

# HIGHLAND

## Licensing Report

### 2021-2022



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

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**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 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.

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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 Highland Licensing Board area is policed by the Highland and Islands Police 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 approximately 250,000 people.

The communities across Highland face unique challenges, particularly due to the geography of the region. With a mixture of both rural and urban communities, the Highlands experience overall low crime levels, however, this does not imply immunity from such occurrences.

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Alcohol and associated behaviours can be a significant factor in incidents of violence and disorder within the region. The police are committed to working closely with the licensing industry and our partners to share best practice and maintain robust licensing monitoring.

Police Scotland recognises the strong sense of community identity and resilience across the Highlands. With our partners in Highland Council and many other organisations we will strive to build on this to make all of our communities stronger, safer and more resilient.

**Senior/Licensing Officers:**

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

Superintendent Angus MacInnes	Support and Service Delivery
Chief Inspector Jamie Wilson	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, South Highland and Inverness. The senior officers with responsibility for these area are as follows:

North Highlands (Caithness, Sutherland and Ross-shire)	Area Commander – Temporary Chief Inspector Kevin Macleod
South Highlands (Badenoch, Strathspey, Nairn, Skye & Lochaber)	Area Commander - Chief Inspector Jennifer Valentine
Inverness (Inverness City and Inverness Rural)	Area Commander – Temporary Chief Inspector Judy Hill

**Local Policing Priorities:**

Police Scotland's national policing priorities are as follows:

- Protecting Vulnerable People

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- Working With Communities
- Tackling Crime in a Digital Age
- Support for Operational Policing

Following the public consultation process in Highland, the local policing priorities 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
- Serious Organised Crime
- Acquisitive Crime
- Counter Terrorism and Domestic Extremism

Officers in the Highlands continue to recognise that alcohol can be a significant factor in violent crime, disorder and anti-social behaviour. As such, local policing teams, in conjunction with the divisional liquor licensing department, will continue to focus on the divisional priority of 'Violence, Disorder and Antisocial Behaviour' and 'Protecting People at Risk of Harm'.

Police within this division are acutely aware of the importance of partnership working to support education, prevention, intervention, diversionary and enforcement measures to reduce the harm and impact caused by alcohol related crime and disorder.

One of the key outcomes of the Highland Outcome Improvement Plan (HOIP) is 'Community Safety and Resilience', which includes reducing the likelihood of criminal activity and having the appropriate plans and models in place to support and deliver the required interventions. This runs in tandem with the local policing priorities and the statutory requirements of current licensing legislation.

In relation to the regulation of alcohol sales, the police have a duty to ensure that licensed premises are operating within the parameters of the Licensing (Scotland) Act 2005. In addition, premises must be robustly monitored and appropriate enforcement action should be taken when required.

It is vital that residents and visitors to the Highlands benefit from safer communities. Therefore, the licensing objectives, local police priorities and the outcomes of the HOIP all form the basis of the police licensing department's own objectives to ensure that the sale and consumption of alcohol is regulated in a responsible manner, and to minimise the impact on local communities and businesses. This is achieved by working collaboratively with our partners, our communities and the licensed trade.

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

### **Introduction:**

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The Licensing (Scotland) Act 2005 exists to control the overall availability of alcohol throughout Scotland, and to regulate the manner in which licensed premises operate. The Act 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

These five licensing objectives are pivotal to ensuring that licensed premises operate in a responsible manner. A well run licensed premises will ensure that these objectives are at the core of to their daily operation. Failure to adhere to the objectives will undoubtedly result in poorly managed premises. Police Scotland is also acutely aware of the importance of these objectives, and understands the necessity to ensure that premises are complying with them at all times.

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 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.

It is pertinent to note that there were 1,190 alcohol-specific deaths in Scotland in 2020, which is an increase of 17% on the previous year (National Records of Scotland). Alcohol was a factor in 3,705 deaths in Scotland in 2015, which accounted for 6.5% of all deaths for the whole of Scotland in that year (NHS Report: Burden of Disease Attributable to Alcohol Consumption). There were 35,124 alcohol related hospital admissions in Scotland in 2020/21 (Alcohol Related Hospital Statistics Scotland 2020/21), although this is a decrease of 10% on the previous year, however, this number will still have a significant impact on the NHS, the Scottish Ambulance Service, the police and other agencies.

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 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 police licensing department for the Highlands area processes every liquor and civic licensing application which is received by the local authority. Each application is subject to extensive and stringent background checks to ensure that every connected person applying for the grant or renewal of a licence is a fit and proper person. Further

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enquiry will also be carried out to ensure Serious and Organised Crime Groups (SOGCs) are not infiltrating the trade, and that persons are not attempting to launder funds through licensed premises.

The department has the responsibility to ensure that alcohol legislation is applied consistently across the division, and to provide support, advice and guidance to frontline officers.

Officers in the Highland area are extremely proactive in relation to entering and inspecting licensed premises. Due to the geographical layout of the Highlands, police officers are mindful in this division of the importance of engagement and they understand the importance of being visible and approachable to their communities. It is paramount to the responsible sale and supply of alcohol that officers are carrying out regular inspections of licensed premises.

There are 2,789 licensed premises within the whole Highlands & Islands Division. This accounts for approximately 10% of all licensed premises within the jurisdiction of Police Scotland's force area. Between 1<sup>st</sup> April 2021 and 31<sup>st</sup> March 2022, police throughout the whole of the Highlands and Islands Division carried out 9,654 licensed premises inspections. This accounts for 27% of the total inspections for the entire Police Scotland area, which is testament to the commitment of local officers to engage with their communities and the licensed trade.

There are a total of 1,244 licensed premises in the Highlands and local officers carried out a total of 6,552 recorded inspections within this area alone in that same period. Even throughout the pandemic officers continued to positively engage with the trade.

These inspections are crucial to local policing. A good inspection whereby officers walk through a premises and engage with the licensee, staff and patrons will present them with an opportunity to detect issues at an early stage and adopt intervention strategies to prevent escalation of problems which could impact on the night time economy. Thorough inspections may act as a deterrent for any persons intent on causing problems within a bar or club and will assist in making premises hostile environments for the misuse of drugs or other criminality activity. The vast majority of licensees actively encourage officers to enter their premises.

Due to the positive working relationships that the police generally have with licensees, in conjunction with the professional manner in which licensees operate their bars and clubs, the vast majority of premises are run in accordance with the law. However, problems will occur at times. As previously stated, it is imperative that the police and other agencies work together with premises to adopt a joint problem solving approach to resolve issues effectively. The police have a licensing toolkit to ensure a consistent approach throughout the force is adopted when premises become problematic. The toolkit details an incremental licensing intervention process.

An incident of a minor nature would generally be resolved through discussion with the licensee, either undertaken by local officers or the licensing department staff. The Local Authority Licensing Standards Officer (LSO) will normally be informed of issues at this stage so that they are aware. This is particularly beneficial for information sharing

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purposes and will allow the police to benefit from the LSO's expertise and any previous involvement that they have had with a premise.

Should problems persist or a pattern of incidents are identified, the premises will become 'monitored', which is the first stage of the intervention process. The licensing department Sergeant will always involve the local area Inspector and Chief Inspector at this stage. In addition, the LSO will also be informed. On occasions, the police licensing department and LSO will request a joint meeting with the licensee to discuss concerns. This can often take place at the premise to allow a full compliance check at that time. When premises are monitored, the police are required to undertake a specific number of tasked inspections each week, which are recorded on the police licensing database, Innkeeper. These tasked inspections would take place over a specific time period which would be agreed with the licensee and Area Commander.

A total of five premises have been elevated to 'monitored' status within the past year in the Highlands.

Should problems persist then the next stage of the process ordinarily is an action plan, and the premises are elevated to 'problematic' status.

An action plan will detail concerns and will initiate a number of actions which the police require the licensee to undertake. These actions will focus on the areas of concern, however, licensees will discover that what is being asked of them is no more than their statutory requirements under licensing legislation. An action plan can last for up to 6 months and will be reviewed at the half-way stage. The LSO will always be involved in the action plan and will be present when this is implemented. It is important that the licensee is in agreement with the actions and is willing to engage with the police and LSO. Failure to agree on the specific actions would not be conducive to a successful outcome of this plan. Again, the action plan would be subject of the Area Commander's approval.

Within the past year, three premises in the Highland area have been the subject of action plans. To date, all premises have either adhered to the terms of the plan, or are in the process of doing so, which has prevented an escalation of problems.

The final stage in the intervention process is the police requesting the review of a premises licence. This would occur when matters have not been resolved and the Chief Superintendent for the division is satisfied that the premises are not operating in accordance with the licensing objectives, and that any intervention processes carried out thus far have failed to result in a significant improvement.

It should be noted that the police can bypass stages of the intervention process if necessary. For example, a premises can be at 'monitored' status and if circumstances dictate then the police will request the review of a premises licence without engaging in the action plan stage if appropriate and justified.

A review of the premises licence is always a last resort for the police and the focus will always be on intervention work in conjunction with the licensee, our partners and local



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policing. There has only been one premises licence review request submitted to the Board by the police in the past year.

The importance of the police adopting a joint problem solving approach with the licensee and partner agencies cannot be underestimated when it comes to dealing with problematic premises. All persons have a common goal of ensuring that premises are adhering to the licensing objectives and are operating in a professional manner. Although the police will seek to provide licensees with support and guidance when addressing issues within licensed premises, serious concerns will always be dealt with in a very robust manner.

The past two years have seen significant change in the manner in which every organisation has operated. The Covid-19 pandemic has had a devastating impact on the licensed trade over the past two years. The subsequent introduction of The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020, has resulted in licensed premises being subjected to strict restrictions, with many having spent a large proportion of that time being closed or operating with significantly reduced hours and functions. In addition, the pandemic and the aforementioned legislation have impacted heavily on the day-to-day working of police officers in the Highland area, specifically in relation to licensed premises.

Throughout the periods that licensed premises were required to close, and whilst operating under strict regulations, local policing and officers within the licensing department were responsible for ensuring that premises were adhering to the restrictions.

Enforcement was always a last resort for the police in relation to the Coronavirus pandemic, with the emphasis being on engagement, education and encouragement. Due to the exceptionally high levels of compliance within the licensed trade, there was rarely a need for enforcement against licensed premises.

Highlands and Island divisional officers and the licensing department commend the commitment, dedication and continual hard work of the licensed trade throughout this period. The restrictions placed on licensed premises was unprecedented and the vast majority of premises throughout the Highland area operated in a highly professional and resilient manner, adhering to the continually changing legislation and regulations. This is testament to the hard work of licensees and their teams.

Again, a partnership approach was adopted to resolve any issues. Where officers identified minor breaches of Covid-19 regulations, a joint problem solving approach was undertaken with officers from the Environmental Health department of Highland Council, in conjunction with the local LSOs. This joint approach provided advice and offered additional support to premises which required extra guidance to ensure compliance. Weekly meetings took place between the police, Environmental Health and the LSOs throughout various stages of the pandemic.

Throughout the pandemic, when premises were able to trade, police officers and Environmental Health officers undertook both proactive and reactive visits to licensed premises. The purpose of these visits was to ensure compliance with the regulations,

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but to also offer guidance. These visits were well received and licensees appeared to appreciate the additional support which was available. This work has undoubtedly forged strong working relationships between the police and our partners.

The levels of compliance throughout the pandemic were testament to the dedication and commitment of licensees and partner agencies during exceptionally challenging times.

**Highland Council Licensing Board**

As of 31<sup>st</sup> March 2021, Highland Council region has 1,244 premises licences, which is a slight increase on the previous year. Of these licences, 345 are 'on sales', 324 are 'off sales' and 575 are both 'on and off sales'. In addition, 3,307 people currently hold a personal licence which has been granted by the Highland Council Licensing Board.

It is pertinent to note that the Highland area encompasses approximately 26,000 square kilometres, with these 1,244 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. This is unique to the working of Highland police officers, with far greater engagement recorded between police and the licensed trade than other police divisions.

The pandemic has seen a reduction in the number of licensed premises inspections carried out by police due to closures and reduced operating hours, however, officers within this division are committed to engaging with, and supporting the trade throughout the next year, and thereafter.

**Licence Applications - Board Decisions:**

The police licensing department is responsible for vetting and processing all liquor licensing applications which are submitted to Highland Council. As statutory consultees, the police are required to adhere to strict statutory timescales in which to process these applications. On occasions, applications require a fast turnaround for a variety of reasons. The police will always assist where possible and the willingness to assist our partners at Highland Council, which is equally reciprocated, has resulted in very strong and positive working relationships, which benefits both organisations.

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 2021 and 31<sup>st</sup> March 2022, 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>
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<b>Premises licence</b>	21	21	0
<b>Provisional premises licence</b>	11	11	0
<b>Major variations</b>	57	57	0
<b>Minor Variations</b>	274	274	0
<b>Transfers</b>	51	51	0
<b>Occasional Licence</b>	1585	1585	0
<b>Extended Hours</b>	54	54	0
<b>Personal Licence</b>	358	356	2

In addition, between 1<sup>st</sup> April 2021 and 31<sup>st</sup> March 2022, there was one premises licence review submitted to the Highland Council Licensing Board by the police. The Licensing Board subsequently voted to suspend the premises licence for a period of 4 weeks. One personal licence review request has been submitted to the Board within the past two weeks, however, this will not be heard until the April 2022 meeting of the Board.

A total of 229 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.

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

Protecting vulnerable people is a national priority for Police Scotland. Protecting people from risk of harm is a local priority for Highland officers. Protecting children and young persons from harm is one of the licensing objectives, and it is also one of the most important roles of every police officer.

Children (persons under the age of 16) and young people (16 & 17 year olds) can become vulnerable if they are given the opportunity to obtain and consume alcohol. Officers in the Highland area are committed to ensuring strict accordance with the licensing objective of 'Protecting children and young persons from harm' to prevent children and young persons from being sold, or supplied with alcohol. Any child or young person who consumes alcohol becomes even more vulnerable as they are more susceptible to the toxic effects of alcohol due to their physical immaturity and low tolerance levels.

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The effects of alcohol can render a child or young person more susceptible to the risks of Child Sexual Exploitation, whilst alcohol can be used by perpetrators to entice a child to engage in sexual activity.

In addition, consuming alcohol at such a young age poses risks to long term health and wellbeing.

The police have a duty to protect the safety and wellbeing of all children and young persons. Equally, every licence holder has a significant responsibility to ensure that stringent measures are in place to ensure that alcohol is not being sold or supplied to persons under the age of 18 years.

The Licensing (Scotland) Act 2005 contains various statute offences in respect of alcohol sales to underage persons, specifically Sections 102 – 109 of the Act. Between April 1<sup>st</sup> 2021 and 31<sup>st</sup> March 2022, there were no recorded crimes in the Highland area in relation to underage licensing offences.

At present, there is very little intelligence to suggest that underage sales are taking place within licensed premises. However, there is no room for complacency in this respect, neither can the assumption be made that children and young persons are not obtaining and consuming alcohol. Particularly as the national statistics in relation to alcohol and children are so concerning.

Alcohol consumption is far more prevalent than illegal drug use and smoking cigarettes amongst young teenagers in Scotland. Approximately one third (32%) of Scottish 13-year olds and two thirds (70%) of 15-year olds have consumed alcohol. Figures indicate that 44% of 13-year olds and 70% of 15-year olds have been drunk at least once. Worryingly, 83% of 16-24 year olds in Scotland consume alcohol, and approximately 17 teenagers are admitted to hospital in Scotland every week for an alcohol related condition. Alcohol related hospitalisations among 16-24 year old has increased by 228% since the early 1980s. (Alcohol Focus Scotland – Promoting Good Health from Childhood).

The impact of children and young people consuming alcohol has very wide ranging implications which affect not just the individual concerned but their family, public sector services and communities as a whole. The consumption of alcohol amongst these age groups can not only result in health issues, but it can make the individual more vulnerable to become a victim or perpetrator of crime.

Education is key as a preventative method to prevent young people drinking. Prevention and Intervention officers in the Highland area regularly engage with children and young persons in schools and educational settings to deliver inputs about the dangers of alcohol and controlled drugs.

Test purchasing permits young persons (aged 16 or 17 years) to act as purchasers of alcohol under the authorisation of the Chief Constable. The purpose of this is to ensure licensed premises are adhering to current legislation. Although this is a good tool for the police, it is essential that it is intelligence led. As there is currently no intelligence

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in respect of underage sales within the Highland area, there have been no test purchases within the past year.

On occasions, police are made aware that young persons have gained entry, or attempted to gain entry into licensed premises. This is a key responsibility of licensees and their staff to ensure persons under the age of 18 are not permitted access to any licensed premises unless it is in accordance with the terms of their operating plan. It is vital that all premises (on and off sales) adopt the Challenge 25 scheme. Every person who appears under the age of 25 should be challenged for appropriate identification, and appropriate signage should be placed around the premises.

Additionally, licensees have found themselves being presented with high quality fraudulent identification, which can be readily obtained from the internet. This makes their role even more challenging, however, good quality door stewards and bar staff, as well as regular training will help to tackle this issue. Licensees are always encouraged to report such offences under the Identity Documents Act 2010.

Police Scotland is preparing to launch a proxy sales campaign in 2022 which will run nationally. This aims to target individuals who buy alcohol for persons under the age of 18. Packs will be delivered to off sale premises in the Highlands by police officers, who will also be able to provide advice and guidance during this visit.

Regular high visibility patrols and inspections carried out by police in licensed premises, as well as good engagement with staff and patrons, will act as a deterrent for underage persons, as will a robust approach towards this issue by licensees and their staff. Any person selling alcohol to an underage person will always be subject of a report to the Procurator Fiscal should there be sufficiency of evidence, and should they hold a personal licence this would be subject of a review request to the Licensing Board.

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 by police 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.

A common theme throughout this report is the requirement for partnership working, and when approaching this issue, partner agencies would always be involved. With the focus being on prevention, intervention and education, the police in Highland continue to work tirelessly with our partners to address any such issues.

## **TACKLING SERIOUS AND ORGANISED CRIME**

Not only will the police ensure that alcohol legislation is applied consistently across the Highlands and Islands division, there are also real opportunities to impact on Serious and Organised Crime Groups (SOCGs) who may seek to exploit the licensed

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trade, either by making attempts to become involved in the running of, or ownership of 'legitimate' enterprises, or by seeking to influence or intimidate legitimate operators in furtherance of their criminal enterprises.

Current intelligence indicates that no licensed premises within the Highland area have been infiltrated by any such SOCGs, however, there is absolutely no room for complacency, which is why it is of vital importance that all applications for any type of liquor licence are heavily scrutinised by the police licensing department. This includes detailed background vetting, but also involves going above and beyond the statutory requirements when processing applications. For example, it is important that the finances behind a new premises licence application, or the transfer of a licence are verified. There is no legal obligation for applicants to provide this information, however, by carefully explaining the reasons for this enquiry, credible applicants will understand police motives and will generally oblige with information.

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) and the Preventions and Interventions Department (P&I), to prevent any such illegitimate businesses entering the licensed trade, and to work collaboratively to disrupt such activity. By doing so, the risk of SOCGs infiltrating and utilising the licensed trade to furtherance their criminality is minimised.

The police work in partnership with other agencies to cause disruption to SOCGs. Prior to the Covid-19 pandemic, joint initiatives took 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 resume 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**

The restrictions placed on every person and every organisation during the Covid-19 pandemic has resulted in a different approach towards the way we all work. As the restrictions begin to ease, officers will have more opportunities to engage in proactive policing within licensed premises.

Although the police have continued to visit licensed premises throughout the pandemic, the aspiration is that the number of licensed premises visits will increase over the next year. This is to ensure full compliance with licensing legislation but will have the added bonus of providing the trade with visible support and act as a deterrent for criminal activity within licensed premises.

The pandemic has seen changes in the way people consume alcohol. A study carried out by Sheffield and Glasgow Universities revealed that people were drinking more at home and drinking later in the day, and that alcohol related harm had risen during the pandemic. Deaths in Scotland wholly linked to alcohol increased during the pandemic and were 9% higher in 2020 than the annual average in 2017-19 (Public Health

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Scotland). People have become used to drinking at home and now spend less time in licensed premises.

'Pre-loading' can be problematic for premises due to the unregulated environment. This can result in excessive alcohol consumption and increased intoxication levels when patrons are entering premises, which is challenging for staff, however, a professional team including licensed door stewards will always be advantageous.

In addition, a number of young people were confined to their homes during lockdown when ordinarily they would have been within pubs and clubs socialising. Now that premises are re-opening fully, licensees are reporting a change in behaviour and attitude amongst young customers, who lost out on that opportunity and whose behaviour has fallen below what is expected as a result. The police are committed to supporting licensees to address these issues.

The Community Alcohol Partnership (CAP) is made up of retailers, local authorities, police, schools, community groups and health providers. These organisations work together to empower communities to tackle alcohol related harm to young people, and to improve the quality of life for residents. There are currently 214 schemes running throughout the UK. In areas where the CAP is in operation, there have been substantial reductions in the supply of alcohol to children. Discussions are on-going to establish a CAP in the Highland area.

As previously stated the proxy purchase campaign will be rolled out throughout the entire division, which will actively tackle the issue of adults buying alcohol for underage persons. These campaigns, through their very nature, result in increased engagement between the police, the trade and their partners.

Bystander training has been delivered to licensed premises in Inverness and work is ongoing to establish inputs to both the Inverness and Lochaber Pubwatches. The emphasis of this training is very much on early intervention and disruption, and how every person within the night time economy (the trade, patrons and agencies) is a potential bystander and how intervention can actively prevent vulnerable people becoming victims of crime or harm. The police are committed to rolling this out throughout the Highland area and have recently delivered this input in partnership with NHS colleagues who spoke about the dangers and effects of cocaethylene, which forms in the liver when cocaine co-exists with alcohol. Both inputs were very well received and provide the trade with additional knowledge to carry out their roles.

Pubwatches continue to operate well in Inverness and Lochaber. There is work currently ongoing in other areas throughout Highland to re-establish or launch a pubwatch scheme, particularly in Thurso and Wick. The benefit of a strong pubwatch cannot be underestimated. The scheme sees businesses and organisations working in partnership to address violence and disorder in licensed premises. A pubwatch ban for a patron can be more of a deterrent than sanctions issued via the criminal justice system, and as such an active pubwatch will see a reduction in the number of violent incidents attributed to licensed premises. This in turn protects the safety of staff and patrons within bars and clubs.

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The pubwatch scheme has undoubtedly been affected by the introduction of data protection legislation. Under the General Data Protection Regulation (GDPR) and Data Protection Act 2018 (DPA), Police Scotland has a responsibility to ensure that personal data is managed correctly and only shared with organisations where appropriate. As a controller of personal information, the Chief Constable must ensure that processing, which includes sharing of, personal information is lawful. This is a requirement of the DPA and GDPR, specifically the first of the data protection principles (GDPR Article 5 (1) (a) and Data Protection Act 2018 (DPA) section 35(1).

As a result of amendments to legislation and regulations, any previous practices adopted by local policing divisions in sharing information with pubwatch groups prior to the implementation of the GDPR and DPA legislation are no longer lawful. As such, the sharing of personal details, photographs and lettering of individuals on behalf of pubwatch schemes by Police Scotland constitutes a regulatory breach of the first data protection principle.

The police were hoping that an Information Sharing Protocol (ISP) would be published to provide clarity and guidance, however, the cessation of this type of information sharing will be enforced and there can be no deviation from this. However, Highland officers remain fully committed to continue working alongside pubwatches in a supportive capacity and will continue to assist wherever possible.

The police are hopeful that the Best Bar None scheme will also be re-established in Inverness and Lochaber, with a keen interest being shown by local officers in Thurso and Wick to launch it there. Best Bar None is an excellent platform for premises to drive up their standards, in turn making licensed premises a safer environment, which can only benefit local communities.

Officers are keen to reinstate joint licensing and drugs initiatives throughout Highland. Operation Keeva was rolled out in all areas of the division prior to Covid-19, and as we move forward, these intelligence led operations will take place to make licensed premises as hostile an environment as possible for persons who are intent on misusing drugs within. The focus is not only 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 always target any premises which are highlighted for criminality, including drugs misuse.

Highland officers, in conjunction with the police licensing department, will strive to 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. The police licensing department benefits from very good working relationships with the Clerk to the Board, LSOs, council solicitors 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.



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Officers in Highland carried out a joint initiative with the Security Industry Authority (SIA) in Inverness just before Christmas 2021, and there are plans for another one at Easter 2022. These operations focus on the licensing of door stewards to ensure compliance with SIA legislation. Encouragingly, all stewards spoken with were licensed and only one steward was found not to be in possession of his identification.

Operation Respect took place in Highland throughout December and January 2021/22 and licensed premises were a key factor of this. Numerous licensed premises were visited throughout the festive period, and the expectation is that this will be replicated year on year.

The Highland Licensing Forum is responsible for keeping under review the operation of the licensing system in their area and to give advice and recommendations to the Board. It is excellent to see new members recently welcomed onto this forum, although some stalwart members have stepped down and their contribution over the years is very much appreciated. The Forum is actively seeking members from the youth demographic and work is currently ongoing to engage with members from the Youth Parliament. The Licensing Forum has a key role to play in the soon to be updated Statement of Licensing Policy as the Board is required to consult with members. The police are committed to being an active member on this forum.

The police licensing department will continue to timeously process 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 always 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 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.

Looking ahead, Police Scotland remain committed to reducing, preventing and detecting crime, antisocial behaviour and disorder which are all too often fuelled by excessive alcohol consumption.

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Our purpose is to improve the safety and wellbeing of people, places and communities in the Highlands, and by working in continual partnership with the licensed trade, other organisations and local communities, we will strive to deliver this.

**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 2022/2023.