

9. ADDITIONAL REPORTS

(iv) Chief Constable's Report 1 April 2017 – 31 March 2018



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SCOTLAND**
Keeping people safe

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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

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POLICE SCOTLAND LICENSING OVERVIEW

The National Licensing Policy Unit (NLPU) sits within the Specialist Crime Division – Safer Communities based at Dalmarnock Police Office, 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 behaviour
- Serious organised crime
- Counter terrorism and domestic extremism
- Protecting people at risk of harm
- Road safety and road crime
- Acquisitive crime

LICENSING BOARD AREA

The Central Licensing Board area is policed by North East Division.

Chief Superintendent Campbell Thomson is the Local Police Commander who has the responsibility for all day-to-day policing functions.

LOCAL POLICING PRIORITIES

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

- Antisocial Behaviour, Violence and Disorder
- Acquisitive Crime
- Protecting People at Risk of Harm

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- Road Safety and Road Crime
- Serious Organised Crime
- Counter Terrorism and Domestic Extremism

SENIOR OFFICERS

The senior officer who holds responsibility for licensing within the area of North East Division is Temporary Superintendent Richard Craig;

OPERATION OF THE LICENSING (SCOTLAND) ACT 2005

The North East Division Licensing Team is led by Inspector Kenny McGeough who is based at Queen Street Police Office, Aberdeen. He is supported by Sergeants Gill Flett and Kim Wood, based at Queen Street and Stonehaven Police offices respectively. Additional enquiry officers and administrative staff are located across the Division in Elgin, Inverurie, Aberdeen and Stonehaven. All staff hold a Division wide remit and a working knowledge of all the areas covered.

The North East Divisional Licensing Team and local Police Officers enjoy a positive working relationship with Aberdeenshire Licensing Standards Officers (LSO's). There is frequent communication and regular meetings between Police and LSO's who cover the Central Aberdeenshire area, and over the reporting period numerous joint visits and inspections of licensed premises in the Board area have been carried out. During these inspections, all aspects of the running of the premises were examined, and any compliance issues were identified at an early stage and rectified through regular dialogue between premises managers and LSO's with follow up visits taking place.

The reporting period has seen a concentration on inspections at licensed premises on Licensing Team led Local Days of Action (LDA's). These were supported by LSO's, Partner Agencies and local Police Officers.

This approach has seen a more pro-active and operational role of the Divisional Licensing Team working closer with Community Policing Teams and has reinforced the direct partnership working required for the meaningful policing of licensed premises.

The Central Aberdeenshire Licensing Board area saw over 1800 inspections at licensed premises in the reporting period, which is an increase of over 600 from the previous year. These inspections are a vital part of ensuring licensed premises are being managed in accordance with the five licensing objectives, and can be considered a preventative measure.

PARTNERSHIPS

North East Division Licensing Team have a very successful and meaningful working relationship with key partners, with a focus on common goals and work towards the development and maintenance of the 5 licensing objectives.

The Divisional Licensing Team is an active member of the Local Licensing Forum and has direct input to the established Alcohol Drug Partnerships and other related multi-agency focus groups. Other areas that Police Scotland enjoys a strong working relationship with are as follows:

- Licensed Trade Association
- Community Safety Partnership
- Local Pubwatch initiatives

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- Security Industry Authority
- Local Security Industry companies
- Voluntary organisations/Event organisers - in respect of sale/supply of alcohol at events
- Best Bar None
- Street Pastors

PROBLEM SOLVING

Incident management is a critical aspect of our ongoing monitoring of licensed premises.

Police Officers submit an Incident at Licensed Premises Report via a software system (Innkeeper) on every occasion they are called to attend an incident at licensed premises with particular focus upon violence, disorder, anti-social behaviour, drunkenness, drug dealing or misuse, underage drinking, breaches of licensing legislation or any other matter that might impact on the safety of the public.

The information obtained may show a causal link, such as excessive alcohol consumption and violence, between the operation of the premises and the incident. Where necessary, a four stage process may be engaged in order to address any issues or concerns regarding the premises. This can range from low level 'interaction' which may involve a discussion between the Police and premises management or licence holder, or the premises may become 'monitored' with closer attention being paid to day-to-day operations and incidents occurring. Where necessary the premises licence holder and management may be asked to attend an 'intervention' meeting with the Police, where concerns can be discussed and may involve an agreed action plan with set time scales being put in place for the premises to remedy any matter.

The most serious status premises can attain is that of being considered 'problematic' where it is unlikely that interaction or intervention will resolve the issue and it is likely that the Police would submit a premises licence review application to the Licensing Board.

For problematic, intervention or monitored premises a tasked visiting regime is put in place where Police Officers are tasked to visit the premises and observe their operation with a view to noting improvements, or otherwise. These tasked visits are assessed by North East Division Command Officers on a weekly basis.

Over the reporting period there have been 2 premises subject to this problem solving approach following reports of incidents at the premises. After a period of working with the respective premises management and staff, identifying areas where improvements in the running of the premises could be made, I am pleased to say that all were concluded successfully and there was no requirement to bring the licence to a review at the Central Licensing Board.

The use of this approach continues to be very successful in resolving issues which may have previously been brought before the Board to be remedied.

Section 1 - Unlicensed sale or supply of alcohol

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There have been no reports in the Central Aberdeenshire Board area during the reporting period of unlicensed sale or supply of alcohol.

Section 36 - Application for Review of Licence

During the reporting period there were no such applications in the Board area.

Section 63 - Sale or Supply out-with Licensed Hours

There was 1 report of the above offence during the reporting period as a result of information being provided to Police by Aberdeenshire Licensing Standards Officers (LSO's). Enquiry was carried out by the Licensing Unit during which it was found that alcohol had been sold during a private party prior to the commencement of the premises licensed hours.

Section 72 - Personal Licence Applications

In line with the section above regarding premises applications, close scrutiny is made by the Divisional Licensing Team paying particular attention to relevant convictions and the five licensing objectives. Over the reporting period, there was 1 objection to a personal licence application for the Central Aberdeenshire Board area.

Section 84 - Personal Licence Reviews

The Divisional Licensing Team has a system in place which monitors the conduct of personal licence holders. Should such a person be charged with any offence, this is brought to the attention of the team by the Officers dealing with that individual. The offence is looked at and should it be inconsistent with any of the five licensing objectives, consideration will be given to bringing this to the attention of the Board in respect of a personal licence review. In addition, should an individual be convicted of a relevant offence, this will undergo the same scrutiny. During the reporting period there were no personal licences taken to review, for which the Licensing Board made the decision to endorse the licence.

Section 94 - Exclusion Orders

When an individual is charged with a violent offence on licensed premises, the reporting Officers request an exclusion order within the Police report, requesting that the accused person be excluded on conviction from licensed premises in the area where the offence was committed, for a period of time the court sees fit.

Section 97 - Closure Orders

There have been no closure orders implemented during the reporting period.

Sections 111 - 116 - Drunkenness/Disorder Offences

As mentioned above, where offences such as these are detected on licensed premises following a review of incidents, the Divisional Licensing Team in conjunction with the

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Local Commander for the area, will decide if the premises are to be monitored. If that decision is taken, the premises will undergo an increased inspection regime.

Working alongside partners and the Community Policing Teams, a more pro-active operational approach has been adopted, which encourages interaction and a higher profile policing of licensed premises.

When such offences occur, these will be brought to the attention of premises management, to allow them to review their internal processes. Local Officers and the Divisional Licensing Team will offer advice and assistance and where appropriate if further intervention is required, consideration will be given to a more focussed interaction with the premises.

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

This section of the report concentrates specifically on children and young people, and the licensing objective of Protecting Children and Young people from Harm.

Given the available evidence, it would be fair to say that the Central Aberdeenshire area does not suffer greatly from issues surrounding the sale or supply of alcohol to children or young persons. However, that does not mean that Police Scotland is complacent to the dangers of such behaviour.

One way in which North East Division delivers on our commitment to the community is through our School Liaison Officers and School Based Officers. These Officers attend schools and other educational establishments seeking to equip our young people with the appropriate information and understanding that will allow them to make better informed decisions in key areas of their lives, both now and in the future. To this end they deliver lessons, linked to the Curriculum for Excellence, on a range of subjects including alcohol, controlled drugs and anti-social behaviour, particularly alcohol fuelled anti-social behaviour and the potential for related safety issues and consequences.

In respect of licensed events which occur out-with licensed premises, officers from the Divisional Licensing Team are consulted to ensure that appropriate conditions are sought on all such licences. In respect of larger events, the Divisional Licensing Team will also be asked to consider the suitability of the event alcohol management plan. Access to such events by children and young persons is closely scrutinised and appropriate conditions sought to regulate the limits and scope of such access.

In the Central Aberdeenshire Licensing Board area, there were no recorded offences contrary to the Licensing (Scotland) Act 2005, involving children and young persons. Where offences do occur, they are always brought to the attention of the relevant licensed premises to ensure that their processes are as robust as they should be. Where shortcomings are identified within the premises, consideration will be given to engaging with the premises in line with the four stage process outlined previously.

The Divisional Licensing Team intend to build on the success of adopting a more operational approach and alongside Community Policing Team and Licensing Standards Officers will continue to carry out directed Licensing related operations.

TACKLING SERIOUS ORGANISED CRIME

Many of the processes and procedures involved in licensing applications are carried out to guard against Serious Organised Crime Groups (SOCG) infiltrating the licensed trade in any way. This scrutiny is further enhanced with the nation-wide Innkeeper

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system. This database contains details of all liquor and civic licences for every Division in Scotland, and enhances our information sharing in respect of premises and people in the licensed trade as they move about the country and work in multiple venues.

If such an SOCG were able to gain a foothold in licensed premises 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.

Many of the procedures currently carried out by the North East Divisional Licensing team, particularly in relation to new premises licences, the transfer of premises licences and the appointment of premises managers are done to ensure complete financial transparency and to ensure there are no business related irregularities which may be indicative of SOCG involvement.

As part of this, the North East Divisional Licensing Team regularly liaise with Police Interventions staff aware of SOCG activity within the Division to ensure that applicants are not affiliated in any way to such groups before responding to the Licensing Board. As far as the licensed trade is concerned within the Central Aberdeenshire Board area, there is no intelligence available to suggest that SOCG have infiltrated liquor licensed premises.

The consistent high profile approach and interaction with licensed premises in direct correlation with the aforementioned close scrutiny in the application process should reinforce the work carried out to maintain this position.

PROPOSED ACTIVITY FOR THE YEAR AHEAD

Over the forthcoming year, the Divisional Licensing Team, in conjunction with local Police, will work alongside all licensed premises, to ensure that these premises are adhering to the spirit of the legislation, in that they all work to and fully understand the five licensing objectives.

The introduction of the Air Weapons and Licensing (Scotland) Act 2015, which came into force in May 2017, has enabled us to concentrate on the liquor licensing aspect of this Act. Amongst other changes, the 'fit and proper' test introduced in respect of applicants has allowed Police Scotland to be even more robust in its scrutiny of applications, and, by using this, we will continue to raise objections, representations and other concerns when appropriate to keep unsuitable applicants or operating practices out of licensed premises in the Board area.

We eagerly await the arrival of the new Licensing Policy for Central Aberdeenshire, scheduled to be published in November 2018. Police Scotland was keen to be involved in the consultation process and worked closely with the Board on various aspects of this and to work towards the reduction of alcohol related violence.

The team also look to continue to work closely with the new Licensing Board and to develop and build on our partnership further by ensuring an open line of communication is maintained to allow us to build on the work already carried out in relation to applications, policing of licensed premises and maintaining a meaningful relationship with the trade. This aspect of proposed activity has a clear focus on education and partnership working towards safer communities.

Our future work should build upon the success of other areas within the division through information sharing and best practise working allowing us to consider initiatives being used across all areas. We will look to continue our positive joint

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working with the licensed trade to reduce the factors and incidents of alcohol related violence.

An increased focus upon the use of analytical evidence to support direct, yet proportionate reasons for requesting that short and long term public safety orientated conditions are considered for one off events and established licensed premises.

The North East Divisional Licensing Team intend to continue the success of the aforementioned Local Days of Action around licensed premises, with a view to reducing the numbers of incidents at such premises, working alongside our partners in Aberdeenshire Council and the National Health Service.

We aim to improve standards and compliance across the licensed trade and tackle business practices that result in excess alcohol consumption and vulnerability, whilst supporting legitimate local traders who make a positive contribution to local economies and communities.

By doing so and by working collaboratively with our partners, we will support the licensed trade in upholding the five licensing objectives to ensure the safety and wellbeing of the people across the North East Division.

Our work fits in well with the current Aberdeenshire Local Outcome Improvement Plan (LOIP) which has ongoing tasking to reduce the negative impact of alcohol on society, children, young people and families with an overarching focus upon 'Changing Aberdeenshire's relationship with alcohol. The North East Divisional Licensing Team is a key and vocal partner in this initiative.

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, licence holders and licensed premises staff have a better understanding of their responsibilities. This strengthens locally-led alcohol licensing practices, in order to preserve order and promote public safety and health.