

Public Document Pack



To: Councillor Boulton, Convener; and Councillors Cameron, Councillor Donnelly, the Depute Provost, Lesley Dunbar, Grant, Greig, Mason, McLellan and Townson.

Town House,
ABERDEEN, 5 October 2017

LICENSING BOARD

The Members of the **LICENSING BOARD** are requested to meet in **Committee Room 2 - Town House** on **TUESDAY, 10 OCTOBER 2017 at 10.30 am.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

6 Chief Constable's Report 2016/2017 (Pages 3 - 14)

Should you require any further information about this agenda, please contact Gillian Scott, e-mail giscott@aberdeencity.gov.uk or tel. 01224 522867

This page is intentionally left blank



POLICE SCOTLAND

Keeping people safe

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

NOT PROTECTIVELY MARKED

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 Aberdeen City Licensing Board 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

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.

Each of the 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'.

LICENSING BOARD AREA

The Licensing Board area is policed by North East Division.

Chief Superintendent Campbell Thomson 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 North East Division, as set out in our Local Policing Plan are as follows:

- Antisocial Behaviour, Violence and Disorder
- Acquisitive Crime
- Protecting People at Risk of Harm
- Road Safety and Road Crime
- Serious Organised Crime
- Counter Terrorism and Domestic Extremism

Description of Board Area

The Board area is the city of Aberdeen which is formed by two of the five Local Command policing areas within North East Division. Chief Inspector Kevin Wallace is the North Aberdeen Area Commander and Chief Inspector Martin MacKay is the South Aberdeen Area Commander.

OPERATION OF THE LICENSING (SCOTLAND) ACT 2005

The North East Division Licensing Team is led by Inspector Kenny McGeough who is based at Queen Street Police Office, Aberdeen. He is supported by Sergeants Kim Wood and Gill Flett, based at Stonehaven and Queen Street Offices respectively. Licensing enquiry officers and administrative staff are located across the Division in Elgin, Inverurie, Aberdeen and Stonehaven. All staff have a division wide remit and a working knowledge of all the areas covered.

Partnerships

The North East Division Licensing team, supported by Community Policing Officers, has promoted the Police Service of Scotland's force priorities alongside the five licensing objectives, the overarching principles and aims of the Licensing (Scotland) Act 2005.

The team enjoys a strong working relationship with the Local Authority Licensing Standards Officers. Both teams meet on a regular basis to share information. Over the reporting period there were a large number of inspections carried out jointly to licensed premises in the Board area. Specific areas of concern which often prompts such visits can be information about a lack of robust management of premises or lack of compliance with conditions relating to CCTV.

The reporting period has seen a new and increased approach and focus on inspections of licensed premises during Local Days of Action, which were led by the North East Division Licensing Team, supported by the Licensing Standards Officers.

This approach has seen a more pro-active and operational role of the Divisional Licensing Team working more closely with Community Policing Teams and has reinforced the direct partnership working required for the meaningful policing of licensed premises.

North East Division Licensing Team is represented on the Local Licensing Forum and Aberdeen Alcohol and Drugs Partnership and works alongside the following groups and organisations to jointly improve local licensing issues:

- Licensing Standards Officers;
- Unight;
- Weekend Partnership;
- Torry Alcohol Action Group;
- Purple Flag;
- Community Safety Partnership;
- Local Pubwatch initiatives;
- Local Security Industry companies;
- Best Bar None;
- Street Pastors.

Problem solving

Incident management is a critical aspect of our ongoing monitoring of licensed premises.

Any Police Officer who attends an incident at any licensed premises is expected to submit a concise report via the Innkeeper system, particularly when the incident involves violence, disorder, anti-social behaviour, drunkenness, drug misuse, underage drinking, breaches of licensing legislation or any other matter that might impact on the safety of the public.

The information obtained may show a causal link between the operation of the premises and the incident. An incremental intervention process allows for issues to be addressed quickly and effectively at an early stage. This includes a low level 'interaction' which may involve a discussion between the Police and the premises management and/or licence holder. The level of engagement from within the Aberdeen licensed trade is very good and in many instances, this approach reduces recurrence or escalation.

Premises may become 'monitored' with closer attention being paid to any incidents occurring there. This is often undertaken in conjunction with tasked, supportive visits to the premises by uniformed Police Officers.

However, where necessary, the staged process allows for more formal intervention to support premises where a need has been identified. A premises licence holder and the premises management may be asked to attend a meeting with the Police, where concerns will be discussed. This will often involve an agreed Action Plan being put in place, with a reasonable time scale for completion. The most common example of an agreed 'action' is refresher training of staff covering their responsibilities including the sale of alcohol to underage or intoxicated persons, 'Challenge 25' and the general terms and conditions of the licence held.

Should the intervention stage not bring about the necessary changes, or be otherwise unsuccessful, the next stage is the submission of a premises licence review application for the consideration of the Licensing Board.

Over the reporting period there have been twelve licensed premises in Aberdeen subject to a period of monitoring or intervention, all of which were concluded successfully, thus negating the need to bring to the Board's attention issues which may previously have been brought before them.

In the reporting period there was one premises licence review application submitted to the Board.

Police Scotland considers the licensed trade to be an active and receptive partner. Two examples of success in that area during the reporting period are illustrated as follows:

Over a period of three to four months, due to the use of incident reporting systems, North East Division Licensing Team became aware of an increase in incidents at a late opening venue in Aberdeen, whereby patrons had received injuries largely due

NOT PROTECTIVELY MARKED

to glass bottles. A number of these incidents were assaults; however, some incidents arose out of circumstances in which it was believed there was no criminal intent. The licensing staff were aware that the premises operated a policy of using polycarbonate or safety glass in respect of drinks receptacles.

At the request of the North East Division Licensing Team, the management team from the venue attended a meeting with Police at which it was mutually agreed that the safest course of action would be to decant all bottled drinks into the polycarbonate 'glasses' or sold in bottles made of safer alternatives. The premises management immediately withdrew glass bottles from sale and within a matter of days sourced bottled products in polycarbonate alternatives. This positive and rapid response has led to the eradication of a significant issue, and consequentially the impact on Police resources, but over and above this consideration, the success story is about public safety and impact on individuals, recognising that injuries sustained from broken glass can be severe and long lasting.

One other similar example relates to another late opening licensed premise which experienced a serious incident whereby three persons received significant injuries arising from one assault in which a glass was used.

After a discussion with the premises licence holder, the management team made a significant financial investment in replacing all glassware with high quality safety glass, which has the characteristics of traditional glass but which does not alter the tactile experience for the customer.

Both of these success stories did not engage the formal intervention element of the staged process; they were achieved by positive working between the North East Division Licensing Team and the management teams of the venues concerned.

Summary of licensing applications/offences

Section 1

No persons were reported in the Board area during the reporting period for unlicensed sale or supply of alcohol.

Section 22 - Applications

Each copy of an application received from the local authority is considered by staff within North East Division Licensing Team and where relevant, objections and representations are made to the Board, giving particular attention to both relevant convictions and the five licensing objectives.

Within the limits of what legislation permits, the Chief Constable will always endeavour to bring all relevant information regarding applicants and applications before the Board to afford the fullest picture to be considered in any subsequent deliberations.

NOT PROTECTIVELY MARKED

Within the reporting period there were two separate applications received which sought an increase to terminal hours beyond the Board's guidelines, which, if granted, would have permitted the applicant premises to trade until 0400 hours on weekend nights.

When considering these applications, the North East Division Licensing Team requested Aberdeen Community Safety Partnership to provide analytical statistics and data relating to key times and locations that alcohol related crime and disorder was occurring within the City Centre of Aberdeen during the weekend night times. The resulting data informed the decision that an increase in a terminal hour beyond that currently enjoyed would be likely to lead to an increase in crime and disorder. Police Scotland objected to the grant of these variations of the premises licences on the basis that it would be inconsistent with the licensing objectives of Preventing Crime and Disorder and Preventing Public Nuisance. Anti-Social Behaviour reports prepared by Aberdeen Community Safety Partnership were submitted with each letter of objection, the content of which was taken into consideration by the Board when the applications were heard. Both applications were refused.

Section 36 - Application for Review of Licence

During the reporting period there was one such application in the Board area. The circumstances were heard before the Board who found that the grounds for review were established and the premises licence holder received a warning.

Section 63 - Sale or Supply outwith Licensed Hours

There have been no reports of the above offence during the reporting period.

Section 84 - Personal Licence Reviews

The North East Division Licensing Team has a system in place which monitors certain conduct of Personal licence holders. Should such a licence holder be charged with any offence, this is brought to the attention of the team. Should the circumstances appear to be inconsistent with any of the five licensing objectives, consideration will be given to bringing this to the attention of the Board by way of a personal licence review. In addition, should an individual be convicted of a relevant offence, this will undergo the same scrutiny.

During the reporting period there were two reviews of Personal Licence Holders, both of which resulted in the grounds for review being established at a hearing and both licence holders were issued with an endorsement.

Section 94 - Exclusion Orders

When an individual is charged with a violent offence in or relating to licensed premises, the reporting officer will make a request within the Police report for an exclusion order to be considered if that person is found guilty of the offence. Such an order can exclude the person from one or a number of licensed premises in the area where the offence was committed, for a period of time the Court sees fit.

NOT PROTECTIVELY MARKED

Section 97 - Closure Orders

There have been no closure orders implemented during the reporting period.

Sections 111 - 116 - Drunkenness/Disorder Offences

As mentioned above, where offences such as these are detected on licensed premises following a review of incidents, the North East Division Licensing Team in conjunction with the Local Commander for the area, will decide if the premises are to be monitored. If that decision is taken, the premises will receive an increase in visits by the Police.

Over the reporting period, the following common licensing offences were recorded:

Attempt to enter relevant premises whilst drunk [Sect 111(1)]	8
Drunk and Incapable on relevant premises [Sect 111(2)]	2
Disorderly conduct on premises whilst drunk [Sect 115(1)(a)]	27
Disorderly conduct/refusal to leave licensed premises [Sect 116(1)]	74

When such offences occur, these will be brought to the attention of premises management, to allow them to review their internal processes. Local Officers and the North East Division Licensing Team will offer advice and assistance and where appropriate, if further intervention is required, consideration will be given to a more focussed interaction with the premises.

Whilst crime figures relating to Aberdeen are not of particular concern, in relation to the city centre of Aberdeen, many of the most common alcohol-related crimes and offences have dropped in the past three years. However, the number of serious assaults which occurred within the city centre during the late night and early morning has not decreased and this reporting year saw a small increase in recorded crimes of that nature. A significant number of the people who were subsequently identified as being responsible had, in most cases, come from licensed premises and the peak time when these crimes were committed was the hour immediately after late opening venues had closed.

The prevention of crime is not a strategy owned exclusively by the Police and we will seek the co-operation, commitment and invested involvement of our of external partners, including the Licensing Board and licensed trade to explore all avenues and options to reduce alcohol-related crime, the impact of which extends beyond the economic factors.

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

Aberdeen City attracts a relatively low number of reports of underage drinking or youth congregation involving alcohol when considering other towns and cities across Scotland.

Where a person under 18 years of age is found to be either under the influence of alcohol, drinking alcohol in a public place or in possession of alcohol, the Police Officer involved will take all appropriate steps to ascertain the source of the alcohol.

Where information that cannot be fully evidenced is received regarding the sale of alcohol to children and young persons, in accordance with the national guidance contained within the 'Alcohol Toolkit', letters will be sent to licensed premises in the area reminding them of their responsibilities and requesting extra vigilance.

If such concerns were to continue in respect of specific premises, then other operational strategies would be considered.

One way in which North East Division delivers our commitment to the community is through our School Liaison Officers and School Based Officers. These Officers attend schools and other educational establishments seeking to equip our young people with the appropriate information and understanding that will allow them to make better informed decisions in key areas of their lives, both now and in the future. To this end they deliver lessons, linked to the Curriculum for Excellence, on a range of subjects including alcohol, controlled drugs and anti-social behaviour – particularly alcohol fuelled anti-social behaviour and the potential for related safety issues and consequences.

In support to the Protection of Children from Harm licensing objective, applications for premises licences and variations to premises licences come under close scrutiny often resulting in the submission of letters of objection, or more commonly, of representation, in which the imposition of conditions in respect of on sales, with regard to the times and terms in which children can be on such premises, will be recommended by the Chief Constable.

During the reporting period, there was one recorded crime of a child purchasing alcohol from an 'off sales' licensed premises and the corresponding offence committed by the responsible person and premises licence holder (by virtue of vicarious liability). The case was reported to Crown Office and Procurator Fiscal Service. The staff member responsible was given a Procurator Fiscal fine. At an intervention meeting the premises licence holder agreed to have all staff members re-trained by an accredited trainer, which was complied with.

Additionally, one person was reported to the Crown Office and Procurator Fiscal Service for purchasing alcohol on behalf of a young person. The person responsible was given a Procurator Fiscal fine.

TACKLING SERIOUS ORGANISED CRIME

Many of the processes and procedures involved in licensing applications are carried out to guard against Serious Organised Crime Groups (SOCG) infiltrating the licensed trade in any way. This scrutiny is further enhanced with the nation-wide Innkeeper system. This database contains details of all liquor and civic licences for every Division in Scotland, and enhances our information sharing in respect of premises and people in the licensed trade as they move about the country and work in multiple venues.

If such an SOCG were able to gain a foothold in licensed premises this would afford the criminal group a seemingly legitimate income stream, which could be no more than a veneer for other criminal activities such as money laundering, tax evasion, drug and people trafficking and other dishonest activities.

Many of the procedures currently carried out by the North East Divisional Licensing Team, particularly in relation to new premises licences and the transfer of premises licences are done to ensure complete financial transparency and to ensure there are no business related irregularities which may be indicative of SOCG involvement.

Frequent and directed Police attendance and contact with licensed premises also increases the opportunity for irregularities to be identified or reported.

As part of this, the North East Division Licensing Team regularly liaise with Police Interventions staff who are aware of SOCG activity within the Division to ensure that applicants are not affiliated in any way to such groups, before responding to the Licensing Board.

The consistent high profile approach and interaction with licensed premises in direct correlation with the aforementioned close scrutiny in the application process should reinforce the work carried out to maintain this position.

PROPOSED ACTIVITY FOR THE YEAR AHEAD

Over the forthcoming year, North East Division Licensing Team, in conjunction with Community Policing Teams, will work alongside licensed premises, to ensure that these premises are adhering to the spirit of the legislation and operate in a manner that supports the five licensing objectives.

During the coming year, further provisions of the Air Weapons and Licensing (Scotland) Act will commence. Concentrating on the liquor licensing aspect of this Act, amongst other changes, a 'fit and proper' test will be introduced in respect of applicants. It is anticipated that this will allow Police Scotland to be even more robust in its scrutiny of applications, and, with cause, we will continue to make objections and representations where appropriate to keep unsuitable applicants or operating practices out of licensed premises in the Board area.

NOT PROTECTIVELY MARKED

The coming year is likely to see the formation of a differently constituted Board and the commencement of the consultation process to inform a new statement of licensing policy.

The team also look to use the creation of a new Licensing Board after the local elections as an opportunity to develop our partnership further by offering awareness training to new members on the role of the Police. This will cover the work carried out in relation to applications, policing of licensed premises and maintaining a meaningful relationship with the trade. This aspect of proposed activity has a clear focus on education and partnership working towards safer communities.

The North East Division Licensing Team looks forward to the opportunities this presents on various aspects but particularly with regard to providing the Board with relevant data in respect of key times and locations to assist inform policy on guideline hours in relation to certain activities taking place within licensed premises.

Police Scotland is keen to be involved in any consultation and intend to work closely with the Board on various aspects of this and to work towards the reduction of alcohol related violence. This aspect of our future work should build upon the success of other areas within North East Division alongside an increased focus upon the use of analytical evidence to support direct, yet proportionate reasons for requesting that short and long term public safety orientated conditions are considered for one off events and established licensed premises.

We intend to continue the aforementioned Local Days of Action and other associated initiatives involving activity at and around licensed premises, with a view to further reducing the numbers of adverse incidents at such premises and to support premises licence holders and their staff too, who make a positive contribution to Aberdeen's economy and creditable reputation. These operations will be carried out in support of and in conjunction with Community Policing Teams. We will carry out this activity in partnership with other agencies, particularly the Licensing Standards Officers, ultimately to uphold the five licensing objectives to ensure the safety and wellbeing of the people of and visitors to the city of Aberdeen.

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 Local Outcome Improvement Plans.

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 reinforce our core focus of 'Keeping People Safe'.

NOT PROTECTIVELY MARKED

Our National Priorities are:

- **Anti-social behaviour, Violence and Disorder**
- **Acquisitive Crime**
- **Protecting People at Risk of Harm**
- **Road Safety and Road Crime**
- **Serious Organised Crime**
- **Counter Terrorism and Domestic Extremism**

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 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.

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.

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.
- Working closely with partners within a National Licensing Trade Forum we will continue to develop and promote positive partnership working between Police Scotland 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.
- The implementation and ongoing development of a Licensing Admin tool which provides Divisional Licensing Officers with an ICT product which negates the need to research police systems independently and which builds on our problem solving 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. This strengthens locally-led alcohol licensing practices, in order to preserve order and promote safety and public health.