



Home Office

**THE PRACTICAL GUIDE  
FOR PREVENTING AND  
DEALING WITH ALCOHOL  
RELATED PROBLEMS  
WHAT YOU NEED TO KNOW**

FIRST EDITION  
JUNE 2009

This guide has been designed to be used in electronic format. In this hard copy version hyperlinks are shown as they appear in the electronic version. To use the hyperlinks please refer to the electronic version.

## MINISTER'S FOREWORD



Drinking alcohol has played a long-standing and generally positive role in British culture. Alcohol can enhance social occasions but, as frontline officers often attest, there is a minority who misuse alcohol and cause problems, both for the majority who enjoy alcohol safely and responsibly, and for our communities as a whole.

There are still unacceptable levels of violence and disorder in many of our town and city centres. The problem is not just confined to a minority of adults; we often see young people drinking alcohol in public places – parks and street corners – and whilst those young people may not cause trouble, this type of behaviour is often linked to crime and anti-social behaviour – or at least is perceived as being so.

Whilst the majority of licensed premises are well-run there is nevertheless a minority which are operated in an irresponsible manner, for example some break the law and sell alcohol to people who are already drunk; others sell alcohol to young people; and there are premises which ignore the conditions attached to their licence. There are also unlicensed premises that operate outside the law. We know that identifying and tackling these problem licensed and unlicensed premises is crucial to delivering real, tangible changes in alcohol-related crime, disorder and anti-social behaviour.

The police and other frontline enforcement agencies have a wide range of tools and powers available to them to tackle alcohol-related harms. They can close problem premises down; they can revoke licenses; and they can encourage licensing authorities to consider where tougher, more comprehensive and targeted conditions might be appropriate following a licence review. Use of these powers is increasing but we know from last year's review of the Licensing Act that more can be done – and we are committed to do what we can to help.

This guide is designed to help the enforcement authorities take a proactive and robust approach to enforcement. It provides the framework for enforcement officers. It is not prescriptive; enforcement officers must of course tailor enforcement to individual circumstances. Although the guide is aimed primarily at enforcement officers I hope it is also of use to all who are involved in the alcohol licensing process, including magistrates, courts officials and elected members, particularly those who sit on licensing committees.

I commend this guide to you and I encourage all users to adopt it as the key reference to effective alcohol licensing enforcement. Whilst it has been formatted to be easy to use I want it to be of practical use. We will revise the guide at regular intervals to ensure it is kept up to date – this will also give us the opportunity to fine-tune the format and design. If you have suggestions for improving the guide, particularly for making it more user-friendly, please send them to [alcoholstrategy@homeoffice.gsi.gov.uk](mailto:alcoholstrategy@homeoffice.gsi.gov.uk).

A handwritten signature in black ink that reads "Alan Campbell". The signature is written in a cursive, slightly slanted style.

Alan Campbell  
Parliamentary Under-Secretary of State  
for Crime Reduction

## HOW TO USE THIS DOCUMENT

The guide builds up from scratch to give you a basic understanding of the licensing world, how to work with it and, if that doesn't work, enforcement. It is best used as a reference document by making good use of the contents page, index and hyperlinks to more information, and not necessarily working through from start to finish.

### Introduction

Note the first page content as the whole guide revolves around Licensing Objectives and Responsible Authorities.

### The Licensing Process

Concentrates on alcohol licences and how prevention and control starts at application, or a subsequent Variation or Review, with [Conditions](#).

### Intelligence and Planning

Check out whether your data gathering can be improved.

Better planning comes from better intelligence.

Many tools available are described but innovation is welcome for best practice – share your ideas with us.

Lead agencies need to be agreed.

### Tactics

Are firstly about avoiding problems by working with the industry, the public and other agencies, but the final tactic....

### Powers and Enforcement

... provides increased powers to control as well as appropriate offences.

### Appendices

Look here for detailed practical examples and procedures and further research.

The document is structured, as far as possible, from minor to major and the appropriate point of entry will depend on the level of problem faced.

References to the Act (including section numbers) relate to the Licensing Act 2003 unless stated otherwise.

Hyperlinks are indicated by [underline and colour](#).

### Disclaimer

This guidance has no legal standing and does not replace, extend, amend or alter in any way the statutory provisions of any legislation or the statutory guidance issued in relation to it.

Although the Home Office has made every effort to ensure that the information is correct, it cannot be guaranteed and no responsibility is accepted for errors, omissions or misleading statements, in this guidance, or any site to which it connects.

## FOREWORD

The violent and disorderly behaviour of individuals, once under the influence of alcohol, is unpredictable and invariably dependent on circumstances. And, whilst problematic alcohol providers are in the minority, their irresponsible actions, if not challenged, contribute to the bad behaviour. It is for the Responsible Authorities to control the providers and the environment to prevent, as far as is possible, those individuals causing us problems in the first place. There is a plethora of tools and tactics which, together with legal powers and offences will do just that and a purposeful sustained effort will reduce incidents for all the services with the added benefits that will bring.

This guidance is a reference point and reminder for practitioners and staff who actually perform the tasks. It seeks to assist all practitioners from all agencies throughout England and Wales to work together to identify different approaches for tackling alcohol related problems and complements the related [Public Service Agreement](#) and [National Alcohol Strategy](#).

**This document is designed to be used on-line where, if necessary, specific sections of the various Acts or guidance referred to, are merely a click away.**

Other sources of more detailed guidance on particular issues are in the Appendices and throughout the document. Ready availability and regular use of this guidance will enable you to access other related matters very quickly. Place it in your favourites list.

This is an amalgamation of three separate guides which has reduced duplication but disrupted the different themes of the originals. When planning it is worth bearing in mind that control can be divided into

- premises
- the open air
- individuals

You should use tactics for the night-time economy considering

- the arrival of users
- the main event
- getting home safely

Due notice should also be taken of any local Statement of Licensing Policy together with local crime prevention, planning, transport, tourism, race equality schemes, cultural strategies, and any other plans introduced for the management of town centres and the night-time economy. Properly drafted, these do impact upon the four licensing objectives and can be extremely effective in their promotion and improving the quality of life for all residents.

Although the emphasis is on alcohol abuse, other violent crime issues cannot be excluded.

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# PART 1

## INTRODUCTION

**Alcohol consumption is a part of our culture but it is in the interests of everyone for licensed premises and public spaces to be effectively managed and for individuals to be encouraged and assisted to take responsibility for their own actions.**

The aim of this document is to provide the strategy, tactics, powers and key legislative provisions that deal with alcohol-related problems in these areas but it is not all inclusive.

### RESPONSIBLE AUTHORITIES AND INTERESTED PARTIES

Experience has shown that trying to tackle problems single-handedly often has little impact. It is essential to engage with the statutory organisations, the alcohol industry themselves and other interested parties.

Responsible Authorities form the basis of these partnerships:

- Police
- Fire and Rescue
- Health and Safety
- Planning
- Environmental Health
- Child Protection
- Trading Standards

### THE FOUR LICENSING OBJECTIVES

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

These are of central importance in utilising all the provisions of the Licensing Act.

The [National Alcohol Strategy](#) outlines categories of drinkers of particular concern:

- Underage drinkers
- Young binge drinkers
- Prevalent / dependent drinkers

Numerous items in this document deal with underage drinking.

It is the application to the Licensing Authority for premises licences and personal licences that provides the first and main opportunity for preventing problems.

# PART 2

## THE LICENSING PROCESSES

### THE LICENSING AUTHORITY:

A committee of not less than ten nor more than 15 members of the Local Authority; they are responsible for premises licences, and personal licences to sell alcohol. They may form sub-committees or authorise an officer to deal with the different licences but an authorised officer cannot deal if a hearing is required to determine any matter.

Every three years or sooner the [Licensing Authority](#) must produce or update a policy document on how it will exercise its licensing functions in consultation with:

- the Chief Officer of Police
- the Fire Authority
- representative of premises licence holders and club premises certificates
- personal licences holders
- businesses and residents in its area

#### Cumulative Impact Policy

(Often referred to as Saturation Policy)

#### [Guidance issued to Licensing Authorities](#)

(13.24 -13.29)

The 'need' for premises is a commercial consideration and a planning issue, not a matter for Licensing.

However the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a Licensing Authority to consider.

The Authority, whether via the Police, CDRP or other means, can identify concern about crime and disorder or public nuisance caused by the customers of licensed premises within a defined area. They should then consult widely on a special policy for future premises licence or club premises certificate applications from that area.

The effect of such a policy is that new applications and applications for material variations to existing licences will be refused unless applicants can show that their application will not add to the cumulative impact.

Where a cumulative impact is established then this should be reflected within the Licensing Policy of the Local Authority.

BBPA v Canterbury City Council 24 June 2005 is a judicial review that may be of considerable assistance in formulating a legally acceptable policy – it is on the DVD supplementing this guide.

### LICENSABLE ACTIVITIES:

- (a) Sale by retail of alcohol
- (b) [Supply of alcohol by or on behalf of a club](#) to, or to the order of, a member of the club
- (c) Provision of regulated entertainment:
  - a performance of a play
  - an exhibition of a film
  - an indoor sporting event
  - a boxing or wrestling entertainment
  - a performance of live music
  - any playing of recorded music
  - a performance of dance
- (d) Provision of late night refreshment (supply or offer to the public of hot food and or drink 23:00 to 05:00).

where the entertainment takes place in the presence of an audience for the purpose of entertaining the audience

## A PREMISES LICENCE

A [premises licence](#) sets out which licensable activities are authorised and the times those activities may take place on the premises.

### No licence

[Section 136:](#)

£20,000 fine and / or  
6 months

Without a licence, certificate or TEN, carrying / attempting to carry on a licensable activity on or from any premises or knowingly allowing a licensable activity to be carried on.



### Failing to display or produce

[Section 57](#)

£500 fine (Level 2)

Failing to display a licence summary or certified copy.

Licence holder or nominee failing to produce copy of full licence on request of authorised person.

## Power of Entry During Application

[Section 59:](#)



[Section 108](#)

A Constable or an authorised person of a responsible authority may, at any reasonable time before the determination of an application for a new or variation of a premises licence, enter the premises to assess the effect on the licensing objectives.

A similar power applies to Temporary events except only the crime objective applies.

[Section 96](#)

An authorised officer of a responsible authority has 14 days to exercise the power for a Club premises certificate and must give 48 hours notice of visit.

[The application process](#), variations and a premises licence review ([Page 15](#)) provide an opportunity for conditions to be attached to the licence. There is a requirement to include an operating schedule with the application stating, amongst other things, what steps will be taken to support the licensing objectives – these form the basis of any conditions.

## PREMISES LICENCE CONDITIONS

Conditions are:

a) Mandatory under the Act in relation to

- the supply of alcohol –  
there must be a designated premises supervisor (DPS)  
supply of alcohol must be authorised by a personal licence holder
- the exhibition of films –  
restrictions on persons under 18: in accordance with recommendations given by the British Board of Film Classification (BBFC) or the licensing authority itself
- door supervision –  
where a condition specifies times, one or more individuals must be at the premises to carry out a security activity, such individual must be licensed by the Security Industry Authority

b) Imposed by the Local Authority

c) Agreed by the licence holder

It is (b) and (c) that provide opportunity for creativity and innovation in developing appropriate conditions to ensure compliance with the Licensing Objectives. Suggested conditions must take into account a premises individual size, style and characteristics and be tailored to the specific problems it encounters.

**The importance of appropriate conditions being imposed at application, variation or review stage cannot be over-emphasised and each Responsible Authority can table its own area of expertise.**

## No Conditions

[Section 18:](#)

[Section 182 Guidance](#)  
13.24-13.29

[Web: Representations](#)  
[Guidance](#)

Where a Licensing Committee receives an application for a premises licence or club premises certificate and NO representations are made by Responsible Authorities or Interested Parties (local residents and businesses), it must grant the licence in accordance with the application and conditions consistent with the operating schedule and relevant mandatory conditions.

The vast majority of licensed premises are unlikely to require many conditions attached to their licences, some applicants may omit information for promoting licensing objectives to avoid any restrictions. Although it is for the applicant, in the first instance, to state what steps they will take to promote the four licensing objectives, each Responsible Authority is required to scrutinise all information.

Concerns over licence conditions can be approached in two ways:

- Agreement with the applicant to amend the operating schedule (submitted with the application) at any time during the application process;
- Representation to the Licensing Authority – a lack of agreement means the licensing committee is required to hold a hearing where the Responsible Authorities and / or Interested Parties, who made relevant representations, may present their case. Conditions may then be imposed or not as the committee finds appropriate to promote the four licensing objectives.

## SMART<sup>1</sup> Conditions

Successful convictions will only result where conditions are clear and specific and it has been possible to gather evidence to show that the condition(s) have in fact been breached.

So a condition that requires a specific number of Security Industry Authority (SIA) licensed door supervisors to be working at the premises at a specified time – and even at a particular place on the premises – can easily be checked and verified by the Police. Whereas a condition that states that ‘random drug searches may be carried out’ is almost impossible to prove.

In agreeing conditions, operators will often offer up a condition that uses the word ‘may’. This should be challenged by any enforcement agency reviewing the wording of a proposed condition, as it gives a choice, so it would be impossible to enforce or demonstrate non-compliance.

## ISSUES AND FACTORS TO CONSIDER IN PROPOSING CONDITIONS

The following suggestions are not intended to be an exhaustive list and it is essential that, whatever conditions are used, they must:

- be specific for the premises,
- not duplicate existing provisions,
- be necessary and proportionate (supported by evidence) and
- be capable of being met and
- promote the four Licensing Objectives.

If the condition does not directly do this then it will not be enforceable and may be subject to an appeal.

1 SMART – Specific Measurable Achievable Relevant Time-bound

## ISSUES AND FACTORS TO CONSIDER IN PROPOSING CONDITIONS DUPLICATION AND APPROPRIATENESS

Conditions must **not** duplicate existing legislation, for example:

- Disorderly conduct shall **not** be allowed on the premises **✗** – this is covered by Section 140 of the Act.

However, conditions can complement legislation by, for example, helping prevent disorderly conduct:

- The premises shall not conduct:
  - a) Drinks promotions such as 2 for 1 or 3 for 2 ✓  
(but see notes below)
  - b) Multiple drinks promotions whereby the price for a single drink is less than £1.50 ✓

**Note** that when seeking conditions such as those above, you must demonstrate a clear link between sales promotions and discounting, and levels of disorder on or in the vicinity of the premises. It is also important that such conditions relate to individual premises. An attempt to apply **any** blanket conditions may be rejected by the Licensing Authority or challenged in the courts on appeal and, with price promotions, risk breaching competition law.

Voluntary pricing agreements – [Local Authority Guidance on arranging with businesses](#).

**Note also** that many of the approaches suggested here may represent significant costs to the business and / or restrictions on the operation of the premises. It is therefore important that such measures are considered to be proportionate and justifiable to address specific problems associated with particular premises. Any conditions which do not meet these requirements may be subject to appeal by the premises licence holder.

## ISSUES AND FACTORS TO CONSIDER IN PROPOSING CONDITIONS

### 1 ADMISSION TO VENUES

Who will supervise:

- a) Customers queuing to get in?
- b) The use of suitable crowd control measures?

CCTV coverage of the entrance and queue.

How will you ensure:

(Expert advice is available – see [Page 26 \(28\)](#))

- c) The CCTV includes a full-face quality image of persons entering / leaving the premises?
- d) The retention of images?
- e) How, when and where the Responsible Authorities may access the material?
- f) Is there a need to ID scan customers entering the building?
- g) What is the gender mix, and what are the times and levels of door supervision?
- h) Where is the most effective location of door supervisors at those particular premises – e.g. by the entrance and exit, near the bar?
- i) What signs are required?
- j) What should the capacity limits on certain activities or events be and
- k) How will it be ensured that the occupancy figures are not exceeded?
- l) Is there a need for a restriction on time of entry to a premises – e.g. where other premises in the locality close at an earlier time?
- m) Whether any of the above issues may be necessary for particular days and / or times or for certain events.

see 6(a) – page 14

## **ISSUES AND FACTORS TO CONSIDER IN PROPOSING CONDITIONS**

### **2 AGE-RELATED PROBLEMS**

Is there a need for:

- a) Challenging entrants – who, and how will it work?
- b) Conditions relating to children's events?
- c) Age signage?
- d) Considering the age of admission – e.g. the exclusion of under-18s, either totally or through placing a restriction on the areas where children are permitted at certain times, particularly in relation to adult entertainment establishments?

Specific Measures for the protection of children and the law on children in licensed premises are at [Appendix B](#).

## **ISSUES AND FACTORS TO CONSIDER IN PROPOSING CONDITIONS**

### **3 DISPERSAL OF CUSTOMERS**

- a) What are the levels of supervision required in and outside the building, and for how long are they required? Consider health and safety issues.
- b) Is there a need for notices and announcements to advise customers to respect the neighbourhood and keep disturbance and noise to a minimum when leaving the premises?
- c) What is the level of music and how will it change as the night draws to a close?

## **ISSUES AND FACTORS TO CONSIDER IN PROPOSING CONDITIONS**

### **4 SEARCHING AND DRUGS**

- a) Maintenance of search records – what will they contain, when will they be used, by whom will they be used and what are the policies for dealing with the seizure and retention of recovered drugs and other prohibited items and notification to the Police?
- b) What are the circumstances under which searches will be conducted?
- c) Where will searches take place – under CCTV?
- d) Should you define the use of suitable detection devices for searching of customers to detect weapons and drugs and when and where they will be used?
- e) What steps should be taken within the premises to prevent drug misuse – e.g. regular checks of the toilets and a log to be kept of when checks are done and what was found?

## ISSUES AND FACTORS TO CONSIDER IN PROPOSING CONDITIONS

### 5 WELFARE OF CUSTOMERS

Should you:

- a) Prevent glass vessels, bottles or alcohol being taken out of the premises or taken into a public place other than a beer garden or similar area attached to the premises (as long as the garden or area do not directly adjoin the public highway)?
- b) Consider the use of a plan clearly defining these areas?
- c) Require secure bottle bins to be supervised at every exit?
- d) Prohibit glass vessels or bottles and prescribe the use of plastic containers for certain activities, events or during certain periods?
- e) Set the ratio of door supervisors to customers?
- f) Prescribe the use of metal detectors for searching customers and how and when they will be used?
- g) Set internal levels of supervision and when and where supervisors are required?
- h) Prescribe accident / incident books for recording bodily injury and incidents which take place within the premises or in the vicinity? If so, they should be bound, sequentially numbered and made available to Responsible Authorities when requested.

Consider also:

- i) Are adequate Security Industry Authority licensed staff (The SIA license door supervisors) of the appropriate gender available for the searching of male and female customers? What is the extent of the search that is required?
- j) Internal CCTV – is it of a standard acceptable to the Police and in positions agreed with the Police – preferably shown on a plan?
- k) Are qualified first aid personnel present during certain times or for certain events – e.g. when there are large numbers of people attending?

## ISSUES AND FACTORS TO CONSIDER IN PROPOSING CONDITIONS

### 6 PREMISES DESIGN

- a) Occupancy – what should the total number of patrons be and what number per room? How will this be regulated? (Safe Capacity Limits are set by Fire Authorities under the [Regulatory Reform Fire Safety Order 2005](#) and will be involved in drafting these conditions).
- b) What is the ratio of available seating to customers? Is it adequate?
- c) Should you prescribe the provision of CCTV and define where cameras are located, how long material is to be retained, who will have access to it and how they will get that access?
- d) What is the type and weight of furniture available – particularly in outside areas where its movement may cause danger to the users of the premises or other persons?
- e) It may depend upon the operating hours but is there a need for openings to the premises that prevent noise pollution from within the premises – e.g. a double door entry system with closure springs?
- f) Are mirrors necessary to aid supervision and management within the premises? If so, where should they be placed?
- g) Should alcohol only be displayed or sold within a specified and specially restricted and supervised area of a large retail store?

## ISSUES AND FACTORS TO CONSIDER IN PROPOSING CONDITIONS

### 7 MANAGEMENT OF PREMISES

- a) Is there a need for the physical presence of the designated premises supervisor and / or a premises licence holder at certain times, or for specific events or activities?
- b) What is the internal layout? Do you need conditions to ease congestion around pinch point areas – e.g. a ‘Keep Clear Zone’ to be clearly marked around access to toilets, the dance floor and bar area, etc.?
- c) Collection of empty glasses and bottles – how should this be done, by whom and when?
- d) Is there a requirement for the volume of amplified entertainment to be reduced after a certain time – e.g. to a level that cannot be heard outside the premises?
- e) Should there be specified patrols by qualified staff around the vicinity of the premises to ensure that there is minimal noise nuisance at times when certain events are taking place?
- f) Should you restrict times that external areas such as beer gardens are used?
- g) Is there the right level and availability of staff for crime prevention purposes – e.g. a minimum level of staffing in an off licence, or permanent presence of a dedicated staff floor walker in the alcohol section of a large retail store near say, a football ground where, in either case, there is evidence of the need?

## ISSUES AND FACTORS TO CONSIDER IN PROPOSING CONDITIONS

### 8 ADULT ENTERTAINMENT

- a) How will they ensure that children cannot access the entertainment?
- b) How will children be protected?
- c) How is the safety of the performers ensured?

**Although not appropriate as a condition all persons working with children require enhanced CRB checks.**

Specific Measures for the protection of Children are at [Appendix B](#).

A Route map of the Application process is at [Appendix D](#).

The following case law is available on the accompanying DVD to this guide.

Daniel Thwaites v Wirral Magistrates – a judicial review of a decision to limit the hours of operation at a premises, without evidence that this was necessary to promote the licensing objectives, was deemed unlawful and the condition was quashed (judgment 8 May 2008)

Scottish Beer & Pub Association v Glasgow City Council – the judgement on 1 May 2008 overturned a requirement by the Licensing Board for licensed premises in the city of Glasgow to have polycarbonates.

(This judgment will apply to England and Wales).

## PREMISES LICENCE REVIEWS

Continued intelligence gathering not only forms the basis of any prevention or response planning but also presents an opportunity for Responsible Authorities and Interested Parties to make representations that could lead to a Premises Licence Review.

See [Appendix J](#) for an example of an intelligence form for visits to premises and [Phase 3 of Appendix F](#) for a suggested approach to Reviews.

As well as direct incidents of crime and disorder around a particular public house, a geographic cluster of complaints, such as along transport routes, related to an individual public house and its closing time could give grounds for a review. Where there is compliance with existing conditions, and yet crime and disorder issues continue, it may be that the conditions or opening times are unsuitable. In such circumstances seek a review for more effective conditions.

One principle of flexible opening hours for licensed premises is to dilute the effect of a concentration of customers leaving premises simultaneously (drinking-up time has also been abolished) thereby reducing the friction at late night fast food outlets, taxi ranks and other sources of transport that lead to disorder and disturbance.

See also Red and Yellow card system under Enforcement.

## Review

### [Section 51](#)

### See

### [Appendix F](#) [Phase 3](#)

A Responsible Authority or interested party<sup>1</sup> may apply for a review of a premises licence at any time when there is evidence<sup>2</sup> that one or more of the Licensing Objectives are being undermined.

There is a 28 day period when other Responsible Authorities or interested parties can also make representations, following which, the review is heard by the Licensing Authority.

There is no mandatory requirement for a criminal prosecution to commence a review (this has been upheld by the Courts). It can often prove to be a quicker and more cost effective solution than prosecution and is solely concerned with the promotion of the licensing objectives. It provides a straightforward impactful means of addressing identified problems before they have time to escalate.

## Closure Order Review

### [Section 167](#)

Automatically follows an emergency closure by a Police Inspector for noise or disorder under section 161.

(See [Police Powers](#) – Page 43 and [Appendix I](#) for follow-up procedure)

### [Section 53A](#)

### [inserted by Section 21](#) [of the Violent Crime](#) [Reduction Act 2006](#)

### Expedited Review

### Summary Review

Web: [Guidance](#)

Where a Superintendent or above presents a certificate to the Licensing Authority that it is his opinion that premises licensed for alcohol are associated with serious crime and / or disorder, the Authority must within:

- a) 48 hours consider interim steps as below
- b) 28 days determine the Review

This power to close premises used for the use, production or supply of Class A controlled drugs ('Crack Houses') has proved very useful at closing and clearing problem premises where nuisance and disorder result.

## In any review the Licensing Authority may:



- modify the conditions of the licence
- exclude a licensable activity
- remove the designated premises supervisor
- suspend the licence for up to three months at Review (or pending Review for S.53A)
- revoke the licence

Web: [Tackling Alcohol-fuelled Disorder in Town and City Centres – How to Guide](#)

## Serious Crime

### Web:

### [RIPA Section 81\(3\)](#)

### [Section 182 Guidance](#) (11.25-11.26)

The Licensing Authority must treat reviews particularly seriously and consider revocation or suspension even in the first instance in the following circumstances:

- a) The offence is one for which a twenty-one year old with no previous convictions could be expected to be sentenced to three years or more imprisonment;
- b) The conduct involves the use of violence, results in substantial financial gain or is by a large number of persons in pursuit of a common purpose.  
e.g. sale of Class A drugs; laundering of drug crime proceeds; sale and distribution of illegal firearms; organisation of racist activity or the promotion of racist attacks; the base for the organisation of criminal activity, particularly by gangs and so on.

1 A person living or involved in business in the vicinity of the premises or a representative body of such.

2 Daniel Thwaites v Wirral Magistrates 2008 – a judicial review quashed an evidentially unsupported review decision (see previous page).

## PERSONAL LICENCE

Granted by the Licensing Authority, it authorises a person to sell or supply or authorise the sale or supply of alcohol on any licensed or certificated premises. There is no requirement they have to be present so it follows that other persons without a personal licence may be authorised to sell alcohol on a licensed premises.

The licence lasts for 10 years. Web: [Personal Licences](#)

Eligibility:

- a) 18 or over
- b) Possession of an accredited licensing qualification
- c) No forfeit of licence in last five years
- d) No unspent convictions<sup>1</sup>

The training at b) includes detailed knowledge of licensing law, offences and responsibilities in relation to the licence itself, such as changes of address and informing the court if prosecuted.

In d), where there are minor breaches or mitigating factors the Licensing Authority may grant a licence but this is unlikely if police object. Opposition is based on a likely breach of the crime prevention licensing objective.

A route map of the personal licence application process is at [Appendix E](#).

## DESIGNATED PREMISES SUPERVISOR

A personal licence holder, if they agree, is nominated by the premises licence holder as the Designated Premises Supervisor (DPS). While there can only be one DPS per premises there can be more than one personal licence holder.

Every sale of alcohol must be authorised by a personal licence holder, but they need not be present at all times. However, the responsible personal licence holder will not be able to escape responsibility for the actions of anyone authorised to make sales. [Section 182 Guidance](#) (10.45-10.53) provides further information about the role of the DPS and authorisation by personal licence holders.

The same person can be a premises licence holder and DPS.

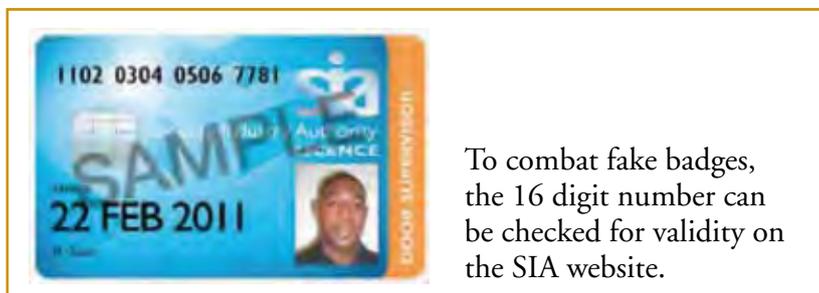
## DOOR SUPERVISORS

Where licensed premises have as a condition the requirement for door supervisor(s) the latter must be licensed by virtue of the Private Security Industry Act.

Issue of the licences is the sole prerogative of The Security Industry Authority but suffice to say the conditions are stringent and include the satisfactory completion of a comprehensive training course. This has to cover the fact that door supervisors police licensed premises and their role is virtually identical to that of a regular Police Officer within the premises.

Eligibility:

- a) Must be aged 18 or over
- b) Of [Acceptable character](#)
- c) Satisfactory completion of an accredited training course



Note that they are under the control of the premises licence holder who is likely to take commercial interests into account that may conflict with expectations. Reasoned argument might resolve any issues in the first instance.

Door supervisors are required to keep a duty roster, an incident register and personal note book but a Condition will ensure compliance. They are not obliged to do anything outside the curtilage of the premises.

<sup>1</sup> Offences relating to dishonesty, licensed premises or personal licence, firearms, violence, drink drive and other alcohol related offences here or abroad.

## No SIA Licence Offences

### [Section 3](#)

#### [Private Security Industry Act 2001](#)

£5,000 fine and / or six months

### [Section 5](#)

#### [Private Security Industry Act 2001](#)

£5,000 fine and / or six months

On indictment fine and / or five years

Working without an SIA licence.

Agencies providing unlicensed staff.

The potential sentences indicate the serious nature of these offences.

Employing a door supervisor without a licence would be a breach of condition – see closure notices.



## TEMPORARY EVENTS

Where premises are not licensed or they are but the event takes place outside the times or licensable activities covered by the premises licence, an individual may apply via a [Temporary Event Notice](#) (not less than ten working days notice is required) to hold a licensable activity for up to 96 hours and up to 499 people.

The user of the premises is, for all intents and purposes, the person making the application and sale of alcohol is made under their authority, although they do not have to be a personal licence holder.

Web: [Personal Licences](#).

Police can object, within 48 hours including weekends and other non working days, if they fear an undermining of the crime prevention licensing objective but may also negotiate changes to the proposals to remove the objections.

If a counter-notice is not received by the user the event can go ahead. A counter-notice is issued by the Licensing Authority after a hearing held because there is an objection.

There are restrictions aimed at controlling the number per year of:

- applications by individuals – 50 for personal licence holders, 5 for others.
- instances the premises are used – no more than 12, with a maximum total duration of 15 days.

In all other respects the same law applies as it does to licensed premises in terms of displaying licences and licensing offences. There is a power to enter by police or authorised officer of the Licensing Authority for checking on the crime prevention objective – [page 40](#).

Web: [An explanation of the process and frequently asked questions](#).

Route map of the Temporary Events process is at Appendix E.

# PART 3

## PLANNING AND INTELLIGENCE

### PLANNING

#### **Role of Crime and Disorder Reduction Partnerships / Community Safety Units**

Crime and Disorder Reduction Partnerships or Community Safety Units<sup>1</sup> have a strategic role to manage crime and violence in defined areas. They have representatives at a level that can direct resources and funding centred on an intelligence based three year plan, refreshed on an annual basis, to focus priorities. Your current plan was launched in April 2008.

Licensing law should be fully integrated into CDRP and police business plans for the reduction of alcohol related crime and disorder and there should be a coordinated approach to the management of the evening and night-time economy, particularly in town and city centres.

The whole process is described in [Delivering Community Safety: A guide to effective partnership working](#).

#### **Let's Get Going: Front-line Partnership Group**

Some CDRPs have operational enforcement groups but notwithstanding, getting started at operational level means forming a dedicated multi-agency partnership group of front line managers to meet regularly to develop and implement a localised action plan. Assisting in holding each other to account and directly linking to their counterparts, they would report progress to the CDRP. The following agencies' representation and input are essential to such a group:

**Police** – It is essential to include a senior officer 'champion' who can implement and shape projects to reduce violent crime.

**Local Authority** – A lead agency responsible for a wide range of services which complement core activity, such as planning, highways, street lighting and waste management, and implementing by-laws and additional enforcement services. They include:

- a night-time economy manager – many CDRPs have appointed night-time economy managers, who liaise with other stakeholders such as licensing units, the alcohol industry, police and local authorities, providing an essential link between those responsible for the reduction of violent crime;
- the licensing unit. Best practice has seen police and Local Authority licensing units combining and working from a co-located office; and

**Trading Standards** – Officers can also conduct under-age test purchase operations. [LACORS: Guidance](#).

**Alcohol Retailers** – There are a wide variety of premises that sell alcohol – e.g. pubs, bars, restaurants, supermarkets, hotels, theatres etc., and all should be involved.

**Data Analysts** – Present relevant joint information from all partners relating to violent crime hotspots and the mapping of incidents whilst keeping the group informed of results. The group can plan activity based on this collective information.

**Media / Marketing** – Utilised correctly (see tactics) it can enhance crime reduction, and publishing good news stories reassures the public, reducing the fear of crime.

**Fire / Rescue Service** – Officers bring extra data to the meeting and can be involved in the visibility, education and enforcement sides of the plan. The Regulatory Reform (Fire Safety) Order 2005 gives authorised inspectors power of entry at any reasonable time to verify fire precautions and require changes, or prohibit use of the premises.

**Health Services** – Bring important depersonalised data from A&E admissions. Their engagement can help to identify and understand the full extent of the problem and reductions in injuries will lead to significant savings for health and paramedic services.

<sup>1</sup> Required by the Crime and Disorder Act 1998

**Education Authority** – informed teachers can help direct young minds on their responsibilities and are seen as a balance to the enforcement side of the action plan.

**Magistrates Representative** – to gain ownership and enable informed judgements on appeals and sentencing.



Meetings should be held regularly with minutes taken and actions agreed and assigned. They should develop and agree enforcement and leadership protocols which set out the working arrangements between partners and who will cover:

- **roles** – of each agency for general and specific situations, i.e. whether they lead, support, supply, etc.;
- **responsibilities** – what each party undertakes to do in general and specific situations;
- **responses** – an agreed menu of responses;
- **approaches** – an agreed escalation of responses;
- **information sharing** – what will be shared and how;
- **risk rating processes** – which factors to consider and the rating process;
- **communication processes** – covering how and when to communicate, e.g. within 48 hours by email, within seven days by letter, etc.; and
- **protocol review processes** – stipulating, for example, that signatories will meet every three months to ensure that the consultation and enforcement arrangements are working.

Web: [Sample protocols TVCP](#).

### Guiding Principles

- provide a clear sense of direction
- do not confuse or compromise necessary robust and rigorous use of all powers with wider partnership work involving stakeholders with vested interests
- get as many partners ‘on board’ as you believe can add value to tackling a particular issue
- take time to identify what the particular and specific issues are that need addressing
- be realistic and assess whether the proposed action will result in an achievable outcome
- take actions that have specific objectives and which build on each other
- if you plan to emulate an intervention identified as good practice elsewhere, remember to transfer the rationale and ideas for the intervention and NOT just the implementation of it
- think laterally – look at the example of St. Neots, Cambridgeshire who came up with a [New Way of Tackling Public Underage Drinking](#) – See [Appendix A](#).

Planning needs appropriate people to organise it and knowledge of the tools and tactics available. Some of the tools may be put in place from the outset or introduced when required. Which agency takes the lead will be a practical choice but should also be a matter for negotiation if it is not a legal requirement.

Web: [Crime Reduction Toolkit](#).

## PLANNING TOOLS

Most of the following tools you might consider, have contacts who are available to advise on set-up and their practical experiences on the [TVCP](#). You should choose those appropriate for your circumstances or be innovative and use your own, but if so and they work, we would like to hear about them to include here. The advantage of sharing best practices cannot be overstated. All the following examples have been used effectively.

Web: [LACORS Example Case Studies](#).

## PLANNING TOOLS – BEST PRACTICE / INITIATIVES BASICS

### 1 Licensing Champion

Having an identified lead for licensing issues within each agency who provides strong leadership, guidance and direction.

The champion liaises with the different agency leads for licensing so that issues are identified and dealt with efficiently. This individual is also on the panel (5) to deal with licensed premises in need of attention and assistance.

Contact: [Martin Greenhalgh](#)

Bolton CDRP

or [James Denton](#)

Kirklees CDRP

### 2 Night Economy Manager

This post coordinates and supports all of the activities that form part of the night-time economy in the same way that the town centre manager focuses on the day-time economy and is available at the key hours in order to manage any issues that arise. See also 'communications' below and [Purple Flag Scheme](#).

Web:

[How To Manage Town Centres](#)

[Association of Town Centre Managers](#)

[Business Improvement Districts](#)

### 3 Town Centre Usage

Managing the development of town centres effectively.

A **Business Improvement District** is a partnership between a Local Authority and the local business community to develop projects and services that will benefit the trading environment within a defined area.

Business improvement issues involves a mix of premises; transport implications for services to all areas; access and facilities for all age ranges; street closures and positioning of amenities etc., which can all be considered.

When planning or provisional statement applications are received, there is also an opportunity to 'design out' crime by seeking expert opinions of planning, crime reduction and architectural liaison officers.

### 4 Safety Advisory Group

Set up a panel of advisory experts, including fire, police, ambulance, Local Authority, etc. to vet all large – to medium-scale premises' applications in advance of a formal application.



Contact: [Jan Hart](#)  
London Islington CDRP

## 5 Licensing Panel

A panel of senior staff from key agencies to deal effectively with licence holders who feature in the 'Top 10' (see 6) but where issues are not serious enough to warrant prosecution or review.

Where, for example, a letter advising an irresponsible licence holder of the problems brings little response, a licensing panel can be formed to which licence holders are called. The panel should comprise the Assistant Director and Senior Police and Fire Officer holding responsibility for licensing and they discuss findings with licence holders and agree an action plan.

All three organisations give support to licence holders. This works best when time is invested to solve problems jointly. Compliance is then monitored and cases are passed for review or prosecution if repeat offences occur.

The Chief Trading Standards Officer joins the panel with licence holders who have made sales during test-purchasing exercises.

Contact: [Jan Hart](#)  
Islington London CDRP

Example intelligence forms for visits at [Appendix J](#)

Web: [Guidance on Problem Profiles](#) from the UCL Jill Dando Institute

## 6 'Top 10'

Profiling (see [Intelligence 1](#)) can accurately identify the 'Top 10' licensed premises in need of improving, to target resources and tactics.

NB It is essential to evidentially link (probability) vicinity incidents to premises to avoid an embarrassing challenge. See the approach Cardiff took to identify problem premises using the [Traffic Light System](#) and the toolkit referred to as the RAG system at [Appendix P](#).

Web: [Tackling Violent Crime Program](#)

## 7 Structured Approach

Setting up a structured escalating response to problems and to using powers effectively to review licences, impose conditions and revoke if necessary.

A detailed explanation of a phased approach is provided courtesy of Greater Manchester Police at [Appendix F](#).

## PLANNING TOOLS – BEST PRACTICE / INITIATIVES

### SAFETY FIRST

Tactics rely on the tools available and these have to be planned and set up. Funding (see 3 in Basics above) will be an issue although many do not add to normal operational costs.

Contact: [Paul Foster](#)  
London Croydon CDRP

Web: [National Counter Terrorism Security Office](#)

## 8 Students Crime Prevention Advice

Preparing information, drafting safety leaflets and posters (see [Tactics 3-5](#)) for:

- new students
- customers entering and leaving premises
- premises' staff, on terrorism

## Premises

Good Business Practice

FUNDING – see  
Business Improvement  
Districts (at 3 above)

Contact: [Helen Simpson](#)  
Kirklees CDRP

**NB: Licence holders  
are required to Risk  
Assess premises in  
relation to protection  
of staff.**

Web:  
[HSE Toolkit](#)  
[BBPA Guidance](#)

Contact: [Joe Curran](#)  
Evening Economy  
Manager

## 9 Training Night-time Economy Workers

Although there is no statutory requirement for staff to receive formal training, most personnel at point of sale will have had some training around the law and social responsibilities surrounding the sale of alcohol.

In high risk venues, further training might be considered necessary where knowledge of conflict management could reduce the incidence of violence.

Accredited qualifications such as

- BIIAB Award in Conflict Management – [See Appendix L](#)
- The National Certificate for Personal Licence Holders
- BIIAB Level 1 Award in Responsible Alcohol Retailing

are useful, but there needs to be consideration whether it is appropriate to have a training condition given the potential costs to small businesses, especially when informal training may be as effective in tackling specific problems that arise.

Door supervisors undergo a four day training course which includes conflict management, as part of the SIA licensing requirement.

- Level 2 National Certificate for Door Supervisors
- Level 2 National Certificate for Designated Premises Supervisors
- BIIAB Level 2 National Certificate for Licensees (Drugs Awareness)

Training leading to qualifications will give staff the skills and confidence to deal with issues arising in licensed premises before they become problems.

Details of all the above qualifications and the location of training centres through which they are available can be found on [www.biiab.org](http://www.biiab.org)

In Liverpool in 2007 bar staff indicated reasons they sell alcohol to drunks or those underage. Mainly the risk outweighed the penalty where they:

- felt intimidated by the customer
- were fearful of being verbally abused
- were fearful of being assaulted

Merseyside Police ran short courses covering warning / danger signs, body language, early intervention and diffusion of conflict along with a wide range of issues faced within that arena. 95% of over 400 staff state they now feel more confident to refuse sales.

Now recognised as good practice this is ongoing.

## Premises

## 10 Taking Responsibility

Training should encourage all licensed premises staff to take responsibility, where practicable, for problems occurring within licensed premises and to deal with them prior to the people involved leaving.

It is in their interests to prevent incidents or potential incidents spilling onto the pavement which can lead to complaints and a review.

## Premises

Web: [BBPA Challenge 21 Scheme](#)  
[Wine & Spirit Trade – Association](#)  
[Challenge 25 – Retail of Alcohol Standards Group](#)

## 11 Challenge 21 & 25

The Challenge 21 initiative highlights the fact ‘if you are lucky enough to look under 21 you will be asked to prove you are over 18 when you buy alcohol’. The DPS can be advised to use a book for monitoring staff underage sale refusals.

## Premises

Web: [PASS photo card](#)  
[PASS website](#)

## 12 PASS The Proof of Age Standards Scheme

The UK’s national guarantee scheme for proof-of-age cards to help protect retailers of age-related sales and their employees from the myriad of fake cards used throughout the country. A rigorous identification scheme enables adults to prove age using a PASS photo card which contains an integral hologram.

A number of alcohol industry associations support this scheme and premises should be encouraged to participate.

## Premises

(See also [Beacon Award scheme](#) for Local Authorities)

## 13 Recognition and Award Schemes

Encouraging good practice by setting up a scheme whereby licensed premises can achieve common minimum standards. They can compete at local and national level for an annual award.

## Premises

Web: [BBN](#)  
Contact: [Sarah Walker](#)  
BII  
Web: [RDR](#)

## 14 Best Bar None / Responsible Drinks Retailing Awards

BBN is either used in a designated area / ward or implemented across a CDRP / BCU from the outset. It can grow each year in response to demand. Promoting safety, it recognises high standards and responsible management.

RDR is a Nationwide scheme run by trade newspapers with annually revised categories and includes awards for Responsible Authorities.



## Premises

Contact: [Ch Insp Adrian Studd](#)  
Met Clubs and Vice Unit  
Contact: [Jan Hart](#)  
London Islington CDRP

## 15 Promoting Alternatives to Glass

Encouraging the adoption of plastic instead of glass for certain premises, particular problems, events, or certain periods.

Using polycarbonate to reduce the potential for glass to be used as weapons or cause accidental injury in premises and surrounding areas. This also prevents trodden glass damage to floors.

If there is evidence of a high-risk premise, a condition can be placed on the licence by the licensing committee. The Government has made it clear that blanket bans on glassware (and other blanket conditions) are not permissible under the Licensing Act.

## Premises

Web: [Buy from on line list](#)  
Contact: [Sgt Mark Halton](#) London Westminster Licensing

## 16 Chelsea Clips

To attach security clips to the underneath of a table or bar.

The item is easily placed onto the clip but two hands are required for its removal, making ‘handbag snatching’ very difficult.



## Premises

### 17 Spiking Prevention

To provide customers with reusable lids with the first bottled drink they buy to make it more obvious if someone is tampering with their drink.

Items are now available in most supermarkets.

## Outside

Contact:

[Ch Insp Simon Prince](#)  
London Enfield BCU

### 18 Distracters

Lollipops are made available to customers exiting licensed premises in order to preoccupy them and therefore reduce noise and violence.

## Outside

Contact:

[Chris Thompson](#)  
Wakefield Police

### 19 Pedestrian Areas

Temporarily increasing defined areas to be closed to traffic at peak times of the night.

An increase in the size of the pavement reduces

- overcrowding and the potential for violence that accidental jostling may cause,
- road traffic collisions and
- altercation between pedestrians and drivers.

## Outside

### 20 Safe Corridors

For the Local Authority to advertise routes into and out of the night-time economy area which are perceived to be the safest.

Information on routes is made available to partner agencies, which can then disseminate the information to customers.

## Outside

### 21 Paramedics and PCs

To have a Police Officer and Paramedic touring together in the city centre and acting as the first point of contact for people with minor injuries.

This results in fewer admissions to A&E departments and fewer 999 calls for a dedicated ambulance.

## Outside

Web: [Evaluation](#)

### 22 Triage Tents

Joint ambulance and police mobile and static facilities able to deal with more people.

Fewer people attend A&E, leading to reductions in violent crime and anti-social behaviour at A&E.

## Outside

### 23 Plasma Screens / Dot Matrix Boards

To site screens and boards near to transport interlinks to advise of the acceptable standard of behaviour in the area they are entering.

The rolling programme, which is updated regularly, offers a mixture of warnings, assistance and advice to anyone passing through the area.

## Outside

[James Denton](#)  
Kirklees CDRP

[Keith Winstanley](#)  
Merseyside

## 24 Blue Tooth Messaging

Using the mobile phone network to warn / advise via text messaging.

Web: use search engine for various commercial equipment sales.



## Outside

Web:  
[Lock 'em inn](#)

## 25 Media Campaigns

Centrally coordinated by the designated lead to ensure that publicity is used to maximum effect for all events, for example:

**Lock 'Em Inn** Police media campaign aimed at raising awareness about acceptable standards of behaviour. Reinforcement information is available at outlets in the area.

## PLANNING TOOLS – BEST PRACTICE / INITIATIVES PREVENTION AND CONTROL

### Individuals

Web:  
[National Pub-Watch scheme](#)

Web:  
[Use of photographs](#)  
[Good Practice Guide](#)

## 26 Pub-Watch Banning Schemes

Pub-Watch schemes are locally run partnerships of licensees who are working together to reduce crime and disorder in their area based on a Common Law power to refuse entry to their premises. It is important they exercise independent decision making, particularly with regard to barring individuals who have acted contrary to agreed standards of behaviour. The schemes provide good opportunities for the Police and other public bodies to work closely with members of the licensing trade – necessary for the scheme to work effectively.

Refusal of admission to those that cause trouble has proved to be effective in reducing anti-social behaviour. The individual concerned is informed (usually in writing) that they have been banned from all the Pub-Watch premises, not just the one where they caused the trouble.

Premises may be issued with a photograph of the person for staff eyes only.

This can be aligned with Drink Banning Orders imposed by a court ([page 39/8B](#)).

## Outside

Web:  
[Technology Equipment](#)

## 27 Body-Worn Video

To collect audio and video evidence by recording incidents through video cameras that are overtly worn on the body.

National guidance was published in July 2007.

## Outside



Contact: [Joe Curran](#)  
Evening Economy  
Manager

Contact: [Sgt Paul Douglas](#)  
Merseyside police

[Code of Practice on  
CCTV Information](#)  
Commissioner's Office

## 28 CCTV

To encourage, where appropriate, the fitting and use of CCTV in fast-food outlets, cab offices, etc. to a minimum technical standard as defined by Police Local Crime Reduction Officers, e.g. systems should be tamper-proof and recorded images retained in unedited form for a period of not less than 31 days.

CCTV standards and processes could also feature on all new and varied premises licence applications as a specific set of conditions. See also [Leave area Direction](#).

Advertised use of CCTV should deter anti-social behaviour and / or increase the chances of detecting offenders.

For example CCTV minimum specification see [Appendix N](#).

## Outside

Contact: [Ch Insp Simon Prince](#)  
London Enfield BCU

### 29 Mobile CCTV vans

Strong links to be made to the Tasking and Coordination meeting for intelligence-led deployment. Their presence will act as reassurance and a deterrent as well as detecting offenders.

## Outside

### 30 CCTV Loud-speakers

Loudspeakers inform congregating groups that they are being observed and filmed by the CCTV operators to reduce anti-social behaviour and crime in the area.

## Outside

### 31 CCTV Light

CCTV staff scan the streets for individuals whose non-verbal behaviour suggests imminent violent activity. A light, which is fully compliant with health and safety rules, is guided towards the individuals to act as a distracter. Based on the fact that sight is the most concentrated sense when aggression is building.

## Outside

Contact: [Joe Curran](#)  
Evening Economy  
Manager

### 32 Radio links

A dedicated radio channel to link and advise day / night-time economy manager, CCTV operators, licensed premises, fast-food outlets and other service providers of potential problems (which are not in need of police assistance at that stage).

Door staff can be linked through a radio system and CCTV staff can be provided with a police radio and / or a Pub-Watch radio.

**NB:** Where police assistance is required to an incident and officers might require the CCTV Control Room to assist with the identification of an individual contravening s.27 Direction to Leave, this identification should be made by a Police Officer, and not CCTV control room staff.

## Outside

Contact: [Joe Curran](#)  
Evening Economy  
Manager

Contact: [Ch Insp Simon Prince](#)  
London Enfield BCU

### 33 CCTV Control Room Telephone

The communication link between the pubs, bars and clubs has become a necessity to address issues related to alcohol crime and disorder. Whether the communication is via a radio network or a simple telephone line this vital link has contributed to deter and or detect criminal activity.

## Outside

Web: [Security Industry Authority](#)

### 34 Door Staff SIA approved

Where a licence condition requires door staff, there should be regular checks to confirm that, as required by the Act, they are all Security Industry Authority licensed. By revoking licences of the unsatisfactory, minimum standards are maintained.

## Outside

Contact: [Sgt Robert Dear](#)  
London Camden BCU

### 35 Door Staff Identification

For premises to ensure that their door staff are easily identifiable by the wearing of fluorescent armbands or jackets. This provides reassurance to customers and helps maintain door staff behaviour.

## Outside

Contact:

[Det Insp John Anderson](#)  
Clubs and Vice Unit,  
MPS

### 36 Door Supervisor Health Check

Organising a visit by the Police, the SIA, the fire and rescue service and the Local Authority licensing unit to conduct a 'health check' around the door supervisors and issues of concern around the premises. (Tactics)

Having a well managed door is a way of setting the standard / tone of the premises.

## Outside

Contact:

[Police Sgt Robert Dear](#)  
London Camden BCU

Contact: [Paul Hogan](#)  
Liverpool

Contact:

[Police Sgt H. Chandler](#)  
Kent

### 37 Use Of Drug Wipes or 'Sniffer' Device

For premises to 'wipe' areas once a week so that the use of drugs can be detected and referred to the Police to identify offenders. Advice on 'designing out' crime is available.

Where there are door staff, providing a strongbox for small drug seizures for later collection by police may be appropriate.

Trace detection scientific equipment such as the G.E. Itemiser is available.

## PLANNING TOOLS – BEST PRACTICE / INITIATIVES SUPPORT

### 38 Special Constabulary

Arrange a rota to deploy SC staff in accordance with need, maximising the use of resources. Civilian licensing staff can also be Special Constables.

Contact:

[Jan Hart](#)  
Islington CDRP, London

### 39 Alcohol Task Force

An intelligence-led mobile police unit deployed for alcohol-related incidents.

Can be tasked as a direct response to the identification of the 'Top 10' premises in need of attention and assistance.

Contact:

[Jonathan Roy](#)  
Merseyside Police

### 40 Using Sniffer Dogs

Placing sniffer dogs in key locations especially transport interlinks early in the evening so that customers attending the night-time economy area can be scanned for illegal substances.

Contact:

[Ch Insp Simon Prince](#)  
Enfield BCU, MPS.

### 41 Street Pastors / Angels

Trained volunteers interact with individuals on the streets.

Street pastors are stationed in areas where young people may be vulnerable, to offer practical help and assistance as well as advice on a vast range of issues.

## INTELLIGENCE GATHERING

A system based on the National Intelligence Model should be in place, however effective intelligence-led planning comes from accurate and complete data collection and the following provides a health check.

Example intelligence forms for visits at [Appendix J](#)

Web: [Guidance on Problem Profiles](#) from the UCL Jill Dando Institute

### 1 Problem Profiling

Creates a profile of alcohol related problem issues or premises at CDRP level.

Analyses extent and type of crime and disorder. Powerful when used with crime pattern analysis providing time and location mapping. Probability evidence required.

Match with results analysis and adjust or change tactics where appropriate. (see also cumulative impact policy – [page 9](#)).

Contact: [Chris Walsh](#)  
Kirklees CDRP

Use PESTEL headings as a guide: Political  
Economic  
Social  
Technological  
Environmental  
Legal

### 2 Environmental Scanning

For issues that could affect licensing, such as changes in policy, good practice in other areas, recommendations in government reports, etc. – enables effective planning.

To identify forthcoming events (additional to Christmas, Bonfire Night, Halloween, etc.) to ensure that plans are put in place to mitigate against temporary risks. It can also be used to plan around disruptions by, for example, road-works.

It is essential that the key agencies plan together well in advance and that they have a sufficient flow of information so that they can respond quickly to any issues that arise.

Contact: [CO14 Clubs and Vice Unit](#) London

or

telephone 0207 321 8203

### 3 Promoters Index Met Police Clubs & Vice

Forces may contact the MPS CO14 Clubs focus desk, which is available 24 hours a day, for searches and advice. The index collates details on problematic promoters, artists and venues.

A condition on identified licensed premises to inform the Police when they have details of a proposed event allows the Police to assess potential risks and implement / monitor any additional risk management measures required.

Other Met. Intelligence is held on their 'CRIMINT' criminal intelligence system.

An authority may set up their own database.

### 4 Flagging Crime & Incident Reports

Ensuring that the correct alcohol flags are attached to crime reports and incident logs, to create accurate intelligence.

This assists in developing problem profiles (see 1 above) and subsequent problem-solving initiatives.

Contact: [Ch Insp John Dale](#)  
London Westminster  
BCU

### 5 Custody Intelligence

Custody staff to collect details of where arrested people have been drinking that night, and particularly where they have had their last drink.

Intelligence is fed into the CDRP and multi-agency action group to help identify the 'Top 10' licensed premises in need of attention and assistance.



Web: [ADZ Guide](#)

## 6 A&E Data

To gain information from patients who have consumed alcohol and create a holistic picture of alcohol-related violence.

The data sheets include where the injured person consumed their last drink and the type of violent crime they experienced.

The information is depersonalised and then complements that of the Police and the Local Authority and could be used as evidence to support a Licence Review.

Evidencing such data is stipulated in the Home Office guidance in the use of Alcohol Disorder Zones.

Web: [Code of Practice for Information Sharing](#)

## 7 Pro-active data

- mystery shopper
- test purchase
- CCTV
- complaints
- proxy data, including ambulance
- calls and A&E data
- call data
- surveys
- crime statistics – including age of victims and offenders
- third party referrals
- custody records
- local knowledge
- licensing visits
- alcohol seizures
- TEN records
- reports from official agencies, e.g.
  - fire
  - health
  - education
  - trading standards
  - environmental etc.

## 8 Re-active data

- emergency response situations
- critical incidents

# PART 4 TACTICS

## PRO-ACTIVE OPTIONS

The ideal is to have peace and tranquillity without using any resources. Minimum resources means employing the right tools, tactics and enforcement in the right proportions, so you may need to tweak now and again or come up with your own best practice.

### 1 Establish Regular Communications with Premises

See also Greater Manchester's phased approach at [Appendix F](#).

Many issues can be resolved at an early stage by engagement with those in charge of the premises and establishing solid partnerships.

### 2 Prioritise problem premises

Inform "Top 10" premise licence holders of concerns, providing them with evidence which, if off premises, will stand a probability test that it relates to their premises.

Consider a visit with Local Authority Licensing staff to discuss issues for these or other premises where it might benefit.

Example intelligence forms for visits at [Appendix J](#).

- Normally used as part of a preventative strategy.
- Powerful lever to encourage premises to help tackle and reduce levels of violence and disorder.
- Can be used to target resources, intelligence collection, further analysis and enforcement.

### 3 Recognise Good Standards of Management Practice

CDRP / CSP or local trade make formal publicised presentations of Best Bar None schemes, good partnership working etc.

- Encourages management to achieve necessary high standards and good management.
- Publicity can draw customers to safer venues.

### 4 Students Crime Prevention Advice

Providing new students unfamiliar with the area with crime prevention advice.

To make them aware of the safety issues and help them remain safe in pubs and bars while out late at night.

### 5 Safety Leaflets

Leaflets on personal safety with cab numbers and important messages are distributed to exiting customers.

To assist with their welfare once outside the licensed premises.

Contact: [Paul Foster](#) London Croydon CDRP

## 6 Security Advice – Counter terrorism

Ensuring all bars, pubs and nightclubs are conversant with the guide.

To:

- reduce the risk of a terrorist attack and limit the damage such an attack may cause.
- encourage searching and discourage anyone trying to bring in anything illegal.

Web: [National Counter Terrorism Security Office](#)

## 7 Marshalling Children

A high concentration of adults in high-visibility jackets to identify them as marshals.

A coordinated multi-agency response outside schools at the end of the day.

To deter:

- large groups and prevent disorder, robbery offences, bullying, etc.
- gangs and to police the buses.

Contact: [Det Ch Insp Nick Simpson](#)  
London Haringey BCU

## 8 Taxi Marshalling



Local authority, club door staff, street wardens, etc. manage queues at taxi-marshalling points.

This initiative can be linked to the safety leaflets.

To guide the public to safe areas where there is a steady flow of cabs available, so that they can leave the area quickly and safely.

Contact: [Cheryll Wright](#) London Croydon CDRP  
or [Julian.Hagley@met.police.uk](mailto:Julian.Hagley@met.police.uk) London  
The Royal Borough of Kingston upon Thames BCU  
or [Zak Lunat](#) Kirklees

## 9 Chill-out hour

This is particularly effective if there are a number of premises that all have the same closing time, as it means that customers do not exit onto the streets at the same time in a heightened state immediately after drinking alcohol.

One example of creativity and innovation is the provision of food and non-alcoholic drink, after closure of the alcohol bars.

To:

- allow slow dispersal to reduce arguing over taxis or congregation at take-aways;
- avoid clashes with groups from that or other venues;
- gain a handle on problem individuals;
- allowing for a more gradual dispersal of customers and diverting them away from take-away food shops where late night disturbances often occur.

## 10 Education / information for enforcement agencies

As officers may have duties which do not involve them regularly dealing with licensing law, it is often useful for those deployed to be reminded of the law.

This simple means of increasing the effectiveness of operational deployments is sometimes overlooked.

To encourage a more confident and pro-active approach for dealing with, for example, unlicensed late night food premises and licensed premises conducting unauthorised activities.

Pocket sized hand-out reminders are now available but may need training support.

### 11 High Visibility Policing (HVP)

Overt presence of street wardens, police community support officers, SIA door staff, taxi marshals, street pastors and other Local Authority and emergency services.

To:

- prevent / detect drunkenness, violence, and area-specific problems;
- provide community assurance, information, help and advice;
- gather information and intelligence.

### 12 Alcohol task force

An intelligence-led mobile police unit deployed for alcohol-related incidents.

Having a specially trained and dedicated unit to deal with people and premises gains expertise and enhances efficiency in providing a quality service.

Can be tasked as a direct response to the identification of 'Top 10' premises needing attention and assistance.

### 13 Enforcement activity – early intervention

Enforcement activity in relation to offences which may lead to disorder (by intervention, warning or prosecution where appropriate).

Can often deter the individuals involved from continuing and escalating their unlawful behaviour. Added value can be achieved by deterring others.

### 14 Test purchase operations – off licensed and on licensed premises

Normally joint operation – trading standards and Police. LACORS: Guidance

When appropriate, inform senior co. representatives, regional manager and premises licence holder of both passes and failures.

To identify and gather evidence of:

- sales to underage people
- failure to comply with the law
- out-of-hours or unlicensed sales

### 15 Verbally warn licensees – at venue

Initial face-to-face meeting for less serious breaches.

- can build rapport and trust with licensee and staff to promote effective working relationships, etc.

### 16 Written warning to licensees

Provide a formal letter with details of issues / concerns to premises licence holder, designated premises supervisor and, if relevant, executives of the company.

- reinforce previous face-to-face meetings
- provide feedback where good practice has been identified

### 17 Observations

Conducted in the vicinity of the venue.

To assess and gather evidence of:

- compliance with legislative provisions;
- impact of the premises in locality.

## 18 Overt visits to premises

Develop a culture of regular targeted or ad hoc visits by: uniformed police patrol officers and neighbourhood policing / safer community teams – all visits recorded.

- police / Responsible Authority specialist licensing staff – consider overt photography/video recording.

- other agencies:

Environmental Health Officers (EHOs)

HM Revenue and Customs

Fire service

Trading standards

Department for Work and Pensions

Immigration

TV licensing

Planning department

Health and Safety Executive

Magistrates

To:

- build rapport with staff
- gather intelligence
- identify offences and breaches of conditions
- target single issues of non-compliance or increase supervision of premises
- assess and monitor supervision and management arrangements
- consider any further actions necessary by management
- provide advice and guidance

Example Visit Forms at [Appendix J](#).

## 19 Covert visits to premises

Consider use of covert video and audio recording with appropriate authorities.



Consider use of covert video and audio recording with appropriate authorities.

## 20 Door Supervisor Health Check

Conducting a coordinated 'health check' on the door supervisors and issues of concern around the premises.

This is a way of setting the standard and tone of the premises by having a well managed door.

To look at:

- how many door staff are working at the club
- whether they:
  - are complying with SIA regulations
  - know emergency procedures
  - know the number of customers allowed
  - know their ages
  - are wearing appropriate badges.

## 21 Operational use of CCTV – General monitoring

Use street or mobile CCTV systems for general monitoring in relation to an area / premises.

Use CCTV centre as a forward control for specific operations or peak periods.

To:

- monitor / record for intelligence, information or latent evidential purposes
- enable cataloguing of various types of incident in a schedule.

## 22 Targeted use of CCTV

Coverage of specific areas / premises by changing 'pre-sets' on CCTV systems or utilising additional coverage.

Monitoring of a specific premises, persons or group of persons – consider:

Regulation of Investigatory Powers Act (RIPA) 2000.

To:

- support police operations and patrol plans.

### 23 Use of overt video / still cameras

Use overt videoing of the venue, outside queue, door staff, searching, dispersal, etc.

N.B. Can request venues to undertake this; can also consider as a licensing condition. No need for RIPA if overt.

To:

- act as a deterrent
- review for intelligence
- use for evidential purposes.

### 24 Seizure of CCTV records from premises

Seizure and review of the premises' own CCTV material. (Check time / date stamp on recordings with reality.)

To:

- provide receipt and ensure evidential continuity
- require cooperation as a licence condition.

### 25 Search Powers

Search powers used objectively in problem areas and accompanied by positive publicity.

Use of:

- S.60 of the Criminal Justice and Public Order Act 1994 to authorise the search of people and vehicles entering a designated area.
- The searching of all persons, and their bags, as a condition of entry to premises, exercised by SIA registered door staff who may also use metal detectors.
- Use of amnesty bins for weapons / drugs in consultation with the Police.

The use of search arches may be appropriate where large numbers of people are concerned and they also have a very visible deterrent effect of their own.

When used overtly, can have a preventative and deterrent impact.

### 26 Tackle drugs problems

Use of passive drugs dogs and drugs analysis machines to test patrons as a requirement for entry.

Swipe surfaces during visits to test for controlled drugs.

N.B. Could be used as preliminary option or to support an application for a search warrant under the Misuse of Drugs Act 1971.

To:

- obtain evidence of use of drugs or weapons by patrons
- investigate and prosecute offences
- gather intelligence
- encourage door staff to search.

### 27 Voluntary Action Plan

Work with premises licence holder, designated premises supervisor and, if appropriate, senior management of the company to agree a detailed course of action to help them better manage their situation, including a monitoring process.

Ensure plan is SMART

The action plan is for the premises to finalise and undertake to complete.

Document any refusal to cooperate.

Agree how and when the action plan will be monitored.

If you fail to agree an action plan or if it does not solve issues, consider a review.

## 28 Request Voluntary Closure

Discuss with premises licence holder to agree a voluntary closure of premises, avoiding Section 161 closure.

Can provide necessary time gap and opportunity to prevent escalation of problems and implement changes.

Consider resource implications between Section 161 and voluntary closure.

Monitor displacement.

Remember to consider a Review – page 15



This list is not exhaustive. Many other tactical options are contained in the material identified in Appendix A accompanying this document.

Although 'any person' arrest powers exist for a number of the offences discussed in this guidance, untrained and ill equipped people should not be encouraged to directly intervene. The provisions of the Health and Safety at Work legislation should be borne in mind when considering any tactical options.

Tactics move from here to enforcement but sometimes a threat of legal action may bring about compliance and or cooperation.

# PART 5

## CONTROL/ENFORCEMENT TOOLS

### INDIVIDUALS 1-10

#### Individuals

Contact:  
[Sergeant Paul Dunn](#)  
[Metropolitan Police](#)  
Web: [ABC Guidance](#)

#### 1 Acceptable Behaviour Contracts / Agreements

ABCs can be used (before ASBOs [see 6] or parenting orders) as an intervention to address unacceptable behaviour in problematic individuals.

Written voluntary agreements between a person who has been involved in anti-social behaviour (which can include underage drinking), and one or more agencies whose role it is to prevent such behaviour.

This tool can be used in connection with persons of any age – even those under 10.

#### Individuals

#### 2 Parenting Contracts

These contracts offer a way for agencies to work with parents on a voluntary basis.

They are a two-sided arrangement whereby both the parents and the agency agree to play a part in improving the young person's behaviour.

#### Individuals



Web: [Guidance](#)

#### 3 Parenting Orders

Local authorities and registered social landlords are able to apply for parenting orders where a young person has engaged in anti-social behaviour.

Generally, a parenting contract should be agreed first. Any failure to adhere to the terms of a contract may be used in support of an application for a parenting order.

#### Fail to comply 3.1

Level 3 Fine

Failing without reasonable excuse to comply with Parenting Order.



#### Individuals

[Sections 22-27](#)  
[Criminal Justice Act 2003](#)

Web: [Conditional](#)  
[Cautioning](#)

Web: [CPS Guidance](#)

#### 4 Conditional Cautions

Can be issued to over 18-year-old offenders for low level offences. They are an alternative to prosecution whereby the caution has conditions attached.

They are aimed at rehabilitation and / or reparation and may include restorative justice processes.

#### Individuals

#### 5 Using Penalty Notices for Disorder (PNDs)

Early intervention using PNDs to 'set the tone' of the area. The aim is to prevent low-level disorder from escalating later in the evening. See Appendix H.

Although there may be a short-term increase in recorded lower level offences, this should plateau once the deterrent effect of the use of PND's is realised and more serious violence should fall.

## Individuals

Section 1 of the Crime and Disorder Act 1998  
Amended by Section 61-66  
Police Reform Act 2002

Contact: Jonathan Roy  
Merseyside Police

Web: A guide to anti-social behaviour orders

## 6 (ASBOs) Anti-Social Behaviour Orders

Anti-social behaviour orders can be effectively used against individuals and can include a ban on entering particular areas or premises.

Applications may be made by various authorities and there are wide circumstances of use. An interim order can be made pending a full hearing.

One of Liverpool's most prolific violent crime offenders has been served an ASBO banning him from the city centre between 18:00 and 06:00 for ten years.

### Breach of ASB 6.1

Level 5 fine and or 6 months

On indictment  
Unlimited fine and or 5 years

Without reasonable excuse doing anything prohibited by the order.



## Individuals



Section 1:  
Confiscation of Alcohol  
(Young Persons) Act  
1997  
As amended by Section  
155: Licensing Act 2003

## 7 Under 18 Alcohol Confiscation

Where a Constable or PCSO reasonably suspects that a person in a public place or any place to which he has gained unlawful access is in possession of alcohol and that he or anyone with him is under 18 and has drunk or is likely to drink it whilst there the officer may:

- require its surrender,
- dispose of the alcohol and
- require his name and address.

NB: it does not apply if the container is sealed unless the officer reasonably believes that consumption has or will take place there.

See also Designated Areas below.

### Fail to comply 7.1

Section 1 as above

Failure to surrender alcohol or give details is an offence and carries a power of arrest. £500 Fine (Level 2).



## Individuals

Web:  
The Licensed Premises  
(Exclusion of Certain  
Persons) Act 1980

## 8A Exclusion Orders

Permits a court to make an exclusion order against a person who has been convicted of violent behaviour on licensed premises, for between three months and two years.

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.

This Act will be repealed with the introduction of DBOs – see 8B – in 2009.

## Individuals

Section 1:  
Violent Crime  
Reduction Act 2006

Web: Alcohol Strategy

Alcohol referral

Contact: Clive Emmett  
Essex

## 8B Drink Banning Orders

Awaits Commencement Order

Prohibits a person 16 or over from doing anything described in the order.

A court can make an order for between two months and two years when the subject is convicted of an offence committed whilst under the influence of alcohol OR when the action is brought by police or Local Authority by way of complaint. A person before a County Court may also be subject to an order on application.

An order may offer the subject an approved course which, if successfully completed, can end the ban early.

Premises may be issued with a photograph of the person for staff eyes only.

This can be used with the Pub banning scheme where a member of staff imposes the ban (page 26).

## Breach Banning Order 8.1

Failure to surrender alcohol or give details is an offence and carries a power of arrest. £500 Fine (Level 2).

Section 11: Violent  
Crime  
Reduction Act 2006

£2,500 fine (Level 4)



## Individuals



Sec 27(2)  
Violent Crime  
Reduction Act 2006

Web: Guidance

Contact: David Kent  
Senior Solicitor for GMP

Contact: Insp Ron Orr  
GMP

## 9 Leave Area Direction

Where the presence of an over 16 year old in any public place is likely to cause or contribute to the occurrence, repetition or continuation of alcohol-related crime and disorder, a Constable in uniform may direct that he leave the area for up to 48 hours and attach conditions – such as which route to take.

This does not require any other authority but there are provisos: the direction has to be in writing (not so in a designated area – see 24 below). A pre-printed form pad will include details of the instruction (tick box) and the provisos.

Public place includes premises where a premises licence or temporary event notice is in force but not a private members club.

NB: Use of this power with football fans must be limited to troublesome individuals, not a whole group, with specific references to alcohol – whether it be in the physical possession of alcohol, or the individual is considered drunk and disorderly, etc.

NB: The subsequent, deliberate or accidental, use of CCTV in recognising subjects in breaches of an Order requires very careful attention to the identification procedure.

## Fail To Comply

£2,500 fine (Level 4)

Failing to obey a direction to leave the area.



## Individuals

## 10 Habitual Drunkards

Where a person is convicted of drunkenness on three occasions within twelve months the court may order that the sale of alcohol to him is prohibited.

## Habitual Drunkard Purchasing Alcohol

### 10.1

£200 fine (Level 1)

Section 6: Licensing Act 1902

As amended by Schedule 6 item 8 of the Licensing Act 2003

A convicted habitual drunk buying or obtaining, or attempting to on licensed premises.



## Selling to Habitual Drunkards 10.2

£25 fine (£50 for repeat)

Knowingly sell, supply or distribute alcohol or allow same to a habitual drunk.

## RIGHTS OF ENTRY 11-14

### Rights of entry



Section 179

### 11 Right of Entry to Licensed Premises

Where a Constable or an authorised person of a Licensing Authority has reason to believe that any licensed premises are being, or are about to be, used for a licensable activity, he may enter the premises, using reasonable force, with a view to seeing if activities are in accordance with the authorisation.

NB: Club Premises Certificate – the power only applies to Temporary Events.

### Obstructing an authorised person 11.1

Section 179:  
Fine £1000 (Level 3)

Failure to surrender alcohol or give details is an offence and carries a power of arrest. £500 Fine (Level 2).



### Rights of entry



Section 97

### 12 Right of Entry to Premises with a Club Certificate

A Constable may enter and search such premises using reasonable force if he has reasonable cause to believe an offence of supplying or offering to supply a controlled drug has been, is being, or is about to be, committed there.

### Rights of entry



Section 108

### 13 Right of Entry Temporary Events

A Constable or an authorised officer of a Licensing Authority may, at any reasonable time and using reasonable force, enter the premises to which a temporary event notice relates to assess the likely effect of the notice on the promotion of the crime prevention objective.

### Obstructing Police 11-13

Section 89 Police Act 1996  
£1000 fine and / or  
1 month

Failure to surrender alcohol or give details is an offence and carries a power of arrest. £500 Fine (Level 2).



## Rights of entry



Section 180

### 14 Right of Entry to Any Premises to Investigate Offences

A Constable may enter and search, using reasonable force, any premises in respect of which he has reason to believe that an offence under the Act has been, is being or is about to be committed.

Removes the need for a warrant for a house search where, for example, alcohol is sold at a party without a Temporary Event authorisation.

## CLOSURES 15-21

### Closures

### 15 Yellow & Red Card System

The yellow and red card approach is a suggested way for licensing authorities (and Responsible Authorities) to tackle particularly problematic premises using existing powers in the Licensing Act.

It does not suggest physically giving yellow and red cards although there is nothing stopping an individual Licensing Authority doing so.

The yellow card approach is essentially a review of a problem premises with a number of tough (but necessary and proportionate) conditions attached to the premises licence which promote one, or more, of the four licensing objectives. It is action short of a revocation.

The red card is essentially a revocation following another review where the above approach has not worked, or where the problem is so serious the premises licence should be revoked upon review.

Neither approach has a particular timescale involved (apart from the statutory timescales for reviews) – it is up to the individual circumstances.

### Closures



Section 19-28 Criminal  
Justice & Police Act 2001

As amended by

Schedule 6

Licensing Act 2003

### 16 Unauthorised Sales Closure Notice

A Police Constable or Licensing Authority can issue a closure notice where:

- any premises are being used or have been used within the last 24hrs for the sale or consumption of alcohol on or in the vicinity of the premises without a licence;
- any premises that have not acted in accordance with the conditions of their licence for the sale of alcohol by retail.

The notice informs the licence holder that if unauthorised sales continue or the licence conditions are not corrected, application may be made to the Court for an order to close the premises (see next page).

Further procedural information and examples are provided at [Appendix I](#).

## Closures



Section 19-28 Criminal Justice & Police Act 2001

As amended by  
Schedule 6 Licensing Act 2003

### 17 Unauthorised Sales Closure Order

If the Police or the Local Authority are not satisfied that the breach has been remedied following a Closure Notice, and if unauthorised sales are continuing, they may seek a Closure Order from a Magistrates' Court. [Appendix I](#).

The application must be made not less than seven days, and not more than six months, after the Closure Notice was first served.

The Closure Order may:

- physically close the premises to members of the public until a Constable or Local Authority terminates the order; and / or
- require that unauthorised alcohol sales be discontinued immediately; and / or
- require the defendant to pay a sum of money to the Court which will not be released until the other requirements of the order are met.

### Breach of Order 17.1

£20,000 fine and or three months

Without reasonable excuse permitting opening when under Closure Order.



## Closures



Section 169A:  
amended by Section 24

Violent Crime Reduction Act 2006

### 18 Closure Notice for multiple sales to youngsters

A Superintendent or appointed Weights and Measures Inspector may serve a closure notice on the premises licence holder if there is evidence<sup>1</sup> of a third<sup>2</sup> offence of selling alcohol to under 18's within three months by any person.

The closure notice proposes a prohibition of alcohol sales for a period up to 48 hours. Acceptance of the prohibition discharges criminal liability in respect of this offence and the sale offence.

NB: This option has to be balanced against the potentially more serious consequences of a prosecution against both seller and premises licence holder.

## Closures



Section 160:

Web: Guidance  
(Para 10...)

See also [Appendix I](#)

### 19 Area Closure Order (Areas experiencing/anticipating disorder)

Where there is, or expected to be, disorder a Police Superintendent may apply to a Magistrates' Court for an order requiring one or all licensed premises and those with a temporary event notice at or nearby to be closed for up to 24 hours. A Constable may use such force as is necessary for the purpose of closing licensed premises.

There is no power to cancel such an order once issued.

### Breach of Order 19.1

Section 160:  
£1000 fine (Level 3)

Opening premises subject to a court order.



1 Admissible evidence – conviction under S.146, caution or fixed penalty.

2 The third sale is a specific offence committed by the licence holder regardless of who made the sale – new Police Bill reduces this to two.

## Closures



[Section 161:](#)

[Web: Guidance \(Para 14...\)](#)

[Example Forms at Appendix J](#)

[Section 162](#)

[Section 163:](#)

[Section 164:](#)

[Section 167:](#)

[Noise Act 1996 amended by Clean Neighbourhoods and Environment Act 2005](#)

## 20 Emergency Closure Order (licensed premises or temporary events)

A Police Inspector or above may issue a closure order for up to 24 hours where he reasonably believes:

- a) There is, or is likely imminently to be, disorder on, or in the vicinity of and related to, the premises and their closure is necessary in the interests of public safety, or
- b) Closure of the premises is necessary to prevent a public nuisance caused by noise<sup>1</sup> coming from the premises.

Extendable for further 24 hours if section 164 impractical. The officer must cancel the order if no longer necessary but notwithstanding...

...The officer must as soon as reasonably practicable apply to the Magistrates Court for it to consider the order or extend it and also notify the relevant Licensing Authority.

It is good practice to seek voluntary closure before issuing a formal order. The order can be issued via a Constable. Full considerations at [Appendix I](#).

The closure order will automatically trigger a Review of the premises licence.

The Local Authority also has other powers to deal with noise specifically for Licensed premises. [Guidance to Local Authorities](#).

## Breach of Order 20.1

Section 161  
£20,000 fine and / or  
3 months

It is an offence to open premises in contravention of the order.



## Closures



[Section 11 Anti-Social Behaviour Act 2003 as amended by](#)

[Section 118 of Schedule 20 Criminal Justice and Immigration Act 2008](#)

[Web: Guidance](#)

## 21 Part 1A Closure Notice

A Police Officer not below the rank of Superintendent or the Local Authority may issue a Closure Notice if there are reasonable grounds for believing:

- that at any time in the preceding three months a person has engaged in anti-social behaviour on the premises, and
- that the premises is associated with significant and persistent disorder or persistent serious nuisance to members of the public.

Premises has a wide definition and can include a private house and any land (whether enclosed or not) such as a car park. Persistent is not defined and neither is serious nuisance but the guidance includes constant intrusive noise.

A notice must be followed by an application within 48 hours to a Magistrates Court for a Closure Order for up to three months which allows the forcible closure of premises.

NB: The Guidance, which is comprehensive, must be taken into account before using this power which is to be regarded as last resort.

<sup>1</sup> A number of complaints is good evidence of nuisance.

### Being on premises in contravention of a Part 1A closure notice or Obstructing entry 21.1

Section 11D Anti-Social Behaviour Act amended  
Level 5 fine and or  
51 weeks

A person who remains on or enters premises without reasonable excuse.

Obstructing a person entering premises to:

- serve the notice under 11A or
- secure the premises under the Court Order.



### Closures



Section 53A inserted by  
Section 21 of the Violent  
Crime Reduction Act  
2006

Web: [Guidance](#)

### 22 Expedited Review

A Superintendent can bring about a Review within two working days if he is of the opinion that crime and or disorder on alcohol licensed premises is serious.

The Licensing Authority must within 48 hours consider interim steps and can suspend licences pending a full review.

This power to close premises used for the use, production or supply of Class A controlled drugs ('Crack Houses') has proved very useful at closing and clearing problem premises.

## PUBLIC PLACES 6-7, 9, 10, 22-26

### Public Places



Section 60: Criminal  
Justice and Public Order  
Act 1994

(as amended by Section 8  
Knives Act 1997)

### 23 Emergency Designated Area Stop And Search Powers

A Police Inspector who believes that serious violence may take place in any locality, or that persons are carrying dangerous instruments or offensive weapons, may give an authorisation for a period not exceeding 24 hours for:

a uniformed Constable to stop any:

- pedestrian and search him or anything carried by him
- vehicle and search the vehicle, its driver and any passenger for offensive weapons or dangerous instruments.

A Police Superintendent can extend these powers for a further 24 hours.

This power is particularly relevant to alcohol related crime when it is used at, or in the vicinity of, licensed premises.

### Fail To Stop 22.1

Section 60: Criminal  
Justice & Public Order  
Act 1994

£1000 fine (Level 3)  
and / or one month

If an authorisation has been given under section 60, a person who fails to stop, or stop the vehicle, when required to do so by a Constable in uniform commits an offence.



## Public Places

The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007



Made under Section 13 Criminal Justice and Police Act 2001

As amended by Section 155: Licensing Act 2003

See also Schedule 4 Police Reform Act 2002

Web: Guide

## 24 Alcohol Consumption Designated Public Place Orders

Local Authorities may designate an area where nuisance or disorder has been associated with the consumption of alcohol there. This requires consultation with police.

In a designated area a Constable, PCSO or Designated person may require a person who is, has been or intends to consume alcohol:

- not to consume alcohol in that place
- to surrender alcohol in his possession
- the Officer may dispose of the alcohol.

Practical experience has shown that authorities need to consider displacement from the designated place to non-designated places.

## Failure to comply 24.1

Section 12 Criminal Justice and Police Act 2001  
£500 Fine (Level 2).

Failure to surrender alcohol is an offence and carries a power of arrest.



## Public Places



Section 30: Anti-social Behaviour Act 2003



Web: Guidance

## 25 Designated Area Dispersal Orders

Where a Police Superintendent or above believes that people have been intimidated, harassed, alarmed or distressed as a result of the presence of groups of two or more persons in a public place and anti-social behaviour is a significant problem in the area, they may give a uniform Constable in that area additional powers for up to six months.

1 A Constable may give one or more of the following directions:

- a direction requiring the persons in the group to disperse
- a direction that non-residents leave the locality
- a direction prohibiting non-residents returning to the locality or part of it for up to 24 hours.

## Contravene Direction 25.1

Section 32(2) ASB Act 2003  
Three months and / or Level 4 fine

Knowingly contravening a direction given by a Constable.



## Public Places



Contact:  
Ch Insp John Dale  
London Westminster  
BCU  
or Sue Bryant

## 26 Curfew

2 If, between the hours of 21:00 and 06:00, a Constable in uniform finds a person in any public place in the area who is under 16, and not under the effective control of a responsible adult, he may take the person home.

NB: Court of appeal ruling states that Officers only have power to use reasonable force when removing an under 16 year old to his / her place of residence when:

- they are at risk / vulnerable or
- are causing or at risk of causing anti-social behaviour.

## Public Places

Sections 15-20 of the  
Violent Crime Reduction  
Act 2006

Web: ADZ Guide

## 27 Alcohol Disorder Zone

Where the problem cannot be isolated from several combined premises and / or as a last resort, a Local Authority may designate a locality in their area as an Alcohol Disorder Zone if they are satisfied:

- a) that there has been nuisance or annoyance to members of the public or disorder at or near that locality and
- b) that nuisance, annoyance or disorder is associated with the consumption of alcohol in that locality or with the consumption of alcohol supplied at premises in that locality and
- c) there is likely to be a repetition of nuisance, annoyance or disorder.

NB: The making of the order has to be preceded by the Police and Council area action plan, which if followed, would make an order unnecessary.

If an order is made due to the action plan not being effective after 8 weeks or declined, then charges may be imposed each month on premises licence holders and club premises certificates in such a zone to pay for law enforcement costs.

The potential for a zone being declared may be a useful tool to cause licence holders to review their own promotion of the licensing objectives to improve the area before an action plan is introduced or order is imposed upon them.

See also Cumulative Impact policy – [page 9](#).

**All the research indicates that crime and disorder remains stable since the introduction of the Act but that Powers are being underused.**

# PART 6

## ADDITIONAL OFFENCES

### SITUATIONS WHERE PEOPLE ARE DRUNK AND / OR DISORDERLY

Section 12:  
Licensing Act 1872  
£200 fine (Level 1)

#### 1 Simple Drunk

Being drunk in a public place, whether a building or not, or on any licensed premises.

Section 91:  
Criminal Justice Act 1967  
£1,000 fine (Level 3)

#### 2 Drunk and Disorderly

Being drunk and disorderly in a public place including licensed premises.



Section 141:  
£1000 fine (Level 3)

#### 3 Sell/Allow Sale to a Drunk

The holder of a premises licence or any person who works at licensed premises in a capacity which gives him authority to sell alcohol commits an offence:

- if they knowingly sell or attempt to sell alcohol or allow it to be sold to a person who is drunk whether for consumption on or off the premises.

Proceedings can be against more than one person.

Section 142:  
£1000 fine (Level 3)

#### 4 Obtaining Alcohol for a Drunk

Knowingly obtaining or attempting to obtain alcohol for a person who is drunk on licensed premises where the alcohol is for consumption on those premises.

Section 143:  
£200 fine (Level 1)

#### 5 Failure to leave Licensed Premises etc.

A person who is drunk or disorderly who, without reasonable excuse, when requested to do so by a Constable or any person who works at licensed premises, club or temporary event, in a capacity which gives him authority to request a person to leave:

- fails to leave licensed premises or
- re-enters or attempts to re-enter

On being requested to do so a Constable must:

- a) Help to expel from relevant premises a person who is drunk or disorderly
- b) Help to prevent such a person from entering relevant premises

Where a person is not drunk or disorderly the officer is only required to prevent a breach of the peace.

## LICENSED PREMISES NEGLECTING TO KEEP CONTROL

Section 140:  
£1000 fine (Level 3)

### 6 Allowing Disorder

The holder of a premises licence or any person who works at the premises in a capacity which authorises him to prevent the conduct, commits an offence if he knowingly allows disorderly conduct on licensed premises.

It is the failure to address the problem or call the Police that give rise to the offence – often identified when an assault is subsequently reported.

Proceedings can be against more than one person.

It is good practice to remind the premises licence holder of this offence upon transfer of a licence or after an incident of disorder at the premises.

## ALCOHOL OFFENCES INVOLVING CHILDREN (UNDER 18)



### Children

Section 149:  
£1,000 fine (Level 3)

### 7 Purchase by

A person under 18 commits an offence if he buys or attempts to buy alcohol.

There are no circumstances when alcohol can be bought by a person under 18 except test purchases under direction of Police or Trading Standards.

### Children

Section 149(3):  
£5,000 fine (Level 5)

### 8 Purchase for

Buying or attempting to buy alcohol for a person under 18.

Except beer, wine or cider with a table meal for a  $\geq 16$  year old with an adult on relevant premises.

This means buying alcohol for teenagers to drink off any licensed premises is illegal.

This is the main way youngsters get hold of alcohol. Where youngsters are caught drinking, questioning how they got the drinks may lead to a prosecution of individual purchasers and or licence holders and publicity especially of the former may give many weaker or less responsible adults the excuse not to buy on their behalf.

### Children

Section 146:  
£5,000 fine (Level 5)

### 9 Selling to

Selling alcohol to a person under 18.

There are no circumstances when alcohol can be bought by a person under 18.

Exception is based on a reasonable person agreeing that they looked over 18 or that they were shown convincing but fake identification.

Section 147A:  
Licensing Act 2003  
amended by Section 23  
Violent Crime Reduction  
Act 2006

£10,000 fine and up to  
three months suspension  
of alcohol sales

### 10 Persistently Selling to

On three or more different occasions within a period of three consecutive months alcohol is sold on the same licensed premises, club or temporary event to an under 18.

The person making the sale need not be the premises licence holder or the same person – three sales and you're out. NB The Policing and Crime Bill reduces this to two.

The premises licence holder and, if different, the person making the sale may be prosecuted, but see Closure Notices above.

The following are admissible as evidence of previous sales:

- a conviction under Section 146
- a caution
- the payment of a fixed penalty

## Children

Section 150:  
£1000 fine (Level 3)

### 11 Consumption by

A person under 18 knowingly consuming alcohol on licensed premises, club or temporary event.

Such premises may include town centres, parks and late night refreshment premises during the hours the licence is in force but an activity does not have to be taking place, nor does the licence have to involve the sale of alcohol.

## Children

£5000 fine (Level 5)

### 12 Allowing Consumption by

A person who is authorised to prevent alcohol consumption on the premises who knowingly allows its consumption by a person under 18.

Except beer, wine or cider with a table meal for a  $\geq 16$  year old with an adult.

## Children

Section 150:  
£1000 fine (Level 3)

### 13 Delivering to

Club or licensed premises employee who is authorised to do so, delivering alcohol bought on premises, or knowingly allowing same to be delivered, to person under 18.

Except where

- a) The alcohol is delivered where the adult buyer lives or works, or
- b) The individual under 18 works on premises which involves the delivery of alcohol, or
- c) The alcohol is sold or supplied for consumption on the premises – different offences apply.

## Children

Section 152:  
£5,000 (Level 5)

### 14 Sending for Alcohol

Unless a child under 18 is so employed, knowingly sending him to any premises to obtain alcohol sold on club or licensed premises for consumption off the premises.

Exception for test purchases.

## Children

Section 153:  
£200 fine (Level 1)

### 15 Unsupervised Sales by

The holder of a premises licence or any adult authorised to do so knowingly allowing an individual under 18 to make any sale of alcohol unless the alcohol is sold or supplied for consumption with a table meal in an area set aside for meals.



# PART 7

## COMMUNICATION

### THE IMPORTANCE OF COMMUNICATION

The importance of communicating the action you are taking to tackle drunk or rowdy behaviour to the public in your area can help to improve public perceptions of the problem and / or increase public confidence in the work of local authorities and the Police.

Communication can help tackle negative perceptions of drunk and rowdy behaviour in a number of ways. Providing people with accurate, up-to-date information that paints a realistic picture of the situation both locally and nationally and communicating what is being done to tackle the issues can help manage public perceptions of crime levels. Ensuring that local communities are not simply told the problems, but are shown the solutions – with those most directly involved being given on-going feedback of the results – no matter how trivial, can help to motivate the public to engage and to come forward with information and support.

Stories that demonstrate how local agencies and the Police are working together to make communities safer can help build confidence in the ability of enforcers to tackle crime effectively. And increased confidence is, in turn, likely to lead to more support for police and local agency work and greater willingness to engage.

The Home Office Crime and Policing Communications Team unit has produced a communications toolkit that summarises what we know – from research and evaluation – about the drivers of public confidence and perceptions of crime and how communicating local action can have a positive impact. The toolkit also provides practical communications tips, advice and examples of best practice.

For a copy of the toolkit please contact [Louise Graham, email: louise.graham@homeoffice.gsi.gov.uk](mailto:louise.graham@homeoffice.gsi.gov.uk)

Alternatively a copy may be downloaded from: <http://www.crimereduction.homeoffice.gov.uk/learningzone/communicatingforconfidence.htm>

### Communications and the 2009 targeted enforcement campaign

Last year, the Home Office provided £1.5million to undertake a targeted enforcement campaign in our 50 alcohol priority areas. As part of this campaign, each of the Home Office's 50 priority areas were allocated £3000 to communicate the outcomes of their enforcement work locally, and to engage the community in this work. Money for communications work was ring fenced because we know that reducing the reality of alcohol-related violence will go some way to reducing perceptions, but it is not enough: alcohol-related violent crime has fallen by a third over the last ten years but this has not been matched by a similar fall in the number of people perceiving drunk or rowdy behaviour to be a problem. It is vital therefore to combine robust enforcement action with effective community engagement and communications – public confidence will only increase if you tell your local communities about the impact of your work.

The areas did this in a variety of ways, including:

- advertising local hotline numbers that residents could call to report premises making underage sales;
- distributing leaflets to local residents, informing them of positive enforcement outcomes;
- running radio campaigns with health messages or to communicate good work;
- producing booklets for staff who failed test purchases, to help them avoid making further underage sales;
- published regular press releases resulting in frequent positive publicity;
- 'naming and shaming' on the Police force website those premises which had made underage sales;
- publication of magazines to encourage debate and inform the local community of enforcement activity; and
- police taking local councillors out on night time patrol – the local councillors then wrote a positive article about their experiences for the local paper.

More information is available in the booklet summarising examples and case studies from the campaign: <http://www.crimereduction.homeoffice.gov.uk/drugsalcohol/drugsalcohol102.htm>

## COMMUNICATION CASE STUDY 1

Newham Police working in partnership with the London Borough of Newham (LBN) have been fortunate enough to apply for, and receive, funding from various Home Office projects to highlight and enforce issues around alcohol and young people.

Working with LBN Children and Young Persons Service, a theatre group was commissioned with setting up workshops highlighting alcohol abuse within the family and the devastating effects this can have:



On 3rd February 2009, Jackpot Training Ltd are proud to present the Premier of...

**'Smashed!'**

A new & innovative Theatre in Education Production for Schools, Youth Centre's, PRU's, & any other viable location!

'Smashed' is a multi-media production that is going to be taken to hard to reach young people & mainstream Schools at various venues in London throughout 2009. It has been funded by the Home Office & created in partnership with Newham Children & Young People's Services..

The structure of the production is based on real accounts of incidents that have been developed during the rehearsal process. The piece is a comedy juxtaposed with drama to bring home the issues of personal health (including binge drinking), effects of drinking on families & communities, hidden harm, drinking in Asian Communities & sexual health in a young-person friendly, but hard-hitting way.

The 'real-life' drama is inter-cut with film; providing information & essential messages from Doctors, Police, licensing and Drug & Alcohol Services.

Following on from the 40 minute production, there will be a Workshop run by the actors in order for the young people to explore the issues more fully (please note, this will not be undertaken at the Premier).

We will be delivering shows in Secondary Schools, a range of youth centres, community venues, & even undertaking street performances.

Don't miss out on this new & exciting venture. Get yourself to the PREMIER to meet the cast & crew in action, have some drinks & nibbles, get further information and most importantly, have a great night out!

Artistic Direction by: 





Case study courtesy of Sgt Ian Rawlins, Metropolitan Police Service, London Borough of Newham

In order to look at the enforcement of offences with regard to underage sales, working with the LBN Public Protection Services, purchase was made of a quantity of covert video equipment for our underage Test Purchasers (TPs). This was to ensure that best evidence was always captured and reduced the risk of any of our TPs having to attend Court. We also jointly took the decision to fund a designated Trading Standards Officer purely for underage sales.

A confidential phone line has also been set up for members of the public to report any illegal activity in respect of underage sales. We have been assisted in the communication of this by COI News & PR who provided support in the press release. This appeared in the local press (Newham Recorder and Stratford Gazette) and will also appear in the "Newham Mag" which is delivered to 105,000 homes on the borough.



## COMMUNICATION CASE STUDY 2

We are also working with Eleventyfive Ltd, which is the company responsible for advertising at the Stratford Picture House Cinema. They have agreed to provide both screen time and various other means of getting details of the confidential phone line across to all sections of the community.



Working together for a safer London



Give us a call and leave details of any premises selling alcohol, cigarettes, knives etc to **under 18's** in your community....



Anonymous Hotline: 020 8217 5971  
E-mail: [underagesales@newham.gov.uk](mailto:underagesales@newham.gov.uk)

Case study courtesy of Sgt Ian Rawlins, Metropolitan Police Service, London Borough of Newham

# APPENDICES

## APPENDIX A OTHER SOURCES OF INFORMATION

The documents below are a small selection of those available which you might find useful for further reading. Not all are endorsed by the Home Office.

Document Source	Intended Audience	Issues Covered
<a href="#"><u>VICTIMS AND OFFENDERS OF NIGHT-TIME ECONOMY VIOLENCE</u></a>	<p>This is a DRAFT document.</p> <p>It is not clear to whom it is addressed.</p>	<p>Recent increases in recorded levels of violent crime being a concern, particularly since violence associated with night-time economy has attracted a great deal of negative media attention. Provides insight into the underlying dynamics of violence within the night-time economy, using the West Midlands as an example geography.</p>
<a href="#"><u>TACKLING VIOLENT CRIME PROGRAMME (TVCP)</u></a> <a href="#"><u>GOOD PRACTICE GUIDE</u></a>	<p>Police, Crime and Disorder Reduction Partnerships and others.</p>	<p>The analysis of police recorded crime data as well as interviews with staff working on the Tackling Violent Crime Programme. Highlights examples of good practice encountered throughout the course of the research.</p>
<a href="#"><u>COUNTER TERRORISM PROTECTIVE SECURITY ADVICE FOR BARS, PUBS AND NIGHTCLUBS</u></a>	<p>Those who own, operate, manage or work in bars, pubs or nightclubs.</p>	<p>Provides protective security advice to those who own, operate, manage or work in bars, pubs or nightclubs. It aids those who are seeking to reduce the risk of a terrorist attack and limit the damage an attack might cause.</p>
<a href="#"><u>BEST BAR NONE A PRACTITIONER'S MANUAL</u></a>	<p>The general public. British alcohol-vending organisations. Police, Crime and Disorder Reduction Partnerships and others.</p>	<p>Best Bar None is a national award scheme, introduced in 2003 in Greater Manchester and currently operating in over 60 towns and cities. It gives licensed premises the chance to show that they take customer and staff safety very seriously.</p> <p>It is about reducing alcohol-related crime and disorder, minimising the harmful effects of binge drinking, whilst improving the profitability of an individual business and attractiveness of a general area.</p> <p>Raising public awareness of the benefits of choosing to use well-run licensed premises, thereby increasing public reassurance and the promotion of social inclusion and diversity of use.</p>

Document Source	Intended Audience	Issues Covered
<a href="#"><u>SAFE. SENSIBLE. SOCIAL THE NEXT STEPS IN THE NATIONAL ALCOHOL STRATEGY</u></a>	Police, Crime and Disorder Reduction Partnerships, Local Authorities, Health Service staff, Probation, Education and the Alcohol Industry.	This document reviews progress since publication of the Alcohol Harm Reduction Strategy for England (2004) and outlines further national and local action to achieve long term reductions in alcohol-related ill health and crime.  Checking the laws and licensing powers introduced to tackle alcohol-fuelled problems are being used widely and effectively.
<a href="#"><u>SAFE AND SOUND HELPING YOU TO MANAGE THE THREAT POSED BY DRUGS, WEAPONS AND OTHER CRIME – VERSION 2</u></a>	Alcohol Industry especially the licensees. Police, Crime and Disorder Reduction Partnerships and others.	The guidelines are designed to assist licensees in being proactive in their efforts to combat problems with drugs, weapons and other crime in their premises.  Its advice covers many of the principles arising from other initiatives aimed at managing violence and alcohol abuse during the evening and night-time economy.
<a href="#"><u>NIGHT VISION TOWN CENTRES FOR ALL</u></a>	Police, Crime and Disorder Reduction Partnerships and others.	A report which paints a picture of what it is people want from their town and city centres during the evening and night-time highlighting some of the essential elements needed to provide variety, choice and greater accessibility and how to achieve a sustainable balance between them. Its aim is to see a reduction in crime, noise and disturbance, street fouling and drink and drug related A & E admissions. It identifies ten principles it believes are necessary for fundamental change.
1. <a href="#"><u>LESSONS FROM THE CHRISTMAS 2005 AND</u></a> 2. <a href="#"><u>SUMMER 2004 (AMEC) ALCOHOL MISUSE ENFORCEMENT CAMPAIGN</u></a>	Police, Crime and Disorder Reduction Partnerships and others.	Details of the resources used, the approaches taken and lessons learned by those involved in the campaign, to deliver the message to the public that alcohol fuelled violence and disorder occurring in our town centre, is illegal, disrespectful and will not be tolerated.  It is intended that the guidance given in the document will help all those involved in tackling alcohol fuelled crime and disorder to identify useful good practice which they can use to add to their own plans.
<a href="#"><u>TACKLING ALCOHOL FUELLED DISORDER IN TOWN AND CITY CENTRES 'HOW TO' GUIDE</u></a>	Police, Crime and Disorder Reduction Partnerships and others.	The document is intended to share best practice, generate ideas and stimulate local debate on regulations and powers brought in by the Licensing Act 2003. It presents advice on both new and existing powers for combating alcohol-fuelled disorder, real-world examples to show how they are being used in practice and information on where to go and who to talk to in order to find out more.
<a href="#"><u>GOOD PRACTICE IN MANAGING THE EVENING AND LATE NIGHT ECONOMY</u></a>	The General Public, Police, Crime and Disorder Reduction Partnerships and others.	This document is part of a three-year programme of research on how to make the evening economy work best. It reviews the challenges facing local authorities such as transport, street cleaning and overcrowding, and points towards the imaginative solutions that are now developing. It describes why a well-managed evening economy is good for towns and cities and the urban renaissance.

<b>Document Source</b>	<b>Intended Audience</b>	<b>Issues Covered</b>
<a href="#"><u>CHELTENHAM CODE OF PRACTICE</u></a>	Everyone.	Commonsense principles for each sector within the night-time economy aimed at encouraging all involved in the 'Alcohol-led' night-time economy to engage with each other in a more constructive manner so as to achieve 'co-ordinated action' towards a 'Safer Cheltenham'.
<a href="#"><u>LICENSING ACT 2003 TOOLKIT HINCKLEY AND BOSWORTH</u></a>	Premises license holders and designated premises supervisors.	This Borough Council have produced a toolkit for management staff at licensed premises.
<a href="#"><u>A BRIGHTER SAFER CLEANER BROAD STREET (BIRMINGHAM) BUSINESS IMPROVEMENT DISTRICT (BID)</u></a>	Local businesses in the Broad Street area of Birmingham.	The Broad Street area of Birmingham has undergone a regeneration programme which has been hugely successful. This proposal to establish a Business Improvement District in the Broad Street area is aimed at trying to ensure that the challenges brought by the success are addressed. Problems such as alcohol-related disorder, which are putting pressure on local services and the environment. It invites the reader to consider the proposal and vote in favour of transforming the Broad Street area.
<a href="#"><u>SAFE, SENSIBLE, SOCIAL – TOOLKIT TO ADDRESS ALCOHOL RELATED CRIME</u></a>	Local Authorities, Primary Care Trusts, Drugs Action Teams, Children's Services and CDRPs.	This toolkit is a resource to address alcohol related crime, ill health and other harm in line with Safe, Sensible, Social. Providing ideas to those individuals responsible for delivering local alcohol strategies and individual agencies tackling alcohol abuse.
<a href="#"><u>YOUTH CRIME ACTION PLAN 2008</u></a>	The General Public, Police, Crime and Disorder Reduction Partnerships and others.	The Youth Crime Action Plan is a comprehensive, cross-government analysis of what the Government is going to do to tackle youth crime.  It sets out a 'triple track' approach of enforcement and punishment where behaviour is unacceptable, non-negotiable support and challenge where it is most needed, and better and earlier prevention.  It makes clear that the government will not tolerate behaviour that causes misery and suffering for innocent victims.
<a href="#"><u>A NEW WAY OF TACKLING PUBLIC UNDERAGE DRINKING</u></a>	The General Public, Police, Crime and Disorder Reduction Partnerships and others.	In 2007 The Retail of Alcohol Standards Group (RASG) and Cambridgeshire Trading Standards conducted a successful pilot project in the market town of St Neots, Cambridgeshire. The project combined enforcement, education and community involvement to tackle underage drinking in a holistic way.
<a href="#"><u>THE BEACON SCHEME</u></a>	Local Authorities.	Set up to disseminate best practice in service delivery across local government. Themes are selected annually for each round. Beacon status is granted to those authorities who can demonstrate a clear vision, excellent services and a willingness to innovate within a theme. Awards are made by government ministers based on recommendations made by an independent advisory panel.

Document Source	Intended Audience	Issues Covered
<a href="#">‘SAFE AND SECURE TOWN CENTRES AT NIGHT’ AND ITS ASSOCIATED TOOLKIT</a>	Local authorities, police service, crime prevention officers, town centre managers.	This Building Research Establishment’s Information Paper outlines a method of assessing the management of town centres at night. It introduces a tool that has been developed by BRE to provide a comprehensive coverage of all the issues involved in alcohol-related violence and disorder. The Paper summarises the categories contained in the toolkit and explains how they can be used by stakeholders in their decision-making processes to reduce crime and disorder in the night-time economy.
<a href="#">THE CIVIC TRUST PURPLE FLAG SCHEME</a>	Local authorities, police service, crime prevention officers, town centre managers.	The Civic Trust has developed a new international standard for the way town and city centres are managed at night. The aims of the Purple Flag Accreditation are to focus national attention on the rich potential of town centres in the evening and at night, to drive up standards overall and to replace years of negative publicity and perceptions with a positive vision.
<a href="#">‘WHAT WORKS’ TO TACKLE ALCOHOL-RELATED DISORDER?</a> (Pawson and Tilley, 1997).	Responsible Authorities Magistrates.	While the use of: <ul style="list-style-type: none"> <li>• individually focussed tools such as ASBOs, injunctions, Fixed Penalty Notices and parenting-orders;</li> <li>• powers focussed on geographic locations such as Designated Public Places Orders (DPPOs, often known as alcohol-free zones); and</li> <li>• tools such as closure notices which are focussed on licensed premises</li> </ul> has been growing in frequency, and ways in which they have been used varies across London. This is a close examination of the range of mechanisms and contexts in which the tools and powers have been employed.
<a href="#">SECURITY IN DESIGN</a>	Premises Licence Holders Planning.	A combined police and Beer & Pub Association guide to: <ul style="list-style-type: none"> <li>• designing an environment to minimise opportunities for crime</li> <li>• providing hardware / electronic devices, which minimise access to intruders and maximise possibilities for detection</li> <li>• increasing staff awareness and training so they can work towards reducing risks</li> </ul>
<a href="#">MANAGING SAFETY IN BARS, PUBS AND CLUBS</a>	Premises Licence Holders. Designated Premises Supervisors.	Risk Assessment: The BBPA, in conjunction with BEDA, has launched Managing Safety in Bars, Pubs and Clubs – a guide to assessing the risk of violence in individual licensed premises, based on existing good practice.
<a href="#">DRUGS AND PUBS</a>	Premises Licence Holders.	This leaflet details the tell-tale signs of possible drugs misuse on the premises and offers advice on how to keep to your pub a drug free zone.

## APPENDIX B PROTECTING CHILDREN FROM HARM



### Legal restrictions on the admission of children to licensed premises

The law contains no general prohibition on the admission of children, other than those outlined below.

Licence holders must decide whether allowing children onto the premises would be appropriate for their particular business. They must decide on the circumstances such as, only if accompanied by an adult, or only before a specified time in the evening.

It is an offence to allow children under the age of 16, who are NOT accompanied by an adult, to be present on premises that are open:

- when used exclusively or primarily for the sale of alcohol for consumption on those premises
- between midnight and 05:00 where alcohol is sold for consumption on those premises.

NB:

- The law does not prevent the admission of unaccompanied children under 16 to restaurants or casinos where the consumption of alcohol is secondary to activities such as dining, provided that unaccompanied children are not present after midnight.
- Children who are accompanied by an adult may be present after midnight.
- No offence is committed if the unaccompanied child is on the premises solely for the purpose of going to or coming from another place, to or from which there is no other convenient route.

### Children on licensed premises

An applicant for a premises licence must include in the operating schedule for the premises the proposed steps that will be taken to protect children from harm.

The irresponsible use of alcohol often plays a part in young people's risk taking especially in relation to sexual behaviour. The consequences of this can be pregnancy, sexual exploitation, sexually transmitted infections and viruses and potential health complications.

Section 149(3) makes it an offence to purchase alcohol on behalf of persons under 18 for their consumption anywhere – (see Offences 7 for exception). Where youngsters are caught drinking, questioning how they got the drinks may lead to a prosecution of individual purchasers and or licence holders and publicity especially of the former may give many adults the excuse not to buy on their behalf.

Each Children's Services Authority (CSA) is obliged by Section 10 of the Children Act 2004 to co-operate with other specified agencies to improve the well being of children in its area.

The following guidance has been produced in order to assist in meeting the licensing objective: "The protection of children from harm":

### PREMISES RISK FACTORS

Possibility of

- heavy or underage drinking
- drugs
- significant gambling
- activity of an adult or sexual nature

OR children under 18 employed at such premises.

### PROTECTIVE / CONTROL MEASURES

(Not exhaustive – minimum requirements)

- evidence of suitable staff training and age identification scheme
- signs – No alcohol sales to under 18's or not admitted and ID required
- door supervision, age checks to ensure non-admission
- sufficient screening from view of those under 18 years
- a detailed operating schedule which details protection measures
- signs that entertainment not suitable for under 18s

Restriction of that employment.

## PREMISES RISK FACTORS

## PROTECTIVE / CONTROL MEASURES

(Not exhaustive – minimum requirements)

Although not serving alcohol allow access to the public after 23:00.

Children under 12 years should be restricted unless accompanied by adults.

A detailed operating schedule explaining protection measures.

Premises holding 'happy hours' or drinks promotion nights, which might attract underage drinkers.

Persons under 18 years not admitted unless accompanied by an adult.

Films

The cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it.

- staff training and age-identification procedures.
- signage to explain
  - children restricted to film age group
  - adults should not purchase tickets on children's behalf.

Children attending performances, such as theatres and concert halls, but also where other premises allow it occasionally.

- suitability and number of adult supervisors to ensure all children can be accounted for in an evacuation / emergency including transfer from stage to dressing room
- safety of venue for numbers intended
- fire safety procedure
- special effects appropriate.

Providing entertainment aimed at children.

- adequate number of supervisors
- ensure seating / standing arrangements are suitable.

Child-oriented premises located close to adult-orientated premises.

Identification of any risks and control measures in place.

History of lack of suitability of age identification procedures used on the premises.

- people under 18 not admitted
- evidence of suitable staff training and age scheme followed
- signs that sales will not be made to under 18s and ID may be required.

Potential concerns regarding qualifications of staff employed to look after children.

- need to ensure police checks
- evidence of suitable training / experience.

Where living accommodation for children on the premises.

Assessment of potential risks and control measures in place.

NB: The lists are not meant to be exhaustive and licensing authorities should consider whether additional control measures are necessary in each individual case.

## APPENDIX C GLOSSARY

ACS	Association of Convenience Stores	PLH	Premises or Personal Licence Holder
ACPO	Association of Chief Police Officers	PMDU	Prime Minister's Delivery Unit
ADZ	Alcohol Disorder Zone	PND	Penalty Notice for Disorder
AERC	Alcohol Education Research Council	PNLDB	Police National Legal Database
A&E	Accident and Emergency	POP	Problem Orientated Policing
AMEC	Alcohol Misuse Enforcement Campaign	PSU	Police Standards Unit
ARV	Alcohol-Related Violence	RASG	Retail of Alcohol Standards Group
ASBO	Anti-Social Behaviour Order	RIPA	Regulation of Investigatory Powers Act
BBPA	British Beer and Pub Association	SIA	Security Industry Authority
BCU	Basic Command Unit (Police)	SMART	Specific – Measurable – Achievable – Relevant – Time-bound
BII	British Institute of Innkeeping	SPOC	Single Point of Contact
CDRP	Crime and Disorder Reduction Partnership	TEN	Temporary Event Notice
CJPA	Criminal Justice and Police Act 2001	TVCP	Tackling Violent Crime Programme
CPS	Crown Prosecution Service	VAP	Violence against the Person
CSP	Community Safety Partnership	VCU	Violent Crime Unit
DCMS	Department for Culture, Media and Sport	WLGA	Welsh Local Government Association
DPPO	Designated Public Place Order	WSTA	Wine and Spirit Trade Association
DPS	Designated Premises Supervisor		
DVEC	Domestic Violence Enforcement Campaign		
FPN	Fixed Penalty Notice		
EHO	Environmental Health Officer		
HO	Home Office		
HVP	High Visibility Patrol / Policing		
IOL	Institute of Licensing		
LA03	Licensing Act 2003		
LACORS	Local Authorities Coordinators of Regulatory Services		
LGA	Local Government Association		
LO	Licensing Officer		
NIM	National Intelligence Model		
NPLF	National Police Licensing Forum		
NTE	Night-time Economy		
OCU	Operational Command Unit (Police)		
OPSI	Office of Public Sector Information		
PESTEL	Political Economic Social Technological Environmental Legal		

## APPENDIX D ROUTE MAPS FOR LICENSING PROCEDURES

### PLANNING PROCESS

The CDRP / CSP have a large partnership group with which to consult – see Appendix A – after setting various protocols for managing the group they will need to set up the intelligence gathering and sharing protocols.

Gather and analyse the data and then prepare a strategic plan which includes all the data analysis, identified problems and priorities.

The enforcement group working with the plan, consult with the Licensing Authority and dependent on existing problems may apply for:

- Alcohol Consumption Designated Area Orders to prevent drinking in public places
- Alcohol Disorder Zones where problems are proving very difficult to control

The cumulative impact policy may be introduced in consultation with Police but is applicable with new applications only.

Taking licensing policy into account and working with the problems identified, tactics, tools and enforcement strategy are decided.

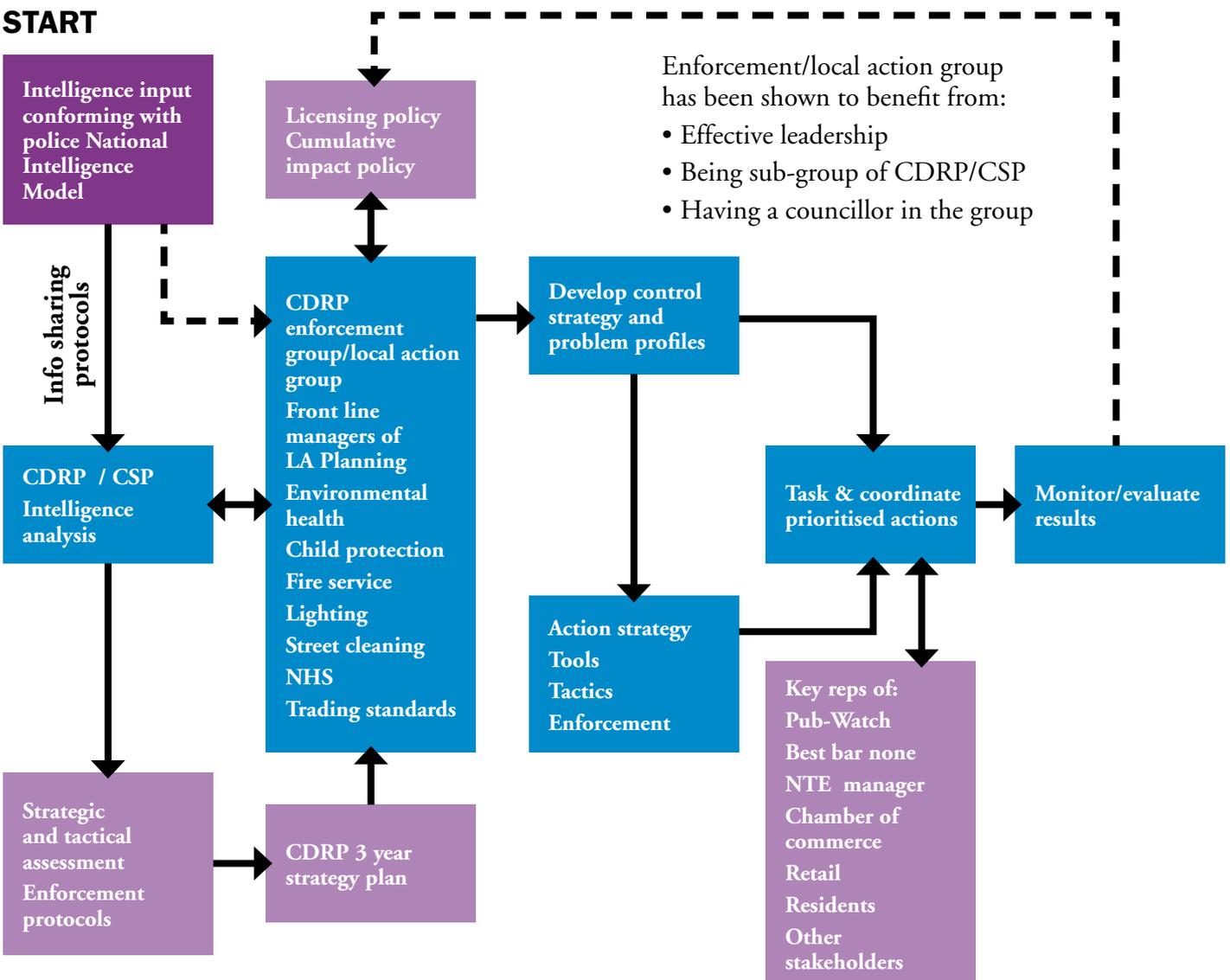
Working with the stakeholders, other tactics can be added and actions are decided and allocated.

The leaders then implement these with front line staff monitoring the results and feeding it back to the CDRP / CSU and enforcement groups.

Initial planning will take a great deal of time but set-up is shared and after that changes and tweaking should be relatively simple.

### PLANNING PROCESS ROUTE MAP

#### START



## INTELLIGENCE MANAGEMENT PROCESS

The CDRP / CSP liaise with other partner agencies to establish data gathering and sharing protocols.

The analysts on the CDRP / CSP team then collate and analyse the data to identify problems and pass to the appropriate agency.

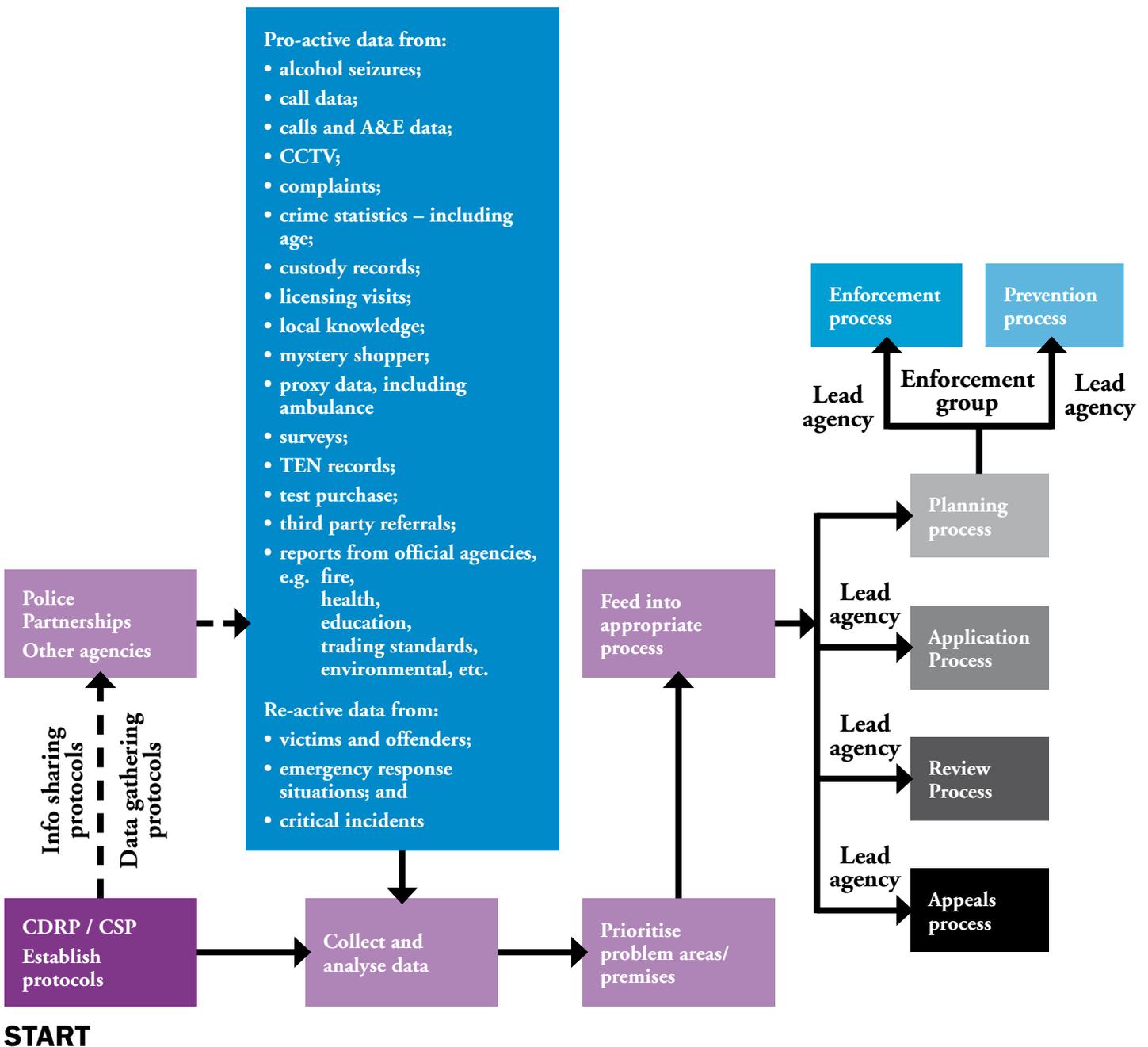
In many cases this is to enable informed decisions to be made by the Licensing Authority and courts.

It enables the CDRP / CSP to prepare and update their strategy.

The information is then used by the enforcement group to select appropriate prevention tools and tactics and enforcement methods.

All the processes then feedback results into the intelligence process.

## INTELLIGENCE MANAGEMENT PROCESS ROUTE MAP



## PROBLEM LICENSED PREMISES PREVENTION PROCESS

The problem is identified from intelligence passed to the CDRP / CSP and or enforcement group.

The enforcement group, through established protocols, ask for a lead to take it on who then plans a joint response.

A meeting is held with appropriate staff and managers of the premises and the problems discussed.

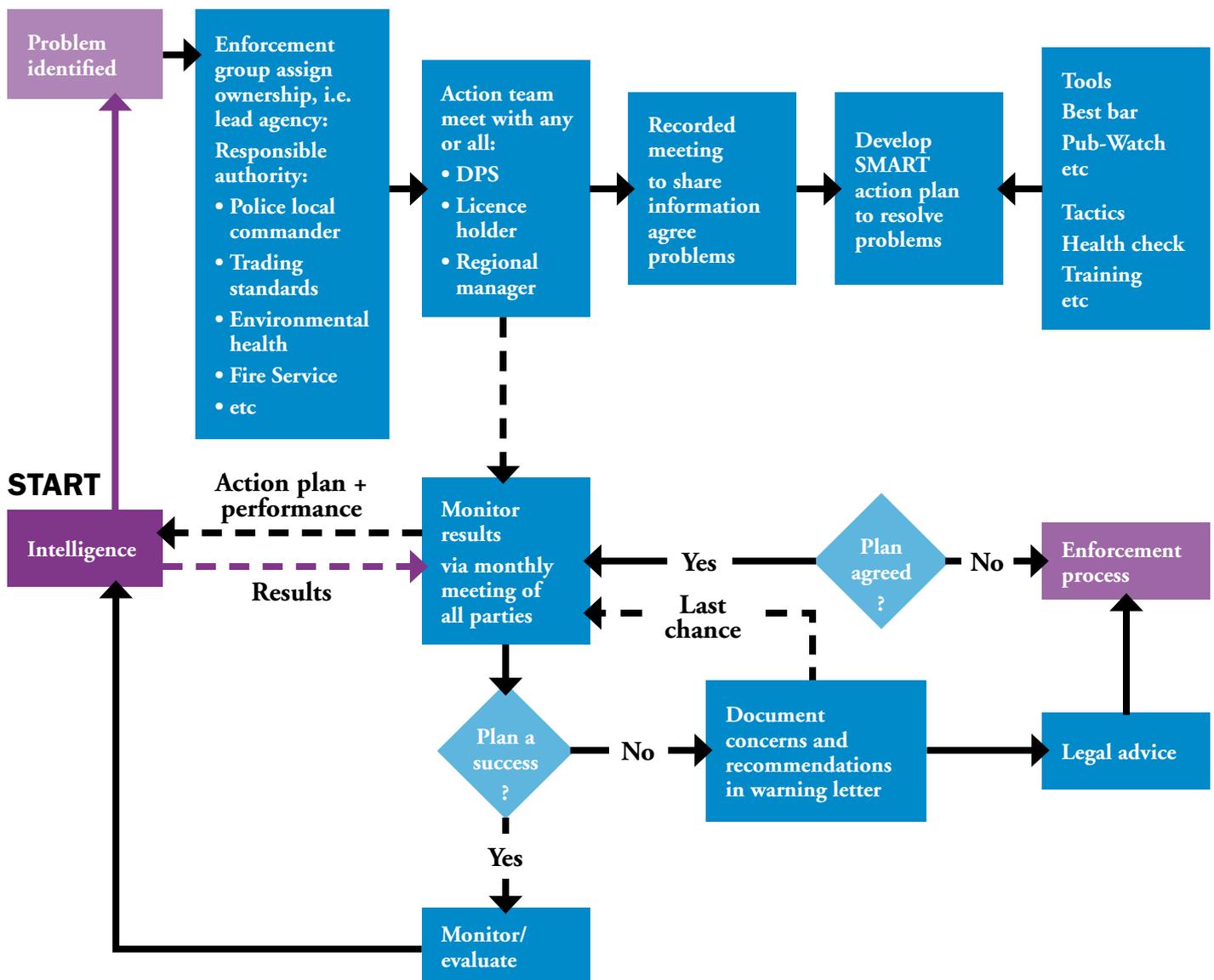
A SMART action plan to put them right using various tools and tactics is agreed and this is monitored and tweaked by a group meeting on a monthly basis, the documented results being passed each month to the intelligence group for evaluation against the action plan.

If successful then the process may be evaluated for future use in similar cases. Meanwhile monitoring is reduced to a casual basis.

If the plan is not working after an agreed time then the remaining concerns with recommendations and a time limit should be documented in a final warning letter.

After this last chance or if the premises fail to follow or make the effort or will not agree to a plan in the first place then, subject to any legal advice, the appropriate enforcement process is applied.

## PROBLEM LICENSED PREMISES PREVENTION PROCESS ROUTE MAP



## PROBLEM LICENSED PREMISES ENFORCEMENT PROCESS

Where prevention has failed the enforcement group can apply an appropriate level of enforcement.

The leader may need to change due to practicalities and where appropriate legal advice may be sought.

Options in this case may use several agencies independently or together but do not rely on co-operation of the problem premises.

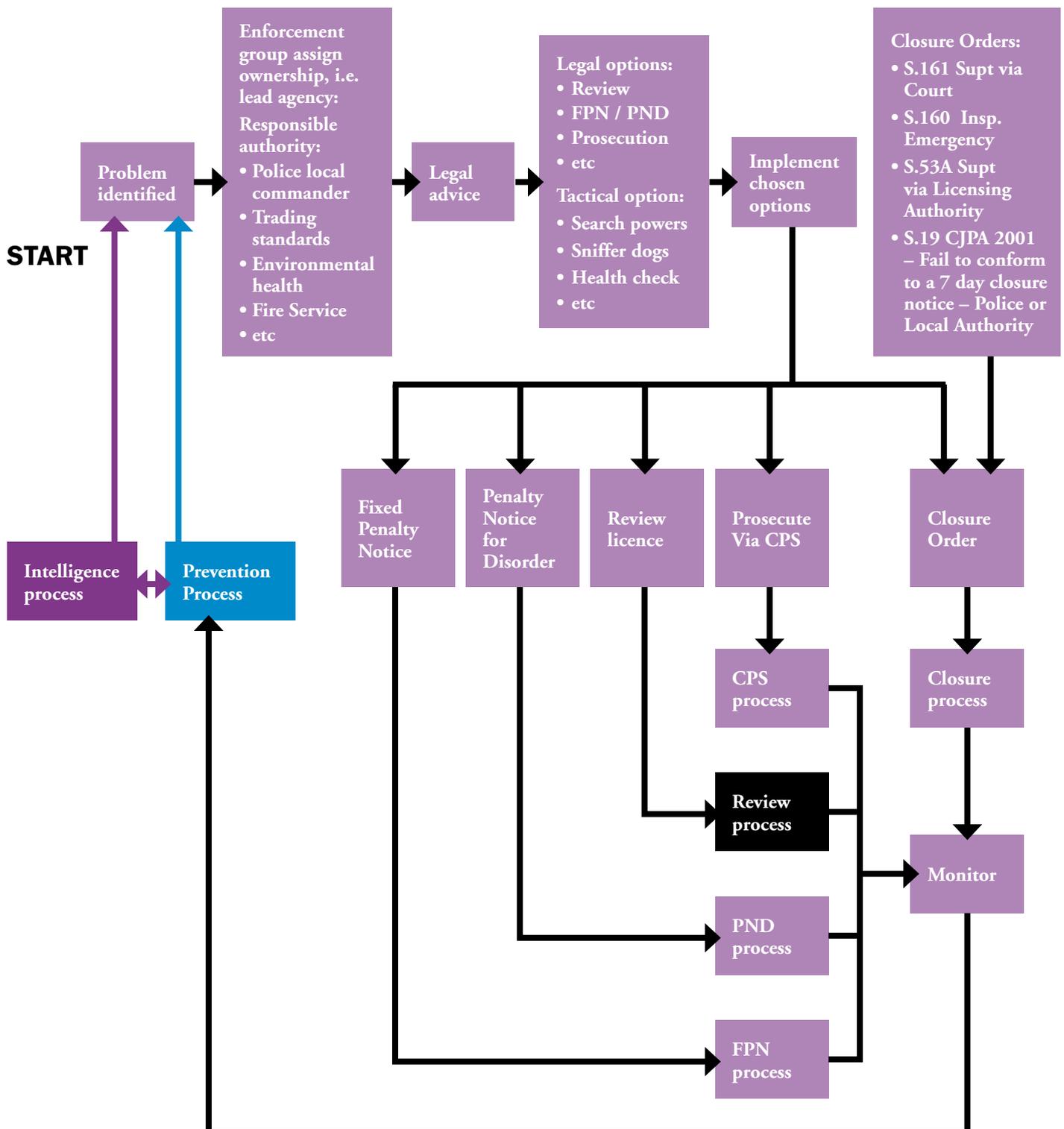
Chosen options are implemented and monitored.

They may need to be re-applied or changed depending on success.

The premises may submit to preventative measures.

Consider Alcohol Disorder Zone by Licensing Authority where the imposition of a continuing financial sanction should encourage better co-operation in preventing disorder.

## PROBLEM LICENSED PREMISES ENFORCEMENT PROCESS ROUTE MAP



## APPLICATION PROCESS PERSONAL LICENCE

Section 117

Applicant must be over 18, have an approved qualification and not had a previous licence revoked in last five years.

His application must declare any relevant previous convictions, including foreign, except those that are spent.

If there are none, the Licensing Authority will issue a licence or alternatively send details to the Police Licensing Officer.

After considering the circumstances they have to object within 14 days or licence is granted.

Applicant may withdraw or persuade Police who may also withdraw.

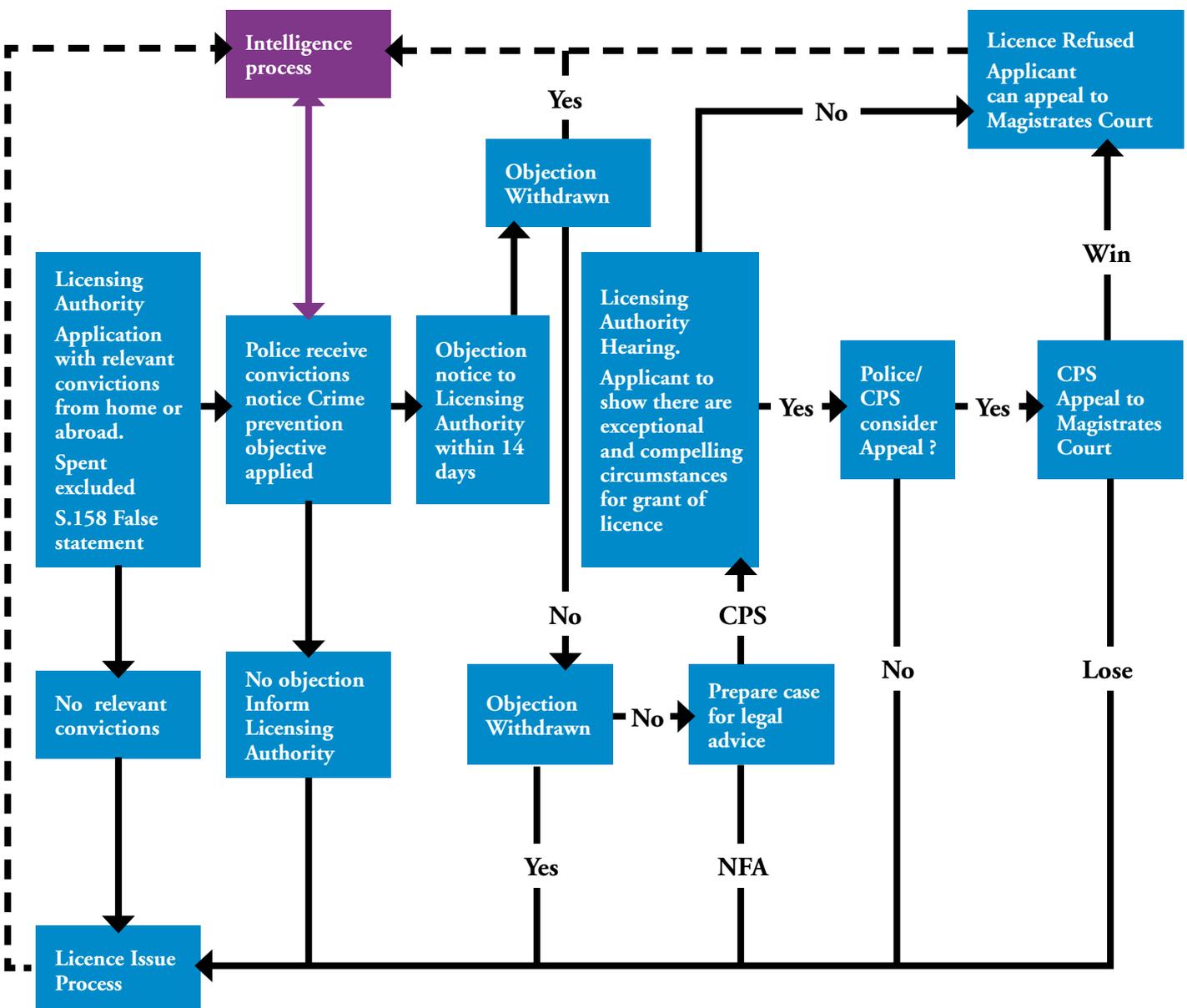
If CPS agree, an objection goes to a hearing where applicant can persuade Licensing Authority to grant. Latter must explain why, if they authorise a licence.

Either side can appeal to Magistrates Court against a decision.

**It is the responsibility of the convicting court to suspend, revoke or otherwise deal with a personal licence holder and it cannot be referred back to the Licensing Authority.**

## APPLICATION PROCESS PERSONAL LICENCE ROUTE MAP

Section 117



**It is the responsibility of the convicting court to suspend, revoke or otherwise deal with a personal licence holder and it cannot be referred back to the Licensing Authority.**

## APPLICATION PROCESS – NEW PREMISES OR VARIATION

Section 16

Application on [prescribed form](#) submitted to Licensing and Responsible Authorities with operating schedule, plan, Designated Premises Supervisor consent (and fee to Licensing Authority).

Application valid – [The Licensing Act 2003 \(Premises licences and club premises certificates\) Regulations 2005](#)

Premises Licence [Sections 16-23](#)

Club premises Certificate [Sections 71-77](#)

Applicant must post notice on premises for next 28 days and advertise at least once in local paper or if none put circular round.

Responsible Authorities gather information and consider objections on grounds licensing objectives.

These may be remedied by conditions or other amendments to schedule – to be negotiated.

A preliminary representation (objection) must be placed within 28 days whether or not negotiations complete.

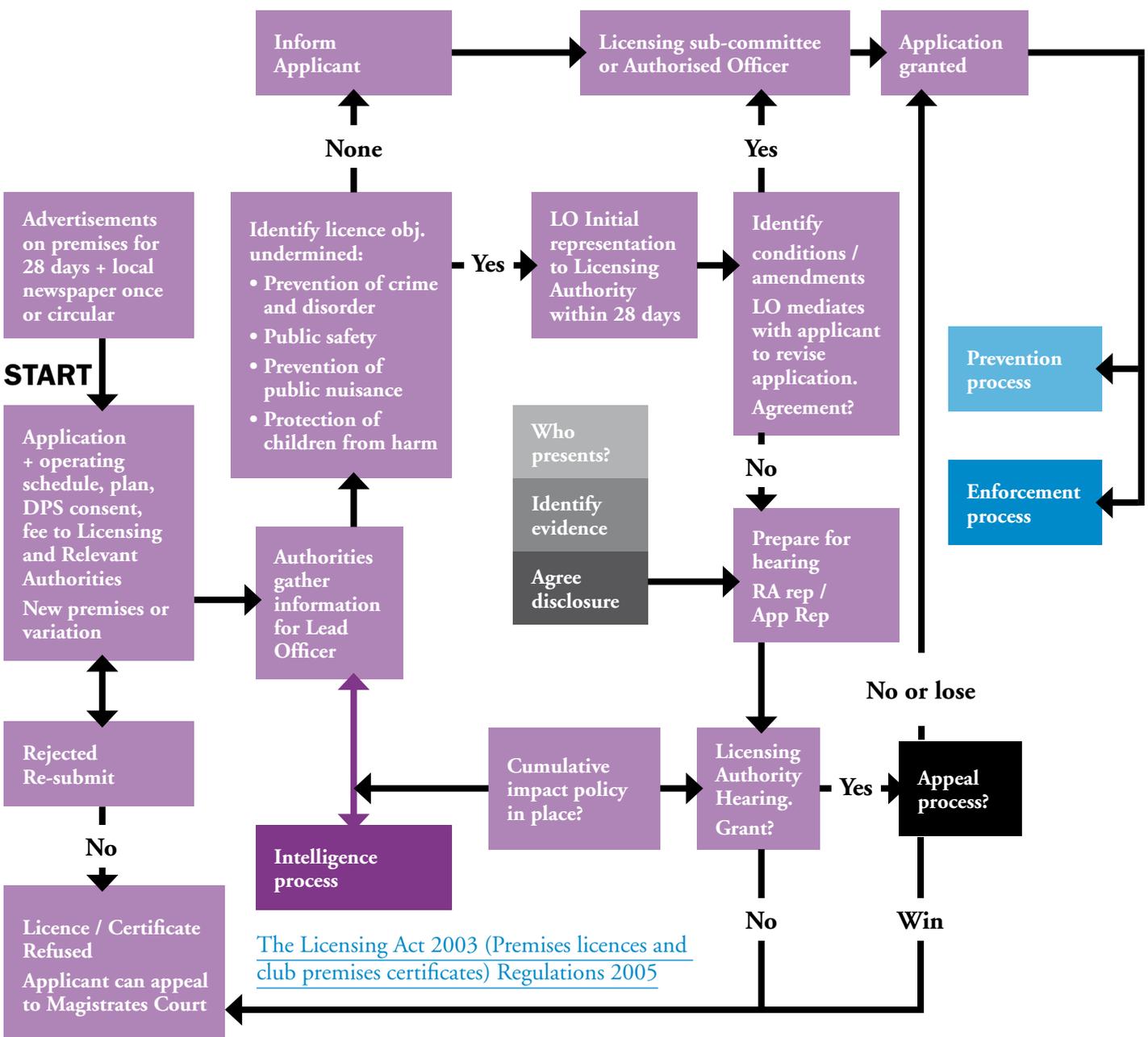
All in agreement the Authorised Officer or sub-committee of Licensing Authority may grant application.

No agreement then a hearing before licensing committee is held where both parties present case via legal reps.

Both sides can appeal to Magistrates Court.

## APPLICATION PROCESS – NEW PREMISES OR VARIATION ROUTE MAP

Section 16



## APPLICATION PROCESS – TEMPORARY EVENT NOTICE

Applicant serves notice on Licensing Authority and Police.

This notice requires prompt action if served at the last minute – i.e. ten working days before event. Notwithstanding police must respond within 48 hours if they wish to object.

Licensing Authority endorse a copy of the notice and return as receipt by end of next working day.

If criteria NOT met – see chart – then Licensing Authority must serve Counter Notice at least 24 hours before event.

If police object on anticipated failure of crime prevention objective they must serve Counter Notice on applicant and Licensing Authority no later than 48 hours after receipt of TEN.

Police may, after negotiation with applicant, modify TEN and withdraw Counter Notice – notifying Licensing Authority.

If negotiation fails or none takes place then a hearing is arranged with Licensing Authority unless applicant withdraws.

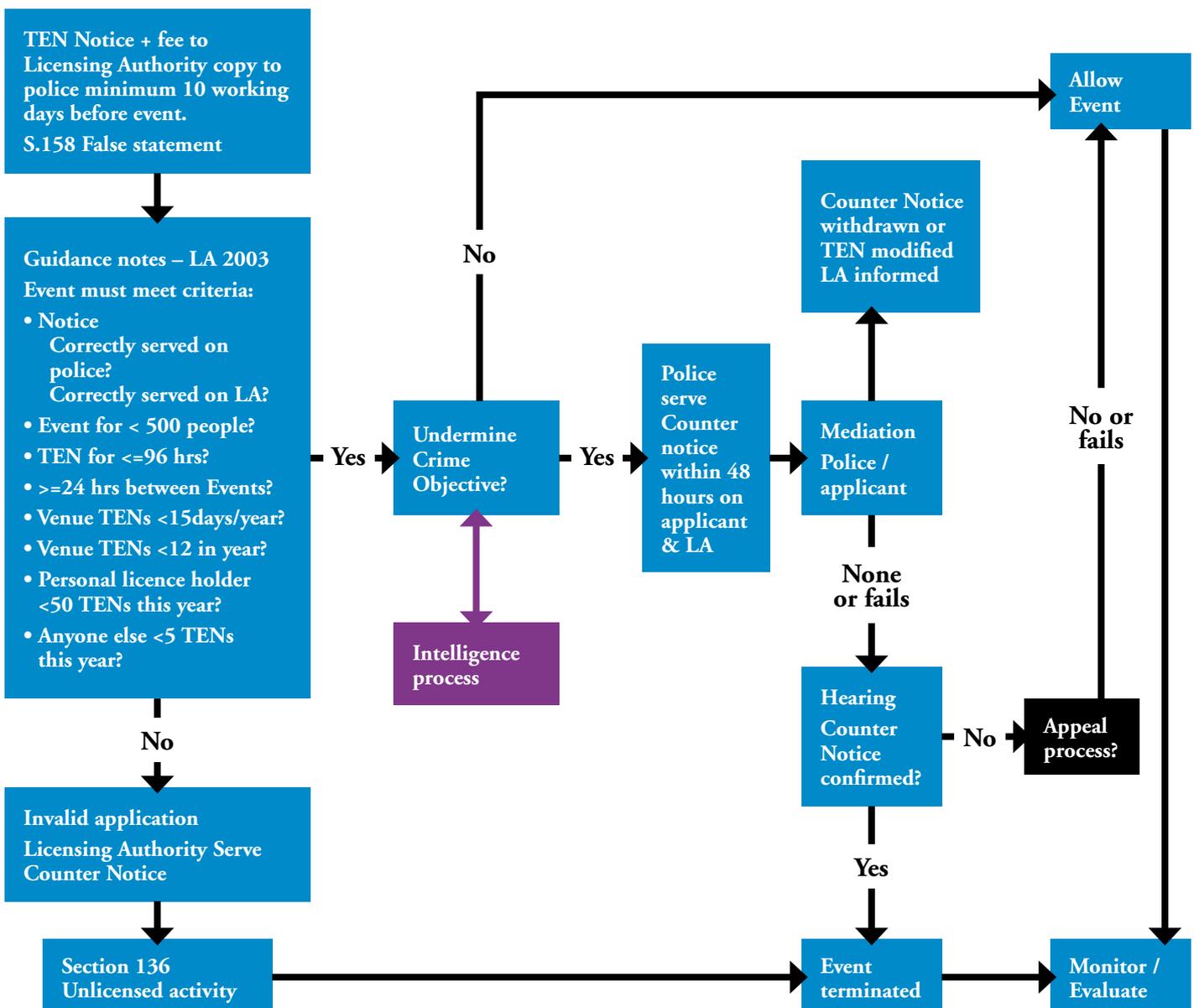
If hearing confirms Counter Notice then Event must be cancelled or applicant can be prosecuted although they can appeal up to five days before event to Magistrates Court.

Otherwise Police can appeal to Magistrates Court – all 24 hours before date of event.

No Counter Notice served before 24 hours of event means it will go ahead.

## APPLICATION PROCESS – TEMPORARY EVENT NOTICE ROUTE MAP

### START



May be requested by Responsible Authority, local business owner / rep or local individual / rep.

Ownership assigned to appropriate person who gathers evidence from group via intelligence process.

Owner analyses facts and selects appropriate options after liaising with planning group – change or add conditions, remove DPS, suspend or revoke licence.

Negotiation with licensee starts and continues up to hearing if no agreement reached.

If agreement reached then process stops provided problem remedied – monitor / evaluate.

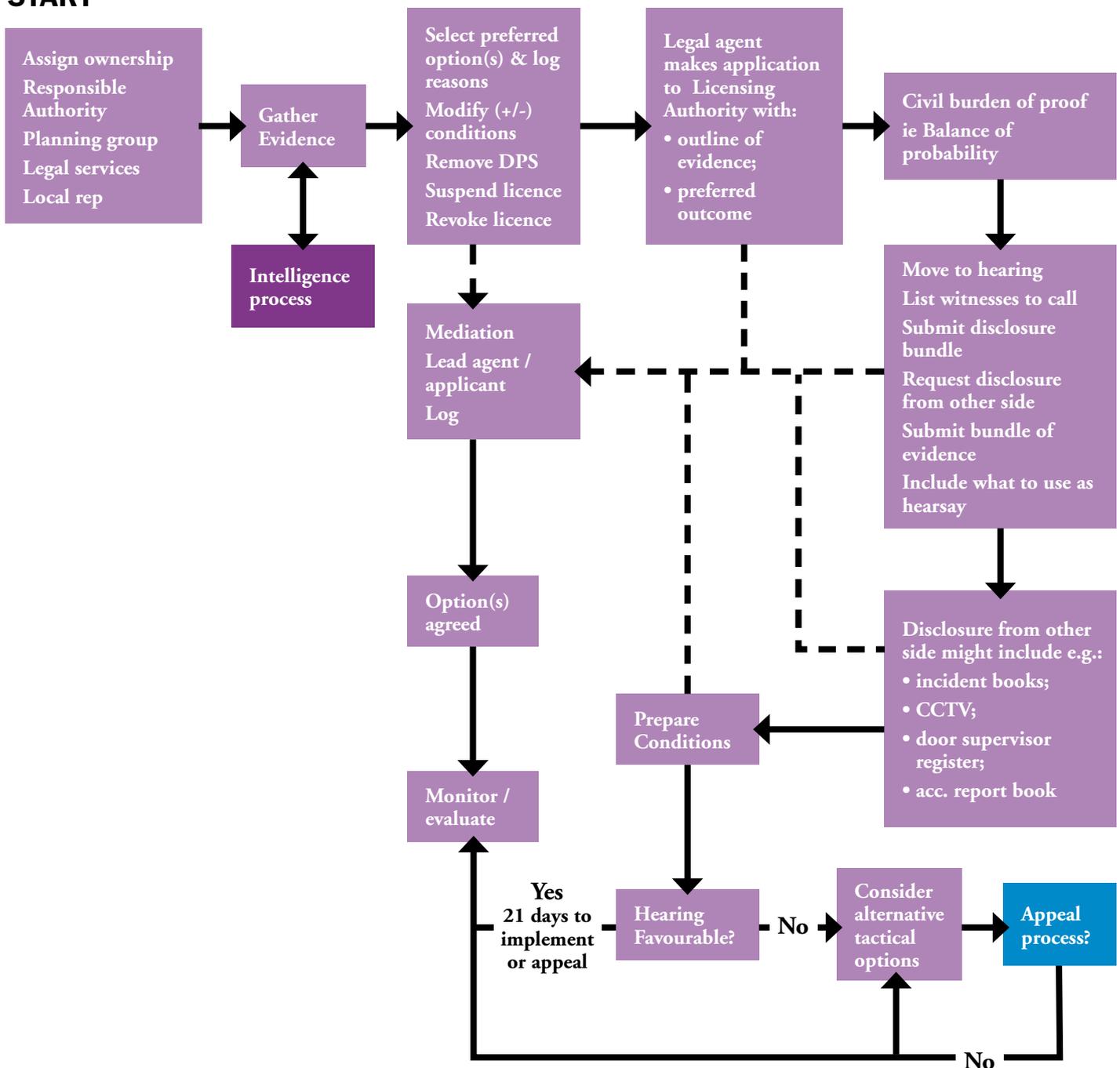
Otherwise hearing preparation continues with initial application outlining case and favoured outcome followed by pre-hearing procedures – exchange of information.

Defence disclosure used in preparing conditions required, or as alternatives should favoured option be declined by Licensing Authority.

If hearing goes against applicants then appeal can follow with alternative tactics considered.

**REVIEW PROCESS ROUTE MAP**

**START**



## APPEALS PROCESS

A reason is required to appeal – e.g. inconsistency, evidence not taken into account, legal issue.

Application must be within 21 days of being notified of Licensing Authority decision unless a Temporary Event where it is allowed up to five working days prior to event.

The evidence should already be available from the Licensing hearing and so would the reasons for not acceding to the application.

This and possibly evidence to refute applicants claims or new method of presenting are prepared for legal advice.

Did your Authority deal with the first presentation – if not you can ask to be joined at the first appeal hearing.

In the meantime gather any evidence you can add or challenge and be prepared to just act as a witness.

If legal advice suggests appeal likely to succeed then instruct solicitor to go ahead and make application.

Preliminary hearing to make application, for join, estimate time, set appeal date and arrange further disclosure.

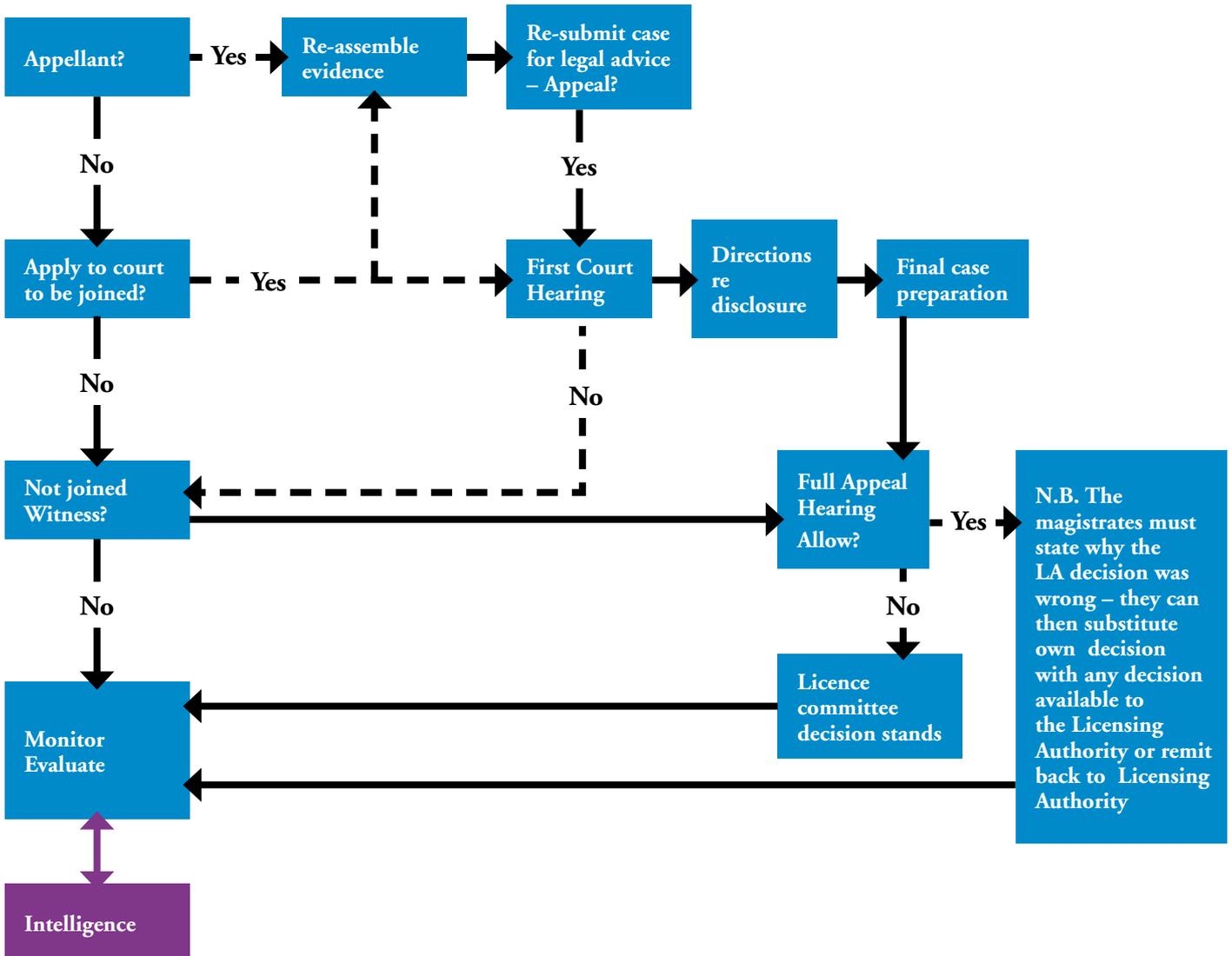
On an appeal against a decision of a Licensing Authority, a Magistrates' Court may:

- dismiss the appeal,
- substitute for the decision appealed against any other decision which could have been made by the Licensing Authority, or
- remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court, and
- make such order as to costs as it thinks fit.

The only course from here is a Judicial Review.

## APPEALS PROCESS ROUTE MAP

### START



### RESPONSIBLE AUTHORITIES

- Police
- Police authorities
- Local authorities
- Fire and Rescue authorities
- Local Health Boards (LHBs) in Wales, and
- Primary Care Trusts (PCTs) in England (PCTs were added on 30 April 2004)

### RESPONSIBLE AUTHORITIES ARE REQUIRED TO WORK IN CO-OPERATION WITH:

- Probation Board
- Parish Councils
- NHS Trusts
- NHS Foundation Trusts
- Governing bodies of schools
- Proprietors of independent schools
- Governing bodies of an institution within the Further Education sector
- Social landlords

### Secretary of State directs at least one representative be invited from:

- Drug Action Teams or the Drugs and Alcohol Teams
- Training and Enterprise Councils
- Voluntary Organisations – whose objectives are to provide assistance to young persons via youth work / informal education
- Crown Prosecution Service
- Crown Court Manager
- The Magistracy – special rules apply, see Appendix M
- Representative of Neighbourhood Watch Schemes
- Victim Support Scheme member
- Service Police
- Ministry of Defence Police
- Bodies providing school transport
- Bodies providing and operating public transport
- Passenger Transport Executives
- Passenger Transport Authorities
- Transport for London, where the local government area is a London Borough
- Bodies providing services to women, young, elderly, physically and mentally disabled, those of different racial groups, homosexuals and residents
- Bodies not falling within the above bullet, one of whose purposes is to reduce Crime and Disorder
- Bodies established for religious purposes
- A company or partnership which has a place of business within that area
- Bodies established to promote retail business
- Trade union
- Registered Medical practitioner providing general or personal medical services in that local government area
- Bodies representing medical practitioners
- Higher Education Governing body
- Chief Officer of the Fire Brigade
- British Transport Police
- The Environment Agency

## APPENDIX F PROSECUTION AND REVIEW GUIDANCE – PHASED APPROACH

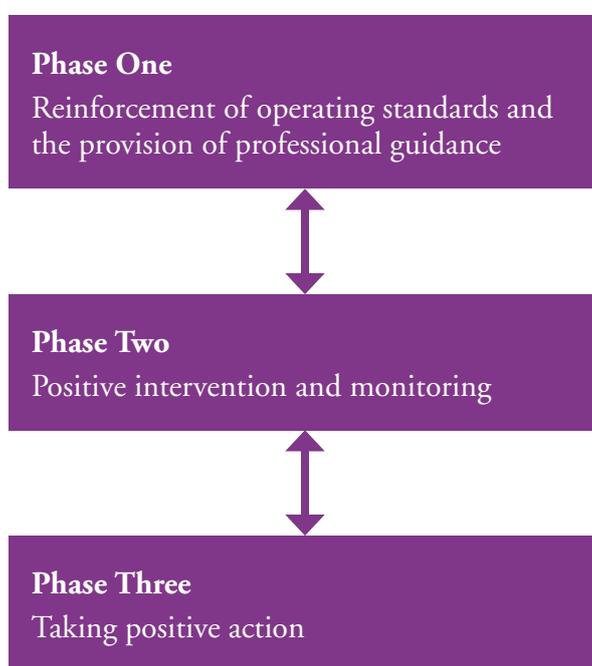
Courtesy of Greater Manchester Police

### OVERVIEW

In order to efficiently and effectively work with licensed premises within a Division / BCU, Licensing Officers should seek to adopt a positive relationship with individual Designated Premises Supervisors at both 'on and off' licensed premises (i.e. [Phase One](#)).

A suggested way to do this would be to invite new DPS applicants to an interview at the Police station. Furthermore, both new and existing premises owners and respective DPS could be invited to draw up a Statement of Intent / Operating Protocol, in order to reflect the basis for positive partnership working. Therefore, in event of a licensing related incident involving the Police, the Statement of Intent could be referred to in order to highlight agreed levels of co-operation / information sharing, and if this fails, even used as evidence in a subsequent prosecution or review.

In order to facilitate any subsequent intervention and legal action against a premises – i.e. [Phase Two](#) and [Phase Three](#) – it is suggested that any subsequent police contact with a premise DPS or owner should be systematically recorded.



Ultimately, it is the responsibility of a Divisional / BCU Licensing Officer to adopt the most suitable method to manage licensed premises / persons in a Division / BCU:

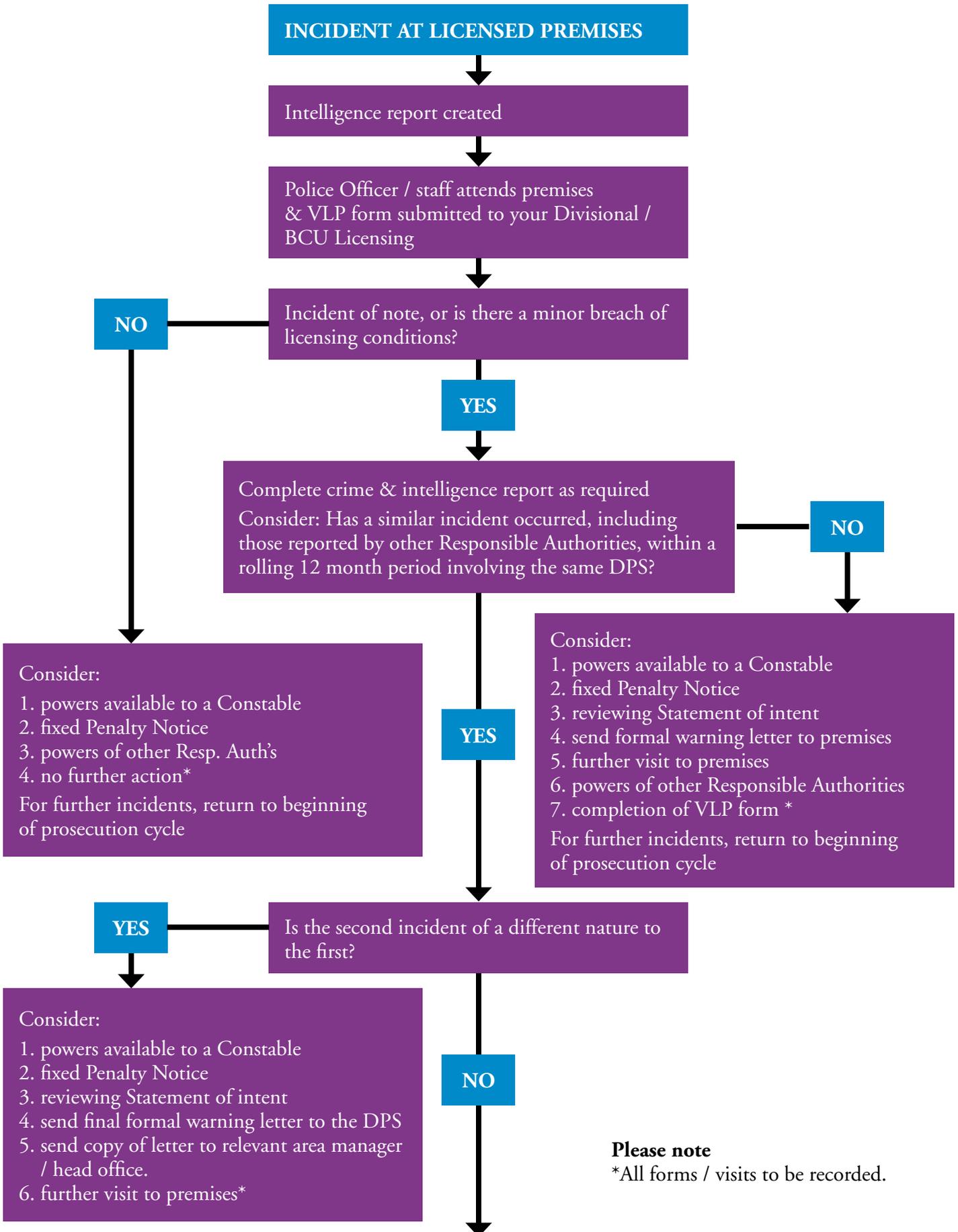
*'I am keen to stress the importance of Local Management making decisions as they best know their area. The key bit for me is ensuring that we are making use of all of our powers to make an impact. There are clear links between alcohol and assaults (as well as other anti-social behaviour) and given that there is a requirement for us to reduce assaults, it makes perfect sense to target problem premises and problem people using all of our powers.'*

*The reality is that this can be done by any cop, whether in a specialist role or as a part of a normal team. The key issue is one of focus and if the (Division / BCU) Senior Management Team make an issue of it, it will get done. If they do not make an issue of it or it is not seen as being important, then the work does not get done. That is the reality.*

*As such, my position is that these powers are important powers that can be used to make a real difference. As the lead on licensing, all I ask is that Senior Management Teams across the country take it seriously, recognise the opportunities and have some focus on it.'*

*Chris Allison, former ACPO Lead on Licensing, Deputy Assistant Commissioner, Metropolitan Police.*

The first phase of the prosecution policy is concerned with reinforcement of operating standards and the provision of professional guidance. This phase is enacted following a response to an incident or a minor breach of licensing conditions discovered during a visit to licensed premises (VLP).

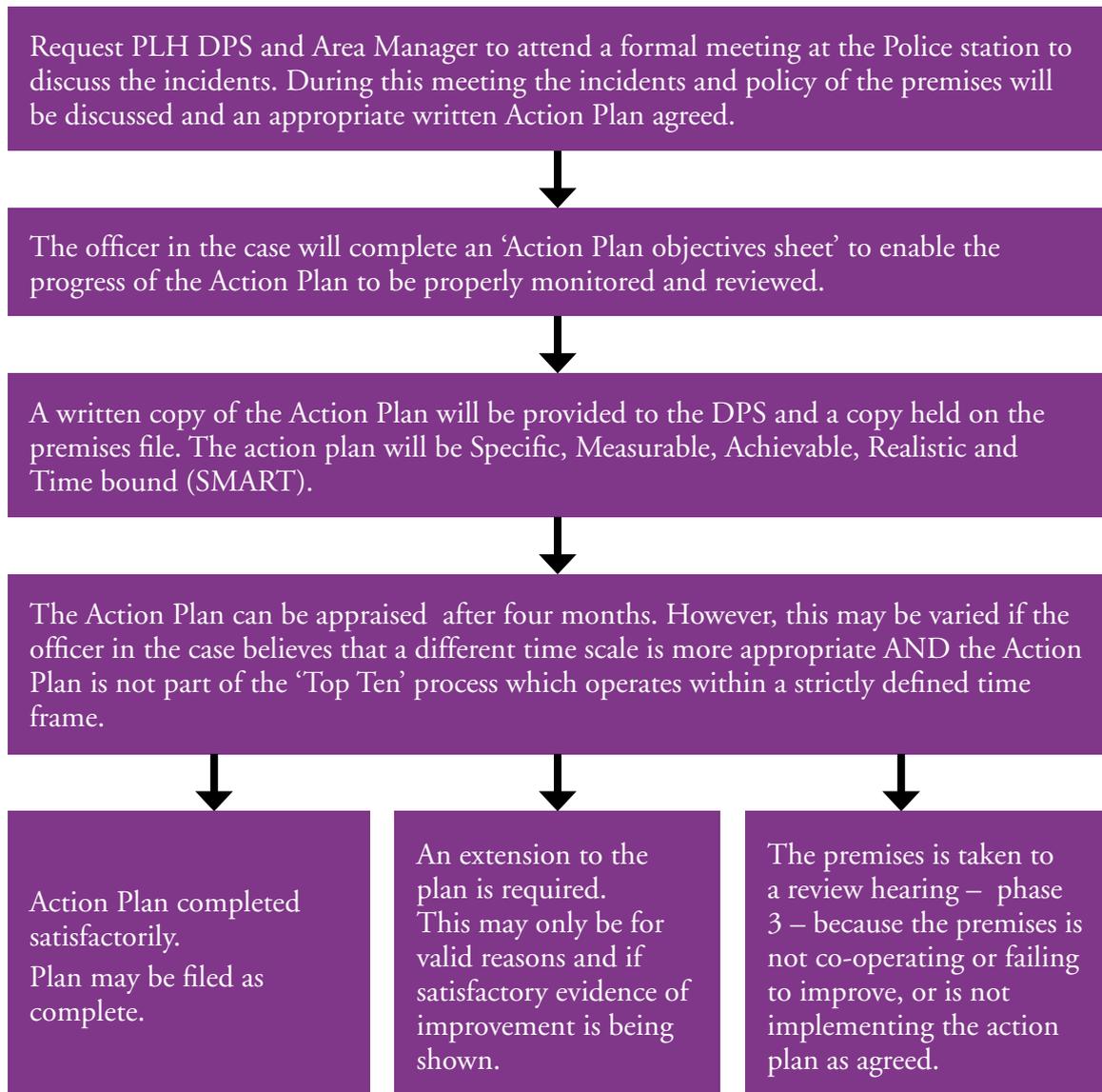


**Please note**  
\*All forms / visits to be recorded.

**MOVE TO PHASE 2 OF THE PROSECUTION POLICY – ACTION PLANNING**

**Requirements: appearance in ‘Top Ten’ list, more serious incident, repeat of same type of incidents / breaches of licensing conditions within 12 months or several incidents / breaches of conditions of different types). NB Go straight to Review process if you consider incident serious enough.**

The second phase of the prosecutions and review policy is concerned with positive intervention and monitoring which is achieved through the drawing up of a voluntary written Action Plan. This will be undertaken in the following way:



**Points to note:**

If at any stage in Phase Two:

- the premises does not fully co-operate, or
- if an incident or series of incidents are considered so serious that the competency or desirability of that individual in acting as a DPS is called into question,

then a review of the premises licence should be considered to enable the imposition of mandatory conditions.

**Requirements: Failure to improve after action planning, failure to co-operate with action planning process, serious incident, serious series of incidents or crimes.**

The third phase of the prosecutions and review policy is concerned with taking positive action against a premises or DPS with the aim of:

- closing the premises completely,
- ensuring the imposition of mandatory operating conditions and / or
- removal of the DPS and / or
- exposing DPS to criminal proceedings.

### **Prosecution of DPS**

The prosecution of the DPS should be considered if;

- The DPS has been issued with:
  - a formal warning, and
  - a final (second) formal warningfor two separate incidents within a 12 month period, and then a third incident occurs.
- If the DPS has been placed under an action plan after two incidents of a similar nature within a 12 month period and then a third incident occurs.
- If an incident or series of incidents are considered so serious that the competency or desirability of that individual in acting as a DPS is called into question.
- The DPS commits an offence, which is more than a minor breach of a licensing condition. For example, selling alcohol to an underage customer.

If a DPS is convicted of a relevant criminal offence or otherwise dealt with in any of the circumstances above, then it may be necessary to apply for a formal review hearing (see below) in order to have the DPS removed from the licence (if this is considered appropriate), and the DPS does not leave voluntarily, or is not replaced by the owning company.

### **Review of Premises Licence**

Before applying for a review, you should consider whether the concerns of the DPS / owner of a problematic premises could be effectively dealt with at [Phase Two](#), i.e. outside of the formal review process.

A Responsible Authority or interested party may apply for a review of a licence, or certificate that is in force. Either the Police, or another appropriate responsible body may be approached by members of the public, or other interested parties to apply for a review on their behalf. A Licensing Authority may reject the application for review if it is satisfied that the grounds for review are not relevant to one or more of the licensing objectives:

The Licensing Authority can reject any ground for review if it considers it to be frivolous, vexatious or a repetition. The review process is not intended to be used simply as a second bite of the cherry following the failure of representations to persuade the Licensing Authority on earlier occasions. It is for licensing authorities themselves to judge what should be regarded as a “reasonable interval” in these circumstances.

However, the Secretary of State suggests that more than one review from an interested party should not be permitted within a period of 12 months on similar grounds, save in compelling circumstances (e.g. where new problems have arisen) or where it arises following a Closure Order. The applicant will not be able to discuss the application with you outside the formal hearing, so it is suggested that you do not approach them to try to.

### **Applying for a Review**

In the first instance, it is strongly recommended you contact your Divisional / BCU Licensing Officer and / or your respective Legal (licensing) Services contact.

As a guideline the following documents should be considered for inclusion in a review file:

- Evidence from other sources – residents, businesses operating in the vicinity of the premises, or other “Responsible Authorities”. (MG11, video, audio, or other evidence).
- History of previous representations – look at your Licensing Authority’s official records about the premises, kept in their ‘licensing register’. This will show you if other people have made representations, or asked for a review of a premises in the past.
- A summary of events – leading up to decision to impose review. (MG5)
- Current and historic Premises Licence(s) – relevant to the premise.  
This may help to highlight a pattern of poor management / change of DPS; and should be found on the relevant premises record in the licensing database, although a copy will be available from your Local Licensing Authority.
- Licensing History – this should be found on the relevant premises record in the licensing database, although your Divisional / BCU Licensing Function / Officer, may hold a separate file on the premises.

You may also wish to consider contacting your Local Licensing Authority for a copy of their incident report.

- Breakdown of Incidents – this should be found on the relevant premises record in the licensing database, although your Divisional/BCU Licensing Function / Officer, may hold a separate file on the premises. Additionally, consider contacting your OPU in order to assist you.
- Minutes of meetings with management – when conducting meetings with the management of a licensed premises, this should ideally take place in a police station, with an agenda, questions and answers and an agreed course of action. This should be ideally signed by the DPS / premises manager(s), and minuted where possible.
- Premises comparison chart – a comparison of incidents of licensed premises in the surrounding area may prove useful to place the review into a local context. Your Divisional / BCU crime analyst will be able to assist in this process, and they should consider a strategic analysis of the database to correlate information with local partners.
- Closure orders – if you have completed a Closure Order it must be referred to within a chronological order of events in order to highlight a co-ordinated and considered approach. This section will also include the ‘Determination of Magistrates’, and consequent conditions / variations imposed pending the Review.
- Media articles – contact your Divisional/BCU media relations officer. They may be able to help you access pertinent archived material.

An application for the review of a premises licence or club premises certificate must be given in writing on a form requesting a Licensing Committee Review. (The format of the form may vary with respective Local Authorities).

Points to note:

- Remember that there is no limit to the conditions that can be imposed and it is often preferable to have a premises continuing to trade under stringent operating conditions than to have a licence revoked and have a new premises open with a ‘clean slate’.
- The objectives in taking a premises to a review hearing should be considered very carefully in the application. The key is to have clear objectives and to be as specific as possible.

### **What happens next?**

The Licensing Authority must advertise requests for a review of a licence or certificate. They will do this by displaying a notice at the premises that is subject to review, and at the Licensing Authority offices, for 28 consecutive days starting the day after the day on which the application is given to them. The Licensing Authority may also advertise the review on their website.

Other interested parties and Responsible Authorities then have this period of 28 consecutive days, starting the day after the day on which the application was given, to make representations about the review.

If the request for a review is not rejected then the Licensing Authority must hold a hearing at the Licensing Authority to consider the application, unless all parties agree that this is unnecessary.

(For example, the Licensing Authority may offer to try to resolve matters via a negotiated agreement outside a formal hearing. You will need to decide if this is appropriate for you but you can, of course, insist upon the hearing.)

The Licensing Authority will write to you with the date and time of the hearing and will inform you of the procedure to be followed at the hearing. As the person or body requesting the review, you are required to give notice to the Licensing Authority at least five working days before the start of the hearing, stating:

- whether you will attend the hearing in person
- whether you will be represented by someone else, e.g. Legal (Licensing) Services
- whether you think that a hearing is unnecessary (if, for example you have come to an agreement before the formal hearing)
- any request for another person to attend the hearing, including how they may be able to assist the authority in relation to the application.
- you must let the Licensing Authority know as soon as possible (by written notice no later than 24 hours before the start of a hearing, or orally at the hearing) if you want to withdraw your application.

### **The Review Hearing**

Hearings will generally be held in public, unless the Licensing Authority decides it is in the public interest to hold all, or part of the hearing in private. The Licensing Authority shall ensure that a record is taken of the hearing.

Hearings will normally take the form of a discussion and will be led by the Licensing Authority, which will consist of three Local Authority elected councillors (this will be the licensing sub-committee drawn from a full licensing committee of 10-15 councillors). The Licensing Authority will explain the procedure to be followed.

It will determine any request for additional persons to appear at the hearing. It will consider evidence produced in support before the hearing and can consider evidence produced by a party at the hearing, but only if all parties agree. Further evidence can also be produced if this was sought for clarification of an issue by the authority before the hearing. Cross-examination of another party during a hearing is not allowed, unless the Licensing Authority thinks it necessary.

The parties are entitled to address the authority and will be allowed equal time to address the authority and, if they have been given permission by the authority to do so, they will be given equal time to ask any questions of any other party. The authority will disregard any information it considers to be irrelevant.

It is important that you consider what you are going to say at the hearing, as the licence or certificate holder and the committee will have seen your application for review, and may get the chance to question what you are saying.

NB – A hearing can still go ahead in the absence of any party (e.g. applicant or interested party).

### **What happens after a hearing?**

If no decision is made at the hearing, the committee has a maximum of five days from the day or the last day of the hearing to come to a decision. Following a review, a Licensing Authority may:

- decide that no action is necessary to promote the licensing objectives
- modify or add conditions to the licence
- exclude a licensable activity from the licence
- remove the designated premises supervisor
- suspend the licence for a period (not exceeding 3 months)
- revoke the licence

All parties have a right to appeal.

## APPENDIX G SUMMARY OF POWERS THAT A CONSTABLE MIGHT USE

Courtesy of Greater Manchester Police

### Licensing Act 2003

#### SECTION

57(5)	Power to require production of Licence.
59(2)	Power to enter premises at any reasonable time to determine a relevant application and Sec 59(4) power to use reasonable force.
94(7)	Power to require production of club premises certificate.
97(1)	Power to enter and search Club Premises where an offence is reasonably believed to be being committed under: Misuse of Drugs Act 1971 (Supply / Offering / Concerned with supply, 97(2) may use reasonable force.
109(5)	Power to require production of Temporary Event Notice.
135(2)	Power to demand production of Personal licence / Temporary Event Notice.
136	Unauthorised un-licensable activities.
143(4)(a)	Request for Constable to ASSIST a Licensed premises to expel a person who is drunk or disorderly or to assist in preventing entry of such person.
160	Closure Order (Supt) – intelligence based information.
161	Closure Order (Insp) – spontaneous, disorder on or in vicinity in interest of public safety, noise to prevent nuisance.
169A(1)	Closure Order (Supt) – offence under section 147A, realistic prospect of conviction, and offender is, at the time the notice, holder / joint holder of the premises licence.
179(1)	Power of entry to determine premises use for licensable activity and may use force (3).
180	Right to investigate offences, may enter and search any premises in respect of which he has reason to believe that an offence under the Act has been, is being or about to be committed and may use reasonable force.

### Criminal Justice & Police Act 2001

#### SECTION

12	Alcohol consumption in designated public places – power to require non-consumption of alcohol and seizure of intoxicating liquor.
19	Closure Notice (LA & POLICE) (Con) Breach of Conditions or unlicensed activities within last 24 hours.

### Violent Crime & Disorder Act 2006

#### SECTION

s.27	Require an individual to leave a public locality for a period of up to 48 hours.
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## APPENDIX H FPNS THAT A CONSTABLE / PCSO MAY ISSUE

Courtesy of Greater Manchester Police

	OFFENCE(S)	LEGISLATION	MAX PENALTY	RECORDABLE NOTIFIABLE	GUIDANCE NOTES
<b>£80 Upper tier offences – Penalty notices for disorder (licensing related)</b>					
1+	Disorderly behaviour whilst drunk in public.	s91 Criminal Justice Act 1967	Level 3 (£1,000)	Recordable	Accredited persons may not issue. In most cases arrest will be necessary.
2+	Sale of alcohol to a person under 18 (anywhere, not just in licensed premises).	s146(1) & (3) Licensing Act 2003 (c17)	Level 3 (£1,000)	NA	Applies to staff only. DPS / premises managers should be subject of a summons to ensure licensing considerations are addressed.
3+	Purchase of alcohol by a person under 18.	s149(1) Licensing Act 2003 (c17)	Level 3 (£1,000)	Recordable	
4+	Purchase or attempting to purchase alcohol on behalf of a person under 18.	s149(3) & (4) Licensing Act 2003 (c17)	Level 3 (£1,000)	Recordable	Includes licensed premises and off licenses.
5+	Consumption of alcohol by persons under 18 or allowing such consumption.	s150(1) & (2) Licensing Act 2003 (c17)	Level 3 (£1,000) For Allowing Level 5 £5,000	Recordable	
6+	Delivery of alcohol to a person under 18 or allowing such delivery.		s151 Licensing Act 2003 (c17)	Level 3 (£1,000)	Recordable.
7+	Selling or allowing alcohol to be sold to a drunken person on licensed premises, premises with club premise certificates and temporary activity premises.	s141 Licensing Act 2003 (c17)	Level 3 (£1,000)	Recordable	Does not include off-licenses.
8+	Obtaining alcohol for a person who is drunk.	s142 Licensing Act 2003 (c17)	Level 3 (£1,000)		
<b>£50 Lower tier offences – Penalty notice for disorder (licensing related)</b>					
9+	Being drunk in a highway, other public place or licensed premises.	s12 Licensing Act 1872	Level 1 (£200)	N/A	Accredited persons may not issue. In most cases arrest and / or medial treatment may be necessary.
10	Consuming alcohol in a designated public place, contrary to requirement by Constable not to do so.	s12 Criminal Justice and Police Act 2001	Level 2 (£500)	Recordable	A power of confiscation now applies to both opened and unopened drinking vessels.
11	Consumption of alcohol by a person under 18 in a bar (1), or allowing this	(2).	s169E(1) and s169E(2) Licensing Act 1964	Level 3 (£1,000)	N/A
12+	Leaving / depositing litter.	s87(1) and (5) of the Environmental Protection Act 1990 Level 4	(£2,500) 6 months	N/A	Particularly relevant to the smoking ban and subsequent litter deposited outside licensed premises.

+ Indicates PCSOs can issue an FPN for this offence

## APPENDIX I CLOSURE PROCEDURES

Courtesy of Greater Manchester Police

### CONSTABLE OR LOCAL AUTHORITY OFFICER (WITH EXAMPLES) CLOSURE NOTICE

#### Criminal Justice & Police Act 2001 – S 19

Sale without or in contravention of an authorisation (licence and conditions).

A closure notice shall be served by a Constable or the Local Authority on a person who:

- (a) derives or seeks to derive profit from the carrying on of the activities;
- (b) manages the activities;
- (c) employs any person to manage the activities; or
- (d) is involved in the conduct of the activities.

And may be served on any or all of them.

Points to note:

- voluntary co-operation should be sought in all circumstances
- a Section 19 Closure Notice does not give the Police any powers to clear the premises of patrons, therefore persons consuming alcohol may remain on the premises
- if a notice has been issued and subsequently rectified, a Termination Notice must be served (7)
- all instances must be recorded and reported to your Divisional / BCU Licensing contact, and Legal (Licensing) Services department
- if a person does not comply with the closure notice – see Closure Order below.

#### **Examples:**

You come across an unlicensed charity shop displaying / selling donated wine. One would expect this to stop on request and if so record. An offence of selling by any unlicensed premises is usually terminated by reporting for the offence and seizure of evidence, however if repeated – S.19 closure notice.

Premises have authorisation for licensable activity of sale of alcohol by retail and a condition of the licence is that:

- after 22:00 they must employ four SIA door staff. You visit at 22:30, alcohol is being sold but only two SIA door staff are on duty. You request DPS / Manager to rectify as soon as possible; if they do, point out breach and record; if they DO NOT – Sec 19 Closure Notice.
- it must have CCTV installed and comply with the criteria set. You visit and find NO CCTV installed or it is failing to meet the criteria set. You request DP S/ manager to rectify as soon as possible; if they do, point out breach and record; if they don't or can't arrange – Sec 19 Closure Notice.
- a Personal Licence Holder must be on duty at all times after 21:00. You visit after 21:00 and discover no Personal Licence Holder is on duty. The person in charge is requested to rectify as soon as possible; if they do not – Sec 19 Closure Notice.

## CONSTABLE OR LOCAL AUTHORITY OFFICER (WITH EXAMPLES) CLOSURE ORDER

### Criminal Justice and Police Act 2001 S 20-21

#### **Application to Magistrates Court**

A Closure Order may be applied for by a Constable or local Licensing Authority by way of complaint not less than seven days, and not more than six months, after the date on which the closure notice was served.

#### **S 22 – Constable – Termination of closure order**

A Constable or Local Authority can issue a certificate that states that the need for a closure order has ceased. Once the certificate has been issued the closure order under S 21 ceases to have effect.

A copy of the certificate should be served as soon as possible on:

- the person who originally received the Closure Order,
- on the Chief Executive of the relevant court, and
- on any other person who requests it.

A copy of the certificate should also be affixed in a conspicuous position on the relevant premises.

Point to note:

Wherever possible, you should inform your Legal (licensing) Services contact prior to issuing a S 20 notice.

#### **S 25 – Closure Enforcement Powers**

Police Constables and Authorised Officers from the Local Authority have the power to enter premises at 'any reasonable time', and do anything reasonably necessary to secure compliance with the closure order (for example, to board up the premises).

## SUPERINTENDENT CLOSURE NOTICE

### Licensing Act 2003 S 160

The closure ordered by the court may be for a period not exceeding twenty-four (24) hours, and must be specified in the order.

The application is a civil procedure, and only a Police Officer of the rank of Superintendent or above, is allowed to make such a request. The standard of proof is on the balance of probabilities and the court must be satisfied that such an order is necessary to prevent disorder. The persons to whom an order may be served:

- any manager of the premises;
- in the case of licensed premises,  
the holder of the premises licence; and  
the designated supervisor of the premises; and
- in the case of premises in respect of which a temporary event notice has effect,  
the premises user in relation to that notice  
(S 160(4-6)).

Points to note:

- “Manager”, in relation to any premises, means a person who works at the premises in a capacity, whether paid or unpaid, which authorises him to close the premises.
- A Constable may use such force as may be necessary for the purpose of closing premises under this order. Likely to be used with large scale sporting events, or political rallies where rival groups are likely to clash.
- Contact should be made with the Legal (licensing) Services team when such an order is considered.

## GUIDANCE INSPECTOR CLOSURE ORDER

### Section 161 Licensing Act 2003

Spontaneous or Imminent Disorder

#### **Guidance for closure of premises for use by Inspectors**

Consider evidence provided by officers in relation to the premises and events which have occurred throughout the night / day. This order should also take into account the conduct of the licence holder/ manager including whether:

- they have acted promptly responsibly and correctly to attempt to maintain order
- they have control of the premises?
- they have provoked or caused the problems
- they are co-operative
- they agree to close the premises by virtue of stopping the sale of alcohol or ceasing of any licensable activity
- this latest incident is part of a series of similar events at their premises
- the Manager / DPS has been previously warned to take remedial action and failed to do so.

The need to issue a Closure Order will usually arise where there has been a failure to comply with these duties.

For the Inspector to issue a closure order under S161 they must reasonably believe:

- There is, or is likely to be, disorder on or in the vicinity of and related to, the premises and their closure is in the interests of public safety.

OR

- A public nuisance is being caused by noise coming from the premises and the closure of the premises is necessary to prevent that nuisance.

Voluntary closure of the premises should be suggested to the manager / DPS in the first instance, but if it is believed that the order should be issued, then do so but make full and detailed notes for your reasoning in your pocket notebook so that you can explain to the court your thinking for the action taken. [See Appendix K.](#)

The closure order will last for up to 24 hours. If for any unavoidable reason, the earliest court appearance is in excess of the 24hr period, (i.e. due to unavailability of court over the weekend or Bank Holidays), an Inspector may re-issue a further closure notice if there are reasonable grounds to indicate the initial grounds, or other contributory factors require the premises to remain closed. Make sure you appraise the next Inspector to issue an extension to the closure order so that it remains closed until a Magistrates Court hearing is arranged otherwise the premises can re-open.

If you issue a closure order contact your Divisional / BCU licensing officer and be ready to attend court the following day or if a weekend on the Monday / Tuesday to give evidence. Consider preparing a statement in conjunction with your notebook entry if possible. The Magistrates / Licensing Authority will consider the evidence given from the notebook as carrying significant weight being completed on the night. See notebook and statement example at Appendix.

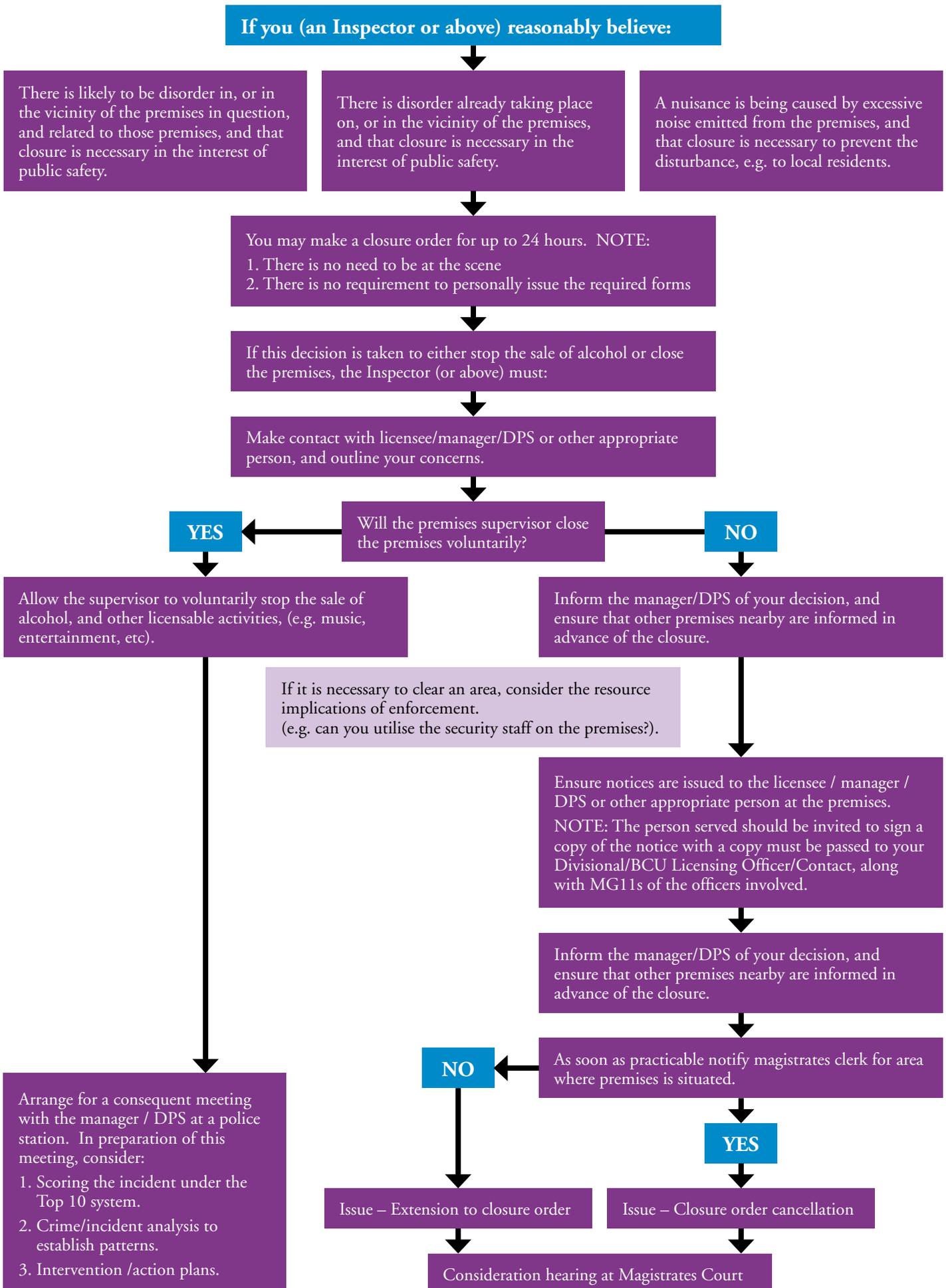
**IT IS STRONGLY RECOMMENDED THAT YOU READ THE POLICE POWERS TO CLOSE PREMISES UNDER THE LICENSING ACT 2003 BEFORE ATTENDING THE COURT HEARING. THE LICENSED PREMISES REPRESENTATIVE MAY ASK QUESTIONS IN RELATION TO THIS.**

Points to note:

- Section 140 – any person who works in the licensed premises in a capacity (paid or not), which authorises them to prevent the conduct, commits an offence if they knowingly allow disorderly conduct on the premises.
- Note that use of a closure order must not be used as tool for punishment.
- The closure order, once served, takes immediate effect.
- There is no power to actually close the premises however all licensable activities and any other goods or services normally supplied or provided must cease or an offence is committed under S 161(6) and (7).
- Best practice – end the order at the end of the current licensing period to act in a proportionate manner.
- Section 143 – there is a duty to assist the management to clear the premises if they so request.

## FLOW CHART INSPECTOR – CLOSURE ORDER

### Licensing Act 2003 S 161 Initial actions and considerations



## EVIDENCE AND COURT PROCEDURE

Prior to engaging the court procedure, the issuing officer must ask themselves two key questions:

- 1) 'Can I satisfy a Court that it was necessary to close these premises in the interest of public safety?'
- 2) 'Is it still necessary for the premises to remain closed?'

If the answer is yes, you must:

- contact your local Magistrates Court to arrange a suitable hearing
- inform the DPS/ premises manager / licence holder of the details to ensure their attendance
- notify your local Licensing Authority that:
  - a closure order has come into force,
  - of the contents of the order and of any extension of it, and
  - of the application to the Magistrates Court.

Best practice follows that the officer authorising the Closure Notice is expected to attend the hearing in person to present evidence of their decision. (See [Appendix K](#) for examples).

Consequently the officer should be responsible for creating an evidential file including their own supporting statement, including any recommendations they would wish the Magistrates to make on the premises in question, e.g. the addition or restriction of specific licence conditions, or even a full premises Closure Order for up to three months.

Where other key Police Officers /staff have witnessed key events surrounding the closure, and where practicable, there is an expectation that they will also be required to attend the court hearing and provide subsequent evidential statements.

NOTE: It is recognised that in some circumstances, comprehensive written statements may not be a realistic proposition given the short time period between the closure order and a subsequent court appearance, therefore Pocket Note Book entries should be accurate and detailed to assist oral evidence. A signed copy of the closure notice by the DPS / premises manager / licence holder should also be secured where possible and included within the evidential file.

The Magistrates will consider the order at the hearing, and may revoke the Police order, extend it or make any other order they think fit in relation to those premises. The matter will then be remitted to the Licensing Authority for a Review.

### **Examples of the type of evidence required:**

- contributory conduct of the license holder/ manager / DPS
- drunken persons consuming or purchasing drinks
- a number of assaults or fights inside or outside the premises
- intelligence of impending violence
- history of premises or type of event
- atmosphere inside and outside the premises
- intelligence in relation to customers e.g. football nominals

Officers should use their experience to paint a full picture of the circumstances.

Points to note:

- Even if you do not consider you have enough evidence for a continued closure, continue to document evidence relating the problematic premises for consideration of a review of the licence itself.
- Do not hesitate to contact your Divisional / BCU Legal (licensing) Services department contact, for further assistance.

## REVIEW OF PREMISES LICENCE FOLLOWING CLOSURE

Where a Licensing Authority has received notice from a Magistrate Court in respect of a Closure Order having effect in relation to premises, it must review any premises licence having effect in respect of those premises. The authority must reach a determination on the review no later than 28 days after the day on which it receives the notice. The Review hearing must take place within ten days of the Local Authority receiving notification.

The relevant Licensing Authority must:

- give, to the holder of the premises licence and each Responsible Authority, notice of the review, the closure order and any extension of it, and any order made in relation to it by the court.
- advertise the review and invite representations within set time limits.
- hold a hearing to consider the matter and any relevant representations
- Take such of the steps as a result of the hearing as it considers necessary for the promotion of the licensing objectives which may include:
  - a) to modify the conditions of the premises licence,
  - b) to exclude a licensable activity from the scope of the licence,
  - c) to remove the DPS from the licence,
  - d) to suspend the licence for a period not exceeding three months, or
  - e) to revoke the licence.

Where the authority within subsection (a) or (b), it may provide that the modification or exclusion is to have effect only for a specified period (not exceeding three months).

Where a Licensing Authority fully determines a review under this section it must notify the determination and its reasons to the holder of the licence, any person who made relevant representations, and the Chief Officer of Police in which the premises are situated.

Section 168 makes provision for premises subjected to a closure order under section 161 to remain closed during any appeal against the Licensing Authority's decision to revoke the premises licence (although the licence would remain in force). Under Schedule 5 a Magistrates' Court may order the re-opening of the premises pending the appeal.

**CLOSURE ORDER**  
SECTION 161 OF THE LICENSING ACT 2003

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

Police Force: \_\_\_\_\_

Inspector or above making the order:

Name: \_\_\_\_\_

Rank: \_\_\_\_\_ PIN: \_\_\_\_\_

Premises to be closed:

Name: \_\_\_\_\_

Location: \_\_\_\_\_

This closure order is immediately effective and has been made as there are reasonable grounds to suspect that there is, or is likely imminently to be, disorder occurring at or in the vicinity of the premises or to prevent further public nuisance caused by noise.

This notice must be accompanied by guidance notes for DPS / Managers in order to be effective.

Period of closure Date: \_\_\_\_\_ Time: \_\_\_\_\_

Reason (grounds) for Closure: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Attention is drawn to the attached Notes which form part of this order.*

Person to whom notice of the order has been given:

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Signature of Person to whom notice of the order has been given:

\_\_\_\_\_

Served Date: \_\_\_\_\_ Time: \_\_\_\_\_

Signature of officer serving notice: \_\_\_\_\_

Name: \_\_\_\_\_ Rank: \_\_\_\_\_

## **Licensed Premises Closure Orders Guidance Notes for DPS / Managers**

Notes to be served with specimen closure order

A senior Police Officer has decided to make this closure order under the terms of section 161 of the Licensing Act 2003, requiring the relevant premises specified in the order to be closed for the period of time specified in the order.

Your attention is drawn to section 161(6) of the 2003 Act. This makes it an offence for a person, without reasonable excuse, to permit relevant premises to be open in contravention of this Order or any extension of it, and any person found guilty of such an offence shall be liable to a fine not exceeding £20,000 or to imprisonment for a term not exceeding three months or to both.

By virtue of section 171(2) and (3) of the 2003 Act, relevant premises are to be regarded as open, for the purposes of this order, if any person other than the holder of the premises licence for the premises, any designated premises supervisor, the premises user in connection with a temporary event notice, a manager of the premises, any person who usually lives at the premises or any member of the family of any of the former, enters the premises and buys, or is otherwise supplied with food or drink or any item usually sold on the premises or, while he is on the premises, they are used for the provision of regulated entertainment.

### **Section 162 - 168 of the Licensing Act 2003**

This part of the closure order now explains the effects of sections 162 - 168 of the 2003 Act as required by section 161(4)(6) of the Act.

The senior Police Officer who made the closure order is under a statutory duty to apply to the magistrates' court for it to consider the order or any extension of it, as soon as reasonably practicable after it comes into force.

The magistrates' court must consider the closure order made by a senior Police Officer as soon as practicable after receiving the application, by holding a hearing and deciding whether to exercise its powers under section 165 of the 2003 Act.

Under the law on human rights, you are entitled to attend the hearing, to be legally represented, and to make representations to the court before any decision is taken. The chief executive to the magistrates' court will be able to advise you about the details of the procedures which apply in your area.

A discretion is provided for the magistrates to make the order and any extension of it, if it is still in force; or to order that the premises remain closed or be closed until a review of the licence has taken place, or to order that the premises remain closed until a review of the licence has taken place but subject to such exceptions or conditions that they may specify. The last of these powers would enable the court to allow premises to remain open but subject to such new term and conditions which they may decide to impose.

When deciding whether the premises should be allowed to re-open or remain closed, the court must consider whether closure of the premises is necessary in the interests of public safety to prevent disorder or likely disorder (where the closure order was made for this reason) or to prevent further public nuisance caused by noise (where the closure order was made for this reason).

It is an offence for any person who fails to comply with or does an act in contravention of any order made by the magistrates in relation to the premises in these proceedings, and provides for an offender on conviction to be liable to a fine not exceeding £20,000 or to three months imprisonment or to both.

Where, for whatever reason, the courts are unable to consider a closure order before it expires, the senior Police Officer concerned may extend the order for up to another period of 24 hours if certain circumstances obtain. These are that the officer reasonably believes that the closure of the premises continues to be necessary in the interests of public safety to prevent disorder, or likely disorder or to prevent further public nuisance caused by noise. Such extensions can be made on an indefinite number of occasions.

The senior Police Officer is required to give notice to the holder of the premises licence for the premises, or any designated premises supervisor, or the premises user in connection with a temporary event notice, or a manager of the premises of such extensions of the closure order.

The senior Police Officer may cancel the closure order or any extension of it at any time after it has been issued, but before it has been considered by the court. In this case, the court must still consider the closure order originally served, and the Licensing Authority will still be obliged to review the premises licence.

The senior Police Officer is required to cancel the order if they reasonably believe that closure of the premises is no longer necessary in the interests of public safety to prevent disorder or to prevent further public nuisance; and to notify the holder of the premises licence for the premises, or any designated premises supervisor, or the premises user in connection with a temporary event notice, or a manager of the premises when they decides to cancel it.

### **Review Hearing**

The Licensing Authority must review the premises licence in respect of the premises no less than 10 days after it is notified of the magistrates' courts' determination. The authority is empowered, if necessary to promote the licensing objectives to modify the conditions of the premises licence, exclude a licensable activity from the scope of the licence, remove the designated premises supervisor from the licence, suspend the licence for a period not exceeding three months or revoke the licence. Their consideration is not confined solely to the incident which give rise to the service of the closure order. They may examine any issues which are relevant to the promotion of the licensing objectives.

Where a decision has been made to revoke the premises licence the decision has no effect until expiry of the time permitted for appealing against the decision; and if an appeal is made, until the appeal is disposed of.

Where the relevant Licensing Authority decision is to modify the conditions of the premises licence, exclude a licensable activity from the scope of the licence, remove the designated premises supervisor from the licence, or suspend the licence for a period not exceeding three months, the decision takes effect when it is notified to the holder of the licence.

Where the relevant authority decision is to revoke the licence, the premises must remain closed until the end of the appeal process. It is an offence for a person to allow premises to be open in contravention of a decision to revoke or suspend the licence.

**Licensed Premises Extension of Closure Order  
Section 162 of the Licensing Act 2003**

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

Police Force: \_\_\_\_\_

Inspector or above making the order:

Name: \_\_\_\_\_

Rank: \_\_\_\_\_ PIN: \_\_\_\_\_

Premises to be closed:

Name: \_\_\_\_\_

Location: \_\_\_\_\_

Previous order expires on: Date: \_\_\_\_\_ Time: \_\_\_\_\_

Extension to Order (not exceeding 24 hours )

From: Date: \_\_\_\_\_ Time: \_\_\_\_\_

To: Date: \_\_\_\_\_ Time: \_\_\_\_\_

Grounds for extension to closure (see 162(2)): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Person to whom notice of the order has been given:

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Signature of Person to whom notice of the order has been given:

\_\_\_\_\_

Served Date: \_\_\_\_\_ Time: \_\_\_\_\_

Signature of officer serving notice: \_\_\_\_\_

Name: \_\_\_\_\_ Rank: \_\_\_\_\_

Note: an extension to a closure order cannot begin prior to or be issued after the expiry of the last Closure Order (see 162).

**Licensed Premises Cancellation of Closure Order  
Section 163 of the Licensing Act 2003**

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

Police Force: \_\_\_\_\_

Inspector or above making the order:

Name: \_\_\_\_\_

Rank: \_\_\_\_\_ PIN: \_\_\_\_\_

Premises: Name: \_\_\_\_\_

Location: \_\_\_\_\_

Closure order cancelled from: Date: \_\_\_\_\_ Time: \_\_\_\_\_

Grounds for cancellation of closure (see 163(2)): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Person to whom notice of the cancellation has been given:

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Signature of Person to whom notice of the order has been given:

\_\_\_\_\_

Served Date: \_\_\_\_\_ Time: \_\_\_\_\_

Signature of officer serving notice: \_\_\_\_\_

Name: \_\_\_\_\_ Rank: \_\_\_\_\_

Note: A cancellation notice can only be issued providing that the closure order to which it relates has not already been determined by a court.

**POLICE**

**CLOSURE NOTICE MADE UNDER  
SECTION 19 OF THE CRIMINAL JUSTICE  
AND POLICE ACT 2001**

No. 7352

Date and Time of the Closure Notice:
Person making the Notice:
Signature:
Name (if applicable) and Address of the Affected Premises:
Alleged unauthorised use of the Premises:
Steps which may be taken to end the alleged unauthorised use of the Premises, or to prevent it from re-occurring:
The Person (if applicable) on whom the closure notice has been served:
Name:
Signature:

White Copy: Occupier    Blue Copy: Licensing Unit    Pink Copy: Officers

**EXPLANATORY NOTES**

A police officer, or an authorised officer from the local authority, has decided to issue this closure notice under the terms of section 19 of the Criminal Justice and Police Act 2001 ('the 2001 Act').

**Section 19 of the 2001 Act – Closure Notices**

Where a police officer, or an authorised officer from the local authority, is satisfied that any premises are being, or within the last 24 hours have been used for the unlicensed sale of alcohol, including being in breach of its licence conditions, he may serve under subsection (3) a notice in respect of the premises.

**Section 20 of the 2001 Act – Closure Orders**

Your attention is drawn to section 20 of the 2001 Act. This provides that the police, or as the case may be the local authority, can take action against the said premises by applying to a justice of the peace at the local magistrates' court for a closure order if the unlicensed sale of alcohol (as alleged in this closure notice) is continuing, or there is a reasonable likelihood that the premises will be so used in the future. The application for a closure order must be made not less than 7 days, and not more than 6 months, after the date on which this closure notice was served.

After an application for a closure order is made, the justice of the peace may issue a summons requiring the applicant, and also the person or persons on whom the closure notice was served, to attend a hearing at the court on a specified date and time. At the hearing the court will consider the applicant's complaint against the said premises and decide whether a closure order should or should not be made.

In accordance with the Magistrates' Courts Act 1980, and under the law on human rights, you are entitled to be legally represented at the hearing and to make representations to the court before any decision is taken.

**Appeals – Section 24 of the 2001 Act**

An appeal against a decision by the magistrates' court to grant a closure order, or a decision to refuse an application for a closure order, can be made by an affected person to the Crown Court within 21 days.

**Enforcement Powers and Offences – Section 25 of the 2001 Act**

It is an offence for a person, without reasonable excuse, to permit a premises to be open in contravention of a closure order made by the magistrates court. Any person found guilty of such an offence will be liable to a fine not exceeding £20,000, or to imprisonment for a term not exceeding three months, or to both.

It is also an offence for a person who, without reasonable excuse, fails to comply with any other terms of a closure order made by the court, or does an act which contravenes those other terms. Any person convicted of this offence is liable to a fine not exceeding £5,000, or to three months imprisonment, or to both.

Police officers and authorised officers from the local authority have the power to enter the said premises at "any reasonable time", and do anything reasonably necessary to secure compliance with the closure order (for example, to board up the premises). However, when exercising this power, the constable or the officer must produce evidence of his authority to enter and also his identity before entering the premises, if asked to do so by the owner (or the occupier or the person in charge of the premises).

It is an offence for a person to intentionally obstruct police officers or authorised local authority officers from exercising these powers. Any person convicted of obstructing a police officer is liable to a fine not exceeding £5,000, or to one month's imprisonment, or to both. Any person convicted of obstructing an authorised local authority officer is liable to a fine not exceeding £5,000.

Premises Address		<b>Section C - Door supervision/policy</b>		<b>Section F - Nitenet radio</b>		<b>Section M - Food</b>						
C1 No door staff at time of visit		Male	Female	F1	Subscribe to nitenet		M1 Is there any provision for food					
Full name				F2	No of radios							
D.O.B				<b>Section G - Glasses and bottles</b>								
SIA badge no.		No Badge <input type="checkbox"/>		G1	Signs displayed re removal of alcohol from premises		P1 Is a staff first aider present					
Full name				G2	Customers seen leaving with glass and bottles		P2 Are there first aid facilities					
D.o.b.				G3	Tables/other surfaces littered with glasses and bottles		<b>Section Q - Crime prevention</b>					
SIA badge no.		No Badge <input type="checkbox"/>		G4	Is dance floor clear of glass		Q1 Any crime prevention notices displayed					
Full name				G5	Do you use safety glass		Do you have any					
D.o.b.				G6	Do you have secure bottle bins:		Q2					
SIA badge no.		No Badge <input type="checkbox"/>		G7	inside the venue		Table bag clips					
Full name				outside the venue		Staff lockers		Property patrols				
D.o.b.				<b>Section H - Drinks</b>								
SIA badge no.		No Badge <input type="checkbox"/>		H1	Any drinks promotions or happy hours at visit		<b>Section R - CCTV</b>					
Comments				Y <input type="checkbox"/> N <input type="checkbox"/>		R1		Do you have a CCTV system				
				<b>Section J - Drugs</b>								
C2 Name of head/cooperator				Any indication that:		S1		Any noise emanating from premises				
C3 Name of door co.				J1	cannabis is smoked on the premises		S2		Excessive litter outside from venue			
C4 Door book checked and endorsed		Y <input type="checkbox"/> N <input type="checkbox"/>		J2	other drugs are used on the premises		S3		Environmental health to be informed			
C5 Do you operate a search policy		Y <input type="checkbox"/> N <input type="checkbox"/>		J3	Any anti-drugs posters displayed		<b>Section T - General information</b>					
Do you have				J4	Do you have drugs safe/amnesty box		Is there cause for concern		Y <input type="checkbox"/> N <input type="checkbox"/>			
C6 weapons to hand over now		Y <input type="checkbox"/> N <input type="checkbox"/>		J5	Do you have drugs to hand over now							
C7 drugs to hand over now		Y <input type="checkbox"/> N <input type="checkbox"/>		<b>Section K - Clientele</b>		Are there any age policies in operation		Signed		Date:		
<b>Section D - Staff</b>				Evidence of drunkenness		Y <input type="checkbox"/> N <input type="checkbox"/>		OIC				
D1 How many bar staff				Approx age profile of customers				DPS/Manager				
D2 How many glass collectors		Y <input type="checkbox"/> N <input type="checkbox"/>		<b>Section L - Fire exits etc</b>								
D3 Do staff wear uniform or ID badges		Y <input type="checkbox"/> N <input type="checkbox"/>		Fire risk assessment completed		Y <input type="checkbox"/> N <input type="checkbox"/>						
D4 Have staff received accredited training		Y <input type="checkbox"/> N <input type="checkbox"/>		Escape doors accessible & unlocked		Y <input type="checkbox"/> N <input type="checkbox"/>						
<b>Section E - Toilets</b>				Escape doors unobstructed outside		Y <input type="checkbox"/> N <input type="checkbox"/>						
E1 Toilets		Male	Female	Unisex	Emergency lights illuminated		Y <input type="checkbox"/> N <input type="checkbox"/>					
E2 Checked		Y <input type="checkbox"/> N <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	Fire extinguishers		Y <input type="checkbox"/> N <input type="checkbox"/>					
E3 Attendants		Y <input type="checkbox"/> N <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>								
<b>Section A - Management of Premises</b>												
A1	Name of Manager/DPS											
A2	On Premises	Y <input type="checkbox"/> N <input type="checkbox"/>										
A3	Name of person in charge											
A4	Evidence of Authorisation											
A5	Area manager contact details											
A6	Owning company details											
A7	Is there a temporary event notice in order	Y <input type="checkbox"/> N <input type="checkbox"/>										
<b>Section B - Capacity</b>												
B1	No. customers present											
B2	How calculated - tickets	guessed <input type="checkbox"/> clickers <input type="checkbox"/>										
B3	Entry Fee	Y <input type="checkbox"/> N <input type="checkbox"/> How much										

**FORM EXAMPLE RECORD OF VISIT TO LICENSED PREMISES (LONG FORM)**

Courtesy of Greater Manchester Police



**Record of visit to licensed premises**



Premises			
Address			
Tel no.			
Email			
Exhibit ref.			
Exhibit officer			
Signature			
Day		Date	
Time commenced		concluded	

Officers attending:		In uniform?
1		<input type="checkbox"/> Y <input type="checkbox"/> N
2		<input type="checkbox"/> Y <input type="checkbox"/> N
3		<input type="checkbox"/> Y <input type="checkbox"/> N
4		<input type="checkbox"/> Y <input type="checkbox"/> N
5		<input type="checkbox"/> Y <input type="checkbox"/> N
6		<input type="checkbox"/> Y <input type="checkbox"/> N

Representatives of other agencies	
Name	Agency
1	
2	
3	
4	
5	

Signed DIC: ..... Dated: .....

Signed Licensee/manager: ..... Dated: .....

**Section A - Management of premises**

<b>A1</b>	Name of licensee/DPS	On premises? <input type="checkbox"/> Y <input type="checkbox"/> N
<b>A2</b>	Name of person in charge:	Evidence of authorisation? <input type="checkbox"/> Y <input type="checkbox"/> N
	Area manager contact details:	
<b>A4</b>	Owning company details:	
<b>A5</b>	Personal licence issuing authority:	
	Licence no.:	Expiry date:

**Section B - Capacity**

<b>B1</b>	No. of customers present	<b>B2</b>	How calculated (clickers, tickets, guessed)?
<b>B3</b>	Entry fee? <input type="checkbox"/> Y <input type="checkbox"/> N	How much?	
<b>B4</b>	Comments		

**Section C - Door supervisor/Door policy**

<b>C1</b>	No. of door staff at time of visit	Male	Female
	Full name	DoB	SIA Badge no. Badge? <input type="checkbox"/> Y <input type="checkbox"/> N
1			<input type="checkbox"/> Y <input type="checkbox"/> N
2			<input type="checkbox"/> Y <input type="checkbox"/> N
3			<input type="checkbox"/> Y <input type="checkbox"/> N
4			<input type="checkbox"/> Y <input type="checkbox"/> N
5			<input type="checkbox"/> Y <input type="checkbox"/> N
6			<input type="checkbox"/> Y <input type="checkbox"/> N
7			<input type="checkbox"/> Y <input type="checkbox"/> N
8			<input type="checkbox"/> Y <input type="checkbox"/> N
			<input type="checkbox"/> Y <input type="checkbox"/> N
			<input type="checkbox"/> Y <input type="checkbox"/> N
	Comments:		
	Name of Head door person		
<b>C3</b>	Name of Door company		
<b>C4</b>	Door book checked and endorsed? <input type="checkbox"/> Y <input type="checkbox"/> N		
<b>C5</b>	Comments		

Signed OIC: ..... Dated: .....  
 Signed Licensee/manager: ..... Dated: .....

C6 Do you operate a search policy?  Y  N

Details

C7 What happens to any weapons you may seize during searches?

C8 Do you have any weapons you wish to hand over to the police at this time?  Y  N

C9 What happens to any drugs you may seize during searches?

C10 Do you have any drugs you wish to hand over to the police at this time?  Y  N

**Section D – Staff**

D1 How many bar staff? D2 How many glass collectors?

Comments

D4 Do staff wear uniform or ID badges?  Y  N Details

D5 Have staff received accredited training?  Y  N Details

If NO, would you like details of "Calling Time"?  Y  N

**Section E – Toilets**

E1 No. of toilets Male: Female: Unisex:

Checked?  Y  N  Y  N  Y  N

E2 Attendants?  Y  N  Y  N  Y  N

Comments

**Section F – Nitenet radio**

F1 Subscribe to Nitenet?  Y  N F2 No. of radios

F3 Who is in possession of the radios?

Comments

Signed OIC: ..... Dated: .....

Signed Licensee/manager: ..... Dated: .....

**Section G – Glasses and bottles**

G1:	Signs clearly displayed re removal of alcohol from premises?	<input type="checkbox"/> Y <input type="checkbox"/> N
G2:	Customers seen leaving premises with bottles and or glasses?	<input type="checkbox"/> Y <input type="checkbox"/> N
	Details	
G3:	Tables or other surfaces littered with empty bottles and or glasses?	<input type="checkbox"/> Y <input type="checkbox"/> N
	Details	
G4:	Is dance floor clear of glass?	<input type="checkbox"/> Y <input type="checkbox"/> N
	Details	
G5:	Do you use safety glass?	<input type="checkbox"/> Y <input type="checkbox"/> N
	Details	
G6:	Do you have secure bottle bins inside the venue?	<input type="checkbox"/> Y <input type="checkbox"/> N
	Details	
G7:	Do you have secure bottle bins outside the venue?	<input type="checkbox"/> Y <input type="checkbox"/> N
	Details	

**Section H – Drinks**

H1	Any drinks promotions or happy hours at time of visit?	<input type="checkbox"/> Y <input type="checkbox"/> N
	Details	

**Section J – Drugs**

J1	Any indication that cannabis is smoked on the premises?	<input type="checkbox"/> Y <input type="checkbox"/> N
	Details	
J2	Any indication that other drugs are used on the premises?	<input type="checkbox"/> Y <input type="checkbox"/> N
	Details	
J3	Any anti-drugs posters displayed?	<input type="checkbox"/> Y <input type="checkbox"/> N
	Details	
J4	Do you have a drugs safe or drugs amnesty box?	<input type="checkbox"/> Y <input type="checkbox"/> N

**Section K – Clientele**

K1	Are there any age policies in operation?	<input type="checkbox"/> Y <input type="checkbox"/> N
K2	How are these enforced?	
K3	Describe clientele in general (age, dress, crowded, atmosphere, drunkenness)	
	Comments	

Signed OIC: .....

Dated: .....

Signed Licensee/manager: .....

Dated: .....

**Section L – Fire exits**

L1	Fire risk assessment completed?	<input type="checkbox"/> Y <input type="checkbox"/> N
L2	Escape doors readily available?	<input type="checkbox"/> Y <input type="checkbox"/> N
L3	Escape routes clear and unobstructed?	<input type="checkbox"/> Y <input type="checkbox"/> N
L4	Emergency lights illuminated?	<input type="checkbox"/> Y <input type="checkbox"/> N
L5	Fire extinguishers?	<input type="checkbox"/> Y <input type="checkbox"/> N

**Section M – Food**

M1	Is there provision for food?	<input type="checkbox"/> Y <input type="checkbox"/> N
----	------------------------------	---

**Section N – Cloakrooms**

N1	Is there a cloakroom?	<input type="checkbox"/> Y <input type="checkbox"/> N
N2	How much per item?	
	Comments	

**Section P – General safety**

P1	Is one member of staff present now trained in First Aid?	<input type="checkbox"/> Y <input type="checkbox"/> N
	Details	
P2	Is there evidence of First Aid facilities at the venue?	<input type="checkbox"/> Y <input type="checkbox"/> N
	Details	

**Section Q – Crime prevention**

Q1	Are there any crime prevention notices displayed?	<input type="checkbox"/> Y <input type="checkbox"/> N
	Details	
Q2	Do you have any of the following:	
	Table/bag clips <input type="checkbox"/> Y <input type="checkbox"/> N	Staff lockers <input type="checkbox"/> Y <input type="checkbox"/> N
	Roving security <input type="checkbox"/> Y <input type="checkbox"/> N	Property patrols <input type="checkbox"/> Y <input type="checkbox"/> N
	Other (please specify)	

Signed OIC: .....

Dated: .....

Signed Licensee/manager: .....

Dated: .....

**Section R – CCTV**

R1	Do you have a CCTV system?	<input type="checkbox"/> Y <input type="checkbox"/> N
R2	Does it record video images?	<input type="checkbox"/> Y <input type="checkbox"/> N
R3	Does it have audio recording facilities?	<input type="checkbox"/> Y <input type="checkbox"/> N
R4	How many cameras does you have?	
	Details	
R5	Is your video system tape or digital?	
R6	Describe your tape management system	

**Section S – Environment**

S1	Any noise coming from premises, music or shouting etc?	<input type="checkbox"/> Y <input type="checkbox"/> N
	Details	
S2	Is there excessive litter outside coming from the venue?	<input type="checkbox"/> Y <input type="checkbox"/> N
	Details	
S3	Are Environmental Health to be informed?	<input type="checkbox"/> Y <input type="checkbox"/> N

**Section T – General information**

T1	

**SECTION U – VIDEO EVIDENCE**

U1	Video evidence obtained? <input type="checkbox"/> Y <input type="checkbox"/> N	Exhibit reference
	Officer taking footage	Tape reference

**Arrangements made for licensee / manager to attend police station**

	Time	Date	
	Name	Position	Tel no.
1			
2			

**A COPY OF THIS FORM WILL BE SENT TO YOU WITHIN TEN DAYS OF THE VISIT**

Signed OIC: ..... Dated: .....

Signed Licensee/manager: ..... Dated: .....

Appointment date:                      time:

**LA 2003 OFFICER CHECKLIST  
PREMISES LICENCE INSPECTION**

Premises Name		
Premises Address (inc postcode)		
Telephone Number of Premises		
Name of Person interviewed		
Position at Premises		
<b>Requirement</b>		<b>Notes</b>
Premises Licence or certified copy at the premises and inspected?	YES / NO	
Summary of premises licence or a certified copy – displayed?	YES / NO	
Notice specifying nominated person holding PL displayed? (S57(2)(b))	YES / NO / n/a	
Designated Premises Supervisor on premises?	YES / NO	Name of DPS:
DPS Personal licence produced (A & B)	YES / NO	Issuing Authority: Ref number:
Are contact details for DPS available when DPS absent?	YES / NO	Details:
Other Personal Licenses of persons working on premises (A & B)	YES / NO	Name: Issuing Authority: Number
Procedure in place to authorise sale of alcohol when Personal Licence holder absent	YES / NO	In writing?
Training records kept & inspected?	YES / NO	Date of last training:
Refusals book kept & inspected?	YES / NO	Date of last entry:

Member of Pub watch?	YES / NO	Last meeting attended:			
CCTV Present?	YES / NO	Effective covering with recordings held for a period of time?			
Knowledge of conditions on licence	Good/Poor/None				
Capacity of premises (estimate)					
NOTES: (inc breaches identified)					
Priority rating form completed	YES / NO	Priority Score		Date for next inspection	
Recommended further action		Advice given NFA / Requirement letter / Warning Letter / Formal action (caution/prosecution)			

**GA 2003 Gaming Machines**

Number of machines:		
Jackpot:	£	
Notification seen?	YES / NO / N/A	
Permit seen?	YES / NO / N/A	

Inspected By (please print)		Date of inspection	
Sign		Perf. Ind. NI 182 form left	YES / NO

Appointment date:                      time:

**LA 2003 OFFICER CHECKLIST  
CLUB PREMISES CERTIFICATE INSPECTION**

Premises Name		
Premises Address		
Telephone Number of Premises		
Name of Person interviewed		
Position held in Club		
<b>Requirement</b>		<b>Notes</b>
Club Premises Certificate or certified copy at the premises and inspected?	YES / NO	
Summary of CPC or a certified copy displayed?	YES / NO	
Club nominated person & position held in the club, displayed?	YES / NO	
Training records kept & inspected?	YES / NO	Date of last training:
Refusals book kept & inspected?	YES / NO	Date of last entry:
Latest rule book seen?	YES / NO	Date of last AGM:
Capacity of premises		
Current Club Secretary Details	Name:  Address:  Telephone No:	

CCTV Present?	YES / NO	Effective covering with recordings held for a period of time?			
Knowledge of conditions on certificate	Good / Poor None				
NOTES: (inc breaches identified)					
Priority rating form completed	YES / NO	Priority Score		Date for next inspection	
Recommended further action		Advice given NFA / Requirement letter / Warning Letter / Formal action (caution/prosecution)			

**GA 2003 Gaming Machines**

Number of machines:		
Jackpot:	£	
Notification seen?	YES / NO / N/A	
Permit seen?	YES / NO / N/A	

Inspected By (please print)		Date of inspection	
Sign		Perf. Ind. NI 182 form left	YES / NO

# APPENDIX K EXAMPLE STATEMENT AND NOTEBOOK

Courtesy of Greater Manchester Police

<b>RESTRICTED (when complete)</b>		<b>MG11</b>				
Page 1 of 4						
<b>WITNESS STATEMENT</b>						
CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1						
URN		<table border="1" style="width: 100%; height: 20px;"><tr><td style="width: 25%;"></td><td style="width: 25%;"></td><td style="width: 25%;"></td><td style="width: 25%;"></td></tr></table>				
Statement of: [REDACTED]						
Age if under 18: 0 18		(if over 18 insert 'over 18') Occupation: Police Officer				
This statement (consisting of [REDACTED] pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.						
Signature: [REDACTED]		Date: 25 <sup>th</sup> Oct 2007				
Check box if witness evidence is visually recorded <input type="checkbox"/> (supply witness details on last page)						
<p>I am Inspector [REDACTED] currently stationed at Bury Police Station, Greater Manchester.</p> <p>At 02.49hrs on Saturday 20<sup>th</sup> October 2007, I was aware that the Millgate CCTV operator had rung through a report of "Males Fighting" outside [REDACTED]. The incident was described as, "One Male Unconscious and 1 Male Bleeding from Head".</p> <p>I spoke to the attending officer when he had dealt with that incident and was informed told that a crime for a Section 39 Assault and a crime for a Section 20 assault had been submitted, due incidents inside and directly outside [REDACTED].</p> <p>Around 04.00hrs that morning, I was stood in the Sgt's office at Bury Police Station watching the live feed CCTV from [REDACTED]. when I saw footage of two doorstaff from [REDACTED] drag a male from the bar and push him up against the wall to the right of [REDACTED]'s front door. Each of the Doorstaff then began to assault the male, by kicking him in the shins repeatedly. I then saw a stocky white male with a shaven head, who was stood just within the entrance to the bar, approach the male who was being assaulted by the Doorstaff, sweep his legs from under him with a kick and stamp on [REDACTED] head whilst he lay there.</p> <p>I had seen the assaults by the Doorstaff and I had also seen the stocky white male, who I believed was acting as unofficial doorstaff, assault a defenceless member of the public. I therefore, decided to attend the premises to speak to the manager, with a view to closing the premises to prevent any further disorder.</p> <p>At 04.30am I attended [REDACTED] in company with PS [REDACTED] and PC [REDACTED]. I entered [REDACTED] and located the manager, [REDACTED]. There were around 30 people still in the bar and there was music playing, so I asked [REDACTED] to accompany me outside so that I could discuss the situation at the club with her.</p> <p>[REDACTED] and I sat in the front of the Police van and PS [REDACTED] sat behind us. I told [REDACTED] why I had attended, what I had seen and that I thought that the stocky white male, who had opened the door of the bar to me, was acting as a Doorman. [REDACTED] told me that the stocky white male was a relative of the owner, was called [REDACTED].</p>						
Signature: [REDACTED]		Signature witnessed by: .....				
<b>RESTRICTED (when complete)</b>		2006/07 (1)				

Statement of: [redacted] URN [redacted]

[redacted] and was employed as bar staff and was not acting as a doorman. I told [redacted] that I disagreed, as he was stood on the door prior to the previous assault and was stood on the door when I arrived. I told her that I had seen the doorstaff assaulting members of the public on the CCTV and that I was aware that other members of the public had been assaulted inside and outside the bar that morning. [redacted] told me that she personally did not feel safe in the bar, and had been told by the owner [redacted] not to interfere with what the doorstaff did. She told me, "I have let them get on with it and this is the result"

[redacted] went on to say that she wanted to work with the Police, but that she was at a bit of a loss as to what to do. I pointed out to [redacted] that there had been several incidents of disorder this morning at the bar but that none of them had been rung in by the staff at [redacted]. I added that the incidents appeared to have been caused by the staff at [redacted]. [redacted] agreed with my observations and said again that she did not know what to do for the best. I asked [redacted] what time the bar was supposed to shut and she confirmed that it should have shut at 4am. I pointed out that there were still people in the bar and that it was not closed. She stated that there was no alcohol being served and that they were in the process of getting customers to leave.

I asked [redacted] to provide me with details of the doorstaff and she could only provide me with the following:

- 1) [redacted]
- 2) [redacted]
- 3) [redacted]

[redacted] had no details of the doorstaff addresses or of the badge numbers of [redacted] and [redacted]. I asked [redacted] why the doorstaff were not badged, as I had not seen their badges on the CCTV. She stated that she did not know why, she agreed she should have taken their full details and that it was her responsibility to ensure that this was done.

Following this conversation, it was obvious to me that [redacted] had no control over what was going on at [redacted] and was not fit to run the bar. She agreed with me that that is how the situation appeared at that point. I therefore took the decision to issue a Licensed Premises Closure Order under section 161(1) Licensing Act 2003 to [redacted] as 1) there was disorder inside and outside [redacted] not rung in by staff 2) Doorstaff not badged 3) Male ([redacted]) acting as unofficial Doorstaff - relative of owner 4) Manager not able to control premises. I produce this Closure Order as exhibit reference CC1. I handed this Closure Order to [redacted] and arranged for her to attend [redacted] Police Station at [redacted]

Signature: \_\_\_\_\_ Signature witnessed by: \_\_\_\_\_

Statement of: [redacted]

URN [ ] [ ] [ ] [ ]

21.30hrs that night, [redacted] was subsequently emptied of customers and I returned to the station to complete the relevant paperwork.

At 21.30hrs on Saturday 20<sup>th</sup> October 2007, I met [redacted] and [redacted] at [redacted] Front Desk with PS [redacted]. [redacted] stated he was the "Floor Manager" at the premises. [redacted] informed me that he had changed the doorstaff at [redacted] following problems with the previous company, the week before, following an allegation of rape in the bar. He had employed a company called [redacted]. [redacted] stated that he would not be employing this company again after events at the bar that morning. He also added that [redacted] who was his cousin, was now barred from the premises.

I informed [redacted] that I would be extending the Closure Order a further 24hrs (which would take the order to 04.30hrs [redacted]) as the same grounds existed as were noted for the initial closure, and I wanted the Magistrates to consider a further closure and a review of the licence. I handed this Extension of Closure Order to [redacted] and I produce this form as exhibit reference CC2.

[redacted] tried to persuade me into allowing the bar to open Sunday evening stating that he would get a new security company. I pointed out to [redacted] that the Doorstaff were an issue in the Closure but that they were not the only issue. I added that [redacted] had no control over the premises and that she had failed to protect the public that morning. [redacted] was informed that the Licensing Officer would contact him on Monday morning with details of the subsequent hearing at [redacted] Magistrates Court.

I later made a copy of my pocket notebook entry regarding this Closure Order, which I produce as exhibit reference CC3. On [redacted] 2007, I attended [redacted] Magistrates Court where I gave evidence in support of the Closure Order. During that hearing, I was able to show CCTV footage of the assaults, which occurred at 02.49hrs on [redacted]. I saw an assault by [redacted] as he ran up Haymarket to punch a male in the face, in a totally unprovoked attack. I saw a male knocked unconscious outside the door of [redacted] where two of the [redacted] doorstaff stood by and watched. I also saw a male staggering about in front of [redacted] with a cloth pressed on the side of his head attempting to stem the flow of blood from a cut.

Signature:

Signature witnessed by: .....

GREATER MANCHESTER POLICE  
Official Packet Book

Issued to:

Name

Rank

Collar No.

By

Date Issued

Date Completed

Serial No.

INSPECTOR

Chief Inspector

7.8.02

D844406

Tues 16<sup>th</sup> Oct 07

07 - On duty

17 - off duty

weds 17<sup>th</sup> Oct 07 no

Thurs 18<sup>th</sup> Oct 07 no

FRI 19<sup>th</sup> Oct 07

21 - On duty

04.30 Attend [redacted] BAR

following disorder  
in + out of the  
premises. Whilst in  
Sgt's office @ Bury  
see male (w/w  
Shaven head, DARK  
T-shirt) assaulting

male customer who  
has come out of  
[redacted] on CCTV.

Police attend +  
arrest male who  
has been ejected  
from [redacted].

Arrested male is:

[redacted] Arrest see  
4 P.O.A.s when  
officers arrived -  
not having seen  
what went on before  
- he was seen to  
threaten another  
male when P.O.

D844407

arrived + was duly  
arrested.

CCTV showed 2  
B/m doorstaff + 1  
m/w later 1 Dd as

[redacted] assaulting  
[redacted]

I spoke to the  
manager

[redacted] + told  
me what I had  
witnessed re doorstaff  
+ w/m acting as  
doorstaff.

She said that

m/w was [redacted]  
[redacted] + was not  
doorstaff but working  
behind bar. Informed  
M.H. what I had seen  
him doing i.e. assaulting  
customer + that I believ-  
ed he was acting as  
doorman.

M.H. said she did not  
feel safe in the Bar  
+ had been told by  
the owner ([redacted])  
not to interfere with  
the doorstaff. So she  
has told them "get on  
with it" + this was

D55

D844408

The result."

She said she really  
wanted to work with  
the Police but she  
was at a bit of a  
loss re what to do.

I pointed out that we  
had had several jobs  
rung in this morning  
re disturbances /  
fighting / doorstaff  
stepping on people's  
heads + that  
none of jobs / incidents  
rung in by staff  
at Lush. In fact  
doorstaff at Lush

appeared to be the  
cause of the trouble.  
[redacted] agreed with  
my observations  
+ said she did not  
know what to do for  
the best.

I then issued closure  
notice to [redacted]

[redacted] + told  
me that [redacted] would  
not be closed til  
04.30 [redacted]

Bar was supposed  
to shut @ 4 am  
+ we arrived at  
4.30 am after

D844409

more disorder.  
Asked [redacted] why  
bar not shut @  
4am. [redacted] told  
me that they were  
trying to empty it  
& that they were not  
serving alcohol.

Following assault  
where m/B X 2  
assaulted customer -  
m/B X 2 doorstaff  
left premises prior  
to police arrival.

Asked m.H. to  
provide details of  
doorstaff + she

provided the following  
details to ([redacted])  
Police

- ① [redacted]  
(no badge worn or  
number taken by mH)
- ② [redacted]  
Badge [redacted]
- ③ [redacted]  
(no badge worn +  
no number taken by [redacted])  
Asked [redacted] why  
staff not badged -  
she did not know  
& agreed she should  
ensure this happened  
& she should have

P57

D844410

provided full details of  
who was working  
the bar to her club.

Informed m.H. that  
she did not appear to  
have any control over  
the bar + she agreed  
at this point that that  
is how it looked.

Informed [redacted] (w/old  
contact her this  
evening.

Back to N3 to  
complete paperwork  
re closure.

off duty.

Sat 20th Oct 07  
21- on duty

21-30 Attend N3 front desk  
if c/Ps [redacted] to  
[redacted]  
+ [redacted]

[redacted] states he is the  
floor manager.

Discuss issues re  
closure + explain to  
J.C. (who had last  
night off) why I had  
w/used it. He  
explained that following  
the rape allegation  
at the bar the previous  
wk - he had

P58

## APPENDIX L BIIAB AWARD IN CONFLICT MANAGEMENT (ACM)

Since it was launched in March 2006, 1,950 candidates have taken the BIIAB Award in Conflict Management (ACM), with 85% (1,662) of them achieving the award.

The ACM is designed for everyone working within a licensed retail environment who, as part of their role, have direct contact with the public, helping them to avoid and manage conflict within the work environment.

Licence holders and their staff who take the ACM will have the advantage of knowing:

- the responsibilities of both employers and employees in relation to workplace violence under the current laws, including with regard to self-defence and victim support
- what risks and hazards are and the causes of workplace violence and conflict
- how to undertake a risk assessment for their business, thereby being able to reduce hazards and the likelihood of conflict situations arising
- how and why conflict arises, therefore being able to plan ways to avoid it happening
- how to deal with conflict if, despite all the precautions taken, it arises
- the importance of recording and reporting incidents of workplace violence

The ACM was designed using advice from conflict management specialists in the licensed retail sector and candidates have left the courses with a greater understanding of workplace violence, which can range from the relatively minor problems caused by people causing nuisance, for example by being loud and unruly or through unacceptable levels of swearing; to serious incidents involving physical abuse and / or damage to property.



**To: All Bench Chairs**

cc: Justices Chief Executives; Area Directors; Chairs of Area Judicial Fora;  
District Judges (Magistrates' Courts) who sit on Justices' Issues Groups;  
The Chief Executive of the Justices' Clerks' Society

9 March 2005

Dear Colleague

**Crime and Disorder Reduction Partnerships**

We are writing to give you support and guidance on the involvement of the Magistracy in local Crime and Disorder Reduction Partnerships (CDRP).

The Crime and Disorder Act 1998 (as amended) established Crime and Disorder Reduction Partnerships (CDRPs). A duty was placed on specified local bodies (including police, local authorities, police authorities, fire authorities and authorities concerned with health) to work together, through CDRPs, to tackle crime and disorder and misuse of drugs (substance misuse in Wales). They work with other agencies and bodies within the community, including those responsible for schools and probation.

Each of the CDRP districts matches the boundaries of the relevant local authority area; this means that there are 354 CDRPs in England and 22 Community Safety Partnerships in Wales. Community Safety Partnerships in Wales have responsibility for tackling both crime and misuse of drugs and alcohol.

A CDRP carries out what is called "an audit" of the nature and extent of crime, anti-social behaviour and drugs problems in the local area (including consultation with local communities). Based on that "audit", it is required to develop a three-year strategy to tackle priority problems identified, and to respond to the needs and concerns of local people; these strategies are published. The main members of the CDRP, usually supported by local government officials or other seconded officers, determine how resources should be deployed for crime reduction in line with the strategies, and the results are monitored.

CDRPs share areas of interest and need to work with Local Criminal Justice Boards; neither is accountable to the other, but their relationship is being examined by a Review, the findings of which are under consideration.

**The present position of Magistrates**

In several areas, Magistrates have attended meetings of CDRPs, but normally in other capacities such as members of police or fire authorities; only in a very few areas have Magistrates attended meetings in their capacity as Magistrates. This has largely been because there was a perception that there might be a conflict between their independent position as members of the judiciary and the function of CDRPs. The most obvious example is in relation to Prolific and other Priority Offenders, where CDRPs have a function in identifying the offenders who are to be brought before the courts.

It has, however, been found that attendance at meetings from time to time where no issues which affect the independent position of the Magistracy have been discussed has been valuable as a means of being regularly informed as to the plans of local agencies in areas which impact on criminal justice and initiatives that are being taken. Magistrates have often found it useful to explain the role of the Magistracy and to comment on the efficacy of the programmes that are in use or contemplated.

**Magistrates as representatives to CDRPs**

There is therefore much of value that could be achieved by Magistrates attending meetings of CDRPs on an occasional basis.

This must, however, be done on a basis that ensures that their independence is understood, respected and reflected in the arrangements.

**(a) Attendance as representatives to and not members of the CDRPs**

Magistrates should not become members of CDRPs, as these are bodies that carry out responsibilities on behalf of the Executive, including identifying certain categories of offender to be brought before the courts. Magistrates can, however, attend meetings as representatives of the Magistracy to CDRPs, without becoming members.

This form of attendance at Local Criminal Justice Boards has been adopted when judges attend occasional meetings of these Boards. In those areas where judges attend occasional meetings of LCJBs (or for certain agenda items), it is considered inappropriate for judges to be members of a body responsible for delivery of the plans of the Executive, but attendance as representatives of the judiciary is entirely consistent with judicial independence. They do not therefore become responsible for any of the duties imposed on LCJBs. Magistrates attending CDRPs, as members of the judiciary, should be in the same position and therefore be representatives and not members.

**(b) Guidelines on meetings**

It has been agreed that CDRPs must conduct meetings at which Magistrates are present on the strict understanding that Magistrates are present to hear of the concerns of the community in relation to the prevalence of particular kinds of crime and the programmes that are being undertaken in the community to make the community safer and reduce crime. No issues which affect the judicial position of Magistrates should be discussed. Without seeking to limit the generality of that position,

- (1) There should be no discussion of any particular case that is before the court, or may come before the court, or has been before the court.
- (2) There should be no discussion about the identification of Prolific and other Priority Offenders (though there can be discussion about the programmes available).
- (3) There should be no discussion of sentencing policy.

**(c) Frequency of attendance**

In asking Magistrates to undertake this yet further burden, we are very conscious of the time Magistrates already give. It must, of course, be for the decision of Magistrates locally how often they wish to attend, but you would not be expected to attend for more than three or four times a year at the most.

**(d) Becoming a representative**

It will be important for any Magistrate who attends meetings of the CDRP to keep the Justices Issues Group, and the Bench which covers the district of the CDRP, fully informed. The Justices Issues Groups should be responsible for coordinating the representatives across the area.

**Conclusion**

We very much hope that Magistrates will attend meetings of each of the CDRPs on the basis set out in this letter.

The Home Secretary warmly welcomes the proposals in this letter and endorses the guidelines set out.

The Magistrates' Association also welcomes a clear steer with regard to attendance at CDRPs, and the guidelines for discussions at meetings.

Yours sincerely

Rt Hon Lord Woolf of Barnes  
Lord Chief Justice of England and Wales

Rt Hon Lord Falconer of Thoroton  
Lord Chancellor and Secretary of  
State for Constitutional Affairs

## APPENDIX N EXAMPLE CCTV SPECIFICATION

Courtesy Merseyside Police

### CCTV REQUIREMENT MINIMUM SPECIFICATION

We would ask that the following be accepted as conditions on your premises licence.

1. Minimum of one high resolution, minimum of 450tvl colour day/night camera, complete with an auto iris vari-focal lens, fitted in a heated weatherproof external housing, for external coverage of entrances.
2. Minimum of one high-resolution colour camera complete with an auto iris vari-focal lens shall be fitted to each public entrance/exit. Door entrance cameras must be capable of providing good quality head and shoulder images of persons entering/leaving the premises.
3. There must be sufficient cameras able to cope with the normal operating illumination, located within the premises to cover all public areas.
4. Lighting in the foyer and outside must be of sufficient brightness to complement the quality of the camera images.
5. In addition to the control equipment it is recommended that an additional high-resolution 15" monitor must be sited in or near the bar area or foyer entrance. This will give customers and staff visible reassurance on the installation and quality of images provided.
6. All equipment shall have constant time/date generation.

#### **DVD SYSTEM**

7. Although it will be acceptable for images to be recorded using conventional time lapse analogue video recorders, it is recommended that if a digital multiplex recorder is installed it must meet the following requirements:
8. The unit shall have an on board CD/DVD re-writer, for evidence recovery.
9. If a CD/DVD is used to transfer the digital CCTV images from a digital hard drive CCTV system then a write once CD-R/DVD-R medium must be used. The disc containing the recorded images needs to be able to be played back on either Windows 2000 Professional or Windows XP.
10. The playback software needs to be written to the CD-R/DVD-R at the same time of writing the CCTV images. This software must be able to playback the images at full screen resolution with forward, reverse replay, including pause and slow motion.
11. There must be a 'SAVE AS' feature so that a still image can be saved and exported to an external system in either BITMAP or a JPEG format.
12. The system must be capable of downloading/copying all the stored CCTV footage to another medium in its native format. i.e. an external hard drive that can be played back via a windows based computer.
13. There shall be sufficient members of trained staff available during the hours of operation to be able to download evidence at the request of The Police or an authorised officer.
14. CCTV warning signs shall be fitted in public areas of the premises.
15. The installing company must provide a certified letter of compliance to the specification, A copy of which must be provided to the Licensing Authority and Merseyside Police.

16. The CCTV system should be maintained and checked every twelve months, with the installing company producing a letter of compliance. The installing company must supply a test recording to the area CCTV Investigation Unit to ensure that the images provided meet the evidential standards. The unit can be contacted on Tel: \_\_\_\_\_.
17. Recordings **must** be kept for a minimum of 31 days. This period may be reduced for premises that have a large number of cameras, long recording times with high resolution recordings that will make it impossible for the premises to adhere to the 31 days. Police Licensing Section must be consulted in these circumstances.
18. Recordings of incidents at the premises must be made secure for inspection by The Police.
19. An Authorised Officer may at any time request a recording. Failure to comply with this request will be regarded as a serious breach of this condition.
20. The Designated Premises Supervisor or Premises Licence holder must be able to demonstrate that they have devised a recording management system that prevents recordings being tampered with, stolen, misplaced or failure to record. Recording equipment shall be housed in a secure room/cabinet where access and operation is strictly limited to authorised persons.
21. Unauthorised persons should not be allowed access to the system or view personal data as it could contravene the Data Protection Act or jeopardise any criminal investigation.
22. In the event of a system malfunction, the Designated Premises Supervisor or Premises Licence Holder must immediately notify the Licensing Authority Tel: \_\_\_\_\_ and Police Licensing Department Tel: \_\_\_\_\_. Details of this malfunction must be recorded in the premises incident book. Arrangements for its repair must be made without delay. The Licensing Authority and Police Licensing must be notified when the system is again operational.

### **CCTV REQUIREMENT, MINIMUM SPECIFICATION OFF LICENCE**

1. Minimum of one high resolution, minimum of 450tvi colour day/night camera, complete with an auto iris vari-focal lens, fitted in a heated weatherproof external housing, for external coverage of entrances.
2. Minimum of one high-resolution colour camera complete with an auto iris vari-focal lens shall be fitted to each public entrance/exit. Door entrance cameras must be capable of providing good quality head and shoulder images of person's entering/leaving the premises.
3. There must be sufficient cameras able to cope with the normal operating illumination, located within the premises to cover all public areas.
4. Lighting inside and outside must be of sufficient brightness to complement the quality of the camera images.
5. In addition to the control equipment it is recommended that an additional high-resolution 15" monitor must be sited near to the cash till. This will give customers and staff visible reassurance on the installation and quality of images provided.
6. All equipment shall have constant time/date generation, which must be checked for accuracy on a daily basis

#### **DVD**

Although it will be acceptable for images to be recorded using conventional time lapse analogue video recorders, it is recommended that if a digital multiplex recorder is installed it must meet the following requirements:

1. The unit shall have an on board CD/DVD re-writer, for evidence recovery.
2. If a CD/DVD is used to transfer the digital CCTV images from a digital hard drive CCTV system then a write once CD-R/DVD-R medium must be used. The disc containing the recorded images needs to be able to be played back on either Windows 2000 Professional or Windows XP.
3. The playback software needs to be written to the CD-R/DVD-R at the same time of writing the CCTV images. This software must be able to playback the images at full screen resolution with forward, reverse replay, including pause and slow motion.
4. There must be a 'SAVE AS' feature so that a still image can be saved and exported to an external system in either BITMAP or a JPEG format.
5. The system must be capable of downloading/copying all the stored CCTV footage to another medium in its native format. I.e. an external hard drive that can be played back via a windows based computer.
6. It is the responsibility of management to ensure that there are sufficient members of trained staff available during the hours of operation to be able to download evidence at the request of The Police or an authorised officer.
7. CCTV warning signs shall be fitted in public areas of the premises near the entrance. This will need to be A4 size.
8. The installing company must provide a certified letter of compliance to the specification, a copy of which must be provided to the Licensing Authority.
9. The CCTV system should be maintained and checked every twelve months, with the installing company producing a letter of compliance. The installing company must supply a test recording to the area CCTV Investigation Unit to ensure that the images provided meet the evidential standards. The unit can be contacted on Tel: \_\_\_\_\_.
10. Recordings **must** be kept for a minimum of 31 days. This period may be reduced for premises that have a large number of cameras, long recording times with high-resolution recordings that will make it impossible for the premises to adhere to the 31 days. Police Licensing Section must be consulted in these circumstances.
11. Recordings of incidents at the premises must be made secure for inspection by The Police. Any recording taken by The Police must be signed for with the name and station of the officer concerned.
12. An Authorised Officer may at any time request a recording. Failure to comply with this request will be regarded as a serious breach of this condition.
13. Unauthorised persons should not be allowed access to the system or view personal data as it could contravene the Data Protection Act or jeopardise any criminal investigation.
14. The Designated Premises Supervisor or Premises Licence Holder must be able to demonstrate that they have devised a recording management system that prevents recordings being tampered with, stolen, misplaced or failure to record. Unauthorised persons should not be allowed access to the system or view personal data as it could contravene the Data Protection Act or jeopardise any criminal investigation.
15. In the event of a system malfunction, the Designated Premises Supervisor or the Premises Licence holder must immediately notify the Licensing Authority Tel: \_\_\_\_\_ and Police Licensing Department Tel \_\_\_\_\_. Details of this malfunction must be recorded in the premises incident book. Arrangements for its repair must be made without delay. The Licensing Authority and Police Licensing must be notified when the system is again operational.

## APPENDIX O LICENSING STATED CASES

1. St Albans DC v Patel [23 October 2008] EWHC 2767 (Admin) – Licensed premises – noise and abatement notices. Application of best practicable means.
2. Daniel Thwaites Plc v Wirral Borough Magistrates Court [6 May 2008] EWHC 838 (Admin) – Licensed premises – reasonableness of restrictions on hours of operation of licensed premises.
3. Luminar Leisure Ltd v Wakefield Magistrates Court [18 April 2008] EWHC 1002 (Admin) – Licensed premises – increased licensed capacity – relevance of crime and disorder beyond licensee's control.
4. R (on the application of South Northamptonshire Council) v Towcester Magistrates Court [6 February 2008] EWHC 381 (Admin) – application for a personal licence – police appealed against grant – Magistrates applied incorrect test – approached using words of Guidance as if that was the test to be applied.
5. R (on the application of 4 Wins Leisure Limited) v Licensing Committee for Blackpool Council [31 August 2007] EWHC 2213 (Admin) – question of vicinity ultimately a matter of fact to be decided by the Licensing Authority.
6. Camarthenshire County Council v Tesco Stores Ltd/Gough 20th February 2007 at Llanelli Magistrates' Court – liability of premises licence holder and DPS under section 146(1).
7. Cambridgeshire CC v Kama [21 November 2006] EWHC 3148 – Defence of due diligence – each case had to be fact and circumstance specific in evaluating whether the defendant had discharged the burden of proving the defence.
8. R (on the application of Cambridge City Council) v Alex Nestling Limited [17th May 2006] EWHC 1374 (Admin) – whether Justices erred in their discretion by awarding costs against a Licensing Authority.
9. Rushmoor BC v Richards [1996] C.O.D 313 – Justices hearing appeal were entitled to hear evidence arising between Council's decision and the appeal.
10. J D Wetherspoon v Guildford Borough Council [2006] EWHC 815 (Admin) – A three hour extension to a premises licence was deemed to be a material variation and capable of triggering the Cumulative Impact Zone.
11. Tesco Express, Hirst Street, Birmingham v Birmingham City Council & Chief Constable of West Midlands Police (Birmingham Magistrates' Court Hearing) [3rd May 2007] – Case held that a review that than prosecution did not breach Article 6 of the Convention, i.e. right to a fair trial (see paragraph 19 of judgment).
12. Crown (Bassetlaw District Council) v Worksop Magistrates' Court [2008] WLR (D) 350 – Licensed premises – sale of alcohol to persons under 18 – review of licence – Licensing Authority suspend – Magistrates' Court overturn suspension and add conditions – does the suspension have punitive or deterrent function – did Magistrates' Court follow the guidance.
13. R (on the application of Matthew Proud) v Buckingham Pubwatch Scheme [14 August 2008] EWHC 2224 (Admin) – whether person banned from licensed premises was able to challenge the lawfulness of that decision in public law proceedings.
14. R v Liverpool Corporation Ex Parte Liverpool Taxi Fleet Operators Association [1972] 2 QB 299 – Council has a duty to act fairly.
15. The British Beer and Pub Association, The Association of Licensed Multiple Retailers, The British Institute of Innkeeping v Canterbury City Council [2005] EWHC 1318 (Admin) – Unless representation has been made – Licensing Authority must grant application as applied for.

## APPENDIX P IDENTIFICATION OF PROBLEM PREMISES

### IDENTIFICATION OF PROBLEM PREMISES RED AMBER GREEN (RAG) SYSTEM

In 2008 work was commissioned around practical solutions to the identification of problem premises and processes to assist in managing those problem premises.

Officers from Dorset and Lancashire worked with forces reviewing their processes and intelligence-led systems in order to identify some options for areas to consider when attempting to identify and address localised hot spots.

The following toolkit was put together as an option and covers:

- data collection
- analysis
- assessing risk
- tasking

It utilises a red (high) amber (medium) and green (low) grading system and can be adapted and integrated into CDRP / BCU intelligence and tasking processes easily.

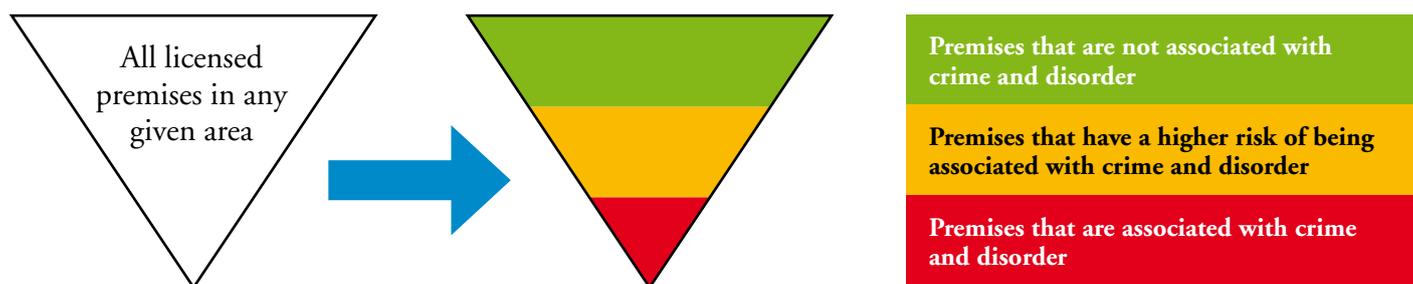
There are many different strategies for dealing with the collation and management of such information and this structure is offered as one option.

Should you wish to view the full document which outlines the strategy in fuller detail then please contact the Home Office Alcohol Strategy Unit [alcohol.strategy@homeoffice.gsi.gov.uk](mailto:alcohol.strategy@homeoffice.gsi.gov.uk).

### IDENTIFICATION OF PROBLEM PREMISES RED AMBER GREEN (RAG) PROCESS

The process of identifying those licensed premises that are associated with higher levels of crime and disorder (i.e. problem premises) can be broken down into three stages:

Doing so will help areas move from



#### Stage One – identify ‘High-Risk’ Premises

Consider:

- capacity
- promotions
- general location
- number of door
- operating hours
- clientele
- entertainment provided
- footfall
- local facilities
- incident history

#### Stage Two – data collection and partnership working

- start with all premises within the BCU
- colour code using a RAG system, taking into the common features of high risk premises
- introduce a pre-determined proportionality criteria for what is acceptable and what is not (taking into account comments received from all partners and the community)
- introduce the incident and crime recording data to build up a broader picture of responsible / irresponsible management of each premises and / or levels of crime and disorder

#### Stage Three – assessing risk

All premises within the BCU could be coded as follows using the information gathered from the above sources and tasked appropriately:

**RED** – Premises that undermine the licensing objectives and require immediate action from the Responsible Authorities. Immediate action required followed by weekly engagement

**AMBER** – Premises that require close monitoring and engagement to prevent an escalation of criminal activity with an aim to putting in interventions to reduce risk. Consider monthly engagement or as required

**GREEN** – Premises that have no potential for crime and disorder to be associated with them and pose no significant risk. Consider variable engagement.

## APPENDIX Q ACKNOWLEDGEMENTS

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