

Aberdeen City Licensing Board

Local Conditions

These are examples of standard local conditions which may be attached to premises licences at the Board's discretion.

CCTV

The licence holder shall provide sufficient internal and external CCTV coverage of the premises to meet the current technical requirements of the Police Service of Scotland as detailed in Aberdeen City Licensing Board's Statement of Licensing Policy. (all off-sales are however exempt from 4.2 relating to lip sync capability at entrance and exit doors)

Adult Entertainment

A register of performers must be maintained and kept up to date. The register will (a) include (i) the name, address, date and place of birth, nationality and a current passport sized photograph (ii) in the case of foreign nationals, the passport number and country of origin and (b) be made available for inspection by the Police and/or the Licensing Standards Officers

Door Supervisors

It is a condition that the licence holder will ensure that from 23:00 onwards they shall employ or use suitably licensed door supervisors at or near the entrance to, or within the premises, to maintain order and/or security and prevent patrons breaching the licensing objectives.

Drugs Policy

It is a condition that the licence holder has in place and enforces the drugs policy formulated by Police and attached hereto and displays a notice to the effect that such a drugs policy is in operation at the premises.

Radio Link

It is a condition that the licence holder is a member of the local Radiolink Scheme.

Duty of Care

It is a condition that the licence holder must have in place a duty of care policy to ensure a standard approach is taken when any patron appears to be displaying signs of excessive intoxication. The purpose of this policy is to reduce vulnerability through intoxication, however attained.

All staff must have training in identifying signs of excessive intoxication and an enhanced awareness of vulnerability through intoxication. This should include use of material such as the 'Who are You' video (whoareyou.nz) or similar.

All related training should be recorded and such records available for inspection by Police and Licensing Standards Officers.

Outdoor Drinking Areas

It is a condition of the licence that;

- (a) any outdoor area is clearly demarcated onsite;
- (b) that use of the area is to cease at 2200 hours and
- (c) that no amplified music or entertainment is to take place in the outdoor area.

DRUGS POLICY FOR LICENSED PREMISES WITHIN ABERDEEN CITY

Everyone in every community has a part to play in tackling drug misuse. It is important to tackle the 'drug problem' and to ensure that licensed premises within Aberdeen remain 'drug free'. Illegal substance must not be allowed to be supplied or consumed within licensed premises.

The contents of this Drug Policy should allow all staff employed in licensed premises to have a better understanding of the law in relation to drugs and drug related incidents. It will provide systems and procedures to ensure that all drugs related incidents are dealt with consistently and safely.

We will work towards achieving this through:

- communication with our customers;
- providing our employees with guidance, information, training and procedures to assist them in identifying drugs, the effects of taking them and appropriate action;
- complying with our legal responsibilities;
- working closely with local authorities and Police Scotland.

Classes of Drugs

The Misuse of Drugs Act 1971, classifies drugs as follows:

Class 'A'

Includes Cocaine, Crack Cocaine, Heroin, Ecstasy, Cannabis Oil and LSD.

Class 'B'

Includes Cannabis, Cannabis resin and Amphetamine.

Class 'C'

Generally tend to be prescribed drugs which are abused, the most popular include Temazepam, Diazepam and Steroids.

The Law

The Misuse of Drugs Act 1971 creates a number of offences to control the misuse of illegal drugs.

Common Offences

Possession

It is an offence for a person to have a controlled drug in his/her possession.

Possession with Intent to Supply

It is an offence for a person to have a controlled drug in his/her possession whether lawfully or not with intent to supply it to another.

Supply

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

Concerned in the Supply

It is an offence for a person to be concerned in the supply of a controlled drug to another person.

Section 8 of the Misuse of Drugs Act 1971

It is the responsibility of the licensee and staff of licensed premises to prevent drug dealing and the abuse of controlled drugs within licensed premises.

To knowingly permit or suffer any drug related activity on the premises is an offence.

Searching

All licensees should introduce the use of searches as a condition of entry to their premises.

Signs required to be clearly displayed regarding this and a 'Zero Tolerance' Policy in relation to drugs within licensed premises.

Power of Search

Only the Police have power to search people without their consent.

Can a customer wishing to enter the premises be searched?

Yes, if it is clearly advertised as a condition of entry that customers are required to allow a search of their person.

Searches can only take place with the permission of the person concerned. A witness should always be present during any search to provide corroboration and prevent any allegations. If they decline to be searched, entry can be refused.

Always remember your rights to refuse entry or to ask someone to leave your licensed premises. If an individual refuses, the Police should be contacted for assistance.

What can be searched?

The search should be restricted to outer clothing or pockets and should include bags etc. Great care must be taken whenever you are searching a person in relation to drugs. Never put your hand straight into someone's pocket without first asking the person if they have any sharp objects and patting the outside of the pocket. It may be preferable to ask the person to empty their own pockets and show you the contents. You should then ask if the pocket is empty and pat it from the outside. This may be sufficient to establish if there is anything in the pocket. Great care must be taken so that an exposed needle for example, does not cause injury. You should also ask the individual to empty any bags and watch carefully whilst this is done. Again this may be sufficient to establish whether any drugs are present. Obviously if the premises in which you are, are particularly busy, you do not want to take too long to carry out your search. Thoroughness should not however be sacrificed for speed. You should attempt to put your customer at ease and make them as comfortable as possible in these circumstances.

Can a customer within the premises be searched?

Yes, however, it is not recommended. If a customer is searched prior to entry, there should be no need to do a further search. However, if it is still felt necessary to carry out a further search once on your premises, a sign should be clearly displayed setting out the Search Policy. It is of vital importance that licensees and staff are aware of the limitations on their power of search. Searches can only take place with the permission of the person concerned to be searched. The search should not take place in a public area of the premises. Again, corroboration during searches is essential.

If the individual does not agree to a search, you have no legal powers to do it. If a subject withdraws consent during a search, you have no legal powers to continue, you must stop immediately and consider contacting the Police. Again you also have the right to ask someone to leave your licensed premises.

Can a male search a female?

No. A male should only search a male and a female should only search a female to prevent allegations of indecency/sexual assault. A witness should always be present to provide corroboration and help to prevent any allegations. The witness can be either male or female. If possible, carry out the search within the range of CCTV cameras if you have them.

What to do if drugs are found whilst searching a customer?

The person who has agreed to being searched and who has agreed to remain with you must be handed over to the Police as soon as possible. However, you have no power to force them to remain with you. If you find something which you think is a controlled substance, you should keep this safe and contact the Police immediately.

Can force be used to search a customer?

No. The customer must always grant permission to be searched. There are no circumstances in which force may be used to carry out the search.

Power of Detention

You have no power to detain a person for offences under the Misuse of Drugs Act 1971. The person(s) must agree to remain with you and must be handed over to the Police as soon as possible. If a person commits a Common Law offence such as an assault on a customer or member of staff, or is committing a Breach of the Peace on the premises, then he/she can be detained but only for the Common Law offence. Again the Police should be notified as soon as possible.

Drugs Seized or Found on the Premises

If you find anything that appears to be an illegal drug, put it in a plastic bag or envelope and seal it: This must be signed by the finder and witnessed by another member of staff; Enter the details of the drugs found in the appropriate drugs register; If any member of staff or management finds drugs on the premises, they must immediately inform the most Senior Manager on duty.

Drugs Information

Do not automatically think that because you know, the Police will know too. The Police can only act if they have information/intelligence to act upon. YOUR information may be the key to success. If you have any information about drug activities you should notify the Police immediately.

Licensing (Liquor) CCTV Guidance

1. INTRODUCTION

- 1.1. Amendments to the Liquor Licensing Act in Scotland came into force in February 2008. A condition of regular extended hours beyond 0100 hours now includes mandatory CCTV provision to the satisfaction of the Chief Constable in certain, defined late night opening premises.
- 1.2. This specification documents the minimum requirements for CCTV systems to meet licensing requirements in the Police Service of Scotland area. This specification does not preclude additional cameras or features that may be added to the CCTV system as the management of the premises sees fit as long as these additional features comply with relevant legislation.

2. REFERENCES

- 2.1. Within this specification reference is made to Home Office and Information Commissioner Documents these should be read in conjunction with this specification (see Section 11).

3. DATA PROTECTION ACT

- 3.1. Notwithstanding any of the requirements contained in this document, systems **MUST** comply with the requirements of the Data Protection Act. It is the responsibility of the premises owner to ensure this requirement is complied with.

4. CAMERA POSITIONS

- 4.1. **Required:** All points of entry to or exit from the premises must be captured by at least 1 fixed CCTV.
- 4.2. **Required:** The cameras should be either tamper resistant or mounted in a way that makes them tamper resistant.
- 4.3. **Advised:** CCTV cameras are installed to cover external areas where patrons may be required to wait in line or congregate adjacent to points

of entry. Audio capture is not mandatory, however, should be considered where operational requirements dictate.

- 4.4. **Advised:** CCTV cameras to cover other internal areas of high footfall and low supervision including customer/staff interaction areas, ie bars, counters etc. Audio capture should be considered where needs dictate.

Information: All cameras covering areas of high footfall or customer staff interaction areas should give clear 'Recognisable' images of all persons as defined in the 'Home Office CCTV Operational Requirements Manual'. The CCTV coverage of these advisable areas is not mandatory but recommended.

5. LIGHTING

- 5.1. **Required:** Lighting of sufficient luminance must be installed to fully support CCTV cameras at points of entry/exit.
- 5.2. **Required:** At points of entry or exit the lighting must be sufficient so that the perception of colour is relatively accurate (a minimum value of 60 on the Colour Rendition Index is advised).

Advised: Flat consistent illumination to reduce shadowing.

6. RECORDING

- 6.1. **Required:** All CCTV cameras are to be recorded on digital video CCTV recorder(s).
- 6.2. **Required:** A minimum image capture rate of 6.25 frames per second (higher preferable up to 25fps, particularly at entrance or exit points/queues/area of concern).
- 6.3. **Required:** Good quality CCTV images must be captured. Recommendation is a resolution of 4 CIF.
- 6.4. **Required:** The recorder must be capable of continued recording when replay of images takes place.
- 6.5. **Required:** Images **must be retained** on the digital recorder for a period of 7 days or more.

- 6.6. **Advised:** If a greater retention period is chosen it should reflect the organisation's own purposes and should be the shortest possible based on experience (Reference: The Information Commissioners CCTV Code of Practice).

7. IMAGE RETRIEVAL

- 7.1. **Required:** Retrieval of images from the digital video recorder must meet the following requirements:

- i) The evidence must be able to be exported from the digital video recorder to one or more of the following media:
 - USB hard drive
 - DVD
 - CD.
- ii) The evidential image file must be accompanied on the export media (hard drive, DVD or CD) by its playing software to be viewed in the format in which it was originally recorded.
- iii) The playing software must be licence free.
- iv) The playing software must be playable on the Windows XP operating system.
- v) The playing software and evidence must be playable from the media (hard drive, DVD or CD) on which it is recorded and must not require installing, or any component part, on the PC on which it is played.
- vi) The playing software must not require access to the registry of the computer on which it is played.
- vii) The evidence must be saved without password protection.

- 7.2. **Advised:** Crown Office & the Procurator Fiscal Service (COPFS) have dictated that the acceptable standard for presentation of digital evidence in Court is MPEG4 (Version 3) for video and MP3 for audio. It is recommended that systems are able to output to this format.

8. IMAGE VIEWING

- 8.1. **Required:** The CCTV system must include a method for viewing and reviewing images. This should be a 17 inch CCTV monitor or better which can be switched to view each CCTV camera individually.

- 8.2. **Required:** The set up and performance of each entry/exit camera must be easily confirmed.
- 8.3. **Required:** All point of entry or exit cameras must give clear 'Identifiable' images of all persons as defined in the 'Home Office CCTV Operational Requirements Manual'.
- 8.4. **Required:** All images captured must be clear, easily viewed and of sufficient quality to be used as evidence in Court.
- 8.5. **Advised:** The layout of the door entry arrangements should be such as to provide Pinch Points that will assist the CCTV system achieving consistent 'identifiable' images. These pinch points must **not** be achieved at the expense of health and safety considerations.

9. **TRAINING**

- 9.1. **Required:** Sufficient staff must be trained in the operation of the CCTV system, and at least one member of staff who is able to retrieve images for evidential purposes should be on duty at all times.

10. **MAINTENANCE**

- 10.1 **Required:** All faults must be rectified within a maximum of 7 days.
- 10.2 **Required:** A maintenance log must be kept reporting faults, their rectification and the systems maintenance schedule.
- 10.3 **Required:** The system must be tested on all business days to verify that all cameras are working satisfactorily. The result of the test should be logged daily.
- 10.4 **Required:** Reference manuals for all parts of the CCTV system should be held locally.