

BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

Meeting, 12th March, 2009
at 2.00 p.m.

A G E N D A

PART ONE

1. To note any items which the Chairman considers to be of an urgent nature.
2. To receive notice from Members who may wish to move any delegated matter non-delegated and which will be decided by a majority of Members present and voting at the meeting.

3. **Admission of Public and Press**

To consider whether the public and press should be excluded from the meeting during consideration of any of the items on the agenda.

4. Disclosure of Interests.

A Member with a personal interest in a matter to be considered at this meeting must either before the matter is discussed or when the interest becomes apparent disclose

1. ***The existence of that interest to the meeting.***
2. ***The nature of the interest.***
3. ***Decide whether they have a prejudicial interest.***

A note on declaring interests at meetings, which incorporates certain other aspects of the Code of Conduct and a pro-forma for completion where interests are disclosed accompanies the agenda and reports for this meeting.

5. Apologies for Absence/Attendance of Substitute Members.
6. To confirm the Minutes of the meeting held on 29th January, 2009 (copy attached).

Chief Environmental Health Officers' Reports

FOR DECISION

- (D) 1. Appointment of Licensing Officer.

- (D) 2. Licensed Premises – Risk Assessments and Drunkenness.
- (D) 3. Application for Private Hire Vehicle and Hackney Carriage Drivers Licences from foreign applicants and applicants who have lived abroad.

RECOMMENDED PART TWO

- (D) 4. Application for Private Hire Vehicle Drivers Licence.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 5. Application for Hackney Carriage/Private Hire Vehicle Drivers Licence.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 6. Application for Hackney Carriage/Private Hire Vehicle Drivers Licence.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 7. Application for Hackney Carriage/Private Hire Vehicle Drivers Licence.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 8. Application for Hackney Carriage/Private Hire Vehicle Drivers Licence.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 9. Application for Hackney Carriage/Private Hire Vehicle Drivers Licence.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 10. Application for Hackney Carriage/Private Hire Vehicle Drivers Licence.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

Membership of Committee

D Roberts (Chairman)
Unwin (Vice Chairman)
Bell
Callister
English
R Hamezeian
Irwin
James
Millar
Murray
Stephenson
Waiting

BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

Meeting: 29th January, 2009
at 2.00 p.m.

PRESENT:- Councillors D. Roberts (Chairman), Unwin (Vice-Chairman), Bell, Callister, English, R. Hamezeian, Irwin, James, Millar and Stephenson.

64 – The Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985 and Access to Information (Variation) Order 2006

Discussion arising hereon it was

RESOLVED:- That under Section 100A(4) of the Local Government Act, 1972 the public and press be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 7 (Minute Nos. 69 and 70) and Paragraph 3 (Minute Nos. 71-74) of Part One of Schedule 12A of the said Act.

65 – Disclosures of Interest

Councillors James, Millar and Unwin declared a personal interest in Agenda Item 3 – South Lakes Wild Animal, Dalton-in-Furness (Minute No. 69), as Mr Gill was known to them.

Councillor English declared a personal and prejudicial interest in Agenda Item 6 – Application for Private Hire Vehicle Driver's Licence (Minute No. 72), as the applicant's family was known to him. He left the meeting during consideration of this item.

66 – Minutes

The Minutes of the meeting held on 18th December, 2008 were taken as read and confirmed and the Minutes of the Licensing Sub-Committee held on 7th January, 2009 were submitted for Members' information and noted.

67 – Driving Test Contract Tender

The Chief Environmental Health submitted a report concerning the provision of the driving test service for new applicants for Hackney Carriage/Private Hire Vehicle driver's licences. The report requested delegated authority to consider tenders and award the contract to provide the service for a further three years.

He reported that new applicants for Hackney Carriage/Private Hire Vehicle driver's licences were required to successfully undertake a driving test before their licence was issued. Top Gear School of Motoring, Ulverston had provided this service for the Council for approximately twelve years subject to contract renewal on a three year basis.

A notice had been placed in the local paper advertising for suitably qualified parties interested in providing the service to submit tenders to the Council to carry out the service for a further three years.

RESOLVED:- To authorise the Chief Environmental Health Officer to be given delegated authority in consultation with the Chairman and Vice-Chairman, to consider tenders and award a contract to a suitably qualified organisation to provide the service of the driving test contract for a period of three years.

68 – Taxi Rank Provision in Barrow-in-Furness

The Chief Environmental Health Officer submitted a report updating Members on issues relating to the provision of Hackney Carriage ranks in Barrow town centre and the possibility of reviewing the provision of ranks in the forthcoming regeneration plans for the town.

At the last meeting of this Committee on 18th December, 2008 a report had been considered which dealt with the document submitted by Mr Laurie, a Taxi Driver, and concerned proposals for a review of Taxi rank provision with the Barrow town centre. At that meeting, Members had agreed to hold a Taxi Trade Liaison meeting to address issues outlined in Mr Laurie's document, following publication of the report of the findings and recommendations of the Unmet Demand Survey which was being undertaken (Minute No. 61, Licensing Committee, 18th December, 2008 refers).

The Chief Environmental Health Officer informed Members that the findings of the survey had not yet been finalised and he reported that Officers from his Department had held discussions with the Council's Assistant Director (Regeneration) who had confirmed that in the near future a number of streets in the town centre were to be subject to highway improvements. He had suggested that this would be an ideal time to establish any new ranks within the area affected as any works could be carried out using regeneration funding and be part of the regeneration improvements. It was anticipated that these improvements would take place between the end of March and mid summer 2009.

In view of the tight time scale, the Chief Environmental Health Officer requested Members to authorise him to enter into negotiations with the Assistant Director (Regeneration) and Officers from Cumbria County Council's Highways Department with a view to establishing one or more taxi ranks in the town centre area as part of the regeneration plans.

RESOLVED:- To authorise the Chief Environmental Health Officer to:-

- (i) Enter into discussions with the Taxi trade, in advance of the findings of the Unmet Demand Survey being made public, regarding provision of Taxi ranks in Barrow town centre; and
- (ii) Liaise with Officers from the Highways Authority and the Council's Assistant Director (Regeneration) to seek to implement any such revision with the town centre regeneration plans.

69 – South Lakes Wild Animal Park, Dalton-in-Furness

The Chief Environmental Health Officer submitted a report updating Members following the deferment of consideration of a report at the meeting on 18th December, 2008 (Minute No. 62, Licensing Committee, 18th December, 2008 refers).

Members required that Mr Gill be directed to attend today's meeting to outline to the Committee his plans for the future development of his Zoo Collection. Mr Gill had submitted his apologies for absence. The Chief Environmental Officer reported that he was of the view that Members could adequately deal with the compliance issue in Mr Gill's absence by taking one of three courses of action detailed within his report.

Members had agreed to proceed with Option 3 detailed within the Chief Environmental Health Officer's report and it was

RESOLVED:- (i) To note the information in the Chief Environmental Health Officer's report; and

(ii) To agree that the Zoo Licence of South Lakes Wild Animal Park be varied to require compliance with Condition No. 38 by no later than 31st August, 2009.

70 – Furness Owl Centre, Sandscale Park, Barrow-in-Furness – Zoo Licensing Act 1981

The Chief Environmental Health Officer submitted a report informing Members of a recent inspection carried out at Furness Owl Centre which was licensed under the Zoo Licensing Act 1981.

He reported that at a meeting of this Committee on 22nd May, 2008 Members had considered a report on the progress made towards satisfying licence conditions under the Zoo Licensing Act 1981 at Furness Owl Centre. At that meeting Members had resolved to agree to vary the additional condition on page 6 of the Zoo Licence to read "by 31st December, 2008" as opposed to "by the time it reopens"; and to agree that a future report be made to Members at a future meeting concerning progress with matters outlined in the plan (Minute No. 6, Licensing Committee, 22nd May, 2008 refers).

As a result of the above, Mr Jones had been given until 31st December, 2008 to complete the works contained in the plan to satisfy the requirements of the Zoo Directive conditions, other previously attached conditions and the Standards of the Modern Zoo Practice.

The Chief Environmental Health Officer reported that an inspection of the premises had recently been undertaken to check on compliance with the plan and a copy of the plan along with Officers' observations had been appended to the report.

Mr Jones attended the meeting and addressed the Committee.

RESOLVED:- To agree that a special inspection be undertaken at Furness Owl Centre in accordance with the relevant powers of the Zoo Licensing Act 1985 to include assessment of standards by a competent inspector from the Secretary of States list of Zoo Inspectors. Such a Special Inspection to be carried out at the earliest appointment and prior to Furness Owl Centre being opened to members of the public.

71 – Private Hire Vehicle Driver

The Chief Environmental Health Officer reported on information which had been drawn to his attention regarding Mr B. R., a Private Hire Vehicle driver and set out details of the Committee's policy regarding such matters.

Mr B. R. attended the meeting and addressed the Committee. A Police representative was also present.

RESOLVED:- To agree that Mr B. R. retained his Private Hire Vehicle Driver's Licence on the understanding that he received a written warning as to his future conduct.

72 – Application for Private Hire Vehicle Drivers Licence

The Chief Environmental Health Officer reported on an application he had received for a Private Hire Vehicle Drivers Licence from Mr P. J. H. He submitted information which had been drawn to his attention concerning Mr P. J. H. and set out details of the Committee's policy regarding such matters.

Mr P. J. H. attended the meeting and addressed the Committee. A Police representative was also present.

RESOLVED:- To agree to grant Mr P. J. H. with a Private Hire Vehicle Driver's Licence.

73 – Hackney Carriage Driver

The Chief Environmental Health Officer reported on information which had been drawn to his attention regarding Mr P. G. R., a Hackney Carriage driver and set out details of the Committee's policy regarding such matters.

Mr P. G. R. attended the meeting and addressed the Committee. A Police representative was also present.

RESOLVED:- To agree that Mr P. G. R. retained his Hackney Carriage Driver's Licence on the understanding that he received a severe written warning as to his future conduct.

74 – Application for Private Hire Vehicle Drivers Licence

The Chief Environmental Health Officer reported on an application he had received for a Private Hire Vehicle Drivers Licence from Mr W. McC. He submitted information which had been drawn to his attention concerning Mr W. McC. and set out details of the Committee's policy regarding such matters.

Mr W. McC. Had been invited to attend to today's meeting but had failed to do so.

RESOLVED:- To agree that consideration of this matter be deferred until the next meeting of the Committee and that Mr W. McC. be informed that should he fail to attend that meeting a decision would be made by the Committee in his absence.

The meeting closed at 3.12 p.m.

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| LICENSING COMMITTEE | Part One (D) Agenda Item 1 |
| Date of Meeting: 12th March, 2009 | |
| Reporting Officer: Chief Environmental Health Officer | |
| <p>Title: Appointment of Licensing Officer</p> <p>Summary and Conclusions:</p> <p>This report details the appointment of Peter Davies as Licensing Officer effective from 26th January 2009.</p> <p>Recommendation:</p> <p>That the information be noted.</p> | |

Report

Members will be aware that following the resignation of Andy Nixon, from the post of Licensing Officer in December 2008, the Borough Council sought to recruit an officer to continue the effective partnership working with the licensing trade and other enforcement agencies that had developed during Andy's tenure in the post.

I can now report that Peter Davies has been appointed as Licensing Officer effective from 26th January 2009.

Peter is a young man who has enforcement experience having previously been employed as a Police Constable and has also worked in the private sector service industry in Facilities Management. In the short length of time that Peter has been in post he has made very effective links with colleagues from other partner agencies including the Fire Authority and the Police Authority.

In order that Members have an opportunity to welcome Peter to the Borough Council I have agreed with the Chairman of the Committee to invite Peter to attend the meeting today.

Background Papers

Nil

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| LICENSING COMMITTEE | Part One (D) Agenda Item 2 |
| Date of Meeting: 12th March, 2009 | |
| Reporting Officer: Chief Environmental Health Officer | |
| <p>Title: Licensed Premises – Risk Assessments and Hazard Drunkenness</p> <p>Summary and Conclusions:</p> <p>This report highlights existing partnership arrangements for dealing with risks arising from poor management of licensed premises and seeks endorsement of existing arrangements from the Committee.</p> <p>Recommendation:</p> <ol style="list-style-type: none"> 1. That the information in the report be noted; and 2. That this Committee endorses the existing multi-agency approach taken by the Borough Council and partners in dealing with the crime, disorder and public safety consequences of poorly managed premises. | |

Report

Councillor Bell has asked that this report be presented to Committee Members to consider the benefit of promoting the use of a Health and Safety Executive (HSE) publication 'Managing work-related violence in licensed and retail premises' as a basis for controlling drunkenness and violence in licensed premises. The document is a leaflet prepared by HSE which contains information and practical advice on how to assess and tackle the risk of violence to staff. Attached at **Appendix 1** is a copy of the document for Members' consideration.

In seeking to advise Members in this matter I wish to emphasise two particular issues:

- 1 The Borough Council is responsible for enforcing the Health and Safety at Work etc. Act 1974 in its role as a regulator in a similar way that it enforces other primary legislation e.g. Building Regulations or Planning legislation.

We act as agents for the Health and Safety Executive in this enforcing role and individual Officers who have been able to satisfy safety competency tests are authorised to take enforcement action on behalf of the Borough Council. It is not expected that the Licensing Authority duplicates this enforcement role and to seek to do so risks the Borough Council being challenged by adversely affected licence holders.

2 As a Licensing Authority the Borough Council has a duty to work in partnership with other responsible Authorities e.g. the Police and the Fire Authority, to maintain the four licensing objectives:

- The Prevention of Crime and Disorder;
- Public Safety;
- The Prevention of Public Nuisance; and
- The Protection of Children from Harm.

The partnership liaison of the Borough Council with the responsible Authorities is very well developed through the Furness Partnership and the Crime and Disorder Reduction Partnership. With specific reference to licensed premises joint inspections are undertaken by Police and Borough Council Officers to address the needs of individual premises to continue to meet the licensing objectives and Multi Agency Licensing Team (MALT) meetings are held to progress individual premises requirements and policy formulation generally. This process will result in an application being sought by a responsible Authority (usually the Police) to the Licensing Authority to review an individual premises licence conditions if matters can not be resolved informally.

I am of the view that, by highlighting the principals outlined in the HSE publication to multi-agency colleagues through the MALT work programme, the good practice outlined in the HSE document can be communicated to individual licence holders and if necessary included as condition of licence should a licence review be necessary.

I would ask you to reaffirm the existing partnership arrangements in seeking compliance with the four statutory licensing objectives.

Background Papers

Nil

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| LICENSING COMMITTEE | | Part One (D) Agenda Item 3 |
| Date of Meeting: 12th March, 2009 | | |
| Reporting Officer: Chief Environmental Health Officer | | |
| <p>Title: Application for Private Hire Vehicle and Hackney Carriage Drivers Licences from Foreign Applicants and Applicants who have lived abroad</p> <p>Summary and Conclusions:</p> <p>The purpose of this report is to consider how applications for Hackney Carriage/Private Hire Vehicle Drivers Licences from foreign applicants and applicants who have lived abroad are dealt with as a result of concerns about verification of application details.</p> <p>Recommendation:</p> <ol style="list-style-type: none"> 1. That driver licences issued by other European Union Countries be accepted Subject to the applicants acquiring a UK driving licence within three years of their residency within the UK; 2. That Hackney Carriage and Private Hire Driver Licence application forms for new applicants be amended to require the provision of details of applicants' home addresses for the previous five years and if they have ever lived abroad; 3. That an applicant that has been resident outside the UK be required to obtain where applicable a "Certificate of Conduct" from the Embassy of the applicants country of origin or place of recent residence; and 4. That applications which include a foreign address as residence be required to provide proof of residency in the UK. | | |

Report

Applicants for Hackney Carriage/Private Hire Vehicle Drivers Licences are required to:

- i) Possess a current DVLA licence which is 12 months old or more;
- ii) Pass a DVLA Group 2 medical examination certified by a General Practitioner;
- iii) Have an enhanced Criminal Records Bureau (CRB) check; and
- iv) Pay the appropriate fee.

Concerns have been raised as to how applicants details can be verified when they have been resident outside the UK for a time or are of non-UK origin.

Driving licences from Countries within the European Union are acceptable by virtue of the Driving Licences (Community Driving Licences) Regulations 1996 which amended sections 51 and 59 of the Local Government (Miscellaneous Provisions)

Act 1976 allowing full driving licences issued by European Economic Area states (EEA) to count towards the 12 months qualification period. Such a person is, however, only allowed to drive with such a licence for a period not exceeding three years after becoming resident in the UK. They must then make application to DVLA for a new UK drivers licence.

The Criminal Records Bureau check relates to offences that have occurred in the UK only. The Council cannot verify whether or not information as to any offences committed abroad (or lack of them) is correct and some Councils now request that the applicant supplies a "certificate of conduct" from the Embassy of the applicant's country of origin or where they have resided for a number of years. To ensure that we have made adequate enquiry into an applicant's criminal conviction history it would be helpful to ascertain whether they have lived abroad and, if so, for how long.

If a foreign address is disclosed in the application then depending on the context e.g. the age of the applicant when living abroad, a certificate of conduct could be sought and/or proof of residency in this country could be required. This can take the form of:

- (i) Application registration card issued by the Home Office to an asylum seeker stating that the holder is permitted to take up employment;
- (ii) A national passport or national identity card showing that they are a national of an EEA country or Switzerland;
- (iii) A resident permit issued to a national from an EEA country or Switzerland; or
- (iv) A passport or other document issued by the Home Office which has an endorsement stating that the holder has a current right of residents in the UK as the family member of a national from an EEA country or Switzerland who is resident in the UK.

Applicants from many foreign countries can enter and work in the UK without any restrictions, just like British Citizens. Foreign Nationals from the following countries need to register with the Home Office:-

- Czech Republic
- Estonia
- Hungary
- Lithuania
- Latvia
- Poland
- Slovakia
- Slovenia
- Romania
- Bulgaria

Employers have access to a Home Office compliance tool on its website to check whether a potential employee is legally allowed to work in UK.

Legal Implications

- (i) Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 provide that a Council shall not grant a licence unless satisfied that the applicant is a fit and proper person to hold a Hackney Carriage or Private Hire Vehicle drivers licence. It is entitled to take account of several factors in

reaching such a conclusion, so long as they are relevant to the role and functions of a driver of such vehicles.

- (ii) Section 57(1) of the Act of 1976 provides the power for an Authority to require applicants to submit such information under this part of the Act as it may reasonably consider necessary to enable it to be determined whether to grant the licence and whether conditions should be attached to any such licence.
- (iii) Section 17 of the Crime and Disorder Act 1998 imposed a general duty on Local Authorities to exercise their functions in such a manner as to have regard to the likely effect of the exercise of these functions on, and the need to do all that it reasonably can to prevent crime and disorder in their areas.

Impact Assessment

In determining whether an applicant is a fit and proper person to hold a Hackney Carriage/Private Hire Vehicle drivers licence, one of the considerations of the Committee will be the safety and welfare of the public who travel in vehicles licensed by the Council. Checks vary depending upon the country of origin, residence and relevant statutory provisions.

These proposals seek to apply, as far as is reasonably practicable the same standards to all applicants whilst adversely impacting on no specific group.

Background Papers

Home Office: [Employing Migrant Workers.org.uk](http://EmployingMigrantWorkers.org.uk)

Managing work-related violence in licensed and retail premises



This is a web-friendly
version of leaflet INDG423

Introduction

Are you doing enough to prevent and manage violence or anti-social behaviour in your workplace? This leaflet contains information and practical advice on how to assess and tackle the risk of violence to your staff.

The advice is based on what people who work in pubs, clubs and shops have told us about their experience of tackling violence where they work, including measures that have helped combat the problem.

More detailed information can be found in a toolkit on the HSE website at: www.hse.gov.uk/violence/toolkit/index.htm.

Why should you be concerned?

Impact on your staff

- Physical injury
- Work-related stress – which can have long-term effects on health
- Fear and anxiety
- Job dissatisfaction and poor performance

Impact on your business

- Lost staff time from injuries and stress
- Higher staff turnover, leading to increased recruitment and training costs
- Damage to the reputation of your business
- Potential compensation claims by staff

What should you be doing?

You have a legal duty to protect the health, safety and welfare of your employees under the Health and Safety at Work Act 1974. This duty includes all forms of work-related violence, which HSE defines as: 'Any incident in which a person is abused, threatened or assaulted in circumstances relating to their work'. This means:

- physical violence – including kicking, spitting, hitting or pushing, as well as more extreme violence with weapons;
- verbal abuse – including shouting, swearing or insults, racial or sexual abuse
- threats and intimidation.

Tackling the risk of violence is the same as dealing with any other possible cause of harm in the workplace, such as slips and trips and lifting heavy loads.

You are required by law to carry out a risk assessment. The following pages have advice on how to do this and there is more information at: www.hse.gov.uk/risk.

The risk assessment will help you find out whether violence is a problem for your staff and your business, and how you can improve the situation. It will help you devise a policy and procedures for dealing with violence, as part of a wider health and safety policy for your business.

Assessing the risks of work-related violence

Step 1: Identify the hazards

A hazard is something that can cause harm – in this case violence and aggression. There are a number of ways you can gather this information.

- Ask your staff and safety representatives about their experiences and concerns.
- Look back at your accident and ill-health records.

Read the information on HSE's website, including the toolkit (www.hse.gov.uk/violence/toolkit/index.htm) and related case studies.

Licensed premises

The main causes of violence in pubs/clubs include:

- disagreements between customers;
- customers being drunk;
- customers who have used illegal drugs.

Retail premises

The main causes of violence in shops include:

- the unpredictable behaviour of shoplifters and drug users,
- verbal abuse (this is more common than physical violence).

Step 2: Who might be harmed and how?

Work out whether and how violence, or the fear of violence, could affect workers or other people in your workplace.

Think about whether there are any special groups of workers who have different or additional risks, for example lone workers or trainees.

Licensed premises

In pubs/clubs, entrances can be 'hot spots' for violence. Clubs are sometimes more at risk because customers have been drinking for longer by the time they get there.

People working in pubs and clubs experience:

- frequent verbal abuse;
- physical assaults, including the use of weapons;
- racial discrimination.

Retail premises

People working in retail premises are more at risk at opening and closing times, or when dealing with complaints or returned items. The types of violence they experience include:

- frequent verbal abuse (some staff still see this as 'part of the job');
- physical assaults, including use of weapons.

Who is at risk?

You need to identify which groups of people in your business could be harmed by physical assaults, threats, intimidation or verbal abuse. Think about all the individuals you have in your workplace at any time. This may include people who do not have regular shifts or work patterns, for example maintenance staff, security staff and other contractors. You should also consider customers, guests and members of the public.

Talk to people about situations where they feel threatened, as well as situations that might be risky, even if they do not cause concern at the moment.

Some groups of staff may be more at risk of experiencing work-related violence. These include young workers, trainees, temporary workers, night/shift workers and lone workers. You may need to consider extra control measures for them.

- Young workers and trainees may be more at risk because they have had less training on how to deal with angry customers, robbery and sexual harassment. They may also have more difficulty recognising dangerous situations through lack of experience.
- Temporary workers may be more at risk because they may have received less training or information on work-related violence than permanent staff.
- Night/shift workers, including late evening workers, can be at greater risk as more violent incidents occur at night time. Also, certain days of the week or certain times are more hazardous, for example opening and closing times or during delivery of goods. Key holders can feel particularly vulnerable.
- Lone workers can be at greater risk as they do not have the support of colleagues who could deter potential attackers, or provide immediate help and support if there is a problem. Further information on lone working can be found on the HSE website at: www.hse.gov.uk/violence/loneworkcase.htm.

Step 3: Evaluate the risks and decide on precautions

Work out what you are already doing, whether your control measures are working properly and if there is anything else you need to do. This will help you decide whether you are doing enough.

It is also good practice to ask your staff for their ideas and feedback.

What are the risks?

The way that many licensed and retail businesses operate can increase the chances of violence occurring. For example:

- handling large amounts of cash;
- staff having face-to-face contact with customers.
- being open in the evening or late at night;
- dealing with customer complaints or disputes.

There are other factors that increase the risk of violence, but do not affect all businesses. For example:

- You have lone workers or small numbers of staff.
- You sell or guard high-value goods, including medicines, expensive merchandise or alcohol/tobacco.
- You sell age-restricted goods, and may have to refuse to serve customers who are under age or without ID.
- You may have to refuse to sell alcohol after licensing hours or to those who are intoxicated.
- Your workers are under pressure because of exceptional workloads, inadequate stock or staff shortages. This may slow employee performance and can lead to delays, queues and customer impatience and hostility.
- Your premises are in a high-crime area. Businesses with previous experience of robbery, assaults or threats are more at risk of repeat incidents.

What action can you take?

Decide whether you are doing enough to control the risk of violence:

- Look at your existing controls to ensure they are working effectively and as intended.
- Consult your staff about their ideas. Employees have practical experience and insight into their workplace and therefore are a good source of information and ideas. Involving your staff will also encourage them to adopt and own the arrangements you put in place. You should include your employees by getting them to:
 - take part in developing procedures to minimise the risk of violence, including the provision of training;
 - get involved in the evaluation of any control measures;
 - share on-the-job experiences to help other employees recognise and respond to violence.
- Compare your approach to current good practice, by checking possible control measures in the HSE toolkit: www.hse.gov.uk/violence/toolkit/index.htm.

Step 4: Record your findings and implement them

When you have decided what you need to do to keep your staff safe, work out how you will put these actions in place. Who will be responsible for taking the actions and when? How will you share this information with staff?

If you employ five or more people, you will need to keep a record of your main findings. Your health and safety inspector may ask to see your risk assessment in order to review the control measures you have put in place.

Remember, it is action and not paperwork that protects people.

Step 5: Review your risk assessment and update if necessary

You should review your risk assessment regularly in case any of the risks have changed, or if there has been an incident.

You also need to review the effectiveness of any control measures in place by asking staff and monitoring incidents. This will ensure the measures are being used properly and are effective.

Reporting and recording incidents

You have a legal duty under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) to report certain incidents of physical violence. Incidents can be reported through the RIDDOR Incident Contact Centre (ICC) on 0845 300 9923.

You should also report serious incidents to the police by dialling 999 in an emergency, or contacting your local police station.

It is good practice to record all incidents in an incident book, including cases of verbal abuse, as this will help you to identify particular problems. It can also be useful for finding out if your control measures are effective, and will help you report persistent troublemakers.

What can you do to control the risk of violence?

There are many different ways of reducing the risk of violence, which can be separated into the following areas:

- Work environment (eg premises design and layout)
- Working practices
- Training
- Legal options
- Partnership working and special schemes

Licensed premises

People who work in pubs/clubs have identified the following methods for dealing with potential violence:

- focusing on training – particularly on identifying and resolving conflict. Refresher training is important and staff should know the procedures for dealing with violence;
- having approachable and active managers (this is particularly important);
- ensuring you gather accurate information to give to the police if needed.

They have also used the following measures to tackle the problem:

- banning persistent offenders;
- using CCTV as a deterrent and to identify and prosecute offenders;
- using well-trained security staff as a deterrent and to make customers feel safer;
- working with other pubs/clubs to ban offenders from all pubs in the area or to share security resources;
- providing enough staff to reduce queues and provide effective supervision

Retail premises

People who worked in shops said that two key approaches can help to reduce the risk of violence:

- training, which may include security awareness, dealing with shoplifters, spotting potentially violent individuals, and awareness of company policies and procedures;
- good customer service.

They said they used many different measures, such as:

- reporting and recording violence (including verbal abuse);
- talking to staff about how to improve the design and layout of the store and to identify hot spots for violence;
- using well-trained security staff and store detectives to deter offenders, and at specific times, eg closing the store;
- working with other stores, eg sharing resources or sharing information about persistent offenders;
- using security devices, like CCTV.

Work environment

The way your premises are designed in terms of layout, security provision and the general environment can affect the risk of crime and violence happening to your staff.

Premises design/layout

Poor location of cash tills and sales displays, blind spots, poor layout and counter design can all make customers less visible and target items more accessible. If people think they cannot be seen, they may be more likely to commit crime or violence.

Think carefully about the layout of your premises – can it be improved?

- Can you see your customers and colleagues? Consider high and wide counters or installing mirrors to help you see concealed areas.
- How do you manage the way your customers move around your premises? Consider how you can prevent the build-up of crowds or queues.
- Maintain the exterior of your building to prevent break-ins.

Visibility and lighting

If you are not able to easily see your customers and colleagues, spotting and deterring aggressive behaviour becomes more difficult. Staff can feel less safe, and criminals can feel more secure.

If this is a risk for you or your staff, ensure your lighting is adequate. You should aim to keep entrances/exits, reception areas and car parks well lit.

Surveillance and CCTV

If you are unable to see all areas of your premises, either in person or using CCTV, it may provide more opportunity for potential offenders to commit crimes or violence. Without visual evidence of crimes, it can be difficult to identify and prosecute offenders.

- CCTV can help act as a deterrent and direct security staff to where they are needed. It can also help staff feel safer.
- CCTV can help you collect evidence to convict offenders.
- However, CCTV can be expensive and needs monitoring and upkeep – weigh up your risks to see if they warrant it.

Security devices

A lack of security devices, such as alarms and locks, can increase the risk of crime and work-related violence. However, even when they are used, other control measures will help to reduce the risk further.

- Good quality materials and workmanship for doors, windows and locks are important.
- Window restraints, eg bars and shutters, can make your workplace more secure.
- Alarms can be useful, but make sure your staff know how to use them and how to respond.

Security personnel

Well-trained security staff can reduce the risk of violence. However, make sure they are competent and have the right level of training for what you want them to do. This will include getting a suitable licence to practice from the Security Industry Authority (SIA). See the Further information section for contact details.

Crowds

This is particularly relevant to licensed premises. Crowds of people, particularly under the influence of alcohol, can lead to aggression. Look at the way you control crowding at your premises. You may need to limit customer numbers and ensure staff are able to manage entry situations when this limit has been reached.

Intoxicated customers

Customers who are drunk or using illegal drugs can increase the risk of aggression and violence. Make sure your staff know how to handle difficult or intoxicated customers:

- manage drinking-up time carefully;
- consider using toughened glass or plastic drinking vessels,
- give the premises a thorough 'sweep' before locking up to make sure all customers have left.

Working practices

How people carry out their jobs affects the risk of violence and crime happening to you or your staff.

Cash handling and transit

People carrying out these activities may be particularly vulnerable to robbery attacks.

- Reduce the amount of cash handled, particularly in front of customers.
- Arrange cash collection where possible. Think about who is going to handle your cash, and how. Try to avoid set routines and routes.

Staffing levels

Risks increase where there are inadequate staffing levels. Visibility will be reduced, and waiting and queuing times might increase, leading to customer frustration. It may also mean there are less staff available to deal with situations if customers become difficult or violent.

If this is a risk for you or your staff, think about your staffing levels:

- Wherever possible, make sure you have adequate staffing levels for surveillance and to meet customer demands
- Consider how any promotions or special events may affect staffing levels.

Dealing with customers

Any face-to-face contact with members of the public increases the risk of verbal abuse and physical attack.

If this is a risk for you or your staff, look at your policies on dealing with customers. Try to improve management and staff behaviour towards customers. Good customer service can be crucial in defusing aggression.

Unusual or late opening hours

This may increase your risk of work-related violence and crime because there is less surveillance, and customers are more likely to be under the influence of alcohol.

If you have unusual or late opening hours, think about how you will deal with the risk:

- Increase staff or security provision to make your premises safer and more secure.
- Assess the personal safety of staff, even after your premises have closed. For example, how do they get to their cars or public transport?

Training

Training is vital to give staff the skills to deal with threats and the risk of violence. It will also help to improve the confidence of staff, and reduce fear and anxiety.

Points to remember about training

- Training should be about preventing violence as well as dealing with it.
- Training can cover a range of issues, from legal requirements to prevention measures. Think carefully about what you need, including your particular risks, and speak to your staff about what they need to know. You should identify the training needs of individual staff.
- Training should only be one of a number of prevention measures used.
- Ensure you carry out refresher training.

Legal options

There are several legal options that are open to you, or the police and your local authority, to help to deal with issues around anti-social behaviour and violence. These mainly involve banning individuals from your premises or local area, or preventing alcohol being consumed in specific areas

- Bans, such as exclusion orders, restraining orders, trespass notices and Anti-social Behaviour Orders (ASBOs) keep troublemakers from specific premises, among other things. Managers can also order someone off their premises, and ask them not to return, but make sure you have appropriate support when doing this.

- Fines or fixed penalty notices (FPNs) can be issued by the police for anti-social behaviour and criminal activity.
- Local authority bye-laws make it an offence to consume alcohol in designated street areas, for example 'Designated Public Places Orders'.

In order to take legal action, the police or local authority may need evidence of the extent of the violence or anti-social behaviour problem, or examples of incidents. This is why regular and consistent recording and reporting of work-related violence is important, together with keeping CCTV footage for evidence.

Partnership working and special schemes

Working with others is one of the most effective tactics in preventing violence and aggression. Partnerships can be between you and just one other business, organisation or agency, or with a whole network of organisations. The benefits of working with others include:

- sharing of information;
- pooling of funding and expertise;
- greater likelihood of identifying and understanding violence and crime in your business.

Who could you work in partnership with?

The police

- Encourage local police officers to call in and talk to staff to build relationships and give advice.
- Ask for information on security issues and local crime problems/suspects.
- Work with the police and other local businesses by using radio/phone links to alert other businesses, the police or CCTV control rooms, when a known offender is in the vicinity, or when there is trouble.
- Arrange visits from crime prevention officers to give more specific advice. All police forces have officers trained in crime prevention – contact your local police station for advice.
- Talk to the police about any particular or persistent troublemakers or specific 'hot spots' in your business. This might help the police redistribute their resources, for example to provide a larger police presence in your area.
- Take part in existing Business Watch Schemes (eg ShopWatch and PubWatch) in your area.

Your local authority (LA)

- Liaise with your LA health and safety inspector for general advice or to find out if there are any local crime reduction or anti-social behaviour initiatives.
- Your LA may already have (or you could help develop) community safety strategies. These are often co-ordinated by a town centre manager.

Trade unions

- If your staff are members of a trade union, you should consult the union's health and safety representatives.
- Union representatives will consult members, which can help you work together to identify issues and create strategies to reduce risks of violence.

Other local businesses

- Improve communication between businesses:
 - you could share good practice in anti-crime and anti-violence measures, or share information, photos or evidence on persistent offenders;
 - you could decide to ban persistent troublemakers from all local premises;
 - join trade or business associations.
- Warn each other of violent customers. You could do this by jointly investing in a radio system to alert each other and the police, or simply go and talk to your business neighbours.
- Agree that you will all consistently support legislation such as not serving under-age people, for example by asking for identification.
- Think about joining or setting up a crime reduction partnership to help with sharing resources and information:
 - contact Action Against Business Crime for a list of crime reduction partnerships in England and Wales, or in Scotland the Scottish Business Crime Centre (see the Further information section).
- If you are finding it hard to get local businesses to co-operate you could contact your local Chamber of Commerce, or trade or business association.

Providing support after an incident

Even when you have carried out a risk assessment and put control measures in place, there may be times when your staff experience work-related violence. If an incident occurs you will need to support your staff and may have to decide if further actions are needed.

Key points to remember

- Victims of aggression and violence will be affected in different ways
- Sensitive and appropriate support is needed to reduce the impact on the victim or other staff who witnessed the incident.
- You should make sure victims are not blamed for the incident.
- Check that all your staff know what to do if an incident occurs.

Dealing with the immediate aftermath of an incident

For some incidents, it may be enough to provide friendly support for the victim, and record the incident.

For more serious incidents, you may need to:

- Provide immediate support.
 - Be sensitive to the way different people react to incidents.
 - Be aware that people may also require medical care, and call an ambulance if necessary.
 - Notify the police if appropriate.
- Secure your premises and evidence (including CCTV or photo evidence).

Medical care

- Make sure any injured workers receive prompt and appropriate medical care.
- Ideally, provide an area for medical attention, including first-aid equipment.
- Keep in touch with people who are receiving care.

Providing support

Supporting the person affected by an incident, and their colleagues, could help to reduce the risk of longer-term, stress-related illness. This applies to incidents of verbal abuse as well as physical violence.

- Give people who are affected an opportunity to talk about the incident if they wish.
- Look for symptoms of after-effects.
 - Remember that there can sometimes be delays in trauma and symptoms, which may not appear until long after the incident.
 - Services such as Victim Support can provide you and the victim with further help and advice (see Further information).
- Make sure your staff and managers know how to support their colleagues.
- Offer access to counselling services if they are available in your business, or consider using an external provider.

Changes at work for those affected by an incident

In some cases you may need to consider changing a person's job role or working conditions if they are particularly affected by the incident.

- Provide leave and necessary time off to recover.
- Think about how you can support the person's return to work, for example:
 - remove the person from public contact, temporarily giving them a different role or organising retraining for a new post. You could also consider changing their location or duties if possible;
 - avoid placing people in situations that could restart symptoms, or lead to longer-term, stress-related illness.

Investigation and reporting

- Gather information about the incident.
 - Ask your staff and any witnesses to write down everything they can remember about the incident. Your incident reporting/recording form should help to prompt you with the information that is required.
 - People might have to attend a court hearing so make sure workers are aware of any further involvement required of them if they are a witness. The police should be able to advise you further on this.
- Make sure the incident is reported.
 - Record the incident using your organisation's incident reporting system.
 - Report the incident and injuries to the police if appropriate. If reportable under RIDDOR, incidents can be reported through the RIDDOR Incident Contact Centre on 0845 300 9923.
 - Inform other colleagues and staff (as appropriate) about the incident to avoid rumours and reduce anxiety.
- Review your risk assessment and arrangements to decide whether you need to modify your existing control measures. Involve staff and be open to their suggestions. This will provide reassurance that you are fully supporting them.

Further information

Managing work-related violence in licensed and retail premises toolkit
www.hse.gov.uk/violence/toolkit/index.htm

RIDDOR Incident Contact Centre
Tel: 0845 300 9923 (local rate)
www.hse.gov.uk/riddor

Security Industry Authority
Tel: 0844 892 1025
www.the-sia.org.uk/

Shopwatch
020 7161 2651
www.shopwatch.info/around

National Pubwatch
01707 650095
www.nationalpubwatch.org.uk

Business Crime Partnerships
Tel: 020 7035 4848
www.crimereduction.homeoffice.gov.uk/business/businesscrimeminisite01.htm

Action Against Business Crime
Tel: 020 7854 8956
www.brc.org.uk/aabc/default.asp

The Scottish Business Crime Centre
Tel: 01786 447441
www.sbcc.org.uk/

Victim Support (England and Wales)
Tel: 020 7268 0200
www.victimsupport.org.uk/

Victim Support (Scotland)
Tel: 0131 668 4486
www.victimsupportsco.org.uk/

Case studies

Retail premises

A leading retailer with many outlets identified one particular city centre store where staff were experiencing regular threats. After a review of arrangements, the following steps were taken:

- a policy on work-related violence was developed;
- new procedures were brought in to allow better reporting of incidents to head office;
- CCTV cameras were installed.

As a result of these initiatives, staff felt safer and better supported than before. After a few weeks the incident rate of violence and aggression had fallen dramatically to one every few days instead of several every day.

Retail premises

A number of city centre coffee shops were identified as having an unusually high rate of reported crime. As part of the Café Watch initiative, new management systems were introduced to reduce the risk of violence to staff and customers. These included:

- store-specific risk assessments for identifying the risk of violence;
- consultation with staff to listen to their concerns;
- procedures for recording all incidents;
- staff training in conflict management;
- use of high-resolution CCTV equipment;
- use of 'Chelsea clips' (under-table bag clips) in higher-risk areas;
- development of a 'best practice' document to enable sharing of knowledge and experience.

The introduction of these arrangements has led to a 50% reduction in reported crimes across coffee shop outlets in the project.

Licensed premises

A large, suburban public house, close to a city centre, had an issue with verbal abuse and threatening behaviour between customers. In the past, there had also been fighting among customers.

The landlady has taken steps to reduce the risk of violence by stopping known troublemakers entering the pub, and having a clear and firm policy on refusing to serve certain customers. Other measures have also been introduced:

- for larger events or certain times of the year (eg Christmas), door supervisors help to keep control;
- CCTV and extra cameras have been added to allow visibility of all areas of the pub.

The actions she has taken have not only reduced violence but customers feel safer and this has increased the business.

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This leaflet is available in priced packs of 10 from HSE Books, ISBN 978 0 7176 6234 0. Single copies are free and a web version can be found at: www.hse.gov.uk/pubns/indg423.pdf.

This leaflet contains notes on good practice which are not compulsory but which you may find helpful in considering what you need to do.

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