



# National Pubwatch Good Practice Guide

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## **Foreword**

These guidelines are updated and amended regularly to keep them up to date with the current changes in legislation. The most important of these being The Data Protection Acts 1984 – 1998, Licensing Act 2003 and the new Violent Crime Bill currently before Parliament.

They were originally compiled by our Treasurer, Tom Watson, based on his experiences as a Police Licensing Officer at Charing Cross Police Station. For nearly 10 years, he ran the Charing Cross Pubwatch in Central London and found out many of the problems the hard way. Although retired he still maintains his links with the industry as a Licensing Agent with his own business and as Treasurer of National Pubwatch.

### **Acknowledgements**

We are grateful to those on the National Committee of National Pubwatch, who have helped by writing some of the sections and appendices of this guide.

We would also like to express our gratitude to PS Mark Worthington of Northampton who expanded the original practices into protocols that are acceptable to the police service, these protocols are easily adapted to suit local requirements.

Finally we would like to thank all those who have passed on the good practices that they have found to work for them. We have incorporated many of them into the guide.

Please keep your suggestions coming.

**National Pubwatch Committee**

Revised October 2006

## **Pubwatch Objectives**

### **National Aim**

Achieve a safe, secure and responsibly led drinking environment in all licensed premises throughout the UK and help reduce alcohol-related crime;

### **National Objectives**

Administer a comprehensive database of UK Pubwatch schemes;

Gather information to help and assist good practice for existing Pubwatch schemes and to support and encourage the formation of Pubwatch schemes where they do not already exist;

Represent Pubwatch nationally to Government and other bodies;

Support all schemes by the provision of information packs, posters and good practice guidance.

### **Local Aims**

To improve the ambience of the environment in and around premises in the Pubwatch area and enhance the safety, security, comfort and well being of customers and staff so that their visit is a pleasurable occasion, which they will wish to repeat.

If this aim is achieved then an improvement in the safety, security and well being of staff will almost certainly follow.

# 1. General

## What is Pubwatch?

Pubwatch is the licensed trade's equivalent of Neighbourhood Watch. The main differences are that they are more active and effective than most Neighbourhood Watch Schemes. Pubwatch schemes have been in existence throughout the UK for over 30 years and range in size from over 200 premises in cities to small rural schemes with as little as 5 premises involved.

The basic principle involved in a Pubwatch is that the licensees of the premises involved agree on a number of policies of action against those individuals who cause or threaten damage, disorder, violence, use or deal in drugs in their premises. Normally this action consists of agreeing to refuse to serve individuals that cause, or are known to have previously caused, these sorts of problems. Having agreed these policies they then publicise them and stick to them. The publicity alone can have a very significant effect on such problems but refusing admission and service to those that cause trouble has proved to have a significant impact on anti-social behaviour. In some areas this has been as high as 80% whilst the average is about 50%.

To work most effectively any Pubwatch must work closely with the police, Local Authorities and other agencies. To have the most effective co-operation from these agencies in the form of the circulation of information and photographs it is important that an effective Data Protection Policy is in place at an early stage. Most Police Services are acutely aware of their responsibility under the Data Protection Act. They will be very quick to withdraw their co-operation in the event that people to whom they have released photographs or information abuse or misuse the information provided.

It has been demonstrated on numerous occasions that the setting up of an effective Pubwatch can have a beneficial affect on the locality. By removing troublemakers from a locality the resultant improvement in the ambience of an area may in itself encourage others to come to that area for their evening out. What must never be forgotten is that the great majority of persons on a night out do not want any trouble. The majority will shun an area or premises with a bad reputation. Groups who go to a pub for an enjoyable night out and end up being the victim(s) of crime, no matter how good a night they had up until then will, in six months, only remember the crime. They will stay away from either the area or the premises. Licensees by their management of the premises can have an affect on this. By setting up or joining a Pubwatch they can have an affect on the whole area.

Licensees had a responsibility under the Licensing Act 1964 to exclude persons who are drunken, violent, quarrelsome or disorderly or, whose presence would render the Licensee liable to penalty. In addition the Licensing Act 2003 created a new offence of knowingly allowing disorderly conduct on licensed premises. The licensee when exercising this duty may call on the police to assist in ejecting such persons.

By joining a Pubwatch and having an effective policy in relation to persons causing problems, individual licensees can have an affect on the premises and the area. By working together and keeping problems outside their premises they will make it easier for the police to identify troublemakers and to deal with them. By the use of Exclusion Orders and banning, Licensees can ensure that the troublemakers remain outside. New legislation including conditional police cautioning, the innovative use of Anti Social Behaviour orders (ASBO's) and Acceptable Behaviour Contracts (ABC's) will serve to strengthen the licensees position and provide additional preventative measures.

The Licensing Act 2003 requires applicants for a new or varied license to stipulate exactly what measures they will implement to promote the four licensing objectives i.e. (1) The prevention of crime and disorder (2) Public Safety (3) The prevention of public nuisance (4) The protection of children. Consequently active membership of an effective pubwatch may become an essential pre-requisite to obtain a new or varied licence. It is of note that the Licensing Act guidance notes at paragraph 2.16 recommends Pubwatch membership as an aid to achieving the four licensing objectives.

Even if an Exclusion Order or a ban is lifted a Licensee retains a common law right to refuse admission to that person and is not required to give a reason for his refusal. However, where possible, it is preferable to give an explanation so that the person being refused admission can rectify his/her misbehaviour and perhaps

subsequently be admitted to the premises. It also demonstrates that the action of refusal does not discriminate against the person for any reason other than his or her behaviour. The possibility of the subsequent lifting of a ban can always be held out as a carrot. This is an incentive for them to show that they will accept the normal rules of behaviour expected in the house.

## How to start a pubwatch

To actually start a watch scheme if there is no scheme in existence in your area we recommend that you enlist the support of your local police officer or police licensing officer and your local authority licensing officer together with some other local like-minded licensees.

Set up an inaugural meeting inviting **all** your local liquor license holders and explain the benefits of a watch scheme, something that will be of greater importance under the new licensing regime as it may be relevant to a premises licence application/variation. If needed we can provide a short video for viewing that outlines the benefits and support available for pubwatch. You should then propose that a Watch is formed and use this booklet for guidance as to the things that you will need to consider including in your constitution and rules. The most important element is an acceptance by members that they abide by the majority decisions of the Pubwatch as it is the **unity of action** that makes the watch effective. If people are not prepared to abide by decisions they should not be members of the watch.

The essential aim of this booklet is to provide information on the things that work for different Watch's and they are only suggestions as to things to be considered either when setting up a Watch or running one. We do however strongly recommend that the watch is run by a licensee and supported by police with advice and information etc, this formula tends to ensure the watch lasts.

We also strongly recommend research before the introduction of the watch to ascertain the current position with regard to crime and disorder as this will factually prove the watch's success or otherwise. This is often a critical factor when seeking external funding from Community Safety or Crime Prevention partnerships.

In addition we **strongly advise** that the watch obtains some form of indemnity insurance to cover the costs of any legal challenge to their actions. Whilst these are rare they can nevertheless be very costly to defend.

## The Role of Police

The role and involvement of police in licensing is changing in each area, often at a different pace, however, one common theme for all is a shortage of resources and a need to prioritise activity.

Whilst police involvement in the watch is essential it should not be more than a support and advisory role. Do not expect officers to hold office in the watch and do not expect them to provide funding or administrative support. Their involvement should be to pass and receive information, offer advice on problems, provide guidance on legal issues and deal with specific criminal offences.

Many Police Forces are willing to assist with newsletters and other facilities; full use should be made of these offers. Many individual police licensing officers will give a very high degree of additional assistance.

The transfer of licensing to local authorities now means that their licensing officers have an important role to play alongside the police so it is important to involve them in the creation of the watch and for them to have a similar input to that of the police.

Many local councils and shopping centres have appointed a Town Centre Manager. The Association of Town Centre Management has over 400 members and is expanding.

Their aim is *'to encourage and develop good practice in town centre management. Working in partnership with everyone who has an interest in our town centres, their mission is to make them pleasant places for people to live, work, shop and spend their leisure in'*.

These schemes may have their own internal communication systems, which could be used by the pubwatch. Increasingly they have a comprehensive CCTV system covering the area manned by security staff that would probably be the source of much of the information. There is a full time manager with a vested interest in ensuring that the Pubwatch works. There will be full time security staff to assist in monitoring the area. Information obtained from town centre CCTV can be transmitted to a Pubwatch by these full time security staff.

Northampton Police have developed a series of Protocols, originally created by the British Retail Consortium for Shop watches, for use by a Pubwatch. By agreeing to use and abide by these protocols the Northampton Pubwatch has been able to obtain Public Indemnity Insurance at a reasonable cost. Many chief police officers have reservations about the disclosure of photographs or information to Pubwatches. This protocol if adhered to may persuade them that it is safe to release photographs and information.

The protocols, an abbreviated code of practice for photographs and a list of useful publications are contained in the Appendices.

## 2. Committee Membership

The following are some suggestions for officers and their responsibilities. How many officers each Pubwatch should have is a matter for the local membership to decide. This will depend on the size of the Pubwatch, its aims and how it raises funds. A Co-ordinator, Deputy Co-ordinator, Secretary, Treasurer and Newsletter Editor would seem right for a larger Pubwatch which organises activities to raise funds. For a smaller geographically self contained Pubwatch a Co-ordinator and Secretary may be sufficient. The important consideration is that the burden of any work is evenly spread. Preferably each should be elected for a term with half of the officials standing for re-election at each AGM. This allows the watch to introduce a degree of continuity in its management.

- **The Co-ordinator/Chair** should be responsible for the overall running of the Pubwatch. He/she should contact the local police commander for assistance, advice and support and ask that a police liaison officer be appointed. His/her main duty should be the encouragement of the membership among the local licensees and ensuring that the watch decisions are followed. The Co-ordinator/Chair will be responsible for ensuring that auditors are appointed to carry out an annual audit of the accounts (where this is required). Where there is an adjoining Pubwatch(s) the Co-ordinator/chair should liaise with them with a view to harmonising policies and where appropriate support them in joint action in support of mutual objectives.
- **The Deputy Co-ordinator/deputy chair** takes over responsibility in the Co-ordinator/chair's absence. The Deputy Co-ordinator/chair should also be responsible for considering problems which are occurring within the Pubwatch area and in consultation with the police liaison officer look to see how the Pubwatch can best assist. In the absence of a deputy these responsibilities fall on the Co-ordinator to fulfil.
- **The Secretary** should be responsible for the general secretarial aspects. In the absence of the Co-ordinator and Deputy Co-ordinator he/she should take over responsibility for the Pubwatch.
- **The Treasurer**, if one is appointed, should be responsible to the Co-ordinator for the accounting and expenditure of all monies raised by whatever means for the Pubwatch and producing Annual accounts for the AGM.
- **The Newsletter Editor** should be responsible for compiling any newsletters in conjunction with the Police Liaison Officer.
- If the Pubwatch is very large then it may be prudent to have additional committee members or deputies to assist.

### 3. Guidelines for Rules

It is important that the membership agree a set of rules to govern the way the Pubwatch is run. The larger the watch the more important it is to have the rules which govern the decision-making process set out in writing. This should ensure that the majority are in agreement with the decisions that are made and helps to ensure there is a degree of consistency with those decisions.

The following are some suggestions, which may be useful for inclusion in the rules. The important factor must be that the rules should be decided locally by the membership to take account of local problems.

- Membership should normally be from within a specified geographical area. Police, Borough or County boundaries should not be a restriction on membership. The main criteria being 'Are they in the locality?' 'Would the Pubwatch benefit from their membership?'
- Each of the premises should have one vote.
- Meetings should be held at agreed intervals to be decided locally, either monthly, quarterly or other agreed time scale. To encourage participation by non-committee members the venue for these meetings should be rotated. Many premises have a suitable function room. The AGM should be held on the anniversary of the inaugural meeting.
- An agenda should be published and a copy sent to each member at least one week before the meeting. This gives everyone a chance to consider the matters that are on the agenda before attending.
- All members must agree to abide by the decisions made at the meetings. Consistent failure to abide by the decisions will/may lead to expulsion from the watch! Any member who consistently fails to follow the decisions of the Pubwatch may be excluded. Only a General Meeting of the members where the matter has been put on the agenda and circulated to members at least 2 weeks in advance can take this decision.
- It may also be an idea to require members to attend a certain number of meetings in every year with a penalty of expulsion from the watch if the attendance is not met without good reason. This will prevent any premises paying lip service to the scheme whilst benefiting from its achievements.
- Where a customer assaults a licensee, a member of staff or another customer, or commits damage or has threatened staff or customers, the licensee can call for an emergency meeting of the committee to discuss a Pubwatch ban on that customer. (See Sections 6-8)
- The Co-ordinator on receipt of such a request shall discuss the matter with the other committee members before initiating the procedures.
- If a regular meeting is due within a short period the matter can be listed for that meeting.
- In an emergency the officers acting as a sub committee may impose a temporary ban on a person. A full meeting of the committee must ratify that decision as soon as opportune.
- The Committee shall meet at intervals decided locally. Detailed incident reports should be submitted. These should closely follow the principles established with Police witness statements, i.e. made at the time of the incident, timed, dated and carrying the declaration of truthfulness **In addition precise and detailed minutes must be taken, especially with regard to decisions on banning people and published prior to the next meeting.**



- Any officer may call an emergency committee meeting after an assault or other incident involving a member, which may result in the banning of a customer.
- Membership should not be restricted solely to Pubs and may include any licensed premises, which holds a Premises Licence or an involvement with watch related activities e.g. taxi companies.
- Subscriptions/membership/affiliation fees, if applicable shall be at a level set by the officers and ratified by the annual general meeting of the members.
- The income and assets of the Pubwatch shall be applied to its stated aims and no members shall receive payment for their services.
- Any reasonable expense incurred by an officer or committee member for the benefit of the Pubwatch may be reimbursed at the discretion of the committee.
- A bank account in the name of the Pubwatch will be kept. All monies received in connection with the watch will be paid into an account held at a recognised Bank or Building Society.
- The choice of Bank or Building Society will be at the discretion of the officers. Two officers who are authorised signatories must sign all cheques.
- Two auditors shall be elected from the membership. The two auditors shall not be officers of the Pubwatch or a member of any committee set up by the watch.
- The auditors shall audit and check all books, accounts, statements of receipts and payments in connection with the watch's affairs annually and certify as to their findings.
- The auditors will certify their findings direct to the Co-ordinator, the certificate will be submitted to the AGM.

These are suggestions; it may be felt that some other conditions, which may be pertinent to the locality, should be added. This is entirely for the local membership to decide. A small rural Pubwatch with a handful of members may not require the formal set-up that a large city centre Pubwatch has, but they could always use support, which National Pubwatch offers.

## 4. Funding

Funds may be raised by a variety of ways such as fund raising events, sponsorship, membership/subscription fees and must always be properly accounted. This in itself should present no problem as members have the requisite bookkeeping experience and the types of accounts required are relatively simple.

The amounts involved will depend on the size of the Pubwatch, whether individuals pay for pagers/radios or whether it is done centrally by the Pubwatch.

If required, auditors should be appointed to scrutinise the books annually and submit a report to the Co-ordinator and to the AGM.

Each member should pay an annual subscription/membership fee to be agreed at the AGM. Failure to pay within a set period should result in expulsion from the watch.

The committee may, if agreed by the membership, negotiate on their behalf, with a communication company to establish a Pubwatch paging/radio system. Collectively negotiating a deal with a communications company and paying collectively can reap benefits in savings for the membership.

The Treasurer may, if agreed by the membership, collect from the members such sums as agreed as payment for such a paging or other communication system.

The Treasurer will then be responsible for payment to the paging or communications company of the amount due under any contract.

The Treasurer will be responsible for ensuring that any money raised by way of dances or other social events is paid into the bank account.

The Treasurer will be responsible for ensuring that all monies raised by way of sponsorship or support from pub companies, breweries etc. is paid into the bank account.

The committee will be responsible for ensuring that any money raised by way of sponsorship is used for the purposes for which it is donated.

## 5. The Problems

One of the main problems with setting up a new Pubwatch is the lack of enthusiasm from some police services due to resourcing issues. However the Crime and Disorder Act 1998 provided an ideal opportunity for a change of attitude. The Act gave Local Authority and Police responsibility to identify crime 'hotspots' and act to reduce crime. Pubwatch schemes provide an ideal focus for crime reduction initiatives and can benefit from partnership funding and evaluation.

Another issue for Pubwatch is the apathy often found in some licensees who feel that "well that's the way it's always been and that's the way it will always be". There is however increasing evidence that a good Pubwatch can make a difference to an area. Many report that a properly organised Pubwatch has proved to be very effective and they report significant reductions in many aspects of violent crime.

The problems such as assaults, vandalism and the behaviour of drunken hooligans are rightly the obvious target. This behaviour can bring fear and alarm to what was a pleasant evening in licensed premises and ensures that a percentage of customers who witness, or are the victims of these events, do not return to the premises where it occurred.

Illegal drugs cause recurring and serious problems for all licensees. With new designer drugs appearing regularly it is difficult for licensees to keep themselves up to date. The new legislation gives police very strong powers to close premises which have a serious drugs misuse problem. Licensees cannot afford to stand on the sidelines; they must take a more proactive role in keeping drug dealers away from their premises. Many police Crime Prevention Officers will normally, as part of the force crime prevention policy, give talks, advice and help in identifying a drugs problem in licensed premises. The seriousness of the problem should never be underestimated as dealers are always on the lookout for new premises to carry out their dangerous trade. A good Pubwatch can help by identifying the dealers and keeping them outside the premises. In the street they are much more vulnerable to being targeted and arrested by police. More information on tackling drug problems are to be found at Appendix 'H'.

Under-age drinking is a perennial problem which plagues many areas of the country placing in jeopardy the licence of anyone who does not take action to prevent this occurring. It is a problem that will not go away, as each year the next generation of underage drinkers appears. There are now numerous proof of age cards around including Validate, Portman and Connections, etc, all of these should only be accepted if they have the PASS hologram which is the means to prevent fraud. (An example of this hologram is contained in the

appendices. Many watches to avoid forgeries, as these can be obtained from the internet, accept only a passport or photo driving licence as proof of age, However PASS cards are as reliable as these two items. Many premises have adopted the Challenge 21 system to reduce their risk of breaking the law (more information at Appendix H).

Other problems such as handbag thieves and groups who target machines, which carry cash or goods (fruit & cigarette machines), can cause loss to the Pub. Consider a group of friends enjoying a night out then having their evening spoiled when one of them has a handbag stolen. They will leave the premises with negative thoughts about that pub, no matter how enjoyable an evening they have had up to that point. In 6 months time all they remember of the evening is that their friend had her handbag stolen.

Machines are often the targets of groups who crowd round the machine to hide what is happening while one of them forces the mechanism and takes the cigarettes and cash. They will suddenly exit, leaving an empty damaged machine. Damaged machines are like graffiti, if it is not removed or repaired quickly it gives the impression of neglect and has a habit of breeding the problem.

The key to success is to identify particular problems for the premises and the area and to come up with ways of reducing the problems by making life difficult for those who cause these problems.

## 6. Banning Policy

An acceptable standard of public behaviour in the premises must be a requirement from all customers. Those who do not reach the accepted minimum standard are normally required to leave the premises. This is an everyday fact of life throughout the country. Often a sheepish apology from the person the next day is all that is required and the matter is finished with.

This section provides an option to deal with those whose behaviour requires stronger action because they have caused serious concerns through totally unacceptable behaviour that breaches the standards set by the Pubwatch. Such persons if not dealt with by the courts and Excluded (see Section 9) should be subject to the procedure in Section 7 and may be banned from all the premises in the watch.

The sort of behaviour that may fall into this category is:

**Any person who has: -**

- Assaulted or threatened a member of staff or a customer;
- Committed damage to the premises or property owned by the premises;
- Sold or misused drugs;
- Involved in disorderly or violent or threatening conduct;
- Theft of property from the premises

When an incident occurs which involves behaviour mentioned above the licensee should always consider a prosecution, particularly if police have been called and attended. An Exclusion Order can only be granted if the case goes to court and the offender is convicted. Licensees should resist police efforts to caution such an offender for this reason. (See Section 9 regarding Exclusion Orders).

In the absence of court action or pending a court hearing such individuals should be liable to be banned from all Pubwatch premises if the licensee invokes the procedures set out in Section 7.

If the watch feel the matter does not warrant a ban they can consider alternatives such as Anti-social Behaviour Contracts ( See appendix H for more information)

Remember that you have duty of care to staff and customers and an obligation under the Health & Safety at Work Act to conduct risk assessments and these should include the risk posed by individuals with a known record or propensity for violent or aggressive behaviour. The best mitigation of such a risk is to refuse them entry to your premises!!!

All decisions to ban a person from all the Pubwatch premises should be communicated to that person as soon as possible. They should also be told of the length of the ban and the fact that the local police will receive this information. Many police services are very active with their Pubwatch and are present when the decision is made, or are routinely informed of a ban. ([See the example letter at end of this Section](#))

**A licensee retains the right under common law to exclude anyone from his premises for whatever reason, irrespective of whether the Pubwatch is taking action or not.**

Licensees have the common law right to exclude anyone from their premises for whatever reason provided it does not breach the discrimination legislation. This right may be delegated by a Licensee to other persons, (usually members of staff in the Licensee's absence). A case in point is the delegation of that authority to door supervisors.

When licensees join a Pubwatch and elect their committee they do so in the knowledge that this authority is delegated to and may be exercised by the committee. There is no legal force to this ban, it will still be left to the individual licensee as to whether they enforce this ban.

When a Pubwatch bans a person from their premises they are in effect informing that person that the Licensees will exercise their right of refusal if an attempt is made to enter the premises. One of the reasons for informing a person that they have been banned from the premises of the Pubwatch is to avoid the possibility of confrontation should an attempt be made to enter any of the premises.

When the Pubwatch committee meets to consider a ban they are meeting as persons to whom the licensees have delegated their right to refuse entry. Pubwatch is a voluntary coming together of licensees in a particular area to protect themselves, their staff, and their customers from behaviour which may, or may not be, criminal, but which is unacceptable to the licensees. Where a Pubwatch scheme has a Police involvement in the process they are merely acting as facilitators in that they are passing messages to the person from the Pubwatch to stop the possibility of confrontation.

One question that may be raised is the question of human rights of a person involved. The only persons who have a right of entry to licensed premises are police, local authority licensing officers and Health & Safety or Hygiene inspectors and **this right of entry is given AND restricted by law**. As to a breach of Human Rights it must be remembered that the legislation places the duties for observing those rights contained in the legislation on Public Authorities only and it is unlikely that a pubwatch can ever be considered as a public authority so long as police and local authority personnel have no controlling function in the watch

A ban by a Pubwatch is not a punishment for offences committed by that person, but is imposed by licensees to protect their staff and customers from the anti-social behaviour of the person concerned. They are always free to take their money and their behaviour to any other pub that may accept them.

In most cases bans are not imposed for one incident (unless it is serious) but is usually the culmination of a series of incidents over a period of time. Usually these take place along with repeated warnings from individual licensees. Licensees should consider keeping a record of dates and times of incidents whereby individuals are removed from premises for unacceptable behaviour. It should also include details of witnesses and the facts of what happened. Many busy city centre pubs keep an occurrence book where they record details of incidents that occur, both inside and outside the premises. In the occurrence book they record all incidents and action taken by staff. i.e. Police called and time, facilities offered, use of telephone to cancel credit cards, call taxi, etc.

In order to enforce a ban you may well need access to photographs and these are often only held by police. In order to have access to these you will need the co-operation of the local police and will have to have entered into integrity and information exchange protocols. Examples are to be found in Appendices A-D. If you are using those obtained from your own CCTV, similar protocols will be necessary and must have been included in your registration with the Information Commissioner.

## Sample Banning Letter

Logo or details of watch

contact Address for watch

*Name and address of person being banned*

All licensees have a legal duty to ensure that disorderly, argumentative and violent behaviour does not occur on their premises and to prevent the occurrence of criminal offences.

As a result of your behaviour on (date) at (location) when it is alleged you were involved in an incident. \*\*. The licensees of the (watch name) have jointly decided that in order to discharge their duty as referred to above they are exercising their right not allow you entry to their premises, which are listed below.

Should you attempt to ignore this notice and enter any of the licensed premises listed below the assistance of police will be sought, if necessary to eject you from the premises.

This ban is effective from the date of this letter and will remain in force for (a set period of time) or (until such time as the watch is satisfied that your conduct is not likely to be a cause for concern to their staff, customers and their duty to provide a trouble free environment).

Any request to re consider this decision should be sent in writing to the above address.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

On behalf of \_\_\_\_\_ Watch (Chairman or Co-ordinator)

\*\* Do not provide any detailed information as this could in isolated cases lead to issues of defamation action at a court.

(You should avoid police logos or references being placed on the letter as this **may** present problems in relation to the Human Rights Act)

(The letter may be sent by 1<sup>st</sup> class post, recorded delivery, personal delivery and in some cases police will deliver it. In the latter case this is a matter for the local police to decide on.)

**An up to date list of the Pubwatch Membership should be attached to the letter.**

**If you as a watch decide to include an appeals system in relation to bans you should advise the individual in the letter.**

## 7. Procedures

If a member wishes to start the procedure for banning a person they must first contact one of the officers or a committee member and discuss the incident(s). Wherever possible the details of the circumstances giving rise to the request should be placed in writing and retained for future reference. All such documents must be treated as confidential and should not be copied or provided to persons outside the watch.

The officer or committee member of the Pubwatch on being informed of the incident(s) must discuss this with the officers of the Pubwatch to consider whether they should institute an emergency ban. (This must be ratified at a full meeting of the committee).

The committee when considering a ban may take into account:-

- The seriousness of the original incident(s);
- The acceptance or not of wrong doing by the person;
- The feelings of all persons involved in the incident(s)
- Any restitution which has already been undertaken;
- Any additional details which are relevant;

It is essential that full and accurate records of the grounds presented to the pubwatch when seeking a ban are formally recorded with details of those persons providing the information and of witnesses. This is to protect the watch members at a later stage should the matter be challenged in the courts in some way.

If a ban is instituted then all members and the person involved should be informed as soon as possible. The length of the ban must also be communicated. If no ban is instituted the person(s) involved should also be informed that individual members still have a right to refuse admission and some Watch members may exercise that right.

Some schemes use discounts on periods of bans if offenders provide passport size photographs for use by the pubwatch. See Appendix 'H' for more information.

When a ban has run its course without incident and it is lifted the person banned should be informed of this. They should also be informed that individual licensees still have the right to exclude them and that some may exercise that right. They should further be informed that any repetition of the bad behaviour could result in a further ban of longer duration.

**(Do not give the name and address of the Co-ordinator to such people at any time to avoid the potential of personal confrontation at home or business addresses). You may wish to consider obtaining a PO Box for people to write to.**

## 8. Review

If a member receives a request for a ban to be removed, then the person requesting the removal should be advised to write to the Co-ordinator of the Pubwatch with the request. The letter may be given in to any Pubwatch premises and the letter will be forwarded to the Co-ordinator.

He/she should include in the letter any details that he/she wishes to put in mitigation, i.e. regret, change of behaviour, restitution etc. where applicable. On receipt of such a letter the matter should be placed on the agenda of the next committee meeting.

A letter acknowledging receipt of the request and that the matter is being considered should be sent immediately. They should also inform the person banned, that the ban remains in force until they are notified otherwise.

The committee or appeals panel when considering a review should take into account all the matters referred to in Section 7. If the ban is lifted then all members and the person who was banned should be informed as soon as possible. The letter must also remind the person concerned that individual members still have a right to refuse admission and some may exercise that right.

If the ban is left in place then the person should also be informed immediately.

## 9. Exclusion Orders

This section deals with Exclusion Orders, which may be imposed by a court as opposed to a ban, which may be imposed by a licensee(s).

If a court convicts a person of an offence, committed on licensed premises and in committing that offence the person resorted to violence or offered or threatened violence then the court may make an Exclusion Order.

An Exclusion Order prohibits that person from entering the premises or any other specified licensed premises without the express consent of the licensee or his servant or agent.

An Exclusion Order can be made for a minimum of three months and a maximum of two years.

A person who enters any premises in breach of an Exclusion Order is guilty of an offence and on conviction for that breach is liable to a fine of £1000 or imprisonment for one month or both.

Bradford Inner City Licensees Association has received clear support from the local courts. The courts are prepared to exclude persons from all BICLA premises.

The persons responsible for requesting an Exclusion Order are the Crown Prosecution Service. To ensure that they are aware it is advisable that licensees, in any witness statement given to police the licensee and any staff involved in incidents should include the following sentence.

**"I wish to ask that the magistrates grant an exclusion order under the Licensed Premises (Exclusion of Certain Persons Act) 1980 to exclude (name) from all ( Pubwatch name) premises for a suitable period'.**

Where alcohol was an issue in the offence, the new Violent Crime Bill currently before Parliament **may in future** place the onus on the court to consider such Exclusion Orders rather than on the Crown Prosecution Service.

Where an Exclusion Order is granted by a court then the local police can release photographs of the person to any pub included in the Exclusion Order. This is an aid to licensees and staff to ensure compliance with the Exclusion Order. Door staff who may be employed from time to time would be allowed to see these photographs.

### **Important points to remember:**

- These photographs are for the use of the licensee and his staff only!
- They must not be displayed to the public or where they can be seen by the public!
- **Strictly for staff use only!**

Examples of acceptable protocols are contained in Appendices 'B' & 'C'.

## 10. Health & Safety of Staff and Customers

### **Duty of Care**

The manager of any licensed premises has a duty of care both to his customers and persons employed by him and should think through his/her actions in the event of a major incident i.e. fire, gas leak, bomb threat. In many circumstances this is also a legal obligation under Health and Safety legislation. The requirement to conduct risk assessments under this legislation includes assessments as to the risk from customers/potential customers especially those that are known to have a propensity for violent behaviour.

## Evacuation

Good risk management and the authorities require all premises at the very least to have an evacuation plan for the premises. Evacuation plans and contingency plans should be prepared in consultation with the Fire Service, Police and where appropriate the Local Authority.

Ensure that your staff understand what your plans are and who does what in the event of an emergency. **Don't assume that they know what to do!** A few moments spent explaining your intentions at a staff meeting may make a life saving difference in an emergency.

In many small premises the plans are simple, go out the front door or stay where you are! Increasingly with the advent of the newer larger licensed houses it is much more complex because of the numbers involved.

It is often advantageous to produce small cards with staff responsibilities, in the event of evacuation or other problems, laid out in detail to avoid problems. These can be laminated to preserve legibility and lengthen their life and if used should be dated so that out of date cards can be identified if subsequent changes are made.

**Remember that if someone is hurt you may have a personal liability before both civil and criminal courts.** If you have failed to make such a plan, brief staff, or perhaps not tried it out to see if it works, you can be held to be negligent with all the consequences that can follow.

Under the current Health & Safety legislation organisations with more than 5 employees are required to have a **written safety policy and procedures** aimed at ensuring safety in normal working and to reduce the risk of serious accidents. Make sure that you know what it is and what it requires you to do. Invariably this involves Risk Assessments (written and maintained) for the site and the existing working practices.

## Risk Assessments

Premises that are part of a company will almost inevitably have procedures in place for risk assessment that often operate on the basis of a check list, whilst helpful such lists are not all encompassing and often fail to consider the risk presented in instances of violent or disorderly behaviour.

Where people become violent they will frequently resort to using the items nearest at hand as a means to effect assault. This can be a glass, a bottle, sports equipment, such as pool cues and even ornaments that are often placed to provide an atmosphere or theme in the premises. It is important that such matters are considered and issues such as the use of shatter proof glass, fixing all ornamental items and regular clearance of bottles or a policy of no bottle drinking is in effect. The latter is often the last consideration due to current trends.

It is worth a few minutes every week to walk around the premises looking specifically for things that might be used in any disorder or assault in an attempt to reduce this risk.

Whilst most staff are trained in serving the customers it is always a worthwhile consideration to give guidance or instruction or even seek professional training in conflict management, such a course will make them more confident and more effective in dealing with trouble at the outset hopefully minimising the potential to escalate into violence. Whilst many may feel they are well equipped for this role we can all learn a little bit extra from those that provide professional training in such issues.

Where training is involved consider adding to the training to include evacuation procedures, recognition of commonly used drugs and their affects. This latter point will help to keep the premise drug free and local police can often assist with information on this.

Increasingly premises are using door supervisors who can be a very effective method of reducing disorder and keeping out undesirable/banned people and drugs. However under the Private Security Industry Act 2001 only SIA licensed staff may perform this function. As such people are acting on behalf of the licensee their actions can have a consequence for the licensee. It is essential that you ensure such staff are properly licensed as



the fine for using unlicensed staff is unlimited and you could lose your premises licence if convicted of offences of this nature if you have conditions on the licence requiring you to have door supervisors. 'Keeping the Peace' is a guide to the prevention of alcohol-related disorder by the Portman Group. This guide covers many aspects of staff training, pub design (Designing out Violence), installation of CCTV, use of door security staff, Pubwatch and many other items. All of which are very relevant to any licensee.

A copy of this publication can be obtained by writing to:

**The Portman Group  
Portman Group  
7-10 Chandos Place  
London  
W1M 9DQ**

## 11. Closed Circuit Television

The expansion of Closed Circuit Television has been one of the most amazing phenomena of the 1990's. Systems both private and public are springing up wherever the public congregate. Most systems are operated by local councils with a few being run by private contractors. Sometimes police monitor them, more often than not they are monitored by security staff employed by Town Centre Managers or the Local Authority.

A great deal of concern has been expressed about the release of CCTV footage for television shows. It is important that a Pubwatch whose aim is to reduce crime do not themselves commit offences i.e. breaches of the Data Protection Act – even if it is inadvertent.

**Any CCTV system in licensed premises must be registered with the Information Commissioner.**

### **Using or introducing CCTV - Then remember the following:**

- Take advice from your local Crime Prevention Officer – if you don't know who he/she is ask your Licensing Officer.
- If budget constraints restricts the number of cameras place one by the entrance to catch a good frontal head & shoulders shot of all entering the premises.
- Throughout the premises prominent notices should inform the public that CCTV covers the area. The most common notice in use is *'For your protection and safety this area is covered by CCTV.'*

Your system will be required to have a set of operating protocols acceptable to the Information Commissioner and that conforms to Data Protection principles.

The protocols MUST include:

### **A Proper security of the images and restricted access to them.**

- Keep monitors and recorders in a secure place. (Don't just place them behind the bar).
- Only allow trusted members of staff to have access and responsibility for changing tapes and ensuring that the system works. Ensure that they are fully trained and understand what they have to do.
- Tapes should not be kept for any longer than is necessary for the purpose for which it was installed (i.e. keep for 31 days unless an incident occurs which requires the retention for evidence etc.).
- If you have the newer schemes with hard disc storage you should have a set retention period before clearing the disc.
- They must be kept secure i.e. under lock and key.

- Number the tapes from 1-31. Change the tapes at the same time each day. Use the tape number that matches the date.

## **B Cameras must be used for approved purposes as set out in your registration**

- Care must always be taken to ensure that cameras are not so positioned that they will cause embarrassment or distress to anyone.
- Tapes must not be shown other than to individuals to whom it is necessary for the purpose of the registration to release the information (i.e. Tapes will not be played for private entertainment).
- You should have some formal record system for requests to view or copy or remove tapes. Police can seize tapes or discs etc for evidential purposes but a record should be kept of the officer making the request and they should sign for anything they take away from your premises.
- You must restrict access to the tapes and have a system that allows for data subjects to have access to images of themselves.
- Applications for access must be in writing from a person whose image is likely to be on the tape or disc and can only view parts that are relevant. The request must be in writing and complied with within 40 days. A charge of no more than £10 can be made for access.

## **C Any registered system must be properly maintained**

- You must regularly service the system and ensure the images recorded are of sufficient quality to achieve the purpose for which the system is being used.
- Camera lenses must be clean and regularly checked.

### **Remember:**

**If your system is not registered, or  
Not used in accordance with your protocols, or  
Used for purposes in breach of the registration, or  
Not maintained properly**

**An offence is likely to have been committed and you could suffer a heavy fine.**

**You are also open to civil compensation claims and most importantly evidence recorded on the system maybe excluded from use in any criminal prosecution, which would definitely lead to civil claims against you from aggrieved victims.**

### **Further information can be obtained from:**

Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

**Website at [www.dataprotection.gov.uk/](http://www.dataprotection.gov.uk/)**

## **12. Conclusion**

The introduction of an effective Pubwatch, which achieves its aims, will aid the recruitment and retention of good staff, which in itself is a cause of problems to many premises. Many managers find themselves regularly spending time training new staff due to the rapid turnover of staff. The manager may use this time saved to develop and increase the profitability of the business.

A co-ordinator must take the lead in setting up the Pubwatch. A committee must be established as soon as possible with officers appointed to co-ordinate the various aspects of setting up of the Pubwatch.

A reliable and efficient communication system is one of the most important aspects of a Pubwatch. Speedy implementation of the agreed policy has a boosting effect on the morale of staff when they see positive results. Removing human error must be a primary consideration and message paging seems to be the best way of achieving this.

It is important that the aims of the Pubwatch and instructions on procedures to be followed by members must be discussed fully and clearly laid out at the formation or inaugural meeting of the Watch. Clear guidelines on the action to be followed on receipt of a warning message must be set out in writing. e.g. If a message is received on the warning system "Six drunken hooligans turned away from the Dog & Duck now heading down Bedford Street". All premises would be aware from the start that there were troublemakers about. Most licensees would not need to take any action. Those who are at the other end of Bedford Street and surrounding areas would go to the doors and refuse admission; after they leave the licensee would send a similar message on the system giving the new location and direction.

There are many scenarios which can occur, the important point is that whatever the problem the principles of how to deal with them are agreed beforehand and followed by all from the outset. This aims to leave the problem out on the street where the police can more easily deal with it. As police may well be monitoring the system they will know where the troublemakers are and where they are heading.

All decisions, which are made by the membership, should be confirmed in writing at the earliest opportunity so that all members understand the aims and a united front presented by the membership when a problem arises.

**Keep comprehensive records of your decisions and the information on which the action was based.**

Some instruction should be given by police on how to send a message with an understandable description, as most persons in the trade have no great experience in circulating a description.

Local press can assist by publicising details of the Pubwatch and its aims. This can give an added edge when confronting some potential troublemakers. If they are already aware of the possible consequences of their actions they may be more likely to back away from trouble.

No Pubwatch will be exactly the same as another and each should be tailored according to local requirements. Because of this we have put forward suggestions which seem to cover most eventualities.

It is not likely that any one Pubwatch will adopt all or even most of these suggestions. It is for each committee to decide what it wishes to achieve and what should be adopted to achieve these ends. This booklet should be regarded as an 'a la carte menu' and the committee must pick what suits your needs best. If you cannot find what suits you - create a special to suit yourself! - THEN LET US KNOW!!!

**Most importantly consider professional indemnity insurance from a specialised insurer to cover the actions of the watch. Details of some companies offering this type of insurance are to be found on our website and in Appendix H.**

The contents of this document are a series of suggestions designed to be of some guidance to persons setting up a new Pubwatch or are launching an existing one. They are NOT a set of rules that must be applied apart from those issues that are obligatory under legislation.

Regular meetings and newsletters should be used to maintain and reinforce interest in the Pubwatch. Newsletters should be concise and avoid being too long and flowery. The most important factor that should

never be forgotten is that the Pubwatch is there to deal with local problems. Anything else that is added is ancillary and normally should take second place to dealing with the day to day problems.

Communication is the heart of any Pubwatch whether it is by letter, telephone, message pager, e-mail or radio. These are only methods of communicating between members to ensure that their aims are carried forward. Information Technology is expanding fast and new systems are being designed and developed all the time to speed up communications. The basic principle of any system is that it must be quick and efficient. In this day and age it must also be cost effective.

Whatever system is selected it will only be effective if the aims of the Pubwatch and instructions on procedures to be followed by members are clearly set out beforehand. The members of the Pubwatch must discuss the aims of the Pubwatch and set out clear guidelines on the action to be followed on receipt of a message.

For instance when a message relates to a group of 'drunken hooligans' then the members agree that immediately they will control the doors of their own premises. This keeps the hooligans out on the streets where Police can more easily deal with them.

There are many scenarios which can be set, the important point is that whatever the problem the principles of how to deal with them are agreed by all beforehand.

**Most importantly these principles must be agreed with the local police to ensure the legality of the actions proposed.**

## **Appendices**

**Appendices A - E** are based on those used in Northampton pubwatch and were created by PS Mark Worthington and acceptable to the Police Service. They have also received the approval of the Information Commissioner.

They require adjustment and amendment to fit to local police service and watch practices and policies. Elements shown in *Italic print* are optional according to local practices and requirements.

If a Pubwatch proposes to handle or retain data such as photographs it must register with the Information Commissioner showing the data and reasons for use.

Copies of Appendices 'A' to 'E' are available from National Pubwatch in Microsoft Word format either on floppy disc or as an e-mail attachment that will enable easy amendment to create documents personalised for the Pubwatch and Police Service involved.

## **Appendix 'A'**

### Codes of Practice

#### Contents

<b>Subject</b>	<b>Reference</b>
<b>Introduction</b>	<b>1.0</b>
<b>The Aim</b>	<b>2.0</b>
<b>Description of Scheme</b>	<b>3.0</b>
<b>Objectives</b>	<b>4.0</b>
<b>Statement of Purpose</b>	<b>5.0</b>
<b>Criteria for Membership</b>	<b>6.0</b>
<b>Steering Group</b>	<b>7.0</b>
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<b>Scheme Discipline</b>	<b>9.0</b>
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<b>Links to Other Schemes</b>	<b>19.0</b>
<b>Acceptance Document</b>	<b>20.0</b>

## **1.0 Introduction**

- 1.1 This Code of Practice is to control the management, operation and use of the \_\_\_\_\_ PUBWATCH.
- 1.2 This document has been prepared in consultation with the Information Commissioner, the Police and other contributors to the legal process. It operates strictly within the provisions of the Data Protection Act, 1998.
- 1.3 The document will be subject to periodic review following consultation with all interested Parties, to ensure it continues to reflect its stated purpose and remains in the public and participants interests.

## **2.0 The Aim**

- 2.1 To gather, collate, exchange and manage all information relating to crime, its` commission and perpetrators by members of \_\_\_\_\_ PUBWATCH, to reduce and prevent criminality and anti-social behaviour, in order to create a safe and secure environment within.

## **3.0 Description of Scheme**

- 3.1 The \_\_\_\_\_ PUBWATCH is a proactive scheme run by licensees and supported by the police and the local authority and is directed at criminal activity within \_\_\_\_\_ area. The members, who have each signed a confidentiality agreement, are involved in the collation and analysis of data and thereafter the dissemination of intelligence and information within the membership of the scheme.

## **4.0 Objectives**

- 4.1 The prevention and detection of crime.
- 4.2 The apprehension and prosecution of offenders or suspected offenders.
- 4.3 To reduce the opportunity for individuals to commit crime.
- 4.2 To enhance public confidence in a safe and secure environment for customers who socialise and staff who work in \_\_\_\_\_ .
- 4.3 To work in partnership with the police, local authority and other agencies and organisations responsible for delivering the Community Safety Strategy.
- 4.4 To encourage greater economic investment by creating and promoting a safer place to invest, work and socialise.

## **5.0 Statement of Purpose**

- 5.1 The \_\_\_\_\_ PUBWATCH will be operated fairly and within all relevant law only for the stated aim and objective for which it was created.
- 5.2 Each participant and contributor to the scheme is and remains bound by this code of practice and any subsequent amendments to it.

5.3 All operators of the system and persons considered for such employment must demonstrate an adequate knowledge of all the relevant legislation including the Data Protection Act and the Police and Criminal Evidence Act.

6.0 Criteria for \_\_\_\_\_ Pubwatch Membership

6.1.1 A member is defined as a business which has signed an agreement to abide by the code of practice and rules of the scheme, is registered under the relevant provision of the Data Protection Act and has paid the relevant membership subscription to the scheme. The \_\_\_\_\_ PUBWATCH membership will meet \_\_\_\_\_ times per year.

## **7.0 Steering Group**

7.1 *The steering group will meet regularly as agreed during the initial roll out.*

7.2 *The group will comprise of elected/nominated delegates from the participating businesses, the police, and other relevant agencies, organisations and groups as required.*

7.3 *The role of the steering group will be to:*

- *Resolve misunderstandings and difficulties*
- *Effect improvements*
- *Assist generally with the smooth and efficient operation of the scheme*
- *Decide the level and type of management information that is shared among participating members.*
- *Decide on the method in which this management information is shared.*
- *Set funding policy*

7.4 *The day to day running of this scheme will be carried out by the sub group, who will report back to the steering group as necessary.*

## **8.0 Sub Group**

8.1 *On behalf of all the partners involved in this venture a sub group will be appointed who will act as the first point of contact on issues of the scheme expenditure, quality control, procedure management and scheme discipline. The sub group will initially consist of at least 3 representatives appointed by the steering group/watch.*

## **9.0 Scheme Discipline**

9.1 The scheme has specific responsibilities, which should be fully understood by all partners and their representatives.

9.2 The steering group/watch is responsible for the approval of all partners and the representatives of these partners.

9.3 All rules on confidentiality and data protection must be the subject of written agreement and must be strictly adhered to.

9.4 Breaches of confidentiality and contravention of the Data Protection Act may lead to criminal prosecution and/or civil actions for damages.

9.5 *Lesser infringements of procedure will nonetheless be subject to sanction by the \_\_\_\_\_ PUBWATCH Steering Group. This may be in the form of further training, verbal and written warnings or removal from the scheme.*



- 9.6 *Scheme operatives will receive training and be subject to continued assessment in order that a high standard can be maintained.*
- 9.7 *Information processed by \_\_\_\_\_PUBWATCH which may prove relevant to pending or possible prosecution will be passed to the police in accordance with local reporting procedures or any conditions laid down by the Crown Prosecution Service.*
- 9.8 *The \_\_\_\_\_ PUBWATCH Co-ordinator or his nominated representative will be required to give witness statements to an agreed format, showing their involvement in the acquisition of such evidence. They may subsequently be required to attend court to give evidence in accordance with their involvement and the witness statement submitted.*
- 9.9 *When information is passed to a police officer the level and nature of response to the information will be decided by that officer. Where possible, the officer should have been advised of the terms of operation of the scheme and the agreed procedures relating to it.*
- 9.10 *The scheme Co-ordinator is responsible for the management of the environment in which the scheme is operated and is authorised to decide when access to the scheme office is permitted and by whom. This will normally be a scheme operator. Police officers may attend in order to evaluate the data held and to add information and or intelligence, which may be evaluated along with the recorded data.*
- 9.11 *A detailed register will be maintained of all persons entering the scheme office, to show their business, reason for visit and the time and duration of their access.*

## **10.0 Training**

- 10.1 *In order to maintain high standards \_\_\_\_\_ PUBWATCH will establish and maintain training programmes for managers, employees and agents of participating businesses. The purpose of the training is to ensure that all concerned are fully aware of the procedures applicable to the initiative and of their personal roles and responsibilities.*
- 10.2 *A nominated contact within each licensed premises will liaise with the scheme manager as and when new employees are introduced.*

## **11.0 Third Party Employees**

- 11.1 *Participating Licensees may be represented by third party organisations such as Door Supervisors.*
- 11.2 *Disclosure of \_\_\_\_\_ PUBWATCH data to such employees has been considered and agreed in consultation with the Information Commissioner.*
- 11.3 *The steering group/watch will retain the power of veto on individual third party organisations in the appropriate circumstances.*
- 11.4 *Third party employees such as door supervisors, contract staff and agency staff, who are employed by scheme members, must abide by the same codes of practice/rules/data protection agreement which form the structure of the scheme.*

## **12.0 Information Control**

- 12.1 The information and intelligence held by the \_\_\_\_\_ PUBWATCH is confidential. No disclosure of information will take place that is not in accordance with the relevant statutory provisions. The data held may only be accessed and shared by scheme members.
- 12.2 The \_\_\_\_\_ PUBWATCH scheme is registered as a controller under the Data Protection Act. All provisions of the Act relating to information capable of being processed either manually or by equipment which operates automatically will apply.

### **13.0 Security Audit**

- 13.1 All information received from participants will be assessed in terms of its intelligence value and will, if found to be of value, be held on the \_\_\_\_\_ PUBWATCH database and retained for no more than 2 years. Value in this context means information relevant to the prevention or detection of crimes or disorderly behaviour.
- 13.2 The scheme will maintain appropriate levels of security, in accordance with good practice and the requirements of legislation.
- 13.3 Members will maintain like standards of security in respect of hard copy information in their custody.
- 13.4 Each member agrees to appoint a locally designated representative to assume responsibility for the protection and security of data disclosed and exchanged in the partnership, for ensuring that all security rules are applied and to facilitate any audits.
- 13.5 The Scheme will submit to an annual inspection with a detailed audit report against the requirements and principles of Data Protection Act and code of practice. The results will be made available.

### **14.0 Disclosure of Information**

- 14.1 Only those staff or agents of members who are involved in the scheme will receive relevant information.
- 14.2 This relates to photo files, updates and other information as may be from time to time released.

### **15.0 Complaints**

- 15.1 *Any formal complaint by a data subject regarding any stage in the partnership process of their personal data should be notified in writing to all the partnership members and a decision made as to who will lead in responding to the complaint giving the specific circumstances.*

### **16.0 Data Protection Principles**

- 16.1 Participants of the Scheme must be aware of the eight Data Protection Principles. These principles state that personal data shall be:
- fairly and lawfully processed;
  - processed for limited purposes;
  - adequate, relevant and not excessive;
  - accurate;
  - not kept longer than necessary;

- processed in accordance with the data subject's rights;
- secure;
- not transferred to countries without adequate protection.

## 17.0 Data Protection Requirements

17.1 All staff that have access to personal Data recorded on the \_\_\_\_\_ PUBWATCH system must be made aware of the following:

1. The information held within \_\_\_\_\_ PUBWATCH files or other documentation is confidential and must be used only for the purpose for which it was generated.
2. Any such information must not be disclosed to any third party who had not signed the necessary Agreements.
3. The responsibility and potential liability for inappropriate disclosure rests with the individual once he/she has been made aware of these statutory requirements.
4. Breaches of confidentiality by members or their representatives may also be subject to sanctions by the \_\_\_\_\_ PUBWATCH Committee.
5. All staff allowed access to the \_\_\_\_\_ PUBWATCH data should sign the organisation's data and information disclosure declaration to indicate that they have been advised of their statutory obligations and responsibilities.
6. All \_\_\_\_\_ PUBWATCH information will be stored under secure conditions.
7. Offender files will not be photocopied or otherwise reproduced unless expressly authorised by the \_\_\_\_\_ PUBWATCH Committee.
8. If an individual makes a request to a scheme member regarding data held on that individual that person should be referred to the \_\_\_\_\_ PUBWATCH Co-ordinator.

17.2 *The scheme procedures need to be monitored periodically to ensure efficient operation:*

1. *The Steering Group/Watch and/or any representatives authorised on their behalf will periodically audit individual members to ensure security and confidentiality.*
2. *Any shortcomings identified must be rectified.*

17.3 Any changes to nominated contacts with individual members should be communicated to the \_\_\_\_\_ PUBWATCH .

## 18.0 Subject Access

18.1 Where subject access to the \_\_\_\_\_ PUBWATCH scheme database is requested, a fee of \_\_\_\_ (*not more than £10*) will be charged in accordance with the regulation under the 1998 Data Protection Act.

18.2 Currently the provisions of Section 29 of the Data Protection Act 1998 provide a conditional exemption from disclosure in cases where the prevention or detection of crime or the apprehension or prosecution of offenders would be prejudiced.

18.3 The Data Protection Act 1998 and supplementary legislation replaced the 1984 Act and the scheme should be aware of the changes that ensued to ensure full compliance with the 1998 Act.

## 19.0 Links to Other Schemes

19.1 If \_\_\_\_\_ PUBWATCH shares data with other Schemes, these Schemes must comply with the requirements of current data protection legislation.

**20.0 Acceptance Document**

20.1 It is a condition of membership that each member (on behalf of his/her organisation) must sign the scheme's acceptance document.

## **Appendix 'B'**

# **?? PUBWATCH SHARING OF POLICE PHOTOGRAPHS**

## **POLICY & PROCEDURE DOCUMENT**

### **Purpose**

This policy gives strict guidelines, which should be adhered to in respect of the supply of photographs to \_\_\_\_\_ PUBWATCH of banned & excluded persons. The purpose of supplying such photographs is to prevent and detect crime.

Any scheme or initiative making use of police convicted persons photographs will be registered under the Data Protection Act and should be in possession of Professional Indemnity Insurance.

### **Rationale**

Civil court actions against Police have held that if the Police supply these types of photographs it may give rise to actions against the Chief Constable for breach of confidence. However, there is a defence to such charges that the Police acted in the Public interest for the purpose of preventing and detecting crime. It must also be recognised that in law the general presumption is against disclosure or issue of photographs.

Forces have used this tactic most effectively resulting in the arrest of offenders as a result of extra vigilance by people who have seen the suspects photograph and become alerted to their criminal behaviour.

To ensure that the criminal process is not infringed, or that civil action is taken against the Chief Constable, the Policy and Procedures must be adhered to by all concerned.

### **Policy Statement**

This Policy and Procedures document, which conforms to the \_\_\_\_\_ Constabulary / Police Service policy for 'Supply of Convicted Persons Photographs', will ensure that within the \_\_\_\_\_ PUBWATCH the supply of photographs of persons having previously committed crime is in accordance with legal guidelines.

To comply with the Guidelines, the Policy identifies:

- The level of authorisation
- The grounds for issue
- To whom it may be issued
- The co-ordination for retention by the third party
- The agreement to be signed to protect the Chief Constable.

## **Procedures**

1. In light of the Home Office's proven link between crime and drugs, the person subject of the photograph will be convicted of at least one criminal offence of Theft, Drugs, Public Order, Criminal Damage, Possession of Offensive Weapons, or Assault (including sexual assaults).
2. The subject must have been selected by a majority vote by all members of the Pubwatch scheme, at a General meeting in accordance with the Banning Policy, or subject of an Exclusion Order from the courts under the Licensed Premises (Exclusion of Certain Persons) Act 1980.
3. The supply must be authorised by an officer of at least the rank of \_\_\_\_\_, and in sensitive situations, the Chief Constable. The authorising officer will ensure that, in the circumstances of the individual case, the release of photographs is a necessary and proportionate measure that is likely to assist substantively in the prevention of disorder or crime. The authorising officer should briefly record their decision-making process within the register (see 8 below) or elsewhere.
4. The persons to whom the photographs are supplied are likely to be victims of further crime and disorder problems caused by the subject(s) of the images.
5. The identified person to whom the photograph is supplied must sign the \_\_\_\_\_ PUBWATCH 'Code of Practice' and ensure:
  - The photograph is not displayed in public
  - The photograph is kept in a safe and secure place
  - Not to distribute or copy the photograph
  - The photograph must be kept confidential and viewing restricted to essential personnel only e.g. Licensee, manager, bar staff, door supervisors.
  - To return the photograph on the request of the Police or \_\_\_\_\_ PUBWATCH
  - To agree that the copyright and ownership of the photograph and any relevant information remain vested in the Chief Constable.
6. The photograph supplied by the Police should be in relation to the incident for which the subject was excluded whenever possible. In any event it should not be more than 6 months old.
7. The address of the subject will not be shown on the photograph sheet, however, their name, a physical description and nicknames, will be supplied. The retention of the photographs by the premises will be reviewed every 12 months.
8. The system of supply of the photographs will be maintained and supervised by (The person nominated by the Force) and the \_\_\_\_\_ PUBWATCH Police Liaison Officer who will maintain a register. The Codes of Practice agreement regarding the use and security etc of the register must be completed, signed and dated by a responsible person at the licensed premises. The \_\_\_\_\_ PUBWATCH *office (or Secretary)* will retain the original

signed copies of the Codes of Practice, with the licensed premises retaining a copy in their portfolio.

**The register will contain the following:**

- a. Name and CRO number of the subject.
  - b. Confirmation (via PNC check) that the subject has a conviction for any of the specified offences.
  - c. Reason for the issue of the photograph i.e. Excluded person by the Scheme or Exclusion Order from court.
  - d. Signature of authorising officer,
  - e. Signature Police PUBWATCH Liaison officer
  - f. Date of issue.
9. In the event of an arrest of a \_\_\_\_\_ PUBWATCH excluded person in members' premises, the officer in the case must ensure reference is made on any court file to the availability of any photographs in the \_\_\_\_\_ PUBWATCH portfolio in the interests of disclosure.
10. Any breach of this Policy by the person to whom photographs are supplied will result in all photographs being withdrawn and legal advice to be obtained via the policy identifier.

**Public Disclosure**

There are no Police tactics within this policy that will prevent publication. A copy of the Pubwatch Policies is available upon written request. An administration fee may be charged.

**How to Complain**

*If a member of the public wishes to make a complaint about this policy or an individual officer, they can make a complaint through Professional Standards Department, or at any Police Station in accordance with Force Policy. Complaints about actions taken by partner agencies will be redirected as appropriate.*

**Legal Compliance**

At the time of ratifying this policy, the Policy owner was satisfied that this document is compliant with all relevant legislation, including data protection, race relations, equal opportunities, human rights and disabilities legislation.

**Other resources**

- Hellewell - v - Chief Constable of Derbyshire 1994
- R -v- Chief Constable of North Wales 1997

## Appendix 'C'

### ABBREVIATED CODES OF PRACTICE FOR USE OF PHOTOGRAPH FILES BY LICENSED PREMISES

As part of the strategy to reduce the level of crime in \_\_\_\_\_ area and in particular the incidence of Public Disorder, drug misuse and assaults in licensed premises, photographs of persons convicted of criminal offences who are subject of Banning Notices under the \_\_\_\_\_ Pubwatch Scheme or Exclusion Orders under Licensed Premises (Exclusion of Certain Persons) Act 1980 are being circulated to \_\_\_\_\_ Pubwatch members.

The following Abbreviated Codes of Practice apply to the use of such photographs and information.

1. The photographs are released with the sole intention of preventing and detecting crime in \_\_\_\_\_ (locality).
2. The **files\*** will be of convicted criminals, convicted of an offence relevant to \_\_\_\_\_ Pubwatch.
3. The photographs will be issued with the Police authorisation, following conviction.
4. The **portfolio\*\*** must be retained in a private secure area, not accessible to the public, and only to be viewed by the management and approved personnel.
5. The \_\_\_\_\_ Pubwatch will only release files on receipt of the signature of the Licensee or his/her manager.
6. A written record will be kept by \_\_\_\_\_ Pubwatch of all circulations.
7. \_\_\_\_\_ Pubwatch will review the circulation of files annually.
8. Files must be returned to \_\_\_\_\_ Pubwatch upon expiry of the Exclusion Notice/Order; or upon demand, in a change of circumstances.
9. The licensee must accept full responsibility for the safe keeping and return of files.
10. Files may NOT be copied, given or lent to any other person.
11. The files will remain the property of \_\_\_\_\_ Pubwatch at all times.
12. The Police will have the right of entry to the licensed premises to audit or remove files.

#### **Definitions:**

\* *File* – An information sheet comprising of a Photograph and personal details.

\*\* *Portfolio* – A collection of files.

NAME (Licensee) \_\_\_\_\_

PREMISES NAME \_\_\_\_\_

PORTFOLIO NUMBER \_\_\_\_\_

I have read and understood all the Documentation relating to the \_\_\_\_\_ Pubwatch Sharing of Police Photographs Policy. I acknowledge my personal responsibility and liability with regard to this scheme.

Signed: \_\_\_\_\_.

Witness: \_\_\_\_\_

Date: \_\_\_\_\_



## Appendix 'D'

### Data Integrity Agreement

#### **Confidentiality Agreement incorporating Partnership Protocols.**

##### **1.0 The Data Protection Act 1998**

- 1.1 The above Act is concerned with the proper use and handling of information (Personal Data) processed by computers and information held on manual records. It aims to provide a framework of good practice by establishing Data Protection principles. The purpose of the Data Protection Act 1998, which is published as making provisions for the regulation of the processing of information relating to individuals including the obtaining, holding, use or disclosure of such information. All processing must be in compliance with the provisions of the Act and in the event of non-compliance the Information Commissioner may take enforcement action.
- 1.2 Particular obligations are placed upon the \_\_\_\_\_ Pubwatch (known as the **Data Controller**) and you, as a member of the partnership must comply with the Data Protection principles.

##### **2.0 Definition of Terms**

- 2.1 The \_\_\_\_\_ PUBWATCH is an initiative operated by Licensees in partnership with the police and other relevant agencies and organisations. There is a partnership agreement with each of the signed up members who have agreed to the principles outlined in the protocols documents (specify the documents i.e. Rules, Code of Practice, Data Integrity Agreement any other agreed partnership procedure.
- 2.2 **Authorised Persons**  
For the purpose of this agreement are the **Signatories** to the agreement.
- 2.3 **Data Controller**  
The Board of Management of the Partnership is regarded as the **Data Controller** as the Board run the Partnership. The Board of Management will determine the purposes for which and the manner in which any personal data are, or to be, processed.
- 2.4 **Personal Data**  
Data consisting of information, which relates to a living individual, who can be identified from that information.
- 2.5 **Data**  
"Data" means information which –
- a) is being processed by means of equipment operating automatically in response to instructions given for that purpose.
  - b) is recorded with the intention that it should be processed by means of such equipment.
  - c) is recorded as part of a relevant filing system, or with

- d) intention that it should form part of a relevant filing system, or does not fall within paragraph a), b) or c) but forms part of an accessible record.

**2.6 Data Subject**

A living individual who is subject **of personal data**.

**2.7 In or Near**

Is the (enter relevant post codes) postcode, an area coterminous with the defined geographical boundary of the \_\_\_\_\_ PUBWATCH scheme.

**2.8 Disclosure of Information**

The **Data Controller** will approve **Disclosure of Personal Data** and information about **Data Subjects** to **Signatories** of this agreement, where relevant and appropriate, for the purposes of:

- The prevention and detection of crime, or
- The apprehension or prosecution of offenders or suspected offenders.

Information should only be passed where it is relevant to do so.

- 2.9** The **Data Controller** will disclose **Personal Data** to **Signatories**, where it is relevant to do so in connection with:

Person(s) who are identified as legitimate **“Offenders”** under the partnership protocols

- 2.10 Data Processor** means any person who processes the data on behalf of the data controller.

- 2.11 Processing**, in relation to information or data, means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including-

- organisation, adaptation or alteration of the information or data.
- retrieval, consultation or use of the information or data.
- disclosure of the information or data by transmission, or otherwise making available.
- alignment, combination, blocking, erasure or destruction of the information or data.

**3.0 Definition of an Offender**

- 3.1** For the purpose of this agreement an **“Offender”** means and includes:

- A person who has been convicted of an Assault, Criminal Damage, Public Order Offence, Possession/dealing of Controlled Drugs, possession of offensive weapons, or an offence of dishonesty in relation to or adjacent to a \_\_\_\_\_ PUBWATCH members premises.
- A person who, following conviction for any offence arising in or directly relating to \_\_\_\_\_ PUBWATCH member premises, has been served with a notice preventing him/her from entering a \_\_\_\_\_ PUBWATCH member premises OR is subject to an Exclusion Order under the Licensed Premises (Exclusion of Certain Persons) Act 1980.

3.2 **Personal Data** shall be constantly reviewed and shall not be retained for any longer than necessary. In particular “**Offenders**” photographs shall be reviewed every 3 months to ensure that the **Data** reflects the **Data Subject’s** current circumstances. **Personal data** shall not normally be retained for any longer than twelve months.

#### **4.0 Data Security**

4.1 **Data** shall not be **disclosed** to any non-signatory, either directly or indirectly unless required to do so by law, or by the order or ruling of a Court or Tribunal or regulatory body. If required to do so the member will, unless prohibited from doing so, notify \_\_\_\_\_ PUBWATCH promptly in writing of that fact and in any event, prior to making such a **disclosure**.

4.2 **Personal Data** shall be transmitted to **Authorised Persons** via secure channels.

4.3 Appropriate security measures shall be employed to prevent unauthorised access to, or alteration, disclosure or destruction of **Personal Data** and against accidental loss or destruction of **Personal Data**. (The absence of appropriate security measures may lead to a **Data Subject** being entitled to claim compensation from the **Data Controller** and/or other **Signatories** and must be guarded against at all times).

4.4 **Personal Data** relating to “**Offenders**” of \_\_\_\_\_ PUBWATCH shall immediately be returned to \_\_\_\_\_ PUBWATCH upon request to do so by a written notice to that effect.

4.5 **Personal Data** relating to “**Offenders**” of \_\_\_\_\_ PUBWATCH **will** be retained in accordance with the procedures outlined in the partnership protocols and documentation pack.

#### **5.0 The Commitment**

5.1 In consideration of the **Personal Data** being made available between the **Data Controller** and the **Data Signatories**, both parties (**Controller** and **Signatories**) irrevocably undertake the following:

1. To keep the **Data** received confidential at all times.
2. They will obtain and process **Data** and information fairly and lawfully.
3. **Data** shall be collated solely for the purposes of the prevention and detection of crime, or the apprehension or prosecution of offenders.
4. Non-police **Data** held will consist solely of descriptions, relating to “**Offenders**”.
5. Police data will consist solely of the circulation of photographs.
6. **Data** held will relate solely to “**Offenders**”, current and past.
7. **Data** shall be disclosed to both parties solely for the information of their staff, to Police Forces, Prosecuting Authorities, Courts, Judges and Magistrates.
8. **Data** shall be adequate, relevant, and not excessive for the purpose it is intended.
9. **Data** shall only be accessed or disclosed by or to **Authorised Persons**.

5.2 **Any breach of this agreement will be dealt with in accordance with the disciplinary procedures outlined in the partnership protocols and documentation guide. Making an unauthorised disclosure of data may lead to criminal prosecution.**

**Signed:** .....  
(PRINT NAME).....  
Pub/Club.....(POSITION).....Date...../...../..... (For and on  
behalf of the member)

**Signed:**.....  
(PRINT NAME).....  
(For and on behalf of \_\_\_\_\_ - PUBWATCH.)  
Date...../...../.....

## Appendix 'E'

### BANNING POLICY

#### **1.0 Objectives**

- ❑ To exclude persistent trouble makers, violent persons and drug dealers from members premises
- ❑ To protect staff & customers from acts of physical violence
- ❑ To protect property from acts of violence
- ❑ To reduce the incidence of crime and the fear of crime for the benefit of staff & customers
- ❑ To improve the economic and general environment of the area, and so improve prosperity within the area by promoting it as a safer place to socialise, invest and work.

There is a normal invitation by licensees, for members of the public to enter their premises, purchase drinks, food and socialise in an orderly and friendly manner.

#### **2.0 Equal Opportunities**

*No person will be discriminated against, by reason of :*

- National or social origin
- Sexual orientation
- Religious beliefs
- Language
- Marital status
- Gender
- Age (if over 18)
- Political or other opinion

#### **3.0 OFFENCES**

- ❑ Assault on the Licensee, staff or customers
- ❑ Criminal Damage to the members premises
- ❑ Public disorder within or in close proximity to and linked to the members premises
- ❑ Being found in possession of Controlled Drugs within the members premises
- ❑ Being found in possession of Offensive Weapons within the members premises
- ❑ Being concerned in the supply, manufacture or trafficking of a Controlled Drug in connection with any members premises
- ❑ Any offence of dishonesty within the members premises

#### **4.0 WHAT IS A BANNING NOTICE**

The issue of an *Banning Notice* withdraws that implied invitation to the person to whom it is issued. The *Banning Notice* extends to all members of the \_\_\_\_\_ PUBWATCH scheme. Some licensees already operate similar notices or "bans", but only in relation to their own premises and are rarely cited in court if a breach occurs.

The introduction of this scheme allows \_\_\_\_\_ PUBWATCH to issue the *Banning Notice*, not only excluding the offender from the premises in which they have misbehaved, but from all other members' premises.

#### **5.0 HOW WILL IT WORK?**

If a member wishes to start the procedure for excluding a person, they must first complete an Incident Report and discuss it with the co-ordinator. All such incidents should be reported to the police, this will prevent spurious allegations being made against individuals.

Any such report can ONLY be made by the Licensee or his representative. It cannot be a third party.

*The co-ordinator, on being informed of the incident(s) must discuss this with at least two other committee members to consider whether to institute an "Emergency Ban".*

*Any "Emergency Ban" MUST be ratified by a Quorum of the committee or Watch within 7 days.*

*A Quorum of the committee will consist of The Chair (or his nominated deputy) and at least 4 other committee members. A majority vote will carry the decision. The chair will have a casting vote in the event of a tie. Any decision made by the quorum must be ratified by the members at the next general meeting.*

*If the Licensee does not feel that the incident warrants police attention, then the Incident Report will be forwarded to the Secretary. Upon receipt of three (3) separate reports the Secretary will bring the person to the attention of the NEXT general meeting for consideration to the issue of a Banning Notice.*

Any decision to issue any person with a **Banning Notice** must be made at a General Meeting. Members will be notified that a **Ban** is to be considered at the meeting and encouraged to attend. Any non-attendance will be treated as abstentions. All members at the meeting will vote after hearing all the evidence. Each premises is entitled to cast one vote. Voting will be by way of a show of hands. In the event of a tie, the chair will have the casting vote. Members may submit postal votes, to the chair, at any time prior to the meeting. A simple majority will carry the decision. ALL MEMBERS MUST COMPLY WITH ANY DECISION REACHED.

The members, when considering the ban, will take into account:

- The seriousness of the original incident(s)
- The acceptance - or not - of wrong doing by the person
- The feelings of all persons involved in the incident(s)
- Any restitution which has already been undertaken
- Would a Ban be proportionate in the circumstances? Does this course of action amount to the least intrusive response that is required in order to prevent further crime and disorder problems?
- Any other relevant details

All decisions made by the membership will be correctly minuted and reasons for bans recorded.

If a *Ban* is instituted the excluded person will be informed by letter as soon as possible. All members of the watch will also be notified by letter. If no Ban is instituted then the relevant person will be informed in writing as soon as possible. This letter will also inform the person that the right of admission to individual members premises may be withdrawn i.e. the fact that a person is NOT excluded from the scheme does not negate the right of an individual licensee to ban someone from his/her establishment.

## **6.0 DURATION OF BAN**

The length of a *Banning Notice* will be communicated to the excluded person and a full list of Pubwatch Premises to which the exclusion applies will also be supplied.

The length of a *Banning Notice* will not normally be less than *12 months*. It may be for any length of time, but it will be reviewed every 12 months. The excluded person will have the right to make

representations to the committee either in writing or in person at the review. If no such representations are received, the Ban will remain in force.

Any review will be by the members at a General meeting. The same conditions to be in place as for a Ban hearing.

Should a *Banning Notice* be lifted at this review, the banned person shall be notified by letter.

## **7.0 SERVICE OF NOTICE**

A *Banning Notice* may be served personally or by Recorded Delivery post to the last known address of the excluded person. *Any letter communicating a Ban will ONLY carry the Pubwatch Logo.*

## **8.0 Issue Dates**

*Scheme membership will be updated every 3 months.*

*Each membership list will be dated. The issue date must be referred to when a Banning Notice is issued to any person.*

*If any person is served with a Banning Notice on a particular date, it follows that they will NOT be excluded from any premises, which join the scheme after that date, unless any future behaviour warrants a Banning from the new members premises.*

*It is therefore essential that*

- 1. Each Banning Notice bears the date of issue*
- 2. The most current issue is used.*

## **9.0 Appeals & Representation**

*A Banned person has the right to make representations to an appeals committee. This must be notified to the Watch Secretary within 28 days of the Banning Notice being served/sent. Representations may be made in person or in writing. Any exclusion will continue until the representations have been heard.*

*The appeals committee quorum will consist of The Chair (or his representative) and at least 4 other committee members*

*If the committee upholds the exclusion the banned person will be informed of his right to appeal.*

### **Terms of Reference**

*The terms of reference of the Appeals Committee will be:*

- 1. To hear appeals by appellants who have been excluded from the Pubwatch members premises*
- 2. To grant/refuse the appeal*
- 3. To give reasons for the decision in relation to the appeal after considering the appellant and any representations made.*

### **Quorum**

*The Appeals Committee will consist of the following members:*

*TO BE DETERMINED, but likely to include: Area/Regional Manager of National Licensed Chain*

## **10.0 Hearings**

### **Consideration of Evidence**

*All hearings will give the appellant, and their representative, every opportunity to produce relevant evidence, whether oral or written. Hearings shall not be open to members of the general public, but the appellant shall be able to bring witnesses to give evidence to the hearing. The appellant shall hear all allegations/representations made to the Appeals Committee against him/her.*

### **Deliberations of the Appeals Committee**

*The deliberations of the Appeals Committee shall be in private, when each party has given all relevant evidence. The appellant, his representative, witnesses and the Pubwatch advisor shall leave the room to enable the Appeals Committee to reach a decision. The Committee shall receive legal advice during the course of their deliberations if they require it.*

### **Application for Appeal**

*If represented, the appellant himself/herself shall also be present. However, the Committee reserves the right to proceed in the absence of both the appellant and his/her representative.*

### **Representations**

*Appellants appearing before the Appeals Committee will be allowed full legal representation (at their own expense and arrangement) and/or the provision of a friend.*

## **NOTICE OF OUTCOME OF APPEAL**

### **Service of Notice**

*When a decision has been made by the Appeals Committee to uphold or overturn a decision of the Pubwatch Committee, a notice will be served on the appellant, setting out the reasons for the Committee's decision. This notice can be served at the time or within 7 days of the hearing.*

### **Proof Of Service**

*Proof of service will be by:*

- 1. Personal service on the appellant*  
*or*
- 2. Service upon his legal representative*  
*or*
- 3. By sending the notice by recorded delivery to the appellant's usual or last known place of abode.*



## Appendix 'F'

### **LIST OF USEFUL PUBLICATIONS**

<b><u>Title</u></b>	<b><u>Subject</u></b>	<b><u>Produced by</u></b>
1. Keeping the Peace	A comprehensive guide to the prevention of alcohol related disorder	The Portman Group
2. Safety in Pubs	A guide to employers responsibilities	British Beer & Pubs Association
3. Handbook for Door Supervisors National Certificate	A guide to the qualifications and skills necessary to obtain a door supervisors certificate	British Institute of Innkeeping
4. Safe & Sound	Guidelines to Licensees on how to manage the threat posed by drugs and weapons	The Metropolitan Police Service
5. Advice to Licensees	An outline of licensing conditions and expectations and offences	Thames Valley Police
6. Licensed Property – Security and Design	Suggestions for effective security systems in licensed premises	British Beer & Pubs Association and the Metropolitan Police Service
7. Drugs and Pubs	A leaflet giving points on drugs for licensees	British Beer & Pubs Association
8. Tackling Drugs Misuse a Guide to Good practice	Good practice for public entertainment venues and night-clubs on tackling drugs misuse	The Kent Initiative on Drugs Scheme

**Appendix 'G'****LIST OF USEFUL WEBSITES**

<b><u>URL</u></b>	<b><u>Name of site</u></b>	<b><u>Contents</u></b>
<a href="http://www.nationalpubwatch.org.uk">www.nationalpubwatch.org.uk</a>	National Pubwatch	Information on Pubwatch, Good Practice Guide, Newsletters etc.
<a href="http://www.homeoffice.gov.uk/crimpol/crimprev">www.homeoffice.gov.uk/crimpol/crimprev</a>	Home Office	Contains Crime prevention advice
<a href="http://www.doh.gov.uk/drugs">www.doh.gov.uk/drugs</a>	Department of Health	Contains information on Drug misuse
<a href="http://www.talktofrank.com">www.talktofrank.com</a>	National Drugs helpline	Contains information on drugs misuse and help for addicts
<a href="http://www.crimereduction.gov.uk">www.crimereduction.gov.uk</a>	Home Office	Crime reduction information and tools
<a href="http://www.bii.org">www.bii.org</a>	British Institute of Innkeeping	Has information on industry standards, training and social responsibility
<a href="http://www.beerandpub.com">www.beerandpub.com</a>	The British Beer and Pubs Association	Information on trade issues and social responsibility
<a href="http://www.crimereductionsigns.co.uk">www.crimereductionsigns.co.uk</a>	Nuneaton signs	A company that produces signs and badging for crime prevention
<a href="http://www.communitymedia.co.uk">www.communitymedia.co.uk</a>	Community Media	A company that specialises in producing beer mats with crime prevention themes
<a href="http://www.drinkaware.co.uk">www.drinkaware.co.uk</a>	The Portman Group	Information on responsible drinking
<a href="http://www.beerandpub.com/content.asp?id_Content=2367">www.beerandpub.com/content.asp?id_Content=2367</a>	The British Beer and Pubs Association	For information on: "Social Responsibility Standards for the Production and Sale of Alcoholic Drinks in the UK"

## Appendix 'H'

### Examples of good practice in use

Contained in this appendix are examples of good practice either already in use around the country or promoted by organisations as effective tools to tackle the problem.

They are collated under the problems that they relate to.

Acceptable Behaviour Contracts (ABC's)	An alternative to a ban that could be used for minor cases
CCTV	Policies
Drugs	Awareness issues
	Prevention tactics
Drunkenness	"I'll be Des" designated driver campaign
Liability Insurance	Details of one company offering insurance
Raising Public Awareness	Some examples promoting crime prevention
Photographs	Obtained by consent
Safety	Inside bottle banks
Underage sales	Pass identity scheme
	Challenge 21

## **Acceptable Behaviour Contracts (ABC's)**

Some areas of the country have introduced what are referred to as behaviour contracts as an alternative to prosecution or bans for minor incidents that may not automatically warrant a ban but might lead to escalating bad conduct if no action is taken.

They carry no legal strength and are a written agreement between you and a 2nd party. They can cover a multitude of things from using obscene or threatening language to litter. They can be subsequently produced in court as evidence that you have tried to reason with someone. They have been used to good effect in Coventry since the beginning of 2006.

They can be served by anyone and the recipient signs them and returns them as agreed. Experience has shown that in the majority of cases with letters of apology for the behaviour that brought them to the attention of pubwatch. The few that either refused to sign or breached the contract have been subsequently banned by the pubwatch

In Coventry each contract is sent out with a letter signed by the Chair of Pubwatch outlining the alleged offence or behaviour issue. The person has 14 days to appeal, sign and return or choose to ignore it. If they choose the latter then they receive an automatic 12 month ban from all member premises. If they sign and return the contract then it is kept on file for the period of the contract. If they appeal then they will be invited to a hearing on neutral grounds where 3 committee members will hear the appeal and decide what action if any is needed.

During the life of the contract it is kept in a file format with the pubwatch report signed copies of the contract and any letters sent to the person in a secure way. It is not passed to other pubwatch members photo files as a normal ban is. The pubwatch reports are monitored and if any person on an ABC is brought to the attention of the committee again during their contract they will receive a ban of 12 months for the 1st offence plus whatever the committee impose for the other offence.

Lastly at the end of the contract a letter is sent to the person letting them know they have complied in full with the contract and it has now been destroyed. The contract is then shredded.

This is an effective way of dealing with low level anti social behaviour; it is not too time consuming and works well where pubwatch work closely with other agencies like police & Town Centre Managers. It is being used to good effect at a number of other locations in the country.

An example of the actual Coventry contract is shown below but local issues may result in some amendment of the actual behaviour details covered in the contract:

### **Acceptable Behaviour Contract**

**Name**.....

**Address**.....  
.....  
.....**postcode**.....

**I the above named person agree to enter into an acceptable behaviour contract with the Coventry pubwatch committee. The reason for this is because in the past my behaviour has been unreasonable and could have caused alarm, distress or harassment to other people. I understand that if I break this contract during its term of.....years/months starting on the ..... I will be automatically placed on a pubwatch ban, which will result in me being banned from all pubwatch members licensed premises. I further accept that this contract may be produced in court should I be charged with any offence that breaches this**

**contract. I am fully aware that this contract will be held on file by the pubwatch committee during the length of its stated dates. I accept the terms and conditions as stated below.**

**Signed.....Print name.....**

---

- 1. I agree to refrain from using behaviour that could caused Alarm, Distress, Harassment, or upset to customers and members of staff and all pubwatch member premises.**
- 2. I agree to refrain from using violent conduct towards customers and staff on or outside pubwatch member's premises.**
- 3. I agree not to allow or encourage other persons to carry out on my behalf acts of violence against customers or members of staff on any pubwatch member premises**
- 4. I agree not to allow or encourage any person on my behalf to cause Alarm, Distress, Harassment or upset to customers or staff of any pubwatch member premises**
- 5. I agree to refraining from becoming drunk & disorderly on or outside any pubwatch member premises**
- 6. I agree not to cause damage or deface any property belonging to any member of the pubwatch this includes posters and signs advertising pubwatch and events at pubwatch member premises**

**Signed.....Pint Name.....**

**Committee member.....**

## **CCTV**

Do you use CCTV, if so have you a dress code or policy that stops patrons wearing baseball caps or other headgear that will obscure their faces on any CCTV image! It might be worth thinking about or even inviting them to remove them as they enter so you get at least one good picture of them!

## **Drugs**

### **1. Awareness.**

It is a responsibility for licensees to be both aware of the probable presence of illegal drugs and weapons in their licensed premises, and to also take action in order to ensure that their licence, and thus their livelihood, is not compromised.

Some signs and symptoms are:

- Behaviour of an individual;
- Activities of more than one individual;
- Residue and paraphernalia found,  
e.g. fat home-made cigarette ends, torn beer mats or other cardboard, burnt foil, grains of powder, etc;
- Drug-related language used or overheard;
- Frequent visitors to one part of the premises;
- Frequent movement by same person(s) through premises;
- Money/packages changing hands;
- Frequent use of mobile/pay phone;
- Distinctive smell of cannabis.

Staff should be briefed to watch for activity that indicates possible drugs use, especially cleaners that might find the residue or paraphernalia left by users. **This is also a matter of Health and Safety as mishandling may lead to injury and illness.**

## 2. Prevention tactics

Several useful tactics are:

- Toilet cubicles should be regularly patrolled in order to uncover drug related activity – but don't forget to monitor alcoves, stairwells, disabled toilets, function rooms, beer gardens and car parks.
- Toilets can be made to be less user friendly to drug users by removing the bottom 15cms of the doors; this way when two or more people are in a cubicle or if someone collapses it can be noticed and responded to.
- Flat surfaces can also be removed from toilet cubicles in order to frustrate those snorting drugs – Vaseline has also been used by many managers to spoil the same surface areas. A word of caution; spraying a chemical substance across the toilet cistern only to irritate the skin of legitimate customers is not acceptable!! Remember any measure you introduce must be lawful.
- If evidence of drug injection is found the use of ultra violet light prevents users finding veins and can stop the problem overnight.
- A search policy (as a condition of entry) can be used very successfully as a deterrent and to discover drugs. It can be used as an ongoing control measure or just used for a limited period of time (such as when a venue is taken over, in order to send out a message to the local users and dealers). A word on searching, it is only a valuable tactic if it is used properly. Too many door staff only perform a vague pat down which doesn't serve any useful purpose.
- If you introduce a search policy don't confine searches to men only, it could be construed as discrimination and believe it or not lots of women carry drugs!! (make sure the search or confiscation procedure is done lawfully! –seek advice from local police if you're not sure).

## Drunkenness

### 1. 'I'll be Des'

Drinking and driving don't mix and with 3,000 people killed or seriously injured annually, The Portman Group's anti drink-drive campaign is crucial in helping to tackle this serious problem. The UK's biggest ever DESignated driver campaign, "**I'll be Des**", has reached millions of people with this simple message: always **designate** a non-drinking driver when you're out drinking. **Des** is aimed particularly at 18-40 year old male drivers who are the group most at risk of being involved, injured or killed in a drink-drive accident. However, the campaign message is relevant to all people regardless of age or sex. Since its launch in October 2000, **Des** has gone from strength to strength, winning prestigious Prince Michael International Road Safety awards in 1997 and 2001 and enjoying wide support from road safety officers, the police, health promotion services, MPs, local government, pubs and clubs, and the drinks industry.

Packs for pubs are available free of charge. You can [order online](#) or email [info@portmangroup.org.uk](mailto:info@portmangroup.org.uk). Visit [www.desdriver.co.uk](http://www.desdriver.co.uk) for more information about road safety and **Des**.

### 2. 'If you *do* do drink, don't do drunk'

The Portman Group "*If you do do drink, don't do drunk*" campaign aims to raise awareness amongst 18-24 year olds of the adverse consequences of excessive drinking. They have developed a flexible range of promotional materials capable of adoption and adaptation by public service agencies,

alcoholic drinks producers, the licensed trade and the leisure/hospitality sector generally.

Launched in March 2001, the campaign has been rolled out in more than 38 towns and cities across the UK. Initially targeted at a student-based audience, in partnership with the National Union of Students, "If you do do drink" has been extended to all 18-24 year olds in the UK (over four million young adults). To date the campaign has used a media mix of posters; postcards; radio ads; Advans; 'direct theatre' in pubs; 'gossip theatre' in shops, in the street and on public transport; sponsorship of Rugby League; plasma screens in cafes and bars; innovative 'viewrinals' (TV in the toilet); 'talking posters' in style bars and pubs; and most recently, viral emails and cinema adverts in selected cinemas nationwide.

The ultimate aim of the campaign is to make problem drunkenness as unacceptable as drink-driving. Media and government are increasingly sensitive to problems associated with public drunkenness, particularly among the young, and there is growing awareness of the damage that this can cause to everyone involved in the drinks business.

Campaign materials are available free of charge. You can [order online](#) or by phoning: 020 7907 3700.

## **Insurance**

When people are banned they will always try to find a way to get the ban overturned or strike back at the pubwatch and sometimes this involves the possibility of legal proceedings, therefore the Pubwatch should consider how they can deal with the possible legal costs that might ensue as a result of a legal challenge or action over a ban. The best way is to take out a professional indemnity insurance. At the time of publication we only know of two companies that provide this sort of cover to watch schemes and they are shown below, as we find others they will be either notified in our newsletter or via our website.

### **Regent Insurance Group**

All requests for proposal forms for the Regent indemnity insurance must be made to Stuart Carr, Commercial Manager, Regent Insurance Group, Crown House, Augusta Place, Royal Leamington Spa, CV32 5EL, Tel: 0870 4990451.

### **Todd & Cue Ltd**

All requests should be made to Stevan Cue at Kingfisher House, Kingsway, Team Valley, Gateshead, Tyne & Wear, NE11 0JQ, UK. Phone: +44 (0) 191 482 0050 Fax: +44 (0) 191 482 6040 Email: [info@toddcue.com](mailto:info@toddcue.com)

The cost of such insurance will be individually quoted for based on the size of the watch and the levels of cover required. Please remember you will be expected to provide a copy of your rules, constitution and protocols in order for your proposal to be considered and they will be expected to follow our guide and any Home Office guidelines.

## **Raising Public Awareness**

As a pubwatch how do you get your message across? Well a number of pubwatches have used the following ways to get either a general or specific message across.

### **Video**

Aylesbury pubwatch managed to arrange for a running of a videotape in Aylesbury Police Station warning people of the consequences of anti-social behaviour. This was done on the basis that there

would be a sort of captive audience. At Christmas, the message was further strengthened by a series of local radio adverts warning "Barred from one pub means barred from all".

### **Message in a Glass**

Pubwatches in Daventry and Kettering initiated engraved glasses to carry messages etched into the bottom. The messages were short but pithy and related to drinking and driving, drugs use and violence. Funding came from Community Safety Partnerships and by canvassing for sponsorship from local businesses. The average life of a glass is between 10-18 weeks so local businesses such as car dealers, estate agents and others can have their logo added to the side of the glass as well as the slogan in the bottom. This provides free advertising in an innovative way for up to 18 weeks, much cheaper than an ad in the newspapers and I suggest more likely to stick in the mind when viewed through a pint.

If you are interested in a project with glasses in your area contact Phil Haughton at **Iconic** on his new number 01536 205261

### **Beer Mats**

Beer mats are also useful for sending a message and have been used to good effect by many watches again either to get across general, specific or seasonal messages. They can be personalised to your pubwatch or just about some key messages which can be shared with several other pubwatches to share the cost.

Visit our website or contact Community Media (Appendix G) to see some samples.

## **Photographs**

### **1. Obtained with consent**

This avoids any possible conflicts with the Data Protection Act and ensures a photograph is available for use.

Mid Devon pubwatch has initiated an ingenious idea of letting miscreants sign a contract committing them to act responsibly in the future in return by lessening the time they were banned from pubs and clubs. When someone is banned, unless the person is also convicted, you couldn't get a photograph. Under this scheme, the person is given the chance of having a one-year ban reduced to six months if they are given a passport-size photograph and he, or she, signs the agreement."

Under the agreement, wrongdoers state that they have freely provided the photo and also pledge not to become involved in any anti-social behaviour. An added incentive for people not to fall foul of Pubwatch is that it is all embracing. It covers all on-and-off licensed premises and even taxi firms. Therefore, any one banned will have to travel outside of a 350-mile area, and at great expense, to buy a drink.

Ripley Pubwatch has also found a way to get photographs following a joke at one of their pubwatch meetings. They have adopted the following practice with great effect:

The offender is sent a letter indicating the banned period from the pubwatch, for example two years. The offender is given the opportunity to serve 6 months of this period on probation after 1yr 6 months. On the condition that they supply four current passport size photographs of themselves to the pubwatch secretary, with their name on. They are told in the letter the photograph will be distributed to all the licensed premises in the area, so if they should breach or re-offend the ban may be lengthened or the probation revoked.



So long as you make clear to the offender in the letter what the photograph will be used for, when they supply them there are no data protection or human rights issues.

So far the banned persons in a number of watches have received Photographs from offenders, Identification is clear to all members instead of out of date police photo's and you notice they state all licensed premises so this can include Off Licences.

## **Safety**

Ever thought of Bottle banks inside your premises!

A number of small bottle banks with 'non return' entry points on them suitably located can help make collecting quicker and safer for your staff and avoid breakages as they are knocked to the floor or dropped whilst being carried back to the bar. It speeds collection and makes clearance at the end of the night a lot quicker. Who knows it may even encourage your customers to use them and reduce the need for staff to clear so frequently!

## **Underage Sales**

Whilst the introduction of £80 fixed penalty tickets for staff who serve under age individuals it is clearly likely to lead to a lot of bar staff receiving £80 penalties. As such staff, tend to be on the lower wage rates, it looks as if there might be an even greater turnover of bar staff in the industry in the near future. Turnover of staff brings training costs as well as potential vulnerability to the premises as they learn their way through the intricacies of working behind the bar. The only way forward is to encourage all staff to demand some proof of age from anyone considered to be under 21 and to decline to serve them without confirmation of their age proved from documentation or personal knowledge. Without taking such a course a defence to the allegation cannot be used, it is good practice to maintain some record of the instances of refused service. One to defend an allegation that no procedures are in place and secondly to start to show whether or not the problem is reducing. Many Off Licence premises already have followed such a practice for many years.

### **1. Pass Identity Scheme**

This scheme was mentioned in our newsletter but to remind you it relates to a variety of age related identity cards currently in use. It is widely considered a vital tool in helping to combat underage sales.

PASS is the UK's national guarantee scheme for proof-of-age cards which is supported by the Government, the Association of Chief Police Officers (ACPO) and the Trading Standards Institute (TSI). PASS was launched in 2003 because fake proof-of-age cards were becoming a significant national problem. Given the large number of different card issuers, there was also confusion amongst those who sold age-restricted products, door supervisors and even those who were responsible for enforcing the law, over which proof-of-age cards were genuine.

The scheme provides a common standard and an easily recognisable identity, behind which lies a robust accreditation process to help protect retailers of age-related sales and their employees.

The PASS hologram on a card is the hallmark indicating that the card issuer has passed a stringent and rigorous audit carried out by trading standards officers and that the card may be relied upon. Accredited card issuers must also pass an annual re-audit process to ensure that that the guidelines set by the PASS Board continue to be adhered to.

Establishing PASS as the national standard has made life easier for all those involved in age-restricted sales by giving them a single, recognisable logo which they can trust, even though in other respects, each card will have its own individual appearance. There are currently five different national and twelve regional card schemes issuing PASS accredited cards across the United Kingdom.

Although the cards may look different they will all include the PASS logo and the following minimum information:-

Full Name      Date of Birth  
A photograph of the card holder  
The PASS hologram opposite  
A copy of the card holder's signature

It is vital for the success of the scheme that retailers, enforcers and door supervisors recognise that only cards bearing a PASS hologram should be accepted as a valid proof-of-age. The PASS Board maintains a vigilant approach to any attempted fraud, and fully expects that trading standards officers would vigorously pursue any systematic activity.

Now that virtually all card issuers are onboard and that almost every card in the country carries the PASS hologram, the key challenge for retailers and enforcers alike, is to give the scheme support.

Only by ensuring that every person selling age-restricted goods and those responsible for enforcing and administering the law knows about PASS, can recognise the hologram, and understands its significance, can the project really work.

Do your pubwatch know about PASS and recognise the hologram which can be viewed at their website at [www.pass-scheme.org.uk](http://www.pass-scheme.org.uk).

## 2. **'Challenge 21'**

The 'Challenge 21' initiative encourages sellers of alcohol to ask for official forms of identification from anyone that appears to be under 21-years-old. We note that some areas have increased this to 'Challenge 25' so this provides an even greater safety cushion against the possibility of serving someone underage. If a trader suspects someone is under those ages and they do not have the relevant identification, e.g. passport, photo driving licence or PASS approved identity card they will not be served.

The scheme was introduced because it can be very difficult to identify accurately whether someone is 17, 18, 19 or 20 but is usually easier to determine whether someone is 21. However if young people have official identification to prove they are over the age of 18 they will of course be served legally. It will create a level playing field for businesses that sell alcohol and at the same time will protect young people by ensuring that only those over 18 can buy alcohol.

It also means that young people all across the country will get the same clear message, if you cannot prove that you are 18 years of age, you cannot buy alcohol anywhere. It has the added benefit of protecting your staff to a greater degree from being prosecuted or issued with an £80 fixed penalty ticket for serving someone who is underage. It is a clear demonstration to the authorities that you are practising responsibility in your business as far as underage sales go.