

# Calderdale Pubwatch Scheme & Pubwatch Network

## Guidelines

## Contents

### What is Pubwatch Scheme & Pubwatch Network ?

- What is Pubwatch?
  - What is Calderdale Pubwatch Network?
  - Advantages to the Licensed Trade
  - Advantages to the Police and Community Safety Partnership
  - Licensees' role and responsibilities
  - Police role and responsibilities
- Pages 3 - 4

### Membership and Structure

- Committee Membership
  - How it works
- Page 4

### Pubwatch Schemes

- The Calderdale Pubwatch Areas
  - Protocols
- Page 4 - 5

### Banning Policy and Procedure

- Banning Policy Details
  - Sample Banning Letter
  - Banning Procedure Steps
  - Review
- Page 5 - 9

### Exclusion Orders and Anti Social Behaviour Orders

- Exclusion Orders
  - Antisocial Behaviour Orders
- Page 9 - 10

### Calderdale Pubwatch Network

- Licensing Act
- Page 11 - 12

- Useful Contacts  
14
- Code of Practice  
20

Page 13 -

Page 15 -

## Calderdale Pubwatch Guidelines

### 1. What is Pubwatch Scheme

#### What is Pubwatch?

Pubwatch is a community based crime prevention scheme organised and run by licensees to give each other support, exchange information and to discuss problems affecting the whole area.

#### What is Calderdale Pubwatch Network ?

Calderdale Pubwatch Network is the link between all Pubwatch Schemes, bringing members together to ensure all are kept up to date. Every member will receive the same level of and quality of support and information from the Police and Local Authority. This will ensure information relating to crime and individuals who are banned is circulated effectively and ensure all Pubwatch Schemes are running the same way and using the same systems.

### 2. Advantages to the Licensed Trade:

Promoting that you are a member of a Pubwatch Scheme will help you :

- Deter troublemakers from your premises
- Reduce risk of assaults on licensees, staff and customers
- Develop a more positive relationship with the Police and other Agencies
- Keep up to date with the latest information
- Contribute to improving/maintaining the public image of the area and to ensure an environment where the trade can prosper

### 3. Advantages to the Police and Community Safety Partnership:

- They will receive up to date information on potential troublemakers from licensed trade
- Develop a better understanding of the needs of the licensed trade
- They will improve their knowledge to provide assistance and help when needed more efficiently
- Positive information and co-operation between the licensed premises will lead to a reduction in violent incidents and criminal activity in your area.

### 4. Licensees' role and responsibilities:

- Nominate Chair, Deputy Chair and Secretary
- Responsibility for the running of the meetings monthly or bi monthly
- Ensure information is circulated such as agenda / minutes before each meeting.
- Information is available to licensed premises who don't attend meetings.

## 5. Police role and responsibilities

- Nominate a Pubwatch liaison officer who will attend each meeting.
- Provide relevant crime stats and monitor the scheme.
- Provide information and support.
- Make contact with new licensees.
- Provide information including photographs of banned people and known troublemakers.

## 6. Committee Membership

Each Pubwatch Scheme should elect a chairperson, vice-chairperson and secretary to facilitate meetings. Each Scheme will be represented and report into the Calderdale Pubwatch Network.

Chair – Has the responsibility for ; the overall running of the Pubwatch Scheme, chairing meetings, encouraging membership, responding to the local media, being the named contact for the scheme. The chair should be the representative at the Calderdale Pubwatch Network meeting along with the Deputy Chair in order to ensure information is fed back on issues relating to the their area.

Deputy Chair – Takes over in the absence of the chair and assists in any issues that are needed.

Secretary – Should be responsible for all secretarial duties including, producing agenda, taking minutes, keeping records and other relevant paperwork. In the absence of the chair/deputy chair they will take over responsibility for chairing the start of meeting, when an acting chair will be appointed.

Information Officer (optional)– Has the responsibility for working with the chair and deputy chair to gather information from members, police and authorities to compile into a newsletter for membership and to inform the setting of the agenda.

## 7. Pubwatch Schemes

Pubwatch Schemes operate in geographical areas within Calderdale.

The areas are: -

1. Halifax Town Centre
2. Outer Halifax
3. Brighouse & Rastrick
4. Northowram & District
5. Sowerby Bridge
6. Elland
7. Todmorden
8. Hebden Bridge

## 8. Protocols

- Each member of each Scheme has one vote.
- Meetings should be held monthly or bi-monthly subject to a decision made by each Scheme.
- An agenda should be printed and circulated at each meeting by the Chair, Secretary or Information Officer.
- Minutes of meetings should be taken and circulated to each member by the Secretary at least seven days before next meeting.
- Members must agree to abide by the democratic decision of each group, this will normally be by a show of hands.
- An attendance record should be taken at each meeting and kept for reference purposes.

## 9. Banning Policy

An acceptable standard of public behaviour in licensed premises must be a requirement of all customers. Those who do not reach the accepted minimum standards are normally required to leave the premises.

This section provides an option to deal with those whose behaviour requires stronger action because they have caused serious concerns through totally unacceptable behaviour. Such persons may be banned from all premises in the Pubwatch area and or Pubwatch Network. Banning an individual through Pubwatch should not be done lightly.

The sort of behaviour that falls into this category is, (this list is not exhaustive) any person who has :

- Assaulted a member of staff or a customer
- Committed damage to the premises or property owned by the premises
- Sold or misused drugs
- Threatened violence

When an incident occurs the licensee should always consider prosecution particularly if the police have been called and attended. In this case the court may grant an exclusion order, if asked for.

A decision to ban an individual should be made by democratic vote after all information relating to the behaviour is heard. Details of the ban and its length should be communicated to the person as soon as possible.

The licensee retains the right under common law to exclude anyone from their premises for whatever reason irrespective of whether the Pubwatch Scheme is taking action or not.

When a Pubwatch Scheme is established and a committee is elected it is done with the knowledge that this authority is delegated to and may be exercised by the committee. There is no legal force to the ban and its strength lies behind the licensees working together.

In most cases bans are not imposed for one incident. Records must be kept of incidents where individuals are removed from premises by a licensee or staff member for unacceptable behaviour, this can be used to inform the Scheme meeting of repeated incidents.

## 10. Sample Banning Letter

..... PUBWATCH

Address

Date

### *NAME OF BANNED INDIVIDUAL*

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 ....., the licensees of the ..... Pubwatch 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 .....

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

Signed:  
Chairperson

Date:

## 11. Banning Procedure

If an individual licensee or group of licensees wishes to start proceeding to ban an individual, you should follow these steps -

1. Contact one of the committee and discuss the nature of the incident(s) that lead to your decision to make the request.
2. Put these details into writing in the form a brief report so that it can be put on record for future reference. This document will be treated as confidential and will not be shared with any person outside the membership of Pubwatch without your specific written permission.
3. Request that the incident be brought forward to the attention of the scheme at the next meeting. However, if the incident is considered too urgent, an emergency ban may be decided upon. This will be done by a sub group of at least three; the subject licensee, the Chair and an independent licensee. The incident should then be discussed fully at the following meeting.

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

The proposal will then be put forward to a vote within the Scheme meeting.

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 Pubwatch members may exercise that right.

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.

## 12. 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 Chair of the

Pubwatch with the request. The letter may be given into any Pubwatch premises and the letter will be forwarded to the Chair.

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 when considering a review should take into account all the matters referred to in the section 13.

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.

### 13. Section 13 Exclusion

If an individual has committed a violent offence on licensed premises, the Police may decide to apply to the Magistrates Court for an exclusion order.

The Licensed Premises (Exclusion of Certain Persons) Act 1980 -

The Licensed Premises (Exclusion of Certain Persons) Act 1980, permits a court to make an Exclusion Order against a person who has been convicted of violent behaviour on licensed premises.

If the court is satisfied that in committing the offence, the person resorted to violence or offered or threatened violence then the court may impose an Exclusion Order upon that person.

This order prohibits them from entering those premises or any other specified premises, without the express consent of the licensee or his servant or agent. The order can last for any period between three months and two years depending upon the seriousness of the incident.

The magistrates, not the police, impose an Exclusion Order. However, the police can remind the magistrates of their power to impose such an order. Where an Exclusion Order is granted, premises may be issued with a photograph of the person or persons to whom the order refers.



The photographs are only for the use of the licensee and staff and cannot be displayed to the public or in such a manner that members of the public can see them.

### Antisocial Behaviour Orders ( ASBO)

Although people see Anti-Social Behaviour (ASB) meaning very different things the actual definition from the Crime and Disorder Act 1998 and used by the partnership ASB Panel is behaviour:

*“ that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household”*

If a Pubwatch Scheme imposes a ban, and that individual continues to behave in a disorderly manner, The Police, Local Authority may seek an ASBO.

### Anti-Social Behaviour Orders (ASBO's)

- ASBO's are civil orders that exist to protect members of the public from behaviour that causes or is likely to cause harassment, alarm or distress.
- An order contains conditions prohibiting the offender from specific anti-social acts or entering defined areas and is effective for a minimum of two years.
- An order can be made against anyone aged 10 years or more who has acted in an anti-social manner and where an order is needed to protect person(s) from further anti-social acts.

### LICENSING ACT 2003

The Licensing Act 2003 comes into effect 24<sup>th</sup> November 2005

The whole system is underpinned by 4 licensing objectives:

- i) The prevention of crime and disorder
- ii) Public safety
- iii) The prevention of public nuisance
- iv) The protection of children from harm.

It introduces a unified system of regulation for premises (including registered clubs) and is administered by Calderdale Council.

“Licensable activities” (liquor sale and supply, public entertainment, theatre, cinema, late night refreshment) will be regulated through two new types of licence: premises licences and personal licences (or club premises certificates for qualifying club).

The Licensing Authority will:

- a) Have a licensing committee of 15 Council members. Most decisions however, will be taken by Council officers or a Licensing Sub-Committee consisting of 3 members of the committee.
- b) Work in partnership with licence holders, local residents and businesses and responsible authorities.
- c) Have a Statement of Licensing Policy, which will be reviewed at least every 3 years. This policy states the Licensing Authority's expectations regarding licensed premises in the Borough. Current policy was adopted in December 2004.
- d) Enforce conditions of licences/certificates issued under the Act, and enforce against unlicensed activities.
- e) Issue advice and guidance wherever possible regarding the implications of the Act

The Premises Licence/Club Premises Certificate will:

- Permit licensable activities.
- Remain in force unless surrendered, suspended or revoked, (unless time limited)

The Personal Licence will:

- Last for 10 years and be renewable by the Council that issued it
- Permit for the holder to sell alcohol.

## Representations (objections) to Licence applications

- All applications for new licences will be subject to statutory consultation with bodies such as the Police and Fire Authority and also with interested parties such as local residents and local businesses.

## Contact :

- The Licensing Unit can be contacted between the hours of 9.am and 5pm Monday to Friday at their office, Westgate House Westgate Halifax HX1 1PS.
- Alternatively you can ring on 01422 393002 / 3173 / 3093 / 3041.

## Useful Contact Numbers

<p style="text-align: center;"><u>Police</u></p> <p style="text-align: center;">Licensing Halifax Police Station Richmond Close Halifax HX1 5TW</p> <p style="text-align: center;">Emergency Non Emergency</p>	<p style="text-align: center;">01422 337118</p> <p style="text-align: center;">999 0845 6060606</p> <p style="text-align: center;"><a href="http://www.westyorkshirepolice.uk">www.westyorkshirepolice.uk</a></p>
<p style="text-align: center;">Calderdale Council</p> <p style="text-align: center;">Licensing Department Westgate House Westgate Halifax HX1 1PS</p> <p style="text-align: center;">Calderdale Safer Communities Partnership Northgate House Northgate Halifax HX1 1UN</p> <p style="text-align: center;">Nightlife Initiative (Town Centre Venues Only)</p>	<p style="text-align: center;">01422 339002 01422 339041</p> <p style="text-align: center;">01422 393164</p> <p style="text-align: center;">07789985562</p> <p style="text-align: center;"><a href="http://www.calderdale.gov.uk">www.calderdale.gov.uk</a></p>
<p style="text-align: center;">Security Industries Authority (SIA)</p> <p style="text-align: center;">PO Box 9 Newcastle Upon Tyne NE82 6YX</p>	<p style="text-align: center;">08702 430100</p> <p style="text-align: center;"><a href="http://www.sia.org.uk">www.sia.org.uk</a></p>
<p style="text-align: center;">West Yorkshire Trading Standards Service PO Box 5 Nepshaw Lane South Morley LEEDS LS27 0qp</p>	<p style="text-align: center;">0113 2530241</p> <p style="text-align: center;"><a href="http://www.ts.wyjs.org.uk">www.ts.wyjs.org.uk</a></p>

<p>West Yorkshire Fire Service</p> <p>Halifax Fire Station Fire Safety Office Skircoat Moor Road Halifax HX1 3JF</p>	<p>01422 365381</p> <p><a href="http://www.westyorksfire.gov.uk">www.westyorksfire.gov.uk</a></p>
<p>The Portman Group</p> <p>7 – 10 Chandos Street Cavendish Square London W1G 9DQ</p>	<p>020 7907 3700</p> <p><a href="http://www.portman-group.org.uk">www.portman-group.org.uk</a></p>
<p>British Beer &amp; Pub Association (BBPA)</p> <p>Market Towers 7 Nine Elms Lane London SW8 5NQ</p>	<p>020 7627 9191</p> <p><a href="http://www.beerandpub.com">www.beerandpub.com</a></p>
<p>British Institute of Innkeeping (BII)</p> <p>Wessex House 80 Park Street Camberley Surrey GU15 3PT</p>	<p>01276 684449</p> <p><a href="http://www.bii.org.uk">www.bii.org.uk</a></p>
<p>Crimestoppers</p>	<p>0800 555 111</p>

## Calderdale Pubwatch Network

### Code of Practice

1. Name

The network shall be known as Calderdale Pubwatch Network hereafter referred to as the ' Network '. This Code of Practice details the aims, purpose, membership and management of the Network.

## 2.0 The Aim

To work together to reduce and prevent criminality and anti-social behaviour, in order to create a safe and secure environment in and around licensed premises within Calderdale.

## 3.0 Description of Pubnet

- 3.1 The network is a proactive partnership between licensees, the police and the local authority and representatives from Pubwatch Schemes that operate within the borough. The Pubwatch Schemes hold regular meetings to share information, issues and concerns, good practice and to find solutions.

## 4.0 Objectives

- 4.1 To enhance public confidence in a safe and secure environment for customers and staff who work in Calderdale.
- 4.2 To work in partnership with the police, local authority and other agencies and organisations to reduce crime.
- 4.3 To reduce the opportunity for individuals to commit crime.
- 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 Network will be operated fairly for the stated aim and objective for which it was created and within relevant regulations.
- 5.2 Each participant and contributor to the scheme is and remains bound by this code of practice and any subsequent amendments to it.

## 6.0 Network Membership

- 6.1 A member is defined as a business, which operates under the Licensing Act 2003. The Pubwatch Schemes will nominate their chairperson and or vice-chairperson to act as their representatives on the Network.
- 6.2 Other agencies will also be represented, and these will include the Police, Local Authority and any others as may be requested.

## 7.0 Network Steering Group

- 7.1 The Network steering group will meet regularly, at least 6 times per year.
- 7.2 The group will comprise of elected/nominated delegates from the participating Pubwatch Schemes, businesses, police, and other relevant agencies, organisations and groups as required.
- 7.3 The role of the steering group will be to:
- Assist generally with the smooth and efficient operation of the Network.
  - 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.
  - Resolve misunderstandings and difficulties
  - Seek funding as required
  - Gather and share Information

## 8.0 Sub Group

The steering group may establish a sub group/s to progress the work of the Network as required. Sub groups will consist of at least 3 or more representatives plus others as required.

## 9.0 Network Discipline

- 9.1 The Pubwatch Schemes and Network have specific responsibilities, which should be fully understood by all partners and their representatives; details are contained in the Guidelines.
- 9.2 All rules on confidentiality and data protection are subject of written agreement and must be strictly adhered to.
- 9.3 Breaches of confidentiality and contravention of the Data Protection Act may lead to criminal prosecution and/or civil actions for damages.
- 9.4 Lesser infringements of procedure will nonetheless be subject to sanction by the Pubnet Steering Group. This may be in the form of further training, verbal and written warnings or removal from the scheme.
- 9.5 Information processed by the Network 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.

- 9.6 The Network members may 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.
- 9.7 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.
- 9.8 A detailed register will be maintained of all persons involved in Pubwatch Schemes and Network, this information will be shared with partner agencies.
- 10. Training
  - 10.1 The Network will identify any training needs and will endeavor to obtain funding for training as and when requested.
  - 10.2 A nominated contact within each licensed premises should inform new employees of the guidelines.
- 11. Information Control
  - 11.1 The information and intelligence held by the Network 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 Network members.
- 12. Security Audit
  - 12.1 All information received from participants will be assessed in terms of its intelligence value and will, if found to be of value, be held by the Network 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.
  - 12.2 The scheme will maintain appropriate levels of security, in accordance with good practice and the requirements of legislation.
  - 12.3 Members will maintain like standards of security in respect of hard copy information in their custody.



- 12.4 Each member agrees to appoint a locally designated representative to assume responsibility for the protection and security of data disclosed and exchanged in the Scheme, for ensuring that all security rules are applied and to facilitate any audits.

### 13. Disclosure of Information

- 13.1 Only those staff or agents of members who are involved in the scheme will receive relevant information.

- 13.2 This relates to photo files, updates and other information as may be from time to time released.

### 14. Complaints

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.

### 15. Data Protection Principles

Participants of the Pubwatch Scheme and Network 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.

### 16. Data Protection Requirements

- 16.1 All staff who have access to personal data recorded on the Calderdale Pubwatch Network system must be made aware of the following:

- The information held within Pubwatch Schemes and Network files or other documentation is confidential and must be used only for the purpose for which it was generated.

- Any such information must not be disclosed to any third party who had not signed the necessary Agreements.
- The responsibility and potential liability for inappropriate disclosure rests with the individual once he/she has been made aware of these statutory requirements.
- Breaches of confidentiality by members or their representatives may also be subject to sanctions by the Network Steering Group.
- 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.
- All Pubwatch information will be stored under secure conditions.
- Offender files will not be photocopied or otherwise reproduced unless expressly authorised by the Network Steering Group.
- If an individual makes a request to a scheme member regarding data held on that individual that person should be referred to the relevant Pubwatch Scheme who will inform the chairperson of the Network.

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

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

16.2 Any changes to nominated contacts with individual members should be communicated to the Pubwatch.

## 17. Links to Other Schemes

If Calderdale Pubwatch Network shares data with other schemes, these schemes must comply with the requirements of current data protection legislation.

## 18. Acceptance Document

It is a condition of membership that each member on behalf of his/her Pubwatch Scheme must sign the acceptance of the Code of Practice and Guidelines.

This document is subject to periodic review following consultation with all interested parties, to ensure it continues to reflect its stated purpose and remains in participants interest.

I have read and understood the Guidelines and Code of Practice as detailed above.

I the Licensee of \_\_\_\_\_ Pub agree to adhere to these documents as detailed above.

Licensed Premises \_\_\_\_\_

Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_



Calderdale Pubwatch Scheme & Network



## Guidelines & Code of Practice

### Acceptance Form

I have read and understood the Guidelines and Code of Practice as detailed above.

I the Licensee of \_\_\_\_\_ Pub agree to adhere to the Guidelines and Code of Practice.

Premises \_\_\_\_\_

Name (print) \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_