

Public Document Pack

SCOTTISH BORDERS LICENSING BOARD/LOCAL LICENSING FORUM WEDNESDAY, 2 DECEMBER, 2020

A JOINT MEETING of the SCOTTISH BORDERS LICENSING BOARD/LOCAL LICENSING FORUM will be held on WEDNESDAY, 2 DECEMBER 2020 at 4.00 pm. The meeting will be held remotely via Microsoft Teams. The meeting will be live streamed to the public and a link will be on the Council website.

Nuala McKinlay
Clerk to the Licensing Board

26 November 2020

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 5 December 2018. (Copy attached.)	2 mins
6.	Licensing Board Annual Report December 2018 to November 2019 and December 2019 to November 2020 (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 2018-2020 Consider verbal report giving an overview of the work of the Scottish Borders Local Licensing Forum 2018 to 2020.	10 mins
8.	Chief Constable's Report to the Scottish Borders Licensing Board for the Period 1 April 2019 - 31 March 2020 (Pages 11 - 26) (Copy attached).	10 mins
9.	Ongoing implications of Coronavirus Regulations/Restrictions on Licensed Trade	30 mins

	Update from Licensing Standards Officers and discussion.	
10.	Any other items previously circulated	
11.	Any other items which the Convener decides are Urgent	

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

Membership of Forum:- M. Hay (Chairman), S. Bell, G. Campbell, S. Elliot, S. Dalrymple, S. Mabon, R. Mackay, R. McIntyre, G. Todd, I. Tunnah, M. Wynne and P.C. S. Lackenby (Police Scotland)

Please direct any enquiries to Fiona Walling Tel: 01835 826504
E-mail: fwalling@scotborders.gov.uk

MINUTE OF JOINT MEETING OF THE
SCOTTISH BORDERS LICENSING BOARD
AND THE LOCAL LICENSING FORUM held
in the Council Chamber, Council
Headquarters, Newtown St Boswells on 5
December 2018 at 4.00 p.m.

Present:- Board:- Councillors J. Greenwell (Convener), G. Turnbull.
Forum:- S. Bell, S. Elliot, M. Hay, A. Maybury, G. Todd, I. Tunnah.
M. Wynne.

Apologies:- Councillors R. Tatler and T. Weatherston

In Attendance:- Clerk to the Licensing Board, Managing Solicitor (Property and Licensing),
Inspector J. O'Connor - Police Scotland, Democratic Services Officer (F.
Walling).

1. **WELCOME BY CONVENER OF SCOTTISH BORDERS LICENSING BOARD**
The Convener of the Licensing Board, Councillor Greenwell welcomed everyone to the meeting.

2. **MINUTE**
There had been circulated copies of the Minute of Meeting of 6 December 2017.

**DECISION
APPROVED.**

3. **LICENSING BOARD ANNUAL REPORT DECEMBER 2017 TO NOVEMBER 2018**
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 6 December 2017 the Board had met ten 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. 1,319 Occasional Licences had 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 related to minor variations of premises licences, substitution of premises managers, grants of personal licences and transfers of premises licences.

3.2 The Board had considered 17 applications to vary premises licences in the period. This included both major variations which must be determined by the board and applications which attracted objections or representations. The Board arranged Review Hearings in respect of 12 premises licences. All were in relation to notices for failure of premises to make 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 prior to the hearing taking place. The Board granted 10 new Premises Licences.

- 3.3 One of the main functions of the Board was 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. Following the close of the consultation period officers' on behalf of the Board considered all responses received and thereafter proposed revisions to the draft policy statement for consideration by the Board. The Board considered the proposed revisions at its meeting on 26 October 2018 when the proposed revisions were accepted and the revised draft policy statement was approved by the Board and subsequently published. The Board acknowledged 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.
- 3.4 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 was required to include a statement explaining how it had 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. The Board was also required to produce an Annual Financial Report for the period 1 April to 31 March. This was 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 2018. The report was subsequently published thereafter.

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 ANNUAL REPORT 2017-2018

- 4.1 Mr Mark Hay, acting Chair of the Local Licensing Forum, referred to the Forum's Annual Report 2017-2018, which had been circulated, and gave an overview of the activities during the year. He explained that membership had remained relatively stable with one resignation received. The Police Scotland representative had changed from PC Clayton Lackenby to PC Terrie Ray following her appointment to the Police licensing role. Forum members continued to struggle to attend regular Licensing Board meetings, however the minutes of the meeting were now a standing item at Forum meetings and allowed any discussion on decisions made. Part of the Forum's activity over the year related to the review of the Licensing Board Statement which was due to be published in November 2018. As the Forum was 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. These were taken into consideration and assisted in the formation of the new Policy approved on 26 October 2018.
- 4.2 In terms of continuous professional development (CPD), the Forum was kept up to date on national licensing developments. This year input was received on:

- 'Who Are You' safety campaign – Police Scotland. This campaign raised awareness of bystanders, including those in the licensed trade, who may be able to assist in prevention of sexual assault 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 to improve public awareness of new legislation and responsibilities.
- Best Bar None Scotland – Safer Communities Scottish Borders Council. A voluntary accredited award scheme where premises demonstrated awareness and prevention in relation to licensing objectives.

Members of the Forum and Licensing Board had also received the following joint CPD 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 would include the safety campaign 'Ask for Angela'. This related to the safety of persons in licensed premises whereupon a customer requiring assistance could use the phrase 'Is Angela working', to staff, discretely alerting them that assistance was required. A Forum member and licensee introduced this system in his premises and this had already been of help to a customer. It was discussed at a Forum meeting prompting Police Scotland to consider roll out of the system in 2019.

- 4.3 The annual Alcohol Profile was updated and published in February 2018 with the introduction of a summary info-graphic to support easy reference. The Profile was referenced within Alcohol Focus Scotland's toolkit as good practice. As a result approaches have been made by other local authorities and Forum members had met with colleagues to share this good practice. A member of the Forum had been 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 had 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. Members of the Forum had also 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, operated through the local licensing regime to affect alcohol-related harms.

DECISION

NOTED the update.

5. CHIEF CONSTABLE'S REPORT TO THE SCOTTISH BORDERS LICENSING BOARD - 1 APRIL 2017 TO 31 MARCH 2018

There had been circulated copies of Police Scotland's report for the period 1 April 2017 to 31 March 2018. Inspector Jocelyn O'Connor was in attendance to present the report and answer questions. The report explained that the local Licensing Department was based at Melrose Police Station; one police officer supplemented by administration staff based at Dalkeith Police Station controlled the day-to-day function. In the Scottish Borders there were 232 recorded incidents in licensed premises between 1st April 2017 and 31st March 2018, this was a reduction of 85 on the previous year. There had been a notable decrease in thefts of alcohol from 'off sales' premises over the reporting year. The Inspector emphasised the importance and positive effect of partnership working. The local police licensing officer worked regularly with a number of partner agencies including the two Licensing Standards Officers (LSO's) from Scottish Borders Council. The current partnership arrangements allowed information sharing and carrying out joint visits to licensed premises, dealing with any noise complaints and antisocial behaviour issues. This unified approach had resulted in a number of successful resolutions. As detailed in

previous reports to the Licensing Board, issues in licensed premises were assessed using a well-established interventions process. Incidents connected to premises were identified by licensing officers who evaluated the licensing objectives to determine if any had been compromised. Inspector Connor advised that at present there were no monitored premises in the Scottish Borders. There had been 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 had widened the scope for making appropriate representations to the Board. The report went on to outline proposed activity for the forthcoming year and stressed the importance of the collaborative, problem solving approach which ensured that police, license holders and licensed premises staff had a better understanding of their responsibilities to strengthen locally-led alcohol licensing in order to preserve order and promote safety and public health.

DECISION

NOTED the report

6. ALCOHOL FRAMEWORK 2018: PREVENTING HARM

Alcohol & Drugs Partnership Coordinator, Susan Elliot, gave a presentation as a joint CPD session on the Scottish Government's Alcohol Framework 2018: Preventing Harm – next steps on changing our relationship with alcohol. There were over 20 overarching commitments behind the initiative, interrelated to the protection of young people; tackling health inequalities; improving national systems; and taking a whole population approach. The presentation referred to strategies to reduce consumption of alcohol; promote positive attitudes and choices; and support families and communities. Following the presentation there was discussion in particular about preventing harm to children and young people, the role of schools in this respect but also the responsibility of parents. It was pointed out that nationally alcohol consumption was down amongst young people, but that there was a general lack of awareness amongst adults, who provided alcohol for young people to consume, of the potential harm that could result. Changes in drinking habits were also referred to with the fact that more drinking was taking place in the home, rather than in licensed premises, this being reflected in an increase of domestic violence incidents. With regard to the evaluation of Minimum Unit Pricing (MUP) it was too early for conclusions to be drawn. It was recognised that an increasing volume of alcohol, not subject to MUP, was being purchased online and research into this would be carried out by Scottish Government. There was further discussion about other health implications of over consumption of alcohol such as obesity.

DECISION

NOTED the presentation and that this would be circulated for information.

7. ITEMS LIKELY TO BE TAKEN IN PRIVATE

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. MINUTE

The private section of the Minute of the Joint Meeting of 6 December 2017 was approved.

The meeting concluded at 4.40 pm

Scottish Borders Licensing Board

Report by Clerk

Annual Report December 2018 to November 2019 and December 2019 to November 2020

2 December 2020

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 5 December 2018, the Board have met 11 times in the period from the last meeting to 30 November 2019; and 7 times in the following period to 30 November 2020. 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, figures are below:

	2018-2019	2019-2020
Occasional Licenses granted	1340	321
Above includes Voluntary Organisations	(382)	(101)
Extended Hours granted	78	25

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 27 applications to vary Premises Licenses (17 in the period to 30 November 2019 and a further 10 to 30 November 2020). This included both major and minor variation applications 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 premises licences as detailed in the table below. All were in relation to notices for failure of premises to make a payment of the annual fee with the exception of 3 in 2019-2020 which were as a result of applications received from Police Scotland on the grounds of breach of licensing objectives. In all 3 cases, the Board took no action.

	2018-2019	2019-2020
Premises Review	12	9
Ending in Suspension	5	6
Ending in Revocation	3	3
Outstanding fees paid prior to Hearing	4	0
Ending in no action	0	3

3.6 **Grants Including Provisional Grants**

The Board must hold a hearing for the Grant or Provisional Grant of a Premises Licence. 7 new Premises Licences were granted in the period to 30 November 2019 and 10 in the following period to 30 November 2020. 3 Licence Holders chose to surrender their Licence.

4 **OTHER MATTERS**

- (a) The last joint meeting took place on 5 December 2018. Last year's meeting scheduled for the beginning of December 2019 was postponed due to the involvement of council officers in preparation for the general election. It proved not to be possible to reschedule the meeting for the early part of 2020 before the Covid-19 lockdown in March. The lockdown initially impacted on the Board's business. The Licensing (Scotland) Act 2005 requires the Board to hold hearings in public. The lockdown meant that this was not possible. In addition, the 2005 Act contains a number of strict timescales and deadlines with little or no discretion available to the Board if they are not adhered to. With both businesses and licensing authorities under unprecedented disruption as a result of the Covid-19 outbreak, the Scottish Government moved swiftly and passed the Coronavirus (Scotland) Act 2020 which allowed the Board some flexibility with regard to the timescales and deadlines stipulated in the 2005 Act. In addition, the 2020 Act contains provisions which gave the Board a new discretion to dispense with the requirement to hold meetings in public and to instead provide alternative means for persons to be heard by telephone, video conferencing or by written communication including by electronic means. As a consequence, the Board was able to recommence meetings by Microsoft Teams Video Conferencing and held its first meeting by this medium on 31 July 2020. This has subsequently enabled the Board to meet on a monthly basis as it normally did prior to the Covid-19 outbreak.
- (b) As mentioned in the last annual report for the joint meeting on 5

December 2018, the Board is required to produce and publish annual finance and functions reports for the period 1 April to 31 March. The Board considered and approved these reports for the year to 31 March 2019 at its meeting on 21 June 2019 and the reports were subsequently published thereafter. The Coronavirus (Scotland) Act 2020 extended the timescale for publishing these reports for the period to 31 March 2020 to 31 December 2020 and as such the Board will consider its annual finance and functions reports at its next meeting on 18 December 2020 with a view to having the reports published immediately thereafter.

Since the last meeting, the Board has also been required to review its Statement of Principles under the Gambling Act 2005 for the period 31 January 2019 to 30 January 2022. At its meeting on 22 March 2019 the Board agreed a draft Statement of Principles for consultation. A six week period of consultation took place from 5 April 2019 to 17 May 2019. A total of eight responses were received. Officers considered the responses on behalf of the Board and concluded that the responses raised matters that were either covered by the draft statement of principles or related to matters that were outwith the Board's control. As a result it was the considered view of these officers that no changes were required to the draft and a recommendation to this effect was considered and approved by the Board at its meeting on 19 July 2019 and the finalised Statement of Principles was published shortly thereafter.



**POLICE
SCOTLAND**

Keeping people safe

CHIEF CONSTABLE'S REPORT TO THE
SCOTTISH BORDERS LICENSING BOARD
FOR THE PERIOD
1ST APRIL 2019 to 31ST MARCH 2020

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FOREWORD

It gives me great pleasure to provide the Annual Licensing Report for 2019/20, in accordance with Section 12(A) Licensing (Scotland) Act 2005. During this year Police Scotland has continued to work tirelessly towards supporting and enforcing the licensing objectives.

Police Scotland continues to work closely with local authorities and partnership agencies to deliver effective regulation in liquor licencing. Preventing alcohol fuelled violence, disorder and antisocial behaviour is a priority and I believe that working together to achieve effective early intervention and enforcement is vital to this.

I would like to take this time to thank our many local partnerships and acknowledge the good work that they do, as without their support we would not be able to maintain the high standard in licencing we have become accustomed to in the Scottish Borders Board area.

Going forward I will continue to emphasise the importance of partnership working to our dedicated officers and staff. I am confident that through strong partnerships and collaborative working, we will meet any challenges that may arise and will continue to improve licensing standards for the communities of Scotland.

Mr Iain Livingstone QPM

Chief Constable

Police Service of Scotland

POLICE SCOTLAND LICENSING OVERVIEW

The Violence Prevention and Licensing Co-ordination Unit (VPLCU) sits within Safer Communities based at Dalmarnock Police Station, Glasgow.

The VPLCU upholds the two tier structure for licensing which supports both national and local priorities through service delivery. They have overall responsibility for determining and delivering national licensing strategy and policy, by providing advice, guidance and support to divisional licensing teams as well as undertaking other specialist functions.

The Violence Prevention and Licensing Co-ordination Unit is a specialist department which consists of a small team of officers, based in Glasgow. The officers within the unit work with divisional licensing teams and partner agencies to help shape policy and strategy around the police licensing function. They provide practical and tactical advice to police licensing practitioners, operational officers, supervisors and policing commanders.

The VPLCU 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.

During 2019/2020, from a licensing perspective, our particular focus will be on the following;

- Scrutiny of the serious incidents of violence, disorder and antisocial behaviour linked to licensed premises.
- Continuous professional development training and guidance for staff to harmonise licensing practice across the country.
- Working closely with statutory partners within a National Licensing Trade Forum to identify licensing related issues and prevent/reduce associated crimes.
- Governance and ongoing development of the National ICT Licensing System, known as “Inn Keeper”, to increase the efficiency and effectiveness of liquor and civic licensing administration and management.
- The implementation and ongoing development of the Licensing Admin tool provides divisional licensing officers with a single ICT product negating the need to research police systems independently. Through accurate recording, the licensing admin tool assists Police Scotland in deploying our resources to the right places and the right time to keep people safe.

Each of the 13 Local Policing Divisions have a licensing team responsible for 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.

LICENSING BOARD AREA

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

Chief Inspector Reid is supported by Inspector Jaqueline McGuigan who is based at Galashiels. The Scottish Borders Licensing Boards are predominantly attended by Inspector McGuigan.

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 John McEwan and Sergeant Colleen Hope.

The local Licensing Department is based at Melrose Police Station. This consists of one police officer, PC Sharon Lackenby, supplemented by administration staff based at Dalkeith Police Station who control the day to-day function.

Local Policing Priorities

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

- Protecting the most vulnerable people
- Reducing Violence & Antisocial Behaviour
- Tackling Serious and Organised Crime
- Improving Road Safety
- Tackling Acquisitive Crime

Description of Board Area

The command area of Scottish Borders serves, as of 30th June 2018, a population of 115,270 people in an area covering over 1827 square miles, reaching from the Midlothian/East Lothian borders in the north to the border with England in the south and to Lanarkshire in the West. The age group 25-44 saw a 24.4% decline in numbers over the last 20 years while the 65 - 74 age group saw a 48.1% increase in volume of

population over the same period (National records of Scotland). Approximately 35,558 persons residing in the Scottish Borders are in the 45-64 age group which represents 30.8% of the population.

There are currently 104 'on sales' 128 'off sales and 370 combined on/off premises in the Scottish Borders.

There are significant demands on police resources placed in the Scottish Borders area by the Common Riding 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.

In the Alcohol Outlet Availability and Harm report (April 2018) published by Alcohol Focus Scotland, Scottish Borders is ranked 15th out of 30 local authority areas for alcohol outlet availability in Scotland (11th for on-sales and 27th for off-sales outlets) this is lower than Scotland as a whole. Other key findings for Scottish Borders include;

- Crime rates in the neighbourhoods with the most alcohol outlets were 4.4 times higher than in neighbourhoods with the least.
- The link between alcohol outlet availability and harm was found even when other possible explanatory factors, such as age, sex, urban/rural status and levels of income deprivation, had been taken into account.
- The most deprived neighbourhoods had 2.5 times the number of alcohol outlets than the least deprived neighbourhoods.
- The total number of alcohol outlets in Scottish Borders increased by 9 (2%) from 453 in 2012 to 462 in 2016.

OPERATION OF THE LICENSING (SCOTLAND) ACT 2005

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 341 recorded incidents in licensed premises between 1st April 2019 and 31st March 2020, this figure shows a very slight decrease of 1.15% on the year before. There continues to be a notable trend in thefts of alcohol from 'off sales' premises over the reporting year, this may be due to the introduction of minimum pricing.

Police Scotland carried out 1389 recorded inspections of licensed premises in the Borders during the reporting year.

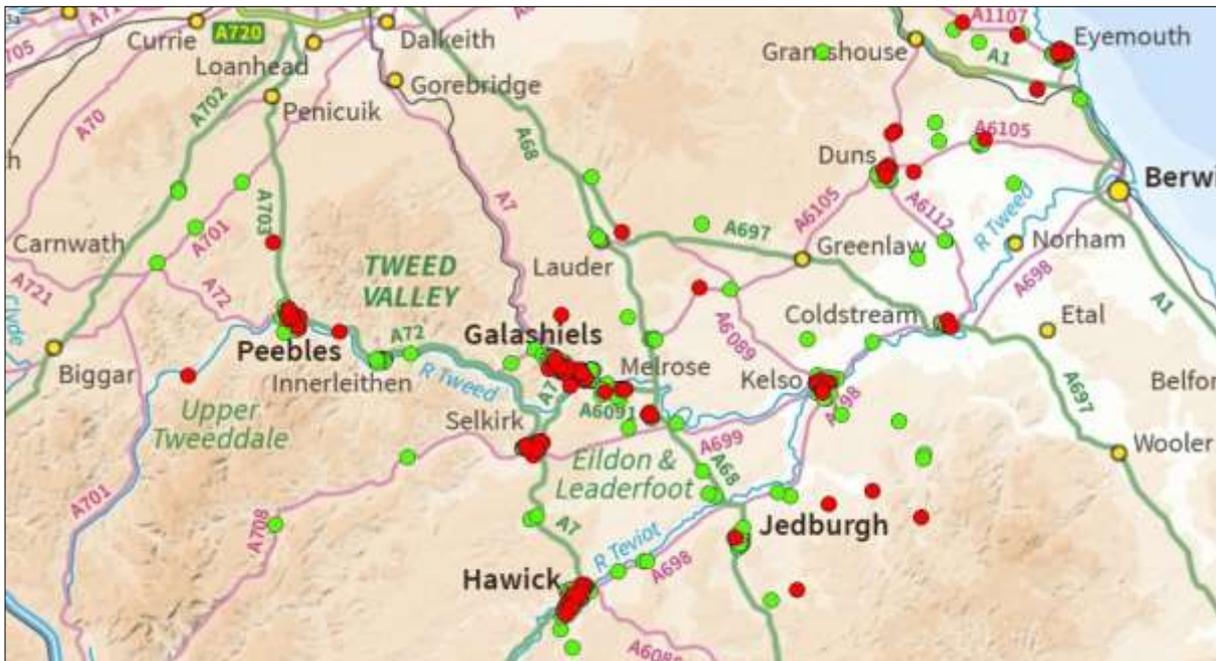
On Friday and Saturday evenings police officers are deployed on foot where other incidents permit, to aid with dispersal of licensed premises and reduce antisocial behaviour and violence related incidents between the hours of 2200-0400.

The proactive use of exclusion orders and antisocial behaviour legislation continues to contribute hugely to reducing repeat offending in licensed premises.

Violence and ASB Data Where Alcohol Is a Factor

Violence recording indicates an “Alcohol” marker as a clearly defined aggravator to indicate where the presence of alcohol is deemed a factor in the act of violence. Of the 1009 recorded crimes of violence for the 2019-20 period, a total of 235 had the alcohol marker attached to the crime report. Of that total 107 were in residential locations leaving 128 acts of violence in a public space where alcohol featured.

The following map has been produced indicating the locations of public space violence where alcohol is a factor. The red dots indicate alcohol while the green dots are the other crimes where no such aggravator has been added.



Galashiels, Hawick, Kelso, Selkirk and Peebles as expected. The alcohol data clock is replicate below. The late evening into early morning for the weekend is showing as the most prominent.



The Intervention Process

As detailed in previous reports to the Licensing Board, issues in licensed premises are assessed using a well-established intervention 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		
No this reporting yr.		
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.	0

OFFICIAL

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.	6
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.

Over the last calendar year there has been one premise in the Scottish borders which have been classed as 'Monitored', this was monitored for the period of a month. This restaurant is no longer trading.

During the reporting year there was no declared problematic premises in the Scottish Borders.

Summary

Section 1 – Unlicensed Sale of Alcohol

Alcohol is not to be sold on any licensed premises except and in accordance with a Premises Licence or Occasional Licence. During the reporting year no premises or events were found to be operating unlicensed.

Section 22 - Applications

Over the reporting year, there were 13 Provisional Premises Licences and 4 Confirmation of a Provisional Premises Licence granted by the Board.

Section 36 – Application for Review of Licence

Police Scotland only seek review of a premises licence when an intervention has failed, is likely to fail or there is a serious risk to public safety if the premises continues to operate in the same manner e.g. the resulting problems as well as community impact must be considered.

In this reporting year there were no review applications of this type submitted by Police Scotland in the Scottish Borders.

Section 63 – Sale or Supply out with licensed hours

Officers in The Scottish Borders monitor the sale or supply of alcohol out with licensed hours closely. Local officers continue to make pro-active visits to licensed premises, particularly at weekends, to ensure premises are being managed appropriately. The police Innkeeper IT solution can be accessed by police control staff and officers alike, twenty four seven, providing any information on licensed hours etc. that are required, out with normal office hours of the Licensing Department. Close monitoring of premises through the use of Innkeeper, tasking's, and night time economy dispersal details continue to assist in reducing offending of this nature. In this reporting year, no offences of this type was detected, resulting in a report being submitted to the Procurator Fiscal.

Section 72 – Personal Licence Applications

There were 237 applications made for the grant or renewal of personal licences during this reporting year in the Scottish Borders. This is an increase of 59% on the previous year.

The amendment to legislation in terms of the Criminal Justice and Licensing (Scotland) Act 2010 and the Police and Fire Reform (Scotland) Act 2012 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. During this reporting year there has been no objections of this type made in terms of personal licences.

Section 84 (84A) – Personal Licence Reviews

Police Licensing Officers are responsible for monitoring the conduct of personal licence holders. Again, the amendment to legislation has widened the ability for the Chief Constable to report conduct inconsistent with the Licensing Objectives.

There were no Personal Licence Reviews requested by Police Scotland in this reporting year.

Section 94 – Exclusion Orders

When a person has been charged with a violent offence within or in the immediate vicinity of any licensed premises, a request for an Exclusion Order is included in the 'remarks' section of the police report. Exclusion Orders are granted by the Courts, 'on conviction', and can exclude a person from specific licensed premises for between three months and up to two years. The Police Licensing Officer proactively drives the request for exclusion orders whenever there is an incident in or in the immediate vicinity of licensed premises. Persistent offenders can also be dealt with under the Anti-Social Behaviour legislation. The use of Exclusion Orders are fully supported by the licensed operators in the Scottish Borders.

Section 97 – Closure Orders

There were no closure orders used within the Scottish Borders during the reporting year. 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)	1
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)	2
Section 115 (disorderly conduct within licensed premises)	0
Section 116 (refusal to leave licensed premises)	8

The numbers reported to COPFS above remains relatively low as a result of officers using their discretion in many cases. Although there has been an increase in reported

incidents in licensed premises, we are committed to keeping people safe and improving the quality of life for residents in the Scottish Borders.

Partnership Working

Police management in Scottish Borders continues to enjoy a good working relationship with partner agencies, in particular with Scottish Borders Council and the Licensing Board. The local licensing officer works regularly with a number of partner agencies including Trading Standards, HM Revenue & Customs and Immigration.

Licensing Standards Officer (LSO)

The local Police Licensing Officer works regularly with a number of partner agencies including the Local Authority. She continues to work alongside the LSO to maintain effective information sharing procedures and establish good partnership working. This unified approach has resulted in a number of successful resolutions in the Scottish Borders.

Scottish Borders Licensing Forum

The police licensing officer is an active member of the Scottish Borders Licensing Forum and over the last year there has been a lot of work carried out around the Statement of Licensing Policy as well as consultation and feedback on other licensing policy and guidance.

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.

OFFICIAL

During this reporting year there were 18 premises that took part in the BBN scheme, with 12 premises gaining 'Gold' award, 4 premises gaining 'Silver' award and 2 premises gaining 'Bronze' award.

BBN Scheme is something that Police Scotland will continue to drive forward, promoting and encouraging responsible management of licensed premises.

Campaigns

During this reporting year there were a number of campaigns including the 'Ask Angela' campaign which is a simple code-word campaign for people feeling unsafe on a date. Supported by Rape Crisis, the Scottish Borders Council and Police Scotland, the poster is a visual aid which could provide a vital life-line to someone who finds themselves in a difficult situation and can't get out of it.

In addition, we ran the 'Girls against Spiking' which seeks to encourage female patrons in licensed premises to have awareness of the risk from people adding drugs to their drinks in licensed premises. This campaign was backed up with promotional material including beer mats and posters being circulated to local premises.

We also continue to run the 'One Punch Two Lives' campaign to raise awareness of the consequences that one punch can have on two lives – the victim and the attacker. The hope is to encourage people to think about the consequences of their actions and the effect alcohol can have on their behaviour.

Posters for these campaigns were handed into several licensed premises within the Scottish Borders and were very well received.

PREVENTING THE SUPPLY OF ALCOHOL TO CHILDREN AND 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

Officers continue to routinely proactively visit premises licensed for 'off-sales' to ensure that they are aware of their responsibilities under the 2005 Act, and in particular in the run up to and during school holidays.

Likewise, 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.

OFFICIAL

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 an effective tool in the fight against underage sales.

Due to the 'code of practice' introduced by Government on 1st March 2018, a Directed Surveillance Authority under the terms of the RIP(S)A (Regulation of Investigatory Powers Scotland Act) must now be sought before a Test Purchase Operation is carried out.

Because of this Police Scotland have had to update the SOP (Standard Operating Procedure) for Test Purchase Operations. This was completed on the 12th March 2019, however there are issues surrounding the use of children in these operations, consequently no Test Purchase Operations have been carried out in the Scottish Borders area.

Fake Identification

The trade in fake identification is very lucrative, and there appears to be more circulating amongst our young people than ever before, especially fake driving licences, resulting in then having access to alcohol.

The Police Licensing Officer and Community Officers continue to educate licensed premises in order to keep up with trends and how target the use of fake identification. This has proved to be a very successful with a large number of fake identification being seized and premises now having stringent practices and procedures in place.

Offences relating to children and Young Persons

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)	2
Section 104B (supply of alcohol to a young person)	5
Section 105 (purchase of alcohol by or for a child or young person)	2

Section 104A and 104B is a new addition following the amendment made to the Act by the Air Weapons and Licensing (Scotland) Act 2015. This has proved to be a very

useful weapon in the fight against 'agent purchase' or 'proxy purchasing' and will continue to be used by local officers whilst out on patrol.

TACKLING SERIOUS AND ORGANISED CRIME

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.

Examples of Serious and Organised Crime Activity in the Board area

Over the past year, the police Licensing Officer has scrutinised and interrogated licence applications to identify where Serious and Organised Crime Groups (SOCGs) may be trying to enter legitimate businesses. This is particularly detailed when processing new premises and transfer applications, where the applicant may be asked to evidence the source of any financing. Unfortunately a lot of SOCGs already have a foothold in licensed premises which makes it very difficult to object to these applications because more often than not they have no relevant convictions to comment on. In some cases they do not actually transfer the licence, they are 'tenants', who neither hold the premises licence or the Designated Premises Manager position and therefore are not 'relevant' persons.

The police Licensing Officer continues to monitor the persons connected to licensed premises in Scottish Borders, who are known to have links to SOCGs. All opportunity is taken to disrupt the running of these licensed premises whenever an opportunity arises. Proactive visits to these premises keeps the pressure on these operators and ultimately they tend to leave an area as quickly as they arrived.

The use of intelligence is now an option when objecting to a licence, however the process is strictly managed. In an effort to educate and prepare the Scottish Borders Licensing Board members, the police Licensing Officer will be making arrangements for specialised officers based at the Scottish Crime Campus, Gartcosh to give an input on its use.

PROPOSED ACTIVITY FOR THE YEAR AHEAD

The division has an operation which focuses on violence in all forms and recognises that alcohol has a significant part to play in a large amount of the recorded crimes and incidents. In order to tackle this in a more pro-active manner the new Local Area Commander has put additional focus on Licensed Premises. Currently and in the year ahead the police licensing officer will be given additional support through extra staff at peak demand times. More Licensed Premises will be checked and more often, focussing even more on prevention. The police licensing officer now tasks front line police officers on a weekly basis through a local tasking process and is providing additional training to younger in service officers.

In areas where alcohol fuelled disorder occurs, local community officers will be tasked in advance of events to visit Licensed Premises and provide advice. All reports of proxy purchasing will be prioritised and highlighted on social media to ensure awareness. We will provide more awareness of our local activity using our social media pages and link in with national media campaigns, but in a local context.

Where violence and disorder occurs we will pro-actively seek to ascertain where the alcohol has been purchased and robustly pursue anyone who has committed offences.

Through the new Board Policy Statement, we are looking at the crime prevention side of things and what operators can do to reduce theft of alcohol and support the 'preventing crime and disorder' Licensing Objective. We will continue to work closely with licence holders when submitting new premises licence applications as well as variations to existing ones and encourage the use of CCTV and other crime prevention measures.

CONCLUSION

We would like to thank you for your continued support and stress the importance of this collaborative problem solving approach. This ensures that police, licence holders and licensed premises staff have a better understanding of their responsibilities. We look forward to furthering this partnership over the coming year.