

Bar Checks/Premise Inspections



Increasing compliance through regular, random inspections

Introduction

Due to the serious nature of alcohol and related problems it is incumbent upon law enforcement to enforce laws regulating the distribution and consumption of alcoholic beverages within the scope of their authority and jurisdiction.

As part of their regular enforcement efforts, agencies should conduct premise inspections of businesses licensed to sell and serve alcoholic beverages.

Purpose

- Regular premise inspections will help to:
 - Identify and address existing or potential issues;
 - Develop positive working relationships with staff and educate them about their responsibilities; and
 - Create an environment for the licensee to comply with laws and regulations governing sale/service of alcohol.
- Like other aspects of the job, an alcohol law enforcement agent's goal is voluntary compliance by both the licensee and the patron.

What are you looking for?

Generally, the most common violations are:

- Sale/service to a minor
- Sale/service to a visibly intoxicated person
- Failure to post required permits, licenses or notices
- Failure to have approved manager or PIC on the premises
- Health or fire code violations
- Illegal gambling
- Open containers leaving premises (On-premise)
- Drinking on the property (Off-premise)
- Underage persons soliciting purchase of alcohol by adults
- Fighting/disorderly conduct
- Sales after legal hours
- Loitering

Premise Inspection Looks for . . .

- Health permit/license is current and posted
- Taps are properly labeled and cleaned
- Adequate lighting
- Sufficient food is available and offered
- Sufficient seating is available
- Sufficient cooking utensils are on-site
- Records are maintained and accessible
- Entrances and exits are accessible
- Current manager matches person listed on license

Procedure

- A reasonable time frame to conduct a premise inspection is usually about twenty (20) minutes or less.
 - Instances during which the inspection lasts longer than 20 minutes, the reason(s) for the extended inspection should be documented accordingly.
- Typically a licensee would not be visited more than once a week unless there are unique circumstances that require more frequent inspections.

Why? What's the benefit?



- LE presence in licensed establishments:
 1. Lets establishment staff know you're aware of the laws governing their operation and you're prepared to hold them accountable to ensure their compliance.
 2. People who see LE in and around licensed are less likely to:
 - Drink to excess and drive under the influence
 - Attempt unlawful purchases
 - Fight/Become disorderly
 - Engage in other illegal activities
 3. Increased compliance = less alcohol connected emergencies

Procedure

Prior to taking enforcement action officers should:

- Assess the likelihood of possible resistance and threat to officer safety.
- Ensure that sufficient manpower is present to overcome any possible resistance/threat.

“Can I get you food or a drink officer?”

- Absolutely no gifts, gratuities or purchases should be received or made by any officer on a licensed premise inspection except as may be required under special assignment.

A multi-faceted approach...

Neighborhood Enhancement Teams (NET) are a proactive response to areas with a high volume of police to licensed premises.

While at these establishments, the police were noticing that there were factors that contributed to the problem such as liquor law violations, fire safety, building code, and health issues.

Unfortunately for the police, they were not able to take action on many of these issues due to statutory and/or local ordinance restrictions.

What to look for during inspection

- The premises must produce the license and conditions (if applicable) upon request
- License must be posted in a conspicuous place
- Is the license posted?
- Does the license have conditions?
- Are the conditions posted?
- Are the conditions being violated?
- Do a back-bar inspection for bugs, refilling and retail violations

NET Concept and Membership

- The NET is a community policing concept that brings together various municipal agencies to identify and address health and safety issues in the community's businesses.
- The NET consists of representatives from the city's Police, Fire and Health Departments, the licensing section of the City Clerk's Office, the Building Inspector and State Liquor Enforcement.

NET - Targeting the Problem Areas

- Businesses are identified for NET checks based on police calls for service and problems previously noted by the other member agencies. However, the NET's goal is to check every business at least once annually.
 - Statistics are kept for each inspection.

NET Operations

- The NET meets and conducts evening enforcement activities once a month to identify and address health and safety issues in the community's businesses
 - The evening shifts are typically between 6:00 p.m. and 2:00 a.m.
 - All members are clearly identifiable (overt inspections)
 - Approximately 8 to 10 businesses are inspected during a NET operation

NET Results

- The NET' s approach is to bring the identified health/safety problems to the business owner's/manager's attention.
 - This was done by pointing out the issue and providing the business with information and/or training so that they could correct the issue.

NET Benefits & Results

- In New Hampshire, coordinated, multi-agency inspections, conducted simultaneously at establishments on the “Top 10” list. Resulted in:
 - Greater communication amongst all parties, and
 - Clearer understanding by licensee of their responsibilities and regulatory expectations.
- Once the word was out about the NET inspections there was a noticeable increase in voluntary compliance by establishments not on the “Top 10” list as well.

- Tulsa, Oklahoma received positive press coverage of licensed premise inspections. To view the coverage, visit:

<https://www.youtube.com/watch?v=QJ8XJBgnBgs>

This is a great example of the positive influence licensed premise inspections can have on the community.

For More Information

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