



**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 30<sup>th</sup> 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

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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 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 341 recorded incidents in licensed premises between 1<sup>st</sup> April 2019 and 31<sup>st</sup> 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.

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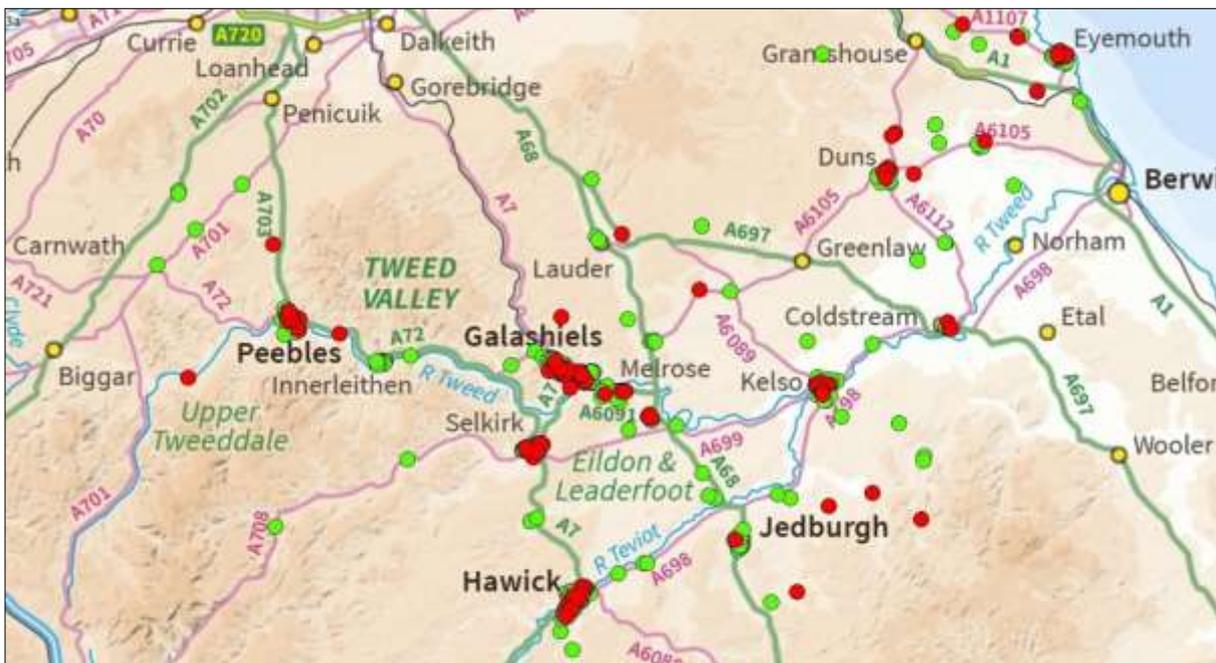
On Friday and Saturday evenings police officers are deployed on foot where other incidents permit, to aid with dispersal of licensed premises and reduce antisocial behaviour and violence related incidents between the hours of 2200-0400.

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.		
<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.	0
<b>Amber</b>	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

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<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.	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.

<b>Number of offences reported to COPFS</b>	
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.

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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.

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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 1<sup>st</sup> 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 12<sup>th</sup> 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.