



City of London

Traffic Light Scheme for Licensed Premises

October 2019

Introduction

The City of London Corporation operates a traffic light scheme ('the scheme') applicable to all premises in its area licensed to sell alcohol and/or to provide regulated entertainment.

Aim of the scheme

The scheme provides a simple but effective monitoring tool which brings together data from the licensing and responsible authorities, taking a holistic partnership approach to dealing with problem premises under all four licensing objectives.

Monthly analysis of data means that problematic premises are quickly identified enabling early interventions by the responsible authorities. 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.

Data sources

The scheme takes account of data from the police and fire authorities and the City of London's licensing, 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. Crimes must be clearly linked to the operation of the premises and complaints about premises must be substantiated. Where there has been more than one crime or complaint related to the same incident, penalty points will be given for the main crime or complaint.

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, considering data from the previous six months. The trigger levels for each zone are set out in the table below.

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

Table 1 Table of penalty points and trigger levels

Green zone

Premises that operate without incident or very few incidents will remain in the green zone. Premises in the green zone usually require no action.

Amber zone

As problems are identified and premises accumulate penalty points, the total points for their premises may take them into the 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 into the amber zone, unless already in discussion with the City of London Police or other Responsible Authority.

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. The self-assessment should identify any measures to implement with a view to preventing the problem(s) recurring. A self-assessment form will be provided. The City of London's Code of Good Practice for Licensed Premises should be referred to when considering measures to implement.

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 into the red zone (unless already in discussion with the City of London Police or other Responsible Authority). Premises in the red zone are at significant risk of undermining the licensing objectives and require immediate action by the licence/certificate holder. It will be expected that an action plan is put into place to improve the premises immediately.

Each red zone premises will be carefully monitored by the licensing authority and/or responsible authority and treated on its individual merits. Lack of demonstrable improvement may lead to a review of the premises licence/certificate. If most 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 6-month period. Any points that are over 6 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.

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.

Analysis of the data

The City of London's Licensing Liaison Partnership receives a monthly update on the Traffic light scheme and the premises in each zone. Focus is given to those premises in the red zone and the action being taken by them. The Partnership consists of the Licensing Authority and Responsible Authorities of the Licensing Act 2003.

Appendix 1

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

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* Drunkness and disorder Race, homophobic, hate abuse Criminal damage	Unconscious drunk or ill person and no first aid facility at premises Notification of fire safety deficiency with no follow up visit required	Substantiated complaints about litter (general or smoking related) Failure to comply with a waste receptable notice (associated with licensable activity) Evidenced obstruction of the highway	
2	Common Assault Public order offence Possession of drugs	Drink spiking Notification of fire safety deficiency with follow up visit required	Substantiated complaints about noise from customers entering/leaving premises or using an external area Substantiated complaints about noise from within premises Substantiated complaints about noise from plant associated with the premises Breach of a Community Protection Notice	
3	ABH / minor wounding Affray / violent disorder Robbery	Enforcement Notice other than Article 11, 13 or 14		
4	Supply or concerned in the supply of drugs on/at the premises Possession of offensive weapon Assault on emergency services officer	Article 11 or Article 13 Enforcement Notice - fire safety arrangements / fire detection and warning	Noise abatement notice served on the premises	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 Possession of firearm Sexual assault / Rape Immigration Offences Failure of licence holder / manager to report significant incident to Police	Article 14 Enforcement Notice - means of escape Article 31 Notice - prohibit use of premises, restrict capacity	Fly Tipping associated with licensable activity Noise abatement notice not complied with	Evidence of an underage sale

Table 2 Table of relevant incidents and penalty points

* 1 penalty point if more than 3 thefts in a month and subject to a maximum of 5 points over a rolling 6-month period

An evidenced breach of licence condition or evidenced unlicensed activity will carry 2 penalty points per breach.