



West  
Northamptonshire  
Council

# Drugs Policy for Licensed Premises



*Northampton's Best Kept Secret*

Version 2, April 2021

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## Change History

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Version 1	August 2019	New Policy
Version 2	April 2021	Updated – Unitary Council

NB: Draft versions 0.1 - final published versions 1.0

## Consultees

Internal	External
Licensing Department	The Police

## Distribution List

Internal	External
Intranet	West Northamptonshire website
Guildhall Office Team	Gusto Catering Ltd
Abington Park Museum Team	Creative Event Services Ltd
NMAG Team	Impressions Catering Ltd
	Forward Security Ltd
	1 <sup>st</sup> Reaction Security Ltd

## Links to other documents

Document	Link
Guildhall Room Hire/Bookings Policy	Defines the expectation for those hiring the Guildhall for events not to take illegal substances

# Contents

Section	Page
1.0 Introduction/foreword	3
2.0 Scope	3
3.0 Policy outcomes	4
4.0 Drugs policy for licensed premises	4
4.1 Search policy	4
4.2 Extent of searching	4
4.3 Drugs seized or found on the premises	5

## 1.0 Introduction / foreword

This document serves as a record of West Northamptonshire Council's commitment to adopting a zero-tolerance approach towards drug abuse and the people identified as committing drug related offences within the Guildhall, Abington Park Museum and Northampton Museum & Art Gallery.

The following policy is designed to outline the procedures that need to be followed when drug offences are identified and the expectation on ALL members of staff involved in licensed activities to read, understand and always adhere to this policy. The policy should also give staff a better understanding of the law in relation to drugs and drug related incidents and will provide systems and procedures to ensure that all drugs related incidents are dealt with consistently and safely.

## 2.0 Scope

The Misuse of Drugs Act 1971 puts controlled drugs into three Classes defined by the amount of harm that they have the potential to cause. They are categorised as follows:

**CLASS A:** Which includes Cocaine, Crack Cocaine, Heroin, Ecstasy, Cannabis Oil and LSD.

**CLASS B:** Which includes Cannabis, Cannabis Resin and Amphetamine

**CLASS C:** Which generally include prescription drugs which are abused such as Diazepam and Steroids.

The Misuse of Drugs Act 1971 also defines the offences with the main ones being:

**Possession:** Also known as personal use where the individual has a small amount of a controlled drug on their person.

**Possession with Intent to Supply:** This is where an individual has a controlled drug in their possession and the reason for this is to supply it to another.

**Supply:** This is where a person supplies or offers to supply a controlled drug to another person.

The part of the Act which directly effects licensed premises is:

**Section 8 of the 1971 Act** which states that it is an offence to "Knowingly permit or suffer any drug related activity on the premises". Activity could relate to any of the above offences.

The burden here is on the licensee and staff of the premises to prevent the use of controlled drugs on their premises.

## **3.0 Policy outcomes**

As a licensed venue, it is important to anticipate, identify and address any problems related to illicit drug taking. This policy gives guidance to ensure that unlawful activities are not tolerated within or on the grounds of West Northamptonshire Council's premises.

## **4.0 Drugs Policy for Licensed Premises**

### **4.1 Search Policy**

Searching is a standard part of the entry policy for the Guildhall, Abington Museum and Northampton Museum & Art Gallery. Signs advertising this policy are displayed at all public entrances to the venue and voluntary searches are a condition of entry into this venue.

Searching can ONLY take place with the consent of the individual who is to be searched. Under no circumstance can force be used to perform a search. If an individual initially gives their permission to be searched but then withdraws this consent, the search must be stopped immediately. There are no legal powers for staff including SIA staff to search and where consent is refused, consideration should be given to contacting the police.

Likewise, there is no power to detain an individual under the Misuse of Drugs Act 1971 and individuals must remain at the premises voluntarily before being handed over to the police as soon as possible. Detention is only lawful if the individual has committed a Common Law offence such as an assault or a Breach of the Peace.

It is best practice to have another person witness the search to prevent any malicious claims of assault and to provide evidential corroboration of any items found. If the individual declines to be searched, entry must be refused on all occasions.

You have a right to refuse entry or to ask someone to leave at any point. If they refuse to leave when requested to do so and are displaying drunk OR disorderly behaviour, the police should be contacted for assistance. This is covered under Section 143 Licensing Act 2003 and creates an offence for a person to refuse to leave when requested to do so.

### **4.2 Extent of searching**

The search of a person must be restricted to outer clothing and pockets but can and should include bags. The search should only be performed by a staff member who is of the same gender as the individual to be searched; male to search male and female to search female.

Once inside the venue, voluntary searching is still permitted however should only be conducted where information exists to suggest that drugs are being used (as opposed to the screening option that may be employed on the entrance(s)). The same rules apply as with condition of entry searches and where consent is refused, the individual should be asked to leave and escorted off the premises.

Where practical, the search should take place out of the way of the public. When the venue is busy taking an individual to one side and being discreet may be more proportionate to ensure that the safety and security of the venue is not compromised.

The method of searching must be in accordance with any training given by the SIA and be compliant with the rules laid out above.

### 4.3 Drugs seized or found on premises

Where items suspected of being illegal drugs are found on an individual following a voluntary search, the police must be called, and the items handed over to the attending officer as part of an evidential package. If the individual agrees to remain on the premises they can be handed over to the police at the same time. A written statement documenting the search and the subsequent handover will be required to provide continuity of the evidence chain.

Where items are located inside the premises and a person is NOT identified and there is no prospect of doing so, the Council has a process in place that has been agreed with the Police and must always be followed:

The process is that the person finding the substance is required to place the items in a sealable bag or envelope and seal it. Once sealed that person will sign across the seal and this will be counter signed by the duty manager. The staff member will then fill out the drug register before depositing the package into a secure drug safe (drop box) which is kept in a secure location of the building. The combination to the drop box and the keys to override are kept by the Police and once deposited, no member of staff or visitor can retrieve the drugs from the drop box. The item(s) must only be removed by a Police Officer who will be required to sign the register to confirm that it has been removed. This will need to be counter signed by a manager at the premises. The completed drugs register will be retained on the premises for at least 6 months after the completion date for auditing purposes.

It is the expectation of the Police that when drugs are deposited in the safe, a call is made to the control room of the local policing area to arrange collection. The call should be made as soon as is practical and an incident log created flagged for the attention of the Licensing Officer. If the venue is busy and this occurs on a weekend or public holiday, this call MUST be placed no later than the first working day after the drugs are found and deposited.

Failing to adhere to this may amount to a staff member or manager committing an offence of unlawful possession as outlined above.

The defence to this is **knowing or suspecting it to be a controlled drug, he/she took possession of it for the purpose of delivering it into the custody of a person lawfully entitled to take custody of it and that as soon as possible after taking possession of it he/she took all such steps as were reasonably open to him/her to deliver it into the custody of such a person.**

All staff and managers have a duty to support this policy to make sure that people coming into Council venues feel safe and can enjoy themselves in a drug free environment.

