

HIGHLAND



POLICE
SCOTLAND

Keeping people safe

Chief Constables Annual Licensing Report for 2019/20

Highland Licensing Board

Licensing Department / March 2020 / v 1.0

Foreword

It gives me great pleasure to provide the Annual Licensing Report for 2019/20, in accordance with Section 12(A) Licensing (Scotland) Act 2005. During this year Police Scotland has continued to work tirelessly towards supporting and enforcing the licensing objectives.

Police Scotland continues to work closely with local authorities and partnership agencies to deliver effective regulation in liquor licencing. 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 take this time to thank our many local partnerships and acknowledge the good work that they do, as without their support we would not be able to maintain the high standard in licencing we have become accustomed to in the Highland Board area.

Going forward I will continue to emphasise the importance of partnership working to our dedicated officers and staff. 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 2019/2020, 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.

LICENSING BOARD AREA

The Licensing Board area is policed by Highland and Islands Division.

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

Highland and Islands Division is divided into four Local Authority areas; namely Highland, Shetland, Orkney and the Western Isles. The content of this report relates to the Highland area.

The Highland region covers a geographical area of some 26,000 square kilometres and is populated by 235,540 people (National Records of Scotland).

Senior Officers

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

Superintendent Mark Mackay	Support and Service Delivery
Chief Inspector Scott Macdonald	Head of Licensing Department
Inspector Jason Beeston	Licensing Inspector
Sergeant Katy Duncan	Licensing Sergeant

In addition to a Licensing Inspector and Sergeant, the department has two Divisional Licensing Administrators, with a third post currently being advertised. The Highland Council area is divided into three Policing Area Commands; North Highland, Inverness and South Highland.

North Highlands (Caithness, Sutherland and Ross-shire)	Area Commander - Chief Inspector Jamie Wilson
Inverness (Inverness City and Inverness Rural)	Area Commander - Chief Inspector Mairi Macinnes
South Highlands (Badenoch, Strathspey, Nairn, Skye & Lochaber)	Area Commander – Chief Inspector Ian Graham

Local Policing Priorities:

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

OFFICIAL

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

Officers in the Highland area, in conjunction with the Divisional Licensing Department, recognise that alcohol continues to be a significant factor in violent crime. As such, officers will focus on addressing 'Violence, Disorder & Antisocial Behaviour' and work collaboratively with partners to support education, prevention, diversionary and enforcement measures to reduce the harm caused by alcohol related crime and disorder.

In addition, one of the outcomes of the Highland Outcome Improvement Plan is 'Community Safety and Resilience', which requires activity around both prevention and intervention strategies. Police officers will support this outcome by focusing on the national and local priority of Violence, Disorder & Antisocial Behaviour. Officers will also support the delivery of the Highland Alcohol and Drug Partnership Strategy.

OPERATION OF THE LICENSING (SCOTLAND) ACT 2005

Introduction:

The Licensing (Scotland) Act 2005, is underpinned by five licensing objectives, namely;

- 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 and National Policing Priorities in relation to liquor licensing matters, as well as outcomes within the Highland Outcome Improvement Plan.

The misuse of alcohol is regularly cited as a contributory factor in relation to crimes of violence, domestic abuse, disorder and antisocial behaviour, which occur on the streets and within homes. In addition, alcohol is also known to lower inhibitions and can render an individual as much a victim as a perpetrator of crime. These are crimes which Highland officers can deal with on a day-to-day basis.

Whilst the vast majority of licensed premises do currently operate in accordance with the legislation stipulated within the Licensing (Scotland) Act 2005, thus ensuring the

provision of alcohol within a safe and regulated manner, it is imperative that the irresponsible and illegal sale of alcohol is tackled robustly by the police.

Police Scotland's purpose is to improve the safety and wellbeing of people, places and communities in Scotland, whilst focusing on 'Keeping People Safe' in line with our values of Integrity, Fairness and Respect. By working in collaboration with our partner agencies and the licensed trade, and by focusing on prevention and intervention strategies to address our local and national priorities, officers in Highland will continue to encourage the responsible sale and supply of alcohol within our communities.

This report will highlight the positive work which officers in the Highland area routinely perform to ensure the responsible sale and supply of alcohol within this area, as well as proposals for the year ahead.

Highland Council Licensing Board Decisions

As of 31st March 2020 there were 3,441 personal licence holders within the Highland Licensing Board area, as well as 1,241 premises licences, of which 352 are 'on sales', 322 are 'off sales', and 567 are both 'on and off sales'.

It is pertinent to note that the Highland area encompasses approximately 26,000 square kilometres, with these 1,241 licensed premises dispersed over this vast, and at times remote, area. As such, a community based approach is, and always has been, adopted by local officers to police these premises, with continual positive interaction and engagement taking place with licensees, staff, patrons and the local communities to ensure a suitable approach to licensing matters.

Officers in the Highland area pride themselves on their ongoing interaction with the licensed trade. Regular licensed premises inspections are ingrained in their work ethic, which is reflected in the number of inspections carried out. Between 1st April 2019 and the 31st March 2020, there were 10,262 recorded licensed premises visits in the Highland area alone. This figure accounts for 18% of all recorded inspections throughout the whole of Scotland. This is an increase of 523 recorded inspections on the preceding year (1st April 2018 – 31st March 2019). Combined with the inspections recorded for Orkney, Shetland and the Western Isles, officers within the Highland and Islands Division carried out a total of 16,585 licensed premises inspections, which accounts for 29% of all recorded inspections throughout Police Scotland's jurisdiction.

Licence Applications - Board Decisions:

All licensing applications received by the Highland Council Licensing Board are forwarded to the police within the Divisional Licensing Department. Once received, the applications are vetted and full background checks are completed for all. Police Scotland, as statutory consultees, are required to adhere to strict statutory timescales

OFFICIAL

in relation to responses to the Local Authority once an application has been received, therefore it is imperative that full enquiry is completed without delay.

The Chief Constable must respond within 21 days of receipt of all applications, with the exception of Extended Hours applications, which have a 10-day turnaround.

Any applications which are contradictory to the licensing objectives, or which highlight relevant convictions in relation to any applicants, will require a report to the Licensing Board by way of a representation or an objection from the Chief Constable.

Between 1st April 2019 and 31st March 2020, the following applications were received from the Highland Council Licensing Board and processed accordingly by the police, with the subsequent Licensing Board decisions detailed below:

Application Type	Submitted	Granted	Refused	Withdrawn
Premises licence	15	15	0	0
Provisional premises licence	18	18	0	0
Major variations	43	42	0	1
Minor Variations	285	285	0	0
Transfers	65	65	0	0
Occasional Licence	1,660	1,660	0	0
Extended Hours	160	160	0	0
Personal Licence	1,103	1,103	0	0

In addition, during the period of this report, there were no premises licence or personal licence review requests submitted to the Highland Council Licensing Board by police, local residents or Licensing Standards Officers. However, there were three premises licence reviews as a result of outstanding licensing fees.

OFFICIAL

A total of 262 personal licences were revoked by the Highland Council Licensing Board during this period, as a result of licence holders failing to complete their mandatory refresher training.

The Highlands and Islands Division processed a total of 1,230 personal licence applications during the period of this report, in comparison to 674 personal licence applications the previous year (2018-2019), and 119 applications the year preceding that (2017-2018). This upsurge in applications is due to the conclusion of the ten-year life span of all personal licences which had been granted when the Licensing (Scotland) Act 2005 came in to force in September 2009.

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

As previously stated, under the Licensing (Scotland) Act 2005, the provision of alcohol is underpinned by the five licensing objectives, the fifth of which is 'Protecting Children and Young Persons from Harm'.

The Act defines a child as a person under the age of 16 years, and a young person as a person aged 16 or 17 years old.

The police have a vital role in ensuring compliance with this licensing objective, and in preventing the sale and supply of alcohol to children and young persons. Partnership working is vital, specifically the sharing of information between different agencies. With the focus being on prevention, intervention and education, the police in Highland continue to work tirelessly to address any such issues.

Currently there is no evidence or intelligence to suggest that there is a significant issue with children and young persons obtaining alcohol in the Highland area, whether that be through proxy sales, or by purchasing it themselves from licensed premises. This is partly evidenced through the number of offences recorded in relation to such crimes between 1st April 2019 and 31st March 2020 in the Highland area, which has reduced considerably in comparison to the preceding year:

Offence	2018-2019	2019-2020
Section 102 – Sale of alcohol to a child or young person	10	0
Section 103 – Allowing the sale of alcohol to a child or young person	0	0
Section 104 – Buy alcohol for a child or young person	0	0
Section 105 – Purchase of alcohol by or for a child or young person	0	0
Section 106 – Consumption of alcohol by a child or young person	0	0
Total	10	0

There were no Test Purchase Operations carried out in the Highland area during the period of this report. This was partly due to a review and reform of the procedures and

OFFICIAL

processes adopted, which specify that all such operations must be intelligence led with stringent safeguards in place.

However, consideration will be given to carrying out Test Purchase Operations in the future, where there is credible intelligence identifying such issues.

Despite the foregoing statistics, in conjunction with the current lack of intelligence, police in Highland cannot be complacent in this regard, nor can the assumption be that children and young persons are not obtaining alcohol for their own consumption.

In instances where children or young persons are found to be under the influence of alcohol, or have alcohol in their possession, relevant details are recorded on the Vulnerable Persons Database (VPD) to ensure they are dealt with by the appropriate services and agencies. This option is preferable to criminalising all actions, although criminal proceedings may still be taken dependent on the seriousness of any crimes or offences. However, the importance of directing those children and young persons to the most appropriate services is paramount.

Officers throughout Highland continually engage with licensees in both on and off sale premises to ensure their adherence to the licensing objectives and to protect children and young persons from harm. Licensees are encouraged to report offences under the Identity Documents Act 2010 to address young people using fraudulent identification in an attempt to obtain alcohol or gain entry to licensed premises.

Officers in Highland will continue to carry out high visibility patrols to support licensees and their staff in identifying offences, and in preventing the sale and supply of alcohol to children and young persons. This will also act as a deterrent to any potential offenders.

In addition, Prevention and Intervention officers will continue to engage and liaise with school and college pupils to educate them on the dangers of substance misuse, including alcohol.

TACKLING SERIOUS AND ORGANISED CRIME

Introduction:

Serious and Organised Crime is a national and local priority for the Highland and Islands Division. Serious and Organised Crime encompasses a vast array of criminality, and its members are driven by the accumulation of wealth at the expense of others. Some criminals will focus their activity on the licensed trade. Serious and Organised Crime exploits honest, law-abiding citizens, including the most vulnerable members of our communities, with the impact having devastating effects upon communities. The Highlands of Scotland are in no way immune from this type of crime.

Police Scotland is fully aware of the threat which Serious and Organised Crime Groups can have on the licensed trade, and there is a significant responsibility on the police

within the Highland area to ensure that such individuals and groups do not infiltrate the licensed trade.

Examples of Serious and Organised Crime (SAOC) Activity in the Board area:

There is currently no intelligence to suggest that Serious and Organised Crime Groups are active within the Highland area, however, officers are fully aware that there can be no room for complacency. As such, strict protocols and procedures are followed to ensure that this precedent continues.

The Divisional Licensing Department works in conjunction with other departments within the police, such as the Criminal Investigation Department (CID), the Divisional Intelligence Unit (DIU), the Community Investigation Unit (CIU) and the Preventions and Interventions Department, to prevent any such illegitimate businesses entering the licensed trade, and to work collaboratively to disrupt such activity.

Every licensing application which comes to the attention of the police is scrutinised to ensure no links to Serious and Organised Crime Groups. Several police systems, including the Scottish Intelligence Database (SID) are interrogated, whilst applicants are regularly interviewed and their premises inspected during the vetting process. By doing so, the risk of Serious and Organised Crime Groups infiltrating and utilising the licensed trade to furtherance their criminality is minimised.

The police continue to work in partnership with other agencies to cause disruption to any organised crime groups. During the period of this report, joint initiatives have taken place between the police and Immigration, the UK Border Agency, the Local Authority and the Fire and Rescue Service to tackle human trafficking and illegal employees within licensed premises. This is work which will continue throughout the year, going forward.

Highland officers, and the Divisional Licensing Department, will continue to work in partnership with other agencies to cause disruption to any Serious and Organised Crime Groups.

PROPOSED ACTIVITY FOR THE YEAR AHEAD

Highland officers are dedicated and committed to ensuring the safety and wellbeing of its residents and the plethora of visitors which visit the area every year. Local officers and the Divisional Licensing Department will continually work towards achieving local and national priorities. By tackling alcohol related violence and disorder, and ensuring strict adherence to the licensing objectives, whilst upholding strong partner relations, together we will continue to work towards safer and more resilient communities.

The number of licensing offences recorded in the Highland area has reduced year-on-year between the period of this report and the same dates between 2018 and 2019. The reduction in recorded offences is undoubtedly attributable to the continual interaction and engagement which local officers have with the trade in their

OFFICIAL

communities, as well as the positive actions of management, staff and door stewards within premises. Below is the number of licensing offences recorded between 1st April 2019 and 31st March 2020, and the preceding year:

Offence	2018 - 2019	2019 - 2020
Section 1 - Unlicensed sale of alcohol	0	0
Section 63 - Sale or supply out-with licensed hours	0	0
Section 111 - Drunk persons entering or in premises on which alcohol is sold	3	3
Section 111(2) -Drunk and Incapable on relevant premises	0	0
Section 112 - Obtaining alcohol by or for a drunk person	0	0
Section 113 - Sale of alcohol to a drunk person	0	0
Section 114 - Premises manager, staff not to be drunk	0	0
Section 115 - Drunk/Disorderly conduct on premises	21	12
Section 116 - Refusal to leave licensed premises	48	35
Section 138 - Obstructing Constable entering premises	0	0
Total	72	50

Highland officers, in conjunction with the Divisional Licensing Department, will strive to reduce and maintain low crime figures in relation to licensing offences. This will be achieved through continued strong and cohesive working relationships with local partners, which is essential to ensure the safe and responsible provision of alcohol within Highland.

Officers will continue to work closely with the Highland Council, particularly their Licensing Department. Local officers and the Divisional Licensing Department enjoy good working relationships with the Clerk to the Licensing Board, Licensing Standards Officers (LSOs) and administrative staff. Given the geographical restraints in relation to attending licensed premises throughout the Division, the police rely on these close working relationships to address issues, and it is essential that this positive work continues, going forward.

Police will continue to support local Pub Watch schemes throughout the Highland area, as there is little doubt that such schemes are instrumental in reducing and maintaining low levels of crime and disorder in and around licensed premises. Pub Watches in Inverness and Lochaber are shining examples of strong and cohesive schemes which work effectively and efficiently together. Highland and Islands Division will continue to work closely with these schemes, regularly liaising with members and providing support, advice and assistance wherever possible. Ongoing work is currently being undertaken in relation to information sharing protocols due to legislation under the General Data Protection Regulation (GDPR), however, officers in Highland and within the Divisional Licensing Department are committed to providing this support to allow the continuation of positive and valuable work.

OFFICIAL

Throughout the period of this report, several planned drugs operations within licensed premises (Operation Keeva) were executed throughout the Highland and Islands Division, including the Highland area. These intelligence-led operations will continue to be rolled out in all Sub-Divisions, with the focus not only being on enforcement and addressing Serious and Organised Crime, but also to allow engagement with, and the education of staff, in successful approaches to tackling drugs misuse. Officers in Highland will continue to target any premises which are highlighted for criminality, including drugs misuse.

Officers in Highland undertook a joint initiative with the Security Industry Authority (SIA) in Inverness in February 2020. Further interaction and joint operations are planned for the future, which will encompass the entire Division.

Police officers in the Highland area are the eyes and ears of the Highland and Islands Licensing Department. As such, developing, maintaining and building upon strong working relationships with these officers is essential. By supporting these officers, the Divisional Licensing Department is able to monitor, support and assist the licensed trade, whilst helping to create safer communities and environments.

We will continue to timeously process and administrate all licensing applications in a professional and diligent manner with the focus on infiltrating and disrupting Serious and Organised Crime groups, and ensuring that Licensing Boards are advised accordingly with regards to persons who are not deemed fit and proper to hold a licence due to criminal convictions.

Where licensed premises, or those individuals holding personal licences, fail to be run, or fail to conduct themselves, in a manner consistent with relevant legislation or policy then appropriate and proportionate intervention will take place. The focus will remain on prevention and intervention so that issues can be resolved quickly and effectively to prevent the review of any licence.

All officers within Highland and Islands Division will continue to interact closely with licensees and their staff. It is the expectation that every single premise within the entire Division will receive at least one visit per annum. Although, the reality is that most premises will receive repeated visits to provide support and encourage engagement.

The police will continue to work in partnership with other agencies, including the Licensing Forum and the trade to uphold the licensing objectives, ensuring our communities are safe places for residents and visitors alike, whilst continuing to 'Keep People Safe'.

We will also continue to work in partnership with the Local Authority to ensure deliverance of the Local Outcome Improvement Plan, concentrating on the actions specifically relating to alcohol misuse, and thereby creating safer communities.

Highland and Islands Division recognise that the Coronavirus pandemic has resulted in unprecedented restrictions and emergency legislation, which has impacted heavily on the licensed trade. At the time of writing, it is unknown how long these restrictions

OFFICIAL

will remain in place. Officers in the Highland and Islands Division, in conjunction with the Divisional Licensing Department will support the licensed trade to the best of our ability throughout these uncertain and deeply concerning times.

Conclusion

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.