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POLICE
SCOTLAND
Keeping people safe

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

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 Angus local authority area is policed by D (Tayside) Division.

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

Angus Area Command

Chief Inspector David McIntosh has responsibility as Area Commander for the Angus Local Policing Area. He is based at Forfar Police Office.

Local Policing Priorities

Following our public consultation process, the policing objectives for Angus

Sub Division, as set out in our Local Policing Plan are as follows;

- Putting victims at the heart of what we do
- Protecting vulnerable people
- Tackling crime and anti-social behaviour
- Maintaining public safety

These are underpinned by our values of Integrity, Fairness and Respect.

Senior Officers

The senior officers who hold responsibility for licensing within the area of Angus are as follows;

Licensing Department;

Inspector Gordon Fotheringham
Sergeant Gordon Peebles

Head of Department
Licensing Sergeant

Operation of the Licensing (Scotland) Act 2005

Introduction

Legislation in relation to the sale and supply of alcohol continues to evolve through case law and statutory instruments and as a consequence, it is essential that policing tactics continue to evolve to ensure such developments can be effectively tackled.

The misuse of alcohol is regularly cited as a contributory factor in relation to crimes of Violence, Disorder and Antisocial Behaviour.

The Alcohol Licensing Toolkit utilised by Police Scotland provides practical and tactical advice to operational officers, supervisors, commanders and police licensing practitioners on actions they can take individually or collectively that will contribute to the safe and legitimate operation of licensed premises.

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The Divisional Licensing Team provides guidance and support to local Policing in relation to prevention and problem solving at licensed premises and are supported in this regard by the framework set out in the Liquor Licensing National Operating Model which contains a problem solving 'Range of Options'.

All attendance within or crimes or incidents linked to licensed premises should be recorded by officers on the Police 'Innkeeper' system, which thereby allows a means of reviewing such matters, adopting a proactive approach and directing specific tasked activity to resolve matters of concern with a view to supporting the licensed premises concerned.

Partnerships

The locality policing model in operation within Tayside is designed to ensure local police work with local people, communities and other public and third sector services and agencies, to ensure the most vulnerable are protected whilst contributing towards building stronger communities. This includes actively engaging with the licensed trade and those applying to conduct licensable activities, with a view to improving the regulation of license holders and activity in and around licensed premises and events.

In Angus we work closely with our partners in the Local Authority, the Angus Licensing Forum and local Pubwatch schemes with a view to raising standards in the licensed trade, through proportionate and effective enforcement of licensing legislation and working practices.

By listening to the concerns of our communities, we utilise evidence based policing to deploy resources to identified locations to deter and prevent issues surrounding alcohol related violence and disorder.

There are 3 Locality Inspectors responsible for the multi member wards throughout Angus. These Inspectors enhance local partnership working whilst developing public engagement ensuring that a problem solving approach is adopted towards local community issues and that local community concerns and priorities are addressed in a co-ordinated manner.

A legislative framework through the Police and Fire Reform Act 2012 and Community Empowerment Act, 2015 place a statutory obligation on the Police and other public sector bodies to work together.

As such we work with partner agencies including Social Work, the Departments of Health and Education, the Drug and Alcohol Team, Tayside Council on Alcohol and Child Protection Committees to raise awareness, seek solutions, ensure continuous improvement and support joint problem solving in relation to alcohol and drug misuse in our communities.

By working closely with our communities and supporting the aims and activities of our partners such as local authority Licensing Standards Officer, Immigration Enforcement, HMRC, Security Industry Authority (SIA) and Trading Standards, we gather intelligence in support of local and national initiatives to disrupt criminal activity and where appropriate, share information to ensure effective early

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intervention and importantly be visible in our communities to reduce threat, risk and harm to individuals and communities.

This collaborative approach improves the performance of those responsible for the operation of liquor licensed premises within the terms of legislation.

Problem solving

As an organisation we have a number of analytical tools and products at our disposal such as Beat Tracker, Ward Tracker, the Licensing Administration Tool and UNIFI crime recording system, which are used to identify hotspot areas, repeat callers, trends in relation to crime, violence, anti-social behaviour which can be linked to the locations of licensed on and off sales premises.

We also exercise a 'Range of Options' to assist our problem solving approach when considering issues identified at licensed premises. These options form a staged but flexible response to identified issues, from simply engaging with and advising the staff at licensed premises at the lower end of the scale, to grading premises as being 'Problematic' and requesting a review of a premise licence by the Licensing Board in relation to the more serious matters. Any recommendations made may influence the decision making process of the board and or any conditions they may impose on licence holders.

The intervening options involve increased interaction with licenced premises, managers and staff, grading premises as 'Monitored' which necessitates a regime of tasked inspections and increased scrutiny for an identified period of time, to 'Intervention' which requires formal dialogue to occur and 'Licensing Intervention Plans' to be agreed and utilised whilst gaining the support of the licenced premise staff and management in question.

The action taken at all stages is documented on our national 'Innkeeper' system.

It is clear from the data collated from our aforementioned systems that excessive alcohol consumption is an aggravating factor in the majority of incidents of assault and serious assault linked to licensed premises.

Summary

Over the last year the unlicensed sale/supply of alcohol has again not featured as an issue within Tayside Division.

There has been a single application submitted requesting the review of any premise licences in Angus which was presented to the Licensing Board on 24th April, 2017 in relation to underage issues. There were no grounds for review established and the licensed premise concerned subsequently underwent a change of ownership and transfer of premise licence which has had a positive and welcome effect in relation to the previous concerns.

There have been no applications requesting the review of any Personal Licences in Angus during the last year.

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All liquor licence applications are given thorough consideration, giving due regard to all available information and in relation to personal applications, the date and nature of all relevant previous convictions along with any available intelligence.

All offences committed or alleged to have been committed by holders of personal licences issued within Tayside are automatically flagged for the attention of the Divisional Licensing Team. Giving due regard to the alleged conduct of the licence holder, only the most significant, serious and relevant matters are brought to the attention of the licensing board prior to conviction. Each case is monitored until either not proven or conviction is achieved and the relevant disclosure/representation is then made to the licensing board.

Each instance of violence that occurs within or is linked to licensed premises which results in a report being submitted to the procurator fiscal is reviewed by the Divisional Licensing Team. Officers are encouraged to seek appropriate bail conditions in relation to the offender along with a request for an Exclusion Order (post conviction) to be added when the report is submitted.

These measures are routinely requested by the local policing teams however, the national 'Innkeeper' system allows for individual officers to be tasked by the Divisional Licensing Team, to consider and apply such measures.

There have been no Closure Orders in regard to licensed premises within Tayside Division in the last year.

Alcohol related violence and disorder incidents are dealt with robustly by officers at the time of attendance and early intervention by licensed premise staff is always advocated. This message is reinforced by the Divisional Licensing Team when interacting with licensed premise staff regarding such matters.

Weekend policing plans are produced each week and resources deployed accordingly as a preventative measure to locations, premises and events where disorder is a likely outcome due to increased footfall of patrons combined with the consumption of alcohol. Positive engagement is encouraged with all staff employed in the running of licensed premises at all times with the risks and consequences of excessive alcohol consumption by individuals continually being highlighted to mitigate any risks to drunk persons after they leave establishments.

The Divisional Licensing Team has also developed its proactive approach towards the regulation of and operation of licensed premises across Tayside whereby officers are now routinely deployed throughout the year, out with normal office hours to tackle emerging issues and establish a regime of regular inspections. This is often done in conjunction with partner agencies from the local authority, Immigration Enforcement and HMRC whose added presence has been noted as having a positive effect with regards individual compliance with and enforcement of the licensing objectives.

Preventing the Sale or Supply of Alcohol to Children or Young People

Introduction

The sale or supply of alcohol to children and young persons is both serious and irresponsible and should never be underestimated.

The physical, mental and moral development of children and young persons can be significantly compromised as a result of the misuse of alcohol. Behavioural changes can occur during those early years and can be accompanied by involvement in criminality and violent and antisocial behaviour, leaving children and young persons vulnerable and susceptible to exploitation.

The drinking habits and trends of children and young persons are continually changing. In some areas, the consumption of alcohol has moved behind closed doors thus making it increasingly problematic to address from a policing perspective but in some areas alcohol consumption in either remote or secluded locations remains apparent. The significant risks associated with the misuse of alcohol by children and young persons remain challenging, irregardless of location.

It is also apparent that venues that host events and functions catering for the 18 year old and younger age group, where the sale of alcohol is permitted, will always attract underage individuals who have consumed alcohol prior to attending and who are inclined to bring their own alcohol with them for consumption on or off the premises.

Tayside Division has seen an increase in allegations and recorded instances of proxy sales over the last year but this trend has not been reflected throughout Angus.

Activity

Keeping children safe is a high priority for Police Scotland and we remain committed to focusing on engagement with children and young persons and preventing them from harm through initiatives including 'Choices For Life' and working with schools and developing outcome based solutions, including the development of our Police Scotland Youth Volunteers programme.

The identification of children and young persons who misuse alcohol and those on the periphery of offending as a result of such activity is therefore a priority. This allows for effective early intervention and for diversionary activities to be identified and applied. Research suggests that the earlier interventions are delivered to young people who offend at the lowest level, the likelihood is that the intervention will be effective, the individual will engage and will not re-offend.

Police Scotland operates the Whole System Approach for addressing the needs of young people involved in offending and this is underpinned by the 'Getting It Right for Every Child' framework that ensures that anyone providing support, puts the child or young person and their family at the centre of the process.

Over the last year there have only been 10 recorded crimes within Tayside relating to Liquor Licensing offences involving children and young persons. None of those related to the Angus area.

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Over the last year there have been 24 'Innkeeper' incident reports received across the Division in relation to liquor licensing concerns and incidents involving children and young persons with 4 of those relating to the Angus area.

The Divisional Licensing Team scrutinise all allegations of suspected underage activity in relation to licensed premises and routinely task officers via the 'Innkeeper' system to ensure that full enquiries are made and appropriate action is taken if necessary in respect of both the young persons involved and the licensed premises.

The age verification 'Challenge 25' scheme is actively encouraged in all licensed premises (both on and off sales) at the point of sale and is an effective tool to prevent the sale of alcohol to children or young persons.

Positive action was taken by management of three separate licensed premises in Brechin and Forfar in December, 2017 to cancel three 'after school' Christmas parties due to concerns relating to alcohol and drug misuse by young persons attending those functions. This followed close interaction between senior Police management in Angus, the Divisional Licensing Team and the premises concerned and demonstrated the commitment by the licence holders to uphold the licensing objective of 'Protecting Children from Harm'.

Although there is provision for Test Purchasing in terms of Section 105 of the Licensing (Scotland) Act, 2005, this is not a tactic that has been utilised in Tayside Division in the last year and is only used where there is evidence to support the requirement for a test. Unfortunately the time constraints and strict guidelines required for test purchase operations, often outweigh the feasibility and suitability for such operations to be undertaken within the short timescales that are desired. The tactic of Integrity Testing of licensed premise staff can however be utilised in conjunction with Trading Standards.

Warning letters can also be sent to the licence holder and or management of premises highlighting to them the extent of any alleged underage problems, whilst making it clear that unless the situation improves, further formal action is a likely consideration with matters being reported to the Licensing Board. This provides for remedial action to be taken and improvements to be made by staff to address the problem. This tactic has been utilised once in Tayside but not in Angus in the last year and is always followed up by a regime of tasked inspections to ensure compliance with licence conditions and support of the Licensing Objectives

Over the last year, the Divisional Licensing Team has also carried out joint operations with Immigration Enforcement/HMRC and Licensing Standards Officers, whereby off-sales premises have been visited with a view to ensuring standards are being adhered to and that staff are fully aware of their training and responsibilities in relation to the sale of alcohol to suspected underage persons or their agents. This joint approach often identifies other non-licensing related issues which can have a significant impact on the running of a business and as such it is noted that improvements and compliance in respect of liquor licensing legislation are achieved at the same time.

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Our local Community Policing Teams endeavour to exploit every opportunity to obtain information and intelligence from any source including children and young persons themselves in respect of drinking habits, trends, the places of purchase and misuse of alcohol which allows for effective deployment of resources to tackle the situation.

Proposed activity

Over the forthcoming year Police Scotland will continue to take robust and positive action in relation to any information received which indicates the sale or supply of alcohol to children, young persons or their agents by any licensed premises. Where the evidence supports, all such offences will be reported to the Procurator Fiscal with any breaches of the Licensing Objectives reported to the Licensing Board for consideration of a review of either personal or premise licences.

Realising that child protection is a complex area of policing requiring a sensitive and dedicated approach, we will continue to work closely with key partners to focus on protecting children from harm and reducing the availability of alcohol to children and young persons.

Consideration will also be given utilising test purchase tactics if the circumstances are appropriate and also the creation or adoption of media campaigns to target the issue of 'proxy sales' involving children and young persons.

Tackling Serious and Organised Crime

Introduction

Police Scotland works closely with our partners to prevent harm caused to individuals, communities and businesses by Serious Organised Crime (SOC) and enhance our understanding and response to emerging cyber threats and internet enabled crime used by Serious Organised Crime gangs who will continually attempt to launder their illegally obtained funds through apparently legitimate businesses.

The Divisional Licensing Team also works closely with the Divisional Interventions Team and the Local Authority to closely scrutinize all licensing applications to prevent SOCGs from establishing a foothold in related businesses in the area.

SOCG's operating in board area

At present there are no Serious and Organised Crime Groups marked as operating within Tayside Division. It should be noted that SOCGs do not restrict themselves to geographical boundaries such as those surrounding local authority areas.

Activity

In the last year Police Scotland has continued to take preventative measures to cut off the markets for Serious and Organised Crime products such as drugs and counterfeit goods. We have also worked with schools, prisons, communities and third sector organisations on diversionary activities in an attempt to prevent or reduce recruitment to Serious and Organised Crime Groups.

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We have continued to focus on our four objectives to,

- DIVERT - Divert people from becoming involved in serious organised crime and using its products.
- DETER - Deter Serious Organised Crime Groups by supporting private, public and third sector organisations to protect themselves and each other.
- DETECT - Identify, detect and prosecute those involved in serious organised crime.
- DISRUPT - Disrupt Serious Organised Crime Groups.

Tayside Division continues to carry out intervention techniques to prevent SOCGs operating without being challenged and will continually seek opportunities to identify SOCG activity through intelligence gathering and conducting days of action along with partner agencies, focussing on illegal activities that may involve liquor licensed premises, late hours catering establishments, car wash premises and nail bars etc.

Proposed Activity for the Year Ahead

Proposed activity

Police Scotland remains committed to maintaining a prevention, partnership and intelligence led approach to tackling violent crime, disorder and anti-social behaviour which can all be fuelled by excessive and uncontrolled alcohol misuse. We note that the impact of such has consequences that extend beyond victims, affecting families, communities and society as a whole.

We will ensure our people have the skills and knowledge to enable them to target and reduce violent crime, disorder and anti-social behaviour and will work with our partners to develop and deliver a collaborative approach to prevent these issues.

We will work in partnership to reduce and prevent harm from violence within private space and the link with alcohol use.

The role of our National Safer Communities Task Force and Violence Reduction Unit will be enhanced to ensure resources are deployed effectively and efficiently in a collaborative and planned manner whilst our local Community Policing Teams will continue to develop strong relationships with our communities to prevent anti-social behaviour.

The Divisional Licensing Team will continue to work closely with our National Licensing Policy Unit to ensure the local delivery of policing services by ensuring a consistent approach is taken in tackling alcohol related violence, disorder and anti-social behaviour linked to licensed premises.

We will be actively involved in the evaluation of minimum unit pricing of alcohol and we will ensure that our people are kept fully informed regarding any changes to licensing legislation and the tactical options available to them by way of a refreshed 'Alcohol Toolkit'.

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By working closely with the licensed trade, we seek to improve licensing standards in premises by continuing the proactive approach adopted by the Divisional Licensing Team and maintaining a robust inspection policy throughout the Division to identify any potential shortcomings with appropriate reporting to the Licensing Board as required.

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 to strengthen locally-led alcohol licensing in order to preserve order and promote safety and public health.