

Perth

Licensing Report

2022-2023



**POLICE
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.

LICENSING BOARD AREA

The Licensing Board area is policed by Tayside Division.

Chief Superintendent Phil Davison is the Divisional Police Commander who has the responsibility for all day-to-day policing functions.

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Chief Inspector Tom Leonard is the Local Area Policing Commander for the Perth and Kinross Local Policing Area.

Senior Officers

Inspector David Gibson is the Head of Licensing Department and he is responsible for the overall supervision of the department.

Sergeant James Gordon is Licensing Sergeant and he is responsible for the day to day management of the department and staff.

Local Policing Priorities

Following our public consultation process, the policing priorities for Perth and Kinross, as set out in our Local Policing Plan 2020-2023 are as follows;

- Violence, Disorder and Antisocial Behaviour
- Acquisitive Crime
- Road Safety and Road Crime
- Public Protection
- Counter Terrorism and Domestic Extremism
- Serious Organised Crime

These are underpinned by our values of Integrity, Fairness and Respect.

Description of Board Area

Located in the heart of Scotland, Perth and Kinross serves as the crossroads of the country and gateway to the Highlands. The Perth and Kinross region covers a geographical area of over 2,000 square miles and is populated by 151,910 people. 90% of Scotland's inhabitants live within 90 minutes of Perth.

Perthshire is a traditional and distinguished area of Scotland. As the old capital of Scotland, the Perth area has strong Royal links – Scone Palace, the Stone of Destiny, Loch Leven and Queen's View. It has a historic city centre with many independent retail outlets, and a range of eating and drinking establishments and licensed premises.

Due to the vast area covered by Perth and Kinross, the licensed premises within the division range from busy city centre pubs and late night operators to local village pubs. Each premise, however, is vital to the community and the local economy.

Perth and Kinross hosts numerous exciting events, from music festivals at Scone Palace to the International Horse Trials at Blair Atholl, attracting business and visitors from around the world.

As of April 2023, Perth and Kinross has 603 licensed premises. Of this 239 are on and off sale, 197 on sales and 167 off sales premises.

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OPERATION OF THE LICENSING (SCOTLAND) ACT 2005

Introduction

The Tayside Divisional Licensing Team are based within Divisional Police Headquarters, West Bell Street, Dundee. The team is led by Inspector David Gibson, and is supported by Sergeant James Gordon, six Police Constables and two members of Police Staff.

The team work a standard Monday to Friday however are flexible and often carry out late shifts and weekend working to support the response and community officers.

We are responsible for processing all applications sent from Perth & Kinross Licensing Board on behalf of the Chief Constable, as a statutory consultee, as per the Licensing (Scotland) Act 2005. All applications have to be thoroughly examined to ensure compliance and conformity to the five Licensing Objectives of said act, namely:

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

In the reporting period 2022/2023 the team processed the following applications in comparison to previous year;

	2021/2022	2022/2023
Occasional Licenses	1068	1252
Personal Licenses	144	183
Premises Licenses	37	17
Variation to Licence Request	103	140

Where any query arises from any such application, a member of the team will seek to discuss the application with either the applicant or the applicants' agent to ensure that Police responses to the Board by means of representation or objection are considered, reasonable, proportionate and submitted timeously.

We regularly work in tandem with officials in relation to events taking place within Perth & Kinross, to ensure all licensing arrangements are acceptable to all parties. We scrutinise alcohol management plans and deploy to the events to ensure all policies and procedures are followed.

The Coronavirus pandemic had a significant impact on the licensed trade. From March 2020, licensed premises were subject to strict restrictions and the ever-changing guidance and legislation published by the Scottish Government which resulted in licence holders and their staff being required to carry out detailed and

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comprehensive COVID-19 risk assessments, whilst operating their businesses under strict regulations to ensure the safety of patrons and staff. This was undoubtedly been a very challenging time for all concerned.

The financial year 2022/2023 has been the first full year free of Coronavirus restrictions since 2018/2019. A large majority of occasional licence applications processed in 2021/2022 were for pavement cafés and outdoor areas in line with the restrictions at the time of the application. These have subsequently been adopted as a new normal for many licensed premises.

Licensing officers routinely carry out licensed premises inspections and check paperwork to ensure legislation compliance. Any breaches are pointed out to the licence holder and usually the matter is rectified immediately and no further action is taken. We are in regular contact with the Licensing Standards Officers and ensure they are sighted on any visits and compliance issues we discover.

Community based Police Officers are encouraged to routinely visit licensed premises within their locality areas. Perth city centre benefits from a dedicated Weekend Policing Plan to support the night time economy.

Within the reporting period, there were 495 recorded inspections to licensed premises.

The misuse of alcohol is often cited as a contributory factor in relation to crimes of violence, domestic abuse, disorder and antisocial behaviour. In 2021, 1,245 people died from conditions caused by alcohol in Scotland (National Records of Scotland). This is 5% higher than the number of deaths in 2020 and the highest number of deaths since 2008. In 2020/2021 (during the pandemic) there were 35,124 alcohol related hospital admissions in Scotland – a decrease of 10% from the previous year. The 2021/2022 figures have not yet been published however these numbers place a significant strain on police, NHS and ambulance resources.

A key task for the Divisional Licensing Team is on a day to day bases to review all incidents that have occurred, either within or in the vicinity of licensed premises throughout the board area.

Any Police Officer who attends an incident at or within the vicinity of a licensed premises is expected to submit a concise record of the incident, via Police Scotland's Inn Keeper system. This is particularly vital when the incident involves violence, disorder anti-social behaviour, drunkenness, drug misuse, underage drinking, breaches of the licensing legislation or any other matter that might impact on public safety.

All incidents reported on Inn Keeper are reviewed and assessed by the Divisional Licensing Team with officers carrying out further enquiries with the attending Police Officers, the Premises Licence Holder, Designated Premises Manager and any staff involved in the incident.

Whilst the vast majority of licensed premises do operate in accordance with the legislation stipulated within the Licensing (Scotland) Act 2005, thus ensuring the

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provision of alcohol within a safe and regulated manner, it is imperative that any irresponsible and illegal sale of alcohol is tackled robustly by the Police.

We have a range of options to assist us with these identified issues. These options form a staged but flexible response, from simply engaging with and advising the staff at licensed premises at the lower end of the scale, to grading premises as being 'Problematic' and requesting a review of a premise licence by the Licensing Board in relation to the more serious matters.

Any recommendations made may influence the decision making process of the board and / or any conditions they may impose on licence holders.

The intervening options involve increased interaction with licenced premises, managers and staff. These range from grading premises as 'Monitored,' which necessitates a regime of tasked inspections and increased scrutiny for an identified period of time and increased visits by uniformed officers, to 'Intervention,' which requires formal dialogue to occur and Licensing Intervention Plans to be agreed and utilised, while gaining the support of the licenced premises staff and management in question.

The level of engagement from within the Perth and Kinross licensing trade is very good and in vast majority of cases, this approach reduces recurrence or escalation.

Within the reporting period there were no licensed premises within the Board area that had agreed action plans with the Divisional Licensing team.

Within the reporting period, there were 160 recorded incidents to licensed premises within the Board area, involving incidents of crime, drunkenness, disorder or minor breaches of licensing legislation.

Divisional Licensing officers work in tandem with the Perth & Kinross Licensing Standards Officer. We share information and intelligence on a regular basis, often adopting joint approaches to tackling incidents within licensed premises, including noise complaints or anti-social behaviour through proportionate and effective enforcement of the licensing legislation and working practices.

Below is the number of licensing offences recorded between 1st April 2022 and 31st March 2023;

Offence	2022 / 2023
Section 1 – Unlicensed sale of alcohol	0
Section 63 – Sale or supply out-with licensed hours	0
Section 111 – Drunk person entering or in premises on which alcohol is sold	2
Section 111 (2) – Drunk and Incapable on relevant premises	0
Section 112 – Obtaining alcohol by or for a drunk person	0
Section 113 – Sale of alcohol to a drunk person	0
Section 114 – Premises manager, staff not to be drunk	1
Section 115 – Drunk / Disorderly conduct on premises	0
Section 116 – Refusal to leave licensed premises	10

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Section 138 – Obstructing Constable entering licensed premises	0
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Within the reporting period, the Divisional Licensing team submitted one application to the Board for a review of a personal licence resulting in the licence holder having their licence revoked

The Divisional Licensing team also submitted one application to the Board for a review of a premises licence which was linked to the above personal review. This resulted in a revocation of the licence to take place in 28 days (however the licence was subsequently suitably transferred).

There was one notice of conviction letter submitted on behalf a personal licence holder.

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

Keeping People Safe is a high priority for Police Scotland, and we remain committed to focusing on engagement with children and young persons.

Protecting children and young persons from harm is one of the five licensing objectives. Sections 102 – 109 of the Licensing (Scotland) Act 2005 are offences specifically related to children and young persons.

In terms of section 102 – the sale of alcohol to a child or young person, the premises licence holder has vicarious liability (subject to a due diligence defence) in relation to these offences.

The Act defines a child as a person under the age of 16 years, and a young person as a person aged 16 or 17 years old.

Consuming alcohol seems to be expected amongst their peers and although focus is often on the many negative anti-social aspects the negative health impacts are also important. Drinking alcohol under the age of 18 can affect the normal development of vital organs and functions, and is associated with increased health risks and increased criminal activities in under 18's leaving them vulnerable and susceptible to exploitation.

Police have a vital role in ensuring compliance with the licensing objective of protecting children and young persons from harm, and in preventing the sale and supply of alcohol to children and young persons. Partnership working is vital, specifically the sharing of information between different agencies, with the focus being on prevention, intervention and education, the Police within Tayside continue to work tirelessly to address such issues.

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The Preventions and Interventions officers within Tayside often attend at schools and universities to educate children and young people on the dangers of alcohol consumption and to provide support and reassurance.

All applications for Premises Licences, major variations and occasional/extended hours are examined on receipt by the Divisional Licensing Team for any potential impact on the safety of children and young persons. If any issues are identified, concerns are raised with Perth & Kinross Council and letters of objection or representation are submitted to the Licensing Board.

There was one instance of the sale of alcohol to a child or young person within Perth & Kinross Council area in the last 12 months, and one instance of allowing the sale of alcohol to a child or young person. There were 5 incidents of proxy sales – buying alcohol on behalf of a child or young person. The majority of these were detected by local community officers with excellent knowledge of the people in their area and an awareness of which people would buy on behalf of youths.

In instances where children or young persons are found to be under the influence of alcohol, or have alcohol in their possession, relevant details are recorded on the Vulnerable Persons Database to ensure they are dealt with by the appropriate service and agencies. This option is preferable to criminalising all actions, although criminal proceedings may still be taken dependent on the seriousness of any crimes or offences.

The age verification 'Challenge 25' scheme is actively encouraged in all licensed premises (both on and off sales) at the point of sale, and is an effective tool to prevent the sale of alcohol to children or young persons.

Test Purchasing is a tool available to Police in terms of Section 105 of the Licensing (Scotland) Act 2005. The standard operating procedure has now been finalised to ensure it is legally compliant and cannot be challenged in court. However, it is a tool to be used as a last resort, as it involves the authorisation of directed surveillance, and paramount consideration has to be given to the health and welfare of the young person involved. The process involves specific selection of the young person and can be complex and lengthy. The operation must be intelligence led and there is also a legal requirement to inform the Premises Licence Holder that they may be subject to test purchasing, to ensure a fair and lawful result.

Due to this, there were no Test Purchasing Operations carried out during the period of this report.

Consideration will be given to carrying out Test Purchase Operations in the future, where there is credible intelligence identifying such issues.

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TACKLING SERIOUS AND ORGANISED CRIME

Introduction

Serious and Organised Crime (SOCG) remains both a national and local priority for the Tayside Division. Serious and Organised Crime encompasses a vast array of criminality, and its members may use licensing to seemingly legitimise their incomes, providing a plausible source of revenue whilst acting as a cover for illegal activities, such as drug dealing, human trafficking and money laundering.

Police Scotland works closely with our partners to prevent harm caused to individuals, communities and businesses by Serious and Organised Crime.

Serious and Organised Crime exploits honest, law-abiding citizens, including the most vulnerable members of our communities, with the impact having devastating effects upon communities. The Perth and Kinross area is in no way immune from this type of crime.

It should be noted that SOCGs do not restrict themselves to geographical boundaries such as those surrounding local authority areas, and Serious and Organised Crime Groups will unfortunately impact on all communities.

Activity

The Divisional Licensing Team works in conjunction with other departments within the Police, such as the Divisional Intelligence Unit (DIU), the Criminal Investigations Department (CID), the Community Investigation Unit (CIU) and the Preventions, Interventions and Partnerships Team (PIP), to prevent such illegitimate business entering the licensing trade, and to work collaboratively to disrupt such activity.

As previously described, every application from the Perth & Kinross Board is scrutinised to ensure no links to Serious and Organised Crime Groups. Several police systems, including the Scottish Intelligence Database (SID) are interrogated, whilst applicants are regularly interviewed and their premises inspected during the vetting process. By doing so, the risk of Serious and Organised Crime Groups infiltrating and utilising the licence trade to furtherance their criminality is minimised.

We have continued to focus on our four objectives to;

- **DIVERT** – Divert people from becoming involved in serious organised crime and using its products
- **DETER** – Deter Serious and Organised Crime Groups by supporting private, public and third sector organisations to protect themselves and each other
- **DETECT** – Identify, detect and prosecute those involved in serious organised crime
- **DISRUPT** – Disrupt Serious Organised Crime Groups

Tayside Division continues to carry out intervention to prevent SOCGs operating without being challenged, and will continually seek opportunities to identify SOCG

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activity. This is through intelligence gathering and conducting days of action along with partner agencies, focussing on illegal activities that may involve liquor licensed premises.

We remain vigilant and proactive to reports of Serious and Organised Crime taking place on licensed premises and look at all avenues to disrupt them and bring the matter to the Licensing Board where possible.

Premises do, on occasion, come to our attention for suspected serious and organised crime links. As described above we utilise all avenues to disrupt however we are bound by the licensing legislation and can only disclose what we are permitted to do so in respect of the data protection legislation.

As in the past, the Divisional Licensing Team will object and share intelligence with the Board of a person or group linked to SOCGs attempting to utilise the licensing process to obtain a licence. This is known as an Information Assessment Disclosure, and is a difficult and time consuming process, requiring exclusive authorisation to share these intelligence entries with the Board members and the subject themselves, and is not a process we enter into lightly.

As such, there were no Information Assessment Disclosures submitted to the Licensing Board in 2022/2023.

PROPOSED ACTIVITY FOR THE YEAR AHEAD

Over the forthcoming year, the Divisional Licensing Team will continue to work in conjunction with community and response officers, towards achieving local and national priorities. By tackling alcohol related violence and disorder, and ensuring strict adherence to the licensing objectives, whilst upholding strong partner relations, together we will work towards safer and more resilient communities.

Looking forward to 2023/2024 we will again welcome large scale events to the Tayside area and should see event numbers return to pre-pandemic levels. The Licensing Team will work in partnership with event organisers and Perth & Kinross Council to scrutinise and support alcohol management plans to ensure the safe operation of these events.

We will continue our Bystander training to promote intervention and prevention in and around licensed premises, by delivering this to licence holders, premises staff, SIA staff and taxi drivers. We want people to report if they see something suspicious, to step in if they think someone may be at risk or see someone behaving suspiciously.

We want to support licensees and those who work in pubs and clubs to spot the signs of spiking and ensure their premises are a safe place for all. The Divisional Licensing Team have all received training to enable them to deliver the Bystanders awareness sessions to stakeholders. The team will be actively engaging with Licensees to offer awareness sessions to them and their staff.

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It is hoped that by working with licensees we will have a deterrent effect on potential perpetrators, if they see that premises are taking real action against spiking.

The Divisional Licensing Team along with local policing teams will undertake joint initiatives and deployments with the Security Industry Authority (SIA) and joint operations with Trading Standards into the investigation of counterfeit alcohol.

We will continue to timeously process and administrate 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.

We will continue to work in partnership with other agencies and stakeholders, including the trade to uphold the licensing objectives, ensuring our communities are safe places for residents and visitors alike, whilst continuing to 'Keep People Safe'.

Last year we launched our national campaign "It'll Cost You." This campaign is aimed at preventing and deterring the sale or purchase of alcohol for anyone under the age of 18 years old. Licensing Officers visited premises in and around Perth & Kinross and delivered posters and training to staff to raise awareness of potential proxy sales. This has had good results leading to several incidents where staff have refused the sale of alcohol to persons whom they suspected were buying on behalf of youths. This campaign will continue into 2023 -2024.

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.