

Orkney

Licensing Report

2022-2023



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SCOTLAND
Keeping people safe

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Foreword

It gives me great pleasure to provide the Annual Licensing Report for 2022/23, in accordance with Section 12(A) Licensing (Scotland) Act 2005.

Police Scotland has continued to achieve success by focussing on prevention, early intervention and enforcement. This has been made far more effective with the continued support of the many active partnerships that exist within the 32 Local Authorities across Scotland.

This collaborative working is vital to ensuring a fair and consistent approach to licensing while focussing on preventing alcohol fuelled violence, disorder and antisocial behaviour.

In the year ahead our approach will remain focused on prevention and collaboration to ensure efficient and effective service delivery. I will continue to encourage officers and staff to utilise the range of options available to improve licensing standards, reduce violence and to positively influence behaviour and attitudes across Scotland.

I would like to take this opportunity to thank our local partnerships and acknowledge their contribution in continuing to drive improvements with the Licensed Trade, and for the communities we all serve.

Sir Iain Livingstone QPM

Chief Constable

Police Service of Scotland

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Police Scotland Licensing Overview –

The Violence Prevention and Licensing Co-ordination Unit (VPLCU) sits within Partnerships Prevention & Community Wellbeing 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 2022/2023, from a licensing perspective, our particular focus was on the following;

- Scrutiny of the serious incidents of violence, disorder and antisocial behaviour linked to licensed premises.
- 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. Police Scotland are currently working on upgrade to the National ICT system to ensure compliance with GDPR legislation.

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.

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LICENSING BOARD AREA

The Licensing Board area is policed by the Highland and Islands Police Division. Chief Superintendent Robert Shepherd 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 areas; namely Highland, Shetland, Orkney and the Western Isles. The content of this report relates to the Orkney Islands.

Orkney comprises 70 or so islands and Skerries, of which 19 may be inhabited depending on the time of year. There is a population of approximately 22,000 and the local authority is Britain's smallest. Kirkwall is regarded as the capital of Orkney with a population of 9,000 with the majority of the island population residing on the Mainland.

Orkney remains one of the safest areas in the United Kingdom in terms of the overall levels of crime, but it also faces a unique set of challenges in how we go about meeting the expectations of our communities. We are far from being immune from the issues which are seen in more densely populated areas - albeit at a less concentrated level. Responding to these challenges can only be done through a focus on effective partnership working - which includes not only our statutory partners but also a wide variety of organisations, as well as the communities which we serve.

Alcohol and associated behaviours can be a significant factor in incidents of violence and disorder within this area. The police are committed to working closely with the licensing industry and our partners to share best practice and maintain robust licensing monitoring.

Police Scotland recognises the strong sense of community identity and resilience across Orkney. With our partners in Orkney Islands Council and many other organisations we will strive to build on this to make all of our communities stronger, safer and more resilient.

Senior/Licensing Officers:

The officers who hold responsibility for liquor licensing within the area of Orkney are as follows:

Superintendent Jamie Wilson	Support and Service Delivery
Chief Inspector Scott Robertson	Orkney Islands Area Commander
Chief Inspector Donna Allan	Head of Licensing Department
Inspector Graham Brown	Licensing Inspector
Sergeant Sarah Paterson	Licensing Sergeant

In addition to a Licensing Inspector and Sergeant, the department has three Divisional Licensing Administrators.

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Local Policing Priorities

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

- Road Safety and Road Crime
- Anti-Social Behaviour, Violence and Disorder
- Serious and Organised Crime
- Acquisitive Crime
- Protecting Vulnerable People
- Terrorism and Public Order

Officers in Orkney continue to recognise that alcohol can be a significant factor in violent crime, disorder and anti-social behaviour. As such, local policing teams, in conjunction with the divisional liquor licensing department, will continue to focus on the divisional priority of 'Anti-Social Behaviour, Violence and Disorder' and 'Protecting Vulnerable People.'

OPERATION OF THE LICENSING (SCOTLAND) ACT 2005

The Licensing (Scotland) Act 2005 exists to control the overall availability of alcohol throughout Scotland, and to regulate the manner in which licensed premises operate. The Act is underpinned by five licensing objectives, namely;

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

These five licensing objectives are pivotal to ensuring that licensed premises operate in a responsible manner. A well run licensed premises will ensure that these objectives are at the core of to their daily operation. Failure to adhere to the objectives will undoubtedly result in poorly managed premises. Police Scotland is also acutely aware of the importance of these objectives, and understands the necessity to ensure that premises are complying with them at all times.

The misuse of alcohol is regularly cited as a contributory factor in relation to crimes of violence, domestic abuse, disorder and antisocial behaviour, which occur on the streets and within homes. In addition, alcohol is known to lower inhibitions and can render an individual as much a victim as a perpetrator of crime. These are crimes which Orkney based officers can deal with on a day-to-day basis.

It is pertinent to note that there were 1245 alcohol-specific deaths in Scotland in 2021, which is an increase of 5% on the previous year, following an increase of 17% in the year before (National Records of Scotland). Alcohol-specific deaths were 5.6 times as likely in the most deprived areas of Scotland compared to the least deprived areas.

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There were 35,187 (650 per 100,000 population) alcohol related hospital admissions in Scotland in 2021/22 (Public Health Scotland – 2021/22). In comparison to the national average, the Orkney Islands Authority area recorded 658 (per 100,000 population) alcohol related hospital admissions. Orkney also recorded higher rates of new patients, and all patients attending hospital for alcohol related admissions compared to the national average. This present a rise from the previous year, where Orkney were below the national average in these statistics. This will have had a significant impact on the NHS, the Scottish Ambulance Service, the police and other agencies.

Officers in Orkney are extremely proactive in relation to entering and inspecting licensed premises. Due to the geographical layout of Orkney, police officers are mindful of the importance of engagement and they understand the importance of being visible and approachable to their communities. It is paramount to the responsible sale and supply of alcohol that officers are carrying out regular inspections of licensed premises.

There are 1869 licensed premises within the Highland & Islands Division, excluding premises trading only on occasional licences. This accounts for approximately 10% of all licensed premises within the jurisdiction of Police Scotland's force area. Between 1st April 2022 and 31st March 2023, police throughout the whole of the Highland and Islands Division carried out 6,386 licensed premises inspections. This accounts for 19% of the total inspections for the entire Police Scotland area, which is testament to the commitment of local officers to engage with their communities and the licensed trade.

There are a total of 105 licensed premises in Orkney and local officers carried out a total of 761 recorded inspections within this area alone in that same period. These inspections provide officers with an opportunity to positively engage with those involved in the trade whilst monitoring the behavior of the public attending the licensed premises.

These inspections are crucial to local policing. A good inspection whereby officers walk through a premises and engage with the licensee, staff and patrons will present them with an opportunity to detect issues at an early stage and adopt intervention strategies to prevent escalation of problems which could impact on the night time economy. Thorough inspections may act as a deterrent for any persons intent on causing problems within a bar or club and will assist in making premises hostile environments for the misuse of drugs or other criminality activity. The vast majority of licensees actively encourage officers to enter their premises.

The Police Scotland spiking toolkit aims to provide consistent messaging and reassurance about Police Scotland's approach to reports of incidents of spiking in pubs and clubs across Scotland. Spiking can take different forms; it could be someone adding drugs or extra alcohol to a drink, or by injection. Drink spiking is the most common form of spiking and can take place in private spaces as well as in bars and nightclubs. Police Scotland take all reports of spiking seriously and take immediate steps to safeguard the victim and secure evidence of any criminality.

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In March 2023 Sergeant Simon Hay from Kirkwall Police Station received an award at the National Pubwatch Conference in Swindon. The award recognises the outstanding contribution made by a police officer or member of police staff in supporting their local Pubwatch scheme.

Due to the positive working relationships that the police generally have with licensees, in conjunction with the professional manner in which licensees operate their bars and clubs, the vast majority of premises are run in accordance with the law. However, problems will occur at times. As previously stated, it is imperative that the police and other agencies work together with premises to adopt a joint problem solving approach to resolve issues effectively. The police have a licensing toolkit to ensure a consistent approach throughout the force is adopted when premises become problematic. The toolkit details an incremental licensing intervention process.

An incident of a minor nature would generally be resolved through discussion with the licensee, either undertaken by local officers or the licensing department staff. The Local Authority Licensing Standards Officer (LSO) will normally be informed of issues at this stage so that they are aware. This is particularly beneficial for information sharing purposes and will allow the police to benefit from the LSO's expertise and any previous involvement that they have had with a premise.

Should problems persist or a pattern of incidents are identified, the premises will become 'monitored', which is the first stage of the intervention process. The licensing department Sergeant will always involve the local area Inspector and Chief Inspector at this stage. In addition, the LSO will also be informed. On occasions, the police licensing department and LSO will request a joint meeting with the licensee to discuss concerns. This can often take place at the premise to allow a full compliance check at that time. When premises are monitored, the police are required to undertake a specific number of tasked inspections each week, which are recorded on the police licensing database, Innkeeper. These tasked inspections would take place over a specific time period which would be agreed with the licensee and Area Commander.

There were no premises elevated to 'monitored' status within the past year in Orkney.

Should problems persist then the next stage of the process ordinarily is an action plan, and the premises are elevated to 'problematic' status.

An action plan will detail concerns and will initiate a number of actions which the police require the licensee to undertake. These actions will focus on the areas of concern, however, licensees will discover that what is being asked of them is no more than their statutory requirements under licensing legislation. An action plan can last for up to 6 months and will be reviewed at the half-way stage. The LSO will always be involved in the action plan and will be present when this is implemented. It is important that the licensee is in agreement with the actions and is willing to engage with the police and LSO. Failure to agree on the specific actions would not be conducive to a successful outcome of this plan. Again, the action plan would be subject of the Area Commander's approval.

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Within the past year, no premises in the Orkney area have been the subject of action plans.

The final stage in the intervention process is the police requesting the review of a premises license. This would occur when matters have not been resolved and the Chief Superintendent for the division is satisfied that the premises are not operating in accordance with the licensing objectives, and that any intervention processes carried out thus far have failed to result in a significant improvement.

It should be noted that the police can bypass stages of the intervention process if necessary. For example, a premises can be at 'monitored' status and if circumstances dictate then the police will request the review of a premises licence without engaging in the action plan stage if appropriate and justified.

A review of the premises licence is always a last resort for the police and the focus will always be on intervention work in conjunction with the licensee, our partners and local policing.

Board Decisions

As of 31st March 2022, Orkney Islands Council area has 105 premises licences, which is a slight increase on the previous year. Of these licences, 14 are 'on sales', 36 are 'off sales' and 55 are both 'on and off sales'. In addition, 285 people currently hold a personal licence which has been granted by the Orkney Islands Council Licensing Board.

The police licensing department is responsible for vetting and processing all liquor licensing applications which are submitted to Orkney Islands Council. As statutory consultees, the police are required to adhere to strict statutory timescales in which to process these applications. On occasions, applications require a fast turnaround for a variety of reasons. The police will always assist where possible and the willingness to assist our partners in the Orkney Islands Council, which is equally reciprocated, has resulted in very strong and positive working relationships, which benefits both organisations.

Any applications which are contradictory to the licensing objectives, or which highlight relevant convictions in relation to any applicants or connected persons, will require a report to the Licensing Board by way of a representation or an objection from the Chief Constable.

Between 1st April 2022 and 31st March 2023, the following applications were received from the Orkney Islands Council Licensing Board and processed accordingly by the police, with the subsequent Licensing Board decisions detailed below:

Application Type	Submitted	Granted	Refused
Premises licence	2	2	0

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Provisional premises licence	1	1	0
Major variations	2	2	0
Minor Variations	11	11	0
Transfers	6	6	0
Occasional Licence	177	177	0
Extended Hours	1	1	0
Personal Licence	23	23	0

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

Protecting vulnerable people is a national priority for Police Scotland. Protecting people from risk of harm is a local priority for Orkney officers. Protecting children and young persons from harm is one of the licensing objectives, and it is also one of the most important roles of every police officer.

Children (persons under the age of 16) and young people (16 & 17 year olds) can become vulnerable if they are given the opportunity to obtain and consume alcohol. Officers in the Orkney Islands are committed to ensuring strict accordance with the licensing objective of 'Protecting children and young persons from harm' to prevent children and young persons from being sold, or supplied with alcohol.

A review undertaken by the Community Alcohol Partnership has identified the Orkney Islands within the 10 local authority areas where there is evidence of high levels of underage drinking.

Police Officers in Orkney work closely with licensed premises and those involved in the alcohol trade. Through conducting high profile premises inspections Police Officers can monitor the intoxication levels of those within while also ensuring that children and young people are not being permitted unlawful access to alcohol.

At present, there is little intelligence to suggest that underage sales are taking place within licensed premises, however, there is no room for complacency in this respect. Given the recent finding of the Community Alcohol Partnership it cannot be assumed that children and young persons are not obtaining and consuming alcohol. Proxy alcohol purchasing is a rising trend and increases the availability and ease at which children and young persons can obtain alcohol.

The Proxy Purchase campaign was launched by Police Scotland in 2022 and sends a very clear message to adults that buying alcohol for children is not acceptable under any circumstances. This campaign is underway for 2023 in the Orkney Islands with

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plans to raise awareness within off-licence premises, promoting understanding in staff and customers.

TACKLING SERIOUS AND ORGANISED CRIME

Not only will the police ensure that alcohol legislation is applied consistently across the Highland and Islands division, there are also real opportunities to impact on Serious and Organised Crime Groups (SOCGs) who may seek to exploit the licensed trade, either by making attempts to become involved in the running of, or ownership of 'legitimate' enterprises, or by seeking to influence or intimidate legitimate operators in furtherance of their criminal enterprises.

Current intelligence indicates that no licensed premises within Orkney have been infiltrated by any such SOCGs, however, there is absolutely no room for complacency, which is why it is of vital importance that all applications for any type of liquor licence are heavily scrutinised by the police licensing department. This includes detailed background vetting, but also involves going above and beyond the statutory requirements when processing applications. For example, it is important that the finances behind a new premises licence application, or the transfer of a licence are verified. There is no legal obligation for applicants to provide this information, however, by carefully explaining the reasons for this enquiry, credible applicants will understand police motives and will generally oblige with information.

The Divisional Licensing Department works in conjunction with other departments within the police, such as the Criminal Investigation Department (CID), the Divisional Intelligence Unit (DIU) and the Preventions and Interventions Department (P&I), to prevent any such illegitimate businesses entering the licensed trade, and to work collaboratively to disrupt such activity. By doing so, the risk of SOCGs infiltrating and utilising the licensed trade to furtherance their criminality is minimised.

PROPOSED ACTIVITY FOR THE YEAR AHEAD

Police will continue to visit licensed premises across Orkney over the next year. This is to ensure full compliance with licensing legislation but will have the added bonus of providing the trade with visible support and act as a deterrent for criminal activity within licensed premises.

As previously stated, the Community Alcohol Partnership has identified Orkney Islands Council within the 10 local authority areas where there is evidence of high levels of underage drinking. These results clearly present a challenge for both the Police and partner agencies over the coming year.

The Community Alcohol Partnership (CAP) is made up of retailers, local authorities, police, schools, community groups and health providers. These organisations work together to empower communities to tackle alcohol related harm to young people, and to improve the quality of life for residents. There are currently 217 schemes running throughout the UK. In areas where the CAP is in operation, there have been substantial reductions in the supply of alcohol to children. At present the only CAP in operation within Highland is in the Lochaber area.

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As previously stated, the proxy purchase campaign will be rolled out throughout the entire division, which will actively tackle the issue of adults buying alcohol for underage persons. This campaign will result in officers in Orkney attending off-licence premises providing education to staff as well as literature and posters to display within the premises. Co-operation from partners within local centres and will be sought to display campaign posters across their buildings to further broadcast the message. These campaigns, through their very nature, result in increased engagement between the police, the trade and their partners.

The Operation Respect festive campaign took place in Orkney throughout December and January 2022/23 and licensed premises were a key factor of this. Numerous licensed premises were visited throughout the festive period, and the expectation is that this will be replicated year on year.

The Operation Respect Summer campaign is due to launch in Orkney providing high visibility patrols of the towns and villages positively engaging with members of the night time economy. Attending licensed premises will be a focus of the operation, ensuring standards are being maintained and providing reassurance and assistance to licensees where required. Police officers will also remain focussed on tackling drink driving related offences through proactive engagement with motorists.

Orkney officers, in conjunction with the police licensing department, will strive to maintain low crime figures in relation to licensing offences. This will be achieved through continued strong and cohesive working relationships with local partners, which is essential to ensure the safe and responsible provision of alcohol within Orkney.

Officers will continue to work closely with the Orkney Islands Council, particularly their licensing department. The police licensing department benefits from very good working relationships with the Clerk to the Board, LSOs, council solicitors and administrative staff. Given the geographical restraints in relation to attending licensed premises throughout the area, the police rely on these close working relationships to address issues, and it is essential that this positive work continues, going forward.

The police licensing department will continue to timeously process all licensing applications in a professional and diligent manner with the focus on infiltrating and disrupting Serious and Organised Crime groups, and ensuring that Licensing Boards are advised accordingly with regards to persons who are not deemed fit and proper to hold a licence due to criminal convictions.

Where licensed premises, or those individuals holding personal 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. The focus will always remain on prevention and intervention so that issues can be resolved quickly and effectively to prevent the review of any licence.

All officers within Highland and Islands Division will continue to interact closely with licensees and their staff. It is the expectation that every single premise within the entire Division will receive at least one visit per annum. Although, the reality is that most

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premises will receive repeated visits to provide support and encourage engagement. The police will continue to work in partnership with other agencies to uphold the licensing objectives, ensuring our communities are safe places for residents and visitors alike, whilst continuing to 'Keep People Safe'.

We will also continue to work in partnership with the Local Authority to ensure deliverance of the Local Outcome Improvement Plan, concentrating on the actions specifically relating to alcohol misuse, and thereby creating safer communities.

Looking ahead, Police Scotland remain committed to reducing, preventing and detecting crime, antisocial behaviour and disorder which are all too often fuelled by excessive alcohol consumption.

Our purpose is to improve the safety and wellbeing of people, places and communities in Orkney, and by working in continual partnership with the licensed trade, other organisations and local communities, we will strive to deliver this.

To conclude we would like to thank you for your continued support during what has been a challenging year for all. We have all had to adapt to a new way of working and ever changing circumstances which has been embraced by all.

We look forward to a safe and healthy 2023/2024.