

**REPORT TO: LICENSING BOARD - 24TH JUNE, 2004**  
**REPORT ON: REVIEW OF CODE OF CONDUCT AND MINIMUM CHARGE FOR ENTRY**  
**REPORT BY: CLERK TO THE LICENSING BOARD**  
**REPORT NO: 501-2004**

**1.0 PURPOSE OF REPORT**

1.1 To suggest amendments to the terms of (a) the Code of Conduct for licensed premises and (b) the condition attached to entertainment licences imposing a minimum charge for entry.

**2.0 RECOMMENDATIONS**

2.1 That the Board approves the amendments to the Code of Conduct and the minimum charge for entry outlined in Paragraphs 6.3 and 6.4 below.

2.2 That the Board agrees that the minimum charge for entry remains at £2.50 until June 2005.

**3.0 FINANCIAL IMPLICATIONS**

3.1 None.

**4.0 LOCAL AGENDA 21 IMPLICATIONS**

4.1 None.

**5.0 EQUAL OPPORTUNITIES IMPLICATIONS**

5.1 None.

**6.0 MAIN TEXT**

6.1 At its meeting on 23rd October 2003, the Board adopted the Code of Conduct for licensed premises, a copy of which is shown at Appendix I. The Code was compiled after discussions with the licensed trade and other interested parties at the Liquour Licensing Forum and was in response to a range of concerns which had been expressed regarding the operation of licensed premises in the city, particularly the sale of alcohol at what were considered to be irresponsibly low prices.

6.2 At the meeting of the Liquour Licensing Forum on 24th May, 2004, Tayside Police raised further points of concern surrounding the operation of licensed premises in Dundee and, in particular, the practices of ticket touting and attempts to offset the minimum entry fee of £2.50 which is a condition of entertainment licences for nightclubs. Flyposting was another issue raised at the Forum. There was general agreement that these matters be addressed by amending the Code of Conduct and the minimum entry fee condition.

6.3 It is therefore suggested that the following amendments be made to the Code of Conduct, namely, the addition of new Paragraphs 8 and 9:-

"8. There must be no ticket touting within a 50m radius of any entertainment - licensed premises. For the avoidance of doubt, this includes the premises employing any such persons engaged in such ticket touting. In addition, there shall be no ticket touting within any other licensed premises (such as public houses) without the consent of the person in charge thereof".

"9. Licence holders shall not, either themselves or by any employee or agent, attract custom by the use of illegal fly-posting"

- 6.4 With regard to the minimum entry condition, Tayside Police have expressed the view that the wording should be amended and simplified given that complaints are still being received that nightclub operators are interpreting the current condition in different ways and seeking to find means of evading the prohibition against offsetting the minimum charge. It is therefore suggested that the condition be amended to read as follows:-

"A minimum charge for entry to the premises, applicable to persons of 18 years of age and over, must be charged. This minimum charge must not be offset in any way. The only method of entry to the premises deemed to be in compliance with this condition shall be payment in cash, on entry, on the day. In particular, there shall be no pre-booking and there shall be no tickets or vouchers issued which would enable patrons either to obtain entry to the premises for less than the minimum charge or to obtain discounts on the price of any drinks once on the premises."

- 6.5 It is recommended that the current figure of £2.50 be retained as the minimum charge until June 2005.

## **7.0 CONSULTATIONS**

- 7.1 The Liquor Licensing Forum has been consulted on the issues raised in this report.

## **8.0 BACKGROUND PAPERS**

- 8.1 None

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Clerk to the Licensing Board

Date: June 2004



## **CODE OF CONDUCT**

1. Licensees must ensure that only door stewards registered with Dundee City Licensing Board are employed on the premises.
2. Where in doubt as to a person's age, Licensees must ask for photographic ID and operate a "no proof no sale" policy.
3. Licensees must not encourage binge drinking via the use of "Happy Hours" on their licensed premises during which time alcoholic liquor is sold at below the minimum code price. This will also extend to "all in" promotions whereby unlimited amounts of alcohol may be obtained upon payment of a fixed price or entrance fee.
4. Licensees must avoid the use of advertising campaigns designed specifically to entice younger patrons to the licensed premises by virtue of promotions for the sale of alcoholic liquor at discounted prices.
5. Minimum prices for the sale of alcohol are as undernoted.
  - (a) Draught beer, lagers, ales, cider and stout - £1.50 per pint or a pro rata equivalent for multiples or fractions;
  - (b) Spirits or liqueurs - £1 per 25 ml or £1.30 per 35 ml measure or pro rata equivalent;
  - (c) Wine - £1.50 per 125 ml measure or pro rata equivalent;
  - (d) Bottled beers or lagers or flavoured alcoholic drinks 5% alcohol by volume or over - £1.50 per 275 ml bottle;
  - (e) Bottled alcoholic drinks under 5% alcohol by volume - £1 per 275 ml bottle.
6. Maximum occupant capacities of a venue, as advised by the Clerk to the Licensing Board, must not be exceeded.
7. Licensees of Nightclubs must comply at all times with any minimum charge for entry for patrons condition imposed by the Licensing Board.