

# Scottish Borders Licensing Report 2022-2023



**POLICE  
SCOTLAND**  
Keeping people safe

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**Foreword**

It gives me great pleasure to provide the Annual Licensing Report for 2022/23, in accordance with Section 12(A) Licensing (Scotland) Act 2005.

Police Scotland has continued to achieve success by focussing on prevention, early intervention and enforcement. This has been made far more effective with the continued support of the many active partnerships that exist within the 32 Local Authorities across Scotland.

This collaborative working is vital to ensuring a fair and consistent approach to licensing while focussing on preventing alcohol fuelled violence, disorder and antisocial behaviour.

In the year ahead our approach will remain focused on prevention and collaboration to ensure efficient and effective service delivery. I will continue to encourage officers and staff to utilise the range of options available to improve licensing standards, reduce violence and to positively influence behaviour and attitudes across Scotland.

I would like to take this opportunity to thank our local partnerships and acknowledge their contribution in continuing to drive improvements with the Licensed Trade, and for the communities we all serve.

**Sir Iain Livingstone QPM**

Chief Constable

Police Service of Scotland

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**Police Scotland Licensing Overview –**

The Violence Prevention and Licensing Co-ordination Unit (VPLCU) sits within Partnerships Prevention & Community Wellbeing 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 2022/2023, from a licensing perspective, our particular focus was on the following;

- Scrutiny of the serious incidents of violence, disorder and antisocial behaviour linked to licensed premises.
- 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. Police Scotland are currently working on upgrade to the National ICT system to ensure compliance with GDPR legislation.

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.

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## **LICENSING BOARD AREA**

The Licensing Board area is policed by Lothians & Scottish Borders (J) Division. Chief Superintendent Catriona Paton is the Local Police Commander who has the responsibility for all day-to-day policing functions. The Local Area Commander Chief Inspector Vincent Fisher is based at Galashiels. He is responsible for performance management, community engagement, partnership working and the daily management of local personnel.

Chief Inspector Fisher is supported by Inspector Robbie Noble who is also based at Galashiels. The Scottish Borders Licensing Boards are predominantly attended by PC Scott Dishington.

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 Rachel Stark.

The local liquor Licensing Department is based at Duns Police Station. This consists of one police officer, PC Scott Dishington, supported by administration staff based at Dalkeith Police Station and West Lothian Civic Centre.

## **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 Behavior
- Reducing Acquisitive Crime
- Improving Road Safety
- Tackling Serious and Organised Crime

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In response to the local policing priorities, J divisions will continue to work in partnership with partner agencies to reduce alcohol related criminality and continue to develop night time economy plans with licensed premises. It is recognised that education, prevention, partnership working and robust policing are all key factors in reducing crime and disorder in this area.

### **Description of Board Area**

The command area of Scottish Borders serves, as of 30 June 2021 (most recent figures), a population of 116,020 people which is 2.1 % of Scotland's population (National Records of Scotland), covering 55296 households, 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 Scottish Borders had the 18<sup>th</sup> highest population (2021) out of all 32 council areas in Scotland. The age group 25-44 saw a 22.9% decline in numbers between 2001 and 2021 while the 65 - 74 age group saw a 51.2% increase in volume of population over the same period (National records of Scotland). Approximately 18723 persons residing in the Scottish Borders are in the under 16 age group, 67642 in the age group 16-64 and 29655 in the age group 65 and above. Between 2018 and 2028, the population of the Scottish Borders is projected to increase from 115,270 to 116,435. This is an increase of 1%, which compares to a projected increase of 1.8% for Scotland as a whole.

There are currently:

- 39 'on sales' only premises,
- 105 'off sales' only premises, and
- 292 combined on/off sales premises

Giving a total of 436 premises in the Scottish Borders licensed to sell alcohol. This is a reduction of 15 premises since the last reporting year

There is an additional demand on Police resourcing in the Scottish Borders area, especially during the summer months due to the Common Ridings and Rugby 7's tournaments. There are currently 2 active premises trading until 3am and 1 premise trading until 2am at the weekends, with annual occasional extensions for some Common Riding Town Balls extending their usual business hours.

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**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 206 recorded incidents in licensed premises between 1<sup>st</sup> April 2022 and 31<sup>st</sup> March 2023, this figure shows a decrease from the previous year of 13%.

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.

The misuse of alcohol is regularly cited as a contributory factor in relation to crimes of violence, domestic abuse, disorder and antisocial behaviour occurring on our street and within our homes. In addition, alcohol is also known to lower inhibitions which can have an impact on people's lives, both resulting in them becoming victims of crime, as well as the perpetrator, which can have serious consequences for individuals and their families.

We continue to ensure there is a concerted focus on the issues surrounding the sale and supply of alcohol within our communities and work together in partnership with Licensed Premises and other agencies to promote responsible trading practices, ultimately keeping people safe.

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**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.

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.

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

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Police Intervention Categories		Number this reporting Year
<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
<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.	0
<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.	0

**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**

There are currently a number of Provisional Premises Licences which are divided up as follows:

On Sales – 3

Off Sales – 22

On/Off Sales – 9



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**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.

**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, there has been no licence holders reported for this type of offence.

**Section 72 – Personal Licence Applications**

There were 46 applications made for the grant or renewal of personal licences during this reporting year in the Scottish Borders. This is a significant decrease on the previous year from 131 applications. This equates to a 64% decrease since the previous reported 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 one representation of this type made to the Licensing Board, resulting in the applicant being refused his personal license.

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**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 was one Personal Licence Review 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. There were no exclusion orders during the dates reported.

**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.

**Violence and Anti-Social Behaviour**

A total of 1194 acts of violence\* were recorded within the Scottish Borders area for the period from 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023. This equates to three attempted murders, one culpable homicide, 51 serious assaults, 23 robberies and 1116 common assaults which includes 101 assaults on Police Officers and 18

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assaults on Retail Workers. This represents a reduction of six crimes (0.5%) from the 2021/22 levels of violence. It should also be noted that there were four crimes of drugging recorded in the Scottish Borders during 2022/23 which aren't included in the figures above, however are relevant due to occurring in licensed premises and involving alcohol. The split between locations of crimes shows that approximately 55.3% occurred within public space versus 44.7% occurring in private space locations. A total of 47 crimes of violence were recorded for licensed premises within the Scottish Borders during 2022-23 compared to 35 reports in 2020-21. It was also noted that 17 crimes were committed within supermarkets licensed to sell alcohol with one such crime having an alcohol marker. The table below depicts the overall crimes of violence by section for the past three years for comparison.

Section	2020-21	2021-22	2022-23	Change from previous year
Duns	155	132	143	+8.3%
Galashiels	251	338	396	+ 17.2%
Hawick	241	357	275	- 23.0%
Kelso	237	257	244	-5.1%
Peebles	95	118	133	+ 12.7%

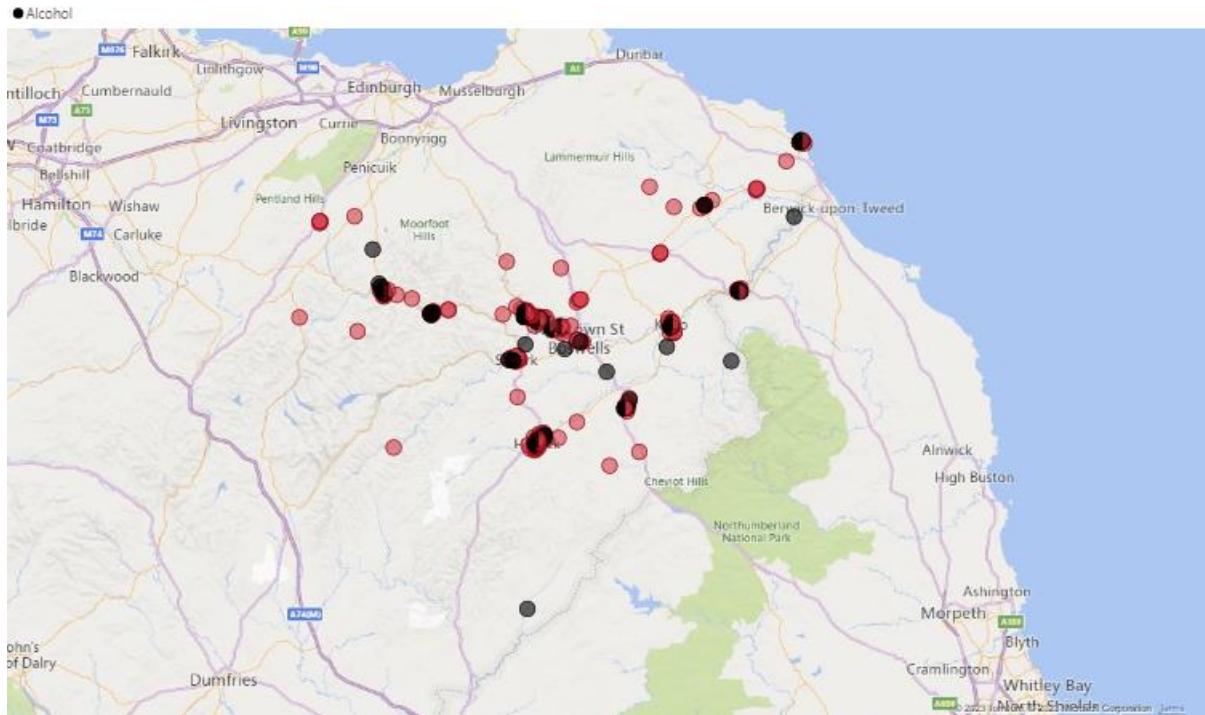
### Violence data where Alcohol is a factor

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 1194 recorded crimes of violence for the 2022-23 period, a total of 241 (20.2%) had the alcohol marker attached to the crime report. Of that total, 95 were in private locations leaving 146 acts of violence in a public space where alcohol featured. This is a reduction in the number of crimes of violence with an alcohol marker from the previous year by 31.9%.

The following map indicates the locations of public space violence where alcohol is a factor. The black dots indicate crimes with an alcohol marker while the red dots are the other public location violent crimes where no such aggravator has been added.

The areas showing as highest for violent crimes with an alcohol marker are the main populated towns of Galashiels and Hawick, followed by Peebles and Kelso. All other areas had less than 10 alcohol related violent crimes recorded throughout the year period. Whilst the volume of alcohol related crimes in public space increased initially upon easing of enforced restrictions due to the Coronavirus Pandemic, this trend has not continued into 2022/23. However, caution should be taken when comparing statistics during the pandemic years.

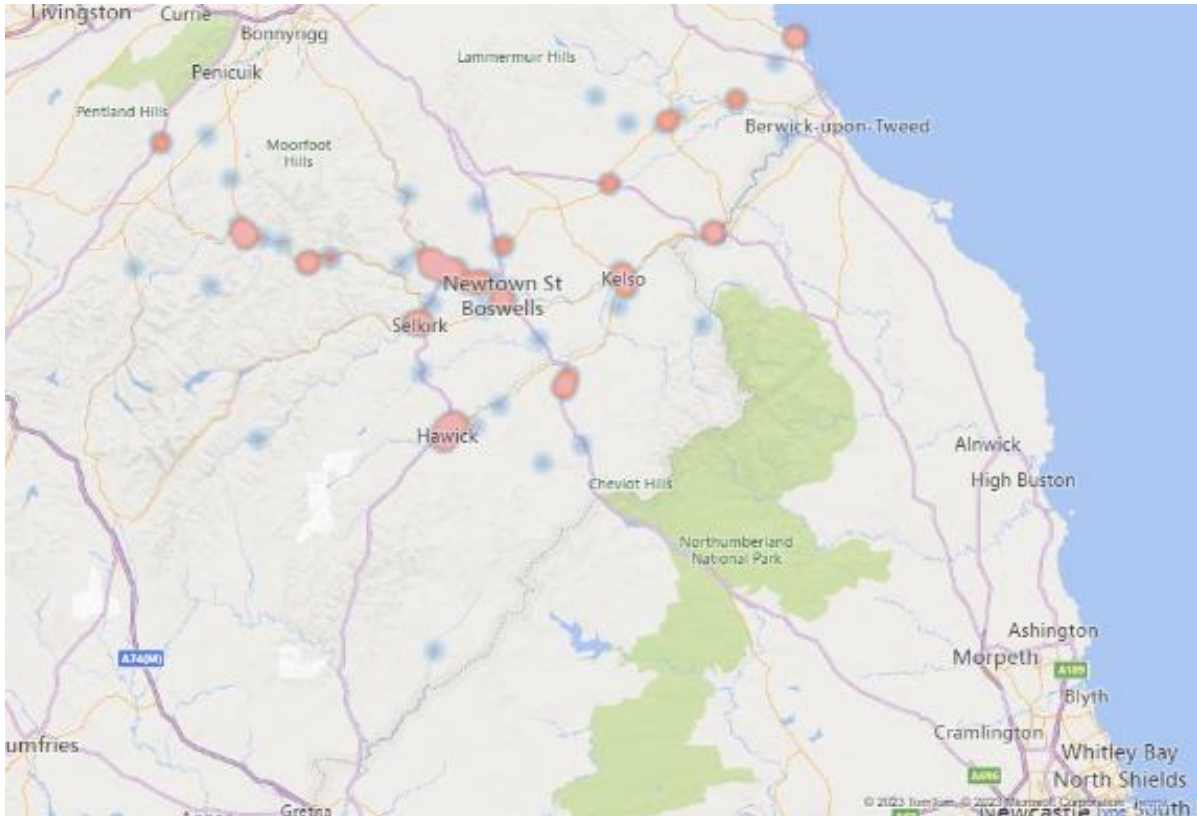
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**Public Space Violence**

The following maps indicate the main locations for crimes of public space violence within the Scottish Borders in relation to the details specified on each crime report for an act of violence recorded during 2022-23. The proportion of public space violence crimes was 55.3% from the 1194 crimes recorded during 2022-23 which is an increase from the 49.7% recorded the previous year and is likely to be a result of comparing the data to a covid year where restrictions on public gatherings were still in existence.

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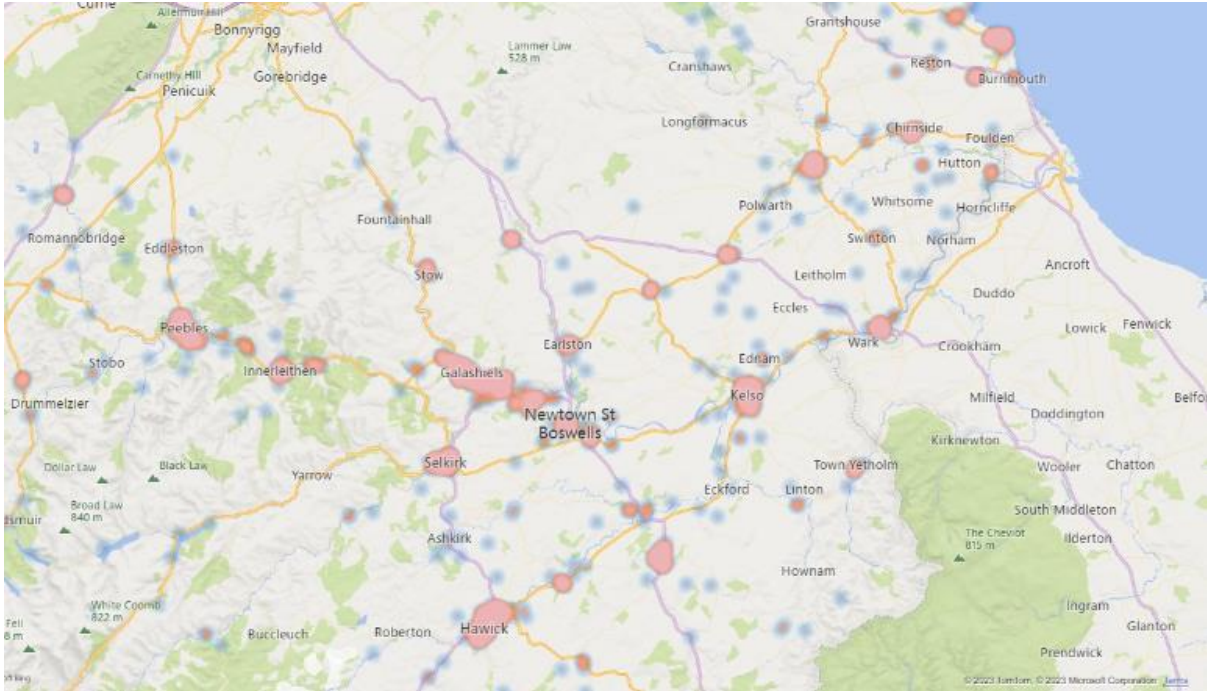
This map shows a similar distribution to the alcohol-related violence map with Galashiels, Hawick, Peebles, Kelso, and Selkirk showing as having the highest volumes of public space violence. There is little change from the situation in the locations for the previous three years, despite the Covid situation, other than an increased volume due to the removal of lockdowns reflecting in the 2020/21 and 2021/22 data.

### **Anti-Social Behaviour**

A total of 5253 calls relating to ASB have been recorded during 2022-23 within the Scottish Borders area. This represents a slight increase of 81 calls (1.6%) from 2021-22.

The following map indicates the main locations for incidents recorded as Antisocial Behaviour.

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

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.

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 or local events.

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.

There are four dedicated Youth Community Officers and two Youth Engagement Officers based in the Scottish Borders and they are seen as one of the main links between Police and children and young persons in the area. The local licensing officer continues to work alongside these officers to provide education and support to

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students around the dangers of alcohol not only to their own health but also the impact on the community.

## **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 (SAOC) 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 number of SOCGs already have a foothold in licensed premises, making it challenging to object to these applications as 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

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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 Midlothian, who are known to have links to SOCGs.

All opportunity is taken to disrupt the running of these licensed premises with the assistance of the National Intervention Unit. Multi-Agency Proactive visits are conducted with key partners in an effort to put the pressure on these operators, in an effort to disrupt their activity and cease from trading.

In November 2022 Police Scotland instigated Operation Juniper to carry out a multi-agency response in an effort to target Serious and Organised Crime within Licensed Premises in J division. Joint visits were undertaken on a number of premises, whereby comprehensive checks of the premises and associated paperwork were carried out, to ensure compliance and also to provide an opportunity to identify and disrupt any criminal activity. These visits were supported by key partners including Scottish Fire and Rescue, Environmental Health, Trading Standards and the local Food Standards Agency. Although no criminality was identified at this time, this serves to pass a strong message that partnership agencies are working together to disrupt and deter SAOC.

## **PROPOSED ACTIVITY FOR THE YEAR AHEAD**

### **Proxy Campaign – It'll Cost You**

A 'National Proxy Purchase Campaign' was launched in May 2022 and ran until August 2022. Police and partners engaged with premises to raise awareness of the issue of adults buying alcohol for children and young people. This was aimed at providing education, support and advice to premises, as well as using local and social media to highlight the impacts of it to communities, in an effort to reduce proxy purchases in the division as a whole.

Local Licensing Officers & Community Officers visited on and off sale premises, to hand out campaign materials, mark pavements with campaign slogan, raise the public's knowledge and awareness, as well as taking the opportunity to speak with staff providing guidance and advice, in an effort to reduce the number of proxy sales in Scottish Borders. This campaign is scheduled to take place again in June - September 2023.



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**Scottish Borders Community Action Team (MCAT)**

Scottish Borders Council fund 12 Police Constables and 2 Sergeants who work in two teams. They work towards six point Key Performance Indicators which they focus on and feedback directly to the Local Area Commander & Scottish Borders Council. Two of these indicators are linked with Licensing. They are -

1. Youth Engagement: actively engage with youths and foster a positive image of the police and their local communities. Act as primary first responders to youth calls, disrupt antisocial behaviour and enforce appropriate legislation firmly but fairly. Maximise alcohol seizures. Engage with partners and CBO colleagues to identify appropriate support and diversionary activities.
  
4. Licensed Premises: monitor licensed premises activity and act as first responders to antisocial behaviour related incidents whenever possible.

**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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**Bystander Training**

Bystander training is an opportunity to engage with licensees, to deliver a national training package to licence premise staff, with a view to education, to protect vulnerable persons within licensed premises and help tackle sexual violence connected to alcohol consumption.

To conclude we would like to thank you for your continued support during what has been a challenging year for all. We have all had to adapt to a new way of working and ever changing circumstances which has been embraced by all.

We look forward to a safe and healthy 2023/2024.