

**EAST
LOTHIAN
Licensing Report
2021-2022**



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**POLICE
SCOTLAND**
Keeping people safe

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Foreword

It gives me great pleasure to provide the Annual Licensing Report for 2021/22, in accordance with Section 12(A) Licensing (Scotland) Act 2005. Throughout this year Local Authorities and Police Scotland worked hard to support licensed premises in their road to recovery as Covid-19 restrictions were being lifted.

Collaboration is vital to ensure these businesses can flourish, providing much needed employment for our communities as well as a safe environments for people to socialise. Police Scotland will continue to work closely with Local Authorities, as well as other stakeholders, to ensure there is a fair and consistent approach across all 32 Local Authorities throughout Scotland to aid this recovery. Preventing alcohol fuelled violence, disorder and antisocial behaviour remains a priority for Police Scotland and I believe that working together we can reduce this through early intervention and enforcement.

I would like to take this opportunity to thank our local partnerships and the good work they carry out. With their support Police Scotland and partners can continue to drive improvements in licensing. I will continue to ensure that all officers and staff recognise the importance of working together with key partners, including the Licensing Trade, in an effort to improve licensing standards nationally.

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

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illegal or irresponsible sale, supply or consumption of alcohol with the intention of preventing and reducing crime and disorder.

During 2021/2022, from a licensing perspective, our particular focus was on the following;

- Scrutiny of the serious incidents of violence, disorder and antisocial behaviour linked to licensed premises.
- Working closely with Licenced Premises and Scottish Government to navigate the challenges of the COVID-19 pandemic through the 4Es approach by engaging, explaining, educating and enforcing.
- 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. Police Scotland are currently working on upgrade to the National ICT system to ensure compliance with GDPR legislation.

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.

LICENSING BOARD AREA

The Licensing Board area is policed by Lothians & Scottish Borders (J) Division. Chief Superintendent Catriona Paton is the Local Police Commander who has the responsibility for all day-to-day policing functions. The Local Area Commander Chief Inspector Jocelyn O'Connor is based at Haddington. She is responsible for performance management, community engagement, partnership working and the daily management of local personnel.

Chief Inspector O'Connor is supported by Inspector Stuart Fletcher who is also based at Haddington. The East Lothian Licensing Boards are predominantly attended by Inspector Stuart Fletcher and PC Graeme Bairden.

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 John McEwan and Sergeant Rachel Stark.

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The local liquor Licensing Department is based at Dunbar Police Station. This consists of one police officer, PC Graeme Bairden, supported by administration staff based at Dalkeith Police Station and West Lothian Civic Centre.

Local Policing Priorities

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

- Protecting the most Vulnerable People
- Reducing Violence & Antisocial Behavior
- Reducing Acquisitive Crime
- Improving Road Safety
- Tackling Serious and Organised Crime

In response to the local policing priorities, J divisions will continue to work in partnership with partner agencies to reduce alcohol related criminality and continue to develop night time economy plans with licensed premises. It is recognised that education, prevention, partnership working and robust policing are all key factors in reducing crime and disorder in this area.

Description of Board Area

The command area of East Lothian serves, as of 30th June 2020, a population of 107,900 people covering an area of 262 square miles from Musselburgh to the Dunbar area on the east coast and south into the Lammermuir Hills. The age group

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25-44 saw a 4.2% decline in numbers from 1998 to 2020 while the 45 - 64 age group saw a 46.4% increase in volume of population over the same period (National records of Scotland). Approximately 31,523 persons residing in East Lothian are in the 45-64 age group which represents 29.2% of the population. Between 2018 and 2028, the population of East Lothian is projected to increase from 105,790 to 113,403. This is an increase of 7.2%, which compares to a projected increase of 1.8% for Scotland as a whole.

There are currently:

- 74 'on sales' only premises,
- 87 'off sales' only premises, and
- 126 combined on/off sales premises

Giving a total of 287 premises in East Lothian licensed to sell alcohol. This is only a reduction of 0.34% since the last reporting year.

Covid-19 PANDEMIC

Between March 2020 and May 2022 the licensed trade were met with unprecedented times, due to lock downs and restrictions on their businesses, as a direct result of Covid-19. It is only now over two years later that we find ourselves preparing to return to normality.

Police Scotland set up 'Operation Talla' in response to the pandemic, ensuring a consistent and measured approach was taken to implementing restrictions throughout the country. Lothian & Scottish Borders Licensing Department worked closely with Operation Talla, as well as Liquor & Civic Licensing Policy Unit to provide clear and consistent advice to operational officers, to enable them to support premises as they introduced special measures in response to restrictions.

Police Licensing, in partnership with Licensing Standard Officers (LSO's) and Environmental Health Officers worked closely with the licensed trade, including legal representatives, throughout this difficult time, providing guidance, advice and support to them and their staff to assist in the safe operation of licensed premises through the constantly changing challenges that faced them during this time.

Many premises adapted their business to make best use of their facilities, identifying areas that could become beer gardens, such as carparks or applying to local

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councils to access pavement space, to allow them to continue to trade within the parameters of the rules.

As we return to normality it is anticipated that the number of occasional licences will increase hugely due to the number of re-scheduled weddings and events. This will have an impact on the pressures placed upon licensing staff, to ensure all these applications are processed and approved where possible.

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 243 recorded incidents in licensed premises between 1st April 2021 and 31st March 2022, this figure shows a slight increase from the previous year but a major decrease from 355 recorded incident in the year 2019/2020. This is likely due to the continued restrictions applied to licenced premises during the Covid-19 pandemic. Police Scotland carried out 248 recorded inspections of licensed premises in East Lothian during the reporting year.

On Friday and Saturday evenings police officers are deployed on foot where other incidents permit, 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.

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The misuse of alcohol is regularly cited as a contributory factor in relation to crimes of violence, domestic abuse, disorder and antisocial behaviour occurring on our street and within our homes. In addition, alcohol is also known to lower inhibitions which can have an impact on people's lives, both resulting in them becoming victims of crime, as well as the perpetrator, which can have serious consequences for individuals and their families.

We continue to ensure there is a concerted focus on the issues surrounding the sale and supply of alcohol within our communities and work together in partnership with Licensed Premises and other agencies to promote responsible trading practices, ultimately keeping people safe.

The intervention Process

As detailed in previous reports to the Licensing Board, issues in licensed premises are assessed using a well-established intervention process. Incidents connected to premises are identified by licensing officers who evaluate the Licensing Objectives to determine if any have been compromised.

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 visits by either local officer's or licensing officers to monitor progress, measure improvement and ensure that agreed remedial measures are implemented.

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.

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

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Police Intervention 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.	1
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.	0
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.	1
NO ACTION	Action – An incident review has highlighted no issues regarding the management of the premises or licensing legislation. No further police action.	0

Over the last calendar year there has been one premises in East Lothian which has been classed as ‘Monitored’. This premises closed and is now trading with a different licensee.

During the reporting year there was one problematic premises in East Lothian, however they accepted advice and guidance from police and there are no longer is concerns regards this premises.

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. During the reporting year no premises or events were found to be operating unlicensed.

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Section 22 - Applications

Over the reporting year, there were 11 Provisional Premises Licences, a decrease of 3 from last year. All 11 received confirmation of a Provisional Premises Licence. Some of these applications were for home delivery of alcohol gift packages.

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 no review applications of this type submitted by Police Scotland in East Lothian.

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 police Innkeeper IT solution can be accessed by police control staff and officers alike, twenty four seven, providing any information on licensed hours etc. that are required, out with normal office hours of the Licensing Department. Close monitoring of premises through the use of Innkeeper, tasking's, and night time economy dispersal details continue to assist in reducing offending of this nature. In this reporting year, there has been no licence holders reported for this type of offence.

Section 72 – Personal Licence Applications

There were 130 applications made for the grant or renewal of personal licences during this reporting year in East Lothian. This is a significant increase on the previous year from 75 applications, yet a decrease from the year before, where 237 applications were received in 2019-2020 reporting period. Covid-19 is likely to be a

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contributing factor and therefore it is anticipated an increase in applications will be reported in the coming year.

The amendment to legislation in terms of the Criminal Justice and Licensing (Scotland) Act 2010 and the Police and Fire Reform (Scotland) Act 2012 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. During this reporting year there has been no representation of this type made to the Licensing Board.

Section 84 (84A) – Personal Licence Reviews

Police Licensing Officers are responsible for monitoring the conduct of personal licence holders. Again, the amendment to legislation has widened the ability for the Chief Constable to report conduct inconsistent with the Licensing Objectives.

There was no Personal Licence Review requested by Police Scotland in this reporting year.

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 three months and up to two years. The Police Licensing Officer proactively drives the request for exclusion orders whenever there is an incident in or in the immediate vicinity of licensed premises. Persistent offenders can also be dealt with under the Anti-Social Behaviour legislation. The use of Exclusion Orders are fully supported by the licensed operators in East Lothian. There were no exclusion orders during the dates reported.

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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.

Sections 111-116 – Drunkenness / Disorder Offences

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

Number of offences reported – East Lothian	2019-20	2020-21	2021-22
Section 111 (drunk persons within licensed premises)	0	0	2
Section 112 (obtaining alcohol by or for a drunk person)	0	0	0
Section 113 (sale of alcohol to a drunk person)	0	0	0
Section 114 (DPM drunk whilst on duty)	0	0	0
Section 115 (disorderly conduct within licensed premises)	1	1	1
Section 116 (refusal to leave licensed premises)	5	3	5
Section 102 (sale of alcohol to a child or young person)	0	1	0
Section 103 (allowing the sale of alcohol to a child or young person)	0	0	0
Section 104A (supply of alcohol to a child)	0	3	0
Section 104B (supply of alcohol to a young person)	2	2	3
Section 105 (purchase of alcohol by or for a child or young person)	1	0	0

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

Violence and ASB Data

A total of 907 acts of violence were recorded within East Lothian for the period from 1 st April 2021 to 31st March 2022. This equated to two murders, one attempted murder, 31 serious assaults, 21 robberies and 852 common assaults which includes 59 assaults on Police Officers and eight assaults on Retail Workers. This represents an increase of 141 crimes (18.4%) from the 2020/21 levels of violence. The volume of residential locations amounts to 420 crimes (46.3%) leaving 487 crimes in the public domain. A total of 21 crimes of violence were recorded for licensed premises within East Lothian during 2021-22 compared to three reports in 2020-22. It was also

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noted that 26 crimes were committed within supermarkets licensed to sell alcohol with one such crime being “alcohol” related. The table below depicts the overall crimes of violence by section for the past three years for comparison.

Section	2019-20	2020-21	2021-22	Change to Previous year
Dunbar	80	80	88	+10.0%
Haddington	97	84	129	+53.6%
Musselburgh	286	223	308	+38.1%
North Berwick	33	51	36	-29.4%
Prestonpans	155	153	149	- 2.6%
Tranent	187	175	197	+12.6%

Violence Data Where Alcohol Is A Factor

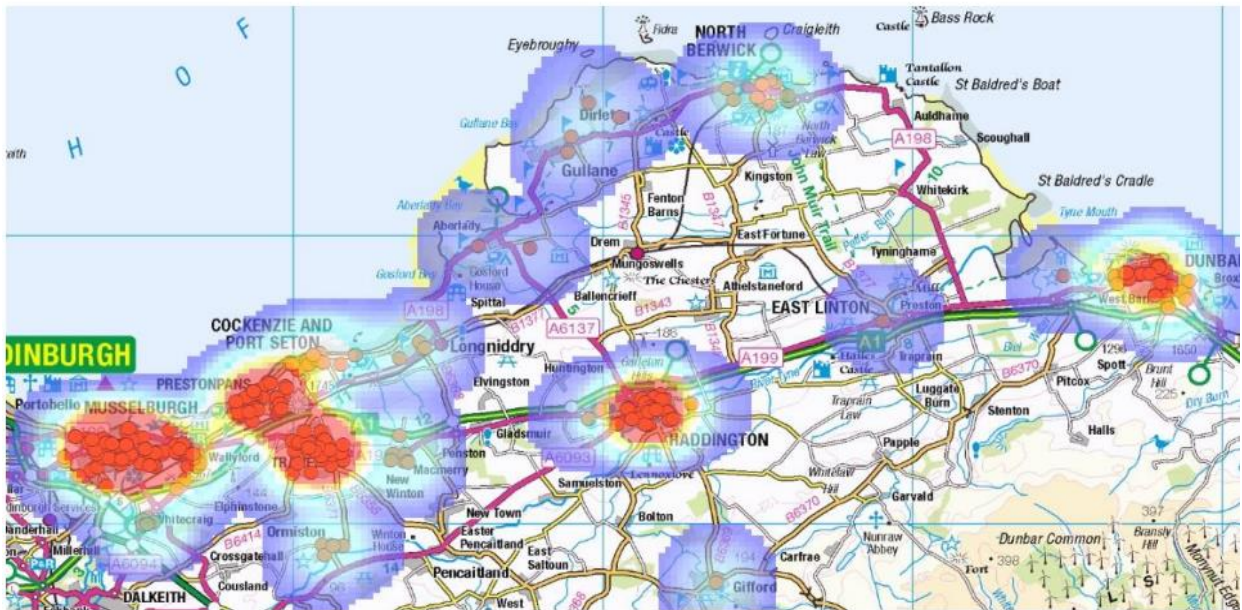
Violence recording indicates an “Alcohol” marker as a clearly defined aggravator to indicate where the presence of alcohol is deemed a factor in the act of violence. Of the 907 recorded crimes of violence for the 2021-22 period, a total of 206 had the alcohol marker attached to the crime report. Of that total 117 were in residential locations leaving 89 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 black dots indicate alcohol while the red dots are the other crimes where no such aggravator has been added.



The areas of Musselburgh, Prestonpans, Tranent, Haddington and Dunbar are evident above. The volume of alcohol related incident in public space has increased since the easing of enforced lockdown situations due to the Coronavirus Pandemic.

Public Space Violence

The following maps indicate the main locations for crimes of public space violence within East Lothian in relation to the “Scene MO” specified on each crime report for an act of violence recorded during 2021-22. The total number of public space crimes of violence totalled 487 from the 907 crimes recorded during 2021-22 (53.7%). This represents an increase from the 351 crimes recorded in 2020/21 and is likely to be a direct result of the easing of lockdown restrictions from the Covid pandemic.



Antisocial Behaviour

A total of 4951 calls relating to ASB have been recorded during 2021-22 within the East Lothian area. This represents a decrease of 2184 calls (30.6%) from the 7135 recorded in 2020-21. The Operation Talla related calls linked to the Coronavirus Covid regulation's accounted for 169 calls (3.4%) in 2021-22 compared to a total of 1479 in 2020/21. Removing Operation Talla calls from the totals give a decrease in the volume of calls in 2021/22 by 15.5% on the 2020/21 total also minus Operation Talla calls. The following maps indicate the main locations for acts of ASB



Partnership Working

The Licensing Officer supported by local policing officers, have promoted the Police Service of Scotland's Force Priorities in conjunction with the four licensing objectives and the overarching principles and aims of the Licensing (Scotland) Act 2005.

Police management East Lothian continue to enjoy a positive working relationship with partner agencies, in particular with East Lothian Council and the Licensing Board. The local licensing officer works regularly with a number of partner agencies and organisations to improve local licensing issues including Trading Standards, Environmental Health, HM Revenue & Customs, Immigration, East Lothian Licensing Forum, Security Industry Authority, NHS Borders, Scottish Ambulance Service and Scottish Fire and Rescue.

Licensing Standards Officer (LSO)

The local Police Licensing Officer works regularly with a number of partner agencies including the Local Authority. He continues to work alongside the LSO within East Lothian to maintain effective information sharing procedures and establish good partnership working. This unified approach has resulted in a number of successful resolutions.

East Lothian Licensing Forum

The police licensing officer is an active member of East Lothian Licensing Forum and continues to provide them with relevant information relating to licensed premises as well as consultation and feedback on other licensing policy and guidance.

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.

Officers 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 and during school holidays or local events.

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.

There is two school link officer and eight Community Beat Officers based in East Lothian and they are seen as one of the main links between Police and children and young persons in the area. The local licensing officer continues to work alongside these officers to provide education and support to students around the dangers of alcohol not only to their own health but also the impact on the community.

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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 Serious and Organised Crime Groups (SOCGs) 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 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 SOCGs. All opportunity is taken to disrupt the running of these licensed premises whenever an opportunity

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arises. Proactive visits to these premises 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, however the process is strictly managed.

Campaigns and Events

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.

The 'Best Bar None' scheme has been suspended for two years due to the majority of the premises being closed or following restrictions due to Covid-19. The BBN scheme may be resurrected during 2022 now that restrictions have lifted and there is a shift back to 'normality'.

THAT GUY was a campaign launched by Police Scotland in October 2021 that aimed to reduce rape, serious sexual assault and harassment by having frank conversations with men about male sexual entitlement with the intention of making

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woman feel safer. This campaign was advertised on many different social media platforms but pub, clubs and nighttime entertainment venues were also approached to support getting the message out there, with fliers and other advertisement, including their own social media.

With over 2.8 million views of the campaign video on twitter alone, it's fair to say THAT GUY went viral, with a huge response on social media and in the press.

Proxy Campaign

A 'National Proxy Purchase Campaign' was scheduled to take place in 2020, where Police and partners would engage with premises to raise awareness of the issue of adults buying alcohol for children and young people. This was aimed at providing education, support and advice to premises, as well as using local and social media to highlight the impacts of it to communities, in an effort to reduce proxy purchases in the division as a whole. Unfortunately, this campaign was postponed as a result of the Covid-19 pandemic but has since been resurrected and has been up and running since May 2022.

Local Licensing Officers have been visiting on and off sale premises, to hand out campaign materials, to raise the public's knowledge and awareness, as well as taking the opportunity to speak with staff providing guidance and advice, in an effort to reduce the number of proxy sales in East Lothian.

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PROPOSED ACTIVITY FOR THE YEAR AHEAD

The division has an 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.

We will continue to work towards both divisional and national priorities in particular in connection to the consumption of alcohol by carrying out and supporting the following proposed activity over the coming year.

- The licensing officer will continue to work alongside partner agencies and LSO's to provide quality and pertinent advice and support to licence holders and their staff in order to ensure they keep both their staff and customers safe and are aware of the legislation and licensing objectives.
- Local Community Police Officers' will undertake a dedicated night time economy policing plan which focusses on alcohol related incidents, antisocial behaviour, violence, disorder and drugs misuse. They provide a targeted and coordinated approach in conjunction with the local licensing officer to deter, disrupt and detect antisocial behaviour. This activity will include licence premise visits to ensure compliance and good practice. Any incidents occurring at or near any licensed premise are further followed up by the local licensing officer.
- Local Licensing Officers will continue to analyse intelligence and disseminate to colleagues allowing for a measured and focussed tasking approach.
- All reports of proxy purchase will continue to be prioritised and interventions with premises to educate and provide advice and support. Further use of social media platforms to provide awareness.
- To engage with licensees, to deliver any national campaigns including providing 'Bystander' training to licence premise staff, with a view to education, to protect

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vulnerable persons within licensed premises and help tackle sexual violence connected to alcohol consumption.

- Engage with any major event organisers to agree alcohol management plans for the events, work alongside partner agencies and events planning to provide advice from a licensing perspective at any safety and advisory group meeting in relation to any such event.
- Continue to raise objections, representations and other appropriate concerns in relation to applications for all types of alcohol licences. Furthermore continue to review incidents and submit licensing reviews to the local authority to be reviewed by the Licensing Board.

To conclude we would like to thank you for your continued support during what has been a challenging year for all. We have all had to adapt to a new way of working and ever changing circumstances which has been embraced by all.

We look forward to a safe and healthy 2022/2023.

