

B O R O U G H

STANDARD



Business News from L B Richmond Trading Standards

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Welcome to the second issue of the Borough Standard, the newsheet produced by Trading Standards in the London Borough of Richmond exclusively for businesses in the London Borough of Richmond. This edition is specifically for businesses licensed to sell alcohol. Major changes are about to take place in the manner in which businesses become licensed with the transfer of licensing responsibility from the Magistrates Court to the local authority. Below you will see an article which briefly explains the changes. Other articles include the accuracy of dispensing spirits through thimble measures, the law relating to underage sales, positioning of cigarette machines and display of prices.

With the newsheet is a leaflet which outlines our core standards, that is, what you can expect from us. If you have any views on those standards or other suggestions as to how we can be of assistance to you then let us know. We also want this

newsheet to be as helpful to you and your business as possible and would welcome your comments on how it could be improved

Please take the trouble to read through the newsheet, you never know it might help prevent you from inadvertently breaking the law. If you want any further advice on anything in the newsheet or indeed on any aspect of trading/consumer law then contact our duty line and we will be delighted to assist you.

Cheers!

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WORKING TOGETHER

One of the ways we assist businesses is by carrying out inspections of trading premises. These visits are not usually through appointments but are spot checks to see if relevant rules and regulations are being complied with. When we find things wrong we work with the business in order to put them right. There are occasions when we have to take further action against a business. These occasions are few and far between and such drastic steps as prosecuting a business will only take place if warnings have not been heeded, customers' health safety or wellbeing has been put at risk, if someone has been negligent or if a deliberate fraud is taking place or

other similar circumstances. In short it is not the norm for an honest, efficient well intentioned business.

We are guided in the actions we take by our Trading Standards Enforcement Policy. If you would like a copy of this policy please contact us. If having looked at the policy you would like to make any comment on its form or content, again, please contact us.



OUR STANDARDS

We expect others to work to standards and will take issue with them if they do not. Well, we think we should also work to standards and be subject to your criticism if we do not achieve those standards.

Enclosed with this newsletter is a leaflet "Our Service Standards" which spells out what you can expect from us. If you have any comment on those standards or have experience of us not meeting those standards then please let us know.

Pint Measures - a reminder

Trading Standards would like to remind all sellers of draught beers and ciders of their legal responsibilities regarding the use of correct measures.

Freeflow beer, lager and cider (except when mixed with other drinks) can only lawfully be sold in quantities of 1/3 pint (very rare), 1/2 pint or multiples of 1/2 pint. There must be some method by which the quantity being sold is measured. If you choose to dispense beer from government stamped meters then, and only then, can you use glasses which are not stamped. If a stamped meter is not being used then the glass itself is the means by which it is measured and must be stamped. This remains the case even when, for safety reasons, you need to use plastic glasses.



There is readily available, on the market, a range of safer to use, plastic, stamped glasses. There are no exceptions to this, not even on rugby days or any other special events. If you wish to discuss with us how you can legally sell beer in plastic glasses then contact our duty line.

On a similar note, Trading Standards Officers are obliged to investigate all complaints of short measure received from members of the public. Unfortunately such complaints are becoming more common and appear to be linked to the increasing number of events taking place in the borough where drinking takes place outside.

Are your spirits genuine?

Spirit substitution is a crime. This con, also known as “tipping”, is the replacement, in a club, pub or restaurant, of a branded spirit with a cheaper or inferior make, and then selling it as if it was the genuine article. As a result, consumers do not get what they pay for and it is estimated that customers are being cheated out of £20 million per year across the UK.

This activity is illegal and can result in a fine of up to £5,000 in the Magistrates Court or an unlimited fine in Crown Court, it may also result in a custodial sentence. The owners of branded spirits are helping Trading Standards to fight this illegal practice by supplying us with kits to enable us to identify whether the liquid in the bottle has been substituted. We also test, as a matter of routine,

whether a spirit has been watered down. This is also illegal and can result in heavy penalties as at least one licensee in the borough has discovered to his cost

So what can you do to avoid falling foul of the law?

- ◆ Ensure all staff are aware that substitution is illegal
- ◆ Only buy spirits from reputable sources
- ◆ Don't be tempted to buy cheap stock from unknown individuals – it could be contraband or even counterfeit
- ◆ Don't top up bottles with alternative spirits
- ◆ Don't pour unfinished or wrongly served drinks back into the bottle

Pricing Update

It is a requirement that consumers should be given information relating to the cost of goods they are buying whether it is in a pub/club/restaurant or in a shop. The law has recently been updated and the following provides a brief summary of what pricing information you are required to display. If you need any further advice or information please get in touch with our Duty Officer

Pricing Requirements in pubs, restaurants and clubs

The Price Marking (Food & Drink Services) Order 2003 says:

- The price of food and drink must be made clear to customers. The easiest way to do this is to use a price list.
- The price of food or drink should be inclusive of VAT;
- If required to be sold by quantity, the quantity must be stated eg 25ml vodka;
- Any compulsory service charge should be as prominent as the other prices
- Any minimum charge should be shown eg cover charge
- For wine which is drunk with food, the prices for at least 5 different wines must be shown – unless you offer less than 5 wines in which case you must give the price for all of them
- If the price list is not sub-divided into groups eg beers, starters, main courses then the price of at least 30 different items must be shown or the price of every item if you offer less than 30 items of food or drink
- If the price list is divided into groups then the price of at least 5 items should be shown in each group, or the price of every item if there are less than 5 in a group
- If you sell soft drinks you must display the prices of at least 5 of them, or the price of all of them if you sell less than 5 types
- If the food or drink is paid for before consumption eg at the bar, the price list should be displayed and visible from all positions where the food and drink are ordered.
- If an area is set aside just for the consumption of meals eg cafes and restaurants then the price list should be displayed at or near the entrance to the eating area. For example the price list should be displayed in the window or foyer of a restaurant so that prospective customers can see prices prior to entering the restaurant.

Pricing requirements within shops

- The Price Marking Order 2004 requires traders to clearly display the selling price and in some instances the unit price of products they are selling.
- Prices must be in sterling and inclusive of VAT and all other taxes
- Prices must be unambiguous, easily identifiable and clearly legible
- Consumers should not have to ask for assistance in order to see a price
- Prices can be shown on the goods themselves, on a ticket or notice on or near to them, or on a list or catalogue in close proximity
- If catalogues/lists are relied upon then there should be sufficient copies for consumers to refer to
- The unit price should be given for goods sold loose from bulk eg fruit and vegetables. In larger retail premises (over 280 square metres) it should also be given for some pre-packaged goods

Pricing law looks to be unnecessarily complicated but they are trying to cover all the different kinds of situations where goods are sold. The basic principle is that the customer should know what price they are going to be charged before they have committed themselves to buying those goods. This enables them to make the simple consumer choice of buying at the stated price or going elsewhere.

Licensing Act 2003 Implications

Changes to the licensing of alcohol, entertainment and late night refreshments are about to begin. The Council has carried out a consultation exercise on its first draft Licensing Policy and is now preparing the final policy statement prior to formal adoption. It should be available in January 2005.

The Government has set four key licensing objectives:-

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance and
- the protection of children from harm.

So what will this mean in practice?

- ◆ Richmond Council will become the local Licensing Authority.
- ◆ Personal and Premises licences will be issued by the Licensing Authority, not the Magistrates Court.
- ◆ A single integrated licence for premises, incorporating alcohol, entertainment and late night refreshment.
- ◆ A new portable Personal Licence lasting 10 years, allowing holders to sell or authorise the sale of alcohol for consumption on or off premises that hold a premises licence.
- ◆ Flexible opening hours for premises offering alcohol, entertainment or late night refreshment with the potential for 24 hour opening every day, subject to objection.
- ◆ New powers for the Police to close premises that give rise to violent or disorderly behaviour and to deal with under age drinking.
- ◆ More flexibility with regard to children being on licensed premises at the licensee's discretion.
- ◆ An appeal to the Magistrates Court against the licensing decisions of the Council available to residents and businesses.
- ◆ Licensing Committee able to apply sanctions to premises that breach their operating conditions or the Government's objectives.
- ◆ Licensing Authority must produce a Statement of Licensing Policy, keep it under constant review, and re-consult on it, at least every three years.
- ◆ First appointed day, 7 February 2005, the day from which existing licence holders will be able to apply to transfer their existing licences into the new format under 'grandfather rights' and also make a variation application for any changes to their licence that they wish for, under the new system. These licences remain in shadow form i.e. they will exist, but cannot be used, until the Second Appointed day.
- ◆ Second Appointed day, (Not announced yet, but likely to be in November 2005), the day from which the new system starts and all the shadow licences become live, the old magistrates licences cease to have any legal status and the local authority takes over completely as the Licensing Authority.
- ◆ 'Grandfather rights', the phrase used to describe the protection offered to existing licensees to enable them to have at least the same licences and conditions they had to operate under the old system, under the new system.

For more information please contact the licensing Team at 7b Parkshot Richmond TW9 2RT or by email to licensing@richmond.gov.uk Or by telephone 020 8831 6455

Underage Sales of Alcohol and Tobacco

Richmond Council is committed to reducing the levels of anti-social behaviour in the borough including graffiti, vandalism, brawling and other petty street crime. Often this behaviour is fuelled by youngsters who have been drinking. Not only does underage drinking lead to these forms of anti-social behaviour it also can have serious long-term health consequences for the young person.

The other age restricted products you are likely to sell are cigarettes. Once again sales to young people will have a serious detrimental effect on their health. Young regular smokers are likely to remain smokers and the consequence is very often premature death not to mention the drain illnesses caused by smoking places on the National Health Service.

For these reasons we are committed to reducing illegal sales of alcohol and cigarettes to young people. Our regular programme of covert purchases using young people has shown that the frequency of these sales is falling but we want your help in reducing the number of sales still further.



So what can you do to ensure you do not fall foul of the law?

- Know what the law says and what age limits apply
- Make sure all your staff are properly trained so they also know when they must not sell
- Keep a “refused sale” book so you can check that all staff are refusing sales
- Have a till prompt to remind staff to consider the purchasers age every time alcohol or cigarettes are rung through
- If there’s any doubt about a customers age, ask for proof of age, only accepting a passport, photo driving licence or proof of age card
- If in doubt “do not sell”

Remember we want to work with you to cut out such sales. If you or your staff do sell to young people there are tough penalties and you do risk losing your licence. If you want any further information on what the law says or on what steps you should be taking please give our duty line a call.

Vending Machines

Vending machines present a particular difficulty in preventing sales to underage smokers. However you are still responsible for illegal sales as is the owner of the vending machine. The position of the machine is critical if you are to prevent illegal sales. If the machine is in a corridor or entrance lobby it is open to abuse, particularly in restaurants where children are commonly on the premises. The machine should always be located in open view, in a position where staff can observe it under normal conditions of use.

Do your Wines and Spirits Measure up?

In addition to the law relating to sales of beer and cider, there are legal requirements relating to the sale of wines and certain spirits. If you run a pub, licensed restaurant or café please make sure that you comply with the following:

Gin, rum, vodka and whisky may only be sold in quantities of 25ml or 35ml or multiples of these, unless they are sold in cocktails of three or

more drinks. You must also display a clear notice stating what quantity applies. The same quantity should be used in all bars of your pub,

restaurant or café, that is, you shouldn't "mix" quantities. For example, if you sell 35ml measures and multiples of 35ml, you cannot also sell 25ml and multiples of 25ml. Whenever any reference to quantity is made proper equipment must be used to make sure the quantity is correct. "Optics" or "thimbles" could be used, but if they are they must have been government stamped. Please also remember that it is illegal to use the old 1/6 gill measure for the sale of any spirits

Wine must be sold by the bottle, the glass (125ml, 175ml or multiples of these) or the carafe (250ml, 500ml, 750ml or 1 litre quantities). These quantities being sold should be made clear to customers either on a notice or in every wine list or menu. Whatever you use to measure the wine (eg carafes, glasses or optics) must be government stamped.



Trading Standards Officers from Richmond along with colleagues in nearby Boroughs recently visited over 60 public houses, and restaurants within South

West London to check that customers are being given the correct measures of spirits. We carried out test purchases at premises which use traditional "thimble" measures to find out whether they were being used properly to dispense the correct amount.

Results showed that over half the samples taken were short measure! The majority of these were deficient by up to 5%, however, 7 samples were found to be short by more

than that, and in three of them deficiencies of 10%, 12% and 32% were obtained.

Customers have a right to expect correct measure and the results of this survey are extremely disappointing. Licensees must ensure that all staff are properly trained in the correct use of thimble measures and indeed all the legal requirements relating to the licensed trade. We don't need to remind you of the consequences should the law be broken!

The licensees concerned have been warned on this occasion, but we will be carrying out more test purchases and may have to take more severe action next time. So beware, we may be visiting a bar near you!

QUICK CHECKLIST



For Pubs, Clubs and Restaurants

The following is not an exhaustive list, but you may find it a useful quick reference guide to help you comply with Trading Standards requirements applicable to the licensed trade.

- ✓ Are you displaying your prices? Can the price list be clearly read by the customer? Is it up to date and correct?
- ✓ Are all spirit measures ("thimbles" or "optics") used for gin, rum, vodka and whisky government stamped?
- ✓ Are you only using 25ml/50ml measures or 35ml measures for spirits? If you have changed to the larger measures, have the other measures been removed?
- ✓ Are all wine measures or glasses, carafes and beer glasses government stamped?
- ✓ Are you displaying the relevant weights and measures notices relating to spirits and wine?
- ✓ Is the necessary notice displayed on the cigarette vending machine relating to prohibition on sales of tobacco to under 16's?
- ✓ Are all your staff aware of the law relating to underage sales of alcohol and tobacco?
- ✓ Are all your staff trained about weights and measures requirements, in particular how to ensure that the correct amount of spirits and beer is dispensed to customers?
- ✓ Are all your staff aware of the issues relating to the substitution of spirits?

Buyer beware!

Trading Standards are receiving an increasing number of reports of individuals "hawking" DVDs, cigarettes and alcohol to traders in the borough. Please be careful from whom you purchase these items as, in these circumstances, they are probably counterfeit, contraband or stolen. If you sell such illegal items from your premises you will be breaking the law and we can

guarantee that you won't be able to trace the person you bought them from when a problem arises! So proceed with extreme caution and contact us should you be offered anything that you think may not be legitimate.



If you would like a copy of this leaflet in Braille, large print, on audio tape, or in a community language, please contact Trading Standards on 8891 7770