

SCOTTISH BORDERS LOCAL LICENSING FORUM

MINUTE of MEETING of the SCOTTISH BORDERS LICENSING FORUM held in Committee Room 3, Council Headquarters, Newtown St Boswells on 1 October 2013 at 4.00 p.m.

Present: M. Ballantyne (Convener) S. Bell, M. Hay, G Todd, Chief Inspector K. Simpson, S. Walker.
Apologies: N. Gillies, J. Swanson, I. Tunnah, E Whitehead.
In Attendance: Legal and Licensing Services Manager, Democratic Services Officers (J. Turnbull).

MEMBERSHIP

1. The Convener welcomed Mr Mark Hay, who was a new member of the Forum. Mr Hay was a Premises Licence holder from the Queen's Head Hotel in Kelso, and had over 30 years experience in the licensing trade.

**DECISION
NOTED.**

ORDER OF BUSINESS

2. The Convener varied the order of business as shown on the agenda and the Minute reflects the order in which the items were considered at the meeting.

MINUTE

3. A note of the Meeting of 11 June 2013 had been circulated.

With reference to paragraph 10 of the Minute of 11 June, it was noted that "Lothian and Borders Police" should be amended to read "Police Scotland".

**DECISION
NOTED subject to the above amendment.**

MATTERS ARISING

4. The Legal and Licensing Services Manager would be reminded that training disks were required for the two new members, Mr Gillies and Mr Hay.

**DECISION
AGREED to request that the Legal and Licensing Services Manager request two training disks from Alcohol Focus for the two new members of the Forum.**

SCOTTISH BORDERS ALCOHOL PROFILE

5. Ms Walker reported that Mr Gillies had raised concerns at aspects of the Profile. Ms Walker has met with Mr Gillies informally to discuss the concerns and had answered the questions raised. The Convener and Ms Walker would provide a formal written response and circulate to members of the Forum for information.

**DECISION
AGREED that the Convener and Ms Walker will write a formal response.**

NATIONAL LICENSING CONFERENCE

6. Forum members had attended the recent Alcohol Focus National Licensing Conference in Glasgow. A brief overview of the event was given and Ms Walker advised that she had taken notes and would circulate to the Forum.

DECISION

AGREED that Ms Walker circulate a note to members of the Forum, on the National Licensing Conference.

LOCAL LICENSING CONFERENCE

7. There had been 22 applications received (including expressions of interest) for the Conference so far. The licensees present at the meeting advised that they had not received the promotional flyer and concern was expressed that the mailing had not reached its target. To enable uptake the following was agreed: the closing date for applications was extended to 14 October 2013; the Convener would request that the Southern Reporter publish an article promoting the event and informing of the new closing date; Inspector Simpson would promote the event on the Crimebusters spot and speak to Communications and Marketing regarding the event featuring on the revolving by-line; the clerk would arrange for community councillors to be informed; the Convener would send a letter to Chief Inspector Simpson and Mr Hay promoting the Conference and they would hand out with flyers this weekend.
8. The programme was discussed; the Legal and Licensing Services Manager would also present a brief introduction on the role of the Licensing Board. The folder would include:

Map showing venue location
 Programme
 Speaker Biographies
 Role of Local Licensing Forum
 Role of Local Licensing Board
 Scottish Borders Alcohol Profile
 Draft Local Licensing Policy
 Evaluation
 Useful contacts for training requirement, first aid. (S Bell would prepare).

DECISION**AGREED**

- (i) **To extend the closing date for applications to 14 October 2013;**
 (ii) **To request that the Convener contact the Southern Reporter regarding promoting the event in their newspaper to be published on 3 October 2013;**
 (iii) **To agree that Chief Inspector Simpson promote the event through Crimebusters; and**
 (iv) **To request that the Convener prepare a letter to hand out with flyers.**

REVIEW OF LOCAL LICENSING POLICY

9. There had been circulated by the Legal and Licensing Services Manager the Local Licensing Policy. The Forum discussed the Policy and agreed that they would prepare a response following the Conference, in order that the views of those attending would be reflected and included.

DECISION

AGREED To request that Forum members meet after the Conference, at approximately 3 pm, to formulate their response to the consultation on the Local Licensing Policy.

SEXUAL ENTERTAINMENT VENUES

10. Ms Walker had circulated the Scottish Government's Consultation on Regulation of Sexual Entertainment Venues to Forum members and had also met with the Licensing Standards Officer and Violence Against Woman Coordinator to consider. It was discussed that responses often gave conflicting views, for example, the majority of responders had agreed that three or less events should not be exempt, but there was a minority who did not agree. The Forum would discuss at the next meeting, formulating a consultation policy that would support consistency in the handling of responses particularly where there is a conflict of views.
11. Ms Walker expressed concern that Forum consultation responses were being seen as her comments. The Convenor suggested that in future consultation requests should go out from the Clerk without Forum members' names on and the responses should come to the Clerk for onward transmission to the relevant person thus ensuring that consultations were seen to be from the Forum rather than an individual.

DECISION

AGREED to discuss formulating a consultation policy at the next meeting of the Forum.

FUTURE MEETINGS

12. The convener would discuss with the Legal and Licensing Services Manager the arrangements for a joint meeting with the Local Licensing Board and Equality and Diversity Training requirements.
13. The next meeting of the Forum was scheduled for Tuesday, 21 January 2014. However, the Convener would arrange for the Local Licensing Working Group to meet before the Conference, if appropriate.

DECISION

NOTED.

The meeting concluded at 6.20 p.m..

Borders Alcohol & Drugs Partnership (ADP)

Joint feedback from Alcohol & Drugs Partnership (ADP) and Safer Communities Alcohol & Drugs Tasking & Coordinating Group (ADTAC) on Scottish Borders Licensing Board Policy 2013 – 2016 Consultation

1. Purpose of paper

To provide Scottish Borders Council with a response to their consultation on Scottish Borders Licensing Board Policy 2013 – 2016 Consultation from ADP and ADTAC.

Overall, there are many new positive statements within the updated Licensing Policy that we feel would help support the achievement of the Licensing Objectives.

Feedback is provided on the sections within the Policy that we feel are most relevant.

2. Introduction

This policy builds on the previous two policies since implementation of the Licensing (Scotland) Act 2005 and also includes various amendments since introduction e.g. Alcohol (Scotland) Act 2010.

Clause 1.6 includes a statement that has been in the previous policy around the Board recognising and supporting the contribution of licensed premises in the local economy of the area for employment, tourism, social inclusion and the strong local identity of the area. It recognises and supports the significant impact of sporting and local traditional festivals whilst acknowledging the impact these have on local residents.

We recognise that the restriction of the supply of alcohol could be seen as an obstacle to economic development. Although it is not the Board's role to promote business growth in reality Boards may have to manage competing priorities (direct costs from alcohol related harm versus bringing new jobs to area).

We are not aware of evidence which correlates allowing an increasing supply of alcohol with an increase in tourism. Controlling availability of alcohol does have financial benefits from reducing the costs of alcohol related harm. It would therefore be helpful that within clause 1.6 there is wording to acknowledge this.

Clause 1:7 highlights that various different types of premises have ceased to trade however still have live Premises Licences that will feature within their overall total on the number of licensed premises in place. Recognising that this may have an impact when considering overprovision, the board may request a premises review if the premises are not trading and annual fees remain unpaid for a period in excess of 12 months.

We feel that this is a helpful approach but it may be useful to have an overview of the types of premises licences that are in force so that readers have an understanding of what is in place at time of writing policy statement as an Appendix. It may also be helpful to include within this what premises are currently operating.

Clause 1.11 recognises the work on the Alcohol Profile within the report as beneficial in the creation of the policy which helps to highlight the impact of alcohol on the Scottish Borders.

We feel it would be helpful to have a summary of alcohol-related harm as reported in Alcohol Profile to set the context for readers and within this a statement about alcohol being a toxic substance with potential for dependency (alcohol is no ordinary commodity). Licensing exists to manage the retail provision of alcohol and ensure that the risks of harm associated with consumption are reduced.

3 Licensing Objectives

Clause 2.1 The Policy sets out the Licensing Objectives and provides some examples of control measures that applicants can use when applying for a licence.

It would be interesting to know how the Licensing Objectives will be monitored for existing and new premises.

Further suggestions for control measures against Preventing Crime and Disorder are to include a Drugs Policy and induction and ongoing CPD training.

Clause 2.4.1 sets out suggested control measures under Protecting and Improving Public Health which include contact points for assistance with problem drinking. Clause 2.4.2 notes the licence holders should remain attentive to excessive drinking.

We do not feel it is helpful to have details of specialist treatment services for problem drinking within licensed premises and would suggest removing this but welcome information regarding sensible drinking. We feel Clause 2.4.2 is positive and that this could be expanded upon to include not promoting events where excessive drinking takes place e.g. drinking games, marketing and other forms of entertainment that promote excessive drinking.

Clause 2.6.1 sets out measures for Protecting Children From Harm and highlights that the board expects children and young persons will normally only be admitted to licensed premises for the purpose of consuming light refreshments or a meal, partaking in a relevant sporting activity or attending prearranged function or event.

We strongly support this statement and an additional control measure could be a refusals book alongside the suggested Challenge 25 policy.

4 Overprovision Policy

The Overprovision policy is as an appendix to the document and outlines how the board will consider overprovision and what evidence it will refer to, to inform decision making. Licensing boards are required by law to assess the extent of overprovision of licensed premises, or licensed premises of a particular type, in their area.

We feel it may be stronger if in the main policy and not an appendix.

The policy states that when considering applications for a particular type of premises in a particular area the board will consider the locality as the council ward area, and will also take into account the immediate adjoining areas.

As the alcohol profile and statistics are available on Intermediate Geographies (IG) would it be more helpful to consider the localities for overprovision by IG to correspond with Alcohol Profile?

The over provision policy acknowledges the changing pattern of alcohol and that alcohol-related harm may not occur in the same area as it was purchased therefore when considering overprovision it will not only consider the locality but overall supply in Borders as a whole.

We feel that acknowledging the changing pattern of alcohol is useful and welcome that the board will take into account overall supply. However, should the board consider including an opening statement about the benefits of an effective overprovision policy e.g. prevent and reduce alcohol problems in our communities and can also boost local productivity (if lots of alcohol outlets – all compete to reduce price). This should include recognising the vast evidence on the links between availability of alcohol and harm.

Within the overprovision policy it recognises the increase in larger type supermarkets however does not consider the developments to have constituted overprovision but simply added to 'healthy competition'.

This is then followed by a statement that any applications for off sales which replicate a similar off sales business in a particular area would be considered likely to be overprovision and applicants will be asked to clearly demonstrate how their individual proposal differs from what already exists.

We feel that paragraph 7 contradicts paragraph 8 and suggests that large supermarkets are not included in paragraph 8. We feel that paragraph 8 is a positive statement.

Display areas are highlighted within this section and recognised as a factor in encouraging purchase and consumption within off sales. As a result any application which will have a display area of more than 10% will be asked for justification other than dedicated wine and spirit merchants.

We feel that this is a positive new paragraph. We also feel that it is a good point about recognising that for those with large storage areas who can replenish display areas frequently this can be seen as somewhat irrelevant however the Board are taking steps to address display areas.

The last section in Overprovision highlights that certain types of alcoholic drinks (low cost/high strength) may be associated with problem and/or irresponsible drinking. As a result it will require applicants to supply a statement about their policy of stocking certain types and strengths of drinking.

We feel that this is also a positive new paragraph but would suggest not naming different types of alcohol and use of the term 'low cost high strength alcohol'.

5 Premises Licence

The premises licence will direct what activities are allowed on or off the premises. In this section it highlights the importance of reporting clearly within the Operating Plan the proposal for the sale of alcohol and capturing all activity that will take place in the premises. A new addition to the document states that the Board would have particular concerns where the operating plan indicates the children and young people have access to premises where the sale and consumption of alcohol is the primary purpose.

We welcome this new paragraph and feel to strengthen this statement it should be reworded from the Board will be unlikely', to the Board **will not allow** access for children and young people but recognise that it may be more appropriate to restrict this to children only to premises. This links to the Licensing Objective re: protecting children from harm.

6 Licensed Hours and Extended Hours

A new paragraph within this section outlines that the Board does not consider all events connected with common ridings and summer festivals as automatic justification to extend licensed hours. Applicants will be required to specify the reason for any extended hours and the connection to the event.

We feel that this paragraph re: local festivals is very helpful.

11. Occasional Licences

Occasional licenses allow for the sale of alcohol on unlicensed premises. Clause 12.1 notes that the Board recognises fund raising events and community events can benefit from an occasional licence however will expect any organisation applying to consider whether it is appropriate to have alcohol available at events where this is child centred e.g. school, youth or sporting organisations.

We welcome this new paragraph but feel it could be strengthened to show the Board doesn't consider normal practice to grant licences for child centred events. Where

schools have applied for an occasional licence and the event is child centred we feel should only be awarded in exceptional circumstances.

We also feel it would be helpful to have some commentary about the Board recognising that Occasional Licences actually add to availability of alcohol in an area and may impact on licensing objectives/overprovision.

7 General Comments:

To support an understanding of the Licensing Board's Policy more plain English could be used and some sections could be cut down to be a bit more accessible. For example, we recognise that some of the wording is lifted directly from the Licensing (Scotland) Act 2005 therefore it would be helpful to include definitions e.g. frivolous and vexatious.

We would suggest the administrative process and procedures to implement the policy be made available in a separate document and made available on the Council website.

We would also like to ask if the policy has undergone an equality impact assessment.



POLICE
SCOTLAND
Keeping people safe

**CHIEF CONSTABLE'S REPORT TO THE
SCOTTISH BORDERS LICENSING BOARD**

**FOR THE PERIOD
1ST April 2012 to 31ST March 2013**

Foreword

It gives me great pleasure to introduce my first report to Licensing Boards and to the Licensing Forums as the first Chief Constable of Police Scotland. As you will be aware, 1st April 2013 saw the formation of the Police Service of Scotland, merging eight forces to provide great opportunities to share resources and expertise and also to develop a consistent level of policing across the country.

My report to you reflects the work carried out by the eight legacy forces under their respective Chief Constables over the 2012/13 year and it outlines what steps I will take in connection with the operation of the Licensing (Scotland) Act 2005 in this current year.

There is an increasing body of evidence to demonstrate the harm that is caused by alcohol across all our communities and the cost of this is a huge burden on the public purse. Where alcohol is sold irresponsibly or when alcohol is misused or abused, we will seek all necessary steps to prevent any recurrence, reporting licence holders to COPFS and also to the relevant Licensing Board.

Police Scotland will build on the existing foundations and successes we have achieved so far and working together with partners we will identify and tackle alcohol misuse at its core, reduce alcohol related crime and the harm it causes. I want to deliver long term change, positively improving the quality of life for individuals, families and communities throughout Scotland, underpinned by our core message - keeping people safe.

Steve House
Chief Constable

SCOTTISH BORDERS LICENSING BOARD AREA

Police Service of Scotland Priorities

The national priorities for the Police Service of Scotland for 2013-2014 are:

- Reduce violence, disorder and antisocial behaviour
- Protect the public
- Increase road safety and reduce road crime
- Tackle serious organised crime and terrorism
- Effectively police major events and threats
- Maintain high levels of public confidence in policing
- Deliver our equality and diversity outcomes

Scottish Borders Policing Priorities

Following our public consultation process, the policing priorities for the Scottish Borders, as set out in our Local Policing Plan are as follows;

- Protecting People
- Reduce violence, disorder and antisocial behaviour
- Tackling Substance Misuse
- Making our Roads Safer
- Tackling Serious Organised Crime

Senior Officers

The senior officers who hold responsibility for licensing within the Scottish Borders area are as follows;

Chief Superintendent J McDiarmid
Superintendent G Jones
Chief Inspector K Kerr
Chief Inspector A McGrath

Local Police Commander
Operations Superintendent
Local Area Commander
Divisional Coordination Unit

PART 1: OPERATION OF THE LICENSING (SCOTLAND) ACT 2005

Introduction

Alcohol pervades across a wide range of issues in our society and is often a causal factor in violence, domestic abuse and anti-social behaviour; incidents that the Police Service of Scotland deals with every day in each area of the country.

Our focus is to 'keep people safe' and we seek to reduce the impact that alcohol has on our communities; encouraging the responsible sale and supply of alcohol in well run licensed premises and taking positive action to stop the irresponsible supply of alcohol to children and young persons or indeed, preventing the over supply to already intoxicated individuals in licensed premises.

Consultation and Review processes

Breakdowns of licensing applications, interventions and review applications received by Scottish Borders Area Command are contained within Appendix A of this report.

A great deal of work is undertaken to prevent crimes and offences occurring in and around licensed premises and we actively work with the licensed trade to problem solve issues before there is any need for an application to be made for a review of a premises licence. This includes partnership work with Licensing Standards Officers (LSO's) and engagement with Pubwatch, Best Bar None and local schemes.

The Intervention process

We utilise an intervention process as part of our operational policing toolkit. An intervention is a formal agreement entered into between the Licensing Department and premises licence holder, designed to assist premises management to reduce alcohol fuelled violence and other incidents of note which are directly linked to their premises. The process involves meeting with those responsible for the premises and agreeing an action plan with crime prevention/reduction recommendations provided by the Licensing Department in close consultation with the licence holder. This is recorded on the intervention form, a copy of which is given to the licence holder, with the original copy kept for future reference. Every intervention agreement follows SMART objective settings; Specific, Measurable, Achievable, Realistic, Timed. At the conclusion of a mutually agreed period, if there are no further issues identified then the intervention agreement will have been deemed to be complied with and there will be no further requirement for police action.

If further incidents of note occur within the premises, or if the licence holder has failed to implement the terms of the intervention, they can expect that the next incident may lead to an application for a review of a premises licence. The intervention document may be presented as evidence as part of an application for a premises licence review.

The intervention system is ultimately designed to support the licence holder before any premises review is sought, although a serious or significant incident may merit an immediate review application without any recourse to the use of an intervention.

Particular views about matters relating to policing in connection with the operation of the Act in the Board's area during the reporting year:

Test Purchasing: This remains a priority for Police Scotland in protecting children from harm. Licensing Officers will continue to robustly enforce the legislation in respect of the sale of alcohol to children and young people. There have been seven Test Purchase Operations conducted in the Scottish Borders with three off sales premises failing out of a total of 65 premises that were tested.

Responsible Drinking Campaign: The Alcohol and Drug Tactical Group (ADTAC), which is a partnership group tackling alcohol and substance misuse issues in Scottish Borders, conducted a campaign during the rugby sevens and at border festivals promoting responsible drinking. In conjunction with Licensing Standards Officers, pre-event meetings were held with stakeholders involved in the organisation of these events. Consistent information was displayed across Scottish Borders in a bid to encourage sensible drinking and reduce the impact on services through alcohol misuse.

This partnership approach, working with event organisers, has proved successful and the campaign has continued into 2013-2014, with the focus being to improve standards in respect of the sale of alcohol during events.

Occasional Licenses: Occasional Licenses are used extensively in Scottish Borders by voluntary organisations for a variety of reasons including fund raising. These events often have children and young people in attendance. The Police and the ADTAC group have regularly raised concerns regarding such activities and worked closely with partners and organisations to amend licence conditions. Where it is considered necessary to protect children and young people from harm, Police Scotland will object to occasional licenses that do not meet this licensing objective.

Alcohol Data Profile: During 2012, partner agencies participated in a project to gather information to produce the Scottish Borders Alcohol Profile. This detailed the impact of alcohol consumption on antisocial behaviour incidents recorded by the Police, attendances at the Emergency Department of the Borders General Hospital and the overall availability of alcohol. The report was accepted by the Licensing Board and will be used to inform new licensing policy, to be published in November 2013.

Alcohol Byelaws: The Scottish Borders is the only local authority area in Scotland that does not have byelaws restricting the consumption of alcohol in public places. Scottish Borders Council recently agreed to carry out a public consultation in relation to the introduction of such byelaws. Police Scotland welcome this as it would provide an additional tool to local officers allowing them to intervene to prevent alcohol-fuelled incidents from taking place in our communities.

NOT PROTECTIVELY MARKED

Protecting Children From Harm: In June and July 2012, an increase in antisocial behaviour by young people under the influence of alcohol was noted in the Jedburgh and Kelso areas. This led to joint working with partner agencies to identify the underlying problems and provide a proportionate response. Police operations were carried out at off sale premises with one of these failing a test purchase. It became apparent that parents were buying alcohol for their children for weekend parties. In response to this a series of road shows were held at parent evenings to highlight the dangers of children and young people abusing alcohol. In addition, Licensing Officers visited off licence premises to highlight concerns regarding Agent Purchase.

Social Norms: A project was completed at Jedburgh Grammar School with all pupils (S1-S6) completing an alcohol survey. The aim of the project was to ascertain the amount of alcohol being consumed by young people, why they drink, what they are drinking and their perception of their peers drinking habits. Previous studies have been shown to challenge misconceptions concerning alcohol and young people. One of the key messages that the survey concluded was that only 8% believe their peers drink less than they themselves do, yet in reality 64% never drink or only drink on special occasions. This message was posted on the school information screens and in the newsletter, to dispel any misconceptions and reduce peer pressure to drink. Future work is planned to continue this survey with S1 pupils and promote the findings in a bid to reduce peer pressure to drink alcohol.

Looking ahead (2013-2014) - Particular views about matters relating to policing in connection with the operation of the Act in the Board's area for the coming year and any areas identified for development.

Communities across the length and breadth of Scotland have given us their views during our public consultation processes and all have a common theme at the top of their list; that our communities have had enough alcohol fuelled anti social behaviour which blights our villages, towns and cities.

Utilising analytical products, we are able to identify locations where there is the greatest need for police attendance and we use this information to tactically deploy resources where they can be of greatest benefit, reducing the numbers of victims of crime and making our communities safer places to work, socialise and reside.

The establishment of a National Licensing Policy Unit allows the co-ordination of licensing activity and the sharing of best practise across the country. This small team will support the local delivery of policing services by ensuring a consistent approach is taken in tackling alcohol fuelled violence, disorder and anti-social behaviour.

The identification of problematic licensed premises is an integral part of our core policing tactics in reducing anti-social behaviour and reducing the levels of intoxication in our communities. We will endeavour to seek solutions to issues by engaging with the licensed trade, utilising a problem solving approach to day to day issues. By working with the licensed trade, we seek to drive up licensing standards in premises and utilise a robust Inspection policy to identify any potential shortcomings.

The application for a review of a premises or personal licence is not a decision that is taken lightly and such applications will often be submitted at the conclusion of an ongoing dialogue attempting to rectify an issue. Our submissions to licensing boards will detail the steps taken and will contain disclosable evidence, closely linked to the licensing objectives to justify the application.

PART 2: PREVENTING THE SALE OR SUPPLY OF ALCOHOL TO CHILDREN OR YOUNG PEOPLE

Introduction

Understanding why children and young persons drink alcohol can be complex and the risks to their health whilst still developing can be significant. Alcohol misuse amongst children and young persons can also result in behavioural issues and offending; such as violence, and antisocial behaviour, as well as increasing vulnerability and susceptibility to exploitation.

Police Scotland can make a positive impact on the future outcomes for children and families, by addressing the sale and supply of alcohol to young persons, by problematic premises or by proxy (agent purchase), and working with our partners take the appropriate action to address both the potential and actual misuse of alcohol within the early years.

Identifying young people that drink, or those on the periphery of offending through alcohol, or otherwise, will allow intervention and diversionary activities to be progressed and consistently applied, such as parent alerts schemes, formal warnings or diversionary sporting activities. These complement ongoing enforcement activity within our communities.

The Scottish Government, 'Preventing Offending by Young People – A Framework for Action', introduced the Early and Effective Intervention (EEI) concept for children and young people under 16 years of age. It follows considerable research suggesting that the earlier an intervention is delivered to a young person who offends, at the lowest level, the more likely they are to engage and not re-offend. Consideration is also given to the impact of offending upon victims and communities.

The Whole System Approach further extends the EEI process to 16 and 17 year olds and aims to ensure that only those under 18 years of age, who need formal measures such as supervision by the Children's Hearings System, prosecution, secure care or custody, will receive them. Again, research indicates that young people are less likely to re-offend following community sentences, compared to those who are incarcerated.

Where alcohol has been an issue relative to offending behaviour Alcohol Brief Interventions (ABIs) have the potential to establish alcohol consumption levels and more effectively challenge behaviour and encourage better choices. Police Scotland will support partners and the delivery of ABI's.

Questioning children and young persons as to consumption levels, drinking habits and trends, choice of alcohol and place of purchase will enhance intelligence and information capture. This will also assist identify the supply of alcohol and enable us to focus resources accordingly.

The introduction of Challenge 25 from 1st October 2011 has not seen any reduction in the consumption of alcohol by children and young persons, however there is a move towards 'agent purchase' of alcohol and much less instances of children or young persons purchasing alcohol themselves.

NOT PROTECTIVELY MARKED

The provision of Test Purchasing in terms of Section 105 of the Act is a tactic, which is used where there is an underlying body of evidence to suggest that alcohol is being supplied or purchased from a particular off sales premises. Case Law has shaped the use of such a tactic and it is something, which is carried out only where there is an evidential base in support of the needs for a test.

The use of bottle marking tactics has encountered adverse comment and the threat of legal action from some sectors of the licensed trade; however this is a tactic which we will continue to use as an intelligence gathering opportunity, identifying the source of discarded alcohol litter in public places. The use of tamper proof labels on bottles is a voluntary scheme which enables more information to be gathered regarding the source of alcohol being drunk in drinking dens, public parks and other open spaces. This tactic does not stop the abuse of alcohol by children and young persons, but provides community intelligence in support of further police and partner agency activities to prevent sales and the supply of alcohol to young persons.

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKEDAppendix A**Scottish Borders Area Command
Summary of Policing in connection with the operation of the
Licensing (Scotland) Act 2005**

| Applications for a Premises Licence Review | | Total |
|---|----------|--------------|
| Premises Licences (Sec 36) | On sale | 4 |
| | Off sale | 3 |
| | | |
| Personal Licences (Sec 84A) | On sale | 4 |
| | Off sale | 2 |

| Interventions | | Total |
|---|----------|--------------|
| Premises Interventions | On sale | 33 |
| | Off sale | 5 |
| | | |
| No. of interventions which led to a review application | | 5 |
| No. of interventions where no further action was required | | 33 |

| Test Purchasing Operations | | Total |
|---|--|--------------|
| Number of Test Purchases conducted | | 7 |
| Number of first failures | | 3 |
| Number of second failures | | 0 |
| Number of Premises Licence Review applications based on Test Purchase failure | | 2 |
| Number of Personal Licence Review applications based on Test Purchase failure | | 1 |

| Number of offences reported to COPFS | | Total |
|---|--|--------------|
| Section 1 (Unlicensed sale of alcohol) | | 4 |
| Section 63 (allowing consumption outwith permitted hours) | | 6 |
| Section 95 (Breach of exclusion order) | | 1 |
| Section 102 (sale of alcohol to a child) | | 5 |
| Section 105 (sale on behalf of a child) | | 1 |
| Section 111 (Drunk persons within licensed premises) | | 0 |
| Section 114 (DPM not to be drunk) | | 2 |
| Section 116 (Refusal to leave licensed premises) | | 4 |

NOT PROTECTIVELY MARKED