



POLICE SCOTLAND

Keeping people safe

CHIEF CONSTABLE'S REPORT TO THE
HIGHLAND COUNCIL LICENSING BOARD
FOR THE PERIOD
1ST APRIL 2017 to 31ST MARCH 2018

HIGHLAND

Foreword

It gives me great pleasure to provide the Annual Licensing Report for 2017/18, in accordance with Section 12(A) Licensing (Scotland) Act 2005.

I would like to acknowledge the contributions made to effective licensing regulation in the past year. Working in partnership is vital to ensure a fair and consistent approach to licensing whilst maintaining a focus on preventing alcohol fuelled violence, disorder and antisocial behaviour. Police Scotland is committed to continuing to work with partners in the 32 Local Authorities across Scotland to achieve positive outcomes.

Over the past year, Police Scotland has continued to achieve success with a focus on prevention, underpinned by early intervention and enforcement. This has only been possible with the support of the many active partnerships that exist in local areas. I will ensure that all officers and staff continue to work with the licensed trade and other key partners, utilising the range of options available to them to achieve improved licensing standards, reducing violence, disorder and antisocial behaviour across Scotland.

On 1st May 2018, Minimum Unit Pricing of Alcohol was introduced in Scotland. We will work through the Evaluation Advisory Group to assess the impact of this legislation. The coming year will present many challenges but I am confident that through collaborative working, we will meet these challenges and continue to improve licensing standards and deliver a service to the communities of Scotland.

Mr Iain Livingstone QPM
Deputy Chief Constable Designate
Police Service of Scotland

Police Scotland Licensing Overview

The National Licensing Policy Unit (NLPU) sits within the Specialist Crime Division – Safer Communities based at Dalmarnock Police Office, Glasgow.

The NLPU is responsible for the two tier structure for licensing which supports both national and local priorities. They have overall responsibility for determining and delivering national licensing strategy and policy, by providing advice, guidance and support to divisional licensing teams.

Each of the 13 Local Policing divisions have locally based officers dedicated to 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.

Police Scotland Licensing is supported and governed by a National IT solution known as 'Innkeeper'.

The NLPU and Licensing practitioners within Police Scotland develop partnerships and identify best practice which assist in a better understanding of the challenges faced by the Licensed Trade. This approach enables us to continue to work with local communities and key partners to prevent alcohol related crime and offences.

The NLPU 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.

National Perspective

Our Priorities and Policing Plans continue to be shaped by the objectives contained within Scottish Government's Strategic Objectives and National Outcomes and the Strategic Policing Plans that are delivered locally through single outcome agreements.

Consultation and engagement is combined with our own analysis of the issues that impact on the safety of the public to provide a firm evidence base for local policing teams to prevent crime and disorder and Keep People Safe.

Our National Priorities are

- Violence, disorder and antisocial behaviour
- Serious organised crime
- Counter terrorism and domestic extremism
- Protecting people at risk of harm
- Road safety and road crime
- Acquisitive crime

Licensing Board Area

The Highland local authority area is policed by North Division.

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

North Division is further divided into four local authorities; Shetland, Orkney, Western Isles and Highland. This report relates to the Highland policing area and licensing board.

The Highland region covers a geographical area of some 26,000 square kilometers and is populated by 234,110 people (National Records of Scotland 2015).

Local Policing Priorities

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

- Protecting People.
- Reducing Antisocial Behaviour.
- Reducing Violence.
- Tackling Substance Misuse.
- Making our Roads Safer.
- Tackling Serious Organised Crime.

Senior Officers

The senior officers who hold responsibility for licensing within the area of Highland are as follows;

Superintendent Ross Mackillop	Support and Service Delivery
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Licensing Department;

Chief Inspector Mairi Macinnes	Head of Department
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Sergeant Bruce Gray	Licensing Sergeant
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North Division, Highland, is divided into three Policing Area Commands, North Highland, Inverness and South Highland.

North Highlands	Area Commander
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(Caithness, Sutherland and Ross-shire)	Chief Inspector I Maclelland
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Inverness
(Inverness City and Inverness Rural)
Inverness is the capital of the Highland area and is the only city.

Area Commander
Chief Inspector C Gough

South Highlands
(Badenoch, Strathspey, Nairn, Skye & Lochaber)

Area Commander
Chief Inspector B Mackay

Operation of the Licensing (Scotland) Act 2005

Introduction

Liquor licensing matters are predominately governed by the Licensing (Scotland) Act 2005, 'The Act'. Section 4 of The Act details five licensing objectives which must be adhered to at all times

- Preventing Crime and Disorder
- Securing Public Safety
- Preventing Public Nuisance
- Protecting and Improving Public Health
- Protecting Children and Young Persons from Harm

The five licensing objectives tie in with local policing priorities in relation to liquor licensing matters.

On 31st March 2018 there were 1253 Licensed Premises in the Highland area, given the huge geographical area involved in the distribution of these premises, 26000 square kilometres, this can prove challenging from a Policing perspective.

N Division Police officers adopt, where possible, a community based approach to licensing matters. Regular licensed premise visits are carried out where Police officers liaise with management, staff and patrons. Over the period of this report, 1 April 2017 to 31 March 2018, N Division officer carried out 7913 licensed premise visits.

Where incidents do occur within, or related to, licensed premises, details are recorded on the Police Scotland National Licensing database, InnKeeper. All InnKeeper incidents are reviewed on a daily basis by members of the N Division Licensing team, should the number, or details, of incidents suggest any of the licensing objectives are not being adhered to then appropriate action is taken in relation to the licensed premises, be that education or enforcement.

Partnerships

Liaison is held on an almost daily basis between Police Scotland N Division Licensing Team and the Highland Regional Council licensing team. In addition to working together regarding licensing applications there is also regular liaison with Licensing Standards Officers and the Principal Solicitor. Minor issues are often brought to resolution by joint Police and Licensing Standard Officer inspections of premises with

the Principal Solicitor regularly providing advice and guidance on legal matters surrounding licensing legislation.

The Highland Licensing Forum and Police Scotland also enjoy an excellent working relationship. The forum have been extremely supportive and hold open and transparent discussion with regards to many and varied elements of liquor licensing, taking cognisance of input by Police Scotland. Forum meetings are well attended with representatives from many agencies and groups such as Scottish Fire and Rescue Service, National Health Service, University of the Highlands and Islands, members of the Licensing Trade, Licensing Standards Officers and Woman's Aid to name but a few.

Pub Watch schemes in the Highland Area are an excellent example of licensees and their staff displaying responsible licensing by working together with Police Scotland to make their premises safer places for the public to enjoy. Members of local Policing teams perform the majority of liaison with Pub Watch which benefits both agencies by preventing troublesome patron's access to premises which form the Pub Watch scheme.

Since the introduction of the Security Industry Authority (SIA), stewarding of licensed premises has become professional and regulated. Police Scotland enjoy an excellent working relationship with the Security Industry Authority and their preventions and interventions team. Joint working is carried out to between both agencies to ensure stewards working at premises hold current licences.

Joint working with all partner agencies is seen as a great benefit for all involved in alcohol licensing, particularly in an area as remote and diverse as the Highland region.

Problem solving

The Police Scotland licensing database 'InnKeeper' has now been operational for over two years, having been launched on 14th March 2016. InnKeeper is accessible to all operational Police officers and can immediately provide a copy of every premise licence in their area of operation, occasional licences, extended hours licences and licensed events, to name but a few of the facilities available.

In addition to the aforementioned facilities, InnKeeper also holds a record of visits to licensed premises and incidents which take place within those said premises. Given the vast geographical area that the Highland Regions 1253 licensed premises are spread across, InnKeeper is a fantastic tool which can be utilised to direct limited resources to the right place, at the right time, when a premise may be causing issues, or events are likely to attract higher than normal attendees.

Police Scotland has other analytical tools available which identify areas of violence or disorder linked to alcohol which can narrow down to days and times of the week along with location hotspots so that resources can be appropriately deployed so as to be proactive rather than reactive.

Where a licensee or their staff are failing to adhere to the five licensing objectives there are a number of options open to Police Scotland to deal with the issue or issues.

The most straight forward way of dealing with issues is direct intervention, this can be as straight forward as Police attending an incident, dealing with it in an appropriate manner and advising staff accordingly.

If an incident is of a more serious nature, or is recurring, then an inspection by members of the Police Scotland Licensing team may be required. Such inspections can be carried out in partnership with a Licensing Standards Officer.

Should such intervention fail to remedy issues then a more formal approach can be followed.

Monitored premises – these are premises which have been identified as requiring additional supervision and may have a tasked inspection program put in place whereby local Policing teams will be tasked to carry out inspections at specific times or on specific days should analysis of incidents require such an approach.

Formal Intervention Agreement – where previous intervention has failed, or an incident of a serious nature has taken place, a Formal Intervention Agreement (FIA) can be put in place. An FIA details the issues that have led to this form of intervention, it details what is required of the licensee, designated premises manager, staff and Police to ensure the issues can be resolved and places a timeframe on the intervention (which can be extended if need be). Given the intervention is formal then there is no legal requirement for the licensee/manager to sign up to it, however it is seen as a means of rectifying issues without the need to request a review of the licence.

Problematic licensed premises – if previous intervention has failed, licensee/management have refused to agree to a Formal Intervention Agreement, following an FIA the issues have resurfaced or an incident has been so serious in nature or licensing objectives have been breached to an extreme level then a premise may be classed as Problematic.

Normal procedure is to following an escalation process through the various forms of intervention, however should an incident be of a serious nature, previous intervention has failed or serious breaches of licensing objectives then Police Scotland may request a review of a premise or personal liquor licence by the licensing board.

Summary

Given the large number of licensed premises dispersed over a huge geographical area, the number of crimes, offences or incidents connected to these premises remains low.

This is undoubtedly linked to excellent partnership working between agencies, licensees & their staff, members of the public and Police. Good sound local Policing ensures there is a regular Police presence in and around licensed premises in the Highlands which discourages disorderly behaviour and helps build relationships between Police and licensing communities.

Between 1st April 2017 and 31st March 2018 N Division officers have carried out almost 23% of all recorded licensed premises visits in Scotland, with about 9.5% of licensed

premises in Scotland and limited Police officer numbers this is testament to the hard work and diligence of local Policing.

Figures in relation to crimes and offences for the same period are detailed below:-

DRUNK & ATTEMPT TO ENTER LICENSED PREMISES	4
DISORDERLY CONDUCT ON LICENSED PREMISES	17
REFUSE TO QUIT LICENSED PREMISES	67
SALE OF ALCOHOL TO PERSONS UNDER 18	10
LICENSED PERSONS/EMPLOYEE/AGENT DRUNK IN CHARGE	0
PURCHASE ALCOHOL FOR PERSONS UNDER 18	1

Early intervention is also a key tool to assisting licensees and their staff maintain order within their premises.

Of note, during the period of this report Police Scotland N Division have submitted no requests for review of any premises licences.

During the said period only one premise and its management have been party to a Formal Intervention Agreement. The FIA was in place for 3 months, at the end of the review period management had put suitable processes in place to drastically reduce the number of incidents within, or attached to, the premise and greatly improved the running of the establishment. On signing off the FIA at the end of the review period the licensee agreed that it had been a success and assisted him in the running of his business.

Preventing the Sale or Supply of Alcohol to Children or Young People

All five licensing objectives, as detailed in Section 4 of The Act, can be directly linked to the prevention of the sale, or supply, of alcohol to children or young people.

The fifth of the licensing objectives was, until last year,

- Protecting Children from Harm

In May 2017 legislation was enacted to add young persons to this licensing objective which now details

- Protecting Children and Young Persons from Harm

This change in legislation now means that one of the licensing objectives specifically refers to youths who have attained the ages of 16 or 17 (young persons) as well as those under the age of 16 (children).

There is no evidence or intelligence relating to the Highland area to suggest that there are major issues in relation to alcohol being served to children or young persons.

Section 105 (3) of the Licensing (Scotland) Act 2005, allows a child or young person to buy or attempt to buy alcohol for the purpose of determining whether an offence is being committed on behalf of the Chief Constable.

The above legislation and the use of a young person to conduct test purchase operations provide the police with an effective tool in the fight against underage sales of alcohol. This represents a major safeguard against underage drinking and the resultant alcohol fuelled antisocial behaviour which affects many communities.

During the period of this report, 1st April 2017 to 31st March 2018, 12 test purchase operations have been carried out within the Highland Region, only 1 premise failed and has been reported to the Procurator Fiscal accordingly. There have been no re-tests failures during the time of this report.

Despite challenges in relation to the recruitment of appropriate youths to carry out Test Purchase Operations, N Division intends to continue with this effective tool against breaches of legislation and licensing objectives into 2018-19.

Police Scotland operate a Vulnerable Persons Database; should a child or young person come into contact with Police in relation to a matter regarding, or involving, alcohol their details are entered into the said database so that information sharing can take place between partner agencies such as Social Work, Education and Health so that the appropriate support or care can be provided.

Prevention and Intervention

In addition to the N Division licensing team, there are also 4 dedicated Prevention and Intervention officers in the Highland area who provide, amongst many other services, advice, guidance and security surveys in relation to licensed premises from a crime prevention perspective.

The said Prevention and Intervention officers also provide staff training in subjects such as drugs, antisocial behaviour, security and good bar keeping.

Proposed Activity for the Year Ahead

N Division will continue to work diligently with its partners to ensure all aspects of licensing legislation and policy are adhered to.

The Highland area is one of the safest places in Scotland for the public to use and enjoy its licensed premises and Police Scotland N Division officers will continue to work tirelessly to ensure this remains so.

The Police licensing team will process all licensing enquiries to the high standard they demand and ensure strict timeframes are adhered to, utilising the licensing IT solution InnKeeper to its maximum capacity.

Any adverse incidents attached to licensed premises will be dealt with swiftly, fairly, proportionately and professionally so as to reach a resolution that benefits all those involved with particular emphasis on Keeping People Safe.

To conclude we would like to thank you for your continued support and stress the importance of this collaborative, problem solving approach which ensures that police, licence holders and licensed premises staff have a better understanding of their responsibilities to strengthen locally-led alcohol licensing in order to preserve order and promote safety and public health.