

Falkirk Council Licensing Board

**Subject: Licensing (Scotland) Act 2005
Chief Constable's Report for 1 April 2017 to 31 March 2018**
Meeting: Licensing Board
Date: 10 October 2018
Author: Consumer Protection Manager

1. Background

- 1.1 The Licensing (Scotland) Act 2005 Act 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. This report must be sent to the Licensing Board 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. The Chief Constable is also required to send a copy of the report to the Local Licensing Forum for the Board's area.
- 1.2 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) has therefore been asked to attend to speak to the Chief Constable's report.

2. Recommendation

2.1 For information.

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Consumer Protection Manager

Date: 24 September 2018

Contact Officer: Alison Barr, Consumer Protection Manager, Ext 1265

Appendices

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| Appendix 1 | Chief Constable's Report to Falkirk Licensing Board for the period 1 April 2017 to 31 March 2018 |
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CHIEF CONSTABLE'S REPORT TO THE
FALKIRK LICENSING BOARD
FOR THE PERIOD
1ST APRIL 2017 to 31ST MARCH 2018

Foreword

It gives me great pleasure to provide the Annual Licensing Report for 2017/18, in accordance with Section 12(A) Licensing (Scotland) Act 2005.

I would like to acknowledge the contributions made to effective licensing regulation in the past year. Working in partnership is vital to ensure a fair and consistent approach to licensing whilst maintaining a focus on preventing alcohol fuelled violence, disorder and antisocial behaviour. Police Scotland is committed to continuing to work with partners in the 32 Local Authorities across Scotland to achieve positive outcomes.

Over the past year, Police Scotland has continued to achieve success with a focus on prevention, underpinned by early intervention and enforcement. This has only been possible with the support of the many active partnerships that exist in local areas. I will ensure that all officers and staff continue to work with the licensed trade and other key partners, utilising the range of options available to them to achieve improved licensing standards, reducing violence, disorder and antisocial behaviour across Scotland.

On 1st May 2018, Minimum Unit Pricing of Alcohol was introduced in Scotland. We will work through the Evaluation Advisory Group to assess the impact of this legislation. The coming year will present many challenges but I am confident that through collaborative working, we will meet these challenges and continue to improve licensing standards and deliver a service to the communities of Scotland.

Mr Iain Livingstone QPM
Deputy Chief Constable Designate
Police Service of Scotland

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Police Scotland Licensing Overview

Each of the 13 Local Policing divisions have locally based officers dedicated 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 in their local area.

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

The National Licensing Policy Unit is responsible for the two tier structure for licensing which supports both national and local priorities. They have overall responsibility for determining and delivering national licensing strategy and policy, by providing advice, guidance and support to divisional licensing teams.

The NLPU and Licensing practitioners within Police Scotland develop partnerships and identify best practice. This approach enables us to continue to work with local communities and key partners to prevent alcohol related crime and offences.

The NLPU 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.

National Perspective

Our Priorities and Policing Plans continue to be shaped by the objectives contained within Local Policing Plans and the Falkirk Strategic Outcomes and Local Delivery Plans.

Consultation and engagement is combined with internal analysis of the issues that impact on the safety of the public to provide an evidence base for local policing teams to prevent crime and disorder and Keep People Safe.

Our National Priorities are

- Violence, disorder and antisocial behaviour
- Serious organised crime
- Counter terrorism and domestic extremism
- Protecting people at risk of harm
- Road safety and road crime
- Acquisitive crime

Licensing Board Area

The Falkirk local authority area is policed by Falkirk Area Command, part of Forth Valley Division also known as 'C' Division.

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

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The senior officers who hold responsibility for licensing within the area of Falkirk are;
Local Area Commander; Chief Inspector Damian Armstrong
Divisional Coordination Unit; Chief Inspector Caroline Logan
Licensing Sergeant; Sergeant Claire MacKenzie

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, Falkirk and Grangemouth & Larbert.

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 retail areas across the Falkirk Council area. The policing plan details the delivery process for the police service and commitment to local policing enabling an effective response to all areas including alcohol related issues.

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.

Local Policing Priorities

Following our public consultation process, the policing priorities for Falkirk Area Command, as set out in the Local Policing Plan are;

- Protecting People
- Reducing Anti-Social Behaviour
- Reducing Violence
- Tackling Substance Misuse
- Making Our Roads Safer
- Tackling Serious Organised Crime

Operation of the Licensing (Scotland) Act 2005

Introduction

The misuse of alcohol can be harmful and damaging to our communities. It impacts on vital services such as the National Health and on the Police Service of Scotland. Alcohol is very often a contributory factor in the calls that constables attend from low level anti-social behaviour to domestic abuse and incidents of serious violence and injury. This year there were 2316 cases of violent crime recorded within the Falkirk Area, 736 (31.8%) were drunk or under the influence of alcohol. There were 1820 cases of disorder reported and 751(41.3%) of the accused in these cases were described as drunk or under the influence of alcohol.

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There are in excess of 470 licensed premises within the Falkirk area including, Bars, Nightclubs, Hotels, Off Licences and Members Clubs. In addition to this, between 31 March 2017 and 1 April 2018 Falkirk Licensing Department processed 431 applications for Occasional Licences to allow the sale/supply of alcohol for those who do not hold permanent licences in the Falkirk area. In the year under review there were 63 cases of violent crime / disorder recorded on licensed premises (this does not include those out with) and 46 (73.0%) of accused in these cases were described as drunk or under the influence of alcohol.

The role of the Forth Valley Licensing Department which covers Falkirk is to work with partners to reduce the impact that alcohol has on our local community. This includes the review of applications and working closely with Licensing Standards Officers (LSO's), Designated Premises Managers (DPM's) as well as Licence Holders. 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.

Partnerships

In order to improve the regulation of licence holders in Falkirk, the Licensing Team works closely with both internal and external departments. Successful partnership working is exemplified by 2 joint initiatives which were held involving Licensing, local community police and the UK Border Agency targeting licensed premises where there was an indication persons were working who did not have a right to work in the UK. This was a successful initiative which may be repeated. Several Operations have been carried out at nightclubs in the area involving Police Scotland Dog Handlers and the Divisional Alcohol and Violence Reduction Unit. These operations have targeted persons attempting to take controlled drugs in to premises and also encouraged staff to be vigilant in terms of intoxicated persons. The Licensing Department also work alongside the Licensing Standards Officer conducting numerous proactive joint visits. The Licensing Department also have a close working relationship with the SIA (Security Industry Authority).

Over the last year the licensing team have provided additional training to officers within the Divisional Alcohol and Violence Reduction Unit who are also involved with licensed premises visits on a regular basis. The Licensing Department collates and disseminates relevant information to local officers allowing them to be tasked to complete specific licensing enquiries. This forms part of the Weekend Policing Plan and allows for the right premises to be checked at the right times by officers who have a greater knowledge of licensing legislation thereby leading to a greater regulation of licence holders. In future months this additional training will be rolled out to officers on response shifts in order to ensure officers attending licensed premises are fully aware of the responsibilities of licence holders

During 2017/18 we have continued to conduct pre-visits prior to high risk events and the Festive Period issuing letters to the management of premises. The letter reminds premises of their responsibilities around the licensing objectives and provides them

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with ideas on how they can work with us to ensure the event goes safely whilst also providing a point of contact for queries / issues. This initiative has a positive impact and helped to build up encouraging relationships with licensees due to the regular visits.

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.

When areas of concern are identified around licensed premises prompt action 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 4 public houses that have been 'monitored' by the licensing team. During the previous year there 10 'monitored' premises in total which would indicate that our approach to tackling issues in licensed premises in conjunction with licensed holders is effective. When issues are identified we utilise a wide range of options to try to resolve them with a Licensing Review Hearing being the last option.

The first step is identifying the cause of the problem and this where we would utilise technology to build up a picture, for example identifying certain days or times of day when issues arise. Licensing staff would then go to the premises, explain our concerns and work with them to resolve the problems. This is then reinforced by visits from local officers ensuring compliance. Premises that are highlighted as having a high level of crime and disorder occurring despite engagement with police or are found to be resisting police involvement would be cause for concern and would lead to further steps being taken to remedy the situation.

An example of this type of work in the year under report was a premises where there were repeated episodes of disorder and violence and officers reported there appeared to be a reluctance from staff to engage with the police. Forth Valley Licensing held a meeting with the Designated Premises Manager where advice was given and appropriate reassurances made by the Manager. Unfortunately the pattern of disorder continued and a further meeting was held, this time involving the Licence Holder as well as the Designated Premises Manager. The premises is still 'monitored' at this time but there has been a significant improvement in the conduct of staff and reduction in disorder levels.

Of the 4 premises monitored one has ceased trading and one has been taken over by a new responsible management team. A third premises has improved significantly. There is currently 1 licensed premises 'monitored' as described above.

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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 and 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 and in those cases the matters would be reported to the Procurator Fiscal. There has been no cases in the Falkirk area reported to the Procurator Fiscal during the year under review.

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 Falkirk Licensing Department are scrutinised by staff using a variety of police databases that hold information on crimes, incidents and intelligence reports. Staff will thereafter make contact with the applicant and visit the premises where possible in order to obtain a clear understanding of what is being requested. Where there may be concerns this is addressed with the applicant and usually resolved at the time of application. 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.

Police have not made any objections or representations in relation to any Premises licence applications in the Falkirk Council area during the year 2017/18.

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 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 faults before they are allowed to develop further with officers monitoring the situation to ensure there is no reoccurrence. This approach has proved successful and all informal interactions carried out during the reporting period have not required further police intervention. It

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is felt that this is a practical and fair method of dealing with minor issues and helps build a good relationship between police and the licensing trade. In addition more serious breaches of the licence would be reported to the Licensing Board for review. In the last year no applications were made to Falkirk Council Licensing Board for review of Premises 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 1 premises in the Falkirk area has been found to be breaching this section and measures put in place to improve the premises as previously described.

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 3 objections made to the Licensing Board in respect of a personal licence applicant.

Section 83 and 84 – Personal Licence Reviews

All personal licence holders are monitored by the Forth Valley Licensing Department who are automatically notified if any come into formal contact with the police in relation to criminal matters. Section 83 deals with Personal Licence Holders who are convicted of relevant offences during their time as holder of a licence. Section 84 deals with Personal Licence Holders who have acted in a manner inconsistent with the licensing objectives. The Licensing Department have not requested any revocations of Personal Licences held in the Falkirk area during the period covered in this report.

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 Forth Valley Licensing Department task officers to request an Exclusion Order when the case is reported to the Procurator Fiscal for consideration.

Section 97 – Closure Orders

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

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Section 111 to 116 – Drunkenness and disorder offences on licensed premises

A significant amount of time is dedicated to policing licensed premises, in recognition of the potential for drunkenness and disorder there and the negative impact this has on communities. In the period 2017/2018 there were 3 persons charged with Section 111 of the Act (drunk attempting to enter or within premises where alcohol is sold)). There was 1 person charged with Section 114 of the Act (Responsible person drunk on licensed premises). 7 persons were charged with Section 115 of the Act (Disorderly conduct on licensed premises while drunk). 8 persons were charged with Section 116 of the Act (Refusal to leave licensed premises)

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 662 crimes of violence/disorder where the accused was under 17 years in the Falkirk area. Of these in 90 cases the accused was described as drunk and 96 recorded as under the influence of alcohol. It should be noted however, that in 158 cases the sobriety of the accused was not known.

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.

Activity

In the year under review there was 1 case whereby persons were found buying or attempting to buy alcohol for a child or young person in the Falkirk area. There were 2 charges for selling alcohol directly to a child or young person and 1 charge of allowing the sale of alcohol to a child or young person. There was 1 charge of a child or young person attempting to buy alcohol and 1 of a child or young person consuming alcohol within a licensed premises.

It should be noted that there are times when children are stopped under the influence or in possession of alcohol and although they may have committed an offence in purchasing the alcohol it is not always considered proportionate to tackle the issue with a criminal charge. Rather, Police liaise with partners in an attempt to establish a root cause of this drinking with the assistance of our partners.

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

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intelligence is reviewed and prompt and robust action is taken to limit the effect on the community.

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. Agent purchase will be targeted and if there are any indications that a premises are selling alcohol to children and young persons this will be dealt with robustly. Where intelligence is received regarding this activity the Licensing Department will engage with premises in the first instance ensuring they are aware of their responsibilities and should we continue to receive intelligence following this engagement then Test Purchase Operations will be considered. If any issues arise then consideration will also be given to reporting the matter to the Licensing Board.

Working closely with partner agencies and utilising the wealth of knowledge of community wardens, CCTV operatives and community officers will play a vital part in future work. Of course working with licensed premises using preventative measures will be a key tool. Secondary schools in the Falkirk Area all have a School Based Officer which facilitates 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. Forth Valley Division supports Scotland's Serious and Organised Crime Strategy aiming to Divert, Deter, Detect, Disrupt in order to reduce the harm caused by Serious and Organised Crime.

Activity

Falkirk Licensing Department plays a role in this strategy by 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

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Proposed activity

Local Officers and staff are committed to supporting the effective management of licensed premises within the Falkirk Area. Through strong partnership working this has proved effective over the previous 12 months and it is planned to continue to support Falkirk Council, businesses and the communities to ensure together we keep people safe.

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.

Falkirk Area Command

| | |
|-----------------------|---|
| Violence and Disorder | All locus types (including licensed premises) |
| | |
| | % of detected drunk or had been drinking |
| | Violent Crime |
| | Disorder |
| | Total Charges |
| | |
| | Licensed Premises Only (club/ pub/licensed restaurant) |
| | |
| | % of detected drunk or had been drinking |
| | Violent Crime |
| | Total Charges |

| | |
|-------------------|---|
| Licensing Charges | |
| | Charge Description |
| | A person behaves in a disorderly manner and refuses/fails to leave premises on being asked |
| | A person on relevant premises, while drunk, behaving in a disorderly manner |
| | Attempt to enter relevant premises while drunk |
| | Consume alcohol in a designated public place - Local Order (assumption) |
| | Did allow the sale of alcohol to a child or a young person |
| | Prohibiting sale/consumption/taking away of alcohol outside licensed hours |
| | Responsible person allowing breach of the peace, drunkenness or other disorderly conduct |
| | Responsible person drunk whilst on relevant premises |
| | Personal licence holder failing to produce his/her personal licence without reasonable excuse |
| | |
| | Sale of alcohol without a premises licence or an occasional licence |
| | Total Charges |

| 2017/18 | | | |
|---------------|------------------|------------------------------------|--------------------------------------|
| Total Charges | Detected Charges | Accused drunk or had been drinking | % accused drunk or had been drinking |
| 2316 | 1677 | 736 | 31.8% |
| 1820 | 1551 | 751 | 41.3% |
| 4136 | 3228 | 1487 | 36.0% |
| | | | |
| 2017/18 | | | |
| Total Charges | Detected Charges | Accused drunk or had been drinking | % accused drunk or had been drinking |
| 181 | 147 | 126 | 69.6% |
| 110 | 104 | 95 | 86.4% |
| 291 | 251 | 221 | 76.0% |

| No. of Charges | Of which, accused aged 17 yrs or less |
|----------------|---------------------------------------|
| 2017/18 | 2017/18 |
| 9 | 0 |
| 7 | 0 |
| 1 | 0 |
| 4 | 2 |
| 1 | 0 |
| 1 | 0 |
| 1 | 0 |
| 1 | 0 |
| 1 | 0 |
| 1 | 0 |
| 1 | 0 |
| 27 | 2 |