

PERTH AND KINROSS LICENSING BOARD

Council Building
2 High Street
Perth
PH1 5PH

16/09/2021

A Meeting of the **Licensing Board** will be held virtually on **Thursday, 23 September 2021** at **10:00**.

LISA SIMPSON
Clerk of the Licensing Board

Those attending the meeting are requested to ensure that all mobile phones and other communication devices are in silent mode.

Members:

Members of Licensing Board
C Elliott
S Douglas

PERTH AND KINROSS LICENSING BOARD

Thursday, 23 September 2021

MEMBERS ARE REMINDED OF THEIR STATUTORY DUTY TO DECLARE ANY DIRECT OR INDIRECT FINANCIAL INTEREST THEY MAY HAVE IN ANY ITEM ON THIS AGENDA

- 1 WELCOME AND APOLOGIES
- 2 DECLARATIONS OF INTEREST
- 3 MINUTES OF MEETING OF 12 AUGUST 2021 FOR APPROVAL AND SIGNATURE 5 - 16
- 4 AGENDA - 23 SEPTEMBER 2021 17 - 22
- 5 CHIEF CONSTABLES ANNUAL LICENSING REPORT FOR 2020-2021 23 - 40
- 6 NEW PREMISES APPLICATIONS
 - 6(i) 11 SOUTH ST JOHN'S PLACE, PERTH
 - 6(ii) WESTLANDS OF PITLOCHRY
- 7 PROVISIONAL PREMISES APPLICATION
 - 7(i) UNIT 75, SOUTH CULTYBRAGGAN CAMP
- 8 VARIATION (MAJOR) APPLICATIONS
 - 8(i) CO-OP, ROSEMOUNT
 - 8(ii) CO-OPERATIVE FOOD, ALYTH
 - 8(iii) THE CO-OPERATIVE GROUP FOOD LIMITED, DUNKELD

8(iv) DUNKELD SMOKED SALMON

8(v) HOWIES BISTRO

8(vi) WASTED DEGREES

9 OCCASIONAL LICENCE APPLICATIONS

9(i) DECISION NOT TO HOLD A HEARING

9(ii) BORELAND FARM

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(iii)

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PERTH AND KINROSS LICENSING BOARD

Minute of Meeting of the Licensing Board

Held virtually on 12 August 2021

Present:-

Councillors Baird; Brock; Gray; Reid; and Wilson.

Councillor Baird presiding.

Also present: Colin Elliott, Depute Clerk to the Licensing Board; and Shona Douglas, Licensing Paralegal.

1. WELCOME AND APOLOGIES

The Convener welcomed those present.

Apologies were received from Councillors James, Duff, McCall, Parrott and Pover.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

The Minute of the Meeting of 1 July 2021 was submitted and approved as a true record and authorised for signature.

4. PREMISES LICENCE APPLICATIONS

Premises	Applicant	Decision
Cafe Calluna 90 Atholl Road Pitlochry PH16 5BL	Tracy Marie Hall	Grant subject to mandatory conditions
Killiecrankie House Hotel Killiecrankie Perthshire PH16 5LG	Killiecrankie Ltd	Downgrade the application to a provisional premises licence Thereafter, grant subject to mandatory conditions
Malts and Spirits 55 George Street Perth PH1 5LB	Malts and Spirits Ltd	Grant subject to mandatory conditions, and Local Condition (1) Written policies shall be in place for the premises and shall be implemented by the premises licence holder and all staff involved in the sale and consumption of alcohol, all to the continuing satisfaction of the Board, for: (i) the taking of orders and subsequent delivery of alcohol out with the premises
Piob Mhor of Scotland Ltd 39-43 High Street Blairgowrie PH10 6DA	Piob Mhor of Scotland Ltd	Grant subject to mandatory conditions
Swarnaspice Ltd t/a Praveen Kumar - Authentic Indian Cuisine, Delivered Unit 1 and 2	Swarnaspice Ltd	Grant subject to mandatory conditions, and Local Condition

Premises	Applicant	Decision
Perth Food & Drinks Park Islay Place Inveralmond Perth PH1 3FU		(1) Written policies shall be in place for the premises and shall be implemented by the premises licence holder and all staff involved in the sale and consumption of alcohol, all to the continuing satisfaction of the Board, for: (i) the taking of orders and subsequent delivery of alcohol out with the premises

5. **VARIATION (MAJOR) APPLICATIONS**

Premises	Applicant	Decision
Co-op Unit 5 Argyll Road North Muirton Perth PH1 3BZ	Co-operative Group Food Limited	Grant subject to amending the premises licence as follows: <u>Operating Plan</u> 5(f) Delete existing and insert instead: 'The sale of food, non-food items and other household goods, and the provision of ancillary consumer services within and outwith licensed hours. Home deliveries may be provided to customers. Alcohol will only be delivered in terms of and in compliance with the relevant provisions of the Licensing (Scotland) Act 2005.' <u>Conditions</u> Add local condition as follows:

		<p>(1) Written policies shall be in place for the premises and shall be implemented by the premises licence holder and all staff involved in the sale and consumption of alcohol, all to the continuing satisfaction of the Board, for:</p> <p>(i) the taking of orders and subsequent delivery of alcohol out with the premises</p>
<p>Co-op West Mains Avenue Perth PH11 1QZ</p>	<p>Co-operative Group Food Limited</p>	<p>Grant subject to amending the premises licence as follows:</p> <p><u>Operating Plan</u></p> <p>5 Amend activities to include: Recorded music YYY</p> <p>Box after 5(e) Add the following: ‘Recorded background music may be played within and out with core hours’</p> <p>5(f) Delete existing and insert instead: ‘The sale of food, non-food items and other household goods, and the provision of ancillary consumer services within and outwith licensed hours. Home deliveries may be provided to customers. Alcohol will only be delivered in terms of and in compliance with the relevant provisions of the Licensing (Scotland) Act 2005.’</p> <p><u>Conditions</u></p> <p>Add local condition as follows:</p> <p>(1) Written policies shall be in place for the premises</p>

		<p>and shall be implemented by the premises licence holder and all staff involved in the sale and consumption of alcohol, all to the continuing satisfaction of the Board, for:</p> <p>(i) the taking of orders and subsequent delivery of alcohol out with the premises</p>
<p>Lidl Great Britain Limited Riggs Road Perth PH1 1PR</p>	<p>Lidl Great Britain Limited</p>	<p>Grant subject to amending the premises licence as follows:</p> <p><u>Operating Plan</u></p> <p>4 Amend to 'YES' Add narrative as follows: 'The Applicant seeks an increased capacity of the alcohol display for the period 1 December each year until 2 January of the following year. The relevant capacities shall be stated in question 7 Below. The applicant seeks the increased capacity to allow them to adequately cope with increased seasonal demand around the Christmas and New Year Period.'</p> <p>7 Delete existing and insert instead: 'Capacity during non-seasonal trading: Length 32.68m Depth 0.89m Total 29.08m² Additional capacity during seasonal trading (1 December each year until 2 January the following year) Length 5.30m Depth 0.89m Total 4.72m² Max Total: 33.8m²'</p> <p><u>Layout Plan</u></p> <p>Amend layout plan as sought</p>

<p>McKays Hotel 138 Atholl Road Pitlochry PH16 5AG</p>	<p>McKays Hotel, Bar and Restaurant Limited C/o Janet Hood Consulting Kirkton of Balfour Edzell Brechin Angus DD9 7XU</p>	<p>Grant subject to amending the premises licence as follows:</p> <p><u>Premises Licence</u></p> <p>Address of Premises: Amend to: '138-142 Atholl Road, Pitlochry, PH16 5AG'</p> <p>Description of Premises: Delete existing and insert instead: 'Detached family friendly hotel with function room/bar/restaurant, cocktail bar, bar/restaurant, orangery cafe, takeaway and ice cream parlour, beer garden and garden areas situated towards the north west end of Atholl Road, Pitlochry.'</p> <p><u>Operating Plan</u></p> <p>1(a) Amend to 'NO' 1(c) Amend to 'YES' 2 Amend on sales hours as follows: Monday to 12 midnight Tuesday to 12 midnight Wednesday to 12 midnight Sunday from 11am 3 Add off sales hours: Monday to Sunday, 10am to 10pm, 7 days per week 4 Amend to 'YES' Delete existing narrative and insert instead: 'Festive social demand hours and festive function hours per Board policy'. 5 Amend activities as follows:</p>
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		<p>alcohol will be served only with a meal during restaurant hours and after social demand hours when the premises are being used as a restaurant and food is being served and consumed.</p> <p>Premises Operators may permit takeaway food and drink or either and may deliver food and drink or either product including alcohol all as per the terms of the delivery policy contained within Perth and Kinross policy statement.</p> <p>Alcohol for takeaway or off sales will be in sealed containers and served from the chip shop, the hotel reception or other service sales points within the premises. For example, a guest could order e.g a bottle of wine for off sales during off sales hours while dining.</p> <p>Off sales will commence at 1000 a.m. from the reception to permit residents to purchase eg specialist spirits, whiskies, gins, rums etc, wines, beers to take home when they are checking out of the premises otherwise off sales will be permitted from 1100 a.m. in the chip shop - there will be no display area for these off sales which will be kept in cellar or spirit stores - guests will be able to advise management of their requirements and/or chose from an off sales list.</p> <p>Ice creams, sweets, soft drinks, teas and coffees will be able to be served to residents, guests and non residents from the ice cream hatch shown on the layout plan'</p> <p>5(g) Amend to 'NO / NO'</p> <p>6(b) Delete existing and insert instead: "1. All children resident must be accompanied by</p>
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		<p>an adult at all times they are in function room/bar/restaurant public parts of the premises</p> <p>2. Resident young persons may be unaccompanied in function room/bar/restaurant public parts of the premises until 2000 hours for the purposes of having a meal or snack or soft drink and must be accompanied by an adult in function room/bar/restaurant public parts of the premises thereafter</p> <p>3. Non resident children and young persons must be accompanied in function room/bar/restaurant public parts of the premises until 2200 hours for the purposes of having a meal or snack or soft drink or until the end of a meal or private function.</p> <p>4. Neither children nor young persons need be accompanied by an adult in the bedroom areas</p> <p>5. Unaccompanied children aged 13 - 15 and unaccompanied young persons may access the Orangery Chip shop for the purpose of purchasing a takeaway or having a meal, snack, ice cream or soft drink until 2200 and must be accompanied by an adult thereafter'</p> <p>6(c) Delete existing and insert instead, 'Birth - 17'</p> <p>6(d) Delete existing and insert instead: '1. All public parts of the premises from activity opening time to until 2200 or end of a private function or meal. 2. Resident children and young persons can remain in the premises 24/7 and remain in public parts of premises as above.'</p> <p>6(e) Delete existing and insert instead: '1. Resident and non-resident children and young</p>
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		<p>persons all public parts of the premises. 2. Resident children and young persons all parts of the premises not open to the general public.'</p> <p>7 Delete existing capacity and insert instead: <u>On Sales</u> ORANGERY 50 CHIP SHOP 22 BAR/RESTAURANT 142 FUNCTION ROOM 110 TOTAL INTERNAL 324 OUTSIDE AREA WILL NOT AFFECT OVERALL CAPACITY - 110 <u>Off sales</u> 0.72m2</p> <p><u>Layout Plans</u></p> <p>Amend the location and layout plans as sought</p> <p><u>Conditions</u></p> <p>Add local conditions as follows:</p> <p>(1) Written policies shall be in place for the premises and shall be implemented by the premises licence holder and all staff involved in the sale and consumption of alcohol, all to the continuing satisfaction of the Board, for:</p> <p>(i) the taking of orders and subsequent delivery of alcohol out with the premises</p>
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		The premises licence, number PK/0026 for MacDonalds Guest House/Ardchoille Café, 140-142 Atholl Road, Pitlochry is to be surrendered prior to the varied premises licence for McKays' Hotel and Restaurant being issued.
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PERTH AND KINROSS LICENSING BOARD

Meeting 23 September 2021 at 10:00 am Remotely

Licensing (Scotland) Act 2005

New Grant(s)

	Premises	Applicant	Date Received	Comments
1	11 SOUTH ST JOHN'S PLACE PERTH PH1 5SU	FAIR CITY DEVELOPMENTS LIMITED	1 July 2021	Cited for 10.15am Participation by Video - Applicant
2	WESTLANDS OF PITLOCHRY 160 ATHOLL ROAD PITLOCHRY PH16 5AR	IONUT DECIU C/O JANET HOOD CONSULTING KIRKTON OF BALFOUR EDZELL BRECHIN ANGUS DD9 7XU	2 July 2021	

PERTH AND KINROSS LICENSING BOARD**Meeting 23 September 2021 at 10:00 am Remotely****Licensing (Scotland) Act 2005****Provisional(s)**

Premises	Applicant	Date Received	Comments
3 UNIT 75 SOUTH CULTYBRAGGAN CAMP COMRIE PERTHSHIRE PH6 2AB	VINO FANDANGO LIMITED C/O BRUNTON MILLER SOLICITORS HERBERT HOUSE 22 HERBERT STREET GLASGOW G20 6NB	9 August 2021	

PERTH AND KINROSS LICENSING BOARD

Meeting 23 September 2021 at 10:00 am Remotely

Licensing (Scotland) Act 2005

Variation (Major)(s)				
Premises	Applicant	Date Received	Comments	
4	CO-OP COUPAR ANGUS ROAD ROSEMOUNT BLAIRGOWRIE PERTH PH10 6JR	CO-OPERATIVE GROUP FOOD LIMITED C/O MILLER SAMUEL HILL BROWN THE FORSYTH BUILDING 5 RENFIELD STREET GLASGOW G2 5EZ	5 July 2021	
5	CO-OPERATIVE FOOD 3 MARKET SQUARE ALYTH PH11 8AA	CO-OPERATIVE GROUP FOOD LIMITED C/O MILLER SAMUEL HILL BROWN THE FORSYTH BUILDING 5 RENFIELD STREET GLASGOW G2 5EZ	5 July 2021	
6	THE CO-OPERATIVE GROUP FOOD LIMITED 13 BRIDGE STREET DUNKELD PH8 0AH	CO-OPERATIVE GROUP FOOD LIMITED C/O MILLER SAMUEL HILL BROWN THE FORSYTH BUILDING 5 RENFIELD STREET GLASGOW G2 5EZ	5 July 2021	

PERTH AND KINROSS

Meeting 23 September 2021 at 10:00am in Remotely

Licensing (Scotland) Act 2005

Variation (Major)(s)

	Premises	Applicant	Date Received	Comments
7	DUNKELD SMOKED SALMON THE VILLAGE SHOP 12 BRIDGE STREET DUNKELD PH8 0AH	PRESTON-JONES LTD C/O MILLER SAMUEL HILL BROWN THE FORSYTH BUILDING 5 RENFIELD STREET GLASGOW G2 5EZ	10 August 2021	Representation Cited for 10.45am Participation by Video - Agent and Applicant
8	HOWIES BISTRO 23 ATHOLL STREET DUNKELD PH8 0AT	NAOMI LAMB	9 August 2021	
9	WASTED DEGREES BREWING UNIT 11 SAWMILL YARD BLAIR ATHOLL PH18 5TL	IT'S BRAW LIMITED T/A WASTED DEGREES BREWING C/O TLT LLP 140 WEST GEORGE STREET GLASGOW G2 2HG	5 August 2021	Cited for 11am Participation by Video - Agent

PERTH AND KINROSS LICENSING BOARD

Meeting 23 September 2021 at 10:00 am Remotely

Licensing (Scotland) Act 2005

Occasional(s)

	Premises	Applicant	Date Received	Comments
10	BORELAND FARM DALCHARIAN FEARNAN ABERFELDY PH15 2PG	DIRK BUNSKOEK	2 September 2021	Objections Start date of event: 16/09/2021 End Date of Event: 29/09/2021 Off License Sale To Residents Whilst Awaiting Application Approval Of Off License Premises.
11	BORELAND FARM DALCHARIAN FEARNAN ABERFELDY PH15 2PG	DIRK BUNSKOEK	2 September 2021	Objections Start date of event: 30/09/2021 End Date of Event: 13/10/2021 Off License Sale Of Alcohol To Residents Of Self Catering Premises.

PERTH & KINROSS Licensing Report 2020-2021



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Keeping people safe

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In accordance with Section 12(A) Licensing (Scotland) Act 2005 I provide the Annual Licensing Report for 2020/21.

I would like to thank you for working with policing to keep the people of Scotland safe in what has been an extremely demanding year. During these challenging times Police Scotland has continued to work closely with Local Authorities and key stakeholders and, collectively, we have played a crucial role in supporting the national response to the COVID-19 pandemic, explaining the rules and encouraging our fellow citizens to do the right thing.

We have embraced new, flexible ways of working that have involved remote or home working where possible and the incorporation of new IT solutions. We have quickly adapted to these changes while continuing to provide a high standard of service to our communities.

We have also continued to deliver effective regulation of Liquor Licensing whilst taking full cognisance of the restrictions and requirements conferred by the Coronavirus Regulations. Our focus has been on preventing alcohol fuelled violence, disorder and antisocial behaviour along with supporting the national response to suppress the virus.

I would like to thank our many local partnerships and acknowledge the good work that they do; without their support we would not be able to maintain the high standard in licensing in the Perth and Kinross area.

Police Scotland remains committed to working with others to achieve the licensing objectives. I am confident that through effective, collaborative working we will meet any challenges that may arise and will continue to improve licensing standards for the communities of Scotland.

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 Safer Communities based at Dalmarnock Police Station, Glasgow.

The VPLCU upholds the two tier structure for licensing which supports both national and local priorities through service delivery. They have overall responsibility for determining and delivering national licensing strategy and policy, by providing advice, guidance and support to divisional licensing teams as well as undertaking other specialist functions.

The Violence Prevention and Licensing Co-ordination Unit is a specialist department which consists of a small team of officers, based in Glasgow. The officers within the unit work with divisional licensing teams and partner agencies to help shape policy and strategy around the police licensing function. They provide practical and tactical advice to police licensing practitioners, operational officers, supervisors and policing commanders.

The VPLCU seek to ensure that legislation governing the sale and supply of alcohol is applied consistently across the country and all opportunities are taken to stop the illegal or irresponsible sale, supply or consumption of alcohol with the intention of preventing and reducing crime and disorder.

During 2020/2021, 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 and Scottish Government to navigate the challenges of the COVID-19 pandemic through the 4Es approach by engaging, explaining, educating and enforcing.
- 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 Tayside Division.

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

Perth & Kinross Area Command

Chief Inspector Graham Binnie is the Area Commander for the Perth and Kinross Local Policing Area.

Senior Officers

Inspector Jamie Allen 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.

There are currently 5 Licensing officers and 2 administration staff who undertake the daily business within the department, carrying out administrative tasks and assessments and conducting visits within licensed premises within the three Tayside local authorities.

Local Policing Priorities

Following our public consultation process, the policing priorities for Perth and Kinross Division, 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
- Wildlife Crime
- 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. Covering over 2,000 square miles, Perth and Kinross is a large and varied area that serves a population of 150,680.

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Only an hour from Edinburgh and 75 minutes from Glasgow, the area's principal city, Perth, is at the hub of both Scotland's motorway and rail networks. 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 nightclubs to local village pubs. Each premise, however, is vital to the community and the local economy.

Perth and Kinross hosts exciting events such as Rewind at Scone Palace and the International Horse Trials at Blair Athol.

In 2019, Perth and Kinross hosted the Solheim Cup which was held at Gleneagles. This prestigious event was watched across the world by millions and showed Perth and Kinross in a positive light.

As of February 2021, Perth and Kinross has 612 licensed premises. 177 are on sales, 155 off sales and 280 on and off sales.

Alcohol Focus Scotland Alcohol Outlet Availability and Harm in Angus (April 2018) found that

- Perth and Kinross was ranked 8th out of 30 local authority areas for alcohol outlet availability
- Alcohol-related hospitalisation rates in the localities with the most alcohol outlets were 3.9 times higher than in localities with the least.
- The most deprived locality had 5.8 times the number of alcohol outlets than the least deprived outlets.

In 2019 the number of alcohol related deaths in Scotland was 1020, a fall of 10% on the previous year.

OPERATION OF THE LICENSING (SCOTLAND) ACT 2005

The Licensing Department within Tayside Division is based within Police Headquarters, West Bell Street, Dundee. They are responsible for processing all applications sent from Perth & Kinross Council 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.

With the introduction of The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020, the Licensing

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department also has the responsibility to ensure Covid compliance through regular visits to licensed premises (see below section). Indeed, this took a primary role in much of the police action in 2020, due to the unprecedented times.

Misuse of alcohol is regularly cited as a contributory factor in relation to crimes of Violence, Disorder and Anti-Social Behaviour.

Although hospitality venues were closed from March to July 2020, there were 100 incidents recorded within Licensed Premises in Perth & Kinross. 12 were for alleged incidents involving breaching of coronavirus restrictions and 88 were in relation to other matters such as crimes of violence, disturbances or instances of drunkenness.

All incidents were dealt with by the Licensing Department, utilising the licensing toolkit range of options. Most were resolved using education and offering advice, working with licence holders and the Perth & Kinross Council Licensing Standards Officer in order to achieve the common goal of compliance with the licensing objectives.

All crimes, incidents, or instances of police attendance linked to the licensed premises should be recorded by officers on the police "Inn keeper" system, which provides a means of reviewing such matters of concern with a view to supporting the licensed premises concerned.

There were 633 recorded inspections to licensed premises within Perth & Kinross in 2020. This is understandably a reduction from the 2328 recorded the previous year.

All the visits were carried out after the re-opening in July and were positive visits encapsulating the excellent work carried out by hospitality staff to keep their patrons, staff and the wider community safe.

Partnerships

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. Although these inspections have not taken place as regularly due to the pandemic, we will carry on this partnership in the coming year.

There may be possible confusion and irregularities in terms of requirements such as the renewal of licences or appointing of new designated premises managers, and we will proactively visit premises to ensure their paperwork is correct and conforms to the legislation.

We also attend at, whether physically or virtually, the Perth & Kinross Licensing Forum, to meet with and speak to members, offering our services for advice and informing them of all the work we have been doing within the area.

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Divisional Licensing Officers also share information with Perth & Kinross Environmental Health and Trading Standards Officers. Regular contact has been maintained with Environmental Health Officers regarding the operation of the Coronavirus legislation. EHO's inform Police Scotland of any serious issues they discover within some premises. Information is shared with Trading Standards Officers regarding the sale of counterfeit alcohol, cigarettes, or the broadcasting of television without a commercial subscription.

Police and Environmental Health Officers have carried out several positive days of action in relation to both Licensing and Coronavirus legislation, visiting licensed premises, speaking with and educating licence holders and collaborating to ensure accurate advice is given to all. Environmental Health Officers are in regular contact with the department to update us in respect of the licensed premises they have visited and what they discovered.

The locality policing model in operation within Perth & Kinross is designed to ensure local police work with local people, communities and other public and third sector services and agencies, to ensure the most vulnerable are protected whilst contributing towards building stronger communities. This includes actively engaging with the licensed trade and those applying to conduct licensable activities, with a view to improving the regulation of license holders and activity in and around licensed premises and events.

A legislative framework through the Police and Fire Reform Act 2012 and the Community Empowerment Act 2015 place a statutory obligation on the Police and other public sector bodies to work together.

As such, Police Scotland work with partner agencies including Social Work, the Departments of Health and Education, the Drug and Alcohol Team, Tayside Council on Alcohol and Child Protection Committees to raise awareness, seek solutions, ensure continuous improvement and support joint problem solving in relation to alcohol and drug misuse in our communities.

We regularly work in tandem with officials in relation to Rewind festival and any major events taking place within the county, to ensure all licensing arrangements are acceptable to all parties. Although this did not go ahead in 2020 it is currently expected to resume in 2021. We scrutinise alcohol management plans to ensure all policies and procedures are followed.

Problem Solving

Police Scotland have a number of analytical tools and products at our disposal such as Beat Tracker, Ward Tracker, the Licensing Administration Tool and UNIFI crime recording system. These are used to identify hotspot areas and repeat callers, and trends in relation to crime, violence, and anti-social behaviour which can be linked to the locations of licensed on and off sales premises.

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The Licensing Administration Tool is a national database known as “Inn keeper”, accessed and utilised by all officers throughout Police Scotland. Incidents and inspections of licensed premises are recorded on Inn keeper, ensuring the Licensing Department have an informed overview of all happenings and a capability to identify any emerging issues.

We also exercise a range of options to assist our problem solving approach when considering issues identified at licensed premises. These options form a staged but flexible response to identified issues, 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, and sees the grading of premises as ‘Monitored,’ which necessitates a regime of tasked inspections and increased scrutiny for an identified period of time, to ‘Intervention,’ which requires formal dialogue to occur, and ‘Licensing Intervention Plans’ to be agreed and utilised whilst gaining the support of the licenced premise staff and management in question.

Over the last year, only 1 premise in Perth and Kinross was monitored. The use of the monitored status allowed us to work with the premise and assist them to address the issues without having to formally report them to the Licensing Board.

The action taken at all stages is documented on our national Innkeeper system.

It is clear from the data collated from our aforementioned systems that excessive alcohol consumption is an aggravating factor in the majority of incidents of assault and serious assault linked to licensed premises.

Operation Respectful is the overarching delivery of licensing activity in Tayside Division and is used to promote the operational deployment and engagement with the licensed trade. This approach has seen an increase in positive relationships with the licensing trades through days of action including taxi education, immigration deployments, and licensed premises inspections in partnership with Trading Standards and HMRC.

Summary

Over the last year the unlicensed sale/supply of alcohol has again not featured as an issue within Perth & Kinross. There were no recorded instances of this within the area.

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There were 956 crimes in Perth & Kinross recorded in 2020 linked to alcohol misuse. Of these, 56 were directly linked to licensed premises, either occurring in the premises or in the immediate vicinity.

There were 19 premises licence applications submitted to Police Scotland within the last year. There were no objections to these.

During that time there have been 2 premises reviews and 3 personal licence reviews. Both of these premises reviews related to breaches of coronavirus restrictions (detailed in below section).

One premises was marked as monitored relating to the breach of Covid regulations, and received regular visits from local officers to ensure compliance.

All liquor licence applications are given thorough consideration, giving due regard to all available information, and in relation to personal applications, the date and nature of all relevant previous convictions along with any available intelligence are also considered. 109 personal licence applications were received by Police Scotland from Perth & Kinross Council in the previous year.

All offences committed or alleged to have been committed by holders of personal licences issued within Perth & Kinross are automatically brought to the attention of the Divisional Licensing Team. Giving due regard to the alleged conduct of the licence holder, only the most significant, serious and relevant matters are brought to the attention of the Licensing Board prior to conviction.

Each case is monitored until its conclusion and the relevant disclosure or representation is then made to the Licensing Board.

In regards to the 3 Personal Reviews as stated above, 2 were in relation to the licence holder having been convicted of a relevant offence, and 1 in relation to the licence holder breaching Covid regulations and the licensing objectives. Two of the licence holders surrendered their personal licences and the other had his revoked.

Each instance of violence that occurs within or is linked to a licensed premises which results in a report being submitted to the Procurator Fiscal is reviewed by the Divisional Licensing Team. Officers are encouraged to seek appropriate bail conditions in relation to the offender along with a request for an Exclusion Order (post-conviction) to be added when the report is submitted.

To that end, 7 exclusion orders were in place in the Perth & Kinross Board area in 2020.

There have been no Closure Orders in regard to licensed premises within Perth & Kinross in the last year.

2 people were reported to the Procurator Fiscal in relation to section 105(4) (a) – person knowingly buying alcohol for a child or young person

3 persons were issued a fixed penalty notice for a contravention of section 116 (1) (b) of the Licensing (Scotland) Act 2005 – refusal to leave premises.

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1 person was issued a fixed penalty notice for a contravention of section 111 (1) – drunk person attempting to enter licensed premises.

Alcohol related violence and disorder incidents are dealt with robustly by officers at the time of attendance, and early intervention by licensed premise staff is always advocated. This message is reinforced by the Divisional Licensing Team when interacting with licensed premise staff regarding such matters.

Weekend policing plans are produced each week when the premises are allowed to be open. These ensure resources are deployed accordingly as a preventative measure to locations, premises and events where disorder is a likely outcome due to increased footfall of patrons combined with the consumption of alcohol. Positive engagement is encouraged by all staff employed in the running of licensed premises, with the risks and consequences of excessive alcohol consumption by individuals continually highlighted to mitigate any risks to drunk persons after they leave licensed premises.

The Divisional Licensing Team has also developed, and will continue to develop, its proactive approach towards the regulation and operation of licensed premises across Perth & Kinross. Officers are now routinely deployed throughout the year, out with normal office hours, to tackle emerging issues and establish a regime of regular inspections.

Covid-19

In March 2020 the United Kingdom was placed into full lockdown by the Government due to the ongoing emergence of the coronavirus pandemic. This lockdown required all non-essential businesses to close, including public houses, restaurants and nightclubs.

The Scottish Government introduced a route map out of the pandemic, with specific stages detailing which areas could reopen over a controlled period of time.

With cases falling, Scotland gradually eased out of lockdown, and in the latter stages of phase 2 the First Minister announced that public houses and restaurants could reopen their outdoor drinking areas on 06th July 2020. Phase 3 of the route map was introduced on Wednesday 15th July, with indoor areas allowed to open under strict measures.

Coronavirus is a respiratory disease spread by close contact and therefore social distancing was introduced, with a mandatory 2 metre rule. This was difficult to adhere to within hospitality settings. A 1metre exemption was introduced within Scotland leading to licence holders spending considerable amounts of money on measures introduced to allow them to continue to trade, whilst keeping their staff and patrons safe. These measures included all patrons to be seated, a reduction in capacity, face masks to be worn, screens in force at the bar area, one way systems to be utilised if possible and sanitiser to be readily available.

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Track and trace was a mandatory register to be applied in all hospitality settings. The purpose of such was to record the names, contact details and dates of visit of all patrons which could be easily accessed by public health to ensure a competent contact tracing in the possible event of a positive case within the premises.

In November 2020, with increasing cases, Scotland introduced The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020, which provided a 5 level system and placed each local authority into a restriction level corresponding to their number of cases.

Initially, Perth & Kinross was placed into level 2, which ensured indoor hospitality could remain open, however alcohol could only be sold with a main meal indoors with a curfew of 2000 hours, last entry at 1900 hours. Outdoors alcohol was permitted to be sold until 2230 hours, last entry 2130 hours.

These levels were reviewed every 2 weeks and on 13th November 2020 with rising cases Perth & Kinross moved into level 3, with indoor hospitality allowed to remain open until 1800 hours but no alcohol to be sold inside.

On 26th December 2020, it, along with mainland Scotland, moved into level 4- a return to near full lockdown, with hospitality required to close again and have remained closed until the time of writing.

There is no doubt the past year has been exceptionally challenging and in particular for the licensed trade. The ever changing restrictions, although necessary, placed a considerable strain on licence holders to ensure compliance with the regulations.

Throughout the year, Police Scotland have worked in partnership with Perth & Kinross Council Licensing Standards Officer and Environmental Health to share information and intelligence regarding hospitality premises who may require assistance and advice in relation to the new regulations.

Officers from the Divisional Licensing Team have visited numerous premises within Perth & Kinross Council Board area, speaking with and advising licence holders, offering advice on procedures in place and ensuring all efforts are made to reduce or stop the risk of transmission. Officers were deployed throughout the year, including the festive period, to carry out both licensing and Covid inspections and tackle and deter any emerging issues.

Police also received complaints from members of the public regarding breaches of Covid regulations within licensed premises. The official adopted method Police Scotland utilised was the "4 E's approach".

- Engage – officers initially converse with people to determine their understanding of the regulations and listen to their explanation as to the potential breach
- Explain – officers attempt to educate the person, explaining the risks and dangers of their action and the regulations they should be following
- Encourage – officers attempt to guide people into making the right decision

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- Enforce – a last resort, only when all other measures have failed, police officers may take reasonable, necessary and proportionate means of ensuring compliance

Divisional Licensing Officers visited these premises to investigate such complaints, liaising with the licence holder and explaining the reason for their visit. None of the complaints received from members of the public warranted any formal action within premises in Perth & Kinross.

In addition to this, several extra occasional licence applications were submitted for premises within Perth & Kinross to allow them to open outdoor seating areas and utilise the most of the outdoor space available to them, to allow for the reduction in capacity indoors.

Police Scotland adopted a supportive approach to all applications, taking into consideration the unprecedented times and loss of earning for the industry. However, our overarching purpose is that of public safety, and each application had to be thoroughly scrutinised to safeguard the wellbeing of the staff and patrons, and consider all possible consequences to the granting of the application.

Consideration also had to be given to the Licensing Objective of preventing public nuisance, and the Perth & Kinross Licensing Board policy in relation to outdoor drinking times. As such, 8 letters of representation were submitted to Perth & Kinross Council, the majority in relation to a reduction in the operating time of the application. There were 2 objections submitted relating to the positioning of the pavement café and the concerns for safety of the patrons and the accessibility of the general public.

This legislation provided Police and relevant officers from Perth & Kinross Council with powers of enforcement regarding from all licensed and business premises.

Police have the option of issuing a fixed penalty notice or reporting the offender to the Procurator Fiscal for failure to comply with the legislation, with a charge of reckless conduct being libelled for more serious breaches that put other persons in danger.

No persons linked to licensed premises in Perth & Kinross have been dealt with by these means.

However, 2 Licensed Premises within Angus were subject to a police review request in relation to breaches of Covid legislation discovered by police within the past year. These were in relation to the opening of premises during lockdown.

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

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 people.

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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.

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.

Underage alcoholic consumption in Scotland is amongst the worst in Europe. Alcohol Focus Scotland report that 32% of 13 year olds and 70% of 15 year olds have had an alcoholic drink.

44% of 13 year olds and 70% of 15 year olds have been drunk at least once, and 4% of 13 year olds and 20% of 15 year olds admit to being drunk more than 10 times.

In Scotland, 15% of all deaths in young people aged 16-24 are linked to alcohol.

Clearly, the sale and supply of alcohol to children and young persons can have significant detrimental consequences to the person, their family and wider community.

In some areas, alcohol consumption in either remote or secluded locations remains apparent and there is evidence to suggest that underage alcohol consumption can be as much as double in these rural areas in comparison to urban areas.

It is also apparent that venues host events and functions catering for the 18 year old and younger age group where the sale of alcohol is permitted. This will always attract underage individuals who have consumed alcohol prior to attending, and who are inclined to bring their own alcohol with them for consumption on and off the premises. This has proved problematic to police in the past. We have built up relationships with licence holders, asking them to contact us in the proposal of such an event, allowing us to resource, plan and visit the premises prior, enforcing the licensing objectives and ensuring they have exercised all due diligence before the occasion.

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.

Activity

Keeping children safe is a high priority for Police Scotland, and we remain committed to focusing on engagement with children and young persons. Initiatives including 'Choices For Life,' working with schools and developing outcome based solutions, including the development of our Police Scotland Youth Volunteers programme, aim to prevent them from coming to harm.

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The identification of children and young persons who misuse alcohol and those on the periphery of offending as a result of such activity is therefore a priority. This allows for effective early intervention and for diversionary activities to be identified and applied. Research suggests that the earlier interventions are delivered to young people who offend at the lowest level, the likelihood is that the intervention will be effective, the individual more likely to engage and less likely to re-offend. With this in mind, community officers have previously visited schools in Perth & Kinross to educate young persons in relation to alcohol and drug consumption.

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 a test purchasing, to ensure a fair and lawful result.

Over the last year there have been 5 Innkeeper incident reports received in relation to liquor licensing concerns and incidents involving children and young persons in Perth and Kinross. Three incidents involved proxy sales at the same off-licence, one involved the suspected sale of alcohol to an under 18 within an off-licence and the other the suspected sale of alcohol to an under 18 within a public house.

The Divisional Licensing Team scrutinise all allegations of suspected underage activity in relation to licensed premises. Officers are routinely tasked via the Innkeeper system to ensure that full enquiries are made and appropriate action is taken if necessary in respect of both the young persons involved and the licensed premises.

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.

A growing problem discovered in recent years is the abundance of fake or fraudulent identification. These appear to be easily accessible, with some examples seen excellent forgeries. It becomes increasingly difficult for staff to recognise these as technology evolves. Licensing and community officers visit premises to remind them of the prevalence of fake identification and due diligence with regards to it.

Our local Community Policing Teams endeavour to exploit every opportunity to obtain information and intelligence from any source, including children and young persons themselves, in respect of drinking habits, trends, the places of purchase and misuse of alcohol which allows for effective deployment of resources to tackle the situation.

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TACKLING SERIOUS AND ORGANISED CRIME

Introduction

The Serious Organised Crime Task Force established by the Scottish Government oversees all work to reduce the harm caused by Serious and Organised Crime Groups (SOCG's) within Scotland.

Many SOCG's 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 (SOC) and to enhance our understanding and response to emerging cyber threats and internet enabled crime used by Serious and Organised Crime gangs who will continually attempt to launder their illegally obtained funds through apparently legitimate businesses.

At present there are no Serious and Organised Crime Groups based within Tayside Division, however this does not mean that certain groups do not operate within the Tayside area. 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 identification of SOCG members is challenging because often they have no relevant convictions which the Licensing Scotland Act would allow us to object upon.

The use of intelligence led documents has been trialled in the Perth & Kinross Council area twice over the past year, once in relation to liquor premises. This is a convoluted process, all pieces of intelligence have to be properly scrutinised and assessed to ensure they can legitimately be shared in a public forum, without destroying any potential police operations and revealing the source of the information. Licensing Boards can be reluctant to act upon information that is simply intelligence, and prefer to have a solid, criminal background before they can refuse. These are not decisions to be made lightly and may carry consequences for revealing such information to the subject.

However, if the situation presents itself we will not hesitate to use such intelligence and present it to the Board, when balanced against the involvement of SOCG's and the potential safety of the people in Perth & Kinross.

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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 supportive 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 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, late hours catering establishments, car wash premises, nail bars etc.

PROPOSED ACTIVITY FOR THE YEAR AHEAD

As mentioned above, the number of reports of proxy sales are increasing, particularly within Perth City Centre. The Divisional Licensing Team, along with local Community Officers are focused on carrying out education with premises and licence holders to raise their awareness of this issue.

This is historically a more difficult issue for premises as the person purchasing the alcohol is over 18, however, by informing the premises of the trends in what drinks appeal to youngsters then this can be more apparent when someone attempts to buy large quantities of these drinks.

There are potentially a number of festivals and outdoor events again this year within Perth and Kinross which will be a focus for the Divisional Licensing Team, as well as Perth Races which is also a challenge in terms of alcohol consumption.

Work will be carried out with the licence holders of these events to remind them of their obligations.

Perth Christmas Lights has grown over the years and as a result the Licensing Team carry out work in the planning stages of this event in respect of the alcohol sales.

The emergence of Coronavirus presents a new challenge to policing in general and specifically within licensed premises.

As always, Police Scotland are committed to reducing, preventing and detecting crime, antisocial behaviour and disorder which are often fuelled by excessive alcohol misuse.

We will continue to work in partnership with Perth & Kinross Council Licensing Standards Officers, Environmental Health officers and Trading Standards to actively support and educate persons within the licensed trade, both in respect of the Licensing (Scotland) Act 2005 and The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020.

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By working closely with the licensed trade we will maintain a robust inspection policy throughout Perth & Kinross, with regular routine visits by both local officers and officers from the Divisional Licensing Team.

We will continue to deal with all reported and discovered matters efficiently and transparently, reporting all matters of relevance to Perth & Kinross Licensing Board by means of a review letter. We continue to monitor and review notifications of convictions of personal licence holders and will notify the Licensing Board if the conviction is relevant.

The Divisional Licensing Team will also work to educate local officers further on the new Coronavirus legislation and what it means for Licensed Premises within Perth & Kinross with regular updates as the circumstances and situation change in terms of the pandemic.

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 2021/2022.

