

City of London

Traffic Light Scheme
for Licensed Premises

January 2013



Introduction

The City of London Corporation has introduced a licensing traffic light scheme applicable to all premises in its area with the benefit of a premises licence or club premises certificate issued under the provisions of the Licensing Act 2003. The scheme operates in conjunction with the Corporation's Code of Good Practice for licensed premises.

Aim of the scheme

The City of London Corporation's traffic light scheme is led by the City of London Licensing Authority and provides a simple but effective monitoring tool which brings together the findings of the licensing authority and responsible authorities in a way that flags up problematic premises at an early stage. It takes a holistic partnership approach to dealing with problem premises under all four licensing objectives and also recognises good practice. Advice and support will be offered to problematic premises with a view to improving standards at their premises and to prevent or minimise subsequent problems. The aim is to avoid the need for enforcement action such as prosecution or licence review but will not replace action where it is necessary for the promotion of the licensing objectives.

The scheme does not override the right of any responsible authority to review a premises licence or club premises certificate at any stage where problems occur at that premises that are relevant to the promotion of one or more of the licensing objectives.

Information sources

Collating information from all the relevant responsible authorities and enforcement agencies under all four licensing objectives provides a comprehensive overview of problems occurring at licensed premises in the City of London. Information sources include the police and fire authorities and the City of London's trading standards, pollution, health and safety and waste management teams. Care will be taken not to duplicate information where it has been received from more than one source.

Allocation of points

The scheme is based on a points system where details of incidents at licensed premises are collected and analysed on a monthly basis and penalty points marked against premises for each relevant incident that occurs there. Relevant incidents under all four licensing objectives carry penalty points on a sliding scale depending on the severity of the incident. Incidents must be clearly linked to the operation of the premises and complaints about premises must be substantiated.

The scheme also recognises good practice and awards credit points for any good practice measures implemented by the licence/certificate holder to improve standards at their premises to prevent or minimise subsequent problems. Credit points will be removed if the good practice measure has been removed or is not being actively used.

The criteria for allocating points are attached as Appendix 1.

Trigger levels

Premises will fall into a green, amber or red zone based on their total penalty points at a given time. The trigger level for the zones is dependent on how the points have been accumulated as follows:

GREEN	0 - 10 penalty points across all four licensing objectives
AMBER	6 – 9 under any one licensing objective 11 - 19 penalty points across all four licensing objectives
RED	10+ points under any one single licensing objective 20+ penalty points across all four licensing objectives

Green zone

At the launch of the City of London Corporation's traffic light scheme, the green zone will be the base line for all premises. This includes premises that may already be experiencing problems and the relevant responsible authority has already engaged in discussions with the licence/certificate holder or the premises may already be the subject of a review application or prosecution. The launch of the scheme will not override any existing action being taken against premises.

Premises that promote the licensing objectives and operate without incident will remain in the green zone. Premises in the green zone are generally well run and pose no significant risks that will undermine the licensing objectives.

Amber zone

As problems are identified and premises accumulate penalty points, the total points for their premises at a given time may take them from green to amber zone. Premises in the amber zone require close monitoring and engagement to prevent an escalation of incidents and will be notified as soon as they move in to the amber zone.

The licence/certificate holder and/or the designated premises supervisor will be contacted by the licensing authority or relevant responsible authority to carry out a self assessment based on the problems they are experiencing. A self assessment form will be provided. The City of London Corporation's Code of Good Practice for Licensed Premises should be referred to when considering measures to implement. An action plan will then be agreed between with the licence/certificate holder and/or designated premises supervisor and the licensing authority and/or relevant

responsible authority. The aim of the action plan is to bring premises back into the green zone by improving standards and to prevent or minimise subsequent problems occurring. The premises will be monitored to ensure that the action plan has the desired effect and credit points will be awarded for effective measures implemented at the premises

Red zone

There will be a further notification to the licence/certificate holder and/or designated premises supervisor if points accumulate to move the premises from amber to red zone. Premises in the red zone are undermining the licensing objectives and require immediate action by the licence/certificate holder.

Each red zone case will be reviewed by the licensing authority and/or responsible authority and treated on its individual merits. The licensing authority and/or relevant responsible authority may take any of the following actions it considers appropriate:

- The licensing authority and/or relevant responsible authority may meet with the licence/certificate holder with the aim of bringing the premises back to amber and then green zone. They may decide to revise the action plan agreed at amber stage and set a time period for the premises to implement remedial measures;
- If the action plan agreed at amber stage has not been implemented and problems persist or problems have failed to be addressed by the action plan, the licensing authority in its role as responsible authority and/or the relevant responsible authority will consider whether a review of the premises licence/certificate is appropriate. If the majority of points are gained from areas of crime and disorder or public nuisance, the police or environmental health responsible authorities will be expected to take the lead role for any possible review.

Formal action

Formal action such as prosecution or review of a licence or certificate will not be dependent on premises moving in to the amber or red zone.

The licensing authority and/or relevant responsible authority may proceed with a prosecution at any stage irrespective of the traffic light zone the premises is in, if it is in the public interest to do so.

Similarly, the licensing authority and/or relevant responsible authority may review a premises licence or club premises certificate at any stage irrespective of the traffic light zone the premises is in, if a matter arises at the premises that undermines one or more of the licensing objectives.

How long will points stay on a premises record?

Penalty points imposed on premises will remain for a rolling 12 month period. Any points that are over 12 months old will be removed for the purposes of the traffic light scheme but may still be taken into consideration in any subsequent prosecution or

review if relevant. Credit points for good practice measures implemented will be removed if the good practice measure has been removed or is not being actively used.

If premises change ownership and management, any points in place prior to the transfer will cease to have effect and the total will be reset to zero. If there is any evidence to link the new owner/management with the outgoing owner/management (ie. an attempt to circumvent the traffic light scheme), the points will remain on the premises record.

Appendix 1

City of London traffic light points system for licensed premises – Penalty Points

Penalty points for problems / incidents linked to premises (points are per incident unless otherwise indicated and incidents must directly link to the premises)

(COL = City of London, COLP = City of London Police, LFB = London Fire Brigade)

Points	Crime and Disorder licensing objective	Public Safety licensing objective	Public Nuisance licensing objective	Protection of Children from Harm licensing objective
1	Theft of personal property* (COLP) Drunkenness and disorder (COLP) Race, homophobic, hate abuse (COLP) Criminal damage (COLP)	Unconscious drunk or ill person and no first aid facility at premises (COL) Notification of fire safety deficiency with no follow up visit required (LFB)	Substantiated complaints about litter (general or smoking related) (COL) Evidenced obstruction of the highway (COL)	
2	Common Assault (COLP) Public order offence (COLP) Possession of drugs (COLP)	Drink spiking (COLP) Notification of fire safety deficiency with follow up visit required (LFB)	Substantiated complaints about noise from customers entering/leaving premises or using an external area (COL) Substantiated complaints about noise from within premises (COL) Substantiated complaints about noise from plant associated with the premises (COL)	
3	ABH / minor wounding (COLP) Affray / violent disorder (COLP) Robbery (COLP)	Enforcement Notice other than Article 11, 13 or 14 (LFB)		
4	Supply or concerned in the supply of drugs on/at the premises (COLP) Possession of offensive weapon (COLP) Assault on emergency services officer (COLP)	Article 11 or Article 13 Enforcement Notice - fire safety arrangements / fire detection and warning (LFB)	Noise abatement notice served on the premises (COL)	Evidence of children being exposed to entertainment of an adult nature, age restricted film or age restricted gaming machine
5	GBH / serious wounding / GBH with intent (COLP) Possession of firearm (COLP) Sexual assault / Rape (COLP)	Article 14 Enforcement Notice - means of escape (LFB) Article 31 Notice - prohibit use of premises, restrict capacity (LFB)	Noise abatement notice not complied with	Evidence of an underage sale (COL / COLP)

* 1 penalty point if more than 5 thefts in a month and subject to a maximum of 5 points over a rolling 12 month period

An evidenced breach of licence condition or unlicensed activity will carry 2 penalty points per breach. Where the breach results in a prosecution it will carry 5 penalty points.

Appendix 1

City of London traffic light points system for licensed premises – Credit Points

Credit points for good practice measures implemented at premises (points are per measure unless otherwise indicated and must remedy the problem/incident)
(COL = City of London, COLP = City of London Police, LFB = London Fire Brigade)

Points	Crime and Disorder licensing objective	Public Safety licensing objective	Public Nuisance licensing objective	Protection of Children from Harm licensing objective
1	Theft prevention measures implemented* Staff training on drunkenness / drink-aware posters displayed Evidence of a working refusals register Detention for the police of person(s) found with drugs on the premises CCTV recordings provided to Police	First aid provisions made available at premises Fire safety deficiencies rectified by follow up visit Anti-drink spiking products used Duty of care policy introduced	Implementing a customer dispersal policy Displaying notices where none exist Restricting the use of external areas after 10pm	Adopting a challenge 21 or challenge 25 scheme
2	Employment of additional door staff Detention for the police of person(s) responsible for violence inside the premises Detention for the police of person(s) found entering premises with drugs Implementing a door management policy where none exists	Plastic/polycarbonate drinking vessels introduced Implementing a policy to manage capacity Enforcement Notice complied with	Sound attenuation measures implemented Enforcement Notice complied with Implementing a door management policy where none exists	
3	Confiscation of weapons at the door Confiscation of drugs at the door Good crime scene preservation			
4				
5				

* 1 credit point per measure implemented subject to a maximum of 5 points over a rolling 12 month period

Where a licence holder rectifies a problem / incident identified at their premises, the licensing authority may add up to an additional 2 credit points. Credit points will not be gained for simply complying with statutory requirements.