



**POLICE  
SCOTLAND**

Keeping people safe

**CHIEF CONSTABLE'S REPORT TO  
FALKIRK COUNCIL LICENSING BOARD  
FOR THE PERIOD  
1<sup>ST</sup> April 2013 to 31<sup>ST</sup> March 2014**

## **Foreword**

It gives me great pleasure to present my Annual Report for 2013/14, in accordance with section 12 A Licensing (Scotland) Act 2005.

Since April 2013 Police Scotland has faced and overcome many challenges set against a backdrop of competing demands, budget constraints and organisational change. However, throughout this period we have remained focussed on delivering a local service that addresses local issues and needs, balanced against national priorities.

To date our success speaks for itself with crimes of violence at the lowest recorded level in 38 years, in addition to a reduction in disorder and antisocial related offences. This is welcome news and that means there are now fewer victims of crime living and working in Scotland. However, there is no room for complacency as it is evident that the link between alcohol misuse with incidents of crime and offending, demonstrates that victimisation and health related harm continue to negatively impact on individuals, families and communities on a daily basis.

Police Scotland can, however, continue to make a difference and working collaboratively with the licensed trade, partners and local communities we will always strive towards improved standards and compliance across the licensed trade; address business practices that result in excess alcohol consumption and vulnerability; address the sale and supply of alcohol to children and young people and identify and tackle localities most affected by the misuse of alcohol and related incidents of crime and offending. Additionally, Police Scotland will carry on supporting our partners, both in terms of health promotion and improvement and the legitimate local traders who make a positive contribution to economies and communities.

Throughout 2013/14 Police Scotland worked steadily towards harmonising our approach to licensing, balanced against the need to deliver a local service that reflects and addresses local issues and concerns. Our focus has centred on enforcement activity, complemented and supplemented by a number of supportive prevention and intervention measures, designed to improve licensing standards, reduce violence and positively influence behaviour and cultural attitudes across Scotland.

This report outlines what activity has been undertaken over the last twelve months for Falkirk Council area and what steps we will take in 2014/5 to ensure we continue to improve on our performance and positively improve the lives of the people of Scotland - keeping people safe.

**Sir Stephen House QPM**  
**Chief Constable**  
**Police Scotland**

## **POLICE SCOTLAND LICENSING OVERVIEW**

### **Structure**

Following the inception of Police Scotland in 2013; a two tier structure for Licensing was adopted, to support both national and local priorities and service delivery.

The National Licensing Policy Unit (NLPU) which sits within Licensing and Violence Reduction Division (LVRD) has overall responsibility for determining and delivering national licensing strategy and policy. The NLPU also provides advice and support to Divisional Licensing teams as well as other specialist functions.

Dedicated licensing teams are located in each of the 14 local Divisions and are 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.

## **NATIONAL PERSPECTIVE**

### **Licensing and Violence Reduction Division**

Licensing and Violence Reduction Division (LVRD) is a specialist division which exists to support each of the 14 divisions across Police Scotland. Working with divisional licensing teams we shape the policy and strategy around the police licensing function.

The NLPU provides practical and tactical advice and support to operational officers, supervisors, commanders and police licensing practitioners on actions that can contribute to the safe and legitimate operation of premises licensed to sell alcohol.

We seek to ensure that legislation governing the sale and supply of alcohol is applied consistently across each division and that all opportunities are taken to address the illegal or irresponsible sale, supply or consumption of alcohol. The main aim of which is preventing violent crime and disorder. The application of alcohol legislation continues to evolve through case law and statutory instruments. As such, policing tactics require to be developed to keep pace with these changes.

All this activity is done in support of Police Scotland's national priorities, listed below.

**National Priorities:**

Reduce violence, disorder and antisocial behaviour  
Protect the public  
Increase road safety and reduce road crime  
Tackle serious and organised crime and terrorism  
Effectively police major events and threats  
Maintain high levels of public confidence in policing  
Deliver our equality and diversity outcomes

The NLPU has a particular focus on the following of these priorities;

- i) Effectively police major events and threats.

Events and festivals around the country where alcohol is supplied are placing increasing demands on policing. As we strive to protect the public it is recognised that the management of alcohol consumption is a crucial part of event management.

Experience from events have informed police that there needs to be a move towards agreed alcohol management plans which set out the way in which alcohol sale and supply and risk should be controlled.

It is intended that these plans are made available to the Licensing Board and will form the basis of any enquiry the board make following an application. This will allow the Board to set expectations around public safety and reduce the impact some events might have on the wider community.

- ii) Reduce violence, disorder and antisocial behaviour

LVRD will scrutinise the most serious incidents of violence and disorder linked to licensed premises to inform the tactics the police might develop and use to solve the underlying problems causing these incidents. Engagement will be carried out with the effected licensed premises whilst attempts are made to identify the solutions to identified problems. This activity is reported to the Chief Constable on a weekly basis.

The NLPU are currently developing partnerships which will assist in a better understanding of the challenges faced by the licensed trade. Where possible there will be engagement with premises and companies that rarely come to the attention of the police. This is with the intention of identifying good practice and the hope that this can be shared across the trade. This approach will enable Police Scotland to further improve relationships with local communities and key partners, preventing alcohol related crime and offences

- iii) Tackle serious organised crime and terrorism

LVRD identifies opportunities to impact on Serious and Organised Crime Groups (SOCG) who may seek to exploit the licensed trade, either by making

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

The NLPU has identified that there are considerable opportunities to impact on organised crime groups in our communities. There has been a concerted effort made to research and engage key stakeholders involved with the regulation of businesses such as HMRC and the Insolvency Service in order to map out how information gleaned by each agency can be fused together towards a focussed joined up disruption against SOCG licensed businesses.

Working in collaboration with the Police Scotland, Organised Crime and Counter Terrorism Interventions Unit, ways to deter serious and organised crime groups from gaining access to legitimate licensed premises have been identified, as have methods of disrupting them within or depriving them of already established businesses.

To this end the NLPU has developed staff around the Intelligence and Financial Investigation disciplines in order to cultivate information relating to organised crime groups involved in licensing. There is also a drive to initiate money laundering enquiries where unlawful conduct and recoverable assets are identified through the licensing process. A close liaison is maintained with the Civil Recovery Unit at the Crown Office, when licensed premises have been identified as a vehicle for unlawful conduct and fraud.

## **FALKIRK COUNCIL LICENSING BOARD AREA**

The Licensing Board area is policed by Forth Valley Division.

The senior officers who hold responsibility for licensing within the Forth Valley Division and Falkirk Area Command are:

Chief Superintendent David Flynn	Divisional Commander
Superintendent Stephen McAllister	Service Delivery Superintendent
Chief Inspector Mandy Paterson	Falkirk Area Commander
Inspector David Gibson	Divisional Co-ordination Unit

## **Falkirk Area Command Local Policing Priorities**

Following our public consultation process, the policing priorities for Falkirk Area Command, as set out in our Local Policing Plan, reflect those of the national police service.

The policing plan for the Falkirk area represents a critical part of the delivery process for the police service, demonstrating our commitment to local policing within the national planning framework and enabling us to respond effectively to the concerns of local communities, as well as tackling nationwide demands.

The local policing plan will be supported by multi-ward plans which reflect community level needs and demands.

The local policing plan and policing priorities will be achieved through:

- Protecting people
- Reducing antisocial behaviour
- Reducing violence
- Tackling substance misuse
- Making our roads safer
- Tackling serious organised crime

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

### **Introduction**

Alcohol pervades across a wide range of issues in our society and is often a causal factor in violence, domestic abuse and anti-social behaviour; incidents that the Police Service of Scotland deals with every day in each area of the country.

Our focus is to 'keep people safe' and we seek to reduce the impact that alcohol has on our communities; encouraging the responsible sale and supply of alcohol in well run licensed premises and taking positive action to stop the irresponsible supply of alcohol to children and young persons or indeed, preventing the oversupply to already intoxicated individuals in licensed premises.

### **Consultation and Review processes**

Breakdowns of offences under the Act reported to the Crown Office and Procurator Fiscal Service (COPFS) plus interventions and review applications by Falkirk Area Command are contained within Appendix A of this report.

A great deal of work is undertaken to prevent crimes and offences occurring in and around licensed premises and we actively work with the licensed trade to problem solve issues before there is any need for an application to be made for a review of a premises licence. This includes partnership work with Licensing Standards Officers (LSO's) and engagement with Pubwatch, Best Bar None and local schemes.

### **The Intervention process**

We utilise an intervention process as part of our operational policing toolkit. An intervention is a formal agreement entered into between the Licensing Department and premises licence holder, designed to assist premises management to reduce alcohol fuelled violence and other incidents of note which are directly linked to their premises. The process involves meeting with those responsible for the premises and agreeing an action plan with crime

prevention/reduction recommendations provided by the Licensing Department in close consultation with the licence holder. This is recorded on the intervention form, a copy of which is given to the licence holder, with the original copy kept for future reference. Every intervention agreement follows SMART objective settings; Specific, Measurable, Achievable, Realistic, Timed. At the conclusion of a mutually agreed period, if there are no further issues identified then the intervention agreement will have been deemed to be complied with and there will be no further requirement for police action.

If further incidents of note occur within the premises, or if the licence holder has failed to implement the terms of the intervention, they can expect that the next incident may lead to an application for a review of a premises licence. The intervention document may be presented as evidence as part of an application for a premises licence review.

The intervention system is ultimately designed to support the licence holder before any premises review is sought, although a serious or significant incident may merit an immediate review application without any recourse to the use of an intervention.

Particular views about matters relating to policing in connection with the operation of the Act in the Board's area during the reporting year

Robust procedures have been developed over time and are applied effectively by staff within the Licensing Department. This ensures that those working in the licensed trade do so within the provisions of the legislation and that businesses are operated in a manner that does not impact adversely on the wellbeing of communities. This includes assisting local authorities in ensuring that liquor licenses are not issued in circumstances which provide an outlet for the activities of organised crime groups.

Procedures followed within Falkirk Area Command are consistent to that of each local authority area that we police within Forth Valley Division with the process lending itself to 3 identifiable phases:

On initial application for a personal or premises licence, the individual concerned is subject to scrutiny via all police systems allowing a full check to be carried out on that person's background. This is equally applicable to a company applying for a licence with individuals being checked via the systems in addition to enquiry being carried out through Companies House, ensuring that individuals are Directors and the company is not facing insolvency etc. In addition to the background checks, individuals are also subject to a personal interview with the requirement to produce personal identity documents where appropriate. The plan for operation of the premises is also examined to assess whether any of its provisions is likely to cause issues in or near to the location. This might include, for example, extended drinking areas.

Once a premises or personal licence has been granted and an establishment is operating, pro-active work is carried out by:

- Test Purchase Operations to ensure that alcohol is not being sold to children and young persons
- Visits by patrol officers to ensure licensed premises are functioning in accordance with the Licensing (Scotland) Act and conditions as attached to their licence
- Joint police / partner agency visits to ensure compliance with the Licensing (Scotland) Act and licence conditions being met

This series of checks will build a profile of any premises or individual, allowing a picture to develop of any potential problems.

The final stage in the process is one of enforcement, the initial step being an intervention meeting, where an agreed action plan is 'signed up to', with the plan being monitored by police and managed by the licence holders to ensure compliance and that the emerging concern(s) is negated, allowing adherence with licence conditions and the Licensing (Scotland) Act to be maintained.

If the intervention process fails, then the premises will be reported to the Licensing Board for a review of that particular premises and / or personal licence.

Within the year 1st April 2013 – 31st March 2014 4 intervention meetings have taken place in respect of various types of licensed premises within Falkirk Area Command, with none of the premises being reported to Licensing Boards as a result of their non-compliance. This is the same figure as the previous year.

Forth Valley Division Licensing Department has a dedicated Licensing Officer for Falkirk Area Command which helps to establish effective working relationships with colleagues from Falkirk Council. For example, the Licensing Officer for Falkirk Area Command works in close partnership with the Licensing Department of Falkirk Council and the Licensing Standards Officers.

Effective partnership working ensures that all requests from Falkirk Council are processed within statutory timescales. Police and the Licensing Standards Officers initiate and undertake joint visits, these being conducted regularly within the board's area to confirm compliance with and to enforce the provisions of the Licensing (Scotland) Act 2005 ensuring licensed premises adhere to legislative requirements.

During visits, corrective and best practice advice is provided to facilitate the effective management of the premises.

Officers from Falkirk Area Command conducted a number of licensing related initiatives during the period and worked in collaboration with the Licensing Officer and the Licensing Standards Officer. These initiatives included proactive licensed premises visits and antisocial behaviour patrols. Further to this, Falkirk Area Command officers continue to work in partnership with Forth

Valley Alcohol and Drug Partnership to tackle drug and alcohol related issues throughout the area.

### **Internal Training and Development**

A number of training initiatives carried out in the Falkirk Area Command over the previous reporting period went a long way to building experience and knowledge of local police officers. As it stands now, all new police recruits are trained at the Scottish Police College, Tulliallan, with the Licensing (Scotland) Act 2005 forming part of their syllabus. In addition, local training for these officers is conducted with the Act forming part of the Divisional Probationer Training Programme. The practical aspects of applying the legislation are included as part of the learning process for officers during their probationary period. This training educates officers in the operation of the Act, promoting a pro-active approach when dealing with licensing matters and is designed to enhance operational police officers' understanding of the Act. It is anticipated that the efficiency and effectiveness of police enforcement in respect of licensing issues will be improved.

Support is always available from members of police licensing staff based at Falkirk, who advise on legislation and give practical advice on conducting pro-active operations.

A number of test purchase operations were carried out by suitably trained young persons and Falkirk Area Command will continue to conduct these throughout the coming year: an additional 4 Test Purchasers have recently been trained and will be available for use should any licensed premises warrant such attention. This a good means of ensuring staff in licensed premises are complying with their obligations relating to the Act, where a concern has been raised.

Police Scotland, Forth Valley Division has invested significantly in Community Policing and endorses the pro-active involvement of Community Officers as being key to tackling licensing or alcohol related issues. A key part of this work is effective engagement with local people, including liquor licence holders in order that policing is targeted at those issues which are impacting on local people and communities. Many of these issues can pertain to alcohol related disorder and the need for effective licensing of the supply of alcohol and consequently, the ongoing development of community policing will be key.

We aim to continue to work with local partners in Community Safety and the Alcohol & Drug Partnerships. This work will be based on a targeted and intelligence led approach to ensure that an appropriate multi-agency response in tackling problems is adopted. In line with our national policy we see opportunities for moving towards a more preventative approach in our interventions.

Particular views about matters relating to policing in connection with the operation of the Act in the Board's area for the coming year and any areas identified for development.

Communities across the length and breadth of Scotland have given us their views during our public consultation processes and all have a common theme at the top of their list; that our communities have had enough alcohol fuelled antisocial behaviour which blights our villages, towns and cities.

Utilising analytical products, we are able to identify locations where there is the greatest need for police attendance and we use this information to tactically deploy resources where they can be of greatest benefit, reducing the numbers of victims of crime and making our communities safer places to work, socialise and reside.

The establishment of a NLPU allows the co-ordination of licensing activity and the sharing of best practice across the country. This small team will support the local delivery of policing services by ensuring a consistent approach is taken in tackling alcohol fuelled violence, disorder and antisocial behaviour.

The identification of problematic licensed premises is an integral part of our core policing tactics in reducing antisocial behaviour and reducing the levels of intoxication in our communities. We will endeavour to seek solutions to issues by engaging with the licensed trade and using a problem solving approach for day to day issues. By working with the licensed trade, we seek to improve licensing standards in premises and employ a robust inspection policy to identify any potential shortcomings.

The application for a review of a premises or personal licence is not a decision that is taken lightly and such applications will normally only be submitted at the conclusion of dialogue attempting to rectify an issue. Our submissions to licensing boards will detail the steps taken and will contain disclosable evidence, closely linked to the licensing objectives to justify the application.

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

### **Introduction**

Understanding why children and young people drink alcohol can be complex and the risks to their health whilst still developing can be significant. Alcohol misuse amongst this group can also result in behavioural issues and offending; such as violence, and antisocial behaviour, as well as increasing vulnerability and susceptibility to exploitation.

Police Scotland can make a positive impact on the future outcomes for children and families, by addressing the sale and supply of alcohol to young

persons, by problematic premises or by proxy (agent purchase), and working with our partners take the appropriate action to address both the potential and actual misuse of alcohol within the early years.

Identifying young people that drink, or those on the periphery of offending through alcohol, or otherwise, will allow intervention and diversionary activities to be progressed and consistently applied, such as parent alerts schemes, formal warnings or diversionary sporting activities. These complement ongoing enforcement activity within our communities.

The Scottish Government, 'Preventing Offending by Young People – A Framework for Action', introduced the Early and Effective Intervention (EEI) concept for children and young people under 16 years of age. It follows considerable research suggesting that the earlier an intervention is delivered to a young person who offends, at the lowest level, the more likely they are to engage and not re-offend. Consideration is also given to the impact of offending upon victims and communities.

The Whole System Approach further extends the EEI process to 16 and 17 year olds and aims to ensure that only those under 18 years of age, who need formal measures such as supervision by the Children's Hearings System, prosecution, secure care or custody, will receive them. Again, research indicates that young people are less likely to re-offend following community sentences, compared to those who are incarcerated.

Where alcohol has been an issue relative to offending behaviour Alcohol Brief Interventions (ABIs) have the potential to establish alcohol consumption levels and more effectively challenge behaviour and encourage better choices. Police Scotland will support partners and the delivery of ABI's.

Questioning children and young persons as to consumption levels, drinking habits and trends, choice of alcohol and place of purchase will enhance intelligence and information capture. This will also assist identify the supply of alcohol and enable us to focus resources accordingly.

The introduction of Challenge 25 from 1<sup>st</sup> October 2011 may not have seen any reduction in the consumption of alcohol by children and young persons, however there is a move towards 'agent purchase' of alcohol and much less instances of children and young persons purchasing alcohol themselves. Within Falkirk Area Command this trend has seen a reduction with only 3 people being reported for this offence compared with 17 for the preceding year, a significant reduction of 82%

The provision of Test Purchasing in terms of Section 105 of the Act is a tactic which is used where there is an underlying body of evidence to suggest that alcohol is being supplied or purchased from a particular off sales premises. Case Law has shaped the use of such a tactic and it is something which is carried out only where there is an evidential base in support of the needs for a test.

The use of bottle marking tactics has encountered adverse comment and the threat of legal action from some sectors of the licensed trade; however this is a tactic which we will continue to use as an intelligence gathering opportunity, identifying the source of discarded alcohol litter in public places. The use of tamper proof labels on bottles is a voluntary scheme which enables more information to be gathered regarding the source of alcohol being drunk in drinking dens, public parks and other open spaces. This tactic does not stop the abuse of alcohol by children and young persons, but provides community intelligence in support of further police and partner agency activities to prevent sales and the supply of alcohol to young persons.

### **Strategic Focus 2014 - 2015**

With the intention of harmonising licensing practice across the country, Police Scotland has introduced training and seminars which will ensure there is continuous professional development for staff in licensing departments.

Inn Keeper software, which is already in use by police in Forth Valley Division has now been purchased by Police Scotland and will be available for use across the country from the late spring of 2015.

The NLPU will continue to support the operational activity of licensing teams across Scotland as we look to develop a consistent standard of reporting to licensing boards and the application of the Licensing (Scotland) Act 2005.

Locally, police will continue to monitor and assess activity around licensed premises and carry out interventions when a problem develops with the aim of improving standards and consequently, keeping people safe.

## Appendix A

<b>Objections and Representations</b>	<b>Total</b>
<b>Section 22</b>	<b>0</b>

<b>Applications for a Licence Review</b>		<b>Total</b>
<b>Premises Licence (Section 36)</b>	<b>On Sale</b>	<b>1</b>
	<b>Off Sale</b>	<b>3</b>
<b>Personal Licences (Section 84A)</b>	<b>On Sale</b>	<b>1</b>
	<b>Off Sale</b>	<b>0</b>

<b>Interventions</b>		<b>Total</b>
<b>Premises Interventions</b>	<b>On Sale</b>	<b>4</b>
	<b>Off Sale</b>	<b>0</b>
<b>No. of interventions that led to a review application</b>		<b>0</b>
<b>No. of interventions that required no further action</b>		<b>0</b>

<b>Number of Offences</b>	<b>Total</b>
<b>Section 1 (sale of alcohol without a premises or occasional licence)</b>	<b>4</b>
<b>Section 52 (fail to display summary licence)</b>	<b>3</b>
<b>Section 63 (allowing consumption out with permitted hours)</b>	<b>3</b>
<b>Section 102 (sale of alcohol to a child)</b>	<b>1</b>
<b>Section 105 (sale on behalf of a child)</b>	<b>1</b>
<b>Section 111 (drunk person within licensed premises)</b>	<b>9</b>
<b>Section 112 (obtaining alcohol by or for a drunk person)</b>	<b>0</b>
<b>Section 113 (sale of alcohol to a drunk person)</b>	<b>0</b>
<b>Section 114 (DPM and staff not to be drunk)</b>	<b>0</b>
<b>Section 115 (disorderly conduct)</b>	<b>0</b>
<b>Section 116 (refusal to leave premises)</b>	<b>5</b>