



# POLICE SCOTLAND

Keeping people safe

CHIEF CONSTABLE'S REPORT TO THE  
ORKNEY ISLANDS COUNCIL LICENSING  
BOARD FOR THE PERIOD  
1<sup>ST</sup> APRIL 2018 to 31<sup>ST</sup> MARCH 2019



# ORKNEY

## Foreword

It gives me great pleasure to provide the Annual Licensing Report for 2018/19, in accordance with Section 12(A) Licensing (Scotland) Act 2005. During this year the Minimum Unit Pricing of Alcohol was introduced in Scotland. We will work through the Evaluation Advisory Group to assess the impact of this legislation.

Working in partnership is key to effective regulation in liquor licensing. Police Scotland remains committed to working closely with partners in the 32 Local Authorities across Scotland to ensure a fair and consistent approach. Preventing alcohol fuelled violence, disorder and antisocial behaviour is a priority and I believe that working together to achieve effective early intervention and enforcement is vital to this.

I would like to acknowledge the many active local partnerships that provide continued support, enabling Police Scotland and partners to drive improvement in licensing. I will ensure that all officers and staff continue to recognise the importance of working closely with key partners, including the Licensed Trade, to improve licensing standards nationally utilising the range of options available to them.

I am confident that through strong partnerships and collaborative working, we will meet any challenges that may arise and will continue to improve licensing standards for the communities of Scotland.

Mr Iain Livingstone QPM  
Chief Constable  
Police Service of Scotland

## **Police Service of Scotland Licensing Overview**

The Violence Prevention and Licensing Co-ordination Unit (VPLCU) sits within Safer Communities based at Dalmarnock Police Station, Glasgow.

The VPLCU 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 as well as undertaking other specialist functions.

The Violence Prevention and Licensing Co-ordination Unit 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 VPLCU 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 2018/2019, 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 within a National Licensing Trade Forum to identify licensing related issues and prevent/reduce associated crimes.
- 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.
- The implementation and ongoing development of the Licensing Admin tool provides divisional licensing officers with a single ICT product negating the need to research police systems independently. Through accurate recording, the licensing admin tool assists Police Scotland in deploying our resources to the right places and the right time to keep people safe.

Each of the 13 Local Policing Divisions have a licensing team 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 in their local area.

## **Licensing Board Area**

The licensing Board area is policed by Highland and Islands Division

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

Highland and Islands Division is divided into four local authority council areas, being Shetland, Orkney, Western Isles and Highland. The content of this report relates to the Orkney area.

The Orkney Islands cover a geographical area of some 523 square kilometres, has 20 inhabited islands and is populated by 22,190 people (National Records of Scotland)

## **Local Policing Priorities**

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

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

## **Senior Officers**

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

|                              |                |
|------------------------------|----------------|
| Chief Inspector Matthew Webb | Area Commander |
| Inspector Keith Bendall      | Area Inspector |

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

### **Introduction**

The Licensing (Scotland) Act 2005, The Act, is underpinned by five licensing objectives which must be adhered to at all times

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

The five licensing objectives tie in with local policing priorities in relation to liquor licensing matters.

On 31 March 2019 there were 112 licensed premises in the Orkney Islands and some 345 personal liquor licences.

With a considerable number of licensed premises being spread out over a relatively large geographical area, which includes 20 inhabited islands, a community based approach is utilised by the Highland and Islands Division to police these premises. Local Police officers know the licensed premises in their 'patch' and rely on good interaction with licensees, staff, patrons and the wider public to adopt a suitable approach to licensing matters.

Where possible regular inspections are performed at licensed premises and during the period of this report, 1 April 2018 to 31 March 2019, Police officers in the Orkney Islands recorded 2,012 licensed premises visits.

### **Partnerships**

Orkney Islands Police work closely with a number of partner agencies, possibly none more so than Orkney Islands Council licensing team.

Regular liaison is held between Highland and Islands Division and Orkney Islands Council, this ranges from the Clerk to the Licensing Board, administrators and Licensing Standards Officers (LSO's).

Highland and Islands Division and Licensing Standards Officers work together, collaborate in relation to information sharing and supporting one another given the geographical restraints in relation to attending licensed premises.

The Licensing Forum keeps abreast of new legislation, and changes in policy regarding licensing matters, which is shared amongst all partners. The Forum has a varied membership which allows frank and open discussion with a variety of views which assist all partners in having a better understanding of what the wider public are looking for, and expect, from the running of licensed premises.

There is little doubt that the Pub Watch scheme in the Orkney Islands has been instrumental in reducing and maintaining low levels of crime and disorder in and around licensed premises. Pub Watch Orkney has 15 participating members. Covering Kirkwall, Stromness and Stenness.

Highland and Islands Division has been instrumental in the reinvigoration of Pub Watch by reviewing the governance and enhancing the communication system. Highland and Islands Division have successfully applied for funding for smart phones with a view to enhancing communication between the members.

The Security Industry Authority (SIA) continue to play a vital part in ensuring compliance and a consistent approach to security in and around licensed premises. Since the introduction of the SIA, stewarding and security of licensed premises has been stream lined to a professional and regulated industry. Prevention and Intervention officers from the SIA continue to work closely with Highland and Islands Division.

NHS Highland are strong supporters of the Licensing Forum and support the provision of data relating to the licensing objective

- Protecting and Improving Public Health

They are a key and active member of the Highland Licensing Forum, given the role they play and the impact alcohol has on their service.

## **Problem solving**

Highland and Islands Division has a number of I.T. solutions at its disposal to assist in the administration and policing of licensed premises and personal liquor licence holders within the Highland regional.

Through InnKeeper, which was introduced on 14 March 2016, we hold all liquor licences for Scotland. Not only does InnKeeper allow any officer to immediately access premises licences, and all information connected to that licence, for their own area of business, it also holds details of every personal liquor licence holder in Scotland, as such if a personal licence holder moves into the Orkney Islands area from another part of Scotland their licence details can be accessed instantly.

Over and above holding information in relation to premises and personal liquor licences, InnKeeper also holds information on occasional licences, extended hours licences, provisional licences and temporary licences. Visits to licensed premises are recorded as inspections, over the period of this report Police officers in the Orkney Islands recorded 2,012 licensed premises inspections which is testament to the hard work and diligence of local officers attending many premises which are located in very rural areas.

Highland and Islands Division also has access to a Business Intelligence Toolkit (BIT), a national computerised system which monitors trends and dispersal of violent, disorderly, antisocial and alcohol related incidents, this system allows supervisors to

identify areas where such crimes or disorder may arise or where trending occurs. As such resources can be deployed at the right time to the right place, thereby making optimal use of available staff.

Where issues arise that are connected to licensed premises, or to personal liquor licence holders, there are a number of options available to Police by way of intervention.

Intervention tends to progress by way of a sliding scale. Where issues are low level, or beginning to materialise, direct intervention by attending Police officers is normally the best means of quelling the issues and bringing the premises, or individual, back in line with legislation, licensing conditions and what is expected of them.

Should issues be of a more severe nature, or where previous intervention has been unsuccessful, members of the Divisional licensing team may perform intervention which is normally a full inspection of the premise and a meeting with licensee, premises manager, or both. Such intervention is recorded on InnKeeper should matters fail to rectify, escalate or reoccur.

Should informal measures fail to rectify issues then a formal approach can be taken.

Formal measures include a formal intervention plan where a meeting is held with management of a premises, the issues are documented, and means of rectifying these issues discussed and agreed upon. A formal intervention plan can also include a tasked inspection regime where a premises will be visited by Police at set times or dates. The intervention plan is set for a specific period and has a review period normally half way through. At the end of the formal intervention plan, if issues have been rectified, the plan can be signed off as being successful. Should the issues not have been addressed, or even become worse, then the intervention plan can be extended or further measures can be adopted.

Should a formal intervention plan, or previous intervention, fail to address the issues, or should an incident be of such a serious nature that the premises is classed as a problematic premise then there is an option to move to requesting a review of a premises licence, a personal liquor licence, or both.

There are no formal intervention plans currently in place in the Orkney Islands.

## **Summary**

The Licensing (Scotland) Act 2005, the Act, came into force in September 2009, and indeed it was September 2009 that personal liquor licences came into effect with a terminal life of 10 years. As such, during the period of this report, 1 April 2018 to 31 March 2019, a great deal of debate has taken place as to how the process of renewing personal licences will proceed.

Partnership working has been vital to ensure all interested parties are aware of processes and to ensure there is no detrimental impact on the licensing trade and the agencies who process the renewal applications and distribute renewed licences.



Given the regular interaction between management and staff of licensed premises and Police, Orkney Police officers having recording 12% of all licensed premises inspections in Highland and Islands Division, combined with excellent partnership working, proactive Licensing Standards Officers, Licensing Clerk and Licensing Board, fantastic Pub Watch schemes, professional security staff & stewarding, a hardworking and dedicated licensing forum, crimes and offences in and around licensed premises in the Orkney Islands are, and remain, low.

This is evident by the figures detailed below:-

- |  |   |
|--|---|
| • Drunk and attempt to enter licensed premises   | 0 |
| • Disorderly conduct on licensed premises        | 0 |
| • Refuse to quit licensed premises               | 1 |
| • Sale of alcohol to person under 18             | 0 |
| • Licensed person/employee/agent drunk in charge | 0 |
| • Purchase alcohol for person under 18           | 0 |

In addition to legislation which governs the sale and distribution of alcohol, licensees and their staff are guided through the processes, rules, regulations and policies which govern the issuing of liquor licences by the Orkney Islands Licensing Board Licensing Policy Statement. Each local authority must produce such a policy and this is legal requirement of Section 6 of the Act.

During the period of this report Orkney Islands Licensing Board produced their Policy Statement following extensive consultation. The Policy Statement which has been produced is a strong document which gives direction in a great many aspects of liquor licensing and is utilised by Highland and Islands Division on a regular basis.

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

As previously detailed all aspects of the sale, or provision, of alcohol are underpinned by the five licensing objectives as detailed in Section 4 of the Licensing (Scotland) Act 2005, the fifth of which is

- Protecting Children and Young Persons from Harm

The Act defines a “child” as a person under the age of 16 and “young person” as a person aged 16 or 17.

There is no evidence or intelligence which would suggest there is an issue with children or young person’s illegally purchasing alcohol in the Highland area and this is reflected in the low number of crimes relating to such incidents.

There were no test purchase operations carried out in the Orkney Islands area during the period of this report. This was in part due to the difficulties in ensuring anonymity of young persons to become operatives in the operation and also due to a review and reform of the procedures and processes adopted for Test Purchase Operations (TPO’s) which are now to be intelligence led with very stringent safeguards in place.

Although crimes and offences in relation to the sale or supply of alcohol to children or young persons is extremely low in the Orkney Islands area, the Highland and Islands Division are far from complacent in this regard.

The previously detailed Business Intelligence Toolkit (BIT) I.T. solution is utilised to identify areas of violent, disorderly, antisocial or alcohol related incidents so that appropriate resources may be deployed.

In the event children or young persons are found to be involved, and to be abusing alcohol, their details are entered on the Vulnerable Persons Database (VPD) so as to ensure they are dealt with by the appropriate services and agencies. This option is preferable to criminalising all actions, although criminal proceeding may still be taken dependant on the seriousness of any crimes or offences, however, the importance of directing those children or young persons to the correct service/s is a priority.

## **TACKLING SERIOUS AND ORGANISED CRIME**

Tackling serious and organised crime is a local policing priority for Highland and Islands Division. We scrutinise all applications for licences to ensure no links to such behaviour. All available Police systems are interrogated and applicants are regularly interviewed and premises inspected during the Police vetting process.

Intelligence is reviewed in the event any person involved in serious and organised crime attempts to utilise an associate, or apparently legitimate person, to front an illegal or dubious business.

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

Highland and Islands Division will continue to process and administrate all licensing applications in a professional and diligent manner within set time frames.

All officers of the Highland and Islands Division will continue to interact with licensees and their staff, the public, partner agencies and all other stakeholders to ensure the Orkney Islands remain one of the safest places in Scotland.

Where licensed premises, or those holding personal liquor licences, fail to be run, or fail to conduct themselves, in a manner consistent with relevant legislation or policy then appropriate and proportionate intervention will take place.

Highland and Islands Division will continue to embrace, and build on, the excellent relationships it has with partner agencies and licensing staff with a view to keeping people safe.

Highland and Islands Division will continue to support Pub Watch by assisting in the development of a webpage. The web page will have a public facing side as well as a member's only side. The public facing side will allow the public to view members and also have a section signposting support agencies.

Each member of Pub Watch will be issued with a smart phone and given instruction on how to use it as will Highland and Islands Division and Orkney Street Pastors.

To conclude we would like to thank you for your continued support and stress the importance of this collaborative problem solving approach. This ensures that police, licence holders and licensed premises staff have a better understanding of their responsibilities. We look forward to furthering this partnership over the coming year.