



**POLICE
SCOTLAND**

Keeping people safe

CHIEF CONSTABLE'S REPORT TO THE
EAST LOTHIAN LICENSING BOARD
FOR THE PERIOD
1ST APRIL 2015 to 31ST MARCH 2016

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FOREWORD

As the Chief Constable of Police Scotland, it gives me great pleasure to provide my first Annual Licensing Report, in accordance with section 12(A) of the Licensing (Scotland) Act 2005.

I would firstly like to take this opportunity to acknowledge and thank you for the contribution and excellent work undertaken during the past year throughout the licensing area of business in Scotland, especially within our 32 Local Authorities.

Police Scotland together with our licensing partners have faced and continue to confront many challenges, not least our budget constraints. However, this will not detract from our commitment to continuing to provide the very best and sustainable policing service to our communities across the country.

I am especially keen to develop our local services to meet the varying licensing demands and expectations within our diverse local communities, by listening to people and developing opportunities to improve, including the sharing of best practise and influencing positive attitudes and behaviours to reduce alcohol related crimes and anti-social behaviour.

Police Scotland's licensing structure and function has recently undergone significant transition and now benefits from improved governance, flexibility and support, with a real emphasis on quality of service. These changes are further enhanced through our commitment to investing and implementing a national I.T. database, (Innkeeper), which has significantly improved our management and the administration of all liquor and civic licences. Police Scotland and our licensing partners now benefit from a consistent service with improved local delivery, decision-making and reporting process.

With our licensing transition complete, we are now transforming our licensing service and central to this is our ability to continue to work closely with our Local Authorities, the licensed trade and other key partners, with a main focus on prevention and vulnerability.

We recognise that problem solving is essential in achieving our mutual aims of public safety and a healthy community environment, while enforcement should only be used as necessary. We will only achieve these aims together through consent and by legitimate means with the full support of all key licensing partners.

I look forward to the coming year where we will continue to improve Licensing Standards, Reduce Violence and continue to keep our Communities and People Safe.

Philip Gormley QPM
Chief Constable
Police Service of Scotland

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POLICE SCOTLAND LICENSING OVERVIEW

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, guidance and support to Divisional Licensing Teams as well as undertaking other specialist functions.

Dedicated licensing teams are located in each of the 13 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.

LICENSING BOARD AREA

The East Lothian Licensing Board area is policed by the Lothian's and Scottish Borders Division (J Division). Chief Superintendent Marshall is the Local Police Commander who has the responsibility for all day-to-day policing functions.

The Lothian's and Scottish Borders Division serves around 462,080 people over 2,393 square miles, stretching from Blackridge to Newcastleton. It covers East Lothian, West Lothian, Midlothian and the Scottish Borders council areas.

The Division has four territorial command areas aligned with their respective local councils. Each has a dedicated Area Commander who is responsible for all daily policing functions. Each area is also served by a number of community policing teams whose activities are built around the needs of the local community. They are responsible for responding to local calls and looking for long-term solutions to key issues.

The Local Area Commander, Chief Inspector Matt Paden is based at Haddington. He is responsible for performance management, community engagement, partnership working and the daily management of local personnel.

Chief Inspector Paden is supported by two sector Inspectors, Andrew Harborow who is based at Tranent and Alan Hogarth who is based at Haddington.

The East Lothian Licensing Boards are attended by either Inspector Harborow or Inspector Hogarth.

The Licensing Department is part of the Divisional Co-ordination Unit based at Dalkeith Police Station. The senior officers who have responsibility for Licensing are Inspector Andrew Toombs and Sergeant Gordon Latto.

The local Licensing Department is based at Haddington Police Station and one officer, supplemented by an administration officer based at Dalkeith Police Station, controls the day-to-day function.

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OPERATION OF THE LICENSING (SCOTLAND) ACT 2005

Introduction

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

- Reducing Antisocial Behaviour
- Tackling Substance Misuse
- Reducing Violence
- Protecting People
- Tackling Serious & Organised crime
- Making our Roads safer
- Reducing Housebreaking

Partnerships

Police management in East Lothian enjoy a good working relationship with partner agencies in particular the East Lothian Council and the Licensing Board.

The local Police Licensing Officer works regularly with a number of partner agencies including the Licensing Standards Officer, Trading Standards, HMRC and Immigration. A number of recent initiatives undertaken in the board areas have identified illegal immigrants working within licensed premises, which have resulted in Immigration Officers taking further action.

Best Bar None (BBN)

BBN is a national award scheme supported by the Home Office and aimed at promoting responsible management and operation of alcohol licensed premises. The aim of BBN is to reduce alcohol related crime and disorder in a town centre by building a positive relationship between the Licensed Trade, Police and Local Authorities.

The process of becoming recognised by BBN includes meeting minimum standards and culminates with an award night with category winners and an overall winner. Responsible operators are recognised and able to share good practice with others.

In March 2016 a licensed premises in Dunbar attained the Bronze Award, four licensed premises in Ormiston, Prestonpans, Haddington and Port Seton attained a Silver Award and four licensed premises in Dunbar, Musselburgh and North Berwick attaining a Gold Award with one Dunbar premises being put forward for a National Award.

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Pub Watch

Pub Watch is an initiative run by local pubs/clubs to tackle crime and antisocial behaviour in and around their premises. The schemes are run by local licensees but are advised by local community Police Officers.

There are a number of Pub Watch schemes operating in East Lothian all of which are working well and have achieved their goal of reducing risk and maintaining a safe and secure social environment for staff and customers.

The Intervention Process

As detailed in previous reports to the Licensing Board, issues in licensed premises are assessed using a well-established interventions process. Incidents connected to premises are monitored on a daily basis whereby Licensing Officers will scrutinise the detail to identify whether any of the licensing objectives have been compromised or where other management/licensing issues require addressed or improved. Depending on the severity of the incident and history of the premises, Licensing Officers will categorise the premises/incident as follows:-

POLICE INTERVENTION CATEGORIES	
Red	Problematic Premises - those operating in a manner inconsistent with the licensing objectives or outwith the conditions of a Premises Licence and where local Police intervention and support has failed or is unlikely to succeed in resolving the issues. A premises review request to the local licensing board is considered the most appropriate way to address the issue.
Amber	Premises that require Formal Intervention. Issues have arisen and a formal intervention agreement is entered into between Premises Licence holders and Divisional Licensing teams to resolve them. This action may be taken with more serious or repeat issues.
Green	Monitored - The premises have come to note for a minor adverse issue and are being monitored. This may result in an informal intervention in terms of advice/support to the premises along with police visits.
No Action	An incident review has highlighted no issues regarding the management of the Premises or Licensing Legislation. No further police action.

Police intervention usually results in a meeting with the appropriate representatives of the premises concerned e.g. Premises Licence Holder, Designated Premises Manager and, if appropriate, any stewarding company to discuss concerns and agree a way forward to resolve these.

Premises being monitored by way of the above system are subject to weekly tasked visits by either local officer's and/or Licensing Officers to monitor progress, measure improvements and ensure that agreed remedial measures are implemented.

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The intervention system is ultimately designed to support the licence holder before any premises review is sought, although a serious or significant incident may obviously merit an immediate review application.

Board Decisions

Police Licensing Officers carry out enquiries on behalf of the Chief Constable in respect of the vast majority of licence applications. Enquiries ensure that applicants and any proposals comply with the licensing objectives, all relevant legislation and Board Policy. The intention is to deliver all pertinent information to the Board in order that members can make informed decisions in relation to applications. The investigative work is also carried out to minimise the risk of 'Organised Crime Groups' infiltrating the licensed trade.

Section 1 – Unlicensed Sale of Alcohol

Alcohol is not to be sold on any licensed premises except and in accordance with a Premises Licence or Occasional Licence. As the Licensing (Scotland) Act 2005 is well bedded into everyday working practices, this provision has been utilised during this reporting year when it was discovered that a premises was operating out with the conditions of their licence. The licence was reviewed and subsequently surrendered, following a suspension by the Board.

Section 22 – Applications

Where a Premises Licence application is made to a Licensing Board, officers from the licensing section take a common approach to ensure that unscrupulous persons are not taking over licensed premises. When appropriate, officers will request antisocial behaviour reports from the partnership analysts, which will give Board members an overview of the number of licensed premises in an area and associated issues.

Section 36 – Application for Review of Licence

Police Scotland only seek review of a Premises Licence when an intervention (or a number of interventions) has failed, is likely to fail or there is a serious risk to public safety if the premises continues to operate in the same manner e.g. the resulting problems as well as community impact must be considered.

Section 63 – Sale or Supply out with licensed hours

Officers in East Lothian monitor the sale or supply of alcohol out with licensed hours closely. Local Officers continue to make pro-active visits to licensed premises, particularly at weekends. These visits allow officers to speak directly to licensees to discuss any issues that arise.

Section 72 – Personal Licence Applications

Applications for personal licenses are dealt with in a standard manner. The amendment to legislation permitting the Chief Constable to request refusal for the purposes of 'any' licensing objective has widened the scope for making appropriate representations to the Board.

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Section 84 (84A) – Personal Licence Reviews

Police Licensing Officers are responsible for monitoring the conduct of Personal Licence Holders. In particular, there have been occasions when the holders of a personal licence have failed to report conviction(s) for a relevant offence to the court and/or licensing board. Again, the amendment to legislation in terms of the Criminal Justice and Licensing (Scotland) Act 2010 and the Police and Fire Reform (Scotland) Act 2012 has widened the ability for the Chief Constable to report conduct inconsistent with the licensing objectives.

Section 94 – Exclusion Orders

When a person is convicted of a violent offence committed on, or in the immediate vicinity of, any licensed premises the court may make an order prohibiting the person from entering licensed premises. 'J' Division has undertaken a lot of work in this area to raise awareness of this section of the legislation and it is now utilised when appropriate on every possible occasion. Licensing Officers scrutinise all incidents in their council area and advise officers dealing with incidents when an application for an Exclusion Order would be appropriate. Licensing Officers also advise the licensed trade with regards to Exclusion Orders.

Sections 111- 116 – Drunkenness / Disorder Offences

Drunkenness and disorderly conduct remains an anomaly for (door) staff and managers and is renowned for being tolerated in Scottish culture. Officers on nighttime economy details are vigilant to drunk persons attempting to enter licensed premises. A number of persons have been dealt with by means of Fixed Penalty Tickets.

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

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 and working with our partners, taking the appropriate action to address both the potential and actual misuse of alcohol within the early years.

In terms of Section 105 of the Licensing (Scotland) Act 2005, the Chief Constable may authorise a young person to buy or attempt to buy alcohol to determine whether an offence is being committed.

The use of young persons to conduct Test Purchase Operations provides Police with an effective tool in the fight against underage sales and represents an important safeguard against underage drinking and the resultant antisocial behaviour that adversely affect many communities.

There were **10** Test Purchase Operations carried out in East Lothian during the reporting year with a total of **105** 'off sale' premises tested, this resulted in **11** failures.

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All 11 of these failures, passed the re test which is carried out within 14 days of the original fail date.

As a direct result of these Test Purchase failures there was 1 Premises Licence surrendered and another taken to review.

TACKLING SERIOUS AND ORGANISED CRIME

The Serious Organised Crime Task Force was set up by the Scottish Government to provide direction and co-ordination for all organisations involved in tackling Serious Organised Crime in Scotland.

The task force has a remit to disrupt, dismantle and pursue Serious Organised Crime in all its forms by bringing together all agencies involved in tackling organised crime groups (OCG's). Key partners include Police Scotland, NCA, HMRC, COPFS, SOLACE and the Scottish Business Resilience Centre, amongst others.

Licensed premises are one of the top ten legitimate businesses to be threatened by the involvement of Serious and Organised Crime.

Over the past year, 'J' Division Licensing Officers have scrutinised and interrogated licence applications to identify where OCG's may be trying to enter legitimate businesses. This is particularly detailed when processing new premises and transfer applications, where the applicant may be asked to evidence the source of any financing.

The issue of Serious and Organised Crime has also been looked at with partner agencies to tackle ongoing problems. In particular, warrants have been craved within 'J' Division to enter and inspect licensed premises with a number of arrests being made by Immigration Officers and documents taken by HMRC for further investigation. On conviction of any relevant offence, reports will be made to the Licensing Board.

The Licensing Officer identified an OCG, who had a link to an applicant who had applied for an 'Occasional Licence' for an event in East Lothian. The Licensing Officer approached the venue concerned and made them aware of her concerns, which resulted in the event being cancelled, disrupting the OCG's activities.

PROPOSED ACTIVITY FOR THE YEAR AHEAD

Police Scotland and the Fire Service continue to work closely with the Scottish Business Resilience Centre to evolve the Best Bar None scheme. As a result, this year, 9 licensed premises received an award at local level, 4 gold, 4 silver and 1 bronze. Organisers of this scheme recognise that standards are improving on a year-by-year basis and hope to continue in the coming year, increasing the number of premises taking part.

As previously mentioned Police Officers in 'J' Division are identifying persons who should be considered for an 'Exclusion Order' from licensed premises, in terms of

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Section 94 of the principle legislation, and making appropriate requests as a matter of course to the Procurator Fiscal. This should have a positive impact on licensing objectives.

Test Purchasing will also continue to be used as a tactic to increase awareness of underage drinking and the associated antisocial behavior that can result.

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 Police Plan that are delivered locally through single outcome agreements.

Consultation and engagement is combined with our own analysis of the issues likely to impact on the safety of the public to inform our Local and National Strategic Assessments that identify our priorities and provide a firm evidence base for local policing teams across Scotland to deliver Operational Plans to Prevent Crime and Disorder and Keep People Safe.

Our National Priorities are:

- **Violence Disorder and Anti-social Behaviour**
- **Serious Organised Crime**
- **Road Safety and Road Crime**
- **Protecting People at Risk of Harm**
- **Counter Terrorism**

The National Licensing Policy Unit (NLPU) is a specialist department, which consists of a small team of officers, based in Glasgow. The officers within the unit work in conjunction with licensing colleagues, from local policing divisions. Together, they seek to ensure that legislation governing the sale and supply of alcohol and other civic licensed activity is applied and reported consistently across the country to licensing boards, in accordance with the Licensing Objectives.

During 2016/17, from a licensing perspective, our particular focus will be on the following:

- Scrutiny of the serious incidents of violence, disorder and antisocial behaviour linked to licensed premises.
- Continuous professional development training and guidance for staff to harmonise Licensing practice across the country.
- Working closely with statutory partners to introduce a National Licensing Trade Forum to identify licensing related issues and prevent/reduce-associated crimes.

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- The implementation and ongoing development of a National ICT Licensing System, known as 'Inn Keeper', to increase the efficiency and effectiveness of Liquor and Civic Licensing administration and management.

The assistance obtained from the Local Authority to ensure that 'Innkeeper' was implemented successfully during March 2016 is very much appreciated by Police Scotland. It is anticipated that this effective collaboration between the parties will continue to ensure that this valuable national resource remains fit for purpose and significantly improves the management of Liquor and Civic Licensing records, documentation and information.

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