



**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 population 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.

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.

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.