

CLACKMANNANSHIRE LICENSING REPORT 2023-2024

THIS PAPER RELATES TO ITEM 5
ON THE AGENDA



**POLICE
SCOTLAND**
Keeping people safe

Foreword

I am pleased to introduce the Annual Licensing Report for 2023/24, in accordance with Section 12(A) of the Licensing (Scotland) Act 2005.

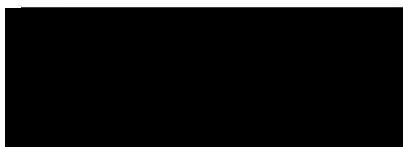
Since taking up the position of Chief Constable of Police Scotland in October 2023 I have been committed to focusing on working closely with communities to solve problems through proactivity.

In respect of Licensing, this has been made possible with the continued support of the 32 local authorities across Scotland as well as many other associated national and local partnerships.

This collaborative working ensures a fair approach to licensing for the benefit of the licensed trade while simultaneously preventing alcohol fuelled violence, disorder and antisocial behaviour.

In the year ahead our approach will remain focused on prevention and collaboration to ensure high standards of service delivery. I will continue to encourage officers and staff to utilise the range of options available to them to maintain and improve licensing standards and to positively influence behaviour in and around all licensed premises throughout Scotland.

I would like to take this opportunity to thank our local partnerships for their contribution to maintaining high standards and driving improvement where necessary within the Licensed Trade for the benefit of the communities we all serve.



Chief Constable Jo Farrell

Police Scotland Licensing Overview

The Violence Prevention and Licensing Co-ordination Unit (VPLCU) sits within Policing Together, 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 2023/2024, 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.
- 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.

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 Roddy Irvine is the Police Divisional Commander who has overall 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 Katrina Thompson

Superintendent (Partnerships); Superintendent Ross McCallum

Inspector, Preventions and Interventions; Inspector Emma Patrick

Licensing Sergeant; Sergeant David Bellingham

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 134 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:

- Protecting people most at risk of harm;
- Responsive to the concerns of the communities;
- Road safety and road crime;
- Enhancing our collective resilience to emerging threats;
- 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

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 613 cases of violent crime recorded within the Clackmannanshire Area. There were 409 cases of disorder.

In terms of offences linked directly with licensed premises, there were a total of 51 cases of violent crime and 26 cases of disorder.

Police Scotland no longer holds the data which links offending and perpetrators who were drunk or under the influence of alcohol at the time the offence was committed. It is also important to note that in cases when perhaps the accused was not immediately traced by police, being under the influence of alcohol or drunk could not be ascertained. Therefore, it is a possibility that percentages of those under the influence of alcohol or drunk when committing offences could be higher.

The specific crime types are detailed in the statistics below and 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.

The policing of licensed premises in Clackmannanshire continues to be managed by the Clackmannanshire Area Command Weekend Policing Plan which is adapted weekly to take into account intelligence and recent incidents relating to licensed premises. The Divisional Alcohol and Violence Reduction Unit and Community Policing Teams resource this plan and conduct default patrols in Alloa town centre

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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 daily 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 meets with Chief Inspector Thompson.

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 51 charges involving violence and 26 disorder charges linked with licensed premises during the period of this report.

It is worth noting that there was also 1 charge 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 number of proactive inspections of licensed premises conducted, to ensure compliance with the legislation and the licensing objectives.

During the period under report there were 953 proactive visits to licensed premises throughout Clackmannanshire Area Command which is up from 367 in the preceding year. 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. The significant increase in these visits demonstrates the commitment from the Area Commander to ensure licensing objectives are maintained within the area. These visits also serve to build positive relationships with licensed premises and show our commitment to support the licensed trade.

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 the 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

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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; 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.

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.

Partnership Working

There is a very cohesive working relationship between Police, Licensing 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 2023/2024, 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 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. The policy is currently being reviewed and Police Scotland have contributed, and this includes statistical data for the question of overprovision. Whilst realising that the overprovision requirement is a complex and lengthy process, we will ensure Police Scotland are an effective consultee.

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 do not hold information as to how many of these requests are issued to accused persons convicted by the courts.

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 an officer of or above the rank of Inspector to make an emergency closure order in certain circumstances. During 2023/2024 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 ordinarily attends the local licensing forum 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. This has yet to be re-established in the Clackmannanshire area, since lockdown when the Coronavirus restrictions were imposed.

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 contact local police officers to ascertain if they predict any problems with the

granting of the licence and on most occasions will contact the prospective licence holder also. There have been no objections to premises licence applications during 2023/2024.

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 2023/2024 there were 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 2023/2024.

There is one charge relating to where a person buys or attempts to buy alcohol for a child.

There is one charge where a person was found in a public place drunk and incapable of looking after themselves. These are specific offences under the Licensing (Scotland) Act 2005.

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 have 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 that 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 health, social work and education, so steps can be taken 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 (SOC) groups for the purposes of laundering money and the commission of drugs offences. Clackmannanshire Area Command fully engages with Scotland's SOC Strategy, aiming to Divert, Deter, Detect and Disrupt SOC and the harm it causes. This is not just about drugs, but is also linked to Human Trafficking, Cyber Crime and Sexual Exploitation.

Locally, 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 SOC 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 socialise in. In so doing 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.

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 and public safety 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 challenging year for all. We look forward to a safe and healthy 2024/2025.

Offence Description	Licensed Premises	Other locus type	% Licensed Premises	Total Offences
Assault, Threaten, Abuse Retail Worker Engaged In Retail Work	4	24	10.0	28
Breach Of The Peace	0	10	28.6	10
Threatening Or Abusive Behaviour	15	398	6.4	413
	19	432	7.0	451
Assault	34	466	9.5	500
Assault, Assist Officer In Execution Of Their Duty	0	88	0.0	88

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Assault, Obstruct Or Hinder A Member Of The Emergency Services	4	42	100.0	46
Assault, Obstruct Or Hinder Emergency Worker	0	2	0.0	2
Attempted Murder	0	3	0.0	3
Attempted Robbery	0	2	0.0	2
Murder	0	0	0.0	0
Robbery	0	14	0.0	14
	38	617	9.2	655
Act In Racially Aggravated Manner With Intent To Cause Distress And Alarm	3	24	5.0	27
	3	24	2.4	27
	60	1073		1133

Statistical data for period 1 April 2023 to 31 March 2024:

**Clackmannanshire Area Command
Violent Crime and Disorder for the period 01/04/2023 to 31/03/2024**

Crime Type	Offence Description	Total Offences
Licensing Offences	A Person Behaves In A Disorderly Manner And Refuses/Fails To Leave Premises On Being Asked	4
	Attempt To Enter Relevant Premises While Drunk.	1
	Buying Or Attempting To Buy Tobacco Or Cigarette Papers For Person Under 18 Years Old	1
	Consume Alcohol In A Designated Public Place - Local Order	3
	Drunk & Incapable	1
	Person Buys Or Attempts To Buy Alcohol For A Child	1
	Refuse To Leave After End Of Licensed Hours When Asked To Do So	1
	Responsible Person Drunk Whilst On Relevant Premises	1
	Licensing Offences Total	13

Crime Type	Locus Type	Detected	Not Detected	% Detected	Total Offences
Disorder	Licensed Premises	15	4	78.9	19
	Other	342	90	79.1	432
Disorder Total		357	94	79.1	451
Violent Crime	Licensed Premises	32	6	84.2	38
	Other	432	185	70.0	617
Violent Crime Total		464	191	70.8	655
Racially aggravated	Licensed Premises	2	1	66.6	3

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harassment/conduct					
	Other	20	4	83.3	24
Racially aggravated harassment/conduct Total		22	5	81.1	27
Grand Total		843	290	74.4	1133