

Subject: Licensing (Scotland) Act 2005
Chief Constable's Report for 1 April 2016 to 31 March 2017
Meeting: Licensing Forum
Date: 4 December 2017
Author: Consumer Protection Manager

1. Purpose of Report

- 1.1 This report presents the Chief Constable's report for 1 April 2016 to 31 March 2017.

2. Recommendation

- 2.1 It is recommended that the Forum note the information provided in the Chief Constable's report for 1 April 2016 to 31 March 2017.**

3. Background

- 3.1 The Licensing (Scotland) Act 2005 imposes a duty on the Chief Constable to send a report to Licensing Boards in respect of the policing of the 2005 Act in the Board's area and any police work in preventing the sale or supply of alcohol to those under 18 years. The Chief Constable is also required to send a copy of the report to the Local Licensing Forum for the Board's area.
- 3.2 This report must be sent to the Licensing Board and Licensing Forum as soon as practicable after the end of each financial year. The report should set out the Chief Constable's views about matters relating to policing in connection with the operation of the 2005 Act in the Board's area in the previous year and the following year, and also set out any steps taken in the previous year, or to be taken in the following year, to prevent the sale or supply of alcohol to those under 18.

4. Consideration

- 4.1 Additionally, the 2010 Act requires a police officer to attend a meeting of the Licensing Board or the Local Licensing Forum to discuss the report if the Licensing Board or the Forum requests it. An officer from C Division (Forth Valley Division) attended the Licensing Board on 18 October and has been invited to attend this meeting to speak to the Chief Constable's report, provided as appendix 1 to this report.

5. Implications

Financial

5.1 There are no financial implications arising from the report.

Resources

5.2 There are no resource implications arising from the report.

Legal

5.3 There are no legal implications arising from the report.

Risk

5.4 There are no risk implications arising from the report.

Equalities

5.5 An equality and poverty impact assessment was not carried out.

Sustainability/Environmental Impact

5.6 No sustainability assessment has been completed as part of compiling the report.

6. Conclusions

6.1 The Forum is asked to note the contents of the Chief Constable's report.

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Consumer Protection Manager

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Date: 23 November 2017

Appendix

Chief Constable's Report to Falkirk Licensing Board for the period 1 April 2016 to 31 March 2017.



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CHIEF CONSTABLE'S REPORT TO THE
FALKIRK LICENSING BOARD
FOR THE PERIOD
1ST APRIL 2016 to 31ST MARCH 2017

Foreword

It gives me great pleasure to provide my second annual licensing report, in accordance with section 12(A) of the Licensing (Scotland) Act 2005.

This report outlines what activity has been undertaken over the last twelve months for Falkirk which provides me with the opportunity to outline how our services will be delivered over the coming year.

Police Scotland continues to face an increasing range of demands against the backdrop of a challenging financial environment, however we will continue to work in partnership at local and national level to ensure that our communities are safe. I cannot understate the importance of empowering our people to work with others, to innovate and solve problems.

Over the last year we have seen success in our preventative problem solving approach, with officers and staff resolving issues proportionately and at the earliest opportunity. This has been possible due to the active partnerships which exist across the licensing sector, which have led to an increase in positive outcomes.

In the year ahead our approach will continue to be based on prevention and collaboration to ensure the most efficient and effective service delivery. I will encourage officers and staff to utilise the range of options available to ensure improved licensing standards, reduced violence and to positively influence behaviour and cultural attitudes across Scotland.

Finally, I would like to take this opportunity to record my thanks to all who work towards the shared aim of effective licensing regulation and I am sure that with the continued hard work and dedication of all staff, Police Scotland will continue to deliver a service that our communities can be proud of.

Mr Philip Gormley QPM

Chief Constable

Police Service of Scotland

Police Scotland Licensing Overview

Each 13 Local Policing divisions, have a licensing team wholly committed to the day to day management of licensing administration complying with statutory requirements as well as addressing any issues that may arise within licensed premises within their local area.

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

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

The NLPU 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.

LICENSING BOARD AREA

The licensing Board area is policed by Forth Valley Division also referred to as C Division.

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

Local Policing Priorities

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

1. Protecting People
2. Reducing Antisocial Behaviour
3. Reducing Violence
4. Tackling Substance Misuse
5. Making our Roads Safer
6. Tackling Serious Organised crime

Description of Board Area

The Falkirk Area Command serves around 154,380 people over an area of 112 square miles extending from Banknock in the west to Blackness in the east and from South Alloa in the north to Limerigg in the south. The Falkirk Area Command is split into two Sub-Areas, 1) Falkirk and 2) Grangemouth and Larbert.

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The area is made up of a number of towns and villages, features include the Port of Grangemouth and petrochemical complex, the Antonine Wall, the World Heritage Site, the Falkirk Wheel, The Kelpies and Helix Park and major retail areas in Falkirk Town Centre. The policing plan for the Falkirk Council Area details the delivery process for the police service and commitment to local policing within the national planning process enabling an effective response to all areas including alcohol related issues.

Each area has a number of licensed premises which places demands on local resources. Falkirk Town Centre has a vibrant and busy night time economy with 3 Nightclubs and 18 Bars within a 1 mile radius. This is resource intensive at weekends which can, on occasion, lead to alcohol related violence and disorder.

OPERATION OF THE LICENSING (SCOTLAND) ACT 2005

Introduction

The misuse of alcohol can be harmful and damaging to our communities. It impacts on partnership services such as the National Health, Criminal Justice, Social Work, and on the Police Service of Scotland. Alcohol is very often a contributory factor in the calls Officers attend from low level anti-social behaviour to domestic abuse and incidents of serious violence and injury. In the year under report there were 1913 cases of Violent Crime recorded within the Falkirk Area, 619 (32.4%) were drunk or under the influence of alcohol. There were 1652 cases of disorder reported and 776 (47%) of the accused in these cases the accused were described as drunk or under the influence of alcohol.

There are in excess of 1300 licensed premises within the Forth Valley area including, Bars, Nightclubs, Hotels, Off Licences and Members Clubs. In addition to this between the 31 March 2016 and the 1 April 2017 Forth Valley Licensing Department processed 1549 applications for Occasional Licences to allow the sale/supply of alcohol for those who do not hold permanent licences. In the year under review there were 148 recorded offences involving violent crime / disorder recorded on licensed premises (this does not include those out with) and 135 (91.2%) of accused in these cases were described as drunk or under the influence of alcohol.

Forth Valley Licensing Department work with partners to reduce the impact that alcohol has on our local community. The department also review all licensing applications and work closely with Licensing Standards Officers (LSO's), Designated Premises Managers (DPM's), partnership agencies and the local community. Utilising legislation such as the Licensing (Scotland) Act 2005 to encourage the responsible sale and supply of alcohol the Division also works with premises to ensure they are well run and adhering to the licensing objectives. This may result in taking positive action to stop irresponsible supply and address any omissions by staff under the Licensing (Scotland) Act 2005.

Partnerships

In order to improve the regulation of license holders in the Forth Valley area, the Licensing Team works closely with both internal and external departments. Over the last year the licensing team have provided additional training to a number of officers within the Falkirk Community Alcohol and Violence Reduction Unit (CAVRU) and Special Constables. The Licensing Department feeds relevant information into the CAVRU teams allowing them to be tasked to complete specific licensing enquiries. This is fed into a Weekend Policing Plan and allows for the right premises to be checked at the right times by officers who have a better knowledge of licensing legislation thereby leading to greater regulation of licence holders. This is all focused on reducing harm.

During 2016/17 we have introduced a new initiative of conducting pre-visits prior to high risk events issuing letters to the management of premises. The letter reminds premises of their responsibilities around the licensing objectives and provides them with ideas on how they can work with us to ensure an event goes safely whilst also providing a point of contact for queries / issues. This initiative was utilised for events such as notable televised football matches, during the Parade marching season and prior to the Festive period. This had a positive impact on licensed premises and helped to build on established relationships and develop collaborative ways of working.

The Forth Valley Licensing team also work very closely with external partners such as Licensing Standards Officers, Border Control and the Security Industry Authority (SIA). During the year we have completed a number of joint visits with LSO's. In addition we have run one Licensing Operation with Border Control which targeted premises in the Falkirk / Camelon and Stenhousemuir areas targeting off-licences and late night catering premises. The operation proved successful and future operations are planned. In January 2017 a joint operation was completed with staff from the SIA in Falkirk whereby security personnel within all licences premises in the area were checked. This was the first time the SIA had completed such a task in the area in over five years. The operation was a success, again improving the regulation of licence holders, building relationships and ensuring our communities are kept safe. We have also run a number of operations at Club premises working with the premises managers, utilising drugs scanning dogs and UV equipment to trace Identification offences.

Problem solving

A variety of tools and products are utilised in order to quickly identify areas of concern within the Forth Valley Area. Analytical data, intelligence, crime reports and concerns raised by the public are scrutinised in order to highlight areas or repeat occurrences of anti-social behaviour or crime. This allows resources to be deployed to the right areas at the right time.

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When areas of concern are identified around licensed premises prompt actions is taken. Many of the steps taken initially by Forth Valley Licensing Department leads to successful compliance by premises and no requirement to report matters to Falkirk Council Licensing Board. In the last year we have had seven public houses, one Night Club and two off licences that have been 'monitored' by the licensing team. When issues are identified we utilise a wide range of options to try to resolve the issues with a Licensing Review Hearing being the last option. The first step is identifying what is causing the problems and this is where we would utilise technology to build up a picture. We would then go to the premises, explain our concerns and work with them to resolve the highlighted issues. The majority of these premises were identified as having repeated incidents of crime and disorder associated or one-off incidents which caused concern linked to the responsible running of the premises.

An example of when monitoring of a licensed premises has proved successful is the identification of a premise within Falkirk Town Centre with a disproportionate amount of crime/ disorder and calls associated with it. We analysed data and noted that there was a pattern to the calls and they appeared to be one a Sunday night. The Licensing Department met with the premises and established that they had a regular Karaoke night on that evening which attracted a high volume of patrons with only one member of staff on duty and new security personnel. We also noted that during police visits there was a high indication of drug usage within the toilets at the premises. Our concerns were raised with the Designated Premises Manager and with the Premises Licence holder and suggestions were made in to how to combat the identified issues. The issues were tackled with preventative measures, including increasing experienced staff numbers, a robust drunkenness policy and an increased number of police visits. Within a month the premises had no further crime/disorder associated reported.

I am pleased to report that as a result of the work completed utilising a variety of measures we currently have no monitored premises within the Falkirk Licensing Area. Out of the ten premises we have worked intensively this year, one has ceased trading, one now follows an intervention plan during notable televised football matches and only one resulted in a premises Licence Review which had a successful outcome.

Summary

This summary will touch on the various sections of the Licensing (Scotland) Act 2005 and provide any relevant detail of the Division's activity and learning points in relation to each.

Section 1

Enforcement activity to tackle the unlicensed sale or supply of alcohol is one of the main strategies of all Ward based Officers in Forth Valley Division. Inspections of licensed premises are undertaken and during these visits, inspections are made of Premises or Occasional Licences to ensure alcohol is being sold legitimately. Personal Licences or relevant training records are also scrutinised to ensure compliance with the Act. Whilst education forms a huge part of our dealings with Licence holders on occasion this approach is not felt to be the most productive. This year two cases in the Falkirk Area Command have been reported to the Procurator Fiscal under Section 1 of the Act. These include sales of alcohol at an Off Licence premises whereby no premises licence was in force over a number of months and a case of sales of alcohol over a number of months at a Public House without valid training/ personal licences being in force. Both cases are still currently pending.

Section 22 – Applications

This covers applications for a premises licence and allows the Chief Constable to make a representation or objection to the Licensing Board by providing a detailed report concerning criteria laid out in the Act.

All applications sent to the Forth Valley Licensing Department from Falkirk Council are scrutinised by staff using a variety of police databases that hold information on crimes, incidents and intelligence reports. Our approach following the identification of concerns is to make contact with the applicant and discuss their application where most of the issues are remedied thereby negating the need to bring concerns to the Licensing Board. However, on occasion representations are necessary to secure additional conditions on the licence and on rare occasions an objection to an application due to significant concerns that may impact our communities.

In the last year Forth Valley Licensing Team have made five representations and one objection to Falkirk Council Licensing Board. These range from asking for tighter conditions around Boxing Events to ensuring appropriate prevention measures are in place when objecting to extended hours for night clubs in the Falkirk area.

Section 36 – Applications for a review of licence

This section of the Act sets out the grounds for persons to apply to the Licensing Board for a review of licensed premises that include a breach of one or more of the conditions to which the premises licence is subject.

In Falkirk the majority of breaches are of minor in nature and initial informal approach has been beneficial. Such an approach allows the premises management to discuss issues raised by police at an informal meeting. An agreement is reached over how the premises management plan to address and rectify minor faults before they are allowed to develop further with Officers monitoring the situation to ensure there is no reoccurrence. This approach has proved successful in all but one case and all informal interactions carried out during the reporting period have not required further police intervention. It is felt that this is a practical and fair method of dealing with minor issues and helps maintain a positive relationship between police and the licensing trade.

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Notwithstanding more serious breaches of the licence would be reported to the Licensing Board for review.

In the last year one application was made to Falkirk Council Licensing Board for review of Premises Licence. This was in relation to a licensed premises that caused significant concerns during and after a notable televised football match. Due to the alarming nature of events on the day of the match and the impact on the public along with historical concerns an application was lodged. This resulted in the premises being given additional conditions on their licence and a review of the Premises Licence Holders personal licence.

Section 63 – Sale or supply of alcohol out with licensed hours.

This section of the Act covers the sale or supply of alcohol out with licensed hours. There has always been a proactive approach by police in monitoring premises for any such issues, be that visits to pubs and clubs at terminal hours or patrols in the area of licensed grocers to ensure compliance. Historically, information about premises selling alcohol out with hours has come from communities. During the reporting period, there has been little evidence of breaches of this section and as such no reports have been submitted to the Licensing Board.

Section 72 – Personal Licence Applications

All applicants are scrutinised to check for their individual criminal history and any issues identified would be brought to the attention of the Board, normally with a recommendation to refuse the application. During the last year there have been no objections made to the board.

Section 84 – Personal Licence Reviews

All personal licence holders are monitored by the Forth Valley Licensing Department who should be notified if any come into formal contact with the police in relation to criminal matters. The circumstances are examined and if the conduct is felt to be inconsistent with the licensing objectives, police would meet with the personal licence holder, if the issue was minor, to discuss their concern and hopefully rectify the situation. All other matters would be reported to the Board and all criminal matters are reported to the Procurator Fiscal. During the reporting period, there was no need to request a review hearing for any personal licence holders.

Section 94 – Exclusion Orders

Exclusion orders can be considered where a person is convicted of a violent offence committed on, or in the immediate vicinity of any licences premises in respect of which a premises licence has effect. In all cases where the person charged can be linked to licensed premises staff within Falkirk Licensing Department task officers to request an Exclusion Order when the case is reported to the Procurator Fiscal for consideration.

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Section 97 – Closure Orders

There have been no applications to the Board for a closure order relating to licensed premises in the area.

Section 111 to 116 – Drunkenness and disorder offences

A significant amount of time is dedicated to policing licensed premises, in recognition of the potential for drunkenness and disorder within and the negative impact this has on communities. The following table gives a breakdown of offences recorded during 2016/17 under this heading and the number of charges brought in the Falkirk Area Command. (Please note this does not include disorder related offences covered under other legislation).

Charge Description	2016/17
A person behaves in a disorderly manner and refuses/fails to leave premises on being asked	4
A person on relevant premises, while drunk, behaving in a disorderly manner	11
Attempt to enter relevant premises while drunk	2
Buy or attempt to buy alcohol for a child or young person	4
Consume alcohol in a designated public place - Local Order (assumption)	49
Did allow the sale of alcohol to a child or a young person	3
Drunk and incapable of taking care of himself/herself	1
Drunk & incapable	9
Prohibiting sale/consumption/taking away of alcohol outside licensed hours	2
Responsible person allowing breach of the peace, drunkenness or other disorderly conduct	1
Responsible person drunk whilst on relevant premises	1
Sale of alcohol to a child or a young person	5
Sale of alcohol without a premises licence or an occasional licence	1
Sports ground - drunk in ground	1
Total Charges	94

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

Introduction

Understanding why children and young people drink alcohol can be complex but it's recognised that alcohol misuse amongst this group can result in behavioural issues and offending; such as violence, and antisocial behaviour, as well as increasing vulnerability and susceptibility to exploitation. In the year under report there were 590 crimes of violence/disorder where the accused was under 17 years. Of these in 39 cases the accused was described as drunk and 55 recorded as under the influence of alcohol. It should be noted however, that in 159 cases the sobriety of the accused was not known.

Police Scotland, and its partners, 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.

Activity

In the year under review there were 5 cases whereby charges were brought for the sale of alcohol to a child or young person and 3 cases of allowing the sale of alcohol to a child or young person. In addition there were 3 cases of young person's consuming alcohol in a designated public place (breach of local bylaws). It should be noted however, that in cases whereby children are stopped under the influence or in possession of alcohol it is not always felt the most proportionate way of dealing with them is to formally prosecute. There are many more cases of children/ young persons are stopped and other outcomes are utilised including using partners to intervene and prevent further offending.

A joined up approach in dealing with children/young persons is the most advantageous position. Officers from Forth Valley Licensing Department regularly link in with local community wardens, community officers and LSO's to build a picture of hotspots or areas for concern. Where concerns are raised all information and intelligence is reviewed and prompt and robust action is taken to limit the effect on the community. An example of this is at the beginning of 2017 there were concerns raised in relation to increased anti-social behaviour calls involving youths in the Grangemouth area. On speaking with local community wardens and local officers it was clear that alcohol was a contributory factor and there were concerns that a number of Off Licences were selling to those under age.

In order to deal with the issue Forth Valley Licensing Department made contact with all Off Licences in the Grangemouth Area and called them to a meeting at the town hall to discuss concerns. The meeting was attended by partners and some of the licensed premises invited. A constructive meeting was held whereby all parties were able to discuss their concerns and suggestions on how to work together to resolve the issue. The meeting was followed up with a letter to each individual premises and a further visit by Forth Valley Licensing team to those premises who did not attend and those who did. Upon receipt of further intelligence a test purchase operation was

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completed. In addition to this local School Based officers have been utilised to add an educational aspect to youths within this area with input on the negative effects of alcohol and potential consequences. School newsletters to parents have also highlighted trends which are an effective tool in ensuring parents are aware of concerns in the area.

During 2016/17 there have been a total of 72 test purchases completed on Off Sales in the Falkirk Area Command. 68 were recorded as passes with 4 failures who passed following a re-test. Test Purchasing is a valuable tool in ensuring the compliance with the licensing objectives and legislation but, more importantly it is utilised to ensure children are safe.

Proposed activity

During the coming year Forth Valley Division will consolidate existing procedures and working practices. Utilising analytical tools will help to identify areas for concern in relation to the sale/supply of alcohol to young person's allowing us to quickly link anti-social behaviour/ crimes trends around Licenced premises both on and off sales. Test Purchase operations will continue to be used as a tactic where intelligence/ Information highlights underage sales. Where premises are identified as being linked with underage sales, operations will be conducted to address issues and if necessary reporting of such issues to Falkirk Council Licensing Board. Working closely with partner agencies such and utilising the wealth of knowledge of community wardens, CCTV operatives and local Officers will play a vital part in future work. Of course working with licensed premises using preventative measures will be an additional tool. All secondary schools in the Falkirk Area have a school based officer which will allow positive and direct contact with young people, their parents and the community.

TACKLING SERIOUS AND ORGANISED CRIME

Introduction

Serious and Organised Crime Groups (SOCG's) are ever evolving and can pose a risk to the community we serve. Licensed premises have been used by SOCG's historically to launder money or to facilitate the commission of drugs offences due to the lure of financial reward to those involved in the operation. SOCG's are also responsible for wide ranging crime such as Human Trafficking, Cyber-Crime, Importation and distribution of drugs and Sexual Exploitation. Police Scotland actively work towards achieving the four strands of 'Scotland's Serious and Organised Crime Strategy' published in June 2015. These are to divert people from becoming involved. Deter already formed SOCG's by supporting private, public and third sector organisations to protect themselves. To detect and identify those responsible and prosecute those involved or linked to SOCG's and by deploying disruption methods to make it difficult for those involved to continue their efforts or to gain financial rewards for such.

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Falkirk Area Command implement the strategy in a number of ways such as:

- Running local initiatives including interventions within schools, colleges and prisons. We now have Schools Based Officers in all High Schools within the Falkirk area and Prison Liaison officers who work closely with staff from Polmont Young Offenders Institution.
- Supporting businesses by encouraging increased information sharing and offering education and support. We work closely with representatives from the Business Improvement District within Falkirk Town Centre to ensure that businesses feel supported and our Prevention team play a role in this.
- Effective partnership work with other agencies such as Youth Justice and GIRFEC to provide education in relation to emerging trends.

Forth Valley Licensing Department plays a role in this strategy through Regulation and Enforcement, having regular contact to deter offences such as counterfeit goods and illicit trade. Ensuring that crime groups are denied access to licences and licensed premises/taxi's security industries through a robust screening procedure. In addition we work with partner agencies such as Falkirk Council, Border Control, HMRC, NHS etc. to promote information sharing and reduce any intelligence gap and taking action where necessary.

PROPOSED ACTIVITY FOR THE YEAR AHEAD

Forth Valley Division are committed to supporting the effective management of licensed premises within the Falkirk Area. Strong partnership working this has proved effective over the previous 12 months and it is planned to continue to support Falkirk Council, licensed premises, the wider business community and the community themselves to ensure together, we keep people safe.

NATIONAL PERSPECTIVE

Our Priorities and Policing Plans continue to be shaped by the objectives contained within Scottish Government's Strategic Objectives and National Outcomes and the Strategic Police Plan that are delivered locally through the Strategic Outcome and Local Delivery Plan (SOLD).

Consultation and engagement is combined with our own analysis of the issues likely to impact on the safety of the public to inform our local and national Strategic Assessments that identify our priorities and provide a firm evidence base for local policing teams across Scotland to deliver operational plans to prevent crime and disorder and Keep People Safe.

Our National Priorities are:

- **Violence Disorder and Anti-social Behaviour**
- **Serious Organised Crime**
- **Road Safety and Road Crime**
- **Protecting People at Risk of Harm**
- **Counter Terrorism**

The National Licensing Policy Unit (NLPU) is a specialist department who 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.

During 2017/18, from a licensing perspective, our particular focus will be on the following;

- Scrutiny of the serious incidents of violence, disorder and antisocial behaviour linked to licensed premises in the Falkirk area.
- Working closely with partners within a National Licensing Trade Forum we will continue to develop and promote positive partnership working between Falkirk Police and the Licensed trade, in order to increase legal understanding and support a shared aim of best practice, responsible operation and respect.
- 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 and to ensure problem solving is at the heart of our Licensing approach.

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