

CLACKMANNANSHIRE
Licensing Report
2021-2022



THIS PAPER RELATES TO
ITEM 8
ON THE AGENDA



POLICE
SCOTLAND
Keeping people safe

Foreword

It gives me great pleasure to provide the Annual Licensing Report for 2021/22, in accordance with Section 12(A) Licensing (Scotland) Act 2005. Throughout this year Local Authorities and Police Scotland worked hard to support licensed premises on their road to recovery as Covid-19 restrictions were being lifted.

Collaboration is vital to ensure these businesses can flourish, providing much needed employment for our communities as well as safe environments for people to socialise. Police Scotland will continue to work closely with Local Authorities, as well as other stakeholders, to ensure there is a fair and consistent approach across all 32 Local Authorities throughout Scotland to aid this recovery. Preventing alcohol fuelled violence, disorder and antisocial behaviour remains a priority for Police Scotland and I believe that working together we can reduce this through early intervention and enforcement.

I would like to take this opportunity to thank our local partnerships for the good work they carry out. With their support Police Scotland and partners can continue to drive improvements in licensing. I will continue to ensure that all officers and staff recognise the importance of working together with key partners, including the Licensing Trade, in an effort to improve licensing standards nationally.

Sir Iain Livingstone QPM

Chief Constable

Police Service of Scotland

Police Scotland Licensing Overview

The Violence Prevention and Licensing Co-ordination Unit (VPLCU) sits within Partnerships, Prevention and Community Wellbeing Division, 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. 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 2021/2022, 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.
- Working closely with licensed premises as the country moved out of lockdown and licensed premises returned to normal hours of trading.
- Governance 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 an 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.

Licensing Board Area

The Clackmannanshire local authority area is policed by Forth Valley Division.

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

The officers who have responsibility for licensing within the area of Clackmannanshire are as follows:

Local Area Commander; Chief Inspector Audrey Marsh

Superintendent (Partnerships); Superintendent Stevie Irvine

Inspector, Preventions and Interventions; Inspector Vincent Hughes

Licensing Sergeant; Sergeant Malcolm O'May

The Clackmannanshire Area Command serves over 51,000 local residents over an area covering over 61 square miles incorporating both urban and village communities. The Sub-Divisional Headquarters are based in the council headquarters at Kilncraigs in Alloa.

There are a total of 144 licensed premises located throughout the Clackmannanshire Area Command. The highest concentration of premises are within Alloa town centre which has one nightclub and numerous bars.

Local Policing Priorities

Following our public consultation process, the policing priorities for Forth Valley Division, as set out in our Local Policing Plan are as follows:

- Responsive to the concerns of our communities
- Enhancing our collective resilience to emerging threats
- Protecting people most at risk from harm
- Promoting confidence through our actions

Police Officers who work locally within Clackmannanshire Area Command and officers from the police Licensing Department always have these priorities at the forefront of their mind during engagement with licensed premises staff and members of the community.

Operation of the Licensing (Scotland) Act 2005

The coronavirus pandemic continued to have an unprecedented impact on all areas of policing and the licensing trade during 2021, and to a lesser extent into 2022. Licensed premises had to continue to adapt and the police, Licensing Standards Officers and Environmental Health Officers have continued to work cohesively in order to provide advice and guidance to the licensed trade through engagement and proactive joint visits.

As lockdown was lifted and restrictions eased, licensed premises were able to return to normal hours of trading. This in itself had an impact on local response policing and the Licensing Department with members of the public returning to licensed premises after a two year hiatus. This saw the number of reported incidents rising, with officers called to deal with a variety of crime types within the licensed premises environment and also in open public space areas.

It is recognised that the misuse of alcohol can be harmful and damaging to our communities. Alcohol is very often a contributory factor in the calls that police officers attend, from low level anti-social behaviour to domestic abuse and incidents of serious violence and injury.

To put this in perspective, in the year under report there were 650 cases of violent crime recorded within the Clackmannanshire Area, 162 (25%) of the offenders were drunk or under the influence of alcohol.

There were 539 cases of disorder reported and in 192 (36%) of these cases the accused persons were described as drunk or under the influence of alcohol.

In terms of offences linked directly with licensed premises, there were a total of 27 cases of violent crime with the accused in 18 (67%) of these having been observed as drunk or had been drinking. Incidents categorised as linked directly with licensed premises are those where the incident occurred either inside the premises or close by, where there was evidence that persons involved had been within the premises shortly prior to the incident.

There were 12 disorder charges linked with licensed premises, with the accused in 7 (58%) of those being either drunk or had been drinking.

There were 9 reported domestic incidents recorded as having occurred on licensed premises and 1 assault on a police officer within a licensed premises, resulting in a minor injury.

When considering these statistics it is important to bear in mind that within the total number of offences involving violent crime and disorder recorded during the year, there were charges recorded where the sobriety of the accused was not known. This would be the case when perhaps the accused was not immediately traced by police.

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Therefore it is a possibility that percentages of those drunk when committing offences could be higher.

The specific crime types are detailed in the statistics below which show common assault and threatening abusive behaviour as by far the most common charges. Although not recorded as officially linked to licensed premises, those involved in other crimes will have purchased their alcohol from a licensed premises somewhere along the line, whether this has been sold responsibly or otherwise.

It is the responsibility of Police Scotland to ensure that staff in licensed premises are complying with the licensing objectives as detailed in the Licensing (Scotland) Act 2005 and to take the necessary action when it is established that this is not the case. It is also the responsibility of the police to ensure that those conducting themselves improperly on licensed premises are reported to the Procurator Fiscal and brought to justice.

In the Clackmannanshire Area Command this is achieved by the following means:

- Weekend Policing Plan

The policing of licensed premises in Clackmannanshire continues to be managed by the Weekend Policing Plan which is adapted weekly to take into account intelligence and recent incidents within licensed premises. The Divisional Alcohol and Violence Reduction Unit and Community Policing Teams staff this plan and conduct default patrols in Alloa town centre and around known hotspots as part of the plan. The focus of this is prevention, positive engagement and enforcement, as appropriate.

The Licensing Department review data from police systems on a daily basis and prepare a weekly report detailing all incidents within or connected to licensed premises throughout Clackmannanshire Area Command. This includes police reports, reported incidents in relation to licensed premises and any intelligence that is received. The report also includes any significant events which are taking place and details of occasional licences and extended hours granted to licensed premises. This information is shared weekly when the Licensing Department meet with the Area Commander.

If patterns are identified within a licensed premises which give cause for concern then the premises become a monitored premises and will be inspected on a more frequent basis by local officers. All information in relation to these visits is fed back to the licensing department which considers any further action required.

If a premises is monitored, the additional visits also provide support for the premises staff and any anti-social behaviour on the premises is dealt with robustly by the police officers in attendance. As can be seen from the attached statistics there have been very few offences relating to the Licensing (Scotland) Act 2005 within licensed premises although as previously stated there have been 27 charges involving violence and 12 disorder charges linked with licensed premises during the period of this report.

It is worth noting that there were also 4 charges in relation to persons consuming alcohol in a designated public place. These charges are generally as a result of proactive work on the part of the police to prevent this type of anti-social behaviour on the streets. The number of such offences in Clackmannanshire has been in single figures for many years now. There are also a significant amount of proactive inspections of licensed premises conducted, to ensure compliance with the legislation and the licensing objectives.

During the period under report there were 289 proactive visits to licensed premises throughout Clackmannanshire Area Command which is up from 217 in the preceding year. The difference is somewhat due to the then limited opening hours of on sales premises. These visits include inspections of town centre premises but also a significant amount of visits to premises based in less urban areas that are carried out by police and often done jointly with the Licensing Standards Officer. Many of these visits are carried out at peak times.

- Monitoring / Interventions

Generally, if an incident occurs at licensed premises, contact is made with those in a position of responsibility, the incident discussed and any necessary action taken. In the majority of cases this prevents any repeat of any like incident. As mentioned in the previous section, if a premises gives cause for concern then it becomes a monitored premises. This involves local officers and officers from the licensing department engaging with staff in an attempt to identify why there may have been repeated incidents occurring on the premises and offering the necessary advice and support.

If there is no improvement then officers from the licensing department meet with the Designated Premises Manager and in some cases the Premises Licence Holder and prepare an intervention plan which the police and the DPM/Licence holder sign. This involves agreed measures which will be taken to improve the operation of the premises; for example better staff training, a change in the hours stewards are employed, ensuring peak periods are covered, or more frequent toilet checks. The plans that are put in place are dependent on the problems being encountered.

Should the staff on the premises prove uncooperative and the problems continue then consideration would be given to submitting an application for review of the premises licence under Section 36 of the Licensing (Scotland) Act 2005, or a review of the personal licence of staff involved under Section 84A of the Licensing (Scotland) Act 2005.

I am pleased to update that during the period under report there was no requirement to class any premises in Clackmannanshire as monitored premises and no premises were subject to an intervention agreement. Two premises licence holders surrendered their licence due to a change in personal circumstances. There were no personal licence holders reviewed. The lack of requirement for enforcement action would indicate that the proactive work undertaken has been effective as a preventative measure.

- Partnership Working

There is a very close working relationship between Police, Licencing Standards Officers and Environmental Health officers. Often, these collaborative approaches focus on preventing issues from arising and identifying emerging issues early so that these can be resolved prior to enforcement action being necessary. The joint aim is to ensure the highest operating standards are being upheld.

The Licensing Department monitor the conduct of door stewards by delivering a joint approach with SIA Officers in response to any improper conduct by licensed stewards. During 2020/2021, no enforcement action by police was necessary in relation to stewards in the Clackmannanshire area.

Similarly, the Licensing Department maintain close links with Immigration Enforcement to ensure persons are not being employed on premises without permission to work in the United Kingdom. No persons were found to be involved in the sale of alcohol who did not have permission to work in the UK.

Police Officers from the Licensing Department as well as local officers worked closely in partnership with the Licensing Standards Officer to identify and address any emerging issues before they became problematic. It would appear that there is general compliance with the law among licensed premises in the Clackmannanshire area. Regular contact between the police and these partners assists with the flow of information and ensures that any emerging issues can be dealt with effectively.

It should be noted that the management and staff of licensed premises are also assessed to be partners in our efforts to combat alcohol related crime and disorder. By developing good working relations with those in the trade, local officers have been able to develop community intelligence, assisting in detecting outstanding offences and disrupting those who involve themselves in serious criminality

- Licensing Policy Statement

Having been involved in 2018 in the development of the Clackmannanshire Licensing Board Statement of Licensing Policy 2018 – 2023, Police Scotland continued to take the Board's policy statement into account when assessing applications for licences and during discussions within the Licensing Forum. The Statement of Policy assists officers in understanding the expectations of the Board and ensuring that their actions are consistent with the aims and objectives of the Board.

- Exclusion Orders / Closure Orders

Where a person is being reported to the Procurator Fiscal for an offence involving violence on licensed premises, the police can request that consideration is given to imposing an exclusion order if a person is convicted. Section 94 of the Licensing (Scotland) Act 2005, gives the Court the power to impose an exclusion order preventing the convicted person from entering certain licensed premises for a specified period of time. Police Scotland made two applications to the Courts in Clackmannanshire, in the relevant 12 month period, requesting an Exclusion Order.

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Police Scotland do not hold information as to how many of these requests are handed down to accused persons by the Court.

Under section 97 of the Licensing (Scotland) Act, police can apply to the Licensing Board for a closure order in relation to any premises as a result of a risk of disorder and risk to public safety. Provision also exists for a Constable of or above the rank of Inspector to make an emergency closure order in certain circumstances. During 2021/2022 there has been no necessity to apply for a closure order or implement an emergency closure order in the Clackmannanshire area.

- Licensing Forum

A representative from the Police Licensing Department attends the local licensing forum in order to hear from licence holders and members of the public and address any concerns they may have. This also contributes to an effective working relationship with licensed premises staff and ultimately a safer environment for the people of Clackmannanshire.

- Applications For Licences

Section 22 of the Licensing (Scotland) Act 2005, covers applications for a premises licence. All applications for premises licences are considered by police. This is achieved by scrutinising police databases to ensure that the granting of a licence will not present issues for the community. Police officers from the Licensing Department will also make contact with local police officers to ascertain if they predict any problems with the granting of the licence and on most occasions will make contact with the prospective licence holder also. There have been no objections to premises licence applications during 2021/2022

Section 72 of the Licensing (Scotland) Act 2005, covers applications for a personal licence. All applications for personal licences are considered by police by carrying out checks on police databases. In the year 2021/2022 there was no objections to the grant of a personal licence.

- Other Licensing Offences

It is worth noting that there has been no-one reported to the Procurator Fiscal for offences under Section 1 of the Licensing (Scotland) Act 2005 (selling alcohol without a licence), or Section 63 of the Licensing (Scotland) Act 2005 (selling alcohol out with licensed hours), in the Clackmannanshire area during the 2021/2022.

There is one charge whereby a person buys or attempts to buy alcohol for a child. This relates to a person purchasing alcohol from an off sales and supplying it to a group of children. The person responsible was arrested and reported to the Procurator Fiscal.

There was one charge where a person was found in a public place drunk and incapable of looking after themselves. Officers conveyed the person to Forth Valley

Royal Hospital where they were given medical attention. The person was issued with a fine by means of a fixed penalty.

It can be concluded that through effective analysis of information and strong partnership working underpinned by our local policing priorities, licensed premises in Clackmannanshire operate for the most part effectively and safely and in support of the licensing objectives laid out in the Licensing (Scotland) Act 2005.

Preventing the sale or supply of alcohol to children or young persons

It is recognised that alcohol misuse among children and young persons can be extremely damaging and may result in antisocial behaviour and a negative impact on the community, as well as the children involved. As can be seen from the attached statistics there is one charge relating to buying or attempting to buy alcohol for a child.

Community Police Officers in Clackmannanshire engage directly with children, educating them as to the potential dangers involved in consuming alcohol. They have the trust of children and young persons in the local community and can gather intelligence in relation to their alcohol consumption and take any appropriate action. The police Preventions and Interventions Department covering Forth Valley also engage with young people throughout the community and deliver presentations aimed to raise awareness of potential risks.

Police officers on day to day duties who come across children and young people under the influence of alcohol, share this information with partner organisations such as healthcare, social work and education, and steps can be taken to attempt to establish the root cause for these behaviours rather than criminalising these children. As can be seen from the attached statistics the percentage of criminal activity in and around licensed premises involving children is negligible.

Tackling Serious and Organised Crime

Licensed premises are one type of business known to be used by Serious and Organised Crime Groups for the purposes of laundering money and the commission of drugs offences. Clackmannanshire Area Command fully engages with Scotland's Serious Organised Crime Strategy aiming to Divert, Deter, Detect and Disrupt serious organised crime and the harm it causes. Serious Organised Crime is not just about drugs but is linked to Human Trafficking, Cyber Crime and Sexual Exploitation.

On a local basis in relation to licensed premises, the Community Policing Teams and Licensing Department regularly engage with the local community and staff within licensed premises ensuring that there is a comprehensive intelligence picture in relation to potential Serious Organised Criminal Activity within licensed premises in the area. The Licensing Department share information with the Force Disruptions Unit, working to deny persons involved in this type of activity access to licensed premises.

Proposed activity for the year ahead

Police will continue to work alongside partners locally including the Licensing Standards Officer, Environmental Health Officers, HMRC and Trading Standards to ensure that on-sales and off-sales premises are safe places to frequent and to socialise. In doing so it is recognised that those in the licensed trade are valuable partners in working towards these objectives and we will work with them wherever possible.

It is likely that the effects of the pandemic will have a longer term impact on the licensed trade as economic pressures lead to closures, changes of ownership and new business ventures. As new challenges are presented, Police Scotland will seek to adapt and respond in a reasonable and proportionate manner to ensure that the licensing objectives are at the heart of our joint efforts in relation to licensed premises. Intelligence led policing of licensed premises will continue, responding to the concerns of our communities and taking enforcement action when necessary.

To conclude we would like to thank you for your continued support during what has been another very challenging year for all. We have adapted to a new way of working and changing circumstances which have been embraced by all. We look forward to a safe and healthy 2022/2023.

See over for statistical analysis.

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Appendix A

**Clackmannanshire Area Command -
2021/22**

Violence and Disorder	All locus types (including licensed premises)				
		Total No. Charges	No. Detected Charges	No. of charges - offender drunk or had been drinking	% where offender drunk or had been drinking
	Violent Crime	650	500	162	25%
	Disorder	539	459	192	36%
	Total Charges	1189	959	354	30%
	Licensed Premises Only (club/ pub)				
		Total No. Charges	No. Detected Charges	No. of charges - offender drunk or had been drinking	% where offender drunk or had been drinking
	Violent Crime	27	21	18	67%
	Disorder	12	8	7	58%
	Total Charges	39	29	25	64%

	Charge Description	Total No. of Charges	No. of charges - offender aged 17 yrs or less
Licensing Charges	A person behaves in a disorderly manner and refuses/fails to leave premises on being asked	6	0
	Consume alcohol in a designated public place - Local Order	4	0
	Consume alcohol in a designated public place - Local Order (assumption)	3	0
	Consume alcohol public place - possession of open container	3	0
	Drunk and incapable of taking care of himself/herself	1	0
	Person buys or attempts to buy alcohol for a child	1	0
	Total Charges	18	0

**Clackmannanshire Area Command -
2021/22**

	Charge Status		Total Charges
	Detected	Undetected	
Violent Crime and Disorder (All locus types)			
Serious Assault/Assault to Injury	30	7	37
Minor Assault/Assault to Injury	385	141	526
Minor Assault (Police Officer)	83	2	85
Minor Assault (Emergency Worker)	2	0	2
Breach of the Peace	17	1	18
Threatening or abusive behaviour	435	78	513
Urinate/defecate	7	1	8
Total Charges	959	230	1189

	Detected Crimes - Offender Sobriety (All ages)				
	Drugs	Drunk	Had Been Drinking	Not Known	Sober
Violent Crime and Disorder (All locus types)					
Serious Assault/Assault to Injury	0	3	6	16	17
Minor Assault/Assault to Injury	12	32	72	185	118
Minor Assault (Police Officer)	19	34	14	9	9
Minor Assault (Emergency Worker)	0	0	1	0	1
Breach of the Peace	1	5	13	3	7
Threatening or abusive behaviour	26	88	81	147	122
Urinate/defecate	0	2	3	2	
Total Offenders (Detected Charges)	58	164	190	362	274

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	Detected Crimes - Offender Sobriety (age 17 years or less)				
Violent Crime and Disorder (All locus types)	Drugs	Drunk	Had Been Drinking	Not Known	Sober
Serious Assault/Assault to Injury	0	0	0	2	3
Minor Assault/Assault to Injury	0	1	1	43	38
Minor Assault (Police Officer)	0	0	0	4	4
Breach of the Peace	0	0	0	0	1
Threatening or abusive behaviour	0	2	4	42	33
Urinate/defecate	0	0	1	0	0
Total Offenders from Detected Charges	0	3	6	91	79

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