



**POLICE  
SCOTLAND**

Keeping people safe

CHIEF CONSTABLE'S REPORT TO THE  
MORAY LICENSING BOARD  
FOR THE PERIOD  
1<sup>ST</sup> APRIL 2018 to 31<sup>ST</sup> MARCH 2019

## **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.

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### **LICENSING BOARD AREA**

The Moray Licensing Board area is policed by North East Division.

Chief Superintendent Campbell Thomson is the Local Police Commander who has the responsibility for all day-to-day policing functions.

### **Local Policing Priorities**

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

- Antisocial Behaviour, Violence and Disorder;
- Acquisitive Crime;
- Road Safety and Road Crime;
- Protecting People at Risk of Harm;
- Serious Organised Crime;
- Counter Terrorism and Domestic Extremism.

### **OPERATION OF THE LICENSING (SCOTLAND) ACT 2005**

The North East Division Licensing Team is located across the Division in Elgin, Inverurie, Aberdeen and Stonehaven. All staff have a division wide remit and a working knowledge of all the areas covered.

The North East Division Licensing Team, supported by Community Policing Officers, has promoted the Police Service of Scotland's force priorities alongside the five licensing objectives, the overarching principles and aims of the Licensing (Scotland) Act 2005.

In the reporting period, as statutory consultees, the team responded to the Board regarding 438 applications for occasional licences or extended hours, 12 premises or provisional premises applications, 207 personal licence holder applications and 38 premises variations or premises licence transfer applications.

Where any query arises from any such application, a member of the team will seek to discuss the application with the applicant to ensure that responses to the Board by means of representation or objection are considered, reasonable and proportionate.

The team enjoys a strong working relationship with the Local Authority Licensing Standards Officers. Information is shared on a regular basis and joint visits to licensed premises are conducted, on both a pro-active and reactive basis.

The North East Division Licensing Team is represented on the Local Licensing Forum and Moray Alcohol and Drug Partnership and works alongside the following groups and organisations to jointly improve local licensing issues:

- Licensed Trade Association;

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- Community Safety Partnership;
- Licensing Standards Officers;
- Local Security Industry companies;
- Best Bar None;
- Street Pastors.

Reviewing incidents on, or connected to, licensed premises is a key part of our day-to-day business.

Community based Police Officers are encouraged and expected to routinely visit licensed premises within their area. Moray benefits from a dedicated Weekend Policing Plan to support the night time economy.

Within the reporting period, there were 3305 inspections (visits) to licensed premises within Moray recorded on the InnKeeper system.

Any Police Officer who attends an incident at any licensed premises is expected to submit a concise report via the InnKeeper system, particularly when the incident involves violence, disorder, anti-social behaviour, drunkenness, drug misuse, underage drinking, breaches of licensing legislation or any other matter that might impact on public safety.

Within the reporting period, there were 212 incidents connected to licensed premises within Moray recorded on the InnKeeper system. This is a significant reduction from 261 the previous reporting year, which we view positively.

The information obtained may show a causal link between the operation of the premises and the incident. An incremental intervention process allows for issues to be addressed quickly and effectively at an early stage. This includes a low level 'interaction' which may involve a discussion between the Police and the premises management and/or licence holder. The level of engagement from within the Moray licensed trade is very good and in many instances, this approach reduces recurrence or escalation.

Premises may become 'monitored' with closer attention being paid to any incidents occurring there. This is often undertaken in conjunction with tasked, supportive visits to the premises by uniformed Police Officers.

However, where necessary, the staged process allows for more formal intervention to support premises where the need for support has been identified. A premises licence holder and the premises management may be asked to attend a meeting with the Police, where concerns will be discussed. This will often involve an agreed Action Plan being put in place, with a reasonable time scale for completion. The most common example of an agreed 'action' is refresher training of staff covering their responsibilities including the sale of alcohol to underage or intoxicated persons, 'Challenge 25' and the general terms and conditions of the licence held.

Should the intervention stage not bring about the necessary changes, or be otherwise unsuccessful, the next stage is the submission of a premises licence review application for the consideration of the Licensing Board.

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Over the reporting period there have been three licensed premises in Moray subject to a period of monitoring or intervention, a reduction from four the previous year. The issues that were addressed ranged from sale of alcohol outwith licensed hours, highly intoxicated patrons and sale of alcohol to persons under 18 years of age.

Partnership working between the Police, the Licensing Standards Officers and the premises licence holders and premises' management teams continues to hopefully fully resolve the issues and prevent bringing the matters to the Licensing Board by premises licence review application.

In the reporting period there was one premises licence review application submitted to the Board.

The North East Division Licensing Team also has a system in place which monitors certain conduct of Personal Licence holders. Should such a licence holder be charged with any offence, this is brought to the attention of the team. Should the circumstances appear to be inconsistent with any of the five licensing objectives, consideration will be given to bringing this to the attention of the Board by way of a personal licence review. In addition, should an individual be convicted of a relevant offence, this will undergo the same scrutiny.

During the reporting period the North East Division Licensing Team was actively engaged in the consultation process for the Boards' new Statement of Licensing Policy.

We are very pleased to see the inclusion into the new Statement of Licensing Policy of a condition relating to vulnerability through intoxication training and a duty of care policy, following a request for this measure by the North East Division Licensing Team. The team will continue to work alongside the LSOs to assist premises complying with this new condition.

The team will be happy to report back to Board at any stage in the future any impact on policing which may relate to any change in the Board's policy.

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

Moray attracts a relatively low number of reports of underage drinking or youth congregation involving alcohol when considering other towns and cities across Scotland.

Where a person under 18 years of age is found to be either under the influence of alcohol, drinking alcohol in a public place or in possession of alcohol, the Police Officer involved will take all appropriate steps to ascertain the source of the alcohol.

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Where information that cannot be fully evidenced is received regarding the sale of alcohol to children and young persons, in accordance with the national guidance contained within the 'Alcohol Toolkit', letters will be sent to licensed premises in the area reminding them of their responsibilities and requesting extra vigilance.

If such concerns were to continue in respect of specific premises, then other operational strategies would be considered.

One way in which North East Division delivers our commitment to the community is through our School Liaison Officers and School Based Officers. These Officers attend schools and other educational establishments seeking to equip our young people with the appropriate information and understanding that will allow them to make better informed decisions in key areas of their lives, both now and in the future. To this end they deliver lessons, linked to the Curriculum for Excellence, on a range of subjects including alcohol, controlled drugs and anti-social behaviour – particularly alcohol fuelled anti-social behaviour and the potential for related safety issues and consequences.

In support to the Protection of Children from Harm licensing objective, applications for premises licences and variations to premises licences come under close scrutiny often resulting in the submission of letters of objection, or more commonly, of representation, in which the imposition of conditions in respect of on sales, with regard to the times and terms in which children can be on such premises, will be recommended by the Chief Constable.

During the reporting period, the team was actively engaged in promoting the national 'You're Asking for It' campaign aimed at deterring proxy sales of alcohol for supply to children and young persons.

The following offences were recorded under the Licensing (Scotland) Act 2005 during the reporting period, in respect of sale or supply of alcohol to children or young persons:

Section 102(1)	On sale of alcohol to young person	1
Section 104A(1)(a)	Buy alcohol for a child (on sales)	1
	Buy alcohol for a child (off sales)	1
Section 104B91)(a)	Buy alcohol for a young person (off sales)	1
Section 106(2)	Responsible person allow consumption of alcohol by a child or young person (on sales)	1

In respect of the offences which occurred in off sales premises, the persons responsible for purchasing the alcohol were charged accordingly and reported to the Crown Office and Procurator Fiscal Service. No action was taken against the staff members responsible, as they had shown due diligence.

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In respect of the other offences, Police enquiries are ongoing. However the licensed premises involved have been subject to an intervention.

### **TACKLING SERIOUS AND ORGANISED CRIME**

Many of the processes and procedures involved in licensing applications are carried out to guard against Serious Organised Crime Groups (SOCG) infiltrating the licensed trade in any way. This scrutiny is further enhanced with the nation-wide InnKeeper system. This database contains details of all liquor and civic licences for every Division in Scotland, and enhances our information sharing in respect of premises and people in the licensed trade as they move about the country and work in multiple venues.

If such an SOCG were able to gain a foothold in licensed premises 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.

Many of the procedures currently carried out by the North East Divisional Licensing Team, particularly in relation to new premises licences and the transfer of premises licences are done to ensure complete financial transparency and to ensure there are no business related irregularities which may be indicative of SOCG involvement.

Frequent and directed Police attendance and contact with licensed premises also increases the opportunity for irregularities to be identified or reported.

As part of this, the North East Divisional Licensing Team regularly liaise with Police Interventions staff who are aware of SOCG activity within the Division to ensure that applicants are not affiliated in any way to such groups, before responding to the Licensing Board.

This consistent high profile approach and interaction with licensed premises in direct correlation with the aforementioned close scrutiny in the application process should reinforce the work carried out to maintain this position.

### **PROPOSED ACTIVITY FOR THE YEAR AHEAD**

Over the forthcoming year, North East Division Licensing Team, in conjunction with Community Policing Teams, will work alongside licensed premises, to ensure that these premises are adhering to the spirit of the legislation and operate in a manner that supports the five licensing objectives. We aspire to maintain our number of supportive visits to licensed premises and hope to see a continued reduction in the number of incidents taking place on licensed premises.

It is intended that our involvement and participation in public safety campaigns will continue, such as the 'Ask for Angela' personal safety campaign and the 'One



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Punch' campaign which highlights consequences for both victims and perpetrators of spontaneous acts of violence.

Working with established partnerships but particularly with the licensed trade, we hope to continue to see a reduction in alcohol-related crime, particularly violence, whether perpetrated within licensed premises, public places or private spaces.

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