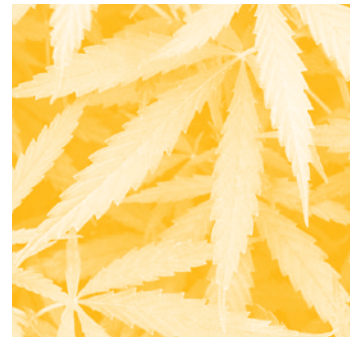


# THE **LICENSEES HANDBOOK**



Dumfries and Galloway  
Constabulary



## FOREWORD

There is no doubt that inadequately designed and managed licensed premises can act as catalysts for crime and antisocial behaviour both within premises and in the local environment.

In this booklet you will find sections on legislation, drug awareness and prevention or, quite simply, information you will require to 'design out drugs' and help reduce the opportunities for crime and antisocial behaviour both in and around your licensed premises. This will also help to enhance the safety of your customers and staff.

Here in Dumfries and Galloway we are committed to building safer communities and are increasing our emphasis on preventative measures. To do this we need to build close partnerships with our communities and, in particular with you, who, as licensees, provide the focal point of our social and leisure activities.

Work with us to help provide a safe and secure environment for our community.

### **Jim Parker**

Chair  
Alcohol & Drug Partnership

### **Gavin Stevenson**

Chief Executive  
Dumfries and Galloway Council

### **Patrick Shearer**

Chief Constable  
Dumfries and Galloway  
Constabulary



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## THE LICENSEES HANDBOOK

The purpose of this document is to demonstrate that Dumfries and Galloway Constabulary, Dumfries and Galloway Council and Dumfries and Galloway Alcohol and Drug Partnership are focused on the five licensing objectives as detailed in the Licensing (Scotland) Act 2005.

- Prevention of crime and disorder
- Securing public safety
- Prevention of public nuisance
- Protecting and improving public health
- Protection of children from harm

We seek to use the licensing objectives to improve customer safety and care by ensuring each licensed premises complies with the minimum standards of operation as specified in the Licensing (Scotland) Act 2005 and the mandatory conditions attached to all licensed premises.

The use of drugs in premises used by the general public affects not only the health and safety of the customer, clients and staff alike but it also impacts on the reputation

of the premises, licensee and owner. The potential to impact on business should never be underestimated. Licensees work hard to create an ambient atmosphere in and around licensed premises to enhance the safety, security and comfort of their customers, ensuring that their visit is a pleasant one and one that they will wish to repeat. Coupled with the importance of creating a good evening economy which is vital to the local economy, licensees and their staff now also have a major part to play in preventing drug misuse. However, it is pertinent that to do so they are provided with the correct information and knowledge to help them create and sustain a safe and friendly venue which is drug free.

Legislation affecting the licensed trade gives the police strong powers to close premises which have a serious drug problem. Licensees cannot afford to stand on the sidelines; they must now take a more proactive role in keeping the drug dealers and their drugs out of licensed premises and away from their customers.

This document has, therefore, been compiled specifically to advise and aid licensees in how to identify and address drug dealing and drug abuse on their premises.



# I. THE LICENSING (SCOTLAND) ACT 2005

On 1 September 2009, the Licensing (Scotland) Act 2005 replaced the Licensing (Scotland) Act 1976, which had previously governed the sale of alcoholic liquor from licensed premises in Scotland.

## Premises Licence

The new legislation removed much of the complexity in respect of liquor licensing and introduced a single 'premises licence' for any premises involved in sale of alcoholic liquor. A premises licence, subject to certain conditions, exists in perpetuity.

An application for a premises licence may be made by any person 18 years of age or over, and must contain the following:

- A disability access and facilities statement. This is to be provided following the introduction of the Criminal Justice and Licensing (Scotland) Act 2010.
- A description of the premises.
- An operating plan of the premises.
- A layout plan of the premises.

The premises licence or a certified copy of the premises licence must be kept on the premises and the licence summary or a certified copy must be displayed in a prominent position, capable of being read by any person frequenting the premises.

A police constable or licensing standards officer may require the person in control of a premise to produce the premises licence or certified copy of the licence for inspection.

## Premises Manager

A licensed premises must have a designated 'premises manager'. A person may not be the premises manager of more than one licensed premises, and must hold a personal licence.

## Operating Plan

The concept of the operating plan was introduced under this new Act. Each premise for which a premises licence is sought must have an operating plan. An operating plan must detail:

- A description of the activities to be carried out on the premises.
- A statement of times during which it is proposed that alcohol should be sold on the premises.
- A statement as to whether the alcohol is to be sold for consumption on or off the premises, or both, and the times at which it is to be sold either on or off sales (which may be different).
- A statement of the times at which any other activities, in addition to the sale of alcohol, are to be carried out on the premises.
- Information as to the proposed capacity of the premises.
- Prescribed information about the individual who is the 'premises manager'.
- Such other information relative to the premises and the activities to be carried on there as prescribed.

## Duty to Display Notice

■ Where alcohol is to be sold on the premises, a statement as to whether children or young persons are to be allowed entry to the premises and, if they are to be allowed entry, a statement of the terms on which they are allowed entry, in particular:

- The ages of the children or young persons to be allowed entry.
- The times at which they are to be allowed entry.
- The parts of the premises to which they are to be allowed entry.

**It is an offence...  
for a person under the age of 18  
years, to buy or attempt to buy  
alcohol on these premises. It is also  
an offence for any other person to  
buy alcohol on these premises for a  
person under the age of 18 years.**

## Mandatory Licence Conditions

All premises licences issued under the 2005 Act are subject to mandatory conditions including:

- Alcohol is sold only in accordance with the terms specified in the operating plan.
- Any activity carried out in the premises is in accordance with the operating plan, eg. bingo, conferences, televised sporting events etc.
- All staff involved in serving or dispensing must have undergone a period of training.
- No variation of price at which alcohol is sold can be made for a period less than 72 hours.
- No irresponsible drinks promotions are permitted, ie two drinks for the price of one etc.
- Provision of non-alcoholic drinks, baby changing facilities, notices/signage and display of alcohol.

Scottish ministers can add other mandatory conditions or amend existing conditions.



## Late Night Opening Conditions

For premises open after 1am on any day subsequent to the day the premises originally opened, a first aider must be on the premises until they close or 5am (whichever is earlier).

In addition to this condition, for premises with a capacity of at least 250 people and which:

- regularly provides at any time between 1am and 5am,
  - live or recorded music louder than 85db, or
  - facilities for dancing, or
  - facilities for adult entertainment, or
- when fully occupied are likely to have more persons standing than seated the following additional conditions apply:
  - personal licence holder must be present on premises until premises closes or 5am (whichever is earlier),
  - must be written policies in existence in relation to evacuation and prevention of misuse of drugs on premises,
  - CCTV must be installed to satisfaction to Chief Constable and in good working order,
  - toilets must be supervised,
  - Security Industry Authority (SIA) stewards must be positioned at every entrance to the premises until premises closes or 5am (whichever is earlier).

## Powers of Inspection by Police and Licensing Standards Officers

### Police

A police officer may, at any time, enter and inspect licensed premises. This power now includes a members' club.

Any person who obstructs a police officer in exercising this power commits an offence.

### Licensing Standards Officer

A licensing standards officer (LSO) has the power to enter and inspect licensed premises and any substances, articles or documents found there, as the licensing standards officer thinks necessary for the purposes of determining whether the activities being carried out are in accordance with the premises licence or occasional licence.

Any person working on the premises at the time must provide the licensing standards officer with the assistance, information and documents they require. A person who intentionally obstructs a licensing standards officer in the course of their duty commits an offence.

LSOs will be able to seize and remove any substances, articles or documents found on the premises.

They will also be able to take copies of, or of an entry in, any document found on the premises.

## 2. OFFENCES

### **Drunkenness and disorderly conduct**

A person who, while drunk, attempts to enter any licensed premises (other than the premises at which they reside) commits an offence.

A person commits an offence if they are on licensed premises while drunk and incapable of looking after themselves.

### **Obtaining of alcohol by or for a drunk person**

A person who obtains or attempts to obtain alcohol for consumption on the premises by a drunken person or helps a drunken person to obtain or consume alcohol on the premises commits an offence.

### **Sale of alcohol to a drunk person**

Any responsible person on a licensed premises commits an offence if they sell alcohol to any drunken person.

### **Premises manager, staff etc not to be drunk on premises**

Any responsible person in relation to any licensed premises who is drunk whilst on the premises commits an offence.

### **Disorderly conduct**

A person on licensed premises who, while drunk, behaves in a disorderly manner or who uses obscene or indecent language to the annoyance of any person, commits an offence.

### **Refusal to leave premises**

A person who on a relevant premises refuses or fails to leave the premises on being asked to do so by a responsible person or constable commits an offence.

In either case if a person refuses to leave any relevant premises the authorised person may remove the person from the premises and may use reasonable force, if necessary to do so.



## OFFENCES RELATING TO CHILDREN

For the purposes of the Licensing (Scotland) Act 2005, a child is defined as a person under the age of 16, and a young person is defined as a person 16 or 17 years of age.

### Sale of Alcohol to Children or Young Persons

It is an offence for any person to sell alcohol to a child or young person.

It is a defence for a person to show that they believed that the child or young person was aged 18 or over and that they had taken all reasonable steps to establish the child or young person's age, or no reasonable person could have suspected from the child or young person's appearance that they were under 18.

An accused will only be treated as having taken all reasonable steps if, and only if, they were shown:

- a passport
- an EU photo-card driving licence
- such other document as prescribed.

### Allowing the Sale of Alcohol to Children or Young Persons

Any person who knowingly allows alcohol to be sold to a child or young person, on any licensed premises, commits an offence.

### Sale of Liqueur Confectionary to a Child

A person who sells a liqueur confectionary to a child commits an offence.

### Purchase of Alcohol by a Child or Young Person

It is an offence for a child or young person under the age of 18 to purchase, or to attempt to purchase, alcohol in any licensed premises.

It is also an offence for a person, other than a child or young person who, knowingly buys or attempts to buy alcohol for a child or young person, or who knowingly buys or attempts to buy alcohol on behalf of a child or young person for consumption by the child or young person on licensed premises.

It is not an offence when the alcohol purchased is beer, wine, cider or perry for consumption by a young person along with a meal supplied on licensed premises.





## Consumption of Alcohol by a Child or Young Person

A child or young person who knowingly consumes alcohol on any licensed premises commits an offence, and any responsible person who knowingly allows a child or young person to consume alcohol on any relevant premises commits an offence.

It is not an offence for a young person to consume beer, wine, cider or perry along with a meal supplied on licensed premises.

## Unsupervised Sale of Alcohol by a Child or Young Person

Any responsible person who allows alcohol to be sold, supplied or served by a child or young person on any licensed premises, commits an offence.

## Delivery of Alcohol by a Child

Where alcohol is sold on licensed premises for consumption off the premises, any responsible person commits an offence who:

- allows alcohol to be delivered by a child or young person
- delivers alcohol to a child or young person
- allows alcohol to be delivered to a child or young person.

An offence is not committed where the alcohol delivery is made or accepted by a person under 18 years of age who works, paid or unpaid, in a capacity that involves alcohol deliveries.

## Sending a Child or Young Person to Obtain Alcohol

It is an offence for any person to knowingly send a child, or young person, to obtain alcohol, sold or to be sold, for consumption off the premises.



### 3. DRUGS

#### Classification of Drugs

Licensees will be aware that the drug market is constantly evolving and new drugs appear regularly but, equally, they will also realise how difficult it is to keep up to date with the many new drugs which seem to appear overnight. They will be well aware that drugs can be obtained almost anywhere in the country and that they cannot afford to be complacent.

The Misuse of Drugs Act, 1971 divides drugs into Categories A, B and C depending on how dangerous the drugs were perceived to be at the time of classification. This does not mean, however, that Class A drugs are worse than Class C and that Class C can be ignored as all drugs have relative harm.

The following are the most commonly used drugs, although the list is not exhaustive.

#### DIAMORPHINE (Heroin)

Class: A



**Category:** depressant      **Form:** powder

**Street names:** horse, H, brown, smack, skag, kit, gear, junk

**How used:** smoked, sniffed, inhaled or injected

**Immediate effects:** Slows down brain activity, heart rate and breathing. Effects can make the user relaxed, drowsy and numb with a warm, contented feeling. Users may be oblivious to pain. Higher doses can produce drowsiness, sedation or a stupor.

**Associated paraphernalia:** Spoons, needles/ syringes, candles or lighters, small pieces of tin foil that may be stained or show signs of being burnt. Small pieces of cling film used as wrapping. Empty sachets of citric acid and wet stained cigarette filters.

#### GAMMA HYDROXYBUTYRATE (GHB)      Class: C

**Category:** depressant      **Form:** liquid

**Street names:** GHB, GBH, gabba, liquid ecstasy

**How used:** swallowed

**Immediate effects:** Varies greatly in strength. Small doses have a similar effect to alcohol. Larger doses said to have similar effects to ecstasy. Effects are noticeable between 10–60 minutes after taking the drug and may cause euphoria followed by powerful sedation.

#### COCAINE      Class: A CRACK COCAINE



**Category:** stimulant

**Form:** white powder or small rocks (crack)

**Street names:** snow, coke, charlie, ching, crack, rocks, lady

**How used:** snorted, smoked (rocks), injected

**Immediate effects:** Cocaine acts fast and lasts between 15 to 30 minutes. Users feel confident, strong and alert with an indifference to pain. Runny noses and excessive sniffing is a common feature Crack acts faster. Has a more intense effect that lasts about 10 minutes.

**Associated paraphernalia:** razors, mirrors or similar smooth surface, something to snort through (sometimes specially made for the purpose), straws, glass or homemade pipe, needles and syringes.

## METHADONE

Class: A

**Category:** depressant

**Form:** green liquid, white tablets or ampoules

**Street names:** meth, linctus, physeptone

**How used:** swallowed

**Immediate effects:** similar to heroin, although less intense but longer acting.



**DG FACT** A number of deaths have occurred solely due to the abuse of this substance.

## AMPHETAMINE

Class: B



**Category:** stimulant

**Form:** white or pink powder/tablets/paste

**Street names:** speed, whizz, billy

**How used:** snorted, injected, swallowed or dissolved into a drink

**Immediate effects:** For 3–4 hours users feel animated, over-confident, and full of energy. Appetite and ability to sleep are adversely affected. Jaw clenching and widened pupils are a common feature. Users may have a runny nose and constantly sniff.

**Associated paraphernalia:** needles and syringes, small folded pieces of paper.

**DG FACT** The purity of this drug is between 1% and 4%. 96% of this drug has been adulterated by dealers.

## CANNABIS

Class: B



**Category:** hallucinogen

**Form:** resin, herbal

**Street names:** hash, weed, joint, spliff, doobie, skunk, grass

**How used:** smoked, eaten, inhaled

There are also synthetic cannabinoid products designed to mimic the effect of cannabis. As of December 2009 these artificial products have now been classed as illegal (class B). It is worth noting that cannabis is the most widely used illicit drug in the UK and even though it is most commonly smoked and the smoking ban should deter users from lighting up within the premises, the licensee has a responsibility to ensure that cannabis is not being used in any designated smoking area or other places used by cigarette smoking patrons as these areas are still classed as your premises.

**Immediate effects:** Users feel relaxed and may have sharper sense of colours and sounds. Some feel urge to eat. If taken in food, effects can be stronger and harder to control. Talkativeness, drowsiness and relaxation are a common feature.

**Associated paraphernalia:** Rolling papers such as Rizla, pipes, torn up pieces of beer mats. There may be a distinctive strong, sweet odour.

**DG FACT** Large scale cannabis cultivations have been located throughout our region. The set-up and retail value of these cultivations is millions of pounds.



## BENZODIAZIPINES

(Tranquillisers/Valium)

**Class:** C



**Category:** depressant

**Form:** tablets

**Street names:**

diazepam, nitrazepam,  
jellies, tranks, benzos,  
vallies

**How used:** swallowed

**Immediate effects:**

Relieves anxiety and  
tension. Calms users and  
slows them down. High  
doses can make users

drowsy and forgetful. Higher doses can make users excitable, paranoid or argumentative. Some heavy users may carry knives or other weapons.

**DG FACT** Some tablets may look and be numbered alike. These tablets contain very little active ingredients and can have a bad effect.

## KETAMINE

**Class:** C



**Category:** hallucinogen

**Form:** liquid, powder, tablets

**Street names:** special k, vitamin k

**How used:** swallowed, snorted, injected

**Immediate effects:** A powerful anaesthetic used on humans and animals, it can produce 'out of body' experiences, numbness and hallucinations. Sometimes sold as ecstasy.

**DG FACT** Users may be incapable of moving whilst under the influence of this drug.

## PSILOCYBIN (Magic Mushrooms)

**Class:** A



**Category:** hallucinogen

**Street names:** magic mushrooms, shrooms, mushies

**How used:** eaten

**Immediate effects:** Hallucinogenic. Similar to but milder than LSD and produces a shorter trip lasting around 4 hours.

**DG FACT** Used to be illegal only when prepared. Due to changes in legislation this now makes it illegal to possess as well.

## LSD (Lysergic Acid Diethylamide)

**Class:** A



**Category:** hallucinogen

**Form:** coloured paper blotters or microdots, pills

**Street names:** acid, trips

**How used:** swallowed

**Immediate effects:** Hallucinogenic 'trip'. Starts within an hour and can last 8–12 hours or longer. Surroundings seem altered, colours brighter; sounds different, movement and time may seem distorted. Lack of concentration is common.

**DG FACT** Very few seizures in our area.

## ECSTASY (MDMA)

**Class:** A



**Category:** stimulant (with hallucinogenic properties)

**Form:** tablets (ranging in size and colour)

**Street names:** doves, sweeties, eckies, E

**How used:** swallowed

**Immediate effects:** Within 20–60 minutes increases energy and sense of well-being. Sounds, colours and emotions more intense. Lasts up to 6 hours. Jaw clenching, sweating and a dry mouth are a common feature.

**DG FACT** Most ecstasy tablets sold in our region contain either very little MDMA or none at all. Most tablets examined were BZP or ketamine. These give similar effects to ecstasy abuse.

## ALKYL NITRITES, AMYL NITRITES, BUTYL NITRITE

**Category:** stimulant

**Class:** not illegal

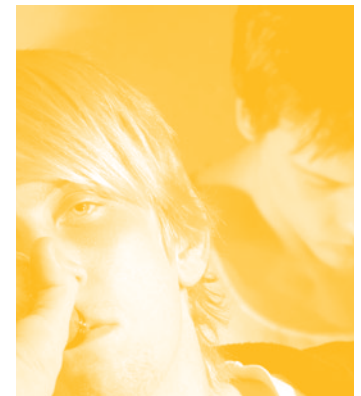
**Form:** liquid (contained in small bottle)

**Street names:** poppers, rush

**How used:** inhaled

**DG FACT** The affects don't last long and can leave people feeling faint and weak especially when dancing.

**Immediate effects:** Almost instant 'head rush' with flushed face and neck. Bulging eyes are a common feature. Can last between 2–5 minutes. May cause vomiting. Excessive use can cause shock and unconsciousness.



## NEW PSYCHOACTIVE SUBSTANCES (Legal highs)

Herbal highs are obtained by introducing either chemical compounds, natural or organic properties of plant matter into the body's system, similar to a controlled drug. It can come in various forms such as tablet, capsule, powder or smokeable form.

Legal natural highs represent a new generation of substances that are growing in popularity across the world.

No one knows exactly what they are taking with so called 'legal high' substances, which makes it very unpredictable to gauge what type of effect it will have on a person or any long term health problems which may result from misuse.

Although possession of the substance is legal it is still unsafe to use.

'Legal highs' are formulated to mimic the effects of various controlled drugs. They contain a range of potentially dangerous chemicals. They may also be heavily adulterated with other substances which means that a person can never be 100% certain as to what they have bought and what the effects might be.

The chemicals in 'legal highs' have, in most cases, never before been used as drugs, so have had no formal tests performed on them to indicate whether or not they are safe to consume.

## NEW PSYCHOACTIVE SUBSTANCES

Formerly known as 'legal highs'

**Category:** mainly stimulant

**Form:** sold as plant food chemical, powder and bath salts

**Class:** none

**Street names:** constantly varying

**How used:** swallowed snorted or smoked. Can be smoked, but unlikely

**Immediate effects:** A stimulant drug producing euphoria, alertness, talkativeness, and feelings of empathy. It can also cause anxiety, paranoid states, over stimulating of the heart and nervous system which may cause fits. Severe nosebleeds have been reported after snorting.



**Remember ...**  
alcohol is a drug.  
Just because it's  
legal doesn't mean  
it can be sold  
irresponsibly.

## 4. PREVENTATIVE MEASURES

### Powers of Search

#### Prior to Entry

You may, if you wish, search patrons prior to entry provided it is clearly advertised as a house rule. A sign should be clearly displayed at all entrances and should reflect the premises search policy. If the customer declines to be searched, you can refuse them entry to the premises.

#### After Entry

It is essential that owners and staff are aware of the limitations to their powers of search and for them to recognise that this can only take place with the permission of the person to be searched.

Basic guidance on good practice in relation to searches includes:

- Clear signage stating the company policy should be displayed in a prominent position.
- Only police officers have the power to search an individual for drugs and only the police can use force when searching.
- Permission for search must be sought from the person.
- You have no legal powers of search if the person refuses you permission to search them.
- Males should only search males and likewise females should only search females.

- If the person withdraws their permission during the search then it must cease immediately (consider contacting the police).
- Be aware of sharp objects such as needles.

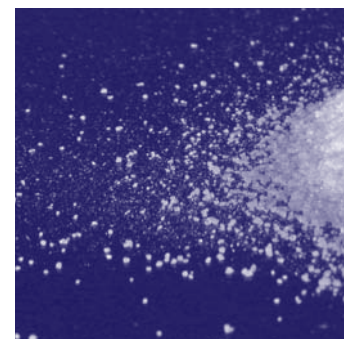
Watchful and knowledgeable staff are crucial to ensuring that premises are kept as drug free as possible. Being able to identify suspicious behaviour is vital. This may include:

- A person 'holding court' in a quiet or dark area of the premises.
- Different people continually visiting one particular section of the premises for short periods of time.
- Blood or blood stained items.
- Traces of powder on flat hard surfaces.
- Frequent visits to the toilet or car park.
- Unusual pipes.
- Rolled cardboard (ripped up beer mats or torn cigarette packets).
- Pungent smell.
- Folded or twisted pieces of paper, sometimes in an 'envelope' style or pieces of tinfoil.

## The Role of Staff

If staff have cause to believe that a person or group of people are involved in drug taking or dealing on the premises they should keep a discreet watch on the proceedings and contact the police immediately, ensuring they give a description of those involved and their location within the premises. Staff can ask such people to leave the premises but they should also try to note a full description of them and any direction of travel when they do so. Bear in mind that the use of any other methods may expose staff to violence or threats of violence.

The police can only intervene if they have information or specific intelligence to act upon and staff information could be the key they require. If for any reason staff are not comfortable with providing information to the police directly they should be encouraged to contact Crimestoppers on 0800 555 111. Text 88551.



**Crimestoppers is a charitable organisation dedicated to assisting the police and public in the fight against crime. It offers a free and confidential telephone line where members of the public can leave information about any crime. Information is given anonymously and they will not ask for any personal details from you.**



Scotland  
**CRIMESTOPPERS**  
**0800 555 111**  
Call anonymously with information about crime



## 5. DESIGNING OUT DRUGS

Drug dealers and drug users will strive to avoid being noticed by staff and due to the volume of patrons within licensed premises they can be a perfect environment for such illegal activities. Reducing their opportunities is a must for the licensee. This can be achieved by making premises hostile to those individuals so that they cannot hide. The police have architectural liaison officers who offer specialist advice in this area.

The following is a short list of measures to be considered:

### External

- Maximise visibility where possible – ensure that decorative features and plants do not obscure visibility.
- Avoid having small areas within the premises that can provide opportunity for concealment.
- Ensure a regular staff presence outside and patrol car parks to ensure no illicit activity is taking place there.
- Ensure tables are regularly cleared of obstructions such as glasses or bottles.
- Assess lighting levels for clear visibility.
- Use sensors for lighting areas not in constant use.
- Assess the need for CCTV.

### Entrances

- Keep the number of entrances to a minimum. This allows owners, management and staff to monitor who is entering and leaving the premises.
- Alarm fire doors to prevent unauthorised access.
- Make sure entrances are clearly visible from inside the premises and are well lit.
- Use trained door supervisors at busy times.
- Ensure that any queuing areas are well lit and supervised.
- Assess the need for CCTV.

### Seating and Standing Areas

- Raise the floor area behind the bar to maximise staff visibility.
- Pay attention to alcoves and corners that are not clearly visible from the bar area.
- Incorporate mirrors to improve visibility of awkward areas.
- Rearrange seating arrangements if necessary to maximise visibility from the bar.
- Use lighting.
- Clear bottles and glasses regularly.
- Regular checks of areas not easily visible from the bar.
- Assess the need for CCTV.

## Passageways and Toilet Facilities

- Use adequate lighting.
- Toilet entrances to be clearly visible from bar area and away from main entrances.
- Avoid or refurbish areas where objects can be hidden eg suspended ceilings, toilet cisterns etc. Fittings should be flush to avoid tampering.
- Ensure regular staff visits are made to such an area.
- Put up notices to ensure patrons are aware that random staff checks are made.
- Try not to have smooth flat surfaces within the toilet area ie cisterns, toilet roll dispensers etc. Apply a rough surface coating to existing surfaces if possible.
- Do not place chairs within the toilet area as this encourages people to loiter there.
- Consider implementation of a key or token system to access toilets as research has shown that the majority of drug use or handling of stolen goods occurs mainly in these areas.

## CCTV

The use of Closed Circuit Television (CCTV) can help licensees and managers in a variety of ways. It is important to remember that whilst CCTV has been shown to be an effective deterrent, you should be aware of obligations and responsibilities on people and organisations which operate CCTV systems. Your local police station will be able to give you guidance on this subject.

If you need further assistance with 'designing out drugs' and indeed other crime in your premises, please contact your local police station.



## CCTV Requirements for Licensed Premises

- There should be a staff member on the premises at all times who can operate the CCTV system.
- There should be suitable facilities available on the premises to review footage.
- The system operated must be able to be down loaded onto a digital format that can be viewed on a standard DVD player, or software must be made available to view the footage on a laptop computer.
- Images must be maintained for not less than 14 days (which is mandatory), although 28 days is recommended.
- The image capture rate on the system should of not less than 12.5 images per second.
- The system should be fit for purpose. Cameras covering entrances and exits should be capable of facial identification, while cameras covering public area and the general clientele inside of the premises should be capable of capturing incidents as they happen.
- The monitoring and recording systems are to be kept in a secure facility within the premises.
- A suitable maintenance contract should be in place. Logs of all faults and maintenance carried out should be kept. Systems should be tested weekly.
- Footage should be of a standard equivalent to MPEG4 (version 3) for video and MP3 for audio. It is recommended that systems are able to output footage in this format.

**Licensees have the right to eject any person from their premises at any time for any valid and legitimate reason.**



## 6. HEALTH

### HIV

HIV is a virus that prevents the body's immune system from working correctly. It can be transmitted through sharing needle paraphernalia, blood transfusion or through unprotected sexual activity. The virus cannot be passed on via casual contact. HIV is a fragile virus and dies off quickly when blood dries up.

### Hepatitis B

Hepatitis B is a highly infectious virus which attacks the liver. It can be found in blood, semen, vaginal fluid and saliva and can be passed on by sharing needles, through blood to blood contact and by unprotected sexual activity.

### Precautions

There is no room for complacency even during the routine cleaning of the premises. Staff must always try and use universal precautions when in contact with suspected body fluids or drug paraphernalia.

- Ensure any broken skin including sores, cuts, bitten nails etc are covered and regard all blood and suspect fluids as infectious and treat accordingly.
- Appropriate gloves must be worn and hands washed immediately afterwards.
- Dispose of sharp objects with extreme care and never bend or break the sharp object.
- Do not dispose of sharps amongst standard waste.
- Always use a specialised sharps container to dispose of needles etc.
- Wear a protective mask if available.

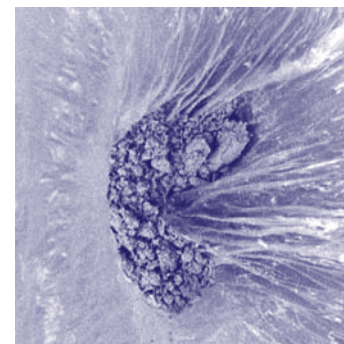
### Hepatitis C

Hepatitis C like hepatitis B attacks the liver. It is more robust than hepatitis B and can be passed on through sharing needles and sexual activity. The virus can survive outside the body for a considerable period of time.

Well maintained, clean premises, where staff take an active interest, are less likely to attract those involved in drug use. There may be times however that staff may find syringes or blood stained clothing etc and as an employer the licensee has a responsibility to ensure the welfare of their staff when dealing with this situation.

An employer's risk assessment should cover the following points:

- safe system for handling needles
- accidental contact
- the provision of appropriate cleaning equipment
- a suitable arrangement for disposal
- training for staff



## Needlestick Injuries

If someone accidentally punctures or pricks their skin with a needle, apparently clean or otherwise, the following steps should be taken:

- Encourage bleeding and wash the wound with warm water.
- Go to the nearest hospital casualty department immediately.
- If possible, take the syringe or needle to the hospital in a sharps container or at least remove it safely so that it cannot pose further risks.
- Record the accident. Needlestick injuries should be reported under Reporting of Injuries or Dangerous Occurrences Regulations 1995.

## SUMMARY

- Licensees should check their responsibilities as a manager and for their staff.
- Ensure the correct staff training is in place.
- Carry out regular risk assessments.
- Purchase the correct sharps and spills equipment.
- Implement preventative measures.
- Use the correct procedures for cleaning and disposal.
- Advice can be obtained from your local council environmental services.

## EMERGENCIES

If someone has collapsed in your premises, contact the Scottish Ambulance Service by dialling 999 providing as much information as you can, especially if drugs are involved.

If you find drugs, keep them safe and hand them to the emergency services when they arrive.

If you know how, place the casualty in the recovery position and loosen tight clothing. Stay with the casualty and keep them as comfortable as possible. Ensure there is a quick, clear and safe passage for the emergency services. Consider raising the lighting in the premises to assist with this.

**999**



## 7. LEGISLATION

### Health and Safety at Work Act 1974

This is the primary piece of legislation covering occupational health and safety. The act places a number of obligations on an employer in relation to the welfare of their staff and those who may be affected by their undertaking.



### Management of Health and Safety at Work Regulation 1999

Requires an employer of five or more staff to carry out a risk assessment and record the findings, it also underpins the Health and Safety at Work Act 1974. With respect to drug abuse the Act will impact on the licensee with regards to violence towards staff, preventing the risk of injury in the workplace, actions carried out on finding drugs, or paraphernalia, and the actions taken to prevent harm to staff, such as a needle stick injury.

### Environmental Protection Act 1990

The Environmental Protection Act defines the fundamental structure and authority for waste management and control of emissions into the environment. As such the Act classifies sharps and blood-contaminated products as clinical waste and dictates how they must be disposed of using a registered clinical waste carrier. The responsibility to comply with the legislation lies with the occupier of the premises.

### The Misuse of Drugs Act 1971

This is the main piece of legislation covering drugs. The Act aims to control the possession and supply of any drug which is causing or may cause harm to society. Such drugs become 'controlled substances' and are classified A, B or C, with Class A drugs considered to be the most harmful at the time of classification.

The legislation places legal obligations on the owner, manager and staff of premises.

The most common drugs offences which the police will deal with are those concerning the possession and supply of controlled drugs.



## Terminology

### Possession

It is an offence for any person to have a controlled drug in their possession.

### Possession with Intent to Supply

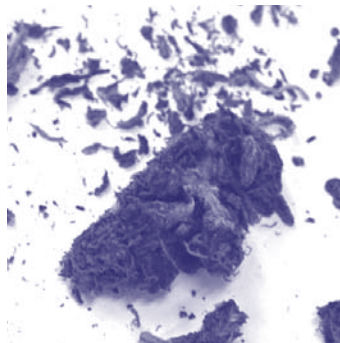
It is an offence for any person to have a controlled drug in their possession, whether lawfully or not, with intent to supply it to another.

### Supply

It is an offence for any person to supply or attempt to supply a controlled drug to another person.

### Concerned in the Supply

It is an offence for any person to be concerned in the supply of a controlled drug to another person. (ie when offering drugs for supply, the substance does not have to be a controlled drug).



## Section 8 Misuse of Drugs Act 1971

It is an offence for any person being the occupier or someone concerned in the management of any premises who **knowingly** permits or suffers the following activities to take place on the premises:

- producing or attempting to produce a controlled drug
- supplying or attempting to supply a controlled drug to another or offering to supply a controlled drug to another
- preparing opium for smoking
- smoking cannabis, cannabis resin or prepared opium.

This means that if the licensee or any member of staff has control over the activities that take place in licensed premises, and has actual knowledge of, or disregard drug taking or dealing taking place on the premises, and does nothing about it, then they have committed an offence under the Act.

Failure to act properly in the prevention of drug misuse can jeopardise the premises licence and ultimately affect the jobs of all staff.

The licensee is responsible for making staff aware that they also have a responsibility for what happens on licensed premises and of the consequences should they fail to act accordingly.

## 8. USEFUL CONTACTS

### Drugs Information

[www.knowthescore.info](http://www.knowthescore.info)

### Health and Safety Executive

[www.hse.gov.uk](http://www.hse.gov.uk)

### Public Services

[www.direct.gov.uk](http://www.direct.gov.uk)

### Crime Prevention

[www.crimereduction.homeoffice.gov.uk](http://www.crimereduction.homeoffice.gov.uk)

### Public Concern

[www.pcaw.co.uk](http://www.pcaw.co.uk)

### Crimestoppers

[www.crimestoppersscotland-uk.org](http://www.crimestoppersscotland-uk.org)

### NHS

[www.nhsdg.scot.nhs.uk](http://www.nhsdg.scot.nhs.uk)

### Dumfries and Galloway Council

[www.dumgal.gov.uk](http://www.dumgal.gov.uk)

Licensing Department

Email: [licensing@dumgal.gov.uk](mailto:licensing@dumgal.gov.uk)

Phone: **030 33 33 3000**

### Dumfries and Galloway Constabulary

[www.dg.police.uk](http://www.dg.police.uk)

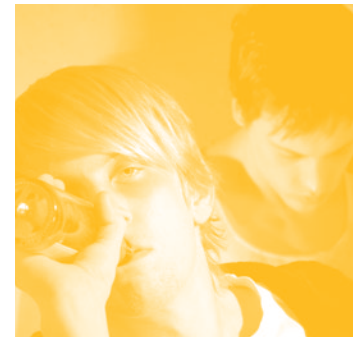
Police Headquarters

Cornwall Mount

Dumfries DGI IHP

Phone: **0845 600 5701**

for all non-emergency calls



## THE LICENSEES HANDBOOK

Produced by Dumfries and Galloway Constabulary 2011

The advice contained in this handbook is designed to provide basic guidance. It is not a complete authoritative statement.

Thanks go to the Scottish Business Crime Centre for providing material used in this handbook.