



# POLICE SCOTLAND

Keeping people safe

CHIEF CONSTABLE'S REPORT TO THE  
SCOTTISH BORDERS LICENSING BOARD  
FOR THE PERIOD  
1<sup>ST</sup> APRIL 2018 to 31<sup>ST</sup> MARCH 2019

## NOT PROTECTIVELY MARKED

### Foreword

It gives me great pleasure to provide the Annual Licensing Report for 2018/19, in accordance with Section 12(A) Licensing (Scotland) Act 2005. During this year the Minimum Unit Pricing of Alcohol was introduced in Scotland. We will work through the Evaluation Advisory Group to assess the impact of this legislation.

Working in partnership is key to effective regulation in liquor licensing. Police Scotland remains committed to working closely with partners in the 32 Local Authorities across Scotland to ensure a fair and consistent approach. 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 acknowledge the many active local partnerships that provide continued support, enabling Police Scotland and partners to drive improvement in licensing. I will ensure that all officers and staff continue to recognise the importance of working closely with key partners, including the Licensed Trade, to improve licensing standards nationally utilising the range of options available to them.

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

## NOT PROTECTIVELY MARKED

### 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 2018/2019, 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 Jocelyn O'Connor and Sergeant Colleen Hope.

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 serves, as of 30<sup>th</sup> June 2018 a population of 115,270 people covering an area of 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. 30% of the population reside in the settlements of 500 people or less.

## **NOT PROTECTIVELY MARKED**

There are currently 52 'on sales' and 116 'off sales' premises and 323 combination premises in the Scottish Borders.

The provisional Statement of Licensing Policy has been released.

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 15<sup>th</sup> out of 30 local authority areas for alcohol outlet availability in Scotland (11<sup>th</sup> for on-sales and 27<sup>th</sup> 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 345 recorded incidents in licensed premises between 1<sup>st</sup> April 2018 and 31<sup>st</sup> March 2019, this is an increase of 113 on the previous year. There has been a notable increase (101) 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 911 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.

**NOT PROTECTIVELY MARKED**

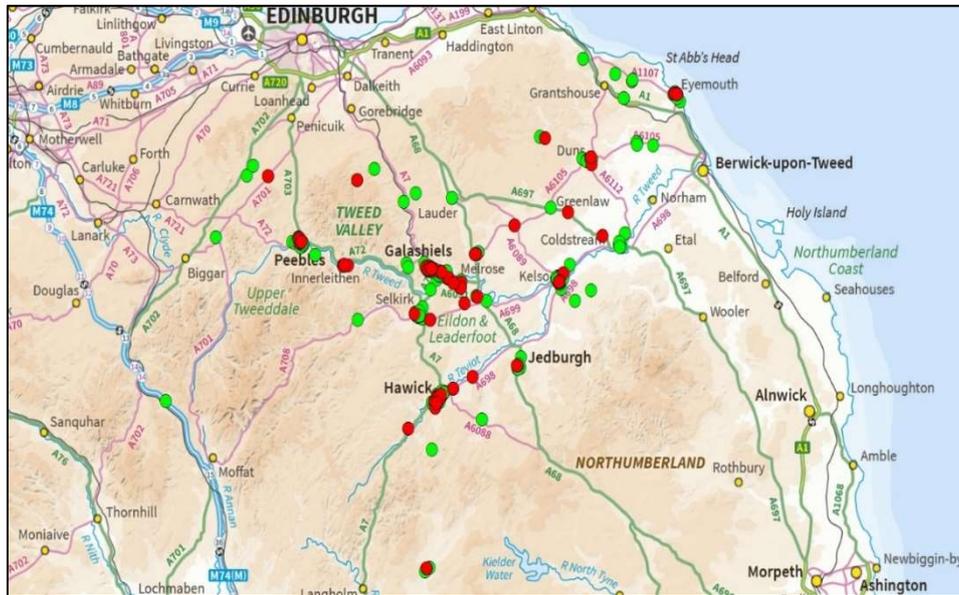
The proactive use of exclusion orders and antisocial behaviour legislation continues to contribute hugely to reducing repeat offending in licensed premises.

**Violence and ASB Data Where Alcohol Is A Factor**

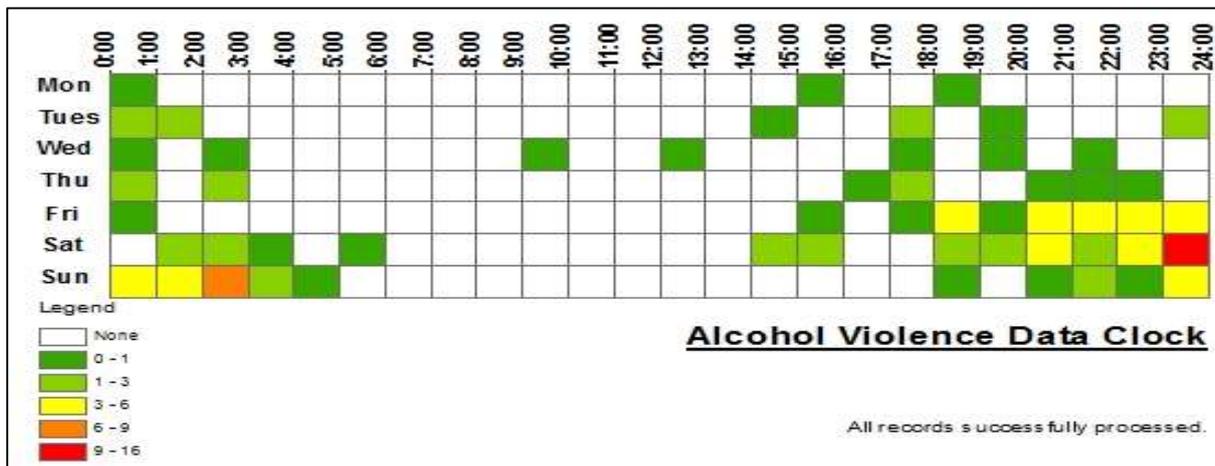
Violence recording indicates an “Alcohol” marker as a clearly defined aggravator to indicate where the presence of alcohol is deemed a factor in the act of violence. Of the 948 recorded crimes of violence for the 2018-19 period, a total of 228 had the alcohol marker attached to the crime report. Of that total 96 were in residential locations leaving 132 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.

The areas showing as high for alcohol crimes are the towns of Galashiels, Hawick, Kelso 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.



## **Partnerships**

### **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.

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.

## **Pub Watch**

Pub Watch is an initiative run by local pubs/clubs to tackle crime and antisocial behaviour in and around their premises. The schemes are run by local licensees but are advised by local Community Police Officers.

The Pub Watch schemes operating in Scottish Borders are all working well and have achieved their goal of reducing risk and maintaining a safe and secure social environment for staff and customers. Police Scotland fully supports these schemes

## NOT PROTECTIVELY MARKED

and would encourage all licensees to become members of a scheme operating in their area.

### Campaigns

During this reporting year there were a number of campaigns including the 'Ask Angela' campaign. The scheme is supported by Rape Crisis Scotland, Police Scotland, Scottish Borders Council, National Pub Watch and Best Bar None.

It is designed to reduce sexual abuse in the night time economy. The idea of the scheme is that if someone is on a date, or a night out, and someone makes them feel uncomfortable, they can ask a member of licensed premises staff for 'Angela'. Staff will immediately understand the situation and call for a taxi or help the customer to leave discreetly and safely, with little fuss. It is a fantastic, simple approach designed to make people feel safer and a great tool for staff to support customers who find themselves in a difficult situation. The scheme has been very well received and we have had it used successfully in Scottish Borders. A great example of staff showing social responsibility and a duty of care for their patrons.

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 both these campaigns were handed into several licensed premises within Scottish Borders area and were well received.

### 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 Intervention Categories	
<b>Red</b>	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.
<b>Amber</b>	Premises that require Formal Intervention. Issues have arisen and a formal intervention agreement is entered into between premises

## NOT PROTECTIVELY MARKED

	licence holders and Divisional Licensing teams to resolve them. This action may be taken with more serious or repeat issues.
<b>Green</b>	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.
<b>No Action</b>	Action – An incident review has highlighted no issues regarding the management of the premises or licensing legislation. No further police action.

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 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. As the Licensing (Scotland) Act 2005 is well bedded into everyday working practices.

The Police Local Area Commander has a proactive Weekend Policing Plan to deal with the night-time economy at the busiest times. Included in that plan are officers tasked with pro-active visits to licensed premises.

#### Section 22 - Applications

Over the course of the reporting year there has been no Premises Licences granted, however there were ten applications received and granted by the Board for Provisional Premises Licences, with seven applications received for confirmation of the licence.

#### 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.

## **NOT PROTECTIVELY MARKED**

In this reporting year there were a number of applications submitted by Police Scotland, although there is one review application pending, awaiting a court hearing, before submission to the Board. This is due to a serious crime committed on the premises and other matters of concern.

### **Section 63 – Sale or Supply out with licensed hours**

Officers in 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 system can be accessed by both Police control room staff and officers 24 hours a day / seven days a week. This system provides essential information on licensing hours etc. out with the normal office hours of the Licensing Department.

### **Section 72 – Personal Licence Applications**

There were 166 applications made for personal licences during this reporting year in Scottish Borders. These were a combination of new applications and applications to renew personal Licences. The year 2019 has been the renewal year for many personal licence holders who were issued with licences in the initial licensing period of the 2005 Act having to renew their licences within the 'ten year' licence period.

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.

### **Section 84 (84A) – Personal Licence Reviews**

Police Licensing Officers are responsible for monitoring the conduct of Personal Licence Holders. In particular, there have been occasions when the holders of a personal licence have failed to report conviction(s) for relevant offence(s) to the Court and/or the Licensing Board. Again, the amendment to legislation in terms of the Criminal Justice and Licensing (Scotland) Act 2010 and the Police and Fire Reform (Scotland) Act 2012 has widened the ability for the Chief Constable to report conduct inconsistent with the Licensing Objectives. There were a number of 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 3 months and up to 2 years. The Police Licensing Officer proactively drives the use of

## NOT PROTECTIVELY MARKED

Exclusion Orders whenever appropriate. The use of Exclusion Orders is fully supported by the licensed operators in Scottish Borders.

### Section 97 – Closure Orders

There were no closure orders used within 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)	0
Section 115 (disorderly conduct within licensed premises)	2
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. We are committed to keeping people safe and improving the quality of life for residents in Scottish Borders.

### PREVENTING THE SALE OR SUPPLY OF ALCOHOL TO CHILDREN OR YOUNG PEOPLE

Within the Scottish Borders in the past year a joint Police Council initiative has been ongoing with both advertising in the local SBC website and large posters erected at large events in the Borders reminding the public of the offences in relation to the sale and supply of alcohol to young people. This has also included a crackdown of fake driving licences by way of visits to local premises, resulting in persons being reported to the local PF.

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)	2
Section 103 (allowing the sale of alcohol to a child or young person)	2

## NOT PROTECTIVELY MARKED

Section 104A (supply of alcohol to a child)	1
Section 104B (supply of alcohol to a young person)	2
Section 105 (purchase of alcohol by or for a child or young person)	0

Section 104A and 104B is a relatively 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 checks carried out into new premises applications serve to give a picture of who are applying for the licences and who are running them. This can also provide evidence of associations which provides the background information to allow informed decisions to be made when making objections or representations.

### PROPOSED ACTIVITY FOR THE YEAR AHEAD

In the year ahead we propose to further the efforts that are being made in relation to focusing on underage drinking in the Borders.

A consultation is currently underway to look at the potential introduction of local Bylaws for the area as currently the area is not covered by any and may be the only area in Scotland that holds no local byelaws prohibiting carrying and/or drinking from open containers. The consultation has been devised to look at both the perceived issues and the general feeling of where these rules should apply.

We continue to have a close relationship with the council LSO's and aim to preserve this with regular joint meetings and consultations in all matters licensing.

To conclude 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.