



**POLICE
SCOTLAND**

Keeping people safe

CHIEF CONSTABLE'S REPORT TO THE
ABERDEEN CITY LICENSING BOARD FOR
THE PERIOD
1ST APRIL 2015 to 31ST 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 East Division.

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

The senior officers who hold responsibility for licensing with the area of North East Division are as follows;

Superintendent George MacDonald	Operational Policing (Support)
Licensing Department;	
Inspector Kenneth McGeough	Head of Department
Sergeant Gavin Jardine	Licensing Sergeant
Sergeant Gill Flett	Licensing Sergeant

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:

- Acquisitive Crime
- Antisocial Behaviour
- National Security
- Public Protection
- Road Safety and Road Crime
- Serious and Organised Crime
- Violent Crime

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Chief Inspector Graeme Mackie is the Area Commander for South Aberdeen, which comprises the multi-member wards of Midsocket/Rosemount, George Street/Harbour, Hazlehead/Ashley/Queens Cross, Airyhall/Broomhill/Garthdee, Torry/Ferryhill, Kincorth/Nigg/Cove and Lower Deeside.

Chief Inspector Nick Topping is the Area Commander for North Aberdeen which comprises the multi-member wards of Dyce/Bucksburn/Danestone, Bridge of Don, Kingswells/Sheddocksley/Summerhill, Northfield/Mastrick North, Hilton/Woodside/Stockethill and Tillydrone/Seaton/Old Aberdeen.

Within the Aberdeen City Licensing Board area there are 654 licensed premises of which 454 are 'on sales' and both 'on' and 'off sales' and 200 are 'off sales'.

Particular to the area is the high concentration and density of licensed premises, a large number of which (27) are late opening, within the city centre of Aberdeen.

OPERATION OF THE LICENSING (SCOTLAND) ACT 2005

On Friday 1 January 2016, the single North East Division was created from the existing Aberdeen City and Aberdeenshire and Moray Divisions. The creation of the single division will facilitate more flexible deployment of officers to enhance our capability at an operational level. However, it should be emphasised that Police Officers will remain in their current location, serving the same communities. There has been no change to the Local Area Command structure and the focus will remain on the effective delivery of local policing. There will of course be more flexibility in managing resources making sure that the right people are in the right place at the right time. There had already been a great deal of flexibility between the two divisions since the creation of Police Scotland and this has proven to be extremely beneficial in making sure that support is given in cases where extra resources are required. One advantage of these resources being under the command of one Divisional Commander, is it allows him to more easily make decisions about where the resources are needed on any given day and during any enquiry or incident.

The North East Divisional Licensing team now encompasses staff from both legacy divisions. It is currently headed by Inspector Kenneth McGeough who is supported by two Sergeants; Sergeant Gavin Jardine based at Stonehaven Police Office and Sergeant Gill Flett based at Queen Street Police Office in Aberdeen. Additional administration staff and enquiry officers are based at Stonehaven, Inverurie, Elgin and Queen Street Police Offices. All staff have a Division wide remit.

Partnerships

The Licensing Team, supported by local Policing Officers, has promoted the Police Service of Scotland's Force Priorities in conjunction with the five licensing objectives and the overarching principles and aims of the Licensing (Scotland) Act 2005.

The Licensing Team enjoy a positive working relationship with the Licensing Standards Officers (LSO's). Both teams meet on a regular basis to share information and over the reporting period there were numerous joint inspections of licensed premises in the Board area. Specific areas of concern which often prompts

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such visits are: information about lack of premises management, concerns around poor management and compliance with conditions relating to CCTV.

North East Division Licensing Department works in partnership with the following groups and organisations to jointly improve local licensing issues:

- Local Licensing Forum;
- Licensing Standards Officers;
- Alcohol and Drug Partnership;
- Unight;
- Weekend Partnership;
- Torry Alcohol Action Group;
- Purple Flag;
- Community Safety Partnership;
- Local Pubwatch initiatives;
- Local Security Industry companies.

Problem Solving

The department uses a variety of analytical products and services to identify, investigate and manage emerging issues of alcohol related criminality, disorder and antisocial behaviour.

An incremental process allows for these emerging issues to be addressed quickly and effectively at an early stage, reducing the likelihood of escalation and recurrence. In most cases, the issues can be successfully resolved through communication and advice. Premises are generally keen to take on board licensing advice and recommendations made. The level of engagement from within the Aberdeen trade is very good.

However, where necessary, the process allows for more formal intervention to support premises where a need has been identified. Often this will involve an agreed action plan for improvements to resolve the issue(s). This is frequently undertaken in conjunction with tasked, supportive visits to the premises by Officers in order to discuss and examine the issues in more detail. These visits are designed to support staff and reassure patrons.

Should the second 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 attention and consideration of Aberdeen City Licensing Board.

In the reporting period there were no applications submitted for the review of a premises licence.

During the reporting period, twenty licensed premises were the subject of monitoring, which involved engagement with premises management and supportive visits by Police. Of this number, a formal intervention was held with eight premises. In most cases, the circumstances that gave rise to the intervention were a perceived shortcoming by staff, management or the stewarding of the premises.

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Such issues were remedied by the Police requesting that refresher training be given to staff regarding the area, or areas of concern. The process can be short-lived but on some occasions the period of intervention and monitoring can last a few months, during which the premises will continue to receive regular visits by Police Officers.

Within the reporting period, the community policing teams in the Bucksburn and Mastrick parts of Aberdeen City ran pre-planned operations during which all 'on sales' licensed premises in the area received robust but supportive visits, in a bid to maintain a visible policing presence and reassure staff and customers alike that during weekend evening time police resources are not directed solely at the high concentration of licensed premises within the city centre.

Summary of applications/offences

Section 1

There were no reports of this offence during the reporting period.

Section 20 - Applications

Each application received from the Licensing Board is scrutinised by staff of the Divisional Licensing Team and where relevant, objections and representations are made to the Board, paying particular attention to both relevant convictions and the five licensing objectives.

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

Section 36 - Application for Review of Licence

As above, during the reporting period there were no such applications in the Board area.

Section 63 - Sale or Supply out-with Licensed Hours

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

Section 72 - Personal Licence Applications

In line with the section above regarding premises applications, close scrutiny is made by the Divisional Licensing team paying particular attention to relevant convictions and the five licensing objectives.

Section 84 - Personal Licence Reviews

The Licensing Team maintain an overview of the number of current Personal Licence Holders who are cautioned and charged with any relevant offences. Over the reporting period only a single figure number of such licence holders have been

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convicted of relevant offences resulting in the Police responding to notification of conviction. No reviews under Section 84A of the Act have sought this reporting year.

Section 94 - Exclusion Orders

When an individual is charged with a violent offence on licensed premises, the reporting officers request an exclusion order within the Police report, requesting that the accused person be excluded on conviction from licensed premises in the area where the offence was committed, for a period of time the court sees fit.

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 Divisional 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 undergo an increased inspection regime.

Over the reporting period Police Officers in the Board area have recorded the following common licensing offences:

Attempt to enter relevant premises whilst drunk [Sect 111(1)]	7
Drunk and Incapable on relevant premises [Sect 111(2)]	1
Disorderly conduct on premises whilst drunk [Sect 115(1)(a)]	47
Disorderly conduct/refusal to leave licensed premises [Sect 116(1)]	67

The figures for Sections 115 and 116 reflect a decrease on the previous two years.

This is an encouraging trend and it may be that through the work of Police Scotland and partners engaging with premises management and being visible within and around licensed premises, that any issues that become apparent are being dealt with at an early stage.

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 Divisional Licensing team will offer advice and assistance and where appropriate if further intervention is required, consideration will be given a more focussed interaction with the premises (as outlined above).

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

Where person under 18 years of age are found to be 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.

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

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.

Within the reporting period, letters of this nature were sent to all 'off sales' premises within Cults and Bieldside, following information being received that local youths were purchasing alcohol from an unspecified outlet.

If such concerns were to continue in respect of specific premises, then a test purchase operation would be considered.

Within the reporting period no test purchase operations took place.

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.

One way in which North East Division delivers on our commitment to the community is through our School Liaison Officers and School Based Officers, of which there are six roles and three roles respectively. 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.

TACKLING SERIOUS AND ORGANISED CRIME

The Licensing Department and a number of local and national resources maintain close links to identify all opportunities to disrupt or deter SOCGs, particularly those who attempt to gain a foothold in a business involving license premises.

With the goal of disrupting criminality and criminal proceeds obtained through legitimate enterprise, the Licensing Team work in partnership with colleagues in other departments in the organisation and other statutory agencies and external bodies.

Within the report period one letter of objection to the provisional grant of a premises licence was submitted to the Aberdeen City Licensing Board, on the basis of criminal

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intelligence and a reasonable suspicion that a connected person was involved in serious and organised crime.

PROPOSED ACTIVITY FOR THE YEAR AHEAD

Over the forthcoming year, the Divisional Licensing team, in conjunction with local Police, will work alongside all licensed premises, to ensure that these premises are adhering to the spirit of the legislation, in that they all work to and fully understand the five licensing objectives.

The current reporting period saw the introduction of the new Innkeeper system being implemented throughout all territorial divisions within Police Scotland. This is an updated version of the previous ICT system used by North East Division, and will allow staff from Police Scotland nationwide to view all civic and liquor licences held, with a view to enhancing efficiency and operational effectiveness. As with all new systems, it is anticipated that this will continue to develop over the forthcoming year.

During the coming year, 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, using this, we will continue to raise objections, representations and other concerns when appropriate to keep unsuitable applicants or operating practices out of licensed premises in the Board area.

In the early part of the next reporting period, it is intended to hold a seminar for members of the licensed trade in the Aberdeen City Board area. This will involve members of the licensed trade being invited to receive inputs on a number of subjects, such as crime scene guidance, and drug and counter terrorism awareness to name but a few. Work is also ongoing with other partner agencies to garner their involvement, and we are scoping the issue of circulating a very worthwhile document entitled 'The Bar Code' to on sales premises which will complement the seminar.

Tackling alcohol related antisocial behaviour, disorder and violence remains a priority for North East Division. Effective, long term reductions will only occur if we work together, share and implement good practice and develop new tactical options to prevent, enforce and challenge attitudes. Key to this is engagement with premises licence holders who we hope will view Police contact or activity not as negative aspect but as an opportunity to work together to support the licensing objectives and keep Aberdeen a safe city in which to live, work and socialise.

North East Division will continue to work closely with the Aberdeen City Licensing Board and be mindful of their Policy and the legislative framework available.

We will continue to raise objections, representations and other concerns when appropriate, to keep unsuitable applicants or operating practices out of licensed premises in the Board area.

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We aim to improve standards and compliance across the licensed trade and tackle business practices that result in excess alcohol consumption and vulnerability, whilst supporting legitimate local traders who make a positive contribution to local economies and communities

By doing so and by working collaboratively with our partners, we will support the licensed trade in upholding the five licensing objectives and the spirit of the 2005 Act, to ensure the safety and wellbeing of the people of North East Division.

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.

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- The implementation and ongoing development of a National ICT Licensing System, known as “Innkeeper”, 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.

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