

03 SEP 2012

Received



Lothian
and Borders
Police

The Clerk to the Licensing Board
East Lothian Council
John Muir House
Haddington
East Lothian
EH41 3HA

Our Ref:

Your Ref:

Date: 28th August 2012

Dear Madam,

LICENSING (SCOTLAND) ACT 2005, SECTION 12A: CHIEF CONSTABLES' REPORTS TO LICENSING BOARDS AND LOCAL LICENSING FORUMS

I refer to the above legislation, which provides that the Chief Constable should send a report to the Local Licensing Forum at the end of the financial year that sets out the following information.

- His views about matters relating to policing in the Licensing Board's area during that year and the following year, in connection with the operation of the Licensing (Scotland) Act 2005; and
- Any steps taken during the year, or intended to be taken in the following year, to prevent the sale or supply of alcohol to children or young people in the Board's area.

I am pleased to enclose the Chief Constable's report for the year April 2011 to March 2012 for the information of the Forum. I would be happy to arrange for an officer to attend a meeting of the Forum to discuss the report should the Forum wish.

I trust that this is helpful.

Yours faithfully

Graham Sinclair
Temporary Assistant Chief Constable
(Crime & Operational Support)

David JR Strang QPM BSc MSc Chief Constable

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CHIEF CONSTABLE'S REPORT TO EAST LOTHIAN LICENSING BOARD FOR THE PERIOD April 2011-March 2012

INTRODUCTION

This report has been produced for the information of City of Edinburgh Licensing Board and Licensing Forum in accordance with Section 12A of the Licensing (Scotland) Act 2005.

The report outlines the structure of Lothian and Borders Police and describes our vision, values, strategic objectives and policing priorities. Information is also provided in regard to Drugs and Alcohol within the local and national context.

Police performance and activities undertaken in the financial year April 2011 to March 2012 are also contained within this report.

Part 1: contains the Chief Constable's views about matters relating to policing in connection with the operation of the Act in the Board's area during the reporting year. It also looks forward and identifies areas he intends to address or focus on in the coming year.

Part 2: highlights the steps that officers have taken, or intend to take, to prevent the sale or supply of alcohol to children or young people in the Board's area.

BOARD AREA – POLICING RESPONSIBILITY

Lothian and Borders Policing area includes the City of Edinburgh, East, Mid and West Lothian and the Scottish Borders. It covers an area of 2,500 square miles and serves a population of approximately 939,000 people. It has a staff of around 4,110 made up of over 3000 police officers and 1,110 police staff.

The Force area serves 5 local authorities and their respective Licensing Boards. The policing divisions are coterminous with local authority boundaries, each headed by a divisional commander:

City of Edinburgh: Ch. Supt. Malcolm Graham
Midlothian (E' Division): Supt. Elizabeth McAinsh
East Lothian (E' Division): Supt. Philip O'Kane
West Lothian: Ch. Supt. Jeanette McDiarmid
Borders: Supt. Andrew Allan

David Strang is the Chief Constable of Lothian and Borders Police and is supported by Deputy Chief Constable Steve Allen, Assistant Chief Constable Bill Skelly, Temporary Assistant Chief Constable Graham Sinclair and Director of Resources Susan Mitchell.

“E” Division covers East Lothian and Midlothian. The division is split into two local authorities – East Lothian Council and Midlothian Council – and is unique in that it reports to two Licensing Boards.

The area covered by the division is diverse and multi cultural and covers rural and urban policing. It is home to a large farming community and is host to large retail and industrial sites as well as sites of national importance including Torness power station and the Bush estate near Penicuik. The area is also a major tourist destination drawn by the beautiful beaches and countryside and the many historical sites including Rosslyn Chapel and the plentiful supply of golf courses.

Policing the area provides many challenges not least the geographical size of the area. The division is serviced by 12 local police stations with divisional headquarters at Dalkeith and sub divisional headquarters at Haddington police station. The division is also host to the main arterial route, the A1, between England and Scotland. The division is particularly busy in the summer when every local town and village has gala days or festival weeks. Most notable of these is Musselburgh Honest Toun celebrations and Penicuik Hunter Lad and Lass festivities. Alongside policing local events the division offers support to other divisions in relation to major events such as the Papal visit.

There are approximately 700 licensed premises in “E” division, which are spread throughout the division. The division is comprised of 381 police officers and 69 police staff. The divisional licensing section is based at Dalkeith police station and consists of two Police Constables.

Our Vision - Creating Community Wellbeing

VISION

Working together with our partners so that everyone can ...

- Enjoy a good quality of life with ready access to public services
- Live in safety and have confidence in their physical and legal security
- Participate in decision-making and influence the services and policies that affect them
- Have the opportunities and support to achieve their potential and lead a fulfilling life
- Look after each other and their environment through a shared sense of social responsibility
- Have identity, self-respect and positive relationships

Values

VALUES

Making everyone we come into contact with feel like they matter

- We act with honesty, fairness and respect in serving our communities and the individuals within them
- We take pride in working within an organisation dedicated to protecting people and upholding the law
- We always do the right thing, take personal responsibility for our actions and strive to make a difference

Our Strategic Objectives

STRATEGIC OBJECTIVES



Priorities

PRIORITIES	Addressing community priorities Developing local partnership policing	National priorities - delivered locally Specialist services and local action

Liquor Licensing

Temporary Assistant Chief Constable Graham Sinclair (Crime & Operational Support) now has the Force Executive lead for licensing. As such he is responsible for the statutory duties as per the Licensing (Scotland) Act 2005. Temporary Chief Superintendent John Hawkins is now the Divisional Commander for 'E' Division and so responsible for the day to day policing of licensed premises and surrounds in the East Lothian area. During the financial year to which this report refers ACC Skelly had responsibility for licensing and Chief Superintendent Mark Williams for 'E' Division.

Drug and Alcohol Strategy

The Tackling Drug and Alcohol Misuse Strategy 2011/2014 aims to address harm caused to communities through drug and alcohol misuse. The misuse of drugs and alcohol are both a symptom and cause of crime. Dependency on drugs and over consumption of alcohol can lead to involvement in serious and violent crime, domestic abuse and low-level antisocial disorder. Communities in general pay a huge cost in terms of drug and alcohol related deaths, employment potential and the breakdown of families, with many people directly and indirectly affected.

The strategy sets out two key objectives:

- to reduce alcohol related harms and encourage responsible attitudes to drinking
- to reduce the demand and misuse of harmful substances, including controlled drugs

These objectives will be pursued through encouraging attitudinal change, prevention and enforcement.

Young People and Alcohol Strategic Framework 2010/12

The framework complements the wider Drug and Alcohol Strategy. Its aim is to protect children and young people from alcohol related harms, ensuring their welfare and development. It is also intended to reduce the availability of alcohol to under age people and tackle the crime, violence and antisocial behaviour that can stem from the misuse of alcohol by some young people and their carers.

PART 1: OPERATION OF THE LICENSING (SCOTLAND) ACT 2005

a). Summary of policing in connection with the operation of the Act in the Board's area during the reporting year:

Table 1: Premises and Personal

Applications for Reviews of Licences		Total
Premises Licences (Section 36)	Off-sale only (shop premises):	2
	On-sale (all others):	3
Personal Licences (Section 84A)	Off-sale only (shop premises):	0
	On-sale (all others):	2
Interventions		
Total number of Intervention Meetings carried out:		
Stage 1: Discussion		14
Stage 2: Intervention Meeting		16
Stage 3: Pre-review Warning		9
Off-sale only (shop premises):		
Stage 1: Discussion		0
Stage 2: Intervention Meeting		0
Stage 3: Pre-review Warning		0
On-sale (all others):		
Stage 1: Discussion		14
Stage 2: Intervention Meeting		16
Stage 3: Pre-review Warning		9

Working in Partnership:

Table 2: Initiatives with Partners

Activity Details
<p><u>Best Bar None (BBN)</u> BBN is a national award scheme aimed at promoting responsible management and operation of alcohol licensed premises. The aim of BBN is to reduce crime and disorder in town centres by building positive relationships between the licensed trade, police and local authorities and improving the knowledge and skills of the enforcement and regulation agencies, licensees and bar staff. Over the course of 2010 – 2011, the Best Bar None scheme was piloted within the Musselburgh area, with 6 premises participating. Partner agencies included Lothian and Borders Fire and Rescue Service. 4 premises achieved accreditation with 1 achieving gold and 3 silver standard. Such was the success of the scheme that it is being repeated and expanded this year.</p> <p><u>Pub Watch</u> is a scheme whereby licensed premises in a particular geographic area meet to share information with a view to preventing crime and anti-social behaviour in and around licensed premises thereby maintaining a safe and secure social environment for staff and customers. There are several schemes dotted throughout the East Lothian area, in which the police are actively involved.</p> <p><u>Divisional Operations</u> There has been several Divisional Operations to tackle crime and anti-social behaviour associated with licensed premises. These have included:</p> <ul style="list-style-type: none">• Operation Epsilon – test purchase to tackle underage sales.• Operation Eucalyptus – initiative to test licensed premises for traces of cocaine within their toilets.• Operation Escapade – tackling youths and alcohol, anti social behaviour.• Operation Equinox – initiative during the school holidays (summer & winter) youths, alcohol and anti social behaviour.• An initiative to target off sales of alcohol to underage youths, which entailed visits to off licenses by community beat officers.• Joint visits with the Licensing Standards Officers for East Lothian Council.• There have also been several initiatives undertaken at specific licensed premises targeting issues such as football violence, hate crime, and personal safety. <p>As well as Operations such as described above to tackle crime and disorder, the monitoring of licensed premises often features in the planning of the many high profile events in East Lothian. In the run up to the recent Scottish Football Cup Final the local community beat officers visited all the licensed premises in East Lothian raising awareness of the possible tensions and asking that they make suitable arrangements re. staffing levels etc. This had</p>

a positive impact in that there were less disturbances reported in licensed premises than anticipated during the cup final weekend.

Training and Development (Internal):

Table 3: Training and Development Carried Out

Training details
<p>A training module has been developed and is being delivered to all probationers. The module includes an overview of the Force licensing department, the intervention protocol regarding licensing offences, legislation and police powers. The intent is to give probationers sufficient knowledge to apply the legislation in a practical situation and to give them a point of referral for advice and support.</p> <p>For all those officers outwith their probationary period, an aide memoire has been written and issued outlining the essential elements of the 2005 Act they need to know to apply the legislation. The aide memoire highlights the main licensing offences, powers and appropriate police response. It is also available on the Personal Digital Assistant (PDA) and so can be updated as the legislation develops.</p> <p>The Force has written a series of workbooks covering the entirety of the Licensing Scotland Act 2005, aimed at the needs of operational officers. These books have been welcomed by the Association of Chief Police Officers Scotland (ACPOS) and are to be published as National guidance.</p> <p>Officers from the licensing section regularly visit stations to personally speak to operational officers about the practical application of the licensing legislation. They also deliver training on Operation Epsilon to officers who will be involved in the test purchase operations.</p> <p>ACPOS is developing a National Standard Operational Procedure in regard to the Licensing Scotland Act 2005. This will provide the Police Service of Scotland with a consistent national approach to the legislation.</p>

National Policing Activity:

The Policing responsibility in the Board area as described in the introduction to this report is set within a national policing context.

The Association of Chief Police Officers in Scotland have various responsibilities, including the Licensing portfolio, for which ACC Ewing is currently the lead officer.

The Group meets monthly and all Scottish Police Forces are generally represented along with officials from the current Government. Consultation takes place regarding emerging trends and changes in legislation; with the overarching purpose of providing Strategic Guidance and also practical guidance to officers working at an operational level.

The work of this Group is aligned to the Strategic Government Objectives of:

- Wealthier and Fairer;
- Smarter;
- Safer and Stronger;
- Healthier;
- Greener.

and this is linked with the five Licensing Objectives which underpin the Licensing (Scotland) Act 2005 of :

- Preventing Crime and Disorder;
- Securing Public Safety;
- Preventing Public Nuisance;
- Protecting and Improving Public Health;
- Protecting Children From Harm

The work of the Group is linked to the work of Partner Agencies in relation to high-end alcohol strategies.

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

In East Lothian there were 925 reported incidents in licensed premises between 1st April 2011 and 31st March 2012. The statistics provided in Part 1 of this report shows that there were only 5 applications for Reviews of Premises Licences, which accounts for a tiny percentage when taken in context. This is due to the successful Intervention Strategy adopted by Lothian and Borders Police and designed to minimise the need to review licences by correcting problems at an early stage.

c) Looking ahead (2012-2013) - 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.

Drug and Alcohol Strategy: Lothian and Borders Police recognises that the effective operation of the Act will contribute to its achieving its drug and alcohol agenda as set out in the Drug and Alcohol Strategy, Young People and Alcohol Strategic Framework 2010/12 and Edinburgh Violence Reduction Programmed. All of these fit well with the Scottish Governments National Outcomes.

Intervention Protocol: Lothian and Borders Police operate an Intervention Protocol for liquor licensing purposes. This protocol reflects the changes brought about by the Licensing (Scotland) Act 2005 and takes cognisance of its emphasis on mediation, resolution and compliance. It provides a consistent, transparent and fair system of engagement with licence holders in addressing concerns through consultation and cooperation prior to escalating matters to a review at the Licensing Board.

Test Purchasing: Test purchasing allows the Chief Constable to authorise a young person to purchase or attempt to purchase alcohol in licensed premises, which may lead to a criminal prosecution. It is a useful tool to address the negative impact on the community of the anti social behavior associated with young people under the influence of alcohol and to address the health agenda. Test Purchasing of alcohol in licensed premises will continue in the East Lothian area and will include publication of a Standard Operating Procedure (SOP) and continued development and delivery of training to officers.

Best Bar None (BBN): BBN is a national award scheme aimed at promoting responsible management and operation of alcohol in licensed premises. It enables the police to develop relationships and rapport with licence holders and to develop their knowledge of the 5 licensing objectives and the 2005 Act. Following the success of the Musselburgh pilot last year it is to be repeated and expanded to include the whole of East Lothian this year.

Intelligence: Lothian and Borders is leading the Association of Chief Police Officers (ACPOS) development of the use of intelligence to better inform the Licensing Board when making decisions. Consultation is currently ongoing between the Licensing and Intelligence Sub-Groups to agree a national protocol for disclosing intelligence where it is deemed relevant and necessary to do so. A National SOP will be published in due course.

Development of Intranet site: It is intended to create and develop a training web page on the Force intranet. It is appreciated that expert advice from licensing officers may not always be available to operational officers 24/7 and

that a 'one stop shop' providing access to training materials, guidance on best practice, initiatives, legislative development would be of benefit.

PART 2: PREVENTING THE SALE OR SUPPLY OF ALCOHOL TO CHILDREN OR YOUNG PEOPLE

Introduction

Preventing the sale or supply of alcohol to children or young people is just one part of a much wider strategy to protect children and young people, under 18 years old, from alcohol related harms.

The Young People and Alcohol Strategic Framework 2010/2012 provides the framework for our approach. The Framework has been developed through meaningful engagement with key partners including Alcohol and Drugs partnerships, the Scottish Government, Young Scot and a range of youth and treatment services. It is primarily intended to focus on reducing the harm caused to young people through alcohol and to encourage their healthy development. It is also intended to reduce the availability of alcohol to underage young people. In line with the Scottish Governments national framework we are committed to a whole population approach, as the evidence is clear that reducing overall average alcohol consumption delivers improved outcomes for the whole population. The strategy is divided into 3 parts, prevention, intervention and enforcement

Prevention includes: creating more choices and chances to develop the skills required to make positive life style choices, working with partners in education to deliver alcohol awareness inputs, encouraging schools to support visits to the risk factory where pupils are given the opportunity to explore and consider the risks and consequences of alcohol misuse

Intervention: includes ensuring that young people found with alcohol in public are dealt with consistently and to involve their parents/carers where appropriate, to work with partners to provide support, advice and information that parents and carers need to discuss the hazards of alcohol use with their own children and delivering alcohol brief interventions.

Enforcement: includes working with partners to take proactive measures to prevent young people from gaining inappropriate access to alcohol, identify problematic licensed premises and apply licensing regulations to address poor management in licensed premises.

a) Activity carried out to prevent the sale or supply of alcohol to children

Table 5: Test Purchase Operations

Number of Test Purchases carried out	16
Number of first failures	1
Number of second failures	0
Number of Premises Licence review applications in relation to Test Purchase failures	1
Number of Section 84A Personal Licence review applications in relation to Test Purchase failures	0

b) Proposed activity to be carried out to prevent the sale or supply of alcohol to children during next reporting period:

Lothian and Borders Police will continue to pursue The Young People and Alcohol Strategic Framework 2010/2012 as outlined above.

Officers will continue to routinely proactively visit premises licensed for off sales to ensure that they are aware of their responsibilities under to 2005 legislation and in particular in the run up to school holidays. The opportunity will be taken to update vendors of the most current fake identity documents being used by youngsters and how to identify them.

Likewise, officers will continue to routinely proactively visit premises licensed for on-sale to ensure that management have taken all appropriate measures to prevent the sale or supply of alcohol to young people under age.

Test purchasing affords the Chief Constable the opportunity to authorise a young person to purchase or attempt to purchase alcohol in licensed premises, which may lead to a criminal prosecution. It is a useful tool to address the negative impact on the community of the anti social behavior associated with young people under the influence of alcohol and to address the health agenda. Test Purchasing of alcohol in licensed premises will continue in the East Lothian area and will include publication of a Standard Operating Procedure (SOP) and continued development and delivery of training to officers.

CONCLUSION

The Scottish Government has passed the Police and Fire reform (Scotland) Bill, which will allow for the creation of the Police Service of Scotland. Amid the challenges of financial restraints and uncertainty over restructuring on a national level we will continue to work with key partners to pursue the Scottish Government and National Policing alcohol strategies and objectives at a local level.

Signatory/Designation etc: