



**POLICE  
SCOTLAND**

Keeping people safe

CHIEF CONSTABLE'S REPORT TO THE  
HIGHLAND LICENSING BOARD  
FOR THE PERIOD  
1<sup>ST</sup> APRIL 2015 to 31<sup>ST</sup> MARCH 2016

## **FOREWORD**

As the Chief Constable of Police Scotland, it gives me great pleasure to provide my first annual licensing report, in accordance with section 12(A) of the Licensing (Scotland) Act 2005.

I would firstly like to take this opportunity to acknowledge and thank you for the contribution and excellent work undertaken during the past year throughout the licensing area of business in Scotland, especially within our 32 Local Authorities.

Police Scotland together with our licensing partners have faced and continue to confront many challenges, not least our budget constraints. However, this will not detract from our commitment to continuing to provide the very best and sustainable policing service to our communities across the country.

I am especially keen to develop our local services to meet the varying licensing demands and expectations within our diverse local communities, by listening to people and developing opportunities to improve, including the sharing of best practise and influencing positive attitudes and behaviours to reduce alcohol related crimes and anti-social behaviour.

Police Scotland's licensing structure and function has recently undergone significant transition and now benefits from improved governance, flexibility and support, with a real emphasis on quality of service. These changes are further enhanced through our commitment to investing and implementing a national I.T. database, (Innkeeper), which has significantly improved our management and the administration of all liquor and civic licences. Police Scotland and our licensing partners now benefit from a consistent service with improved local delivery, decision making and reporting process.

With our licensing transition complete, we are now transforming our licensing service and central to this is our ability to continue to work closely with our Local Authorities, the licensed trade and other key partners, with a main focus on prevention and vulnerability.

We recognise that problem solving is essential in achieving our mutual aims of public safety and a healthy community environment, while enforcement should only be used as necessary. We will only achieve these aims together through consent and by legitimate means with the full support of all key licensing partners.

I look forward to the coming year where we will continue to improve licensing standards, reduce violence and continue to keep our communities and people safe.

Philip Gormley QPM  
Chief Constable  
Police Service of Scotland

**POLICE SCOTLAND LICENSING OVERVIEW**

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.

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

Dedicated licensing teams are located in each of the 13 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 within their local area.

## **LICENSING BOARD AREA**

The licensing board area is policed by North Division.

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

North Division is further divided into four local authorities; Shetland, Orkney, Western Isles and Highland. This report relates to the Highland policing area and licensing board.

## **LOCAL POLICING PRIORITIES**

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

Road Safety  
Alcohol and Drug Abuse/Misuse  
Antisocial Behaviour/Disorder  
Crimes of Dishonesty  
Protecting People

The senior officers who hold responsibility for licensing within the Highland area are as follows;

Superintendent Ross MacKillop	Partnerships
Licensing Department;	
Chief Inspector Mairi Macinnes	Head of Department
Sergeant Bruce Gray	Licensing Sergeant

The Highland area is divided into three Policing Area Commands.

North Highlands (Caithness, Sutherland and Ross-shire)	Area Commander Chief Inspector I Maclelland
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Inverness (Inverness City and Inverness Rural)	Area Commander Chief Inspector I Graham
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South Highlands (Badenoch, Strathspey, Nairn, Skye & Lochaber)	Area Commander Chief Inspector B Mackay
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The population of the Highland area is approximately 232,100 persons spread over 26,484 square kilometres making it the most sparsely populated area in Europe and covering 33% of Scotland.

In total there are 1,228 licensed premises within the Highland area. The only city in the area is Inverness although there are also a number of relatively large towns, such as Wick, Thurso, Tain, Alness, Dingwall, Portree, Fort William, Nairn and Aviemore and many villages thereafter.

With the population spread over such a large geographical area, many of the licenced premises are situated in remote locations which can provide a challenge for policing. The distribution of licence premises are, however, managed extremely well through sound community policing, liaison with licensees and staff, partnership working with Licensing Standards Officers (LSO's) and schemes such as Pub Watch.

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

Section 4(1) of the Licensing (Scotland) Act 2005 sets out five objectives which must always be linked to the sale of alcohol. They are:-

- Preventing Crime and Disorder
- Securing Public Safety
- Preventing Public Nuisance
- Protecting and Improving Public Health
- Protecting Children from Harm

On a daily basis members of the divisional licensing team review all incidents of note in or around licenced premises to ensure the given objectives are being adhered to. Should there be any failure by licensees or their staff to adhere to these objectives then some form of intervention may be required to address the issue. Often a basic failure will be addressed at the time by local policing providing advice or guidance;

however should the failure be of a more significant nature then staff from the licensing team will liaise with the licensee or their staff to help rectify the issue or problem.

During the period of this report only one premise, and its designated premises manager, have required to be reported to the licensing board for consideration of review of their licence. All other issues in or around licenced premises have been resolved by way of liaison with licensees and staff; providing assistance, guidance or education.

## **PARTNERSHIPS**

North Division Police has an excellent working relationship with the local authority LSO's and regularly liaise with them; sharing information and experience to assist in ensuring licenced premises are safe places to socialise. Through Police Scotland's Campaign Against Violence (CAV) initiative the local licensing team have paired up with LSO's to perform joint visits and inspections to licenced premises and licenced events.

North Division Police Officers attend Pub Watch meetings where information is shared and those who do conduct themselves in an inappropriate manner in or near to licenced premises can be dealt with in a manner which the Pub Watch committee see fit; be it no formal action, a warning letter or a ban.

Community Police Officers carry out regular inspections within licenced premises and liaise with staff during such inspections, enjoying a healthy relationship with licensees and their staff.

## **PROBLEM SOLVING**

Following the launch, little over a year ago, of Datazone Tracker and Ward Tracker, a national computerised system which monitors trends and dispersal of violent, disorderly, antisocial and alcohol related incidents, supervisors are more readily able to identify areas quickly and efficiently where such crime or disorder may arise. With the use of this system resources can be directed accurately and efficiently to deal with issues and prevent escalation so the appropriate resources are deployed to the right place at the right time.

On 14<sup>th</sup> March 2016, Police Scotland also saw the launch of Inn Keeper, a computerised licensing database which will hold records and details of all premises and personal licence holders. Although in its early stages the benefits of this system can already been seen; all police inspections of licenced premises will be recorded as will all incidents within said premises, or connected to personal licence holders, thereby allowing an accurate picture to be seen of any trends or issues arising from any particular premise or licence holder. The local licensing team liaise with Area Commanders to review any serious issues or recurring problems to provide assistance or guidance and can be deployed to provide a tasked inspection should it be required.

## SUMMARY

As previously detailed the Licensing (Scotland) Act 2005 sets out five licensing objectives which must be linked to the sale of alcohol. In addition there are numerous crimes and offences contained within the act.

Applications for premises licences, personal licences, or other forms of liquor licensing which are received by the local authority licensing department are forwarded to Police Scotland divisional licensing team for enquiry. All applicants are vetted, background checks are carried out and applicants are often personally interviewed to ensure the licensing objectives are met. During the period of this report North Division Licensing team have processed 3,567 licensing enquiries in total.

Where crimes or offences relating to licensing matters are reported these are investigated fully, over and above which a proactive approach is taken by way of licenced premises inspections and test purchase operations.

All incidents of note are reviewed by the divisional licensing team and should any of these relate to licenced premises or personal licence holders further investigation is carried out to ensure the premise or person have not failed to comply with the licensing objectives. The implementation of the Inn Keeper database will streamline this process ensuring an immediate notification is sent to a licensing team member should any incidents of note take place.

Given the large number of licenced premises distributed across a vast geographical area, offending in relation to the Licensing (Scotland) Act 2005 is low. The figures are testament to the good working relationship between Police, Licensees, Licensing Standards Officers, Pub Watch schemes, door stewards & security staff and all other partner agencies. Figures specific to Highland are;

Drunk and attempt to enter licenced premises	9
Disorderly conduct on licenced premises	20
Refusing to quit licensed premises	91
Licensee/employee/agent drunk on licenced premises	6
Sale of alcohol to person under 18	7
Purchase alcohol for person under 18	4

To bridge the gap between an incident relating to a licenced premise coming to the attention of Police and going to review by the licensing board there are a number of other options available.

Initial interaction with staff, licensee or licence holder is by far the most effective manner, with many issues being sorted out at the time through sound community policing and interaction with those involved in the licensing trade. This can also include interaction with partner agencies and groups such as LSO's and Pub Watch.

Should an incident be of a serious nature, or when previous interaction has failed, then a more structured approach may be required.

Should, following consultation between the divisional licensing team and Area Commander in which the premises is based, a premises be identified which requires additional supervision or support then a tasked inspection schedule may be setup. The premise would be classed as a monitored licenced premise and scheduled inspections would be performed for a set period. Should the issues be resolved within the timeframe then the premise would no longer be monitored. Should, however, the issues continue then a formal intervention process could be implemented.

A formal intervention process can be put in place through agreement between the divisional licensing team, the Area Commander and the premises licence holder with a view to reducing or alleviating issues attached to that premise.

A prearranged meeting will take place with the licensee or responsible person and an action plan formulated with crime prevention advice, further training, tasked inspections or any other process which may be appropriate put in place. An intervention form is created, the original kept by Police and a copy provided to the licence holder. Review should take place following a set time frame, if the original issues have been resolved following this time period then the intervention will be deemed a success and no further action will be required.

Should an incident be of such a serious nature or when previous interaction and or intervention has failed then a premise may be classed as a problematic premise.

A problematic premise is defined as:

“Evidence exists of a licensed premises operating in a manner inconsistent with the licensing objectives or out with the conditions of a premises licence and where local Police intervention and support has failed or is unlikely to succeed in resolving the issues; and”

“A premises review request to the local licensing board is considered the most appropriate way to address the issue.”

It is normal procedure to move through the different forms of intervention although in some extreme cases it may be prudent to move straight to a review request by the licensing board.

There are currently no monitored licenced premises or formal intervention agreements in place in the Highland Area.

Only one premise and its designated premises manager have been reported to the licensing board for consideration of review. Following review of both licences the board gave the designated premises manager a six month suspension of their personal licence and also attached a condition that a personal licence holder be present at all times when alcohol is sold. This was an extremely effective decision by the board, thereby ensuring if the premise was to continue to operate as a licenced establishment it would require the immediate appointment of a personal licence holder as designated premises manager and also allowed the suspended personal licence

holder a suitable period of time to review the requirements and expectations of holding such a licence.

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

In terms of Section 105 (3) of the Licensing (Scotland) Act 2005, the Chief Constable may authorise a child or young person to buy or attempt to buy alcohol for the purpose of determining whether an offence is being committed.

The above legislation and the use of a young person to conduct test purchase operations provide the police with an effective tool in the fight against underage sales of alcohol. This represents a major safeguard against underage drinking and the resultant alcohol fuelled antisocial behaviour which affects many communities.

Following consultation with the following agencies and stakeholders,

- Association of Chief Police Officers in Scotland
- Convention of Scottish Local Authorities
- Crown Office
- Scottish Executive Enforcement Advisory Group on Age Restriction Sales
- Scotland's Commissioners for Children & Young People
- Society of Chief Officers for Trading Standards in Scotland

A standard operating procedure was prepared to ensure test purchase operations are safe, fair and effective:

During the period of this report, 1<sup>st</sup> April 2015 to 31<sup>st</sup> March 2016, 45 test purchase operations have been carried out within the Highland Region, 7 premises failed all of which were reported to the Procurator Fiscal. Of the 7 premises which failed the test purchase operation, all those re-tested passed second time round.

Due to those young persons used for test purchase operations in the previous year being too old to take part new young persons had to be identified and vetted. This procedure reduced the number of test purchase operation carried out. However, by utilising the Datazone Tracker and Ward Tracker Police national computer system to identify areas where disorder, antisocial and alcohol fuelled incidents took place, test purchase operations were intelligence led and almost three times as successful at identifying premises which sold alcohol to underage persons.

Due to health and safety implications and concerns for those young persons who perform the fantastic role in carrying out test purchase operations only off sales premises are tested.

To further protect children from harm in relation to alcohol, on every occasion a child or young person is found in possession of alcohol their details, details of their parents or guardians and a narrative of the incident are entered onto the Vulnerable Persons Database (IVPD) which is then shared with partner agencies such as health, education and social work.

The Police Service of Scotland, in line with Scottish Government protocol, do not look to criminalise children who have been found in possession of alcohol. Instead they would look to establish any irresponsible licence holder who may have sold them alcohol.

The provision of test purchasing is a tactic which the Police Service of Scotland and North Division will continue to deploy to keep children and youths safe and reduce anti social behaviour in and around our communities.

## **TACKLING SERIOUS AND ORGANISED CRIME**

Serious and Organised Crime Groups (SOCG) regularly use, or attempt to use, legitimate business to front their criminal enterprises. The enterprises may include illegal drug trade, prostitution, fraud, human trafficking, fake goods and many other nefarious activities. A legitimate business will often be used as a conduit to transfer or launder money by processing takings from ill-gotten gains through as though legally obtained.

In an attempt to prevent such crime groups from infiltrating the licensing trade extensive enquiry is performed in relation to all licensing applications. This enquiry includes background checks on those named in the application but also intelligence checks which may link other names to such applicants and financial checks on the person, business premises or companies connected to either. Personal interviews are often held with applicants, premises and sites are visited and other departments within the Police Service of Scotland may be collaborated with.

A meeting was held between the clerk to the board, the local authority principle solicitor and Police in relation to the use of intelligence during licensing enquiries which all parties found extremely useful in the fight against serious and organised crime.

All processes and procedures which are utilised in the fight against serious and organised crime are done so with the over arching intention of "Keeping people safe".

## **PROPOSED ACTIVITY FOR THE YEAR AHEAD**

North Division licensing team will build on the recent implementation of the national Inn Keeper computer system. Although currently in its very early stages benefits can immediately be seen as to how the system will manage information, streamline processes and use the information it holds to highlight premises or persons where there may be issues or failings.

The excellent partnership working with many agencies, groups and licence holders will continue to be built upon.

Test purchase operations will continue with a view to identifying those premises which supply alcohol to children and young persons within our communities.

## **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 single outcome agreements.

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 which consists of a small team of officers, based in Glasgow. The officers within the unit work in conjunction with licensing colleagues, from local policing divisions. Together, they seek to ensure that legislation governing the sale and supply of alcohol and other civic licensed activity is applied and reported consistently across the country to licensing boards, in accordance with the Licensing Objectives.

During 2016/17, 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.
- Continuous professional development training and guidance for staff to harmonise licensing practice across the country.
- Working closely with statutory partners to introduce a National Licensing Trade Forum to identify licensing related issues and prevent/reduce associated crimes.
- The implementation and ongoing development of a National ICT Licensing System, known as "Inn Keeper", to increase the efficiency and effectiveness of liquor and civic licensing administration and management.

The assistance obtained from the local authority to ensure that "Innkeeper" was implemented successfully during March 2016 is very much appreciated by Police Scotland. It is anticipated that this effective collaboration between the parties will continue to ensure that this valuable national resource remains fit for purpose and significantly improves the management of liquor and civic licensing records, documentation and information.