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Consultation Document

A Framework for Managing the Night Time Economy in Wales

Date of issue: **24 September 2015**

Action required: Responses by **17 December 2015**

Overview

This consultation seeks views on the proposed Framework for Managing the Night Time Economy in Wales. It is aimed at local authorities, health boards, community safety leads, Police Licensing Officers, business communities and key stakeholders within the Night Time Economy.

How to respond

To respond to this consultation, please complete the online form which can be accessed here: www.wales.gov.uk/consultations/healthsocialcare/?lang=en

Responses can also be e-mailed to: Substance.misuse@wales.gsi.gov.uk

or sent to:

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The closing date for responses is
17 December 2015.

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Consultation web address:
www.wales.gov.uk/consultations

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Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

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Part One

1. Introduction

1a Purpose & Aims

The purpose of this document is to provide a framework for local authorities, local health boards, night time economy teams, community safety leads and other stakeholders to assist them in developing and delivering local plans and strategies to address drug and alcohol-related disorder and anti-social behaviour in our towns and cities, and to improve access to the night-time economy for a wider population. The Welsh Government's aim is **to promote a diverse night time economy throughout Wales and enhance quality of life by providing safe city and town centres that are accessible and attractive to all who work, visit and live in them.** In particular, we aim to:

- Protect individuals and communities by creating a safe and healthy environment;
- Tackle availability of both alcohol and drugs by the enforcement of licensing regulations; and
- Confront anti-social behaviour, crime and the fear of crime, including sexual assault, and harassment and modern slavery in the context of the night time economy.

This framework sets out below a broad range of suggested actions to help Substance Misuse Area Planning Boards (APBs), local authorities, local health boards, community safety leads and other stakeholders to effectively manage the evening and night time economy.

It is, however, recognised that it will be neither necessary nor feasible for APBs/local authorities/community safety leads to take action in all the areas outlined. APBs/local authorities/community safety leads will need to identify and understand the issues in their particular area and prioritise actions based on local need and circumstance. APBs/local authorities/community safety leads and other stakeholders are encouraged to use this framework as a basis and reference guide to develop local strategies to tackle alcohol related crime and disorder and create a safe and welcoming environment for all.

1b Strategic & Policy Context

The document responds to a commitment within the Substance Misuse Delivery Plan 2013-15 to review the night time economy framework and brings together the updated policy and legislative context into one location. It sets out a range of suggested actions that community safety leads and other relevant partners should consider implementing. This includes:

- Ensuring effective coordination of policies, planning and licensing matters Providing appropriate facilities for all users of city and town centres
- Creating an environment in which people feel safe at night
- Linking Substance Misuse Commissioning Strategies at a strategic level to the Police and Crime plans and supporting crime and disorder strategic assessments for the area
- Planning enforcement activity with the aim of reducing harm to communities from substance misuse
- Sharing of information, intelligence and resources amongst partnership agencies.
- Adhering to the Crisis in Care Mental Health Concordat.
- Focusing on reducing alcohol related injuries as a priority.

This framework supports and contributes to the Welsh Government strategy ‘*Our Healthy Future*’ which sets the foundation for public health throughout Wales; the Substance Misuse Strategy for Wales ‘*Working Together to Reduce Harm*’; the *Tackling Hate Crimes, and Incidents Framework for Action*; *Children and Young People First*; the *joint Welsh Government/Youth Justice Board youth justice strategy*; and the *Together for Mental Health strategy*. The framework also supports the objectives of the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.

The majority of actions within this framework will require close collaboration between partners with an interest in the night time economy, including those whose functions are not devolved to the National Assembly for Wales. The framework brings together a range of best practice examples of actions that have been taken to manage the night time economy in a variety of towns and cities across the UK. It is not intended to be directional and there is no expectation for every team responsible for managing a night time economy in Wales to implement every action within this framework. However, it is intended to be used as a reference point that partners can use when considering what additional actions could be taken to strengthen the management of the night time economy in their area.

1c Development of the Framework

There has been substantial consultation in the development of this framework. It was initially developed through the Night Time Economy Working Group which consisted of a wide range of stakeholders with an interest in the night time economy including Police Licensing Officers, Community Safety Leads, Fire Safety Officers and Trading Standards. Additional consultation has taken place with other stakeholders including the police, health, local authorities and the business community, all of whom have a shared responsibility to create a safer and healthier Wales.

2. Defining the Night Time Economy

There is no standard definition for the night time economy. For the purposes of this framework - which considers both alcohol and drugs – the night time economy concerns the economic activity which occurs between the hours of 6pm to 6am.

The sale of alcohol for consumption ‘on-trade’ refers to premises with a license to sell alcohol which is consumed at the premises e.g. bars or pubs. This contrasts with ‘off-trade’ premises where the license only permits the sale of alcohol which must then be consumed off the premises e.g. supermarkets. However, these also play an important role in the night time economy and impact levels of intoxication, with the growing rise of ‘pre-loading’ in which cheaper alcohol is consumed at home before arriving at the pub or bar. One study found that those who had ‘pre-loaded’ were two-and-a-half times more likely to be involved in violence than other drinkers.¹ This policy framework therefore addresses the management of the on-trade and off -trade, as well as of the wider town centre environment.

¹ Hughes, K., Anderson, Z., Morleo, M. and Bellis, M.A. (2008) ‘Alcohol, nightlife and violence: the relative contributions of drinking before and during nights out to negative health and criminal justice outcomes’, *Addiction*, 103 (1), pp 60-5.

3. Rationale for Action

Supporting growth in the night time economy has many benefits, when the right conditions are maintained. It can generate substantial economic activity and employment opportunities and encourage responsible drinking in a safe and enjoyable environment.

However, the growth in the evening and night time economy can also be connected with increased anti-social behaviour, crime and substance misuse. Access to the supply of alcohol has been increased through changes to the licensing legislation, coupled with a fall in the relative price of alcohol. Illegal drugs still appear to be easy to access and their prices have continued to drop.² Furthermore, there are rising concerns about the levels of alcohol related crime and disorder in our towns and cities. Home Office figures state that in 44% of all recorded violent incidents in England and Wales, the victim believed their attacker to be under the influence of alcohol. This figure rises to 58% for 'stranger violence' (where the assailant is unknown to the victim).³

The costs of the misuse of alcohol in the night time economy are also significant. Drink related crime and disorder was estimated to cost £365m in 2006.⁴ The cost of excess alcohol to the NHS in Wales is estimated at between £69.9 million and £73.3 million in 2008-09, amounting to between 1.27% and 1.33% of total healthcare expenditure. Of this, approximately £35.3m - £37.5m was spent on alcohol related Accident & Emergency attendances.⁵

In the wider context the harms associated with excessive consumption of alcohol and other intoxicants are the focus for this framework and may include:

- Increased crime and fear of crime;
- An environment favourable to the use of illegal drugs and new psychoactive substances;
- Increased demand on emergency healthcare services;
- Increased costs of street cleansing around licensed premises and late-night takeaways;
- The sale of alcohol to underage persons;
- Noise and light pollution;
- Anti-social behaviour; and
- Generating inappropriate and unnecessary dependence on mental health services as a by-product of intoxicated behaviour and with its costs on police, health and local authority services.

Any framework for handling the night time economy should aim to ensure that the net benefits of economic activity in the evening/night time are maximised and the costs minimised. Local community safety leads should also consider measures that pass on some of these costs to those who create them, both licensed businesses (for example through the Late Night Levy) and individuals (for example through fixed penalties).

² Welsh Government, *Working together to reduce harm*

³ Crime Survey for England and Wales 2010-2011

⁴ Directors of Public Protection Wales, (2006) *Addressing alcohol misuse issues*.

⁵ Welsh Assembly Government (2010), *Assessing the costs to the NHS associated with alcohol and obesity in Wales* <http://wales.gov.uk/docs/caecd/research/alcoholmisuseandobesityreporten.doc>

4. Legislative Context

Over the past 20 years, a number of policy initiatives and legislative changes have contributed to the substantial growth in the evening and night time economy in Wales and across the UK. Legislative developments in the past decade have substantially changed local and national powers available to tackle anti-social behaviour and crime and disorder associated with the night time economy.

4.1 The Licensing Act 2003

The Licensing Act 2003 (“the 2003 Act”) repealed previous licensing laws and moved responsibility for licensing from magistrates to local authorities. It sought to address the links between badly managed licensed premises and anti-social behaviour; and between standard closing hours, street congestion and alcohol fuelled violence.

The Licensing Act 2003 regulates the licensing of premises in England and Wales which sell alcoholic drinks such as nightclubs, bars, restaurants and shops. The 2003 Act provides that the licensing regime is enforced by licensing authorities. In Wales a licensing authority is “*the council of a county or county borough*”; Welsh local authorities are therefore responsible for the implementation of the licensing legislation in their area.

When exercising their functions under the Licensing Act 2003, including decisions on whether to grant a licence, a licensing authority must do so with a view to promoting the four licensing objectives. These objectives are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

Licence holders have to meet the compulsory licensing conditions that are set out at section 19 of the 2003 Act plus any further conditions which may be specified by the Secretary of State by Order under section 19A of the 2003 Act.

4.2 The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and the Licensing Act 2003 (Mandatory Licensing Conditions)(Amendment) Order 2014

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 (“the 2010 Order”) set out five conditions that apply to all premises in England and Wales authorised to supply alcohol under a premises licence or club premises certificate. The first three of these conditions came into force on 6 April 2010, with the remaining two (which relate to premises applying an age verification policy and making available smaller measures of drinks) coming into force six months later.

On 28 May 2014, a new mandatory condition, banning the sale of alcohol below the cost of duty plus VAT, came into force. The UK Government published a mandatory Code of Practice in relation to the restriction on alcohol being sold at a price below alcohol duty plus VAT. This condition prevents businesses selling alcohol at heavily discounted prices and aims to reduce excessive alcohol consumption and its associated impact on health, crime

and anti-social behaviour. Non-compliance with the ban could result in up to 6 months' imprisonment and/or a £20,000 fine.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 ("the 2014 Order") amended the 2010 Order and replaced the mandatory conditions prescribed in the 2010 Order with the conditions in the 2014 Order. The conditions apply to all relevant premises licences and club premises certificates which authorise the supply of alcohol for consumption on the premises, with the exception of the age verification condition, which also applies to licences and certificates which permit the supply of alcohol for consumption off the premises.

The 2014 Order aims to tighten the existing mandatory licensing conditions relating to irresponsible promotions, the provision of free water, the adoption and application of age verification policies and the provision of small measures at licensed premises. A total of five mandatory conditions apply.

The mandatory conditions include:

- The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. Irresponsible promotions include drinking games and activities where alcohol is poured into the customer's mouth, or promotions where a significant risk is posed to the licensing objectives, such as unlimited drinks for a fixed price, or using alcohol as a reward;
- The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available;
- The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in relation to the sale or supply of alcohol;
- Sales of alcohol below the permitted price are banned. The permitted price is the 'cost' (the level of alcohol duty for a product) plus Value Added Tax (as would be payable on the duty element of the product price).

4.3 The Police Reform and Social Responsibility Act 2011

The Police Reform and Social Responsibility Act 2011 added licensing authorities and local health boards as responsible authorities in terms of licensing. The aim of this policy is to ensure that licensing authorities and local health board are better able to take actions they consider appropriate to tackle irresponsible premises without having to wait for representations from other responsible authorities. Additional powers include:

Late Night Levy (LNL) – The LNL enable licensing authorities to raise a contribution from late-opening alcohol suppliers towards policing the night-time economy. It is a local power that licensing authorities can choose whether or not to exercise. The licensing authority can choose the period during which the levy applies every night, between midnight and 6am, and decide what exemptions and reductions are to apply. The levy is payable by the holders of any premises licence or club premises certificate in the authority's area, which authorise the sale of alcohol the "late night supply period" (12:00am – 6:00am). Six licensing authorities (all in England) have so far planned to introduce the LNL in 2014.⁶

⁶ The latest guide on the use of the Late Night Levy can be found at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118369/late-night-levy-guidance.pdf

Early Morning Restriction Orders (EMRO) – The EMRO power enables all licensing authorities to restrict sales of alcohol in the whole or part of their areas for any specified period between 12 midnight and 6am, if they consider this appropriate for the promotion of the licensing objectives. EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which are not directly attributable to specific premises. This applies to all licensed premises in a local area, rather than individual problem premises. The use of this measure should be evidence-based, and reasonable, justified and proportionate. Further guidance on the use of EMROs is available in Chapter 16 of the Guidance issued under section 182 of the Licensing Act 2003.⁷

4.4 Anti-Social Behaviour, Crime and Policing Act 2014

The Anti-Social Behaviour, Crime and Policing Act 2014 provided new powers for the police and local agencies.

These powers include:

- Criminal Behaviour Order: Individuals may be forced by a Court to attend substance misuse awareness sessions;
- Public Spaces Protection Order: Allows local agencies to target hotspots of alcohol-related disorder and is designed to stop individuals or groups committing anti-social behaviour in a public space;
- Dispersal power: Gives police powers to require a person committing or likely to commit anti-social behaviour, crime or disorder to leave an area for up to 48 hours;
- Community protection notices: These are designed to stop a person aged 16 or over, business or organisation committing anti-social behaviour which spoils the community's quality of life;
- Closure of premises associated with nuisance or disorder: Replaces a closure power currently used for licensed premises. This allows the police or local authority to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder.

4.5 The Deregulation Act 2015

The Deregulation Act 2015 makes provision for the reduction of burdens resulting from legislation for businesses and individuals.

The Act includes the following provisions:

- Temporary Events Notices: Increase the limit that can be held annually at single premises from 12 to 15;
- Personal licences renewal: the current requirement to renew a personal licence every ten years has been abolished;
- Late night refreshment: Licensing authorities are able to make exemptions within their local areas based on location or type of business or to adjust the hours to which licensing applies in their area;
- Lost licences: The need for licence holders to report the loss or theft of their licence documents to the police and show proof that they have done this has been abolished;
- Community and Ancillary Notice: New light touch three year authorisation which will provide particular businesses and community groups a cheaper, simpler and easier alternative to other authorisations.

⁷ <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

4.6 Public Health (Minimum Price for Alcohol) (Wales)

One of the most effective actions available to governments is to control the price and affordability of alcohol and therefore the Welsh Government is clear that a pricing intervention must be a key component of any comprehensive strategy to tackle alcohol misuse. There is particularly good evidence that minimum unit pricing for alcohol impacts positively on health and social harms, and it is those individuals who drink alcohol to harmful or hazardous levels that would benefit the most from such a measure.

Minimum unit pricing has been shown to have a favourable impact on health outcomes, with a 50p Minimum Unit Price (MUP) in Wales anticipated to result in an estimated reduction of 53 deaths and 1,400 fewer hospital admissions per year after 20 years. There is clear evidence that minimum unit pricing for alcohol impacts positively on health and social harms, with those individuals who drink alcohol to harmful or hazardous levels benefiting the most from this measure.

After careful consideration the Welsh Government has decided not to include a provision in the Public Health (Wales) Bill whilst there is still some uncertainty about the timing of the Court of Justice of the European Union's determination on EU law queries on Scotland's Alcohol (Minimum Pricing) (Scotland) Act 2012. However, the Welsh Government is keen to progress legislation in this area and a draft Public Health (Minimum Price for Alcohol) (Wales) Bill was published on 15 July 2015.

4.7 Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.

The Act improves the public sector response in Wales to violence against women, domestic abuse and sexual violence. It provides a strategic focus and ensures consistent consideration of preventive, protective and supportive mechanisms in the delivery of services.

In accordance with the Programme for Government commitment, the Act places a duty on local authorities and local health boards to prepare and publish joint Local Strategies for tackling gender-based violence, domestic abuse and sexual violence.

The Act requires Local Authorities and Local Health Boards to take into account the most recent assessment for the area of the Local Authority under section 14 of the Social Services and Well-being (Wales) Act 2014. It also requires local authorities and local health boards to take into account strategic assessments prepared in accordance with regulations made under section 6 of the Crime and Disorder Act 1998 relating to reducing crime and disorder, combating substance misuse and reducing re-offending.

4.8 Welsh Language

All organisations in the public sector have a responsibility to comply with the Welsh Language (Wales) Measure 2011, which imposes duties on bodies to use the Welsh language, enabling Welsh speakers to use their chosen language.

"More than just words", the strategic framework for Welsh language services in health, social services and social care, complements the Measure. It emphasises the need for people working in services to recognise that some individuals can only comfortably and effectively communicate through the medium of Welsh. It is therefore important to deliver appropriate services to meet their linguistic needs. Therefore, the framework requires local authorities, night time economy teams, community safety leads and other stakeholders to operate within

these legal obligations and ensure that services are accessible in Welsh and that clients have the right to access services in Welsh should they wish to do so.

5. Policy Drivers

There are a number of UK-wide and Welsh Government policies which are relevant to maximising the potential of the night time economy to contribute to economic growth and flourishing communities, while minimising risks to health, the environment and public safety. The framework suggests actions as set out in the Appendix 1 that may be taken and references these policies, but local authorities should be aware of the following policy drivers in particular:

5.1 Working Together to Reduce Harm – The Substance Misuse Strategy for Wales 2008-2018

“*Working Together to Reduce Harm*” is the Welsh Government's 10 year substance misuse strategy for tackling the harms associated with the misuse of alcohol, drugs and other substances. The strategy is supported by the Substance Misuse Delivery Plan 2013-15 and sets out a clear national agenda for how the Welsh Government and its partners will tackle and reduce the harms associated with substance misuse in Wales. The strategy identifies four priority action areas:

- Preventing harm
- Support for substance misusers
- Supporting and protecting families
- Tackling availability and protecting individuals and communities - reducing the harms caused by substance misuse related crime and anti-social behaviour, by tackling the availability of illegal drugs and the inappropriate availability of alcohol and other substances.

Tackling alcohol related disorder and the availability of drugs are therefore key priorities for the strategy; and it highlights the importance of agencies working together to effectively manage the evening and night time economy in their area.

5.2 Welsh Government policy on alcohol in the Night Time Economy

The Welsh Government is undertaking a broad range of actions to reduce the harms associated with alcohol misuse in the night time economy and beyond. This includes public health campaigns to promote responsible alcohol consumption and work with Alcohol Concern Cymru to develop a range of good practice guidance; support for the Local Alcohol Action Area pilots in Swansea and Pembrokeshire (see 5.6 below); and developing a new systematic process to review alcohol related deaths.

In addition, the Welsh Government continues to advocate for the inclusion of promoting public health as a fifth licensing objective in the Licensing Act 2003. Consideration how health data can better be used in the existing licensing regime and as an objective for Cumulative Impact Policies (CIP) is also being explored.

The protection of children and young people from harm is a priority and responsible authorities are encouraged to consider including the ‘Challenge 25’ (if you look under 25, you will be asked to prove that you are over 18 when you buy alcohol) scheme in their statement of licensing policy.

5.3 UK Government Alcohol Strategy 2012

A number of actions have been taken by the UK Government in recent years following publication of the UK Government Alcohol Strategy in March 2012 and a number of subsequent consultations. These have enabled local agencies to have more control over licensing, to tackle problem areas and businesses:

- Licensing authorities and local health bodies are now 'responsible bodies' under the Licensing Act 2003, and can more easily instigate a review of a license;
- It is now easier to refuse, revoke or impose conditions on a license, where appropriate, including for persistently selling alcohol to young people;
- EMROs (see above) can restrict late-night alcohol sales in problem areas;
- Cumulative Impact Policies can be used to limit the density of on- and off-trade premises;
- Licensing authorities can also use fixed or staggered closing time, and zoning where necessary; and
- The LNL (see above) can be used to ensure proactive, visible policing to ensure safety in areas of high density licensing.

The UK Government Alcohol Strategy also encourages local areas to tackle problem individuals, and encourages use of actions including prosecution, and test purchasing where appropriate. In particular, the UK Government recommends that local areas make use of existing powers to achieve the licensing objectives:

- Prosecution of licensees who knowingly serve alcohol to a drunk;
- Seizure of alcohol from young people (under 18) and prosecution for persistently possessing alcohol in a public place;
- Accreditation of hospital security staff, allowing them to issue Penalty Notices for Disorder;
- Enforced sobriety schemes can be used for those convicted of alcohol-related crime; and
- Hospitals should share non-personal data with police to tackle alcohol-related violence, along the lines of the Cardiff model.⁸

The UK Government Alcohol Strategy further sets out a number of provisions to encourage responsible alcohol sales in the on-trade, which were implemented in secondary legislation to the Licensing Act 2003, in 2010 and 2014 (see above), to make the mandatory licensing conditions more effective and ensure they are implemented consistently.

5.4 Revised Guidance to Licensing Authorities, October 2014

In October 2014 the UK Government issued revised guidance under section 182 of the Licensing Act 2003. Licensing authorities must have regard to this guidance in forming their own statement of licensing policy, and in carrying out all other functions, though they can depart from either with good reason. This guidance may also be helpful to other stakeholders, including community safety leads, as it sets out best practice and aims to ensure consistent application of licensing powers across England and Wales and to promote fairness, equal treatment and proportionality.

As well as advice on implementing the provisions of legislation, the guidance includes procedures to develop statements of licensing policy (SLP), including consideration of

⁸ Florence, C., Shepherd, J. Brennan, I. and Simon, T. (2011) 'Effectiveness of anonymised information sharing and use in health service, police, and local government partnership for preventing violence related injury: experimental study and time series analysis'. British Medical Journal 2011

special policies such as a CIP. A well-drafted SLP can help to ensure that licensing objectives are promoted – and that an effective licensing regime is in place, including the use of conditions on licenses where necessary. A SLP which sets out local priorities and evidence-based policies may assist in challenges to decisions made by the responsible authorities.

Where there is evidence that the customers of licensed premises are causing crime, disorder or nuisance in a particular area, a CIP may be used. This creates a (rebuttable) presumption that application for licences which are likely to add to the existing cumulative impact will normally be refused or subject to limitations, unless the applicant can demonstrate there will be no negative impact. It should be noted that CIPs can be used for relatively small areas. They can also be focused on targeting particular types of premises (e.g. late night takeaways), or to promote specific objectives (e.g. to prevent public nuisance resulting from noise pollution). Paragraphs 13.23 - 13.38 of this guidance contain more information on CIPs.

5.5 Guidance to local health boards on their role as responsible authorities

Guidance on the role of local health boards as responsible authorities is set out in the Home Office document, *Additional Guidance for health bodies on exercising functions under the Licensing Act 2003*.⁹ While health is not a licensing objective (see above, 4.2), additional guidance from Public Health England (*Public health and the Licensing Act 2003 – guidance from PHE and the Local Government Association, October 2014*) demonstrates how evidence on the impact on health can contribute to reviews of licenses, as well as the development of the SLP and CIP, on the grounds of public safety, crime and public nuisance reduction, and the protection of children from harm.¹⁰

5.6 Local Alcohol Action Areas (“LAAA”)

The LAAA programme is a Home Office scheme aimed at reducing alcohol-related crime and disorder, reducing the negative health impacts caused by alcohol and promoting diverse and vibrant Night Time Economies. It was launched in February 2014 and run until March 2015. There are 20 areas across England and Wales, where local agencies, including licensing authorities, health bodies and the police have come together with the best local partnership schemes and the alcohol industry to address local problems and achieve one, two or all of these aims.

Wales currently has two LAAAs, in Pembrokeshire and Swansea, supported by the Welsh Government. The outcomes from this programme were published in spring 2015 and provide examples of best-practice schemes.

5.7 Substance Misuse - Controlled Drugs and New Psychoactive Substances (NPS)

The misuse of controlled drugs continues to be a problem, and ensuring the enforcement of the law, as well as minimising the health and crime related harm done caused by illegal drugs, is vital to a flourishing Night Time Economy. The proportion of adults aged 16 to 24 who have taken any drug in the last year was 18.9% in 2013/14, a rise from 16.2% in 2012/13. Cannabis was the most commonly used drug in the last year, followed by cocaine

⁹ <https://www.gov.uk/government/publications/additional-guidance-for-health-bodies-on-exercising-functions>

¹⁰ www.nta.nhs.uk/PHE-licensing-guidance-2014.aspx

(2.4%) and ecstasy (1.6%).¹¹ The rise in cocaine use (up from 1.9% in 2012/13) largely drove the overall increase in drug use between 2012/13 and 2013/14. In addition to action to police work to target serious criminal activity in supplying drugs, local authorities should ensure that premises are taking appropriate action to tackle the use, possession and sale of 'club' drugs, as well as preventing harm for customers.¹² Cocaine use is strongly associated with drinking alcohol and consumption within the Night Time Economy, and the Advisory Council on the Misuse of Drugs recommends the venues should be equipped to deal with acute problems associated with cocaine use.¹³ Venues should also be provided with educational materials relating to the effects of cocaine and other 'club' drugs.

Certain key factors exacerbate the health risks of drug taking, including: taking combinations of controlled drugs and/or mixing these with alcohol, becoming overheated and exercising to exhaustion. Local authorities should consider whether nightclub premises have taken appropriate action to reduce the risks, for example ensuring good ventilation, strategies to prevent overcrowding, chill out areas and the provision of drinking water. The framework lists further actions that premises can take to create a safe environment. Where door searches are frequently used, a harm-reduction approach could also include the use of amnesty boxes or similar to encourage club-goers to give up supplies of drugs in order to enter clubs.

Local authorities should also remain vigilant on the use of NPSs. Although mephedrone and naphyrone have recently become Class B drugs, there are many more substances which have yet to be properly identified, tested or subjected to control by UK law. Although seizures of mephedrone have dropped in Wales in 2013-14, prevalence is still high across mid and south Wales. Additional risks are posed by NPS 91% of which have been found to contain at least 2 active ingredients.¹⁴ Bar and club staff should be first aid trained and have up-to-date training to ensure they recognise the symptoms of newer/recently popular drugs.

Since 2008/09, there has been a steady increase in the use of NPS in the UK. In 2013 the Home Office appointed an expert review panel to consider the effectiveness of the Misuse of Drugs Act 1971 in addressing NPS. The report was subsequently published in September 2014. It identified difficulties with the current approach and recommended a general ban. The UK Government accepted the recommendations, including looking into the feasibility of a general prohibition on the distribution of non-controlled NPS for human consumption.

A new Psychoactive Substances Bill was introduced into the House of Lords on 28 May 2015. The proposed legislation is a blanket ban, intended to focus on supply with its primary policy intention to prohibit and disrupt the manufacture, distribution, sale and supply of NPS across the UK. The legislation is intended to cover England, Wales, Scotland and Northern Ireland reflecting the reserved nature of the powers surrounding the classification of drugs.

5.8 Welsh Emerging Drugs Investigation of Novel and Other Substances (WEDINOS)

WEDINOS is a Public Health Wales project that provides a robust mechanism for the collection and testing of unidentified or new psychoactive substances and provides pragmatic

¹¹ According to the 2013/14 Crime Survey England and Wales (<https://www.gov.uk/government/publications/drug-misuse-findings-from-the-2013-to-2014-csew/drug-misuse-findings-from-the-201314-crime-survey-for-england-and-wales>)

¹² More information on the impact of club drugs can be found in the Drugscope status report - <http://www.drugscope.org.uk/resources/New+psychoactive+substances>

¹³ Advisory Council on the Misuse of Drugs, (March 2015), 'Cocaine Powder: Review of the evidence of use, harms and public health implications'. <https://www.gov.uk/government/publications/cocaine-powder-review-of-its-prevalence-patterns-of-use-and-harm>

¹⁴ Regional Intelligence Unit Wales, *Profile of Mephedrone and NPS Use and Supply*

harm reduction advice. Where substances are seized or placed in amnesty boxes and are suspected to be NPS, premises should be aware of the benefits of sending these to WEDINOS for testing - <http://www.wedinos.org/index.html>

The sale of NPS is not regulated under the Licensing Act 2003, but licensing authorities may use licensing conditions (where there is evidence that this would promote the statutory licensing objectives) to prevent the sale of NPS alongside the sale of alcohol at a licensed premises.¹⁵ The proposed Bill of a blanket ban on NPS will enable disruption of the sale of new psychoactive substances at these premises.

5.9 Police and Crime Commissioners

Police and Crime Commissioners (PCCs) set out annual priorities for the four Welsh Police Forces. These priorities are linked to the needs and demands of local communities and are intended to ensure that local and national priorities are appropriately resourced, and local night time economy strategies should have due regard to these plans. All regions have published comprehensive Police and Crime Plans and stakeholders should refer to these in building strategies and policies relating to the Night Time Economy.

The Welsh Government's Tackling Hate Crimes and Incidents Framework for Action¹⁶ recognises the impact which the night economy can play upon a person with a protected characteristic through the Equality Act 2010. This can provide circumstances where hostility or prejudice can be amplified and experienced by both workers and participants in the night time economy. Local authorities and other relevant stakeholders should consider ways to ensure environments can be inclusive and consider how greater awareness and ways to report hate crimes can be identified.

5.10 The wider policy environment

Local authorities and stakeholders should also consider the broader context of the Night Time Economy, including planning, transport and environment (including lighting, CCTV and waste collection). Where these areas fall outside of the night time economy team remit, they should work with other local partners to ensure an integrated approach to ensuring a safe town center at night and a thriving night time economy. Planning Policy Wales states that *"policies should encourage a diversity of uses in centres. Leisure uses can benefit town and district centres and with adequate attention to safeguarding amenities can contribute to a successful evening economy"*.¹⁷ These principles should underlie the consideration of planning applications and redevelopment. Similarly, the framework details key actions to be taken to contribute to reduced crime and violence, support evening and late-night transport facilities, and a pleasant environment for all users of the night time economy.

5.11 Crisis in Care Mental Health Concordat

A Crisis Care Mental Health Concordat is to be published jointly by partners - Health, Police, the Local Authority and Third Sectors - designed to improve how individuals who present with a mental health crisis are dealt with. Often such crisis can be caused or complicated by the presence of alcohol, illicit drugs or both. When heavily intoxicated, personal capacity is diminished and personal authority and control can be lost. This may give rise to the need for

¹⁵ Revised Guidance Issued under section 182 of the Licensing Act, 10.26-27, <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

¹⁶ Tackling Hate Crime and Incidents: A Framework for Action (<http://gov.wales/topics/people-and-communities/equality-diversity/rightsequality/hate-crime/?lang=en>)

¹⁷ Planning Policy Wales, Edition 7, July 2014, 10.2.4

the police to use powers under the Mental Health legislation to detain an individual within an appropriate place of safety.

It is universally recognised that the use of the Mental Health legislation to intervene in essentially episodes of substance misuse is costly and often does not secure an appropriate outcome. By linking this guidance with the ambition of the Mental Health Concordat, an opportunity presents itself for partners to consider alternative approaches to those heavily intoxicated who present with mental ill-health problems when arrested and detained by the police.

6. Industry self-regulation and best practice

The UK Government expects the alcohol industry to demonstrate how it can take action to reduce alcohol related harm. The Public Health Responsibility Deal (July 2014) sets out commitments that the alcohol industry has made to reduce harm, a number of which relate to the Night Time Economy:

- Commitment to support LAAs by extending industry partnership schemes
- Action to reduce the attractiveness of high strength, high volume carbonated products that are disproportionately associated with harm. Signatories will commit to no longer produce or sell any product with more than 4 units of alcohol in a single-serve can. This will mean that super strength beers (9% ABV and above) will no longer be sold in large 500ml cans.
- The Retail of Alcohol Standards Group will issue new guidance for its members to set a standard for the responsible retailing of alcohol. This will cover the promotion of alcohol and in-store signage and alcohol information. The UK government would also like to see more voluntary agreements to confine displays of alcohol in-store to a single area.
- The British Beer and Pub Association and its members will reduce the numbers of units sold in the on-trade by offering house wine below 12.5% ABV and actively promoting lower-alcohol products in bars and pubs.
- SAB Miller will also fund 10,000 people to achieve a British Institute of Inn keeping qualification on responsible alcohol retailing, focussed on under-age drinking and tackling anti-social behaviour.

Welsh Government Alcohol Industry Network (WGAIN) was established in January 2015 to support the Welsh drink retailers to play a part in helping the alcohol industry to deliver on the new Public Health Responsibility Deal Pledges.

The Portman Group Code sets the standard for responsible alcohol marketing and encourages retailers to promote low and lower alcohol drinks, as well as ensuring the appropriateness of marketing claims. It issues alerts for products that break the code, and local authorities may wish to sign up for these, and encourage premises to do the same.

Local areas may also wish to consider joining the industry-partnership best practice schemes, or these may provide a model for further action. Suggested schemes include:

Purple Flag – Accreditation of Purple Flag status recognises town centres that meet or surpass the standards of excellence in managing the evening and Night Time Economy. This includes having a strong and coordinated local strategy, a clean and safe environment, ease of movement, and a stimulating destination with a wide choice of entertainment and activity. It can lead to raised profile and an improved public image for the location, as well as lower

crime and anti social behaviour, and a more successful mixed use economy in the longer term.

Best Bar None – Currently running in 100+ UK towns and cities, areas join this scheme which is delivered at a local level by active partnerships between the industry, local authorities and police. Venues must meet minimum standards to be accredited by the scheme and compete to win awards. Responsible operators are recognised and able to share good practice with others. A scheme can also highlight how operating more responsibly can improve the profitability of an individual business and attractiveness of a general area.

Pubwatch – A network of premises, organised by the licensees, which improves communication between themselves and the police, allowing them to rapidly communicate messages about potential problems, combating anti-social behaviour.

Reducing the Strength - Local schemes targeted particularly at street drinkers, in which retailers in the off-trade agree (on a voluntary basis) not to sell high-strength, low-price beers and ciders. When accompanied by police action to reduce street disturbances, and outreach workers to encourage street drinkers into treatment, this scheme can be very effective. In Ipswich, two thirds of premises signed up, and incidents reported to the police relating to street drinking over the year dropped by almost 25%. This scheme needs to be well designed and evidence-based - the Local Government Association (LGA) has produced guidance.¹⁸

Challenge 25 - Although the law requires age-verification of young people who appear to be under 18, the best-practice industry schemes requires servers to request age-verification from those who appear older. Challenge 25 is most frequently used by supermarkets and some other parts of the off-trade; Challenge 21 is mostly used by the on-trade. Test purchasing suggests that these schemes have been largely successful, and the off-trade pass rate was 79% compared to 69% for the on trade in 2011.¹⁹ The UK Department of Health found the numbers of 11-15 year olds drinking in the past week had dropped from 23% in 2006 to 10% in 2013, with the majority of the drop occurring after the introduction of Challenge 25. The 16-24 age group has also had a drop of 24% in alcohol consumption over this period.²⁰

Challenge 25 is now mandatory for all licensees in Scotland, following amendments to current licensing laws in 2011. This means that Challenge 25 is universally applicable in the on- and off- trade. Recognition and experience of the scheme is relatively low in Wales, although support is high. Licensing authorities may therefore wish to promote Challenge 25 through their licensing policy statements and as conditions on the licences they grant.

¹⁸ LGA, Reducing the strength: Guidance for councils considering setting up a scheme

http://www.local.gov.uk/web/guest/publications/-/journal_content/56/10180/6823763/PUBLICATION

¹⁹ Serve Legal, 'Checked Out' report, 2012

²⁰ Retail of Alcohol Standards Group, 'Rising to the Challenge, A report into the application and impact of Challenge 25'

Part Two

A Framework for Managing the Night Time Economy in Wales

The purpose of this document is to provide a framework for local authorities, local health boards, night time economy teams, community safety leads and other stakeholders to assist them in developing and delivering local plans and strategies to address drug and alcohol-related disorder and anti-social behaviour in our towns and cities, and to improve access to the Night Time Economy for a wider population.

Aim: Provide appropriate facilities for all users of city and town centres

Objective 1: Create a diverse town centre that caters to the needs of all		
Actions	Processes to achieve objective	References and Guidance
<p>Venues and Activities Local authorities should allow for a variety of venues and activities in towns and city centres that will cater for a wide range of interests and needs.</p> <p>Undertaking a “diversity audit” should be considered and include both an appraisal of the town centre as a destination and research into consumer perceptions and aspirations. From this develop a comprehensive vision for an inclusive and more diverse town centre.</p>	<p>Include measures in local authority economic development, regeneration & social inclusion policies and/or plans to help encourage the diversification of the night time economy.</p>	<p>‘Better Town Centres at Night’ focuses on an improved overall Night Time Economy – including using planning to encourage a mix of premises (p52) https://www.atcm.org/purple-flag-files2/purple-flag-files/files/20-Better_Town_Centres_At_Night</p> <p>Cardiff has used a Night Time Economy Coordinator post as a strategic role to promote diversification, among other objectives. Evaluation of this role can be found at: http://www.cardiff.ac.uk/socsi/research/publications/workingpapers/paper-133.html</p> <p>For example, cultivating an ‘evening economy’ that encourages a broader demographic mix of consumers (including families and day-time workers) to visit restaurants, retail outlets, galleries, museums and cafes as well as licensed premises, will promote</p>

		a more mixed Night Time Economy. Licensed premises may then compete for this custom, altering their business model away from dependence on high-volume alcohol sales.
Objective 2: Provide the infrastructure that helps make city and town centres a welcoming environment at night		
Actions	Processes to achieve objective	References and Guidance
<p>Transport In order to develop an adequate and appropriate provision to and from night time economy venues, consideration should be taken of the potential benefits of:-</p> <ul style="list-style-type: none"> • late night bus and rail services; • late night secure parking; • temporary pedestrian zones; • engagement of Service and Leisure Industry providers with Transport providers in order to consider and address local issues and needs, including marketing of information and timetables; and • make use of technology, e.g. mobile phone applications for live transport information <p>To improve the safety of those using the late night transport, consideration should be given to:-</p> <ul style="list-style-type: none"> • Provision of Taxi Marshalls • Using existing door staff to supervise late night taxi queues <p>Positioning of taxi ranks in relation to multiple late night venues</p>	<p>Intelligence of the evening and night time economy activity (which could be from local Night Time Economy strategies or plans) should be used for planning local transport policies</p>	<p>A quick, efficient method for people to get home at night is key to good management and preventing late night disorder. Improved transport may also encourage a greater mix of people to visit town centres at night.</p> <p>Taxi Marshalls have been effectively deployed in a number of city centres where they can prevent queue jumping and other anti social behaviour that has potential to provoke disorder, as well as ensuring that only licensed cabs use the rank. Marshalls need to be able to communicate with police and other uniformed presence.</p>

<p>Cleaning A welcoming town centre at night should be clean, pleasant and well-lit. Strategies should include provision for: -</p> <ul style="list-style-type: none"> • Adequate cleaning and litter facilities. • Provision of public toilets • Removal of graffiti • Prevention and enforcement of fly posting and management of waste material from town premises. <p>Cleansing policies need to be integrated with town centre management policies to ensure, as far as practical, street cleansing services can meet the needs of the night time economy by cleaning streets at more appropriate times</p> <p>Lighting and Toilets Good street lighting increases safety and encourages a wider group of people to use the town centre at night. Recommendations include:</p>	<p>Local authority / Community Safety Partnership (CSP) environmental policies and strategies (e.g. street scene initiatives) should include reference to the night time economy.</p>	<p>The Police and Justice Act 2006 widens section 17 of the Crime & Disorder Act 1998 to consider behaviour affecting the environment.</p> <p>Traders should be encouraged to work with local authorities to reduce levels of litter. In some areas, traders have provided funding for additional street cleaning and bin provision.</p> <p>In Ceredigion, information held about littering has been used to include conditions on clearing litter when granting licences for fast food takeaways (Public Protection Services: addressing alcohol misuse issues (DPPW, October 2006)).</p> <p>Fly posting is illegal (the Town & Country Planning (Control of Advertisements) Regulations 1992) – both those putting up the posters and those benefiting from them can be fined.</p> <p>“Effects of improved street lighting on crime” www.communitysafety.gov.uk/securedesign/securedesign20</p> <p>Provisions included in the Public Health (Wales) Bill require that local authorities prepare and publish a local toilets strategy. The aim of the provisions is to improve planning of provision of toilets available for use by the public by ensuring each local authority in Wales assess the needs of the community in relation</p>
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<ul style="list-style-type: none"> • Adopt recommended minimum lighting levels. • Consider the use of different types of light (e.g. Sodium, Metal Halide, etc.) appropriate to the location and time. • Review lighting in relation to CCTV systems and recommendations or requirements made by planning and licensing. • Ensure lighting of recognised pedestrian routes <p>Consideration should be given to: -</p> <ul style="list-style-type: none"> • opening public conveniences for longer • the use of toilet attendants • the provision of temporary toilets when required. • alternatives to A&E for those intoxicated that do not require a police presence 		<p>to toilets, and then takes a strategic and transparent approach to best meet that need.</p>
<p>Objective 3: Develop a flexible response to emergency service provision</p>		
<p>Actions</p>	<p>Processes to achieve objective</p>	<p>References and Guidance</p>
<p>Emergency Service Provision</p> <p>The following should be considered: -</p> <ul style="list-style-type: none"> • Engaging with emergency services to undertake regular assessments of services provided in Night Time Economy areas. • Bespoke provision for specific occasions such as triage provision for seasonal and major events. • Provision of help points for major events and on public holidays. • Training in first aid for accredited personnel • Provision / deployment of resuscitation aids 	<p>Engagement/Negotiation with emergency services over appropriate Police, Ambulance and A&E presence and/or response</p>	<p>Pembrokeshire Council have produced guidance for Temporary events. This can be found at: http://www.pembrokeshire.gov.uk/content.asp?nav=107,110,178,187&parent_directory_id=646&id=9793</p> <p>Since September 2012 a number of Alcohol Treatment Centres have emerged to provide a place of safety in the city centre at night when people are drunk. They operate as a medical base for the assessment and treatment of minor injuries, where intravenous fluids can be given and people are</p>

<ul style="list-style-type: none"> • Provision and availability of other accredited emergency services such as Community Wardens or St Johns Ambulance. <p>There should be systems to ensure that contact with emergency services can lead to referral to regular services where necessary.</p> <p>The safety of emergency services staff and others must be safeguarded, and Emergency departments should consider measures to maintain security, e.g. by the use of Fixed Penalty Notices.</p>		<p>allowed to sleep off the effects of excessive alcohol consumption in a safe environment. Brief intervention therapy is also delivered which challenges the behaviour of individuals when they have sobered up.</p> <p><u>North Wales Police</u> The main alcohol treatment centre in North Wales is Hafan Wen at Wrexham, This premise is run by CAIS and details can be found on http://www.cais.co.uk/</p> <p><u>South Wales Police</u> Help Point in Swansea city centre demonstrates the improved use of partnership resources by the provision of a focused service for people in Swansea city centre who are highly intoxicated and require supportive recovery measures and /or injury treatment. Further information can be obtained from http://commissioner.south-wales.police.uk/en/police-crime-plan/tackling-violent-crime/help-point/</p> <p>In Cardiff, the alcohol treatment centre is nurse led and aims to minimise the impact of alcohol related issues on A&E. It is a partnership consisting of NHS, local authorities, ambulance, probation, police, third sector street pastors, St John's Ambulance, treatment agencies, RC Diocese and private sector contributions. For further information visit: http://cardiffandvaleapb.org/project/act-alcohol-treatment-centre/</p> <p>When field hospitals are used the 1 Minute Paddington Alcohol Test can be used. This was designed by St Mary's Hospital Paddington and involves answering a few questions that can detect</p>
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<p>Partners to consider alternative approaches to those heavily intoxicated when arrested and detained by the police such as the Crisis in Care Mental Health Concordat</p> <p>Partners should consider 'Vulnerability Awareness Training' which is aimed at early intervention caused through alcohol and drugs.</p>		<p>hazardous, harmful and mild dependence. Consent is required and the information should be used for referrals to local drug & alcohol teams.</p> <p>The Welsh Ambulance Services NHS Trust may also provide data on pick-up points for underage casualties of substance misuse up in order to identify hot spots for multi-agency action.</p> <p><u>Gwent Police</u></p> <p>At the time of drafting this document, Gwent Police had no alcohol treatment centres in the force area but they were examining possibilities, subject to funding.</p> <p>Any prevention work is undertaken by dedicated Night Time Economy Police Officers who spend time with door staff whilst on patrol informally briefing them on 'hot topics'.</p> <p><u>Dyfed-Powys Police</u></p> <p>At the time of drafting this document, Dyfed-Powys Police had no alcohol treatment centres in the force area, but they do have Street Pastors and smaller community based projects.</p> <p>Crisis in Care Mental Health Concordat guidance when published.</p> <p>Vulnerability Awareness Training Alcohol can be a contributory factor to sexual violence, acting as a dis-inhibitor and making people who may not ordinarily be vulnerable, periodically</p>
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		<p>vulnerable. The night time economy can present opportunity for sexual predators to take advantage of increased levels of vulnerability caused through alcohol and drugs. For further information on Vulnerability Awareness Training visit.</p> <p>http://commissioner.south-wales.police.uk/en/police-crime-plan/tackling-violent-crime/vulnerability-training/</p>
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Aim: Create an environment in which people feel safe at night

Objective 1: Make effective use of licensing and legislative powers to ensure safety in ‘hot-spot’ areas		
Actions	Processes to achieve objective	References and Guidance
<p>Licensing The overall licensing strategy should take into account the appropriate number and type of licensed premises in the</p>	<p>Statement of licensing policy should set out the strategy for considering licensing</p>	<p>The Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. Chapter 13 of the</p>

<p>town centre. A number of options are available to tackle 'hot spots' to promote public safety:</p> <ul style="list-style-type: none"> • Alcohol prohibition zones – to prevent the public consumption of alcohol • Late Night Levy (LNL) – to raise a contribution to the cost of policing the Night Time Economy • EMRO – to prevent the sale of alcohol in a certain area between 12am and 6am • Fixed/staggered closing times and zoning • CIP – to reduce the density of licensed premises (including late night takeaways if necessary) • Places of safety <p>Relevant bodies may also take actions against particular problem premises, including seeking a review to the license, or an emergency 24-hour shut-down.</p>	<p>applications, which takes into account the local area and all available legislative powers</p>	<p>Revised Guidance issued under section 182 of the Act provides guidance on developing this policy, the underlying principles and the core content, including CIPs and EMROs https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003</p> <p>Public Spaces Protection Orders (part of the Anti-Social Behaviour, Crime and Policing Act 2014) can be used to designate certain activities, including drinking alcohol, illegal in certain areas, where these activities have a detrimental effect on the local community https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/332839/StatutoryGuidanceFrontline.pdf</p> <p>Detailed guidance on implementing a LNL, including the use of revenue, can be found at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118369/late-night-levy-guidance.pdf</p>
<p>Licensing authorities should establish and set out joint-enforcement protocols with the local police to ensure premises are abiding by the law, including the provisions of the Licensing Act 2003, the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 & the Licensing Act 2003 (Mandatory Licensing Conditions)(Amendment) Order 2014.</p> <p>Licensing authorities should consider enforcement of the law against serving drunk people, for example through test</p>	<p>Strategy to enforce licensing conditions and legislation and to ensure premises are taking actions to protect their customers</p>	<p>The Guidance on Mandatory Licensing Conditions sets out the five conditions implemented by the 2014 Order: https://www.gov.uk/government/publications/guidance-on-mandatory-licensing-conditions</p> <p>Guidance on banning the sale alcohol below the cost of duty plus VAT can be found at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311735/Guidance_on_BBC_S_3.pdf</p>

<p>purchasing.</p> <p>There are a number of safety measures which can be encouraged and/or made part of licensing conditions:</p> <ul style="list-style-type: none"> • Use of plastic glasses and bottles – e.g. on certain nights of the week, or on match days • Comply with Portman Group’s Retailer Alert Bulletins to withdraw products or advertising which breaks the industry code • Capacity limits and ratios of seating to capacity • Policies to prevent overcrowding in certain areas • The presence of door staff (licensed by the Security Industry Authority (SIA)) with procedures for refusal of entry, searching, dispersal • Strategy for preventing and dealing with disorder, theft, fire, etc • Noise policy and dispersal plan • The use of toilet attendants, security staff and CCTV where appropriate <p>Consider joint high-profile inspections between licensing authorities, Environmental Health, Fire Service, Trading Standards to check door supervisors, health and safety, fire prevention, noise nuisance controls and compliance with licensing conditions</p>		<p>Section 141 of the Licensing Act 2003 makes it an offence to sell alcohol to a person who is drunk, or to allow alcohol to be sold to such a person on licensed premises.</p> <p>Chapter 10 of the Revised Guidance issued under section 182 of the Act provides guidance on attaching conditions to licenses https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003</p> <p>It should be noted that conditions should be proportionate, and appropriate to promoting the licensing objectives.</p> <p>Health and Safety laws and Environment laws can also be used to enforce limits on capacity, use and disposal of glass, etc.</p>
<p>Age Verification Premises must have an age verification policy, which at a minimum requires individuals who appear under 18 to produce age verification. Test purchasing can be used to check compliance. Increased sanctions (larger fines or</p>	<p>Strategies to ensure young people are protected from harm</p>	<p><i>Guidance on Mandatory Licensing Conditions</i>, September 2014, provides the rules of age verification, acceptable forms of ID, and a model policy: https://www.gov.uk/government/publications/guidance-on-mandatory-licensing-conditions</p>

<p>extended closure notices) should be used against premises which persistently sell alcohol to under-18s.</p> <p>Responsible authorities should also ensure that home-delivery services are abiding by the Licensing Act 2003, for example by using test-purchasing.</p> <p>The use of best-practice schemes (Challenge 25) can be encouraged through licensing conditions.</p> <p>Police can use powers to confiscate alcohol from under-18s in public places; and to prosecute persistent offenders</p> <p>The use of NPSs is strongly linked to young people (both under-18 and 18-24).</p>		<p>The Police Reform and Social Responsibility Act 2011 amends the Licensing Act 2003:</p> <ul style="list-style-type: none"> - s147a doubles the fine for persistent offenders - s169a amends the powers to give a closure notice to those who persistently sell alcohol to children <p>Detailed guidance can be found at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/98110/selling-alcohol-to-children.pdf</p> <p>More information on Challenge 25 in Scotland – http://www.challenge25.org/ and for the industry - www.wsta.co.uk/challenge-25</p> <p>Section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 allows police to confiscate alcohol; section 30 of the Policing and Crime Act 2009 creates the offence of persistently possessing alcohol in a public place when under 18.</p> <p>Premises inspections should ensure that adequate procedures are in place to discourage the use of NPSs and to minimise harm.</p>
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Objective 2: Make effective use of available enforcement powers to tackle crime and disorder		
Actions	Processes to achieve objective	References and Guidance
<p>Enforcement</p> <p>Night time economy teams share information with Police and Community Support Officers to enable them to</p>	<p>Coordination of night time crime prevention and enforcement activities</p>	<p>Anti-Social Behaviour, Crime and Policing Act 2014 – policy documents, fact sheets and guidance can be found at</p>

<p>consider how visible they should be in 'hot spot' areas. Where individuals are causing problems, police have a range of powers available to them including:</p> <ul style="list-style-type: none"> • Criminal Behaviour Orders (replaces Anti Social Behaviour Orders) • Dispersal power – to move people on and confiscate alcohol • Community protection notices – for those who persistently litter or disturb communities when drunk <p>Consideration should be given to:</p> <ul style="list-style-type: none"> • Co-ordination of CCTV, radionet, exclusion notice scheme, data and photo sharing on known offenders etc. • Provision of fixed CCTV at strategic locations, with mobile systems to respond to any displacement of crime caused by fixed systems. • Recognised and approved processes and procedures for management of CCTV images by business and public agencies. <p>Local authorities should also consider lighter-touch methods of preventing disorder and harm to individuals. For example, premises should train door staff to look out for individuals who are intoxicated and alone. Consider making use of voluntary sector organisations to protect individuals, e.g. Street Pastors</p> <p>Local authorities and other relevant partners should make active consideration of ways to create a safe and inclusive environment for all people with a protected characteristic. Door staff and other professionals should be aware of</p>		<p>https://www.gov.uk/government/publications/anti-social-behaviour-crime-and-policing-bill-anti-social-behaviour</p> <p>Where appropriate, CCTV should be focussed on areas where large groups of people gather, such as taxi ranks, bus/train stations, and fast food outlets. CCTV on main routes out of the town centre should also be a consideration. Latest policy on the use of CCTV can be found at</p> <p>https://www.gov.uk/government/publications/surveillance-camera-code-of-practice</p> <p>More information about street pastors at</p> <p>http://www.streetpastors.org/ The Crime and Disorder Act 1998 created a number of new racially and religiously aggravated offences, and the Criminal Justice Act 2003 introduced tougher sentences for offences motivated by hatred of the victim's sexual orientation. A National Hate Crime Report and Support Centre is funded through Victim Support</p>
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<p>protocols for responding to and reporting hate crimes and incidents, including through the National Hate Crime Report and Support Centre funded by the Welsh Government through Victim Support Cymru.</p>		<p>Cymru to increase reporting and to roll out training and awareness across Wales (http://www.reportheate.victimsupport.org.uk/hate-crime/).</p>
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Objective 3: Encourage self-regulation and local take-up of industry schemes to improve safety

Actions	Processes to achieve objective	References and Guidance
<p>Key stakeholders should consider and implement schemes appropriate for local needs. Participation in these schemes by premises can ensure high standards of safety.</p> <ul style="list-style-type: none"> • Purple Flag – demonstrates excellence in the night time economy as a whole • Best Bar None – collaboration between the industry, local authorities and police to recognise responsible venues • Pubwatch – organised by licensees to facilitate communication • Some local areas have also introduced voluntary schemes to reduce the strength of alcohol being sold, particularly in the off-trade <p>Premises should be encouraged to partake in these schemes, either through licensing conditions, or through reward e.g. a 30% reduction in LNL.</p> <p>Some schemes target problem/street drinkers in particular. Reducing the Strength, when evidence-based, and accompanied by other measures including police enforcement powers and outreach workers to encourage treatment, can be effective at reducing alcohol related harm to the individuals as well as incidents affecting the</p>	<p>Consider setting up/supporting local partnership schemes e.g. Purple Flag, Best Bar None, Pubwatch</p>	<p>Guidance on setting up Purple Flag schemes is available at: https://www.atcm.org/programmes/purple_flag/WelcometoPurpleFlag</p> <p>Best Bar None: http://www.bbuk.com/</p> <p>Pubwatch: http://www.nationalpubwatch.org.uk/</p> <p>The guidance on the LNL explains how premises can be given a discount for participation in best practice schemes:</p> <p>https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118369/late-night-levy-guidance.pdf</p> <p>Responsible authorities should follow the guidance to ensure that schemes are the most appropriate action, and are designed and established in a way that maximises success and complies with competition legislation</p>

<p>general public. Where this scheme is the best approach, it should be designed for the specific local circumstances and delivered in partnership with local premises (although licensing conditions can be used for individual premises where necessary and permissible).</p>		<p>http://www.local.gov.uk/web/guest/publications/-/journal_content/56/10180/6823763/PUBLICATION</p>
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Objective 4: Minimise the risk of harm as a result of drug misuse in the Night Time Economy

Actions	Processes to achieve objective	References and Guidance
<p>The Substance Misuse Strategy for Wales states that enforcement activity should be planned with the aim of reducing harm to communities from substance misuse. In addition to targeting serious organised crime activity (through police lead activity by Operation Tarian in partnership with others), and street dealing, harm can be minimised by the use of licensing conditions to prevent the sale of NPSs.</p> <p>Local authorities should also encourage premises to minimise the harm caused by drug use by</p> <ul style="list-style-type: none"> • Agreeing a policy on searching, seizing drugs, amnesty boxes and when police should be called • Ensuring that staff are trained to recognise and handle problems arising from the effects of drug use, especially drugs connected with the Night 	<ul style="list-style-type: none"> • Strategies to discourage the use of illegal drugs and new psychoactive substances, and to minimise the risk of harm to those who use them. • 	<p>Revised Guidance Issued under section 182 of the Licensing Act, 10.26-27, https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-section-182-of-licensing-act-2003</p> <p><i>Safer Nightlife, Best practice for those concerned about drug use and the night-time economy</i> Published by the Home Office and the London Drug Policy Forum in 2006.</p> <p>Further guidance on overall strategies for tackling NPS misuse can be found in: Public Health England, <i>New Psychoactive Substances: Toolkit for Commissioners</i> - www.nta.nhs.uk/New-psychoactive-substances-a</p>

<p>Time Economy such as cocaine.</p> <ul style="list-style-type: none"> • Preventing overcrowding in any area, and providing chill-out/cool-down areas • Considering the use of toilet attendants, sharps bins, and 'designing out' / treatment of flat surfaces • Displaying information on the effects of drugs associated with Night Time Economy, drug harm minimisation and drug-facilitated sexual assault • Allowing customers to keep drinks with them 		<p>toolkit-for-substance-misuse-commissioners.aspx</p> <p>Advisory Council on the Misuse of Drugs, (March 2015), <i>Cocaine Powder: Review of the evidence of use, harms and public health implications</i> https://www.gov.uk/government/publications/cocaine-powder-review-of-its-prevalence-patterns-of-use-and-harm</p> <p>UK Government, <i>Guidance on tacking action against head shops</i> - https://www.gov.uk/government/.../Taking_action_against_head_shops.pdf</p>
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Aim: Effective coordination of planning & licensing matters and policies

Objective 1: Effective liaison <i>within</i> individual Community Safety agencies, for example between local authority licensing and planning departments or between police licensing officers and senior management in Basic Command Units (BCUs).		
Actions	Processes to achieve objective	References and Guidance
<p>Establish mechanisms for joint decision making for all issues relating to Night Time Economy activities, for example between local authority licensing teams, planning departments, Trading Standards, transport etc.</p>	<p>Joint strategies, working practices, protocols and agreements to be set up between relevant departments or structures within local authorities and APBs.</p>	<p>Section 17 of the Crime and Disorder Act 1998 places a duty on local authorities, Police Forces, Police Authorities and Fire and Rescue Services to have due regard to the prevention of crime and disorder in exercising all of their functions.</p>
<p>Identify a designated lead person in each agency to champion Night Time Economy issues across</p>	<p>Ensure strong leadership at a senior level around the Night</p>	<p>A single point of contact for Night Time Economy issues is vital, and this role can tackle crime and</p>

departments/teams.	Time Economy agenda from within all relevant agencies.	disorder as well as encompassing the promotional and developmental aspects of town centre management and acting as the link to day time town centre management.
<p>Local Development Plans (LDPs) should be consistent with local Community Strategies, PCC Police and Crime Plans and community safety issues including the management of the Night Time Economy.</p> <p>Local transport, waste collection, and fire and rescue plans should also consider Night Time Economy issues.</p> <p>Alcohol strategies in local substance misuse plans should be regularly reviewed, monitored and linked to the Night Time Economy where appropriate.</p>	Integrate Night Time Economy issues into all individual plans and strategies within local authorities and other agencies.	<p>Planning decisions, as well as licensing, in town centres can impact on the ease of managing the Night Time Economy in the area. Planning Policy Wales, Edition 7, July 2014, ch10 http://wales.gov.uk/docs/desh/publications/140731planning-policy-wales-edition-7-en.pdf</p> <p>Under the Regulatory Reform (Fire Safety) Order 2005, the Fire and Rescue Service has authority in respect of fire safety in most non-domestic premises, including licensed premises.</p>
Objective 2: Effective communication, coordination and cooperation between all Community Safety agencies.		
Actions	Processes to achieve objective	References and Guidance
<p>Establish a dedicated strategic group with an overview of issues relating to Night Time Economy, and/or a tactical group including a 'Champion' or designated lead person from each agency who will be able to influence departments / teams within their own agencies regarding Night Time Economy issues. These should have joint planning, coordination and implementation meetings.</p> <p>Ensure local health boards, as Responsible Authorities, have sufficient knowledge of the licensing policy to fulfil this function and are included in all strategic and tactical partnership arrangements.</p> <p>Ensure that a joint media strategy is in place in order to provide positive engagement with local press and radio to promote helpful coverage, including good news stories of</p>	Multi agency guidelines, policies and working practices to promote a flourishing Night Time Economy while minimising harm resulting from alcohol-related crime or disorder	<p>Section 17 of the Crime and Disorder Act 1998 places a duty on local authorities, Police Forces, Police Authorities and Fire and Rescue Services to have due regard to the prevention of crime and disorder in exercising all of their functions.</p> <p>Guidance for local health bodies on their role as responsible authorities:</p> <p>https://www.gov.uk/government/publications/additional-guidance-for-health-bodies-on-exercising-functions</p> <p>Further guidance from Public Health England to Local Health Boards - www.nta.nhs.uk/PHE-licensing-guidance-2014.aspx</p>

successful operations/interventions, without increasing the fear of crime.		
<p>These models, structures of working and plans can include:</p> <ul style="list-style-type: none"> • Regular strategic and neighbourhood planning / policing / licensing meetings • Town centre policies approved and agreed by all agencies and business representatives. • Hot spot areas can be broken down by day and night to ensure effective deployment of resources • Multi agency targeting of top 10 problem premises. • Regular and scheduled joint enforcement initiatives. • Strategic leadership forums • Recognised links with licensing departments and Community Safety Partnerships task groups. • Minimum standards in place across all night time premises that include restaurants, hotels, and all types of leisure premises. • Multi-agency visits to licensed premises <p>Local partnership schemes, e.g. Purple Flag, can also ensure better joint working – see below.</p>	Establish multi-agency models and structures of working and develop joint action plans.	<p>'Better Town Centres at Night' sets out a suggested policy envelope around partnership working, recognising that after-hours policy crosses many professional, budgetary and sectoral boundaries. A clear strategy – based on sound research, integrated public policy and a successful multi-sector partnership – is needed (p 46).</p> <p>https://www.atcm.org/purple-flag-files2/purple-flag-files/files/20 Better Town Centres At Nght</p>
Objective 3: Multi-agency collation assessment and exchange of data in order to better manage the Evening & Night Time Economy.		
Actions	Processes to achieve objective	References and Guidance
<ul style="list-style-type: none"> • Data recording and sharing agreements to be implemented with a wide range of existing sources such as ambulance/A&E, local authority licensing, SIA, Harm Reduction Team, including recording reason for attending Emergency Dept. 	Multi agency collation, exchange and assessment of information	<p>The UK Government Alcohol Strategy encourages all hospitals to share non-confidential information on alcohol-related injuries with the police, in line with College of Emergency Medicine guidelines (3.21-23)</p> <p>https://www.gov.uk/government/publications/alcohol-</p>

- Recording of alcohol- and drug- related A&E attendances (including where this is a secondary factor) is especially useful, especially where the location of pick-up / last drink can be recorded
- Use of Police Force Licensed Premises database as a recording mechanism for all information relating to premises including licensees, managers, daily opening times, door staff etc.
- Implementation of the Traffic Light System (TLS) throughout all BCUs ensuring that both the Licensed Premises database and the TLS database are made available to operational staff via hand held devices.
- Qualitative data collection techniques in place. For example, street pastors can provide very useful information during their patrols of the town centres.

[strategy](#)

<http://secure.collemergencymed.ac.uk/code/document.asp?ID=4881>

Wales Accord on the Sharing of Personal Information (WASPI) provides a framework for service-providing organisations directly concerned with the health, education, safety, crime prevention and social well being of people in Wales. It sets out a common set of corporate principles and standards under which partner organisations will share information. Community safety leads and agencies may wish to develop Information Sharing Protocols and Data Disclosure Agreements.

<http://www.waspi.org/page.cfm?orgid=702&pid=50176>

The Traffic Light System is an early intelligence tool to identify problematic premises licenses. The system uses data sharing between police and the city's main hospital to collect detailed information on the time, place and nature of alcohol-related crime and disorder.

Hospital staff are trained to ascertain from victims who have sustained serious injury the precise location of the incident, the time and date of the incident, the type of weapon used, whether the incident has been reported to the police, and in which premises the victim had their last alcoholic drink. The data collected is analysed by the Community Safety Partnership Analyst and then used to allocate points relating to the type and severity of the recorded incident to each premises. These premises are then categorised as either red (immediate action

		<p>required), amber (monitor closely) or green (no concerns). Those premises in the red category are assigned a dedicated licensing officer who meets with the premises to draw up an action plan that will seek to 'improve' the premises promptly. If premises are categorised as red for a significant period, the Violent Crime Task Group scrutinises the reasons and enforcement action can be taken, including a review of the premises' license by South Wales Police.</p>
<p>The SLP can include relevant local public health concerns, illustrated by local health statistics – for example, alcohol harm data including alcohol-related crime, violence, ASB, domestic violence and A&E attendances can be triangulated with the number of licensed premises in specific areas. Local health boards can also present academic evidence on the effect of availability on consumption of alcohol, and on the association between outlet density and consumption/harm. This can help develop local policy including CIP, providing evidence for how a CIP may contribute to a licensing objective(s).</p> <p>Local health boards should also use the data available to them to contribute to the licensing process (applications and reviews) in order to promote the licensing objectives, e.g. by sharing information that demonstrates the risk of crime and disorder presented by a particular venue.</p>	<p>Make use of health and other multi-agency data to inform Statement of Licensing Policy, and licensing/planning decisions</p>	<p>Revised Guidance issued under Section 182 of the Licensing Act 2003 paragraphs 13.23 - 13.38 contains more information on CIPs, including advice on the types of evidence that can be used (13.19 – 13.27)</p> <p>https://www.gov.uk/government/publications/revised-guidance-issued-under-section-182-of-the-licensing-act-2003</p> <p>Further guidance from Public Health England on how health data can be used to support a CIP, and how local health boards can use health information to contribute to licensing reviews and conditions - www.nta.nhs.uk/PHE-licensing-guidance-2014.aspx</p>

Appendix 1

Key Documents

The Substance Misuse Strategy and Annual Report <http://wales.gov.uk/topics/people-and-communities/safety/substancemisuse/publications/strategy0818/?lang=en>

Substance Misuse Delivery Plan 2013-2015 <http://wales.gov.uk/topics/people-and-communities/safety/substancemisuse/publications/dplan/?lang=en>

Public health and the Licensing Act 2003 – guidance from PHE and the Local Government Association, October 2014 - www.nta.nhs.uk/PHE-licensing-guidance-2014.aspx

Public Health England, New Psychoactive Substances: Toolkit for Commissioners - www.nta.nhs.uk/New-psychoactive-substances-a-toolkit-for-substance-misuse-commissioners.aspx

Advisory Council on the Misuse of Drugs, (March 2015), 'Cocaine Powder: Review of the evidence of use, harms and public health implications'.
<https://www.gov.uk/government/publications/cocaine-powder-review-of-its-prevalence-patterns-of-use-and-harm>

UK Government Guidance

The UK Government's Alcohol Strategy, 2012
<https://www.gov.uk/government/publications/alcohol-strategy>

Next steps following the consultation on delivering the Government's alcohol strategy, July 2013 <https://www.gov.uk/government/consultations/alcohol-strategy-consultation>

Revised Guidance Issued under section 182 of the Licensing Act
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Additional Guidance for health bodies on exercising functions under the Licensing Act 2003.
<https://www.gov.uk/government/publications/additional-guidance-for-health-bodies-on-exercising-functions>

Guidance on Mandatory Licensing Conditions, Sept 2014
<https://www.gov.uk/government/publications/guidance-on-mandatory-licensing-conditions>

Guidance on banning the sale alcohol below the cost of duty plus VAT – May 2014
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311735/Guidance_on_BBCS_3.pdf

Amended late night levy guidance – Dec 2012
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118369/late-night-levy-guidance.pdf

Guidance on persistently selling alcohol to children – 2012
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/98110/selling-alcohol-to-children.pdf

ASB, Crime and Policing Act 2014, Statutory Guidance

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf

Crisis in Care Mental Health Concordat- to be referenced once finalised.

Appendix 2

Glossary

ABV – Alcohol by volume
APB – Area Planning Board
ASB – Anti-Social Behaviour
ASBO – Antisocial Behaviour Order
ATC – Alcohol Treatment Centre
BCU – Basic Command Unit
CIP – Cumulative Impact Policies
CSP – Community Safety Partnership
EMRO – Early Morning Restriction Orders
LAAA – Local Alcohol Action Area
LDP – Local Development Plan
LGA – Local Government Association
LNL – Late Night Levy
MUP – Minimum Unit Pricing
NHS – National Health Service
NPS – New Psychoactive Substances
NTE – Night Time Economy
PAT – Paddington Alcohol Test
PCC – Police and Crime Commissioner
PHE – Public Health England
SIA – Security Industry Authority
SLP – Statement of Licensing Policy
TLS – Traffic Light System
WASPI – Wales Accord on the Sharing of Personal Information
WEDINOS – Welsh Emerging Drugs Investigation of Novel and Other Substances