

**MORAY**  
**Licensing Report**  
**2021-2022**



**POLICE**  
**SCOTLAND**  
Keeping people safe

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**Moray Council**

**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 Dalnarnock 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

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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 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 Moray Licensing Board area is policed by North East Division

Chief Superintendent Kate Stephen 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

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- Acquisitive Crime
- Protecting People at Risk of Harm
- Road Safety and Road Crime
- 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 Aberdeen, Inverurie, Elgin 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.

The global COVID-19 pandemic and its associated restrictions continued to present challenges for the Licensing Trade. The vast majority of operators abided by the regulations and worked in close co-operation with Police Scotland and local authority partners such as Licensing Standards Officers, Trading Standards and Environmental Health.

In the reporting period, as statutory consultees, the team responded to the Board regarding 377 applications for occasional licences or extended hours, 11 premises or provisional premises applications, 133 personal licence applications and 40 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, or the applicant's agent, 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. Both teams meet on a regular basis to share information and regularly conduct joint visits to licensed premises, on both a pro-active and reactive basis.

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

- Community Safety Partnership;
- Local Pubwatch initiatives;
- Local Security Industry companies.

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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 1729 inspections (visits) to licensed premises within Moray recorded on the InnKeeper system. This is an increase from 546 the previous reporting year, which reflects the increase of trade due to the relaxing of COVID-19 restrictions.

Any Police Officer who attends an incident at a 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 92 incidents connected to licensed premises within Moray recorded on the InnKeeper system. This is an increase from 32 the previous reporting year and again reflects the increase of trade during the period of reporting.

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 meet with the Police, when concerns will be discussed. This will often involve an agreed action plan being put in place, with a reasonable time scale for completion.

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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.

Over the reporting period there were two premises in Moray that were subject to a period of intervention. The issues that were addressed related either to incidences of violence on the premises and/or perceived management shortcomings following serious incidents.

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.

Partnership working between the Police, the Licensing Standards Officers and the premises licence holders and premises' management teams allows us to resolve any issues and often prevents the necessity to bring matters to the attention of the Licensing Board by premises licence review application.

In the reporting period there were no premises licence review applications or Closure Order applications 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.

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

Moray attracts a lower number of reports of underage drinking or youth congregation involving alcohol in comparison to other towns and cities across Scotland.

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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.

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.

There was one reported case of alcohol being purchased by a person under the age of 18 within Moray during the reporting period.

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.

### **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. There are a number of these groups operating within Moray, of whom Police Scotland continually monitor, disrupt and take enforcement action against. 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 Division Licensing Team regularly liaise with Police Interventions staff who are aware of SOCG activity within the Division to ensure that

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applicants are not affiliated in any way to such groups, before responding to the Licensing Board.

The 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 increasing 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. The team will be actively engaged in promoting the national 'It'll cost you' campaign aimed at deterring proxy sales of alcohol for supply to children and young persons.

The ending of the current Government restrictions in respect of COVID-19 has seen an increase in activity within the Licence trade. We see this as an opportunity to reinvigorate our processes and we are looking at ways of improving our performance across the entirety of A Division, including Moray. We have already undertaken refresher sessions for our Community Policing Teams in respect of Inspections of licenced premises, which will continue throughout the year. Members of the team will also be involved in various local initiatives centred on Licensing.

By 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 we look forward to a safe and healthy 2022/2023.