

**CHIEF CONSTABLES REPORT TO THE
EAST LoTHIAN LICENSING BOARD**

**FOR THE PERIOD
1ST April 2012 to 31ST March 2013**

Foreword

It gives me great pleasure to introduce my first report to Licensing Boards and to the Licensing Forums as the first Chief Constable of Police Scotland. As you will be aware, 1st April 2013 saw the formation of the Police Service of Scotland, merging eight forces to provide great opportunities to share resources and expertise and also to develop a consistent level of policing across the country.

My report to you reflects the work carried out by the eight legacy forces under their respective Chief Constables over the 2012/13 year and it outlines what steps I will take in connection with the operation of the Licensing (Scotland) Act 2005 in this current year.

There is an increasing body of evidence to demonstrate the harm that is caused by alcohol across all our communities and the cost of this is a huge burden on the public purse. Where alcohol is sold irresponsibly or when alcohol is misused or abused, we will seek all necessary steps to prevent any recurrence, reporting licence holders to COPFS and also to the relevant Licensing Board.

Police Scotland will build on the existing foundations and successes we have achieved so far and working together with partners we will identify and tackle alcohol misuse at its core, reduce alcohol related crime and the harm it causes. I want to deliver long term change, positively improving the quality of life for individuals, families and communities throughout Scotland, underpinned by our core message - keeping people safe.

Steve House
Chief Constable

EAST LoTHIAN LICENSING BOARD AREA

Police Service of Scotland Priorities

The national priorities for the Police Service of Scotland for 2013-2014 are:

- **Reduce violence, disorder and antisocial behaviour**
- **Protect the public**
- **Increase road safety and reduce road crime**
- **Tackle serious organised crime and terrorism**
- **Effectively police major events and threats**
- **Maintain high levels of public confidence in policing**
- **Deliver our equality and diversity outcomes**

East Lothian Policing Priorities

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

- Protecting people
- Reducing antisocial behaviour
- Reducing violence
- Tackling substance misuse
- Making our roads safer
- Tackling serious and organised crime

Senior Officers

The senior officers who hold responsibility for licensing within the East Lothian area are as follows;

Chief Superintendent Jeanette McDiarmid	Divisional Commander
Superintendent Graham Jones	Partnerships Superintendent
Chief Inspector Colin Brown	Area Commander
Chief Inspector Amanda Mcgrath	Divisional Co-ordination Unit

PART 1: 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 East Lothian 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 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.

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

During the reporting year there has been a lot of good preventative and proactive work carried out by the legacy Lothian and Borders police. We have tackled agent purchase issues in the Tranent area by pro actively working with off sales and reducing the accessibility of alcohol to teenagers.

There have been joint visits and operations to our licensed premises, carried out by police and Licensing Standards Officers, to ensure compliance with the Act.

The use of ferroguard poles and cocaine swabbing in licensed premises has assisted in deterring the carrying of weapons and identifying potential drug misuse on licensed premises. This activity allowed us to work closely with managers and licence holders and had a very positive impact.

Joint working with the Anti Social Behaviour Team also resulted in a member of a serious and organised crime group being banned from every licensed premises within East Lothian (with the exception of his golf club and off sales).

There is ongoing work in relation to licensing window cleaners and second hand dealers within East Lothian and this will play a major role in tackling serious and organised crime groups operating within East Lothian.

c) Looking ahead (2013-2014) - 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 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.

PART 2: 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 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 themselves¹

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 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.

¹ Needs analytical data

Appendix A

East Lothian
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	2
	Off sale	0
Personal Licences (Sec 84A)	On sale	0
	Off sale	0

Interventions		Total
Premises Interventions	On sale	4
	Off sale	0
No. of interventions which led to a review application		0
No. of interventions where no further action was required		4

Test Purchasing Operations		Total
Number of Test Purchases conducted		2
Number of first failures		1
Number of second failures		0
Number of Premises Licence Review applications based on Test Purchase failure		0
Number of Personal Licence Review applications based on Test Purchase failure		0

Number of offences reported to COPFS		Total
Section 63 (allowing consumption outwith permitted hours)		4
Section 102 (sale of alcohol to a child)		1
Section 105 (sale on behalf of a child)		7
Section 111 (Drunk persons within licensed premises)		1
Section 114 (DPM not to be drunk)		2
Section 116 (Refusal to leave licensed premises)		12