

From: [REDACTED]
To: [REDACTED]
Subject: FW: Appendix G
Date: 18 January 2023 09:36:59

From: Aaron Cousins <[REDACTED]>
Sent: 22 December 2022 08:53
To: BUTLER Paul 58167 <[REDACTED]>
Cc: Shirley Loder <[REDACTED]>; Noel Bourke
[REDACTED]
Subject: Re: Proposed Conditions.

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Dear Paul,

It was good to meet you yesterday. We appreciate your support as well as your advice and fake ID training !

Kind Regards,
Aaron

Sent from my iPhone

On 20 Dec 2022, at 15:06, BUTLER Paul 58167
[REDACTED] wrote:

Mr Cousins

Thank you for showing me around the premise and explaining your plans. We met at **1.00 PM** on Tuesday 20th December. We discussed.

1. The Application.
2. Drugs Policy (Attached).
3. Live entertainment.
4. Plans as per pages 27, 28 & 29 on the Application.
5. The orientation of the planned event space.
6. The Tipi's.
7. The nearest neighbours, fencing, lane and line of sight.
8. Fake ID's.

I have had another look at the conditions you have offered and cannot add anything that would enhance the conditions. Therefore, I have no objections and will forward this to the Licensing Team at NDDC.
Have a good Christmas.

Kind regards.

Paul Butler.

58167 Paul Butler
Alcohol Licensing Officer
Devon and Cornwall Constabulary
Unit B
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Devon EX31 3NJ

[REDACTED]

[REDACTED]

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Drugs Policy for Licensed Premises

Name Of Premise	
Premise Licence Number	
Person Adopting the Policy	
Date	

Version One (1)

Dated

Monday 10th June 2019.

Introduction

Due to the nature of our business, the licensed trade, we come into contact with illegal substances, either through our staff or our customers. We will endeavour to protect our business against this problem by setting out a licensed premise drugs policy.

This licensed premise drugs policy gives clear guidelines as to procedures and protocols in minimising the potential of harm from illegal substances to all our customers whilst on our premise and hence protecting their health, safety and welfare.

This licensed premise drugs policy will make all staff aware of illegal substance misuse and encourage staff to assist us in keeping illegal substance out of the premise.

We will achieve this by implementing the following procedures.

Rights of Entry

The holder of the premise license, DPS, door person or staff member; acting on the premises behalf, reserve the right to decide who will be allowed to enter the premises, and also have the right to ask a customer to leave the premise, if there is good reason.

We may display conditions of entry at the entrance to the premise, this will give details of random speculative searches in accordance with Appendix 3.

Making Notes and Keeping a Record

All incidents will be reported to the management who will record details of the event. Staff will be trained/Instructed accordingly.

As soon as is practicably possible after an event or incident accurate notes will be made. This information may be required for evidence in support of any prosecution.

Where doubt exists as to whether a report should be made to management, staff will be instructed to report all incidents; in relation to controlled substances, and to assist in intelligence led Policing.

Seizing and Finding Controlled Substances

Section 5 (4) of The Misuse of Drugs Act 1971. States that staff;

- (a) that, knowing or suspecting it to be a controlled drug, he took possession of it for the purpose of preventing another from committing or continuing to commit an offence in connection with that drug and that as soon as possible after taking possession of it he took all such steps as were reasonably open to him to destroy the drug or to deliver it into the custody of a person lawfully entitled to take custody of it; or
- (b) that, knowing or suspecting it to be a controlled drug, he took possession of it for the purpose of delivering it into the custody of a person lawfully entitled to take custody of it and that as soon as possible after taking possession of it he took all such steps as were reasonably open to him to deliver it into the custody of such a person.

Designing out Drugs in a Venue

We are aware that drugs misusers and dealers will go to great lengths to avoid their activities coming to attention of the management and staff. The physical layout of many premises provide areas that are out of the way or are less closely supervised than others. These areas are regularly utilised by individuals seeking to conceal their illegal activities.

We will endeavour to reduce such opportunities. We will do this by designing an environment that increases the possibility of detection of such illegal activities.

We will achieve this; where possible, by following recommendations listed below:

Outside Areas

- Where possible maximum visibility, ensure that plants and decorative features do not obstruct view.
- Gardens and patios should be as close to the main building as possible.
- Avoid nooks and crannies that can provide opportunities for concealment.
- Ensure a regular staff presence outside.
- Ensure tables are regularly cleared of obstructions such as glasses and bottles.
- Assess lighting levels for clear visibility.
- Use sensors for lighting areas not in constant use.
- Assess the need for CCTV.
- Provide notice stating our intentions and entry conditions.

Entrances

- Keep the number of entrances to a minimum. Assess the possibility of alarming 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.

Bars and Serving Areas

- Avoid obstructions to visibility such as glass racks, low canopies, screens, vending machines and promotional material.

Public Safety Issues

We accept that despite our best endeavours, drugs may find their way into our venue. We also recognise that the health risks associated with drug misuse are not limited only to the user. Risk to the non-user, members of the staff and public are equally relevant.

The safety and comfort of customers and staff cannot be over stressed. Risk assessments for events in our licensed areas will give recommendations for;

- First Aid and medical emergencies.
- Prevention of overcrowding and overheating.
- Handling of 'Sharps' and suspect substances.

Safety is a key area and the potential for overcrowding, dehydration or risk of personal injuries to customers and staff as a result of discarded needles and physical attacks will be treated as a priority.

First Aid and Medical Emergencies

There will be occasions where a need for First Aid treatment is required for a variety of illnesses or conditions.

In the event of a medical emergency, in the first instance call a first aider, who will assess the situation, arrange for first aid attendance or ambulance service.

In the event of an individual encountering problems known or suspected to be as a result of that individual consuming controlled drugs the management and first aider should be called at the earliest opportunity.

At this point the welfare of the individual is paramount and delays should be avoided at all costs.

Staff Training

Training of staff will be a high priority. All staff will be made aware of their responsibilities. All staff that come into contact with customers will know the venue policy in relation to drugs and what to do if a problem arises.

All staff will be briefed, as part of their induction process, as to whom they should report to in the event of problems. This will include cleaning staff that are most likely to find drug litter, which may include dangerous items.

Appendix 1 and 2 will be used to assist with training.

General – Applies to All Staff

The possession, use or distribution of drugs for non-medical purposes when on our business; whether on or off the premises, is strictly forbidden.

If you are prescribed drugs by your Doctor, which may affect your ability to perform your work, you must discuss this with your direct line manager.

Any employee who suspects another employee of drug, substance or alcohol misuse should report this to management.

Should anyone suspect that staff and door staff are engaged in the distribution of controlled or non-prescribed substances either on or off the premises, management will investigate and report to the Police and co-operate fully with any investigations they deem necessary.

Section 8 of the Misuse of Drugs Act 1971

Drugs on Premises

A person commits an offence if, being the occupier or concerned in the management of any premises, he knowingly permits or suffers any of the following activities to take place on those premises, that is to say;

- Production or attempting to produce a controlled drug.
- Supplying or attempting to supply a controlled drug to another.
- Preparing opium for smoking.
- Smoking cannabis, cannabis resin or prepared opium.

Notes from the Act Wording;

*If the offender is aware that the premises are being used to supply controlled drugs, it does not matter for the purposes of guilt, which type of drug is involved **however**, this does affect the penalty given so it is desirable, if possible, to identify the class of drugs and name it in the charge.*

This offence is not committed, for example, by a landlord who knows that one of his tenants is in his room injecting himself with amphetamines. However, he may commit the offence if, for example, a drug is being supplied to others on the premises; he is conspiring with the tenant; or a controlled drug is being produced on the premises.

The Misuse of Drugs Regulations 2001 should be considered, which allow some drugs to be lawfully in a person's possession for certain legitimate reasons (e.g. medicinal).

Management of Premises - *This term implies a degree of control over the running of the venture or business. If a person controls premises by running, planning or organising them, he will be managing. Sharing or assisting in the running of premises is sufficient for the purposes of 'being concerned in the management', however, the cleaner of premises, who knows that the premises exist primarily for the smoking of cannabis, would not fall within this category.*

What it means

Premises include building, enclosed yards, gardens, sheds, outbuildings and front steps and may also include other settings such as vehicles, boats and marquees.

Concerned in the Management may include any worker who has the authority to admit someone to or exclude someone from the premises or responsibility for enforcing rules in the premises.

Knowingly may mean you have actual knowledge that a prohibited activity is taking place – you have seen it yourself or are reliably informed of it. However, you could also be considered to 'know' if there were circumstances that prohibited activities were taking place.

Permit or Suffer means that you allowed the prohibited activity to take place. This could be because you took no action or that actions were ineffective and you didn't take further steps that were "reasonable and readily available".

What our employees need to do:

If you are concerned that prohibited activity might be taking place on the premises, you should always look into it further. If this confirms or supports your suspicion, you will need to report the matter to the management, Premise Licence Holder and/or Designated Premise Supervisor.

If you are aware of prohibited activity taking place on the premises, you must decide on a course of action. Actions that might be taken, once you have made colleagues aware of your concerns, include instruction those involved to stop that activity, or other steps including warnings, instruction them to leave the premises, or exclusion for a period of time. Ideally these actions need to be carried out by the management, who in turn can liaise with the Police.

Your obligation under Section 8 is to prevent the prohibited activity. If you fail to take reasonable steps available to you to prevent the prohibited activity, then you may be committing an offence. Ensure that you keep accurate written notes of drug related incidents and steps that have been taken in your **INCIDENT BOOK**.

Appendix 1

Awareness

The signs to look for of both users and dealers are as follows:

Signs of Drug Use – Materials

- Torn-up beer mats/cigarette packets/bits of cardboard left on tables or in ashtrays.
- Foam stuffing taken from seats, bits of foam left around.
- Roaches (homemade filter tips from cannabis cigarettes).
- Small packets made of folded paper, card or foil.
- Empty sweet wrappings left in toilets.
- Payment with tightly rolled banknotes, or paper that has been tightly rolled.
- Traces of blood or powder on banknotes.
- Drinking straws left in toilets.
- Traces of powder on toilet seats or other surfaces in toilets or obviously wiped-cleaned surfaces.
- Syringes (**DANGER** of infection – do not touch with bare hands and should be disposed of properly).
- Spoons left in toilets.
- Pieces of burned tinfoil.

Signs of Drug Use – Physical Symptoms

- Very dilated pupils.
- Excessive sniffing, dripping nose, watering or red eyes.
- Sudden severe cold symptoms following trip to toilet/garden/car park.
- White mark/traces of powder around nostrils.

Signs of Drug Use – Behaviour

- Excessive giggling, laughing at nothing, non-stop talking.
- Unnaturally dopey, vacant staring, sleepy euphoria.
- Non-stop movement, jigging about, dancing.
- Gagging or retching actions.
- Excessive consumption of soft drinks.
- Sudden, inexplicable tearfulness or fright.
- An elevation in aggressive behaviour.
- Any marked altercation in behaviour following trip to toilet/garden/car park.

Signs of Dealing

- A person holding court, with succession of visitors who only stay with them for a short time.
- A person making frequent trips to the toilet or garden or car park, followed by different persons each time.
- People exchanging small packages or cash, often done in a secretive manner, but may be quite open to avoid suspicion.
- Furtive, conspiratorial behaviour – huddling in corners and whispering.
- Conversation includes frequent reference to drugs, slang names.

Dealers are **NOT** identifiable by appearance; they may be very respectable-looking.

Appendix 2

Drug & Slang Names	Form	How Taken	Signs to Look For
ECSTASY “E”, XTC, Pills, Disco, Biscuits, Doves, Apples, Snowballs, Adam, Eve.	White or brown tablets, pink, yellow or clear capsules or powder	Swallowed	Excessive energy, dancing, euphoria. Dehydration. Big demand for non-alcoholic drinks.
AMPHETAMINES Speed, Sulph, Uppers, Whiz, Go-Faster, Billy, Meth, Base, Paste.	Tablets, capsules or a white, yellow, pink or brown powder.	Swallowed.	Rapid speed. Confusion. Enlarged pupils. Effects increased by alcohol.
LSD Acid, Tabs, Blotters, Micro Dots, Trippers, Dots, Stars, “L”, Lucy.	Paper Squares printed with various designs, Gelatine, Microdots. Les commonly in tablets.	Swallowed.	Hallucinations, erratic and unpredictable behaviour, incoherence.
COCAINE Coke, Snow, Charlie, “C”, Candy, Flake, White Lady, Nose Candy, Stardust.	White Powder.	Sniffed (“Snorting”). More rarely injected.	Euphoria, but sometimes causes anxiety, runny nose, sniffing. Traces of powder around nostrils. Payment in tightly rolled banknotes.
CRACK Stone, base, Rock, Wash, Free Base, Rocky.	Yellowish rocky lumps.	Smocked in homemade pipes or heated on foil.	Instant elation – wears off quickly. Violent behaviour. Empty wrappers, scorched foil.
CANNABIS Dope, Hash, Pot, Weed, Ganja, Tac, Bush, Tarry, Scunk, Draw, Grass, Marijuana, Spliff, Blow.	Resin (Brownish lumps) or Herbal.	Smocked in hand rolled cigarettes, known as joints, reefers, doobies and spliffs. Resin can also be eaten.	Talkativeness, euphoria, lack of co-ordination, relaxed inhibitions. Dilated pupils, bloodshot eyes. Strong smell of burnt leaves.
HEROIN “H”, Smack, Horse, Scag, Gear, Junk, Brown, Harry, Charlie White.	Off-White or brownish powder.	Injected. Can also be heated on foil and inhaled through straw. Known as “Chasing the Dragon”.	Sleepy euphoria. Slow breathing, running nose and eyes. Needle marks on body. Syringes, needles, bloodstained cotton wool, scorched tinfoil or spoons.
ROHYPNOL Roaches, Rope, Rid, R2’s.	Tablets – 10 times stronger than Valium.	Swallowed – colourless and when dropped into drink dissolves rapidly. Tasteless.	Muscle relaxation, slow response and lower inhibitions, the victim feels disorientated.

Appendix 3

Searching

A condition may be attached to the customer's right of entry, namely "That persons entering the premises may be asked to submit to a speculative search for illegal substances". This entry condition will be advertised on a poster(s) outside the premises in a position(s) that customers seeking to enter the premise could not reasonably fail to see.

Once beyond the door staff and inside the vestibule or payment area of the premises customers are politely approached at random or with cause. They are told that they have been selected in accordance with the policy and informed that it is intended to subject them to a speculative search should they wish to gain entry into the premises. They are informed that they have the right to refuse but they will not be granted access to the premises if they do so.

Should the person refuse to submit to a search then they are informed that this is a condition of entry as displayed outside and inside the premises and they will be asked to leave.

If they agree to be searched they are asked to accompany the staff to an area set-aside for this purpose. In a manner that cannot be deemed threatening and in the presence of two or more staff, at least one of the same gender as the person, the policy is again explained to them. The individual is again asked if they are prepared to consent to a search of their outer garment and personal effects. Again should the person refuse to submit to a search then they are informed that this is a condition of entry as displayed inside and outside the premises and they will be asked to leave. Once consent to the search is obtained proof of identity should be obtained.

Immediately prior to the search taking place the person will be asked whether they are in possession of any controlled substances or other illegal articles and in any event will be subjected to a speculative search of their outer garments and personal effects only

BY A PERSON OF THE SAME GENDER AS THE PERSON BEING SEARCHED IN A COURTEOUS AND RESPECTFUL MANNER.

All searches to be recorded in the Search Record Book.

If substances are discovered the person will be informed that it will be desirable that they remain until the Police attend to clarify matters. Staff will ask them what the substance is. Staff should be very careful that the person cannot retrieve the articles from them.

If no drugs are discovered, the person will be thanked and allowed to enter the premises without further hindrance and thanked for their assistance and understanding.

If someone has managed to enter the premises and is suspected of being in possession of drugs they may be approached and asked courteously to accompany the staff to a quieter place. They are then asked if they agree to the search being conducted in accordance with the entry requirements. ***If it is decided to make an approach to a person or persons within a group try to isolate the individual(s) before doing so. This will avoid undue confrontation and bravado on their part.***

Again should the person refuse to submit to a search then they are informed that this is a condition of entry as displayed inside and outside the premises and they will be asked to leave. ***It is vital that you and your staff take extreme care when searching people or clothing as needles or sharps are often concealed. If any member of staff is 'pricked' seek immediate hospital advice.***

Appendix 4

Detaining Persons

If substances are discovered on a customer the person must be informed that it will be desirable that they remain until the Management / Police attend to assist in clarifying matters.

If a person states that they would like to leave and asks if they can leave then they should be told that it will be desirable that they remain until the Management / Police attend. However, if the person insists on leaving they should be allowed to do so, but where possible, their proof of identity should be retained. Experience of operating this type of policy is that most people will wait until the Police attend.

During this period the individual should be observed to ensure that they do not dispose of other items. Upon arrival of the Police the finder of the substance and the witness should relay to the Police in the ***presence and hearing*** of the accused what has taken place.

The drugs are handed to the Police (who do have the powers to arrest on suspicion of a suspected offence). The Police will Arrest and Caution the individual and escort them away from the premises.