

The Licensing (Scotland) Act 2005

South Aberdeenshire Licensing Board's Risk Assessment Guidance Note

The aim of this document is to offer advice and assistance to licence holders in relation to carrying out a risk assessment exercise.

The Board, in its statement of Licensing Policy strongly recommended that licence holders undertake a risk assessment before making any application to the Board for a premises licence. The results of that risk assessment should then be submitted to the Board when lodging the application for a premises licence in terms of the Licensing (Scotland) Act 2005. By requesting applicants to carry out such an exercise the Board is promoting the licensing objectives. Applicants will also promote the licensing objectives through any action carried out in response to such an assessment.

The Board does not consider this to be too onerous a task. Risk assessments are commonplace and action may not be required under every heading.

The Board has sought to give applicants as much assistance with the process as possible. Each matter detailed in this document is by way of information and recommendation. Every premises is unique. Not all matters will be relevant to each premises. A risk assessment is as individual as an operating plan and will vary according to the nature of the business. Applicants best understand their own business and it is for applicants to decide what is appropriate in each case.

There are five basic principles to bear in mind when carrying out a risk assessment:-

1. Identify potential hazards in the premises
2. Decide who (e.g. employees, visitors) might be in danger where a risk does materialise.
3. Evaluate the risks arising from the hazards and decide whether your existing measures are adequate or whether more should be done to get rid of the risks or to control the risks.
4. Record your findings and details of the action you took as a result. Tell your employees about your findings.
5. Keep the assessment under review and revise it when necessary.

Applicants should be clear about giving reasons for their assessment of the risk for each matter listed.

Where applicants adopt a particular policy as a result of the risk assessment then the policy should be put in writing, and brought to the specific attention of appropriate staff members. It should be continually enforced and reviewed at regular intervals in light of changes of circumstance

or incidents. It should be made available for inspection either by Grampian Police, a representative of the Board or Aberdeenshire Council or by the Licensing Standards officer.

The completed risk assessment will provide valuable information to the Board and demonstrate that applicants have taken these matters into account and are actively promoting the licensing objectives. It encourages voluntary participation in best practice and should mean that applicants will face less adverse representations from responsible authorities and the public. This, in turn, should reduce the need for the Board to (a) be too prescriptive in its statement of policy; and (b) hold detailed hearings and possibly attach conditions to premises licences.

The Licensing Objectives are:

- 1. Preventing crime and disorder**
- 2. Securing Public Safety**
- 3. Preventing public nuisance**
- 4. Protecting and improving public health**
- 5. Protecting children from harm**

This assessment is designed to assist you in carrying out your risk assessment, and so the headings follow the order of the licensing objectives.

Michele Pittendreigh
Depute Clerk to the Board

1.	Licensing Objective: Prevent Crime and Disorder	High Risk	Med. Risk	Low Risk	Reasons for Assessment	Action Taken
	Entry and Exit					
1.1	Applicants should consider whether door supervisors or other security staff are required in respect of the venue and the licensable activity proposed.					
1.2	In the event that door supervisors are used by the applicant's premises: <ul style="list-style-type: none"> Such persons must hold the relevant qualifications under the Private Security Industry Act 2001; Should be properly trained and sufficient in number, both inside and outside the premises according to the nature and extent of the licensable activities carried on. Should be required to vet, regulate and control persons entering or leaving the premises and to seek to ensure the prevention of crime and disorder but also to safeguard public safety and internal security at the premises; Should be trained in, have regard to and comply with the Guidance for Door Stewards issued by Grampian Police, available from Grampian Police. 					
1.3	External duties should include in particular the exclusion of persons who appear to have had too much to drink and/or who appear inclined to disorder. Duties inside the premises should include the monitoring of persons on the premises for excessive consumption of alcohol and/or who exhibit the potential for disorder.					
1.4	In the event that door supervisors or other security staff are used, applicants should make appropriate arrangements for a daily register of staff and the recording of incidents in an approved incident log.					
1.5	The daily register and incident log should be open to inspection by authorised officers of the Board, Aberdeenshire Council and Grampian Police on request.					
1.6	Applicants should consider whether measures should be put in place to prevent the use or supply of illegal drugs or weapons, such as the searching of customers for offensive weapons or drugs on entering the premises. Please refer to Police Guidelines on this matter.					

1.	Licensing Objective: Prevent Crime and Disorder	High Risk	Med. Risk	Low Risk	Reasons for Assessment	Action Taken
1.7	Where such measures are in place, applicants will also be expected to make arrangements to record the search of individuals and the seizure of any property which may be required for evidential purposes. Applicants will also be expected to provide a suitable receptacle for the safe retention of illegal substances and to inform the Police so that appropriate disposal can be arranged.					
1.8	Applicants should also consider discouraging the use of illegal substances or weapons by displaying notices in, and at entrances to, licensed venues which clearly define the policy of the venue and should state that criminal offences will be reported to Grampian Police.					
1.9	For town centre venues the Board recommends the Safer Clubbing Guide, found at the following link: www.drugs.gov.uk/publication-search/young-people/safer-clubbing-guide.pdf?view=Binary Applicants should confirm that the Guide has been considered and measures implemented where necessary.					
1.10	Applicants should consider whether a means of communication with other premises and the Police is required. This is likely to be particularly relevant in town centres. The Board recommends the existing Pubwatch Schemes as examples of good practice.					
1.11	Applicants should consider whether a personal licence holder and/or the premises manager should be a member of a recognised licensee's association or other representative body such as Pubwatch.					
1.12	Applicants should also note the advantages of consultation with the Police, particularly where events are of a character that is not usually held in that particular venue. Minimising any risk of disorder in this way is an example of good practice and is likely to lead to fewer requests to review licences.					

1.	Licensing Objective: Prevent Crime and Disorder	High Risk	Med. Risk	Low Risk	Reasons Assessment	for	Action Taken
1.13	Applicants may consider the use of exclusions of known troublemakers from their premises to minimise the risk of disorder. In certain cases, organisations of licensees may consider the operation of exclusion or banning scheme so that known troublemakers are refused entry to all licensed premises in particular vicinity. If such a scheme is in force locally, applicants should consider whether to become part of it. In exceptional cases, applicants may seek to refer a particular case to the Police for consideration of an Anti-Social Behaviour Order (ASBO) to enforce an exclusion						
1.14	Applicants should consider policies on managing groups of people, particularly larger, single sex groups.						
1.15	Applicants should consider a policy to prevent the sale of alcohol to persons that appear to be drunk. This also promotes the objectives of preventing public nuisance and protecting public health. There is no legal definition of drunk and it is up to staff to decide whether to serve a particular person or to determine whether that person is too drunk. Staff should be made aware, in a written policy, of the signs that a person is too far under the influence of alcohol and when service should be refused e.g. the first signs are loss of inhibition, impairment of judgement and emotional effects, followed by impairment of speech and movement and loss of memory followed by acute alcohol poisoning, evidenced by impairment of automatic functions like breathing and heart rate. Applicants are encouraged to keep a refusals book and make the same available for inspection.						
1.16	Applicants should consider adopting a policy to ensure patrons are not put in vulnerable situations after leaving e.g. allowing the phoning of a taxi and waiting in a specific area within the premises. Any policy should be in writing, advised to all staff members, where appropriate made clear to customers, be available for inspection, reviewed regularly and a detailed record of reviews maintained.						
	Proof of Age						
1.17	It is strongly recommended that all applicants adopt and adhere to a policy on requesting proof of age for all persons who appear under the age of 21. The Retail of Alcohol Standards Group (RASG) has useful downloads that are free to all the trade at the Wine and Spirit Trade Association's website at: http://www.wsta.co.uk/index.php?option=com_content&trk=view&id=61&Itemid=69						

1.	Licensing Objective: Prevent Crime and Disorder	High Risk	Med. Risk	Low Risk	Reasons Assessment	for	Action Taken
1.18	Proof of age may be a valid passport, a valid EU photocard driver's licence or an approved card with the "PASS" logo/hologram. Proof of age means requesting proof, checking that the proof is valid, checking the proof of ID belongs to the person producing it and has no obvious signs of tampering.						
1.19	Applicants are encouraged to keep a refusals book and make the same available for inspection.						
	Glass and Bottles						
1.20	Glasses and bottles may on occasion be used as weapons in and near licensed premises and can and do cause serious injury. Applicants should note that glass and bottles can impact upon public safety and cause a public nuisance in addition to the crime and disorder implications.						
1.21	Applicants are expected to take reasonable steps to prevent the removal of glasses and opened bottles from premises.						
1.22	Applicants should also consider policies which provide that, on appropriate occasions, all drinks are dispensed into toughened glassware or plastic containers and that at certain times during late hours of operation and/or when significant numbers of people are on premises there is exclusive use of toughened glassware or plastic containers including dispensing all bottled drinks into such vessels. Applicants should assess the potential risk of crime and harm and adopt an appropriate policy.						
1.23	Applicants should have considered adopting written procedures for a system of regular glass/bottle/container collection and cleaning, as tidy areas that are regularly cleaned and monitored benefit customers and encourage better behaviour.						
	Byelaws on Alcohol in Designated Places						
1.24	Where such orders are in force, applicants are expected to take reasonable steps to inform customers of the existence and effect of such an order. This may include the display of a notice to that effect at exit points from the premises.						

2.	Licensing Objective Securing Public Safety	High Risk	Med. Risk	Low Risk	Reasons Assessment	for	Action Taken
2.1	Applicants may provide evidence that such matters have already been addressed within an existing health and safety risk assessment or similar in which case a separate risk assessment for these purposes is not required.						
2.2	Applicants may have a capacity limit imposed on the premises through fire or building regulations, or both. However, applicants should note that the Board might seek to impose capacity conditions where there are no such limits, on grounds of safety, following representations on safety grounds. The Board may also seek to impose capacity figures which are lower than the capacity limit on crime and disorder grounds.						
2.3	Applicants should demonstrate how they intend to control and maintain the agreed occupancy levels within the venue.						
2.4	Applicants should consider adopting procedures for evacuation of the premises.						
2.5	Applicants should have in place procedures for reporting accidents or incidents at the premises.						
2.6	Applicants should have in place procedures for routine maintenance of the premises and for daily inspections, with a record log.						
2.7	Applicants should have in place procedures for checking all exit routes from the premises and signage at same.						
2.8	Applicants should have in place procedures for the removal of obstructions and security devices to exit routes and doors, prior to occupation of the premises.						
2.9	Applicants should have in place procedures for the installation, testing, maintenance and certification of fire and alarm systems, electrical equipment including emergency lighting, music and music cut out systems, fire retardant systems. Record logs should be maintained.						
2.10	Applicants should have in place procedures for regular inspection and maintenance of the building structure. Records should be maintained.						

2.	Licensing Objective Securing Public Safety	High Risk	Med. Risk	Low Risk	Reasons for Assessment	Action Taken
2.11	Applicants should consider adopting written procedures for the inspection and maintenance of furnishings and fabrics, guarding to stairs, balconies, landings and ramps, general condition of floor surfaces (e.g. trip hazards, non-slip surfaces), provision of safety glazing in critical locations, suspended decorations, lights and amplification systems, guarding to fires, candles and open flames.					
2.12	Applicants should consider safety measures when hot food and drink is prepared in close proximity to the public, to save any risk of burns and scalding.					
2.13	Applicants should provide details of the first aid facilities and the treatment available on the premises, including details of the numbers of trained first aid staff. Consideration should also be give to the treatment of any persons who appear to be unwell, including those affected by drugs and/or alcohol.					
2.14	Applicants should demonstrate the safety measures to be implemented during the use of any special effects (like strobe lighting or smoke machines) on the premises, including the arrangements for prior notification to customers. The proposed use of pyrotechnics should be advised to the Fire Authority.					
2.15	Applicants should be aware of the legal requirements in respect of facilities and access to their premises for people with disabilities. Applicants are recommended to address the needs of people with disabilities in an operating plan. This may include, access, facilities, physical and managerial methods for the safe evacuation of disabled persons. It may also identify trained members of staff to implement emergency egress plans and clarify whether equipment such as lifts are safe to use.					

3.	Licensing Objective Prevention of Public Nuisance	High Risk	Med. Risk	Low Risk	Reasons Assessment for	Action Taken
3.1	<p>Applicants should determine and implement steps to prevent noise, vibration, smells or other nuisances escaping both from sources within the premises and from external sources under the control of the applicant such as: amplified and non-amplified music levels, singing and speech, disposal to waste and bottle bins, plant and machinery (including extraction systems), food preparation, the cleaning of premises and equipment.</p> <p>External doors should also be kept closed, except where necessary for access and egress i.e. doors should not be secured open and will be fitted with self-closers if necessary.</p>					
3.2	<p>Steps to be taken may include: the installation/adoption of soundproofing, air conditioning to allow windows to be kept closed, sound limitation devices, use of lobby doors, cooling down period with reduced music levels at the end of the night, adopting hours of operation appropriate to the activities in question and the location, adopting a schedule for the disposal and collection of waste at times appropriate for the locality.</p>					
3.3	<p>In considering applications from pubs, clubs and similar premises, and their activities, the Board expects licensees to have regard to any guidance published such as the Good Practice Guide on the control of noise from pubs and clubs published by the Institute of Acoustics. This is available at:- http://www.ioa.or.uk/publications.asp</p>					
3.4	<p>Particular care should be taken where the noise source is in the open air, e.g. smoking areas, beer gardens, play areas, car parks, access roads, temporary structures or queues. Licensees should comply with the terms of the Board's smoking policy in not allowing smokers to take drinks out to smoking areas, particularly where they are situated close to residential properties where increased noise levels from continued outdoor socialisation promotes public nuisance. Speakers should not be positioned outside at any time.</p>					
3.5	<p>Applicants should consider any special measures that should be adopted in premises located near noise-sensitive premises such as nursing homes, hospitals or places of worship.</p>					

3.	Licensing Objective Prevention of Public Nuisance	High Risk	Med. Risk	Low Risk	Reasons Assessment for	Action Taken
3.6	Applicants should determine and implement steps to prevent excessive or ill-designed external lighting to premises, outdoor areas and car parks (including lighting intended specifically for public safety and security) intruding upon the comfort and amenity of nearby residents to such an extent as to be a nuisance.					
3.7	Nuisance by smell is commonly attributable to the commercial preparation of hot food in kitchens with no or inadequate or poorly maintained filtration and extraction equipment. Applicants should determine and implement steps to prevent smells causing a nuisance to local residents and businesses.					
3.8	The provision of hot food at and from premises after 11pm is often associated with the litter of paper containers and food discarded into the streets and onto private property in the vicinity of the premises. Applicants should determine and implement steps to prevent additional litter (e.g. food waste and food packaging, cans and bottles) in the vicinity of the premises. Such steps may include an agreed cleaning schedule in respect of litter in and in the vicinity of the premises).					
3.9	The Board will not tolerate the detrimental impact on the amenity of those living and working in an area caused by fly posting and the irresponsible distribution of advertising flyers or other materials such as stickers. The Board expects applicants to determine and implement steps to prevent fly posting and other unauthorised advertising and to consider measures necessary to control the litter that can be produced by the irresponsible distribution of flyers and other advertising materials.					
3.10	Applicants should consider the steps to be taken to prevent disturbance by customers arriving at or leaving the premises, including the considerations that have been given to the cumulative effect of this in areas with other licensed premises in the immediate vicinity. This will be more important between 11pm and 7am than at other times.					
3.11	Applicants should consider the steps to be taken to prevent queuing (either by pedestrians or vehicular traffic). If some queuing is inevitable then queues should be formed away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction, for example, making provision for queuing inside the premises.					

3.	Licensing Objective Prevention of Public Nuisance	High Risk	Med. Risk	Low Risk	Reasons Assessment for	Action Taken
3.12	Applicants should consider the steps to be taken to ensure staff leave the premises safely and quietly. This will be of greater importance between 11pm and 7am than at other times.					
3.13	Applicants should consider the arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents, including the slamming of vehicle doors, vehicle horns, stereos, noise from engines idling and exhaust fumes.					
3.14	Applicants should consider whether there is sufficient provision for public transport with regard to the proposed opening hours (including taxis and private hire cars) for patrons. Failure to do so may result in nuisance and this will be considered a serious failure.					
3.15	Applicants should consider whether the service of the premises by licensed taxi or private hire cars is likely to disturb local residents and take reasonable steps to prevent disturbance from this source. Examples of actions that can be taken include the provision of an indoor waiting area, arrangements for door staff to advise customers that their transport has arrived (rather than taxis beeping) and phones in entrances lobbies perhaps linked directly to a private hire company.					

4.	Licensing Objective Protecting and Improving Public Health	High Risk	Med. Risk	Low Risk	Reasons Assessment	for	Action Taken
4.1	Licensees should have regard to the Wine and Spirit Trade Association Social Responsibility Standards for the production and Sale of Alcoholic Drinks in the UK available at – http://www.wsta.co.uk/index.php?option=comcontent&task=59&Itemid=104						
4.2	Applicants should consider whether the provision made for alternatives to alcoholic drinks adequately protects and promotes public health, particularly in terms of reasonably priced alternatives to alcohol i.e. soft drinks, tea, coffee, food and non-alcoholic substitutes (with an AB of below 0.5%)/ This is especially important for drivers.						
4.3	Applicants should consider security arrangements to prevent tampering with unattended drinks.						
4.4	Applicants should consider promoting public health by educating customers through the display of information on the number of units of alcohol for different types of alcoholic drinks available. This might be through the use of leaflets, posters, simple signage or free unit calculators etc. Information may also be displayed about the effects of alcohol on the body which may be beneficial as well as detrimental.						

5.	Licensing Objective Protection of Children from Harm	High Risk	Med. Risk	Low Risk	Reasons Assessment for	Action Taken
5.1	The Board expects that employers will make careful checks where premises or entertainment is specifically targeted towards children to ensure all persons employed or involved with the supervision or management are deemed appropriate persons to be engaged in the activity.					
5.2	The Board commends the Portman Group Code of Practice on the naming, packaging and promotion of alcoholic drinks. Where applicants intend children to be present on licensed premise or where the sale of alcohol takes place the Code should be given due regard and addressed in this assessment. The Code can be found at: http://www.portmangroup.co.uk/?pid=1&level=1					
5.3	In the case of “children only” events, e.g. an under 18 disco, production of play, pantomime or similar events, applicants should consider what would be an acceptable ratio of adult supervisors to children on the premises for the activity.					
5.4	In the case of premises giving film exhibitions, licensees or clubs should include in their operating plan arrangements for restricting children from viewing age restricted films, classified according to the recommendation of the British Board of Film Classification, or by the licensing authority in terms of a Cinema Licence.					
5.5	Where children are to be allowed into licensed premises, applicants should consider the arrangements made for children including – the siting of toilets, whether children have to pass through what might be an unsuitable area to get to a toilet, where food is available, having a children’s menu, siting games and gaming, including machines, pool/snooker tables, darts etc., away from areas where children will be present.					
5.6	Applicants should consider appropriate signage both internally and externally, where children are to be allowed into licensed premises. The Licensing (Scotland) Act 2005 introduces mandatory requirements for signage. Applicants should also bring to the attention of parents any conditions under which children will be allowed access, including supervisory requirements.					

5.	Licensing Objective Protection of Children from Harm	High Risk	Med. Risk	Low Risk	Reasons Assessment for	Action Taken
5.7	Applicants should consider controlling stock to promote the objective of protecting children from harm. This will include keeping stocks of alcohol away from areas where there may be other products attractive to children e.g. placing alcopops near ordinary fizzy drinks. It will also include assessing the likelihood of children attempting to buy alcohol and where the risk is high, removing those products most attractive to children and young persons, like vodka, cider, fortified/tonic wine, alcopops etc. This is especially true of those types of products sold in half, pocket style bottles with screw tops.					

Please note that this document is merely an aid to carrying out a risk assessment.

It is not exhaustive. Completing the questionnaire attached to this Guidance Note does not constitute a risk assessment. It will provide the information which will be the basis for writing up an assessment which should be completed by a competent person.

RECORD OF FINDINGS TABLE

SIGNIFICANT HAZARDS	PEOPLE/GROUPS OF PEOPLE WHO ARE AT RISK FROM HAZARD	EXISTING CONTROLS AND RISKS WHICH ARE NOT ADEQUATELY CONTROLLED	WHAT FURTHER ACTION IS NEEDED - BY WHEN? - BY WHOM?

