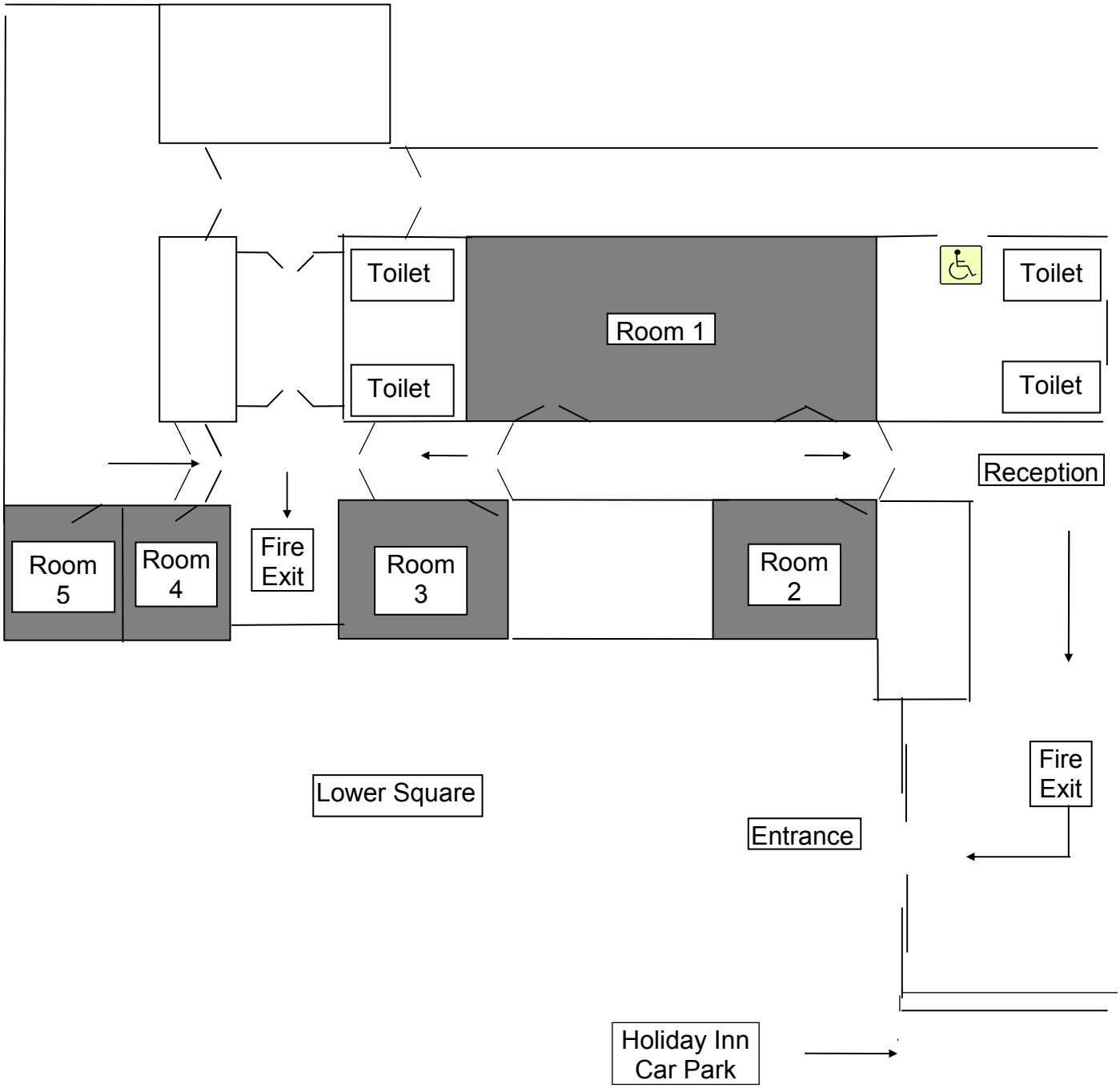

Reminder – Declaration of Interests

Members should consider the following interests and whether they have any they should declare.

Personal interests:

Where it might reasonably be regarded that a matter will affect the well-being or financial position of you, a member of your family, any person with whom you have a close association, or any person or body with which you or they are involved or in which they have a relevant beneficial interest, to a greater extent than the majority of people affected by the decision.

In this case you should declare the interest and state the nature of it.

Personal and Prejudicial Interests:

Where a personal interest is thought to be so significant that a member of the public, with knowledge of the facts, would consider it likely to prejudice the member's judgment of the public interest.

In this case you should declare the interest, state the nature of it, and leave the meeting room.

Further information can be found in the Council's Code of Conduct. If you are in any doubt as to whether you have an interest you should seek advice before the Committee meeting from either Richard Shortman or Stephen Lawrence-Orumwense.

If, during the course of the Committee meeting, you consider you may have an interest you should always declare it.

PLEASE NOTE: *Any decision taken at this meeting does not become definitive until 10am on the second working day after the meeting. Any four members of the Council may notify the Chief Executive by then if they require a decision to be reviewed. Please contact the Project Manager named on the Agenda frontsheet for further information.*

AGENDA

1. APOLOGIES FOR ABSENCE AND DECLARATION OF SUBSTITUTES

2. MINUTES (Pages 1 - 6)

of the meetings held on 10 March and18 May 2009 (ENCLOSURES).

3. LICENSING SUB-COMMITTEES - HEARINGS PROCEDURE (Pages 7 - 12)

Report of the Executive Head of Environmental Sustainability (ENCLOSURE).

4. 'BEST BAR NONE' - PROPOSED SUTTON SCHEME (Pages 13 - 26)

Report of the Executive Head of Environmental Sustainability (ENCLOSURE).

5. GAMBLING ACT 2005 - ENFORCEMENT ACTIVITIES (Pages 27 - 32)

Report of the Executive Head of Environmental Sustainability (ENCLOSURE)
[L/01/09]

6. ANY URGENT BUSINESS,

including that of members, brought forward at the direction of the Chair, who has approved the reason for the urgency.

LICENSING COMMITTEE

10 March 2009 at 10.00 am

MEMBERS: Councillor Sue Stears (Chair), Councillor Roger Roberts (Vice-Chair) and Councillors Sheila Andrews, Richard Bailey, Joan Hartfield, Janet Lowne, Jonathan Pritchard, Tony Shields, Roger Thistle and Peter Wallis.

ABSENT: Councillors Margaret Ali, Margaret Court, Tim Crowley, Barry Russell and Graham Whitham.

237. MINUTES

The Minutes of the meeting held on 23 September 2008 were approved as a correct record, and signed by the Chair.

238. GAMBLING ACT 2005 - REVIEW OF PREMISES LICENCE FEES

The Chair directed that this matter be brought forward as an urgent item to enable revised fees to be introduced from the beginning of the 2009/10 financial year.

By Minute 422(b)/07 a schedule of fees that could be levied under the Gambling Act 2005 had been approved. Statutory regulations permitted the level of fees to recover only the Council's costs. A time recording system had therefore been introduced so that fees could be set at a level that would ensure the Council recovered the full costs of processing applications, providing advice to applicants, conducting inspections, enforcement work and holding hearings. The provisions of the Act had been in operation for one year and the fees had therefore been reviewed to ensure that they recovered the Council's full costs, and that there was no subsidy by Council Tax payers.

A schedule of revised proposed fees was submitted. Some fees, namely those for family entertainment centres and betting track premises, would remain unchanged because there had not been any applications within those fee categories to permit the accurate assessment of the Council's costs. The proposed fees would ensure that cost recovery was achieved and would be reviewed at regular intervals to ensure that remained the case.

> **Resolved:** That the proposed premises licence fees, set out in the Appendix to these Minutes, be adopted with effect from the beginning of the 2009/10 financial year.

The meeting ended at 10.09 am

Chair: .....

Date: .....

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Appendix to Minutes:
Licensing Committee
10 March 2009

Gambling Act 2005 – Fees

Premises Licence Type	Current Fee	Proposed Fee
Bingo Application	£1,560	£1,590
Bingo Annual Fee	£1,000	£1,000
Bingo Provisional Statement S.204	£1,585	£1,585
Bingo Provisional Statement S.205	£830	£830
Bingo Variation	£1,615	£1,590
Bingo Transfer	£440	£440
Bingo Reinstatement	£500	£500
Adult Gaming Centre Application	£1,570	£1,375
AGC Annual fee	£1,000	£1,000
AGC Provisional Statement S.204	£1,490	£1,490
AGC Provisional Statement S.205	£740	£740
AGC Variation	£1,000	£1,000
AGC Transfer	£440	£440
AGC Reinstatement	£500	£500
Betting Non-Track Application	£1,600	£1,600
Betting Non-Track Annual Fee	£600	£465
Betting Non-Track Provisional Statement S.204	£1,585	£1,585
Betting Non-Track Provisional Statement S.205	£830	£830
Betting Non-Track Variation	£1,500	£1,500
Betting Non-Track Transfer	£440	£440
Betting Non-Track Reinstatement	£500	£500

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LICENSING COMMITTEE

18 May 2009 at 8.17 pm

MEMBERS: Councillor Sue Stears (Chair), Councillor Roger Roberts (Vice-Chair) and Councillors Margaret Ali, Sheila Andrews, Richard Bailey, Joan Hartfield, Eric Howell, Janet Lowne, Jonathan Pritchard, Barry Russell, Tony Shields, Roger Thistle, Peter Wallis and Graham Whitham.

Also Present: Councillors Sean Brennan, Tony Brett Young, Moira Butt, Dave Callaghan, Cliff Carter, Tim Crowley, Ruth Dombey, John Drage, Peter Geiringer, Lyn Gleeson, Bruce Glithero, Stuart Gordon-Bullock, Colin Hall, Brendan Hudson, Paddy Kane, John Kennedy, John Keys, Abigail Lock, Jayne McCoy, Paul Newman, David Pickles, Pamela Picknett, Hamish Pollock, Paul Scully, Helen Senior, Jenny Slark, Colin Stears, David Theobald, Graham Tope, Simon Wales, Myfanwy Wallace, Marion Williams and Misdaq Zaidi.

1. APPOINTMENT OF LICENSING SUB-COMMITTEES FOR THE MUNICIPAL YEAR 2009/10

Resolved: That Licensing Sub-Committees for the Licensing Committee and the Licensing (Miscellaneous Functions) Committee consist of any three Councillors who are members of those Committees.

The meeting ended at 8.17 pm

Chair: .....

Date: .....

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London Borough of Sutton
Licensing Committee – 9 June 2009

Report of the Executive Head of Environmental Sustainability

Licensing Sub-Committees - Hearings Procedure

Ward Location:	Not Applicable	**Author(s) and Contact Phone Number(s):**	
		Richard Winch (020-8770 5622)	
Area Served:	Borough wide	**Executive Councillor:**	
		Graham Tope	

Report to amend the hearing procedure for Licensing sub committees

Summary

The current procedure for sub committee hearings does not reflect common practice by licensing authorities and it is therefore advisable that the procedure is amended to ensure best practice is followed.

It is recommended that the procedure is amended to include the additional paragraph proposed at paragraph 2.6 of the report.

1. Background

1.1 The Licensing Act 2003 requires all Licensing Authorities to determine a hearing procedure to be followed by sub committees for specified applications under the Act. These include applications that have had valid representations submitted and therefore have to be determined by a sub committee.

1.2 The current hearing procedure was adopted before the implementation of the Act and is set out in full at appendix A to the report.

2. Issues

2.1 Since the introduction of the Act it has become apparent that the procedure used during sub committee hearings is not in line with the practices of other authorities and does not follow best practice.

2.2 The current procedure states at point 7:

- The members of the Sub Committee, their clerk and their legal advisor will retire to determine the application and the reasons for their decision.

This does not allow for any legal advice given to the members to be reported in open session.

2.3 Leading legal opinion in this area states that any legal advice given when the members have retired should be repeated in open session on the return to the hearing to allow all parties to the hearing to make representations on the advice given. The legal advisor can then consider these representations and then confirm the advice as it stands or vary that advice as he or she determines. The full section of advice on this area is set out below:

- At any time the committee is entitled to receive advice to assist it in discharging its responsibilities. If the committee is in any doubt as to the evidence which has been given, it should then seek the aid of their legal adviser, who should refer to his or the clerk's notes as appropriate. This should ordinarily be done in open session.
- Any legal advice given to the committee other than in open session should be clearly stated to be provisional and the advisor should subsequently repeat the substance of the advice in open session and give the parties an opportunity to make any representations they wish on that provisional advice. The legal advisor should then state in open session whether the provisional advice is confirmed or if it is varied the nature of the variation.

2.4 This practice would ensure that the hearing is conducted in a fair and open way and follow the same principles applied during court proceedings.

2.5 Although no legal challenges have been made against the hearing procedure or complaints lodged against the conduct of any hearings comment shave been made by the legal representatives of applicants. It would therefore be prudent to amend the procedure to prevent this becoming an issue of contention and possible challenge.

2.6 It is recommended that the hearing procedure is amended to include an additional paragraph at the end of the procedure as set out below. This wording has been drafted in consultation with the principle solicitor of the council.

> 8. If the legal adviser gives advice to the sub-committee that advice will be reported to the parties to the hearing in open session and the opportunity will be given for representations to be made on that advice. The legal adviser will then either confirm the legal advice given or vary the advice given to the sub-committee.

3. Financial Implications

None

4. Influence of the Council's Core Values

None

5. Equality Impact Assessment

None

6. Background Papers

None

Appendix A

Hearing procedure

APPENDIX

LONDON BOROUGH OF SUTTON

LICENSING SUB-COMMITTEE

THE LICENSING ACT 2003 AND THE GAMBLING ACT 2005

PROCEDURE FOR HEARINGS

The Licensing Committee of the London Borough of Sutton has adopted the procedure set out below, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 and the Gambling Act 2005 (Proceedings of Licensing Committees and Sub-Committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007 to determine opposed applications received under the provisions of the Licensing Act 2003 and applications received under the provisions of the Gambling Act 2005 where they have received representations, they propose to add or exclude certain conditions or a licence is reviewed. Other applications will be determined by officers under delegated authority, in accordance with statutory guidance.

The Licensing Committee has appointed a Licensing Sub-Committee, comprising any three members of the Committee, to hear and determine opposed applications. No sub-committee member will represent the ward or reside in the ward where premises that are the subject of the application, or the applicant in the case of a personal licence, are situated.

Hearings by the Sub-Committee will normally take place during the day.

The Licensing Act 2003

Applications must promote, and representations should focus on, the four licensing objectives in the Licensing Act 2003. Namely:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

In relation to the Licensing Act 2003, the terms 'party' or 'parties' will include the following, as appropriate and defined in Schedule 2 of the Licensing Act 2003 (Hearings) Regulations 2005:

- the person who has made the application
- the holder of the premises licence
- the holder of the premises licence immediately before the application was made
- the club which has made the application or holds the club premises certificate
- the premises user in the case of a temporary event notice
- the person who has given notice under section 47(2) of the Licensing Act 2003
- the holder of the personal licence
- each chief officer of police
- persons who have made relevant representations

The Gambling Act 2005

Applications must promote, and representations should focus on, the three licensing objectives in the Gambling Act 2005. Namely:

APPENDIX

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

In relation to the Gambling Act 2005, the terms 'party' or 'parties' will include the following, as appropriate and defined in Schedule 1 of the Gambling Act 2005 (Proceedings of Licensing Committees and Sub-Committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007:

- the applicant
- any person who has made (and not withdrawn) representations about the application
- any person who has made (and not withdrawn) representations about the review
- the licensee

General

The parties will be given notice in writing of the time and place of the hearing in accordance with the above Regulations, and will be allowed to be represented and to call witnesses whom the Sub-Committee agrees may appear before the hearing. Copies of any relevant documents will be made available in advance of the hearing in accordance with the above Regulations.

Additional documentary evidence may only be submitted at the hearing with the consent of all parties.

Each party will be given an equal maximum period of time in which to exercise their rights to:

(1) provide further information on, or explanation of, any matter on which the Sub-Committee has indicated that it will want further clarification;
(2) address the Sub-Committee;
(3) call witnesses to give evidence on any matter that is relevant and, if appropriate, question any other party or witness.

PROCEDURE FOR HEARING OPPOSED APPLICATIONS AND REVIEWS

1. The Chair of the Sub-Committee will confirm that the parties who have indicated they will attend and their witnesses, if any, are present. If any party has indicated that they will not attend or fails to indicate whether or not they will attend the Sub-Committee may hold the hearing in that party's absence.

2. The Chair will confirm that each party has a copy of the procedure to be followed and outline that procedure.

3. The Chair will indicate whether or not it is considered that cross-examination of the parties is required, within the time limit allowed to each party, for it to consider the representations, application or notice as the case may require.

4. The Executive Head of Environmental Sustainability, or an officer delegated by him or his legal representative, will explain briefly the application.

5. The Chair will lead a discussion in which:-

(a) They will indicate any points upon which the Authority has given notice to a party that it wants clarification, and the parties will respond in the following order:

APPENDIX

- Any person who has made representations about the application
- The applicant or licensee

(b) A representative of a responsible authority, where they are a party, will address the Sub-Committee and call any witnesses agreed by the Sub-Committee. A maximum of 15 minutes will be allowed for their address and any witnesses or questioning of the applicant or licensee under section (j) below.

(c) Members of the Sub-Committee may ask questions of the responsible authority's representative and any witness.

(d) The applicant or licensee may ask questions of the responsible authority's representative.

(e) Persons submitting representations will address the Sub-Committee and call any witnesses agreed by the Sub-Committee. A maximum of 15 minutes will be allowed for their address and any witnesses or questioning of the applicant or licensee under section (j) below. They should co-ordinate their address to make a coherent case to the Sub-Committee within that time limit. If they are unable to co-ordinate their address the Sub-Committee will exercise their discretion to allocate the time available.

(f) Members of the Sub-Committee may ask questions of the persons submitting representations and any witness.

(g) The applicant or licensee may ask questions of the persons submitting representations.

(h) The applicant or licensee will address the Sub-Committee and call any witnesses agreed by the Sub-Committee. A maximum of 15 minutes will be allowed for their address, less any time taken for questioning under sections (d) or (g) above.

(i) Members of the Sub-Committee may ask questions of the applicant or licensee or any witness.

(j) The persons submitting representations may question the applicant or licensee.

(k) The Chair will ask each party to confirm that they do not wish to make any additional points. If either party wishes to make any additional points they will be allowed a reasonable time to do so and the other party will be given a similar amount of time to make any additional points.

7. The members of the Sub-Committee, their clerk and their legal adviser will retire to determine the application and the reasons for their decision.

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London Borough of Sutton
Licensing Committee – 9 June 2009

Report of the Executive Head of Environmental Sustainability

Best Bar None – Proposed Sutton Scheme

Ward Location:	Not Applicable	**Author(s) and Contact Phone Number(s):**	
		Richard Winch (020-8770 5622)	
Area Served:	Borough wide	**Executive Councillor:**	
		Graham Tope	

Report to advise the committee on the proposed best bar none scheme for Sutton

Summary

The Police in partnership with the local authority are planning to introduce a best bar none quality mark scheme for Sutton. This is based on the national best bar none scheme which is operated in numerous boroughs across the country.

This report sets out the background of the best bar none scheme and how it is proposed to launch a local Sutton scheme.

1. Background

1.1 Best Bar None is a national accreditation scheme designed to recognise and reward the good and safe working practices that pubs, clubs and bars have in place.

1.2 Created and developed by Greater Manchester Police's City Safe Unit in conjunction with the UK drinks industry, the scheme is the first of its kind and recognised by the Government as best practice. To date it is running in over 80 towns and cities across the UK.

1.3 It offers accreditation to licensed premises that can prove they operate to a high standard of safety and customer care. The first awards were held in Manchester in March 2003 and, since then, the scheme has grown rapidly to encompass a large number of towns and cities across the UK.

1.4 The key elements of Best Bar None are:

- promotion of responsible licensed trade management
- promotion of socially responsible drinking
- commitment to caring for, and protecting, customers
- commitment to reducing the potential for disorder in city/town centres and public places arising from alcohol abuse.

1.5 Venues that are accredited under the scheme receive distinctive window stickers to show that that they are working harder to give customers a safer night out. The scheme runs every year to allow premises to improve and reach the required standards for accreditation.

1.6 Best Bar None is promoted by the home office and the British Institute of Innkeeping (BII), as a nationally recognised standard of excellence.

1.7 In 2007 an agreement was reached between Greater Manchester Police, the Home Office and BII, the professional body for the licensed retail sector, to develop the scheme nationally. An independent board has been formed and is currently chaired by Lord Rupert Redesdale. BII's role in Best Bar None is to help and foster future development of the scheme.

1.8 Best Bar None provides a much needed opportunity for licensees to demonstrate to official agencies just how well they manage their own businesses. It is an opportunity for positive dialogue between the two sides.

1.9 The standards outlined by Best Bar None also provide a common reference point for community officers to work with their local pubs and clubs in tackling crime and disorder issues on an ongoing basis.

2. Aim for Sutton

2.1 The aim of launching a 'quality mark scheme' is to reduce alcohol related crime and disorder in Sutton by building a positive relationship between the licensed trade and the local authority and the police. It can also reduce the harmful effects of binge drinking.

2.2 The process of becoming recognised by the scheme will improve standards within the licensed retail sector as there are minimum standards that need to be reached to gain approval.

2.4 It will raise the profile of the town as a safe place to enjoy a night out. A number of schemes have used the Best Bar None scheme to produce night out guides on line or available at local stations and outlets.

2.5 In summary the benefits of introducing this scheme in Sutton are:

- reduce the risk of alcohol-related harm, disorder and crime
- establish a benchmark of good practice in licensed premises
- identify and reward responsible operators and share their good practice with others
- create consistency of standards throughout the town which support the objectives of the alcohol harm reduction strategy and the 2003 Licensing Act
- improve the knowledge and skills of enforcement and regulation agencies, licensees and bar staff to deal effectively with issues relating to the management of licensed premises
- understand how this can reduce alcohol-related crime and disorder, minimise the harmful effects of binge drinking, whilst improving the profitability of an individual business and attractiveness of a general area
- raise public awareness of the benefits of choosing to use well-run licensed premises, and so increasing public reassurance and the promotion of social inclusion and diversity of use
- create a positive vehicle for all sectors of the night time economy to work together in partnership for the common good
- improve the attractiveness and economic vitality of the awards area.

3. Sutton scheme operation

3.1 It is intended that a launch event will be held for the start of this year's Best Bar None Awards and all local licensees will be invited to the event. The aim of the launch event will be to provide details of the scheme to local licencees and most importantly highlight the benefits of the scheme.

3.2 The application pack including the application form and an advice booklet will be provided at the event and Police, local authority and fire service representatives will be present to provide advice and guidance. The advice booklet will give all the relevant information needed to allow the applicants to achieve the required standards and will clearly set out what those standards are and how they will be assessed.

3.3 Those licensed businesses that wish to apply will then complete the application form which will be kept to a minimum. There may also be a small charge to the businesses to enter which would contribute towards the cost of running the scheme but it is hoped that funding may be secured to prevent a fee being necessary. There has already been a very keen response from numerous businesses in Sutton towards the proposed scheme.

3.4 All of the premises that have entered will then be visited by fully trained and accredited assessors who undertake an in-depth assessment of the premises. In some areas the initial application form is short and the bulk of the assessment will take place at the assessment. The assessments are arranged by appointment, at the convenience of the licensee during the day, and should last between an hour and a half and three hours dependant on the size and type of premises. Training and examination has recently been undertaken and 18 police and local authority officers are now fully qualified and acrredited asssessors.

3.5 The assessors use a scoring booklet, which allows space for comments, explanation of any decisions taken during the assessment, and to record instances of good/bad practice. Premises will only be compared with other similar premises. The standard categories proposed for the Sutton scheme are pubs, bars and nightclubs.

3.6 Assessment is an audit of working practices described by the venue in their application. It's not about carrying out any enforcement activities as Best Bar None is a positive accreditation scheme.

3.7 The aim of assessment is to ensure fairness and to look for evidence that premises have essential policies and procedures in place. Following the assessment visit the application forms are marked and ranked in order of scores.

3.8 If premises meet the minimum standard set by the assessors they are then awarded Best Bar None approval and will be able to display signage outside and inside their premises. They will also be listed on the Councils web page.

3.9 The top five premises in each category are then put forward to be judged for the overall awards. The judging process is an opportunity to involve a wider group of local opinion formers and significant members of the local community. Representatives on the judging panel may include local MPs, councillors, prominent police officers, representatives from local authority disciplines and the fire service.

3.10 The panel may visit each of the short listed premises and a winner and runner up is awarded in each of the categories. An overall winner is also chosen as the best premises in the borough and can be from any of the categories.

3.11 The winners would then be announced at a high profile Award Ceremony at an appropriate venue and all the applicants will be invited. This will be an ideal way of rewarding the participants in the scheme and also showing the importance of Best Bar None to the local area and gaining publicity for the scheme, which could then spread to other business types in future years.

3.12 The criteria for the standards required will be set with regard to the local area to ensure that it is appropriate and achievable. The headline proposed criteria is set out below but is included in full at Appendix A.

PREVENTION OF CRIME AND DISORDER

Door policy, security briefing and reviews, thefts and burglary, search policy, drugs recovery/seizure policy, policy on drunkenness, capacity, CCTV, disorder, lost and found property and crime prevention strategy.

PUBLIC SAFETY

Risk assessment, incident management, lighting, first aid, fire procedures, glass/ bottle collection, and general safety.

PREVENTION OF PUBLIC NUISANCE

Alcohol promotion policy, noise, and community engagement.

PROTECTION OF CHILDREN FROM HARM

Age related issues.

4. Time Scale

4.1 It is proposed to launch the scheme in July and to conduct the assessments before the end of 2009 with the awards ceremony beiong held in January 2010. This is subject to the necessary prepartions being completed although the project is being actively worked on to achieve this time scale.

5. Financial Implications

There are no financial implications to the authority as the set up and ongoing running costs will be provided for by sponsorship of the scheme and by funding streams to be explored by the Police. Training costs already incurred have been met by the police.

6. Influence of the Council's Core Values

None.

7. Equality Impact Assessment

None.

8. Background Papers

None.

Appendix A

Draft Application pack which is yet to be fully discussed and revised.

Welcome

You are invited to become involved in the 'Best Bar None' Award Scheme. The scheme has now been running in the UK for 6 years and is growing in popularity with many Cities and Towns operating the scheme as an example of best practice.

The scheme is open to all pubs, bars and nightclubs in the London Borough of Sutton. It focuses on public safety and customer care and offers each venue an opportunity to demonstrate that it is focused on such important issues as Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and Protection of children from harm.

This booklet summarises good practice developed within the licensed trade and evaluated by inspection within the award scheme. It is designed to help you to achieve an award this year.

The booklet aims to clarify the process, identify minimum standards and highlight good practice where it exists. Participation in the scheme shows a willingness by partners in the licensed trade to set standards and to encourage other operators to follow. The partners in the award scheme set out to promote continuous improvement and the element of competition within the scheme supports this ethos.

Inspection Process

Once you have applied by completing the application form, a convenient time will be arranged for the inspection process to be carried out. Each inspection should last between two to three hours and consists of a thorough examination of the procedures and processes in place within your venue. Inspections are based on essential, desired and bonus elements. There are 21 essential elements and premises must achieve all of these to attain accreditation. In order to be considered for an award, venues must achieve the essential criteria. In order to be considered for a higher award venues must score highly in the desired and bonus elements. The best three premises in each category are then remitted to a panel of judges who decide on the Gold and Silver award winners.

Key Elements

The police will be in a position to identify premises, which show greater indicators of safety. The areas examined by inspection teams include: door policy, security briefing and reviews, age related issues, search policy, drugs recovery/seizure policy, policy on drunkenness, staff training, glass/ bottle collection, alcohol promotion policy, CCTV coverage, risk assessment, incident management, crime prevention strategy, lost and found property, lighting, fire procedures, first aid, and general safety. There is an emphasis on evidence during the inspection process. This means that all actions taken should be recorded. Each key element is described in more detail below.

Information

The information set out in this book covers all of the elements needed to become accredited by Best Bar None.

The information highlighted in *red* covers the essential elements. Each venue **MUST** be able to prove compliance on 100% of these elements in order to become accredited.

Extra elements are also covered and these are desired by the assessors. By covering the desired elements and by going that bit further you will put your venue in with a better chance to challenge for the title of Best Venue Bar None. **GOOD LUCK.**

PREVENTION OF CRIME AND DISORDER

Door Policy

1. All premises should have a cohesive door policy with all staff aware of the type of clientele the operator wishes to attract. This is particularly important in premises that operate without the use of door staff.
2. Evidence suggests that disorder occurs within premises, often due to overcrowding with factors being drink spillages, frustration caused by patrons being unable to obtain bar service and lack of personal space among others.
3. *You should have a documented capacity set for your premises. Consideration should be given to deliberately running below capacity to afford a comfort factor to your patrons.*
4. Door staff, where used must be SIA licensed and should wear easily identifiable uniforms with approved name badges.
5. Door staff should wear high visibility jackets and provide a presence on the street immediately outside the venue.
6. Any ejections or persons barred should be recorded.

Security Briefing and Reviews

1. Consideration should be given to daily briefing and de-briefing of all staff. This may be informal but any problems identified should be recorded and action taken. This enables managers to improve working practice in a variety of areas.
2. *A more formal regular security review should be held no more than every two months and should be fully minuted with records kept in the main office.*
3. Written records should be kept of problems identified during briefing sessions and action taken to resolve the issues.
4. Monthly meetings fully minuted, action taken on any issues should be fully reviewed and confirmed by head office.
5. A Written accident reporting and incident reporting system must be in place. This **MUST** be kept for 6 years.
6. Any incident, once recorded should be sent to the head office or area manager

Thefts / Burglary

1. *Premises must have a clear anti-theft strategy in place.*
2. *Must provide staff training regarding crime prevention.*
3. *Has alarm or other security measures to protect the premises when empty.*

4. Toilets should be checked and the checks should be documented.
5. Crime prevention training for staff should be documented.

Search Policy

1. Most entertainment licences have conditions attached by the Licensing Authority making the searching of patrons mandatory prior to entry.
2. Premises should consider the use of hand held metal detectors.
3. Venues should set their own written policy in relation to searching.
4. There should be provision of sufficient female door staff.

Drugs Recovery / Seizure Policy

1. *Premises should have a written drugs policy with a zero tolerance.*
2. The policy should give strict guidelines for staff to follow when drugs are either found or seized from patrons. Town Centre venues already have a written policy supplied by police and this **MUST** be adhered to.
3. Documents should be available for staff to use when dealing with such incidents.
4. There should be an audit trail which protects the integrity of both the individuals concerned and the licence.
5. A guidance document is available from the police-licensing officer and the police divisional drugs awareness officer is available to gives talks.
6. Appropriate signs should be displayed stating the venues zero tolerance policy to customers.
7. There should be a dedicated search room available with internal CCTV.
8. A full written audit trail should be available for inspection by police.
9. Staff training in relation to drugs should be provided and documented.

Policy on Drunkeness

1. All staff should be trained with regard to their responsibilities under the Licensing Act 2003. Premises have a duty of care to drunk persons within their premises.
2. Venues have a duty of care policy regarding persons suffering adversely from the effects of drink or drugs. Preferably patrons should not be allowed to deteriorate to such an extent.
3. Consideration should be given to calling an ambulance or the police.
4. Premises should have documented staff training with regards to drunkenness.
5. *All staff should receive training on the effects of alcohol and how to spot the early signs of excess alcohol.*
6. *Premises must have a clear and effective policy to prevent and deal with drunkenness.*

7. Premises should follow a documented code of practice in respect of any drinks promotions and carry out a risk assessment.
8. Premises should have a policy to discourage drink driving.

Capacity

1. *Venues must manage their capacity effectively.*
2. Venues should use the 'comfort factor' to manage capacity.
3. A documented policy with regard to capacity and overcrowding should be used and should be enforced.

CCTV

1. Whilst not an essential element in the scheme, it is considered best practice for all premises to have an operational CCTV system in use.
2. It is preferable for the system to be in real time and on hard drive with the availability to copy disks for other agencies such as the police.
3. There should be a trained member of staff able to operate the system on duty at all times that the venue is open.
4. If there are designated routes for ejecting patrons, these should be covered by cameras.
5. Operators should ensure that all existing CCTV systems are fully operational at all times.
6. You may consider using a full time CCTV operator enabling you to minimize disruption caused by unruly patrons.
7. You may consider using an audio-visual facility at the front door and/or head cameras.
8. Mapping systems should be used to identify hot spots within the premises.
9. Where CCTV is used and it is VHS there should be 31 tapes available.

Disorder

1. *Must have a strategy to deal with disorder.*
2. Should provide staff training in relation to preventing disorder / Conflict Management.
3. There should be a clear policy in relation to the disposal of any weapons discovered.
4. Any training in relation to a disorder strategy should be documented.
5. A policy should be in place for the preservation of any crime scene until the police arrive after an outbreak of disorder or crime is committed.
6. Any weapons discovered should be documented, securely bagged and placed in a safe until police called for disposal.
7. Venues should display information to customers with regards to accessing taxis and public transport.

8. Venues should also provide active assistance to customers by providing a free taxi phone service / or calling a taxi.

Lost and Found Property

1. Very few premises had robust procedures in relation to lost and found property. There should be a separate recording system for both which allows managers to cross-reference.
2. Found property should be disposed in a manner that is auditable and open to scrutiny.
3. Property of any value should be handed in to the police shortly after being found.
4. Passports should be handed in to the passport office if they cannot be returned to the holder.

Crime Prevention Strategy

1. Premises should give consideration on how to prevent disorder and thefts within the venue. Property patrols, managed cloakrooms and toilet attendants are examples of good practice in this area.
2. Consideration should also be given to the display of crime prevention posters.
3. You should consider use of anti-drink spiking devices.
4. Staff should have an awareness of the early signs of aggression and there should be clearly defined procedures in place for early intervention.
5. A clearly worded policy, stating when to call door staff, the management or the police is considered best practice.
6. Early police involvement should be considered and the autonomy for staff to contact the police should not be restricted.
7. All door staff and managers should be trained to a higher standard with recognized conflict management training.
8. Door staff are required by law to be SIA licensed.

Public Safety

Risk Assessments

1. Full risk assessments should be carried out for all employees, including temporary posts.

Incident Management

1. Premises should consider recording all incidents.
2. An incident book **MUST** be kept in order to record all incidents and this must be retained for **6 YEARS.**

3. All ejections should be recorded and where the intervention of stewards to remove a patron is required this should be recorded in some detail.
4. It is also a good idea to keep a record of refusals and the reasons for refusal.
5. The duty manager should be aware of all such interventions and should have signed the relevant entries.
6. A copy of each incident log should be forwarded to head office.
7. All management and staff should possess a good knowledge of what is required by the emergency services when attending their premises.
8. Basic training should be given with regard to crime scene management and the role of the police.
9. There should be a written policy to deal with all types of incident and when to contact emergency services.

Lighting

1. The use of dimmed or bright lighting should be considered to affect the mood of customers at the conclusion of permitted hours.

First Aid

1. First aid boxes should be available and maintained with sufficient stock.
2. Most staff should be trained to a basic first aid standard with managers trained to a higher recognised qualification. A first aider should also be on duty at all times.
3. *A first aid room must be made available. This should be clear of any clutter and it is preferable to have running water available and some form of seating or a first aid bed. The room should have sufficient space to enable ambulance staff to work unhindered.*
4. You may wish to consider supplying defibrillators in your premises with staff fully trained in their use.

Fire Procedures

1. *All staff should have received fire awareness training and have knowledge of evacuation procedures. Training should be documented.*
2. *All premises MUST have a fire risk assessment undertaken at least every 12 months.*
3. *Must have a fire detection or warning system in place.*
4. *Fire exits must be free from obstruction and well lit at ALL times.*
5. Any alarm system should be in good working order and be tested regularly with up to date records kept.
6. Fire extinguishers should be of the appropriate type and be correctly maintained.
7. Staff should be aware of the different types of extinguisher in use on the premises.
8. Fire and evacuation drills should be carried out with records kept.

Glass / Bottle Collection

1. *The minimum standard is some form of glass collection policy with designated staff given responsibility for this task.*
2. Dedicated glass collectors should be considered.
3. Multi tasking of internal door staff as glass collectors has advantages. They can use this to interact with patrons and will be able to make an assessment of the levels of drunkenness.
4. There should be no open bottle bins in or near public areas.
5. Having all products served or decanted into safety glass has great advantages. One assault with glass is one too many.
6. The use of safety glass minimizes the injury sustained. Such assaults occur in up market venues as well as late night venues catering for the younger patron.
7. Perimeter checks should be made outside the venue for any glasses or bottles.
8. Any bottle bins or skips should be out of public areas and secured.
9. Electronic glass build up monitoring system should be considered.

General Safety

1. All premises should have a written accident reporting system that complies with health and safety regulations.
2. The building should be in good condition and a policy should be in place to deal with drink and other liquid spillages.
3. Venue should notify police or council of any special events.
4. A Risk assessment should take place prior to an event taking place.
5. Neighbours and local residents should be consulted also
6. Management should attend an Operation Argus, held by police. (For more details please contact your licencing team.) *Nb: This will be essential in 2010.*
7. The DVD 'Operation Fairway' should have been watched. *Nb: This will be essential in 2010.*
8. *Premises and contents must be in good order at all times.*
9. Where possible venues should provide a safe waiting area for customers to wait for taxis and other transportation.

PREVENTION OF PUBLIC NUISANCE

Alcohol Promotion Policy

1. All venues must comply with the Licensing Authority's policy on alcohol promotions.

2. It is considered good practice not to promote alcohol sales that encourage patrons to purchase more than one drink at a time.
3. There should be marketing of soft drinks to designated drivers.
4. Alcohol promotions linked to the consumption of food are acceptable.

Noise

1. *Must have a 'noise' policy during operational hours.*
2. Deliveries, servicing etc should be carried out with thought to neighbours.
3. The venue should have a clear dispersal policy relating to customers leaving the venue with regard to noise prevention.

Community Engagement

1. The venue should be a member of 'pub or club watch' or other recognised partnership / crime prevention group.
2. The venue should be involved in a suitable community initiative.
3. Venues should clear the surrounding area of litter from the premises – ie flyers, plastics etc.

PROTECTION OF CHILDREN FROM HARM

Age related Issues

1. *Training for staff is considered essential and all staff should be trained in age related issues to a recognised standard. A documented policy is considered best practice and all staff should have signed this to evidence their understanding of the policy. There should not just be a reliance on door staff to refuse entry to those under age.*
2. Consideration should be given to accepting only photographic driving licences and passports as proof of age.
3. Many premises use the 'challenge 25' policy as standard. This entails staff requiring proof of age from every customer under the age of 25. Clear signage should be in use at the entrance.
4. There should be a recognised training course with examinations.
5. *Must have strict control over under 18's buying and consuming intoxitants.*
6. A membership scheme should be considered where a date of birth has been proven.
7. All venues should have passed all test purchase operation.
8. Supervisors and managers should have received certification from an accredited licensing course.
9. All training should be logged and signed for by the recipient.
10. There should be refresher training to a recognized standard.
11. Managers receive training to a higher standard provided by a professional body.

CONCLUSION

The 'Best Bar None' Awards Scheme establishes a partnership approach to licensing and community safety issues and promotes a positive side to the licensed trade. Participation in the scheme will set minimum standards and encourage best practice whilst also reducing crime and the fear of crime in and around licensed premises. It is part of a wider strategy to reduce violent crime associated with alcohol abuse.

From a business point of view the scheme helps promote the night time economy in the London Borough of Sutton with the aim of making it a safer place to live, work, visit and socialise.

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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