

## **LOCAL CONDITIONS**

### 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.

### Curfew

No customers (with the exception of those who have left the premises for the sole reason of complying with the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 may be admitted to the premises after 02:00.

### 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 photography (ii) in the case of foreign nationals, the passport number and country of origin and (b) be made available for inspection by Grampian Police and/or the Licensing Standards Officers.

### Drugs Policy

It is a condition that the licence holder has in place and enforces the drugs policy formulated by Grampian 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.

## **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 Grampian Police.

### **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.

In addition to the Misuse of Drugs Act 1971, the Licensing (Scotland) Act 1976 also creates an offence in relation to drug abuse, namely it is an offence for any person who occupies or keeps any premises in respect of which a licence is held and who; knowingly suffers thieves or reputed thieves or prostitutes or reputed prostitutes or persons convicted of an offence under Section 4 or 5(3), Misuse of Drugs Act 1971, to remain in those premises or knowingly permits thieves or reputed thieves or prostitutes or reputed prostitutes or persons convicted of an offence under Section 4 or 5(3), Misuse of drugs Act 1971 to meet or assemble in the premises.

## **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.

