

Public Document Pack

SCOTTISH BORDERS - LICENSING BOARD/LOCAL LICENSING FORUM WEDNESDAY, 5 DECEMBER, 2018

A JOINT MEETING of the SCOTTISH BORDERS LICENSING BOARD/LOCAL LICENSING FORUM will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, TD6 0SA on WEDNESDAY, 5 DECEMBER 2018 at 4.00 pm

Nuala McKinlay
Clerk to the Licensing Board

28 November 2018

BUSINESS		
1.	Welcome by Convener of Scottish Borders Licensing Board	
2.	Apologies for Absence	
3.	Order of Business	
4.	Declarations of Interest	
5.	Minute (Pages 3 - 6) Consider the Minute of Joint Meeting of 6 December 2017 (copy attached).	2 mins
6.	Licensing Board Annual Report December 2017 to November 2018 (Pages 7 - 10) Consider report by the Clerk presenting a summary of the work of the Scottish Borders Licensing Board and the staff supporting the Board (copy attached).	10 mins
7.	Local Licensing Forum Annual Report 2017-2018 (Pages 11 - 14) Consider report giving an overview of the work of the Scottish Borders Local Licensing Forum October 2017 – October 2018 (copy attached).	10 mins
8.	Chief Constable's Report to the Scottish Borders Licensing Board - 1 April 2017 to 31 March 2018 (Pages 15 - 24) (Copy attached).	10 mins
9.	Alcohol Framework 2018: Preventing Harm Presentation by Alcohol & Drugs Partnership Co-ordinator.	30 mins
10.	Any other items previously circulated	

11.	Any other items which the Convener decides are Urgent	
12.	<p>Items likely to be Taken in Private</p> <p>Before proceeding with the private business, the following motion should be approved:</p> <p>“That under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 7A to the aforementioned Act”</p>	
13.	<p>Minute (Pages 25 - 26)</p> <p>Consider the private section of the Minute of Joint Meeting of 6 December 2017 (copy attached).</p>	2 mins

NOTES

1. **Timings given above are only indicative and not intended to inhibit Members' discussions.**
2. **Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.**

Membership of Committee:- Councillors J. Greenwell (Convener), J. Brown, D. Paterson, N. Richards, S. Scott, R. Tatler, E. Thornton-Nicol, G. Turnbull and T. Weatherston

Please direct any enquiries to Fiona Walling: - Tel 01835 826504
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MINUTE OF JOINT MEETING OF THE
SCOTTISH BORDERS LICENSING BOARD
AND THE LOCAL LICENSING FORUM held
at Council Headquarters, Newtown St
Boswells on 6 December 2017 at 4.00 p.m.

Present:- Board:- Councillors J. Greenwell (Convener), J. Brown, D. Paterson, N. Richards, S. Scott, R. Tatler and E. Thornton-Nicol.
Forum:- S. Bell, S. Elliot, R. Mackay, A. Maybury, G. Todd, I. Tunnah. M. Wynne.

Apologies:- Board:- Councillors G. Turnbull and T. Weatherston; Forum:- M. Hay.

In Attendance:- Clerk to the Licensing Board, Managing Solicitor (Property and Licensing), Research and Policy Officer, PC T. Ray - Police Scotland, Democratic Services Officer (F. Walling).

Mr Aidan Collins – Alcohol Focus Scotland

1. WELCOME BY COUNCILLOR GREENWELL, CONVENER OF SCOTTISH BORDERS LICENSING BOARD

The Convener of the Licensing Board, Councillor Greenwell gave a welcome to the meeting and asked for a round of introductions.

2. MINUTE

There had been circulated copies of the Minute of Meeting of 22 November 2016.

DECISION APPROVED.

3. LICENSING BOARD ANNUAL REPORT DECEMBER 2016 TO NOVEMBER 2017

3.1 There had been circulated copies of a report by the Clerk to the Licensing Board presenting a summary of the work of the Scottish Borders Licensing Board and the staff supporting the Board. It was hoped that the report would assist the Forum to facilitate its scrutiny role of how the Board discharged its duties and responsibilities in terms of the Licensing (Scotland) Act 2005 as amended. The Managing Solicitor, Ron Kirk, presented the report and highlighted the main points. Since the last joint meeting on 22 November 2016 the Board had met eleven times. At each Board meeting, in addition to determining applications and reviews, Members considered all matters which had been dealt with under the delegated powers of the Clerk where both the Act permitted this method of determination and there had been no objection or representation in respect of the application. The majority of delegated decisions were in connection with grants of occasional licences which were a feature of sporting fixtures and local festivals in the Community. 1,220 Occasional Licences had been granted in this period of which 425 were granted to voluntary organisations. In addition, 56 applications by the holders of a Premises Licence for extended hours were granted. The other reported decisions related to minor variations of premises licences, substitution of premises managers, grants of personal licences and transfers of premises licences.

3.2 The report went on to refer to Hearings which took place as part of the Board's business. The Board must hold a Hearing for the Grant or Provisional Grant of a Premises Licence. Sixteen new Premises Licences were granted during the period. Nine Licence Holders chose to surrender their Licence and the Board suspended six Licences. The Board

considered 39 applications to vary Premises Licenses in this period. These included both non minor variations which must be determined by the Board and applications which attracted objections or representations. The Board arranged Review Hearings in respect of 8 Premises Licences. All were in relation to notices for failure of premises to make a payment of the annual fee. This resulted in six licences being suspended with the other two licence holders making payment prior to the Hearing taking place.

- 3.3 Following the Local Government elections at the beginning of May 2017, a new Board was created consisting of nine elected Members appointed by Scottish Borders Council. Three of these Members had served on the previous Board and one of those Members, Councillor John Greenwell, was appointed Convenor. Members underwent mandatory training, attained the required statutory qualification and the new Board sat for the first time on 23 June 2017.
- 3.4 The Air Weapons and Licensing (Scotland) Act 2015 introduced a requirement that Licensing Boards produce annual financial reports. The Board's report for the financial year 2016/17 was considered at their meeting on 22 September and the report subsequently published.
- 3.5 One of the first functions of the new Board was to consider a review of its Licensing Policy Statement. The new policy statement required to be implemented in November 2018 for a 5 year period to November 2023. The Board had formed a working group comprising 4 of its members who along with the Board's officers would carry out an initial review of its policy before reporting back its findings and recommendations to the full Board prior to the consultation with the relevant consultees.
- 3.6 On 28 October 2016, eight Members of the new Board, joined by two Members of the Licensing Forum, attended the Board's late night premises visits, organised by Police Scotland. During the evening the Members visited functions in the Volunteer Hall in Galashiels and at Kelso Racecourse before visiting the town centres of Kelso, Hawick and Galashiels. The Members witnessed how the night time economy functioned in each of these towns and also met with Street Pastors whilst in Galashiels, gaining an insight of their role within the community.

DECISION

AGREED to:-

- (a) **note the report; and**
- (b) **request that the Clerk continue to provide updates to the joint meeting on an annual basis.**

4. LOCAL LICENSING FORUM OVERVIEW 2016-2017

- 4.1 Mr Ian Tunnah, Licensing Standards Officer, gave an overview of the work of the Local Licensing Forum during the year. Due to the elections the Forum had met on just two occasions since the last joint meeting. There had also been two resignations and a recruitment campaign for new members had recently been started. The Forum had not yet appointed a new Convenor and this role was currently being carried out on a rolling, meeting by meeting, basis. At the meeting on 3 October 2017, PC Lackenby was thanked for his contribution to the Forum over the previous five years, his place as Police Scotland representative being taken over by PC Terrie Ray.
- 4.2 With regard to the review of the Board's Licensing Policy Statement, the Forum's working group set up to look at the policy, had met on two occasions. The group had focused on areas where unnecessary content could be removed, with the purpose of leaving condensed information which would be easier for the Board to digest. Findings would be fed back to the Board's working group which had been set up to review the policy. The Forum would have a further opportunity to comment during the consultation period on the

proposed new policy statement. There had also been a significant amount of work being carried out in the background of the Forum in terms of the preparation of the Alcohol Profile. In other activity the Forum had participated in discussions around the formation of a National Licensing Forum which had been proposed by East Ayrshire Local Licensing Forum. It had been recognised that a National Forum could be beneficial as a sounding board for Local Licensing Forums to exchange best practice ideas and discuss the way forward. Councillor Paterson commented that he would like to see more Forum members in attendance to observe meetings of the Licensing Board in order to gain an insight into problems encountered as part of license applications. In a discussion about the likely effect of the introduction of minimum unit pricing, in May 2018, it was accepted that this was just one tool within the overall strategy to reduce alcohol-related harm. Mr Collins (Alcohol Focus Scotland) advised that the effect of the increase in price of the strongest and cheapest alcohol should start to be seen after a year. He offered to forward further information in the form of statistics.

DECISION

NOTED the update.

5. AGENT PURCHASE CAMPAIGN

Ms Susan Elliot, Senior Development Officer – Alcohol and Drugs Partnership, drew attention to a new campaign, inspired by concerns raised by young people in Galashiels, to be launched on 8 December 2017. The 'Don't Buy It, Don't Supply It' initiative would aim to highlight new legislation which made it an offence to supply alcohol to anyone under 18. Mr Tunnah explained that there was a change in legislation under the Air Weapons and Licensing (Scotland) Act 2015 as previously it was necessary to prove that an adult had purchased alcohol for a person under 18. The situation now was that if an adult was caught supplying or buying alcohol for an under 18 they could face a fine of up to £5,000 or up to three months in prison. This applied in a public place and on private premises to which the public had access. The campaign was being taken forward by the Scottish Borders Safer Communities Team, incorporating the Council, Police Scotland and the Scottish Fire and Rescue Service, with support from the Borders Alcohol and Drugs Partnership.

DECISION

NOTED

6. UPDATE ON NATIONAL POLICIES AND POLICY STATEMENT

- 6.1 The Convener welcomed to the meeting Mr Aidan Collins, from Alcohol Focus Scotland, to give a presentation, as a joint CPD session, on Alcohol Licensing in Scotland and linking licensing policy to practice. Mr Collins began with some background information about Alcohol in Scotland where there was the highest consumption and harm in the UK. 17% more alcohol was bought per adult in Scotland each year than in England and Wales. There was increased availability and changing patterns of sales and consumption. Each year around 96% of applications for new licensed premises were approved. In 2016, almost three-quarters of alcohol sold in Scotland was sold in supermarkets and off-licences. Looking at trends in patterns of sales and consumption, in deprived areas there were 40% more places to buy alcohol than in more affluent areas; Scottish neighbourhoods with the most alcohol outlets had double the alcohol-related death rate compared to those with the fewest outlets. Mr Collins went on to refer to the five objectives set out in The Licensing (Scotland) Act 2005:- preventing crime and disorder; securing public safety; preventing public nuisance; protecting and improving public health; and protecting children and young people from harm.
- 6.2 Alcohol Focus Scotland had recently held regional seminars which identified key themes within the licensing system and highlighted what was relevant to developing new policy statements:

- *Joint working and collaboration* – it emerged that parties were getting better at joint working. Police felt that their relationship with the trade had improved. Boards and Forums were starting to work together – in this respect the Borders worked well and was used as an example of good practice.
- *Inconsistencies in policy and practice* - there was an inconsistency within Boards and between areas - with significant divergence of opinion. It was suggested that Boards look at neighbouring areas and identify examples of good practice.
- *Transparency, accountability and public participation* – the importance of involving communities was emphasised. Consulting on a draft policy statement gave local people an opportunity to have their say in shaping the local licensing environment. Alcohol Focus Scotland's Community Toolkit was designed to help anyone who would like to have a say on how alcohol impacted on their community.
- *Legislative complexity and litigation* – there had been a raft of changes that were difficult to navigate, much based on emerging case law.
- *Resourcing of the licensing system* – the licensing system needed to be adequately resourced. The work of Licensing Standards Officers was valued but on a reducing budget they were required to do more.

There were 20 recommendations which arose from the key themes identified. These were outlined in the publication 'Taking Stock' which would be launched shortly. Mr Collins concluded his presentation by handing out copies of the updated Licensing Resource Pack. This provided resources to support the collection of evidence on local alcohol-related harm, the development of licensing board policy statements and effective overprovision policies.

- 6.3 In response to a question in relation to decisions by the Licensing Board on grounds of overprovision and the risk of litigation from applicants, Mr Collins advised that if the Board's decisions were well-reasoned, consistent and linked to policy a legal challenge was unlikely to succeed. It was noted that the evidence-based Alcohol Profile was a legitimate reference on which to base decisions. With regard to community engagement, Mr Tunnah confirmed that every licence application was sent to Community Councils for comment. As there appeared to be a lack of understanding about how to get involved, Licensing Standards Officers had recently taken presentations to Area Forum meetings. The Convener thanked Mr Collins for his attendance and interesting presentation.

DECISION
NOTED the presentation

7. PRIVATE BUSINESS

DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

8. ALCOHOL PROFILE 2017

The Senior Development Officer, Alcohol and Drugs Partnership, presented for consideration a working draft of the Alcohol Profile.

The meeting concluded at 5.05 pm

Scottish Borders Licensing Board

Report by Clerk

Annual Report December 2017 to November 2018

5 December 2018

1 PURPOSE AND SUMMARY

- 1.1 **The purpose of this report is to give a summary of the work of the Scottish Borders Licensing Board and the staff supporting the Board**
- 1.2 **It is hoped that this report will assist the Forum to facilitate its scrutiny role of how the Board discharges its duties and responsibilities in terms of the Licensing (Scotland) Act 2005 (the Act), as amended.**

2 RECOMMENDATIONS

- 2.1 **I recommend that the Board and the Forum note the report and request that the Clerk continues to provide updates to the joint meeting on an annual basis.**

**Nuala McKinlay
Clerk
Scottish Borders Licensing Board**

3 SUMMARY OF ACTIVITY

- 3.1 Since the last joint meeting on 6 December 2017, the Board have met 10 times. At each Board meeting, in addition to determining applications and reviews, members consider all matters which have been dealt with under the delegated powers of the Clerk where both the Act permits this method of determination and there have been no objection or representation in respect of the application.

3.2 Delegated Decisions

The majority of delegated decisions are in connection with grants of occasional licences which are a feature of sporting fixtures and local festivals in the Community.

1319 Occasional Licences have been granted in this period, of which 372

were granted to voluntary organisations. In addition 103 applications by the holders of a Premises Licence for extended hours were granted.

The other reported decisions relate to minor variations of premises licences, substitution of premises managers, grants of personal licences and transfers of premises licences.

3.3 Hearings

The hearings take place as part of the Board's business as narrated in the published agenda. Hearings are held in public and parties have the right to address the Board or rely solely on their written submissions.

3.4 Variations

The Board considered 17 applications to vary Premises Licenses in this period. This included both major variations which must be determined by the Board and applications which attracted objections or representations.

As in previous years much work has been generated by established businesses who realign their layout and/or operating plans or as a result of transfer of business to a new licence holder or manager. Such applications can be the outcome of visits by the Licensing Standards Enforcement Officer when it is apparent that the current operation does not comply with the Licence or the Licence Holders discuss how they can amend their Licence to move with their perceived training and business needs. When subsequent applications are submitted and processed often these do not generate objections and are granted by the Board at the meetings after due consideration of the application in relation to the statement of policy.

Such non contentious applications can relate to changes in opening hours often relating to the times for sales of alcohol where premises wish the opportunity to open earlier for the sale of breakfasts, coffees etc. Applications are also generated from store refits where national retailers change corporate layout and/or practice such as playing music in store. The majority of these have also contained an increase in the area of alcohol sales in shops and these have all been within policy and have not attracted objections from the statutory consultees.

3.5 Reviews

Premises Licences

The Board arranged Review hearings in respect of 12 premises licences. All were in relation to notices for failure of premises to make a payment of the annual fee. This resulted in 5 licences being revoked, 2 licences being suspended and 2 licences being surrendered with the other 3 licence holders making payment of the annual fee prior to the hearing taking place.

3.6 Grants Including Provisional Grants

The Board must hold a hearing for the Grant or Provisional Grant of a

Premises Licence. 10 new Premises Licences were granted. 7 Licence Holders chose to surrender their Licence and the Board revoked 5 licences and suspended 2 Licences as referred to at 3.5.

4 OTHER MATTERS

- (a) One of the main functions of the Board is to finalise its Licensing Policy Statement. At its meeting on 20 April 2018, the Board agreed a draft Statement of Licensing Policy for consultation. A 12 week period of consultation took place from 8 May until 31 July. A total of 35 responses were received. 19 were from individuals, 9 were from licensees and 7 were from organisations including the Forum and Alcohol Focus Scotland.

The Consultation asked specific questions which covered the 5 licensing objectives, the period of licensed hours, the events including children and invited the consultees for other comments or suggestions. 12 of the consultees who responded agreed with the proposed draft statement and made no additional comments or suggestions, 14 agreed with the proposed draft statement but provided additional comments or suggestions for consideration and 9 stated that they did not agree with some parts of the draft policy and made comments or suggestions they wished to be considered for inclusion in the final policy statement.

Following the close of the consultation period officers' on behalf of the Board considered all responses received and thereafter proposed revisals to the draft policy statement for consideration by the Board. The Board considered the proposed revisals at its meeting on 26 October when the proposed revisals were accepted and the revised draft policy statement was approved by the Board and subsequently published.

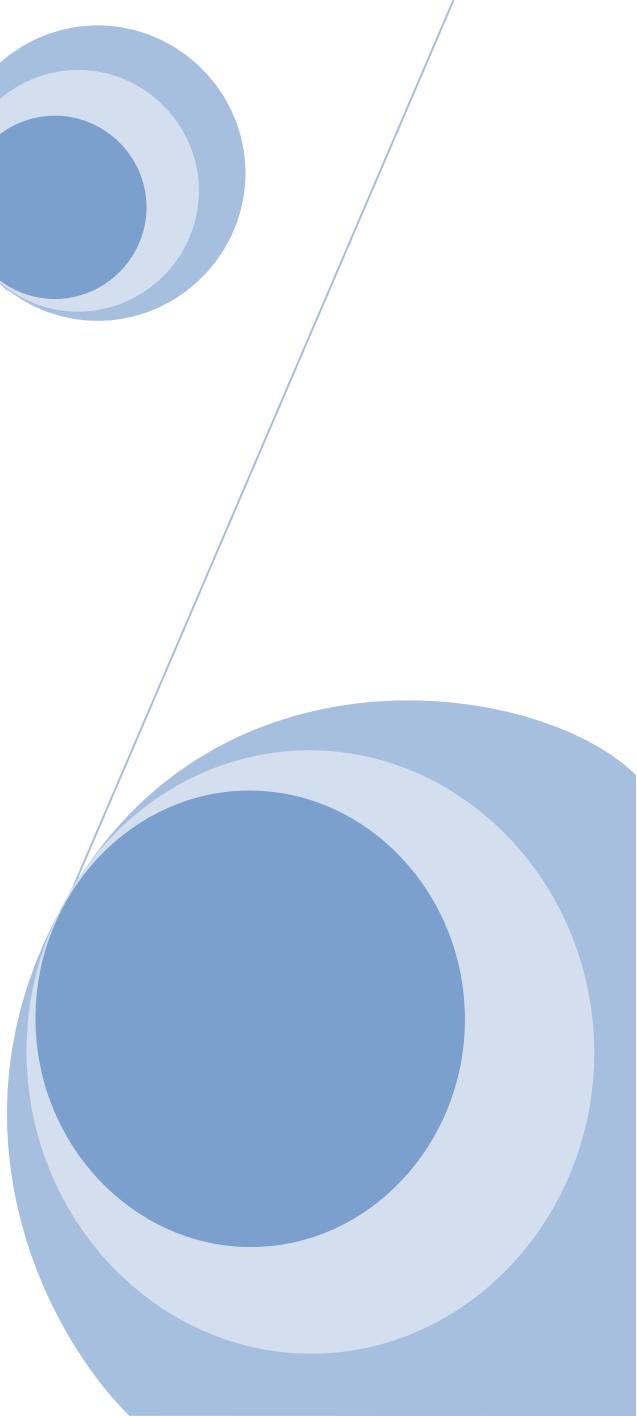
The Board acknowledges the work of the Forum in producing the alcohol profile and keeping it under review and also their contribution to the review of the final Policy Statement.

- (b) On 20 December 2017 the remaining part of Section 56 of the Air Weapons and Licensing (Scotland) Act 2015 came into force. Accordingly this required the Board to produce an Annual Functions Report for the period 1 April 2017 to 31 March 2018. The Board is required to include in the report a statement explaining how it has regard to the licensing objectives and its policy statement in the exercise of its functions, a summary of the decisions made by the Board and information on the number of licences held in the Boards area including occasional licences. The Board considered and approved its first Annual Functions Report at its meeting on 24 August and the report was subsequently published thereafter.
- (c) The Board is also required to produce an Annual Financial Report for the period 1 April to 31 March. This is a requirement which was also brought into effect by Section 56 of the Air Weapons and Licensing (Scotland) Act 2015 and which came into force on 15 May 2017. The Board considered its Annual Financial Report at its meeting on

24 August and following an amendment approved the report at its next meeting on 16 November. The report was subsequently published thereafter.



Scottish Borders Licensing Forum



**Annual Report
November 2017-
November 2018**

Introduction

Over the previous year, the Forum has continued to be active and implement the Scottish Borders Local Licensing Forum: October 2017-October 2018.

Membership has remained relatively stable with one resignation received. The Police Scotland representative changed from PC Clayton Lackenby to PC Terrie Ray following her appointment to the Police licensing role.

Ongoing support has continued via Alcohol Focus Scotland, Safer Communities Department and in particular the Forum would like to acknowledge the hard work and support of staff within Democratic Services, Scottish Borders Council.

Overview of activity:

Licensing Board Policy Statement 2018 Review

The Air Weapons and Licensing (Scotland) Act 2015 has amended the normal duration of the Licensing Policy Statement and the Overprovision Assessment to better match the term and duration of the Licensing Boards. This means that a Licensing Policy Statement was due in November 2018 and last for five years.

As the Forum is a consultee in the review of the Policy, the Forum formed a short life working group in January 2018 with recommendations forwarded to the Licensing Board which were taking into consideration and assisted forming the new Policy approved on 26 October 2018.

Licensing Board Attendance

Forum members continue to struggle to attend regular Licensing Board meetings however, the minutes of the meeting are now a standing item at Forum meetings and allow any discussion on decisions made.

Continuous professional Development

The Forum is kept up to date on national licensing developments and this year has received inputs on:

- ‘Who Are You’ safety campaign – Police Scotland. This campaign raises awareness of the issues of sexual assaults bystanders including those in the licensed trade can assist in prevention of these crimes.
- Underage Drinking Don’t Buy it, Don’t Supply It – Safer Communities, Scottish Borders Council. This campaign with the assistance of the Licensing Standards Officers focused on advertising at major events in the Scottish Borders to improve

the public awareness of new legislation and responsibilities of adults supplying alcohol to under age persons.

- Best Bar None Scotland – Safer Communities, Scottish Borders Council. A voluntary accredited award scheme where premises demonstrate awareness and prevention in relation to the licensing objectives.

Members of the Forum and Licensing Board have also received joint CPD training with the following presentations

- Alcohol Availability and Harm in the Scottish Borders – Alcohol Focus Scotland
- Introduction of Minimum Unit Pricing (MUP) – Ian Tunnah, Licensing Standards Officer

Future Training - ‘Ask for Angela’ safety campaign.

This campaign relates to the safety of persons in licensed premises whereupon a customer requiring assistance can use the phrase ‘Is Angela working’, to staff discretely alerting them that assistance is required. A Forum member and licensee introduced this system in his premises which has already been of help to a customer. It was discussed at a Forum meeting prompting Police Scotland to consider a forum input and roll out of the system in 2019.

Alcohol Profile (Profile)

The annual Alcohol Profile was updated and published in February 2018 with the introduction of a summary info-graphic to support easy reference. A presentation on the Profile was delivered to the Licensing Board in support of publication.

The Profile is referenced within Alcohol Focus Scotland’s toolkit as good practice. As a result approaches have been made by other local authorities and Forum members have met with colleagues to share this good practice.

Attendance at Scottish Government

A member of the forum was invited to attend the Local Government and Communities Committee meeting in Scottish Parliament to participate in the Committee’s evidence session on alcohol licensing in Scotland. This input demonstrated how the Borders Forum has developed and cemented their membership and implemented their roles within the Licensing (Scotland) Act 2005. This was well received and once again reflected the work of the Borders Forum at a national level.

Survey participation

Members of the Forum have been requested to take part in a study carried out by the Faculty of Health, Stirling University, to examine whether and how local public health engagement in alcohol licensing, operates through the local licensing regime to affect alcohol-related harms.



POLICE SCOTLAND

Keeping people safe

CHIEF CONSTABLE'S REPORT TO THE
SCOTTISH BORDERS LICENSING BOARD
FOR THE PERIOD
1ST APRIL 2017 to 31ST MARCH 2018

Foreword

It gives me great pleasure to provide the Annual Licensing Report for 2017/18, in accordance with Section 12(A) Licensing (Scotland) Act 2005.

I would like to acknowledge the contributions made to effective licensing regulation in the past year. Working in partnership is vital to ensure a fair and consistent approach to licensing whilst maintaining a focus on preventing alcohol fuelled violence, disorder and antisocial behaviour. Police Scotland is committed to continuing to work with partners in the 32 Local Authorities across Scotland to achieve positive outcomes.

Over the past year, Police Scotland has continued to achieve success with a focus on prevention, underpinned by early intervention and enforcement. This has only been possible with the support of the many active partnerships that exist in local areas. I will ensure that all officers and staff continue to work with the licensed trade and other key partners, utilising the range of options available to them to achieve improved licensing standards, reducing violence, disorder and antisocial behaviour across Scotland.

On 1st May 2018, Minimum Unit Pricing of Alcohol was introduced in Scotland. We will work through the Evaluation Advisory Group to assess the impact of this legislation. The coming year will present many challenges but I am confident that through collaborative working, we will meet these challenges and continue to improve licensing standards and deliver a service to the communities of Scotland.

Mr Iain Livingstone QPM
Deputy Chief Constable Designate
Police Service of Scotland

Police Scotland Licensing Overview

The National Licensing Policy Unit (NLPU) sits within the Specialist Crime Division – Safer Communities based at Dalmarnock Police Station, Glasgow.

The NLPU is responsible for the two tier structure for licensing which supports both national and local priorities. They have overall responsibility for determining and delivering national licensing strategy and policy, by providing advice, guidance and support to divisional licensing teams.

Each of the 13 Local Policing divisions have locally based officers dedicated to the day to day management of licensing administration, complying with statutory requirements as well as addressing any issues that may arise within licensed premises in their local area.

Police Scotland Licensing is supported and governed by a National IT solution known as 'Innkeeper'.

The NLPU and Licensing practitioners within Police Scotland develop partnerships and identify best practice which assist in a better understanding of the challenges faced by the Licensed Trade. This approach enables us to continue to work with local communities and key partners to prevent alcohol related crime and offences.

The NLPU seek to ensure that legislation governing the sale and supply of alcohol is applied consistently across the country and all opportunities are taken to stop the illegal or irresponsible sale, supply or consumption of alcohol with the intention of preventing and reducing crime and disorder.

National Perspective

Our Priorities and Policing Plans continue to be shaped by the objectives contained within Scottish Government's Strategic Objectives and National Outcomes and the Strategic Policing Plans that are delivered locally through single outcome agreements.

Consultation and engagement is combined with our own analysis of the issues that impact on the safety of the public to provide a firm evidence base for local policing teams to prevent crime and disorder and Keep People Safe.

Our National Priorities are

- Violence, disorder and antisocial behavior
- Serious organized crime
- Counter terrorism and domestic extremism
- Protecting people at risk of harm
- Road safety and road crime
- Acquisitive crime

Licensing Board Area

The Scottish Borders local authority area is policed by J Division. Chief Superintendent Lesley Clark is the Local Police Commander who has the responsibility for all day-to-day policing functions. The Local Area Commander Chief Inspector Andrew Mclean is based at Galashiels. He is responsible for performance management, community engagement, partnership working and the daily management of local personnel.

Chief Inspector Mclean is supported by Inspector Anthony Hodges who is based at Galashiels. The Scottish Borders Licensing Boards are predominantly attended by Inspector Hodges.

The Licensing Department is part of the Divisional Co-ordination Unit based at Dalkeith Police Station. The senior officers who have responsibility for Licensing are Inspector Andrew Toombs and Sergeant John Fleming.

The local Licensing Department is based at Melrose Police Station, one police officer supplemented by administration staff based at Dalkeith Police Station controls the day-to-day function.

Local Policing Priorities

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

- Domestic Abuse (*incorporating all aspects of sexual offences*)
- Road Safety (*incorporating prevention, road user behaviour, road casualties*)
- Violent Crime (*incorporating assaults, serious and organised crime groups (SOCG) and counter terrorism*)
- Anti – Social Behaviour (*incorporating on line crime and hate crime*)
- Drug and Alcohol abuse (*incorporating serious and organised crime groups SOCG*)
- Protecting People (*incorporating child protection, child sexual exploitation CSE, adults at risk and missing persons*)
- Acquisitive Crime (*incorporating rural crime and doorstep crime, housebreakings and thefts*).

Description of Board Area

The Command area of the Scottish Borders is 473,614 hectares (1,827 square miles) and is located in the South East of Scotland. Edinburgh and the Lothians lie to the North, Northumberland to the South and Dumfries and Galloway to the West. The populations consists of about 114,003 people, 30% reside in settlements of 500 people or less.

There are currently 85 'on sales' and 121 'off sales' premises and 336 combination premises in the Scottish Borders.

The provisional Statement of Licensing Policy has been released and is out for consultation for renewal this year (2018).

There are significant demands on police resources placed in the Scottish Borders area by the Common Ridings and Rugby 7's tournaments. There are currently 4 premises trading until 3am at the weekends, with annual occasional extensions for some Common Riding Town Balls extending to 5am.

Operation of the Licensing (Scotland) Act 2005

Introduction

The Licensing Officer is responsible for processing all correspondence received from the Licensing Board. The officer reviews applications on behalf of the Chief Constable as part of the consultation process in conjunction with the Area Commander. This consultation process forms part of the Police support of the Licensing Objectives.

This section concentrates on how the Act has been applied by the licensing team and other local policing officers to support the Licensing Objectives in tandem with the local/national policing priorities.

In the Scottish Borders there were 232 recorded incidents in licensed premises between 1st April 2017 and 31st March 2018, this is a reduction of 85 on the previous year. There has been a notable decrease in thefts of alcohol from 'off sales' premises over the reporting year.

Police Scotland carried out 894 recorded inspections of licensed premises during the reporting year.

On Friday and Saturday evenings police officers are deployed on foot where other incidents permit, to aid with dispersal of licensed premises and reduce antisocial behaviour and violence related incidents between the hours of 2200-0400.

Partnerships

Licensing Standards Officer (LSO)

The local police licensing officer works regularly with a number of partner agencies including the two Licensing Standards Officers (LSO's) from the Scottish Borders Council. The current partnership arrangements allow information sharing and carrying out joint visits to licensed premises, dealing with any noise complaints and antisocial behaviour issues. This unified approach has resulted in a number of successful resolutions.

In this reporting year the LSO's teamed up with the licensing officer to investigate a report of an unlicensed Gin producer and distributor. They have also been

instrumental in a number of joint agency (HMRC, SIA, Environmental Health and Immigration), operations.

Best Bar None (BBN)

Best Bar none is a unique National Award Scheme aimed at raising standards and rewarding licensed premises who undertake positive management practices in support of a safe night out.

The purpose of the Best Bar None Scheme is to

- Reduce alcohol related crime
- Promote social responsibility and duty of care.
- Improves knowledge and skills to assist in responsible management.
- Promotes partnership working to identify good practices and areas for improvement.
- Supports due diligence
- Awards both locally and nationally to reward success.
- Operating more responsibly can improve the commercial viability and attractiveness of a venue and locality.

During this reporting year there were 23 premises that took part in the BBN scheme. 7 attained a Bronze Award. 4 premises a Silver Award. 12 attained a Gold Award.

The standards attained are encouraging and are something that Police Scotland will continue to drive forward, promoting and encouraging responsible management of licensed premises.

Campaigns

During this reporting year there emphasis on combatting underage drinking, especially at Christmas and during the significant local festivals, common ridings and Rugby 7's tournaments. The Borders Licensing Forum members have been able to produce and distribute a number of training and advertising aids to assist with the impact of these initiatives.

Problem solving

The Intervention Process

As detailed in previous reports to the Licensing Board, issues in licensed premises are assessed using a well-established interventions process. Incidents connected to

premises are identified by licensing officers who evaluate the licensing objectives to determine if any have been compromised.

Depending on the severity of the incident and history of the premises, licensing officers will categorise the premises/incident as follows:

Police Interventions Categories		Number this reporting year
Red	Problematic Premises – those operating in a manner inconsistent with the Licensing Objectives or out with the conditions of a premises licence and where local police intervention and support has failed or is unlikely to succeed in resolving the issues. A premises review request to the local Licensing Board is considered the most appropriate way to address the issue.	0
Amber	Premises that require Formal Intervention. Issues have arisen and a formal intervention agreement is entered into between premises licence holders and Divisional Licensing teams to resolve them. This action may be taken with more serious or repeat issues.	1
Green	Monitored – the premises have come to note for a minor adverse issue and are being monitored. This may result in an informal intervention in terms of advice/support to the premises along with police visits.	7
No Action	Action – An incident review has highlighted no issues regarding the management of the premises or licensing legislation. No further police action.	0

Police intervention usually results in a meeting with the appropriate representatives of the premises concerned e.g. premises licence holder, designated premises manager and if appropriate, any stewarding company to discuss concerns and agree a way forward to resolve these.

Premises being monitored by way of the above system are subject to weekly visits by either local officer's or licensing officers to monitor progress, measure improvement and ensure that agreed remedial measures are implemented.

The intervention system is ultimately designed to support the licence holder before any premises review is sought, although a serious or significant incident may obviously merit an immediate review application.

Summary

Section 72 – Personal Licence Applications

There were 99 applications made for personal licences during this reporting year in the Scottish Borders.

The amendment to legislation permitting the Chief Constable to request refusal for the purposes of 'any' Licensing Objective has widened the scope for making appropriate representations to the Board.

Intervention with the assistance of the LSO's has prevented this being an issue in this area over the reported period.

Section 97 – Closure Orders

There were no closure orders used within the Scottish Borders area during the reporting year, however there was one premises that was due to be started on the process but the licensee decided to leave prior to its implementation.

It is fully expected that should a premises require to cease trading, due to a serious risk to public safety, that we would receive full cooperation from the licence holder or person in charge.

Sections 111-116 – Drunkenness / Disorder Offences

The following licensing offences have been reported to the COPFS during the reporting year.

Number of offences reported to COPFS	
Section 111 (drunk persons within licensed premises)	0
Section 112 (obtaining alcohol by or for a drunk person)	0
Section 113 (sale of alcohol to a drunk person)	0
Section 114 (DPM drunk whilst on duty)	0
Section 115 (disorderly conduct within licensed premises)	0
Section 116 (refusal to leave licensed premises)	6

The numbers reported to COPFS above remains low. We are committed to keeping people safe and improving the quality of life for residents in the Scottish Borders.

Preventing the Sale or Supply of Alcohol to Children or Young People

Introduction

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 and working with our partners, taking the appropriate action to address both the potential and actual misuse of alcohol within the early years.

Activity

In terms of Section 105 of the Licensing (Scotland) Act 2005, the Chief Constable may authorise a young person to buy or attempt to buy alcohol to determine whether an offence is being committed.

The use of young persons to conduct Test Purchase Operations provides Police with an effective tool in the fight against underage sales and represents an important safeguard against underage drinking and the resultant antisocial behaviour that adversely affects many communities.

The following licensing offences have been reported to the COPFS during the reporting year.

Number of offences reported to COPFS	
Section 102 (sale of alcohol to a child or young person)	0
Section 103 (allowing the sale of alcohol to a child or young person)	0
Section 104A (supply of alcohol to a child)	0
Section 104B (supply of alcohol to a young person)	0
Section 105 (purchase of alcohol by or for a child or young person)	0

Section 104A and 104B you will note is a new addition from last year's report following the amendment made to the Act by the Air Weapons and Licensing (Scotland) Act 2015.

Proposed Activity

Officers will continue to routinely proactively visit premises licensed for 'off sales' to ensure that they are aware of their responsibilities under the 2005 Act.

Officers will continue to routinely proactively visit premises licensed for 'on sales' to ensure that management have taken all appropriate measures to prevent the sale or supply of alcohol to young people under age.

The provision of 'Test Purchasing', in terms of Section 105 of the principal legislation, is a tactic that is used by Police Scotland and the Scottish Borders Command Area will continue to use this tactic as and when required and there are plans to hold a Test purchase initiative in the near future.

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The local LSO's and council are implementing a high visibility poster campaign during the forthcoming events to highlight the offences related to the purchase and supply of alcohol to youths, even where that youth is a child of the purchaser.

Tackling Serious and Organised Crime

Introduction

The Serious Organised Crime Task Force was set up by the Scottish Government to provide direction and co-ordination for all organisations involved in tackling Serious Organised Crime in Scotland.

The task force has a remit to disrupt, dismantle and pursue Serious Organised Crime Groups (SOCGs). Key partners include Police Scotland, NCA, HMRC, COPFS, SOLACE and the Scottish business Resilience Centre, amongst others.

If SOCGs gain a foothold in licensed premises then this would afford the criminal group a seemingly legitimate income stream, which could be no more than a veneer for other criminal activities such as money laundering, tax evasion, drug and people trafficking and other dishonest activities.

SOCG's pose a serious threat to communities, individuals and businesses. We use intelligence and enforcement to break the cycle of crime and reduce opportunities for criminals to profit from illegal activity.

To conclude we would like to thank you for your continued support and stress the importance of this collaborative, problem solving approach which ensures that police, license holders and licensed premises staff have a better understanding of their responsibilities to strengthen locally-led alcohol licensing in order to preserve order and promote safety and public health.

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