



POLICE SCOTLAND

Keeping people safe

CHIEF CONSTABLE'S REPORT TO THE
ANGUS LICENSING BOARD
FOR THE PERIOD
1ST April 2013 to 31ST March 2014

LVRD/ 8th Dec / v 1.4

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Foreword

It gives me great pleasure to present my Annual Report for 2013/14, in accordance with section 12 A Licensing (Scotland) Act 2005.

Since April 2013 Police Scotland has faced and overcome many challenges set against a backdrop of competing demands, budget constraints and organisational change. However, throughout this period we have remained focussed on delivering a local service that addresses local issues and needs, balanced against national priorities.

To date our success speaks for itself with crimes of violence now at its lowest recorded level in 38 years, in addition to a reduction in disorder and antisocial related offences. This is welcome news and means that there are now fewer victims of crime living and working in Scotland. However, there is no room for complacency and what is evident is that the link between alcohol misuse with incidents of crime and offending; victimisation and health related harm continues to negatively impact on individuals, families and communities on a daily basis.

Police Scotland can, however, continue to make a difference and working collaboratively with the licensed trade, partners and local communities we will continue to strive towards improved standards and compliance across the licensed trade; address business practices that result in excess alcohol consumption and vulnerability; address the sale and supply of alcohol to children and young people and identify and tackle localities most affected by the misuse of alcohol and related incidents of crime and offending. In addition, Police Scotland will continue to support both our partners, in terms of health promotion and improvement, and legitimate local traders who make a positive contribution to local economies and communities.

Throughout 2013/14 Police Scotland has been working steadily towards harmonising our approach towards licensing, balanced against the need to deliver a local service that reflects and addresses local issues and concerns. Our focus has centred on enforcement activity, complemented and supplemented by a number of supportive prevention and interventions measures, designed to improve licensing standards, reduce violence and positively influence behaviour and cultural attitudes across Scotland.

This report outlines what activity has been undertaken over the last twelve months for Angus and what steps we will take in 2014/5 to ensure we continue to improve on our performance and positively improve the lives of the people of Scotland - keeping people safe.

Sir Stephen House QPM
Chief Constable
Police Scotland

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Police Scotland Licensing Overview

Structure

Following the inception of Police Scotland in 2013; a two tier structure for Licensing was adopted, to support both national and local priorities and service delivery.

A national licensing policy unit (NLPU) which sits within Licensing and Violence Reduction Division has overall responsibility for determining and delivering national licensing strategy and policy. The NLPU also provides advice and support to Divisional Licensing teams as well as other specialist functions.

Dedicated Licensing teams are located in each of the 14 local Divisions and are 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 within their local area.

National perspective

Licensing and Violence Reduction Division.

Licensing and Violence Reduction Division (LVRD) is a specialist division which, as stated, exists to support each of the 14 divisions across Police Scotland. Working with divisional licensing teams we shape the policy and strategy around the police licensing function.

The licensing policy unit provide practical and tactical advice and support to operational officers, supervisors, commanders and police licensing practitioners on actions that can contribute to the safe and legitimate operation of premises licensed to sell alcohol.

We seek to ensure that legislation governing the sale and supply of alcohol is applied consistently across each division and that all opportunities are taken to address the illegal or irresponsible sale, supply or consumption of alcohol. This is with the intention of preventing violent crime and disorder. The application of alcohol legislation continues to evolve through case law and statutory instruments. As such policing tactics require to be continually developing to keep pace with these changes.

All of this activity is done in support of the National Police Scotland priorities;

National Priorities:

Reduce violence, disorder and antisocial behaviour

Protect the public

Increase road safety and reduce road crime

Tackle serious and organised crime and terrorism

Effectively police major events and threats

Maintain high levels of public confidence in policing

Deliver our equality and diversity outcomes

The licensing policy unit currently has a focus on the following priorities;

Effectively police major events and treats.

Events and festivals around the country where alcohol is supplied are placing increasing demands on policing. As we strive to protect the public it is recognised that the management of alcohol consumption is a crucial part of event management.

Experiences from events have informed the view that there should be a move towards agreed alcohol management plans which set out how alcohol sale and supply and alcohol risk are to be controlled.

It is intended that these plans should be made available to the licensing board and will form the basis of any enquiry the board make following an application. This will allow the board to set expectations around public safety and reduce the impact some events might have on the wider community.

Reduce violence, disorder and antisocial behaviour

LVRD will scrutinise the most serious incidents of violence and disorder linked to licensed premises to inform the tactics the police might develop and use to solve the underlying problems causing these incidents. Engagement with the affected licensed premises whilst attempts are made to identify the solutions to identified problems. This activity is reported to the Chief Constable on a weekly basis.

The NLPUs are currently developing partnerships which will assist in a better understanding of the challenges faced by the licensed trade. Where possible there will be engagement with premises and companies which rarely come to the attention of the police. This is with the intention of identifying good practice and the hope that this can be shared across the trade. This approach will enable Police Scotland to further work together with local communities and key partners preventing alcohol related crime and offences

Tackle serious organised crime and terrorism

LVRD identifies opportunities to impact on serious and organised crime groups who may seek to exploit the licensed trade, either by making attempts to become involved in the running of, or ownership of 'legitimate' enterprises, or by seeking to influence or intimidate legitimate operators in furtherance of their criminal enterprises.

The licensing policy unit has identified that there are considerable opportunities to impact on organised crime groups in our communities. There has been a concerted effort made to research and engage key stakeholders involved with the regulation of businesses such as HMRC and the Insolvency Service in order to map out how information gleaned by each agency can be fused together towards a focussed joined up disruption against SOCG licensed businesses.

Working in collaboration with the Police Scotland, Organised Crime and Counter Terrorism Interventions Unit, ways to deter serious and organised crime groups from gaining access to legitimate licensed premises have been identified as have methods of disrupting them within or depriving them of already established businesses.

To this end the Licensing Policy Unit has developed staff in terms of Intelligence and Financial Investigation disciplines in order to develop intelligence about organised crime groups involved in licensing and also to initiate money laundering enquiries where unlawful conduct and recoverable assets are identified through the licensing process. There is close liaison with the Civil Recovery Unit at the Crown Office where licensed premises have in the process of enquiries been identified as a vehicle for unlawful conduct and fraud.

Strategic Focus 2014- 2015

With the intention of harmonising licensing practice across the country, Police Scotland has introduced training and seminars which will ensure there is continuous professional development for staff in licensing departments.

Inn Keeper software has been purchased by Police Scotland and will be available for use across Scotland from late spring in 2015.

The licensing policy unit will continue to support the operational activity of licensing teams across Scotland as we look to develop a consistent standard in relation to reporting to licensing boards and the application of the Licensing (Scotland) Act 2005.

ANGUS LICENSING BOARD AREA

The Licensing Board area is policed by D Division.

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

Angus Area Command

Chief Inspector Gordon Milne has responsibility as Area Commanders for Angus Local Policing area.

His deputy is Inspector Ally Robertson.

Angus is an area of outstanding natural beauty, which captures the very essence of Scotland. Situated on Scotland's glorious east coast, the county is home to Arbroath Abbey - the birthplace of the historic Declaration of Scottish Independence in 1320. Breath-taking mountains, magnificent glens and a rugged coastline provide the stunning backdrop to the seaside towns and market burghs of Angus today.

A historic but forward looking county, the Angus economy has grown from its agricultural and seafaring origins and now supports a diverse portfolio of business including the oil industry, engineering, textiles, pharmaceuticals and advanced digital media.

Angus has much to offer residents, visitors and business in an area of just 2,200 square kilometres. With a population of 108,400 (2001 census) Angus has seven main towns - Arbroath, Forfar, Montrose, Carnoustie, Kirriemuir, Brechin and Monifieth.

Most of the population lives within these towns and the coastal and Strathmore areas, with the remote glens to the north of the county having a very sparse population.

As of 31 March 2014 there were 795 recorded licensed premises within Dundee.

Local Policing Priorities

Following our public consultation process, the policing priorities for Angus Local Policing Area of D Division, as set out in our Local Policing Plan are as follows;

Public Protection and Safety

Serious and Organised Crime
Anti-social Behaviour
Acquisitive Crime
Terrorism
Wildlife Crime

OPERATION OF THE LICENSING (SCOTLAND) ACT 2005

Introduction

Alcohol pervades across a wide range of issues in our society and is often a causal factor in violence, domestic abuse and anti-social behaviour; incidents that the Police Service of Scotland deals with every day in each area of the country.

Our focus is to 'keep people safe' and we seek to reduce the impact that alcohol has on our communities; encouraging the responsible sale and supply of alcohol in well run licensed premises and taking positive action to stop the irresponsible supply of alcohol to children and young persons or indeed, preventing the over supply to already intoxicated individuals in licensed premises.

Consultation and Review processes

Breakdowns of licensing applications, interventions and review applications received by Tayside Division are contained within Appendix A of this report.

A great deal of work is undertaken to prevent crimes and offences occurring in and around licensed premises and we actively work with the licensed trade to problem solve issues before there is any need for an application to be made for a review of a premises licence. This includes partnership work with Licensing Standards Officers (LSO's) and engagement with Pubwatch, Best Bar None and local schemes.

The Intervention process

We utilise an intervention process as part of our operational policing toolkit. An intervention is a formal agreement entered into between the Licensing Department and premises licence holder, designed to assist premises management to reduce alcohol fuelled violence and other incidents of note which are directly linked to their premises.

The process involves meeting with those responsible for the premises and agreeing an action plan with crime prevention/reduction recommendations provided by the Licensing Department in close consultation with the licence holder. This is recorded on the intervention form, a copy of which is given to the licence holder, with the original copy kept for future reference. Every intervention agreement follows

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SMART objective settings; Specific, Measurable, Achievable, Realistic, Timed. At the conclusion of a mutually agreed period, if there are no further issues identified then the intervention agreement will have been deemed to be complied with and there will be no further requirement for police action. If further incidents of note occur within the premises, or if the licence holder has failed to implement the terms of the intervention, they can expect that the next incident may lead to an application for a review of a premises licence. The intervention document may be presented as evidence as part of an application for a premises licence review.

The intervention system is ultimately designed to support the licence holder before any premises review is sought, although a serious or significant incident may merit an immediate review application without any recourse to the use of an intervention.

Particular views about matters relating to policing in connection with the operation of the Act in the Board's area during the reporting year:

Partnership working is very much to the fore in the Tayside area and the success of our diversionary projects are testament to that. Officers have been heavily involved in activities such as evening football, and "blue light discos" with the aim of engaging with young people and keeping them off the streets and out of harm and danger and potential crime related activity.

Street Sports

This initiative is organised by officers from Angus LPA in association with local youth workers, where local schools are utilised to provide drop in centres where games and activities are organised for the youngsters.

This service takes place in Arbroath, Montrose, Birkhill, Monifieth, Carnoustie and Forfar. Evening football is also arranged in more rural areas.

This scheme has played a significant role in reducing youth offending, and antisocial behaviour and dramatically reducing alcohol abuse.

Best Bar None

Tayside Division fully supports the Best Bar None initiative which focuses on safety and customer care and provides each licensed venue the opportunity to prove it meets a certain standard of operation.

The overall aim of the initiative is for partner agencies to work together with licensed premises to create safer and more welcoming environments.

Operation Dry Up

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This is an ongoing operation designed to tackle the misuse of alcohol by young persons. Officers undertake patrols in identified hotspots and challenge young people who engage in under age drinking and drinking openly in public places. Any alcohol, found is confiscated and subsequent enquiry made to trace its origin.

Licensing Standards Officers

Close partnership working with local authority Licensing Standards Officers is an essential element in tackling issues in licensed premises. Regular meetings take place between the Licensing Departments and the Licensing Standards Officers, this ensures a consistency of approach in our dealings with identified problematic and monitored premises. A number of joint operations and visits have been carried out in an effort to drive up standards in licensed premises and circumvent future problems. It also allows the sharing of information relevant to emerging issues.

Joint working initiatives / partner working

There are joint working initiatives with partners in a number of areas. These include Licensing Standards Officers, local Alcohol and Drugs Partnerships, Street Pastors, Community Wardens and Social Workers. The work carried out puts resources into areas that require the most support and help.

By engaging with local communities and responding to their needs, we help to protect them and help them to make a difference. In addition by working closely with our partners in the local community we are in the best position to identify any emerging trends in locality.

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

Introduction

Understanding why children and young persons drink alcohol can be complex and the risks to their health whilst still developing can be significant. Alcohol misuse amongst children and young persons can also result in behavioural issues and offending; such as violence, and antisocial behaviour, as well as increasing vulnerability and susceptibility to exploitation.

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, by problematic premises or by proxy (agent purchase), and working with our partners take the appropriate action to address both the potential and actual misuse of alcohol within the early years.

Identifying young people that drink, or those on the periphery of offending through alcohol, or otherwise, will allow intervention and diversionary activities

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to be progressed and consistently applied, such as parent alerts schemes, formal warnings or diversionary sporting activities. These complement ongoing enforcement activity within our communities.

The Scottish Government, 'Preventing Offending by Young People – A Framework for Action', introduced the Early and Effective Intervention (EEI) concept for children and young people under 16 years of age. It follows considerable research suggesting that the earlier an intervention is delivered to a young person who offends, at the lowest level, the more likely they are to engage and not re-offend.

Consideration is also given to the impact of offending upon victims and communities.

The Whole System Approach further extends the EEI process to 16 and 17 year olds and aims to ensure that only those under 18 years of age, who need formal measures such as supervision by the Children's Hearings System, prosecution, secure care or custody, will receive them. Again, research indicates that young people are less likely to re-offend following community sentences, compared to those who are incarcerated.

Where alcohol has been an issue relative to offending behaviour Alcohol Brief Interventions (ABIs) have the potential to establish alcohol consumption levels and more effectively challenge behaviour and encourage better choices. Police Scotland will support partners and the delivery of ABI's.

Questioning children and young persons as to consumption levels, drinking habits and trends, choice of alcohol and place of purchase will enhance intelligence and information capture. This will also assist identify the supply of alcohol and enable us to focus resources accordingly.

The introduction of Challenge 25 from 1st October 2011 has not seen any reduction in the consumption of alcohol by children and young persons, however there is a move towards 'agent purchase' of alcohol and much less instances of children or young persons purchasing alcohol themselves.

The provision of Test Purchasing in terms of Section 105 of the Act is a tactic which is used where there is an underlying body of evidence to suggest that alcohol is being supplied or purchased from a particular off sales premises. Case Law has shaped the use of such a tactic and it is something which is carried out only where there is an evidential base in support of the needs for a test.

The use of bottle marking tactics has encountered adverse comment and the threat of legal action from some sectors of the licensed trade; however this is a tactic which we will continue to use as an intelligence gathering opportunity, identifying the source of discarded alcohol litter in public places. The use of tamper proof labels on bottles is a voluntary scheme which enables more

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information to be gathered regarding the source of alcohol being drunk in drinking dens, public parks and other open spaces.

This tactic does not stop the abuse of alcohol by children and young persons, but provides community intelligence in support of further police and partner agency activities to prevent sales and the supply of alcohol to young persons.

TACKLING SERIOUS AND ORGANISE CRIME

Introduction

Police Scotland will ensure active scrutiny of all licensing applications to identify any links to Serious and Organised Crime.

Serious and organised crime gangs will attempt to launder their illegally obtained funds through apparently legitimate businesses. We will work with the Local Authority to support close scrutiny of licensing applications to prevent these criminals from establishing such businesses in Angus.

PROPOSED ACTIVITY FOR THE YEAR AHEAD

Looking ahead (2014 - 2015) - Particular views about matters relating to policing in connection with the operation of the Act in the Board's area for the coming year and any areas identified for development.

Communities across the length and breadth of Scotland have given us their views during our public consultation processes and all have a common theme at the top of their list; that our communities have had enough alcohol fuelled anti social behaviour which blights our villages, towns and cities.

Utilising analytical products, we are able to identify locations where there is the greatest need for police attendance and we use this information to tactically deploy resources where they can be of greatest benefit, reducing the numbers of victims of crime and making our communities safer places to work, socialise and reside.

The establishment of a National Licensing Policy Unit allows the co-ordination of licensing activity and the sharing of best practise across the country. This small team will support the local delivery of policing services by ensuring a consistent approach is taken in tackling alcohol fuelled violence, disorder and anti-social behaviour.

The identification of problematic licensed premises is an integral part of our core policing tactics in reducing anti-social behaviour and reducing the levels of intoxication in our communities. We will endeavour to seek solutions to issues by engaging with the licensed trade, utilising a problem solving approach to day to day issues. By working with the licensed trade, we seek to

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drive up licensing standards in premises and utilise a robust Inspection policy to identify any potential shortcomings.

The application for a review of a premises or personal licence is not a decision that is taken lightly and such applications will often be submitted at the conclusion of an ongoing dialogue attempting to rectify an issue. Our submissions to licensing boards will detail the steps taken and will contain disclosable evidence, closely linked to the licensing objectives to justify the application.

Appendix A

Tayside Division (Angus LPA)
Summary of Policing in connection with the operation of the
Licensing (Scotland) Act 2005

Applications for a Premises Licence Review		Total
Premises Licences (Sec 36)	On sale	3
	Off sale	0
Personal Licences (Sec 84A)	On sale	3
	Off sale	
Interventions		Total
Premises Interventions	On sale	3
	Off sale	0
No. of interventions which led to a review application		0
No. of interventions where no further action was required		2