

# HIGHLAND Licensing Report 2020-2021



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Keeping people safe

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**Foreword**

In accordance with Section 12(A) Licensing (Scotland) Act 2005 I provide the Annual Licensing Report for 2020/21.

I would like to thank you for working with policing to keep the people of Scotland safe in what has been an extremely demanding year. During these challenging times Police Scotland has continued to work closely with Local Authorities and key stakeholders and, collectively, we have played a crucial role in supporting the national response to the COVID-19 pandemic, explaining the rules and encouraging our fellow citizens to do the right thing.

We have embraced new, flexible ways of working that have involved remote or home working where possible and the incorporation of new IT solutions. We have quickly adapted to these changes while continuing to provide a high standard of service to our communities.

We have also continued to deliver effective regulation of Liquor Licensing whilst taking full cognisance of the restrictions and requirements conferred by the Coronavirus Regulations. Our focus has been on preventing alcohol fuelled violence, disorder and antisocial behaviour along with supporting the national response to suppress the virus.

I would like to thank our many local partnerships and acknowledge the good work that they do; without their support we would not be able to maintain the high standard in licensing in the Highland area.

Police Scotland remains committed to working with others to achieve the licensing objectives. I am confident that through effective, collaborative working we will meet any challenges that may arise and will continue to improve licensing standards for the communities of Scotland.

**Iain Livingstone QPM**

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 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 2020/2021, 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.

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## **LICENSING BOARD AREA**

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

Chief Superintendent Conrad Trickett is the Local Police Commander, who has the responsibility for all day-to-day policing functions.

Highlands 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/Licensing Officers**

The officers who hold responsibility for liquor 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 three Divisional Licensing Administrators. The Highland Council area is divided into three Policing Area Commands; North Highland, Inverness and South Highland. The senior officers with responsibility for these area are as follows:

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 Jennifer Valentine

### **Local Policing Priorities**

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

- Violence, Disorder & Antisocial Behaviour
- Protecting People at Risk of Harm
- Road Safety & Road Crime

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- Serious Organised Crime
- Acquisitive Crime
- Counter Terrorism and Domestic Extremism

Police officers in the Highland area, in conjunction with the Divisional Liquor Licensing Department, recognise that alcohol is a significant factor in violent crime. As such, officers 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 deal with on a day-to-day basis.

Whilst the vast majority of licensed premises do 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 any 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

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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.

The Coronavirus pandemic has had a devastating impact on the licensed trade. Since March 2020, licensed premises have been subjected to strict restrictions, with many having spent a large proportion of the past year being closed or operating with significantly reduced hours and operations.

In Highland area, licensed premises were initially ordered to close completely from 20<sup>th</sup> March 2020. These restrictions remained in place until 6<sup>th</sup> July 2020, when premises were permitted to open outdoor areas and beer gardens only, with a re-opening of indoor areas permitted from 15<sup>th</sup> July 2020, with specific conditions imposed. On 25<sup>th</sup> September 2020, a 2200 hours curfew was imposed on all licensed premises. On 9<sup>th</sup> October 2020, it was announced that indoor areas would close and licensed premises could only operate in outdoor areas. On 2<sup>nd</sup> November 2020, the 5-tier system was introduced into Scotland, and Highland area was subsequently placed into Level 1, which permitted licensed premises to operate until 2200 hours daily. On 26<sup>th</sup> December 2020, Highland area was placed into Level 4 of the tier system, which ordered all licensed premises to close completely. This has remained the case until the time of writing in March 2021.

There has been ever-changing guidance and legislation published by the Scottish Government throughout the above timeline, which has resulted in licensees and their staff being required to carry out detailed and comprehensive Covid-19 risk assessments whilst operating their businesses under a number of strict rules and regulations to ensure the safety of patrons and staff, thus preventing the spread of the virus. This has undoubtedly been a very challenging time for all concerned, and even at this stage in the pandemic, there still remains uncertainty regarding the re-opening of licensed premises, and what specific restrictions they will be subjected to, and under what time scales.

Throughout the past year, police officers in the Highland area have worked in close partnership with the Environmental Health and the Highland Council Licensing Standards Officers (LSOs) to actively support and provide advice and information to liquor licence holders. This has been important to ensure a collective and joint working approach so that agencies, including the police, are seen to be working with the trade, and not against them.

Police Scotland have adopted a 4-Es approach to Covid-19 restrictions and regulations, namely:

- Engage
- Educate
- Encourage
- Enforce

Enforcement has always been a last resort, with the focus being on engaging with individuals, explaining the current regulations and legislation, and encouraging



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persons to desist from any breaches which they may be committing. This approach equally applies to all aspects of the licensed trade.

The vast majority of licensed premises have fully complied with all the regulations. During the periods where licensed premises were permitted to trade under strict regulations, which included curfews, track and trace, table service etc., it has been noted by police and partner agencies that there have generally been high levels of compliance during very difficult and challenging times.

Where officers identified minor breaches of Covid-19 regulations, the police have worked in partnership with officers from the Environmental Health to address such issues. A joint approach was adopted to provide advice and offer additional support to premises which required extra guidance to ensure compliance. Weekly meetings have been taking place between the police, Environmental Health and the LSOs since Autumn 2020, with these meetings still ongoing to date. Together, we share information and discuss a joint problem solving approach, with full cooperation expected from the trade.

In addition, police officers and Environmental Health officers have undertaken proactive and reactive visits to licensed premises throughout the past year throughout the Highland area, both in urban and rural environments. The purpose of these visits was to ensure compliance with the regulations, but to also offer support to licensees and their staff. These visits were well received and licensees appeared to appreciate the additional support which was available. These visits will be re-established with the re-opening of licensed premises.

The levels of compliance have been testament to the dedication and commitment of licensees and partner agencies, particularly during exceptionally challenging times. There has been some intervention work carried out by the police in relation to some continued breaches of Covid-19 regulations by licensed premises, however, these issues have generally been rectified with a partner based problem solving approach, and by investing time and support to address matters and ensure full compliance.

### **Highland Council Licensing Board**

As of 31<sup>st</sup> March 2021 there were 3,263 personal licence holders within the Highland Licensing Board area, as well as 1,238 premises licences, of which 349 are 'on sales', 321 are 'off sales', and 568 are both 'on and off sales'.

It is pertinent to note that the Highland area encompasses approximately 26,000 square kilometres, with these 1,238 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. Obviously the pandemic has significantly reduced the amount of interaction between the police and the trade due to the closure of premises, however, once premises re-open, the previous levels of engagement with licensees and staff will be resumed.

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**Licence Applications - Board Decisions:**

All licensing applications received by the Highland Council Licensing Board are forwarded to the police within the Divisional Liquor 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 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.

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

Between 1<sup>st</sup> April 2020 and 31<sup>st</sup> March 2021, 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:

<b>Application Type</b>	<b>Submitted</b>	<b>Granted</b>	<b>Refused</b>	<b>Withdrawn</b>
<b>Premises licence</b>	15	14	0	1
<b>Provisional premises licence</b>	18	18	0	0
<b>Major variations</b>	29	29	0	0
<b>Minor Variations</b>	169	169	0	0
<b>Transfers</b>	81	81	0	0
<b>Occasional Licence</b>	699	699	0	0
<b>Extended Hours</b>	8	8	0	0
<b>Personal Licence</b>	243	241	2	0

In addition, during the period of this report, there was one premises licence review submitted to the Highland Council Licensing Board by the police. The Licensing Board voted to take no action in respect of this review. There were two personal licence reviews, both of which resulted in the licences being endorsed by the Licensing Board.

A total of 345 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.



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**PROPOSED ACTIVITY FOR THE YEAR AHEAD**

Although the past year has resulted in reduced contact with the licensed trade due to the lockdowns and subsequent closures of premises, Highland officers are dedicated and committed to ensuring the safety and wellbeing of both residents and visitors within this area. Throughout the pandemic, and thereafter, local officers and the Divisional Licensing Department have, and will continue to 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 work towards safer and more resilient communities.

Looking ahead with an air of optimism that licensed premises will be in a position to re-open and operate with an easing of current restrictions, the police 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 our partners in the Highland Council, particularly the Licensing Standards Officers, Environmental Health, the Clerk to the Licensing Board 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 collectively address issues, and it is essential that this positive work continues, going forward, particularly during such challenging times. When licensed premises do re-open, it is inevitable that they will initially be the subject of continued restrictions and regulations in respect of Covid-19. As such, the police will continue to engage with partners in the same proactive and effective manner, with the emphasis being on providing support and advice.

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. Highland and Islands Division will continue to work closely with the established schemes, regularly liaising with members and providing support, advice and assistance wherever possible. On-going work is also taking place in relation to new schemes being introduced in specific areas, which the police fully support.

Information sharing protocols are currently still under review nationally in relation to Pub Watches. This is due to legislation under the General Data Protection Regulation (GDPR), however, officers in Highland and within the Divisional Liquor Licensing Department are committed to providing support in the interim to allow the continuation of positive and valuable work.

Initiatives and operations within licensed premises have been put on hold over the past year as a result of the pandemic.

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Once the licensed trade is operating to full capacity, Police Scotland will continue to work with our partners to run licensing operations and initiatives again. Intelligence-led drugs operations (Operation Keeva) have previously been successful throughout the division in tackling drugs misuse which is attributed to licensed premises. We will once again roll out such operations 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 tackling drugs misuse. Officers in Highland will target any premises which are highlighted for criminality.

The expectation is that joint initiatives with the Security Industry Authority (SIA) will recommence in due course, which allows for collaborative work to take place in relation to the licensing of door stewards. Previous joint work has been beneficial and we intend to re-establish this joint proactive work when it is possible to do so.

The Best Bar None scheme has previously been successful in Inverness and Lochaber. Although the scheme has ceased throughout the pandemic, there is already a keen interest to have this re-established in these areas, with a view to launches of the scheme in other areas. The Scottish Business Resilience Centre have indicated that the scheme will continue when it is practical to do so.

Police officers in the Highland area are of vital importance to the Police Liquor Licensing Department. As such, maintaining and building upon these strong working relationships 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 to be 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.

The police will continue to be an active member of the Highland Licensing Forum and 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 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 during what has been a challenging year for all. We have all had to adapt to a new way of working and ever changing circumstances, which has been embraced by all.

We look forward to a safe and healthy 2021/2022.