



MINUTES OF THE MEETING OF EAST LOTHIAN LICENSING BOARD and EAST LOTHIAN LICENSING FORUM

1

THURSDAY 27 SEPTEMBER 2018
COUNCIL CHAMBERS, TOWN HOUSE, HADDINGTON

Board Members Present:

Councillor F Dugdale (Convener)
Councillor L Bruce
Councillor J Henderson

Clerk of the Licensing Board

Mrs K MacNeill, Service Manager, Licensing, Administration and Democratic Services

Forum Members Present:

Mr G Hood (Convener)
Mrs E Oldcorn, NHS Lothian
Mr D Dickson
Mr J Thayers, MELDAP
PC Bowsher, Police Scotland
Mr Rudi Fruzynski, LSO

Attending:

Mr C Grilli, Service Manager – Legal and Procurement
Ms G Herkes, Licensing Officer
Ms C Shiel, Licensing Officer

Committee Clerk:

Ms J Totney, Team Manager – Democratic and Licensing

Apologies:

Councillor J Goodfellow
Councillor C McGinn
Councillor J McMillan

Declarations of Interest:

None

Councillor Dugdale (Convener) welcomed everyone to the meeting.

1. MINUTE OF THE MEETING OF THE JOINT ELLB AND ELLF 28 SEPTEMBER 2017, FOR INFORMATION

Members noted the minute.

2. MATTERS ARISING

The Clerk advised that any appropriate training or briefing sessions would continue to be extended to Members of the Forum.

3. DRAFT LICENSING BOARD STATEMENT OF POLICY

The Clerk stated that this agenda item had been requested by the Licensing Forum who were seeking reasons why all their recommendations had not been included in the draft policy. The Clerk pointed out that the Forum's full statement is included in the policy as an appendix.

The Convener invited Forum members to open the discussion.

Ms Oldcorn advised that it was her understanding that the Licensing Board is obliged to respond to all recommendations put forward by the Forum within 21 days. She asked when full explanations would be available on the 16 recommendations submitted by the Board. The Clerk undertook to provide the Forum with the reasons. Ms Oldcorn added that the Forum is very disappointed in the decision on overprovision, and given the consistent evidence submitted by consultees, the Forum feel the policy should include overprovision for off-sales of alcohol. She asked for details of the evidence on which the overprovision decision was made.

Councillor Bruce advised that there is no evidence that off-sales are overprovided for; made comparisons with the rest of Scotland; stated that people would travel to purchase alcohol; and made reference to the need to support East Lothian as a growing county. He acknowledged Mr Hood's remark that the policy contains a caveat about growth and development in East Lothian. Ms Oldcorn commented that most people buy alcohol close to home.

Mr Thayers stated that it is difficult to prove a direct causal link between harm and off-sales, and that the good health statistics for East Lothian are being undermined by the absence of an overprovision policy, which will result in easier access to alcohol. The Clerk advised that no evidence was presented to the Board which linked the sale of alcohol in a particular locality to causing harm; Councillor Henderson supported this view. Ms Oldcorn contested that there was evidence in the Alcohol Focus Scotland (AFS) CRESH report.

Board and Forum members debated the lack of off-sales statistics from supermarkets; display capacity and whether capacity needs to be restricted; and the Board's ability to consider local knowledge when making decisions about overprovision. Ms Oldcorn and Mr Hood stressed that the Board will find it very difficult from a legal perspective to refuse to grant a licence in the absence of an overprovision statement.

The Clerk indicated that the policy is a living document and that given the amount of change anticipated in the county in the coming years, the Forum could come back with

more comments in future. She added that there could be changes to the policy in future, although these would likely be subject to further public consultation.

In response to questions from Ms Oldcorn, the Clerk confirmed that occasional licences would not be granted for events that are predominantly for children and young people and that there was no statutory obligation for the Board to respond to NHS Scotland.

Mr Hood asked that any reference to domestic abuse in the policy document, is not gender specific. The Clerk confirmed that the wording would be amended.

The LSO remarked that overprovision has been a challenge since 2007 and reminded the meeting that the Board will consider each application on its own merits. He stressed that factual local knowledge is critical to decision making, especially relating to matters such as antisocial behaviour and the theft of alcohol. He indicated that reporting of these matters needs to be more accurate and suggested that an alcohol profile of East Lothian be produced. Ms Oldcorn repeated that the absence of an overprovision statement means that the Board has nothing on which to defend a legal challenge for refusing to grant a licence. The LSO stressed the importance of considering local knowledge when the Board is making a decision.

Ms Oldcorn commented on the number of licence variations that are granted and their contribution to the availability and ease of access to alcohol; stated that evidence shows that there is more harm in areas where alcohol is more readily available; expressed the desire to avoid stigmatisation of certain areas and possible lack of development; claimed that the Forum has observed, on an ongoing basis, that the Board do not adhere to policy; and asked if the Board plan to carry out any evaluation of the new policy. The Clerk acknowledged that evaluation would be good practice.

Decision

Members noted that the Clerk would respond to the Forum in relation to the recommendations they had submitted.

4. DEVELOPMENT AND MAREKETING OF THE LOCAL LICENSING FORUM

Ms Oldcorn advised that the Forum wants to look at increasing its membership and was seeking guidance from the Clerk. She indicated that the Forum were considering approaching community councils, Pubwatch, and hoped to make contact with staff in the Council's social work and education departments.

In relation to children and young people, Ms Oldcorn reported that there would be an annual Forum event in December, in conjunction with Police Scotland, where children and young people would attend and contribute. The Clerk mentioned that there is a Head Teachers' conference twice a year and this might be a route for promoting the Forum to young people. Mr Thayers referred to biennial reporting on the S2-S4 cohort in relation to smoking, drugs and alcohol. He advised that these statistics will inform the December session with the young people.

The Clerk advised that work is to be done to create a structured recruitment process for Forum members.

Councillor Henderson suggested that it would be beneficial for the Forum to link in with the area partnerships especially as they have a health and wellbeing sub-group. The Clerk advised that her team could provide contact details.

LOS

In response to a question from Councillor Henderson, the LSO advised that he regularly promotes the Forum to licence holders and to those applying for a licence.

PC Bowsher reported that attendance at Forum meetings is poor and that two meetings have been cancelled recently due to the lack of a quorum. Mr Dickson commented that the current membership is not fully representative of all stakeholders. Mr Hood acknowledged that the work of the forum is a big commitment on a volunteer basis.

The Clerk commented that the Forum is important and active in East Lothian and is independent from the Licensing Board.

Ms Oldcorn advised that plans for a national forum were not being progressed.

Mr Hood stated that there should be a training programme for people who become Forum members. Ms Oldcorn added that AFS had been working on a training package, but it had not progressed beyond the draft stage; she would ask if AFS have plans to develop this. The LSO advised that AFS provide training materials online, although Ms Oldcorn did not recall seeing anything on their website.

Decision

Members agreed to note the discussion.

Signed

Councillor F Dugdale
Convener of East Lothian Licensing Board/Convener of the joint
meeting with East Lothian Licensing Forum



2



**POLICE
SCOTLAND**

Keeping people safe

CHIEF CONSTABLE'S REPORT TO THE
EAST LOTHIAN LICENSING BOARD
FOR THE PERIOD
1ST APRIL 2018 to 31ST MARCH 2019

NOT PROTECTIVELY MARKED

Foreword

It gives me great pleasure to provide the Annual Licensing Report for 2018/19, in accordance with Section 12(A) Licensing (Scotland) Act 2005. During this year the Minimum Unit Pricing of Alcohol was introduced in Scotland. We will work through the Evaluation Advisory Group to assess the impact of this legislation.

Working in partnership is key to effective regulation in liquor licensing. Police Scotland remains committed to working closely with partners in the 32 Local Authorities across Scotland to ensure a fair and consistent approach. Preventing alcohol fuelled violence, disorder and antisocial behaviour is a priority and I believe that working together to achieve effective early intervention and enforcement is vital to this.

I would like to acknowledge the many active local partnerships that provide continued support, enabling Police Scotland and partners to drive improvement in licensing. I will ensure that all officers and staff continue to recognise the importance of working closely with key partners, including the Licensed Trade, to improve licensing standards nationally utilising the range of options available to them.

I am confident that through strong partnerships and collaborative working, we will meet any challenges that may arise and will continue to improve licensing standards for the communities of Scotland.

Mr Iain Livingstone QPM
Chief Constable
Police Service of Scotland

Police Scotland Licensing Overview

The Violence Prevention and Licensing Co-ordination Unit (VPLCU) sits within Safer Communities based at Dalmarnock Police Station, Glasgow.

The VPLCU upholds the two tier structure for licensing which supports both national and local priorities through service delivery. They have overall responsibility for determining and delivering national licensing strategy and policy, by providing advice, guidance and support to divisional licensing teams as well as undertaking other specialist functions.

The Violence Prevention and Licensing Co-ordination Unit is a specialist department which consists of a small team of officers, based in Glasgow. The officers within the unit work with divisional licensing teams and partner agencies to help shape policy and strategy around the police licensing function. They provide practical and tactical advice to police licensing practitioners, operational officers, supervisors and policing commanders.

The VPLCU 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.

During 2018/2019, 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 within a National Licensing Trade Forum to identify licensing related issues and prevent/reduce associated crimes.
- Governance and ongoing development of the National ICT Licensing System, known as “Inn Keeper”, to increase the efficiency and effectiveness of liquor and civic licensing administration and management.
- The implementation and ongoing development of the Licensing Admin tool provides divisional licensing officers with a single ICT product negating the need to research police systems independently. Through accurate recording, the licensing admin tool assists Police Scotland in deploying our resources to the right places and the right time to keep people safe.

Each of the 13 Local Policing Divisions have a licensing team 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 in their local area.

NOT PROTECTIVELY MARKED

LICENSING BOARD AREA

The East Lothian local authority area is policed by J Division. Chief Superintendent John McKenzie is the newly appointed Local Police Commander who has the responsibility for all day-to-day policing functions. However Chief Superintendent Lesley Clark was the Local Police Commander for the reporting period.

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

Chief Inspector Mitchell is supported by Inspector Andrew Harborow who is based at Tranent. The East Lothian Licensing Boards are attended by Inspector Harborow.

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 Jocelyn O'Connor and Sergeant Colleen Hope.

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

Local Policing Priorities

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

- Child Protection
- Child Sexual Abuse & Exploitation
- Missing Persons
- Cyber Crime

- Misuse Drugs & Alcohol, Crimes of Violence / Anti-Social Behaviour
- Adults at Risk
- Doorstep Crime & Fraud (Crimes of Dishonesty)

- Crimes of Violence
- Anti-Social Behaviour Incidents
- Racially Aggravated Conduct
- Domestic Abuse Incidents
- Road Casualties

- Drugs, Financial Harm & Fear
- Extremism & Terrorism

NOT PROTECTIVELY MARKED

Description of Board Area

The Command area of East Lothian serves approx. 105,840 local residents covering an area of 262 square miles from Musselburgh to the Dunbar area on the east coast and south into the Lammermuir Hills. The policing headquarters sit in the historic market town of Haddington.

There are currently 202 'on sales' and 89 'off sales' premises in East Lothian.

During this reporting year there have been 5 Provisional Premises Licences granted and 2 Premises Licences granted by the Board. Four of which were for off sales, two in the Musselburgh area, one in Pencaitland to facilitate the storage of alcohol for internet dispatch and one in West Barns to facilitate storage and distribution.

During this reporting year the East Lothian Licensing Board Statement of Licensing Policy (Nov 2018 – Nov 2023) was updated. There was a change from the previous Board Policy, declaring that there was now no overprovision in East Lothian but that the Board would consider closely all applications for new 'off sales' licences.

In the Alcohol Availability and Harm report (April 2018) published by Alcohol Focus Scotland, East Lothian is ranked 18th out of 30 local authority areas for alcohol outlet availability in Scotland. (13th for on sales and 21st for off-sales outlets) This is lower than Scotland as a whole. Other key findings for East Lothian include;

- Alcohol-related death rates in the neighbourhoods with the most alcohol outlets were 4 times higher than in neighbourhoods with the least.
- Alcohol-related hospitalisation rates in the neighbourhoods with the most alcohol outlets were double those in neighbourhoods with the least.
- Crime rates in the neighbourhoods with the most alcohol outlets were 2.5 times higher than in neighbourhoods with the least.
- The link between alcohol outlet availability and harm was found even when other possible explanatory factors, such as age, sex, urban/rural status and levels of income deprivation, had been taken into account.
- The total number of alcohol outlets in East Lothian decreased by 17 (5.9%) from 286 in 2012 to 269 in 2016.

OPERATION OF THE LICENSING (SCOTLAND) ACT 2005

The Licensing Officer is responsible for processing all correspondence received from the Licensing Board. The officer reviews applications on behalf of the Chief Constable as part of the consultation process in conjunction with the Area Commander. This consultation process forms part of the Police support of the Licensing Objectives.

This section concentrates on how the Act has been applied by the licensing team and other local policing officers to support the Licensing Objectives in tandem with the local/national policing priorities.

In East Lothian there were 356 recorded incidents in licensed premises between 1st April 2018 and 31st March 2019, this is a slight decrease on the previous year (384).

NOT PROTECTIVELY MARKED

There continues to be a notable trend in thefts of alcohol from 'off sales' premises over the reporting year, with continued work being carried out by our dedicated shoplifting team and ongoing work by the police licensing officer in regards to crime prevention.

Police Scotland carried out 463 recorded inspections of licensed premises during the reporting year, a large percentage of these were carried out by the licensing officer in her day to day role and local officers on the run up to major football and sporting events.

On Friday and Saturday evenings police officers are deployed on foot, to aid with dispersal of licensed premises and reduce antisocial behaviour and violence related incidents between the hours of 2200-0200.

The proactive use of exclusion orders and antisocial behaviour legislation continues to contribute hugely to reducing repeat offending in licensed premises.

Violence and ASB Data Where Alcohol Is A Factor

Violence recording indicates an "Alcohol" marker as a clearly defined aggravator to indicate where the presence of alcohol is deemed a factor in the act of violence. Of the 871 recorded crimes of violence for the reporting year 2018-19, a total of 230 had the alcohol marker attached to the crime report. Of that total, 119 were in residential locations leaving 111 acts of violence in a public space where alcohol featured.

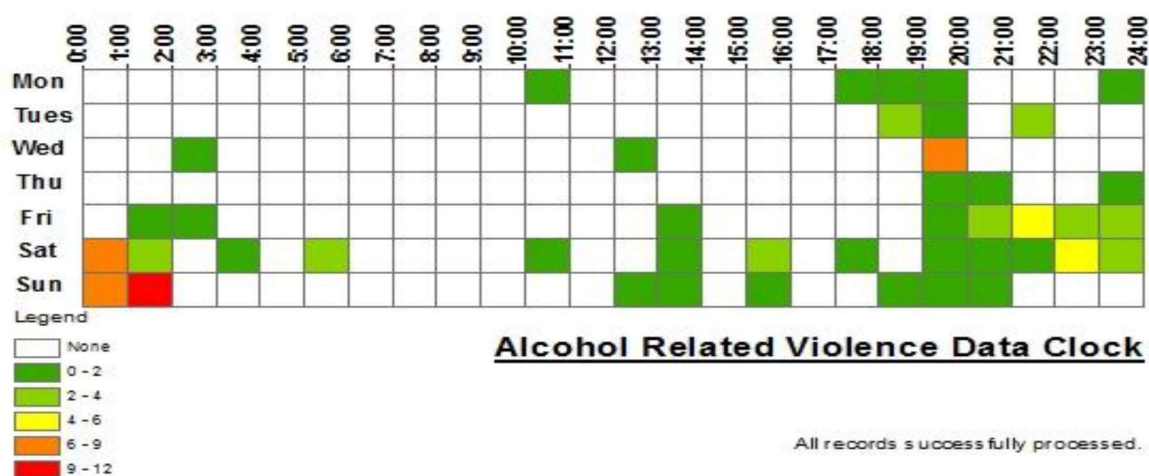
The following map has been produced indicating the locations of public space violence where alcohol is a factor. The red dots indicate alcohol while the green dots are the other crimes where no such aggravator has been added.



The most prominent areas are Musselburgh, Port Seton, Dunbar and Haddington. These areas have the highest outlet density in the East Lothian region.

NOT PROTECTIVELY MARKED

The data clock below is based on alcohol related acts of violence and clearly shows the time span later in Friday/Saturday evenings into the early hours of Saturday / Sunday mornings.



Partnerships

Renewal of the East Lothian Alcohol Prohibition - Bylaws

The police licensing officer has worked in partnership with the clerks to the Licensing Board in relation to the renewal of the bylaws for the county this reporting year. The police are in support of the whole of East Lothian, with the exception of the Lammermuir Hills being covered by the renewed bylaw.

Currently in East Lothian there are some towns and villages that are not covered by the prohibition. This causes confusion not only for members of the public but also for police authorities and visitors to the area. Having the whole of the county covered by the prohibition would provide a clear and consistent message.

Over the last 10 years almost every town in the county has expanded with new builds in areas that have been redeveloped for housing and leisure. As a result of this, there are some facilities that are now out with the current prohibition zones.

Anti-social behaviour (ASB) is an issue throughout the whole of the county, not just in certain towns, alcohol is a huge factor in this. There are several areas in the county that attract persons, who, wish to drink outside in public. These areas are often in remote parts of the countryside and seaside areas. ASB can also be of a transient nature as it flows around the county and there is a need for this prohibition to address this variable.

It is hoped that in the very near future the renewal of the bylaws will be agreed by the Scottish Government. The cost of alcohol abuse to the county is huge, so anything that can be done to improve residents' health and reduce alcohol consumption is a priority.

Licensing Standards Officer (LSO)

The police licensing officer works regularly with a number of partner agencies including the LSO. Sharing information and carrying out joint visits to licensed premises, dealing with any noise complaints or antisocial behaviour issues. This unified approach has resulted in a number of successful resolutions in the East Lothian area.

Also in this reporting year there has been several months of collaborative work around updating the new Statement of Licensing Policy, with the police licensing officer having a direct input to the content of this document. I believe the Board have come up with a very positive and effective Board Policy Statement which will carry us through to 2023.

East Lothian Licensing Forum

The police licensing officer is an active member of the East Lothian Licensing Forum and over the last year there has been a lot of good work carried out around the Statement of Licensing Policy as well as consultation and feedback on other licensing policy and guidance.

In January 2019 the forum invited the Police Scotland Youth Volunteers (PSYV) to participate in one of our sessions. This proved to be a very positive engagement which gave the forum members a better understanding of the issues faced by young people and how they access alcohol and the peer pressures around consuming alcohol. This is something the Forum will continue to do in the future.

Best Bar None (BBN)

Best Bar none is a unique National Award Scheme aimed at raising standards and rewarding licensed premises who undertake positive management practices in support of a safe night out.

The purpose of the Best Bar None Scheme is to

- Reduce alcohol related crime
- Promote social responsibility and duty of care.
- Improves knowledge and skills to assist in responsible management.
- Promotes partnership working to identify good practices and areas for improvement.
- Supports due diligence
- Awards both locally and nationally to reward success.
- Operating more responsibly can improve the commercial viability and attractiveness of a venue and locality.

During this reporting year there were 15 premises that took part in the BBN scheme. 2 premises in Port Seton and North Berwick attained a Bronze Award. 3 premises in Whitecraig, North Berwick and Haddington attained a Silver Award. 10 premises in Dunbar, Gifford, Musselburgh, Haddington, Ormiston, and North Berwick attained a Gold Award with two premises, one in Musselburgh and one in Dunbar going through as finalists to the National Awards.

NOT PROTECTIVELY MARKED

The BBN Scheme is something that Police Scotland will continue to drive forward, promoting and encouraging responsible management of licensed premises.

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. Police Scotland fully support these schemes and would encourage all licensees to become members of a scheme operating in their area.

This reporting year the local community police officer in Dunbar has assisted licensees in resurrecting the Dunbar Pub Watch, which although still in the early stages is proving to be a positive step in the right direction. Plans are ongoing to do the same in North Berwick once a new community police officer is identified.

Campaigns

During this reporting year there were a number of campaigns including the 'Ask Angela' campaign which is a simple code-word campaign for people feeling unsafe on a date. Supported by Rape Crisis, East Lothian Council and Police Scotland, the poster is a visual aid which could provide a vital life-line to someone who finds themselves in a difficult situation and can't get out of it.

We also continue to run the 'One Punch Two Lives' campaign to raise awareness of the consequences that one punch can have on two lives – the victim and the attacker. The hope is to encourage people to think about the consequences of their actions and the effect alcohol can have on their behaviour.

Posters for both these campaigns were handed into several licensed premises within East Lothian and were very well received.

Further to the national campaigns, a local initiative on 'fake ID's' was rolled out on the run up to Christmas 2018. Following a notable increase in fake ID's being available, the police licensing officer compiled a guidance document which was made available to licensees via the Forum website and pub watch. It contains information about what to look for in a fake ID and what to do in the event that someone presents one in their premises.

Problem solving

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

NOT PROTECTIVELY MARKED

premises are identified by licensing officers who evaluate the licensing objectives to determine if any have been compromised.

Depending on the severity of the incident and history of the premises, licensing officers will categorise the premises/incident as follows:

Police Interventions Categories		Number this reporting year
Red	Problematic Premises – those operating in a manner inconsistent with the Licensing Objectives or out with 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.	2
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.	1
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.	3
No Action	Action – An incident review has highlighted no issues regarding the management of the premises or licensing legislation. No further police action.	2

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. There was one such premises in Dunbar that fell into this category.

Premises being monitored by way of the above system are subject to weekly visits by either local officer's or licensing officers to monitor progress, measure improvement and ensure that agreed remedial measures are implemented. There were 3 such premises in Macmerry, Tranent and Musselburgh. Two resulted in no further action and the other premises went to 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 obviously merit an immediate review application.

Summary

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.

In September 2018, the police licensing officer carried out checks on all of the premises licence holder companies in East Lothian and discovered that 4 companies had dissolved over a period of time. Because the premises licence hadn't been transferred the premises licences for these businesses were now gone and the premises were no longer permitted to sell alcohol. The police licensing officer made contact with these businesses and informed them of the situation. Two businesses were not operating at that time, one resorted to a BYOB and the other applied for a new licence. All of these premises were located in the Musselburgh area.

Section 22 - Applications

Over the course of the reporting year there has been 1 New Premises Licence granted and 1 Premises Licence confirmed.

There have also been 5 applications received by the Board for Provisional Premises Licences. All of which were granted and in some cases the Board took steps to refuse 'off sales' in the operating plans. This is a step in the right direction to prevent antisocial behaviour and reduce the number of outlets for persons to access alcohol as well as reduce the risk of children accessing alcohol.

Section 36 – Application for Review of Licence

Police Scotland only seek review of a Premises Licence when an intervention 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.

In this reporting year there were 2 Review Applications submitted by Police Scotland. One was for a premises in Macmerry due to a breach in the conditions of their licence, they received a Written Warning and the other was for a premises in Dunbar following a serious assault, alleged underage drinking, out with licensed hours. There was no further action taken as the premises licence was being transferred and the licence holder/Designated Premises Manager (DPM) had left the premises.

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, to ensure premises are being managed appropriately.

The licensing officer received information that a premises in Musselburgh were having regular 'lock ins'. The DPM was spoken to and advised of his responsibilities in relation to the consumption of alcohol after hours. The premises was placed on the Monitored list and after a period of time no further action was taken.

Section 72 – Personal Licence Applications

There were 150 applications made for personal licences during this reporting year in East Lothian. These were a combination of new applications and renewals.

The amendment to legislation permitting the Chief Constable to request refusal for the purposes of ‘any’ Licensing Objective and provide the Board with ‘any other relevant information’ has widened the scope for making appropriate representations to the Board.

This legislation was used by the police licensing officer on one such occasion when a male applicant had a pending case for theft and fraud from a previous employer. A request for refusal was submitted by Police Scotland and the applicant, through his agent, ‘withdrew’ the application prior to it reaching the Board.

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 relevant offence(s) to the Court and/or the 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.

There were 2 Personal Licence Reviews requested by Police Scotland in this reporting year, one in relation to the Premises Licence Review in the Dunbar area following a serious assault on the premises. The DPM’s personal licence was reviewed and the Board supported the Police recommendation to ‘revoke’ it.

Another occasion was a DPM from a Musselburgh premises, who had been involved in a couple of incidents where his actions were very concerning and his conduct was inconsistent with the licensing objectives. He too had his personal licence ‘revoked’ by the Board. This was supported by Police Scotland.

Section 94 – Exclusion Orders

When a person has been charged with a violent offence within or in the immediate vicinity of any licensed premises a request for an Exclusion Order is included in the ‘remarks’ section of the police report. Exclusion Orders are granted by the Courts, ‘on conviction’ and can exclude a person from specific licensed premises for between 3 months and up to 2 years. The police licensing officer proactively drives the use of Exclusion Orders whenever appropriate. The use of Exclusion Orders are fully supported by the licensed operators in East Lothian.

Section 97 – Closure Orders

There were no closure orders used within East Lothian during the reporting year. It is fully expected that should a premises require to cease trading, due to a serious risk to public safety, that we would receive full cooperation from the licence holder or person in charge.

NOT PROTECTIVELY MARKED

Sections 111-116 – Drunkenness / Disorder Offences

The following licensing offences have been reported to the COPFS during the reporting year.

Number of offences reported to COPFS	
Section 111 (drunk persons within licensed premises)	2
Section 112 (obtaining alcohol by or for a drunk person)	0
Section 113 (sale of alcohol to a drunk person)	0
Section 114 (DPM drunk whilst on duty)	0
Section 115 (disorderly conduct within licensed premises)	2
Section 116 (refusal to leave licensed premises)	9

The numbers reported to COPFS above remains relatively low as a result of officers using their discretion in many cases. We are committed to keeping people safe and improving the quality of life for residents in East Lothian.

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

We all recognise the positive impact children and young people can have, though they are at an age group often unfairly stereotyped and stigmatised.

Children and young people are at a period of their lives where they face choices and it is important they are supported to make the best possible decisions for their future.

Keeping young people safe is a priority of Police Scotland but it is important that adults (including parents, teachers, carers and youth workers) know how they can help them too.

Activity

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 affects many communities.

Due to a new 'code of practice' introduced by Government on 1st March 2018, a Directed Surveillance Authority under the terms of the RIP(S)A (Regulation of Investigatory Powers Scotland Act) must now be sought before a Test Purchase Operation is carried out.

Because of this Police Scotland have had to update the SOP (Standard Operating Procedure) for Test Purchase Operations. This was only completed on the 12th March

NOT PROTECTIVELY MARKED

2019 and so unfortunately there has been no Test Purchase Operations carried out in the East Lothian area in this reporting year.

Fake ID's

One of the campaigns which the licensing officer ran on the run up to Christmas 2018 was 'Fake ID's'. The police licensing officer compiled a 'Guidance Document for the Licensed Trade' which covered what to do in the event of a fake ID being presented.

The trade in fake ID's is a very lucrative one and there appears to be more fake ID's than every circulating among our young people.

In order to keep up with trends and how our young people access alcohol as a member of the Licensing Forum, the police licensing officer, invited the PSYV (Police Scotland Youth Volunteers) to one of the Forum meetings. This proved to be a very positive and worthwhile exercise for all involved, giving a better understanding of the issues faced by our young people and how they access alcohol and the peer pressures around consuming alcohol.

Number of offences reported to COPFS	
Section 102 (sale of alcohol to a child or young person)	0
Section 103 (allowing the sale of alcohol to a child or young person)	0
Section 104A (supply of alcohol to a child)	1
Section 104B (supply of alcohol to a young person)	2
Section 105 (purchase of alcohol by or for a child or young person)	0

Section 104A and 104B is a relatively new addition following the amendment made to the Act by the Air Weapons and Licensing (Scotland) Act 2015. This has proved to be a very useful weapon in the fight against 'agent purchase' or 'proxy purchasing' and will continue to be used by local officers whilst out on patrol.

Proposed Activity

Officers will continue to routinely proactively visit premises licensed for 'off sales' to ensure that they are aware of their responsibilities under the 2005 Act and in particular in the run up to school holidays.

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

The provision of 'Test Purchasing', in terms of Section 105 of the principal legislation, is a tactic that is used by Police Scotland and the East Lothian Command Area will carry out test purchasing in the coming year, in accordance with the new code of practice.

To continue with the work involving the PSYV (Police Scotland Youth Volunteers) with the local Licensing Forum.

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 Groups (SOCGs). Key partners include Police Scotland, NCA, HMRC, COPFS, SOLACE and the Scottish business Resilience Centre, amongst others.

If SOCGs gain a foothold in licensed premises then this would afford the criminal group a seemingly legitimate income stream, which could be no more than a veneer for other criminal activities such as money laundering, tax evasion, drug and people trafficking and other dishonest activities.

SOCG's pose a serious threat to communities, individuals and businesses. We use intelligence and enforcement to break the cycle of crime and reduce opportunities for criminals to profit from illegal activity.

Examples of Serious and Organised Crime (SAOC) Activity in the Board area -

Over the past year, the police licensing officer has 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. Unfortunately a lot of SOCGs already have a foothold in licensed premises which makes it very difficult to object to these applications because more often than not they have no relevant convictions to comment on. In some cases they do not actually transfer the licence, they are 'tenants', who neither hold the premises licence or the DPM (Designated Premises Manager) position and therefore are not 'relevant' persons.

The police licensing officer continues to monitor the persons connected to licensed premises in East Lothian, who are known to have links to SOCG's. All opportunity is taken to disrupt the running of these licensed premises whenever an opportunity arises. Proactive visits to these premises by the police licensing officer keeps the pressure on these operators and ultimately they tend to leave an area as quickly as they arrived.

The use of intelligence is now an option when objecting to a licence and in an effort to educate and prepare the East Lothian Licensing Board members, the police licensing officer arranged an input in November 2018 by specialized officers based at the Scottish Crime Campus, Gartcosh. This was well received by the Board members and something that could be repeated in the future.

PROPOSED ACTIVITY FOR THE YEAR AHEAD

The division has begun a new operation which focuses on violence in all forms and recognises that alcohol has a significant part to play in a large amount of the recorded crimes and incidents. In order to tackle this in a more pro-active manner the new Local Area Commander has put additional focus on Licensed Premises. Currently and in the year ahead the police licensing officer will be given additional support through extra staff at peak demand times. More Licensed Premises will be checked and more often, focussing even more on prevention. The police licensing officer now tasks front line police officers on a weekly basis through a local tasking process and is providing additional training to younger in service officers.

In areas where alcohol fuelled disorder occurs, local community officers will be tasked in advance of events to visit Licensed Premises and provide advice. All reports of proxy purchasing will be prioritised and highlighted on social media to ensure awareness. We will provide more awareness of our local activity using our social media pages and link in with national media campaigns, but in a local context.

Where violence and disorder occurs we will pro-actively seek to ascertain where the alcohol has been purchased and robustly pursue anyone who has committed offences.

Through the new Board Policy Statement, we are looking at the crime prevention side of things and what operators can do to reduce theft of alcohol and support the 'preventing crime and disorder' Licensing Objective. We will continue to work closely with licence holders when submitting new premises licence applications as well as variations to existing ones and encourage the use of CCTV and other crime prevention measures.

The Board will be aware that minimum unit pricing (MUP) has been in effect since 1st May 2018 and it was anticipated that this would bring other challenges as well as potentially, an increase in the theft of alcohol. It is probably too early to assess the impact of MUP at this stage but it is something that will be monitored in the coming year.

Police Scotland and the Fire Service continue to work closely with the Scottish Business Resilience Centre to evolve the Best Bar None scheme. Organisers 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.

To continue the work with the PSYV (Police Scotland Youth Volunteers) and the Forum, gaining a better understanding of young people and their relationship with alcohol.

To embrace the new legislation around Test Purchasing and resume this tactic, to increase awareness of underage drinking and test the working practices of our operators in East Lothian.

To conclude we would like to thank you for your continued support and stress the importance of this collaborative problem solving approach. This ensures that police,

NOT PROTECTIVELY MARKED

licence holders and licensed premises staff have a better understanding of their responsibilities. We look forward to furthering this partnership over the coming year.