



**POLICE
SCOTLAND**
Keeping people safe

**CHIEF CONSTABLE'S REPORT TO THE
EDINBURGH LICENSING BOARD**

**FOR THE PERIOD
1ST April 2012 to 31ST March 2013**

Foreword

It gives me great pleasure to introduce my first report to Licensing Boards and to the Licensing Forums as the first Chief Constable of Police Scotland. As you will be aware, 1st April 2013 saw the formation of the Police Service of Scotland, merging eight forces to provide great opportunities to share resources and expertise and also to develop a consistent level of policing across the country.

My report to you reflects the work carried out by the eight legacy forces under their respective Chief Constables over the 2012/13 year and it outlines what steps I will take in connection with the operation of the Licensing (Scotland) Act 2005 in this current year.

There is an increasing body of evidence to demonstrate the harm that is caused by alcohol across all our communities and the cost of this is a huge burden on the public purse. Where alcohol is sold irresponsibly or when alcohol is misused or abused, we will seek all necessary steps to prevent any recurrence, reporting licence holders to COPFS and also to the relevant Licensing Board.

Police Scotland will build on the existing foundations and successes we have achieved so far and working together with partners we will identify and tackle alcohol misuse at its core, reduce alcohol related crime and the harm it causes. I want to deliver long term change, positively improving the quality of life for individuals, families and communities throughout Scotland, underpinned by our core message - keeping people safe.

Steve House
Chief Constable

EDINBURGH LICENSING BOARD AREA

Police Service of Scotland Priorities

The national priorities for the Police Service of Scotland for 2013-2014 are:

- Reduce violence, disorder and antisocial behaviour
- Protect the public
- Increase road safety and reduce road crime
- Tackle serious organised crime and terrorism
- Effectively police major events and threats
- Maintain high levels of public confidence in policing
- Deliver our equality and diversity outcomes

Edinburgh Division Policing Priorities

Following our public consultation process, the policing priorities for Edinburgh, as set out in our Local Policing Plan are detailed below.

Priority 1 - Public Safety

Public safety can be defined as “the protection and welfare of the general public”. Our officers and staff are committed to keeping people safe by focusing on the following key objectives:

Violence and Disorder

- Reduce the level of alcohol related disorder
- Reduce the level of violent crime

Sexual Crimes and Domestic Abuse

- Increase the detection of domestic abuse
- Increase the detection of sexual offences

Public Events

- Work with partners to maximise the safety of those attending events within Edinburgh

Road Safety

- Reduce the number of people killed or seriously injured on our roads

Priority 2 – Reducing Antisocial Behaviour

Antisocial behaviour (ASB) can have a significant and lasting impact on quality of life for victims. It can cover a variety of behaviour, however the most common concerns across Edinburgh include noise complaints, harassment, minor fire raising and general disorder.

Our Objectives are:

- Reduce the level of antisocial behaviour
- Reduce the level of public disorder
- Increase the detection of hate related crime

Priority 3 – Serious and Organised Crime

To fully support the Scottish Government's Serious and Organised Crime Strategy we will continue in our joint approach with City of Edinburgh Council to reduce the risk posed by Serious and Organised Crime Groups.

Our Objectives are:

- Increase the detection of people supplying illegal drugs
- Increase the amount of illegal drugs seized
- Reduce the level of housebreakings
- Increase seizures of stolen goods
- Increase the amount of cash and assets seized from criminals by using the Proceeds of Crime Act

Senior Officers

The senior officers who hold responsibility for licensing within the Edinburgh Board area are as follows:

Chief Superintendent Mark Williams	Divisional Commander
Superintendent Matt Richards	Partnership Superintendent
Chief Inspector Richard Horan	Divisional Co-ordination Unit (DCU)
Inspector Dianne Bruce	Edinburgh Licensing

PART 1: OPERATION OF THE LICENSING (SCOTLAND) ACT 2005

Introduction

Alcohol pervades across a wide range of issues in our society and is often a causal factor in violence, domestic abuse and anti-social behaviour; incidents that the Police Service of Scotland deals with every day in each area of the country.

Our focus is to 'keep people safe' and we seek to reduce the impact that alcohol has on our communities; encouraging the responsible sale and supply of alcohol in well run licensed premises and taking positive action to stop the irresponsible supply of alcohol to children and young persons or indeed, preventing the over supply to already intoxicated individuals in licensed premises.

Consultation and Review Processes

Breakdowns of licensing applications, interventions and review applications received by Edinburgh Division are contained within Appendix A of this report.

A great deal of work is undertaken to prevent crimes and offences occurring in and around licensed premises and we actively work with the licensed trade to problem solve issues before there is any need for an application to be made for a review of a premises licence. This includes partnership work with Licensing Standards Officers (LSO's) and engagement with Pubwatch, Best Bar None and local schemes.

The Intervention Process

We utilise an intervention process as part of our operational policing toolkit. An intervention is a formal agreement entered into between the Licensing Department and premises licence holder, designed to assist premises management to reduce alcohol fuelled violence and other incidents of note which are directly linked to their premises. The process involves meeting with those responsible for the premises and agreeing an action plan with crime prevention/reduction recommendations provided by the Licensing Department in close consultation with the licence holder. This is recorded on the intervention form, a copy of which is given to the licence holder, with the original copy kept for future reference. Every intervention agreement follows SMART objective settings; Specific, Measurable, Achievable, Realistic, Timed. At the conclusion of a mutually agreed period, if there are no further issues identified then the intervention agreement will have been deemed to be complied with and there will be no further requirement for police action.

If further incidents of note occur within the premises, or if the licence holder has failed to implement the terms of the intervention, they can expect that the next incident may lead to an application for a review of a premises licence. The intervention document may be presented as evidence as part of an application for a premises licence review.

The intervention system is ultimately designed to support the licence holder before any premises review is sought, although a serious or significant incident may merit an immediate review application without any recourse to the use of an intervention.

Particular views about matters relating to policing in connection with the operation of the Act in the Board's area during the reporting year:

Licensing Applications

All applications submitted in respect of the Licensing (Scotland) Act 2005 are scrutinised in terms of the applicant (whether individuals or companies), the premises and the activity applied for to ensure that granting the application will not be a contravention of the Act, Board Policy or detrimental in relation to any of the five licensing objectives. This process includes interrogation of police computer systems, checks with external databases e.g. Companies House and if relevant, scrutiny of financial arrangements. A member of the police licensing team will thereafter interview individuals. Where the application falls short in respect of any of the aforementioned areas, an objection or representation will be submitted to the Board for consideration.

Events Planning Operations Group (EPOG)

As the Capital City of Scotland, Edinburgh plays host to a substantial number of high profile public events. These include the Edinburgh Official and Fringe Festivals and the iconic Hogmanay Street Party. The EPOG is a partnership group, which may include representatives from the Council, Police, Fire and Rescue Service, Scottish Ambulance Service as well as the organising agency. Police and Council licensing officers are regularly involved in these meetings as many events are licensed in the City. Over the past year, police licensing have been involved in the following events: -

- Castle Concerts
- Royal Highland Show
- Foodies Festival
- Edinburgh Mela
- George Street/Spiegel tent
- Beltane Festival
- Hogmanay
- Edinburgh Fringe Festival

Licensing Forum

The Licensing (Scotland) Act 2005 requires each council to establish a Local Licensing Forum. The Licensing Forum represents the views of people concerned with the operation of the alcohol/liquor licensing system in the City of Edinburgh.

The Forum keeps under review the operation of the alcohol licensing system and gives advice and makes recommendations to the Licensing Board. The Police Licensing Inspector is a member of the forum and attends Forum meetings bi-monthly.

Security Industry Authority (SIA)

The SIA is responsible for licensing private security operatives to ensure that they are 'fit and proper' persons who are properly trained and qualified to do their job. SIA companies provide security stewarding for high profile events and for licensed premises throughout the City. Under the 2005 Act, a mandatory condition for Late

Opening Premises is that there is a SIA steward at every entrance after 1am. Edinburgh Licensing officers recognise the value of SIA stewards in ensuring that premises are run properly and in accordance with the licensing objectives, in particular in addressing alcohol fuelled violence and anti social behaviour. To this end, police licensing work in partnership with the SIA authority and licensed individuals to ensure that licensed premises in Edinburgh are safe places to be.

Edinburgh Alcohol and Drug Partnership

Edinburgh Alcohol and Drug Partnership (EADP) oversee the development and implementation of an alcohol and drug strategy for the city. It is a partnership between the City of Edinburgh Council, NHS Lothian, Police Scotland (E Division), the Third Sector and service users. It is the forum where these organisations work together to make Edinburgh a city, which has a healthy attitude towards drinking and where recovery from problem alcohol or drug use is a reality.

The EADP strategy has three high level outcomes:

- Reduce the damage caused by alcohol and drugs to individuals, families and communities
- Make communities affected by alcohol and drug use safer
- Increase the number of people who move into sustained recovery.

Police are active within the EADP with the Divisional Commander, Chief Superintendent Mark Williams a member of the EADP Executive Group that meet bi-monthly. In addition, Superintendent Matt Richards is responsible for strategic partnerships within the Division and as such, maintains a strategic link with this group. There is also police involvement in the EADP Children and Young People's Subgroup/Network as and when the subject matter dictates.

Best Bar None (BBN)

BBN is a national award scheme aimed at promoting responsible management and operation of alcohol licensed premises. The aim of BBN is to reduce crime and disorder in city/town centres by building positive relationships between the licensed trade, police and local authorities. It also aims to improve the knowledge and skills of the enforcement and regulation agencies, licensees and bar staff.

Over the course of 2012-2013, the BBN scheme was delivered for the second year in the Leith area of Edinburgh with 31 premises participating. The police worked with partner agencies including the Fire and Rescue Service and Licensing Standards Officers (LSOs) from the City of Edinburgh Council.

21 premises achieved accreditation with 6 achieving the gold standard, 10 silver and 5 bronze. This was a marked improvement from the inaugural year. The scheme was also instrumental in further developing existing partnerships between the licensed trade and partners.

Such was the success of the Leith scheme, interest was noted from other areas of the City. As a result, BBN 2013-14 will see an expansion of the existing Leith scheme and a further expansion into a new area, the iconic Grassmarket area of the City.

Tasking and Co-ordinating Process

This is a process aimed at early identification of licensed premises that are associated with crime and disorder or are failing to meet the licensing objectives. This early identification process facilitates prompts intervention with licensees to address issues. It is a joint initiative between the police and LSOs and operates on a traffic light warning system escalating from green through to red.

Premises at red are at risk of being referred to the Licensing Board for review of their premises licence. The licensing sergeant administers the process centrally, with police and LSOs adding premises deemed appropriate for intervention. Joint meetings are held weekly to monitor premises involved in the process and information is shared with all relevant parties. The police and council licensing officers work in partnership with all premises involved in this process in order to provide advice, assistance and action plans in order to resolve any shortcomings.

UNIGHT

Under the Unight scheme, all late night licensed premises endorse a zero tolerance policy against drugs, assaults, weapons and anti-social behaviour in order to protect their customers and staff. The key aim of Unight is to ensure a safe and secure drinking environment for everyone who chooses to enjoy Edinburgh's nightlife. Anyone caught breaching Unight policy is banned from all licensed late night entertainment premises for a set period of time that can range from three months to life.

Edinburgh Division provides support and advice to Unight premises and guidance on legal issues, in addition to dealing with criminal offences that occur on/related to licensed premises. Representatives from the police attend all **Unight** meetings to offer guidance, inform them of crime issues/trends and to advise on crime prevention issues.

Pub Watch

This is a scheme whereby licensed premises in a particular geographic area meet to share information with a view to preventing crime and anti-social behaviour in and around licensed premises thereby maintaining a safe and secure social environment for staff and customers. There are several schemes dotted throughout the city in which the police are actively involved.

Edinburgh Licensing Standards Initiative (ELSI)

In recognition of the considerable number of licensed premises and associated issues in Edinburgh, three police officers are seconded full time to ELSI. These officers work closely with the Divisional Police Licensing Section as well as local authority LSOs to monitor the day to day running of licensed premises in the City Centre of Edinburgh and ensure they are abiding by the legislation and licensing objectives. Any issues identified are referred to the Tasking and Co-ordinating Process as described above.

Divisional Operations

Over the course of the year, there have been several Divisional Operations to minimise and tackle crime and anti-social behaviour in and around licensed premises. These have included:

Scottish Cup Final 2012

In the build up to the above event, the Police Licensing Inspector contacted a high percentage of licensed premises in Edinburgh raising awareness of the possible issues and tensions relating to this event and asking that they make suitable arrangements regarding staffing levels, door stewarding and proactively monitored patrons for over consumption and signs of volatility. This letter was followed up with personal visits from licensing officers to reiterate the significance of the event, licensing responsibilities and police expectations. On match day, premises identified as 'high risk' of attracting individuals who may be intent on violence and/or anti social behaviour were proactively and robustly policed. This activity had a positive impact in minimising the number of disturbances in and around licensed premises over the cup final weekend.

Operation Bard

This operation consisted of early intervention and crime prevention initiatives at licensed premises targeting theft, violence, hate crime, personal safety and drugs. The intelligence led operation centred around proactive work with managers and door stewards, offering posters/literature around the identified issues, high visibility patrols, dispersal advice/assistance and use of mobile CCTV. This multi faceted partnership approach enabled problems to be identified and resolved early.

Operation Outline

Each year within Edinburgh City, the summer months provide additional challenges in policing violence and alcohol related antisocial behaviour due to extended daylight hours, milder weather and an increase in the local population from tourism. Police Scotland is committed to keeping people safe by reducing violence, antisocial behaviour and drug/alcohol misuse.

As a result, Edinburgh licensing identified through intelligence those premises most associated with violence/anti social behaviour. High visibility inspections of these premises were carried out during key times to ensure that licence holders and licensed premises were carrying out their business in accordance with relevant legislation. The initiative sent out a clear message to licence holders that their premises are expected to be managed responsibly so as to keep people safe.

Operation Catchline

This was a drugs initiative carried out in the West of the City. Several premises were targeted where intelligence suggested drug misuse occurred on the premises. Drug detector dogs were utilised and drugs misuse was identified in a number of premises. In addition, a large quantity of controlled drugs with a street value of £2350 was found behind a panel in the toilets in one premise. This high profile initiative no doubt deterred criminals from using/supplying drugs in licensed premises throughout the City.

Looking ahead (2012-2013) - Particular views about matters relating to policing in connection with the operation of the Act in the Board's area for the coming year and any areas identified for development.

Communities across the length and breadth of Scotland have given us their views during our public consultation processes and all have a common theme at the top of their list; that our communities have had enough alcohol fuelled anti social behaviour which blights our villages, towns and cities.

Utilising analytical products, we are able to identify locations where there is the greatest need for police attendance and we use this information to tactically deploy resources where they can be of greatest benefit, reducing the numbers of victims of crime and making our communities safer places to work, socialise and reside.

The establishment of a National Licensing Policy Unit allows the co-ordination of licensing activity and the sharing of best practise across the country. This small team will support the local delivery of policing services by ensuring a consistent approach is taken in tackling alcohol fuelled violence, disorder and anti-social behaviour.

The identification of problematic licensed premises is an integral part of our core policing tactics in reducing anti-social behaviour and reducing the levels of intoxication in our communities. We will endeavour to seek solutions to issues by engaging with the licensed trade, utilising a problem solving approach to day to day issues. By working with the licensed trade, we seek to drive up licensing standards in premises and utilise a robust Inspection policy to identify any potential shortcomings.

The application for a review of a premises or personal licence is not a decision that is taken lightly and such applications will often be submitted at the conclusion of an ongoing dialogue attempting to rectify an issue. Our submissions to licensing boards will detail the steps taken and will contain disclosable evidence, closely linked to the licensing objectives to justify the application.

PART 2: PREVENTING THE SALE OR SUPPLY OF ALCOHOL TO CHILDREN OR YOUNG PEOPLE

Introduction

Understanding why children and young persons drink alcohol can be complex and the risks to their health whilst still developing can be significant. Alcohol misuse amongst children and young persons can also result in behavioural issues and offending; such as violence, and antisocial behaviour, as well as increasing vulnerability and susceptibility to exploitation.

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.

Identifying young people that drink, or those on the periphery of offending through alcohol, or otherwise, will allow intervention and diversionary activities to be progressed and consistently applied, such as parent alerts schemes, formal warnings or diversionary sporting activities. These complement ongoing enforcement activity within our communities.

The Scottish Government, 'Preventing Offending by Young People – A Framework for Action', introduced the Early and Effective Intervention (EEI) concept for children and young people under 16 years of age. It follows considerable research suggesting that the earlier an intervention is delivered to a young person who offends, at the lowest level, the more likely they are to engage and not re-offend. Consideration is also given to the impact of offending upon victims and communities.

The Whole System Approach further extends the EEI process to 16 and 17 year olds and aims to ensure that only those under 18 years of age, who need formal measures such as supervision by the Children's Hearings System, prosecution, secure care or custody, will receive them. Again, research indicates that young people are less likely to re-offend following community sentences, compared to those who are incarcerated.

Where alcohol has been an issue relative to offending behaviour Alcohol Brief Interventions (ABIs) have the potential to establish alcohol consumption levels and more effectively challenge behaviour and encourage better choices. Police Scotland will support partners and the delivery of ABI's.

Questioning children and young persons as to consumption levels, drinking habits and trends, choice of alcohol and place of purchase will enhance intelligence and information capture. This will also assist identify the supply of alcohol and enable us to focus resources accordingly.

The introduction of Challenge 25 from 1st October 2011 has not seen any reduction in the consumption of alcohol by children and young persons, however there is a move towards 'agent purchase' of alcohol and much less instances of children or young persons purchasing alcohol themselves.

The provision of Test Purchasing in terms of Section 105 of the Act is a tactic which is used where there is an underlying body of evidence to suggest that alcohol is being supplied or purchased from a particular off sales premises. Case Law has shaped the use of such a tactic and it is something which is carried out only where there is an evidential base in support of the needs for a test.

The use of bottle marking tactics has encountered adverse comment and the threat of legal action from some sectors of the licensed trade; however this is a tactic which we will continue to use as an intelligence gathering opportunity, identifying the source of discarded alcohol litter in public places. The use of tamper proof labels on bottles is a voluntary scheme which enables more information to be gathered regarding the source of alcohol being drunk in drinking dens, public parks and other open spaces. This tactic does not stop the abuse of alcohol by children and young persons, but provides community intelligence in support of further police and partner agency activities to prevent sales and the supply of alcohol to young persons.

Test Purchasing - Edinburgh

Legacy Lothian and Borders Police employed a successful intervention process targeting premises alleged to be selling alcohol to under 18s and examining areas where there was a significant level of alcohol fuelled anti social behaviour involving youngsters. Prior to any Test Purchase, the relevant premises were visited and the issues discussed at length with advice given regarding age verification procedures.

Police Scotland has now published a refreshed procedure mirroring this staged approach that the Edinburgh Division will embrace. The Division is in the process of training new officers in Test Purchase procedures, recruiting Test Purchasers and updating the underpinning administrative processes.

Appendix A

Edinburgh Division
Summary of Policing in connection with the operation of
the Licensing (Scotland) Act 2005

Applications for a Premises Licence Review		Total
Premises Licences (Sec 36)	On sale	12
	Off sale	5
Personal Licences (Sec 84A)	On sale	7
	Off sale	2

Interventions		Total
Premises Interventions	On sale	135
	Off sale	1
No. of interventions which led to a review application		8
No. of interventions where no further action was required		128

Test Purchasing Operations		Total
Number of Test Purchases conducted		5
Number of first failures		1
Number of second failures		0
Number of Premises Licence Review applications based on Test Purchase failure		0
Number of Personal Licence Review applications based on Test Purchase failure		0

Number of offences reported to COPFS		Total
Section 1 (Unlicensed sale of alcohol)		1
Section 15 (Obstructing non compliance)		1
Section 63 (allowing consumption outwith permitted hours)		7
Section 102 (sale of alcohol to a child)		3
Section 103 (responsible person allowing sale to child)		2
Section 105 (sale on behalf of a child)		3
Section 111 (Drunk persons within licensed premises)		6
Section 113 (selling to drunk)		1
Section 114 (DPM not to be drunk)		4
Section 115 (drunk and disorderly)		38
Section 116 (Refusal to leave licensed premises)		81