

East Lothian Licensing Report 2023-2024



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Keeping people safe

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Foreword

It gives me great pleasure to provide the Annual Licensing Report for 2023/24, in accordance with Section 12(A) Licensing (Scotland) Act 2005.

Police Scotland has continued to achieve success by focussing on prevention, early intervention and enforcement. This has been made far more effective with the continued support of the many active partnerships that exist within the 32 Local Authorities across Scotland.

This collaborative working is vital to ensuring a fair and consistent approach to licensing while focussing on preventing alcohol fuelled violence, disorder and antisocial behaviour.

In the year ahead our approach will remain focused on prevention and collaboration to ensure efficient and effective service delivery. I will continue to encourage officers and staff to utilise the range of options available to improve licensing standards, reduce violence and to positively influence behaviour and attitudes across Scotland.

I would like to take this opportunity to thank our local partnerships and acknowledge their contribution in continuing to drive improvements with the Licensed Trade, and for the communities we all serve.

Jo Farrell

Chief Constable

Police Service of Scotland

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Police Scotland Licensing Overview –

The Violence Prevention and Licensing Co-ordination Unit (VPLCU) sits within Partnerships Prevention & Community Wellbeing 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 2023/2024, 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.
- 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.

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LICENSING BOARD AREA

The Licensing Board area is policed by Lothians & Scottish Borders (J) Division.

Chief Superintendent Catriona Paton is Divisional Police Commander who has the responsibility for all day-to-day policing functions within J Division. The Local Area Commander, Chief Inspector Ben Leathes, is based at Musselburgh. He is responsible for performance management, community engagement, partnership working and the daily management of local personnel.

Chief Inspector Leathes is supported by Inspector Alan King, who is based at Haddington. The East Lothian Licensing Boards are predominantly attended by PC Lee Wilson.

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 Colin Notman and Sergeant Stuart Miller.

The local liquor Licensing officer, PC Lee Wilson is based at Dalkeith Police Station. PC Lee Wilson is supported by administration staff Natasha Gregory and Craig Beveridge 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

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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

There are currently:

- 52 'on sales' only premises,
- 86 'off sales' only premises, and
- 145 combined 'on/off sales' premises

Giving a total of 283 premises in East Lothian licensed to sell alcohol.

This is a decrease of 2 premises on the previous reporting period.

In addition there were 12 provisional licences that were outstanding and not confirmed in the recording period.

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 303 recorded incidents in licensed premises between 1st April 2023 and 31st March 2024, this figure shows an increase from 145 incident in the previous year.

There were 135 inspections of licensed premises during the same period, an increase from 99 in the previous year.

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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.

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 streets and within our homes. In addition, alcohol is also known to lower inhibitions which can have an impact on people's lives.

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.

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

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

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 this reporting period the council LSO brought several incidents to the attention of police.

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Police licensing officers have adopted the 4'E's (Engage, Explain, Encourage, Enforce) in dealing with such reports and will avoid criminalising members of the public where the matter is deemed to be of a low level nature and/or there has been no criminal intent, unless the circumstances are deemed to warrant it.

One report to police was recorded as a crime and the offender was issued a Recorded Police Warning for the offence of Forgery and Uttering.

In another case, immigration issues were identified whilst investigation breaches of the premises licence. As a result one male was detained by Border Force officers.

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 of this type submitted by this East Lothian Council. Both premises licences were revoked.

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 nighttime 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.

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Section 72 – Personal Licence Applications

There were 223 applications made for the grant or renewal of personal licences during this reporting year in East Lothian. This is an increase from the previous year from 158 applications.

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 one Personal Licence Review requested by Police Scotland following a licence holder being found guilty of a relevant criminal offence. That persons subsequently failed to engage with police or the Board and his licence was revoked.

Another Personal Licence Review was also requested by East Lothian Council in respect of person working within an off-sales premises. This was part of a series of issues identified at the premises. It was the opinion of the board that this person was not a fit and proper person to hold a personal licence and it was duly revoked.

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

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'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.

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.

Violence and ASB Data

A total of 1159 crimes of violence* were recorded within East Lothian for the period from 1st April 2023 to 31st March 2024. This represents an increase of 26 crimes (2.3%) from the 2022-23 levels of violence. The violence recorded in 2023-24 included one murder (the only murder recorded in the Lothians and Scottish Borders Division this year), two attempted murders, 46 serious assaults, 23 robberies and 967 common assaults which includes 73 assaults against emergency workers and 33 assaults against retail workers. This represents an increase in crimes of murder, serious assault, robbery, and common assaults of emergency workers and retail workers from the previous year. It should also be noted that there were two recorded crimes of drugging during 2023-24, both of which were alcohol-related and one of which took place in a public place at a music festival. A total of 40 crimes of violence were recorded for licensed premises within East Lothian during 2023-24 compared to 23

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reports in 2021-22. These were mostly in the areas of Dunbar (7 crimes), Musselburgh (12 crimes), and Wallyford (5 crimes) as well as Tranent (4 crimes), Macmerry (3 crimes), and North Berwick (3 crimes). It was also noted that 27 crimes were committed within supermarkets licensed to sell alcohol with six such crimes being “alcohol” related.

*Violence for the purposes of this reports includes crimes in Group 1 Crimes of Violence as well as the Group 6 crimes of common assault (including those against emergency workers and retail workers).

Violence Data Where Alcohol Is A Factor

Crimes with an “alcohol” tag applied can give an indication of offences where alcohol is a factor. It should be noted however that it is not compulsory to add tags to crime reports and therefore the statistics provided here in relation to alcohol related violence provide an indication only, and do not specify the nature of the link to alcohol. Of the 1159 recorded crimes of violence for the 2023-24 period, a total of 177 (15.3%) had the alcohol marker attached to the crime report. This is a reduction in volume from the 195 recorded in 2022-23. Common assaults continue to account for the main volume of alcohol-related violence (70.6%), however this is a reduction in volume from the previous two years. The only type of violent crime to record an increase in terms of alcohol being a factor is common assaults of a retail worker, increasing from two in 2022-23 to six in 2023-24. Alcohol was also deemed a relevant factor in the murder that was recorded in 2023-24.

Antisocial Behaviour

A total of 4995 incidents relating to ASB have been recorded during 2023-24 within the East Lothian area. This represents an increase of 183 incidents (3.8%) recorded in the 2022-23 period but a reduction from the 5840 recorded in 2021-22.

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

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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.

During this reporting period 2 adults were reported to the Procurator Fiscal for buying alcohol for children.

There are two school link officers and six 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.

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.

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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.

All opportunity is taken to disrupt the running of these licensed premises with the assistance of the National Intervention Unit. Multi-Agency Proactive visits are conducted with key partners in an effort to put the pressure on these operators, in an effort to disrupt their activity and cease from trading.

PROPOSED ACTIVITY FOR THE YEAR AHEAD

- **East Lothian Community Action Team**

East Lothian have an ELCAT made up of 2 sergeant and 8 PC's.

All funding by East Lothian Council was removed but the team was maintained by Police Scotland. The team are directed solely by the Local Area Command And cover a wide variety of police work including -

Youth Engagement: actively engage with youths and foster a positive image of the police and their local communities. Act as primary first responders to youth calls, disrupt antisocial behaviour and enforce appropriate legislation firmly but fairly. Maximise alcohol seizures. Engage with partners and CBO colleagues to identify appropriate support and diversionary activities.

Licensed Premises: monitor licensed premises activity and act as first responders to antisocial behaviour related incidents whenever possible.

- The Licensing Officer will continue to work in conjunction with partner agencies and LSO's to provide guidance and support to all parties, ensuring license holders and licensed premises staff have a better understanding of their responsibilities/obligations. This collaborative approach should seek to further develop partnerships as well as fulfil licensing objectives.
- The Dedicated Night Time Economy Policing Plan will continue and will be led by Local Community Police Officers, with assistance from Response Officers (subject to incident demand). This co-ordinated plan will be devised with the Licensing Officer and will include licenced premises inspections to ensure compliance with licensing obligations and to detect and deter any alcohol-fuelled criminality. All incident related visits will continue to be recorded for any required further action from the Licensing Officer.

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- Continue with the “It’ll Cost You” Proxy Purchase Campaign. This will encompass further distribution of campaign materials, engaging with licensed premises staff to provide appropriate guidance and some social media activity to increase awareness across East Lothian.
- The Licensing Officer will continue to review any relevant intelligence and liaise with colleagues or other intelligence sources (where permitted) to facilitate a satisfactory resolution.
- Work in conjunction with major event organisers, colleagues and partner agencies to agree conditions for events, offer advice and support in order to achieve a safe and crime free environment for such events.
- Raise any necessary licence objections, adverse concerns or representations and conditions, as well as identify any potential licensing reviews required to be submitted for review by East Lothian Licensing Board.

CONCLUSION

Police Scotland would like to thank you for your continued support during what has been a challenging year for all in terms of resourcing and financial challenges.

We look forward to a safe and healthy 2024/2025.