



POLICE
SCOTLAND
Keeping people safe

Chief Constables Annual Licensing Report for 2019/20

Dundee Council Licensing Board

Licensing Department / March 2020 / v 1.0

OFFICIAL
NOT PROTECTIVELY MARKED

Foreword

It gives me great pleasure to provide the Annual Licensing Report for 2019/20, in accordance with Section 12(A) Licensing (Scotland) Act 2005. During this year Police Scotland has continued to work tirelessly towards supporting and enforcing the licensing objectives.

Police Scotland continues to work closely with local authorities and partnership agencies to deliver effective regulation in liquor licencing. Preventing alcohol fuelled violence, disorder and antisocial behaviour is a priority and I believe that working together to achieve effective early intervention and enforcement is vital to this.

I would like to take this time to thank our many local partnerships and acknowledge the good work that they do, as without their support we would not be able to maintain the high standard in licencing we have become accustom to in the Dundee Board area.

Going forward I will continue to emphasise the importance of partnership working to our dedicated officers and staff. I am confident that through strong partnerships and collaborative working, we will meet any challenges that may arise and will continue to improve licensing standards for the communities of Scotland.

Mr Iain Livingstone QPM
Chief Constable
Police Service of Scotland

OFFICIAL
NOT PROTECTIVELY MARKED

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 2019/2020, 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.
- Continuous professional development training and guidance for staff to harmonise licensing practice across the country.
- Working closely with statutory partners within a National Licensing Trade Forum to identify licensing related issues and prevent/reduce associated crimes.
- 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.
- The implementation and ongoing development of the Licensing Admin tool provides divisional licensing officers with a single ICT product negating the need to research police systems independently. Through accurate recording, the licensing admin tool assists Police Scotland in deploying our resources to the right places and the right time to keep people safe.

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.

OFFICIAL
NOT PROTECTIVELY MARKED

LICENSING BOARD AREA

The Licensing Board area is policed by Tayside Division.

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

Dundee Area Command

Chief Inspector David McIntosh is the Area Commander for the Dundee Local Policing Area. He is based at Divisional Headquarters, West Bell Street, Dundee.

Senior Officers

Inspector Jamie Allen - Head of Licensing Department. Is responsible for the overall supervision of the department.

Sergeant James Gordon – Licensing Sergeant. 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 Dundee Local Policing Area, as set out in our Local Policing Plan are as follows;

- Putting victims at the heart of what we do
- Tackling Crime and antisocial behaviour
- Protecting vulnerable people
- Maintaining public safety

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

Description of Board Area

Dundee is Scotland's fourth largest city, situated on the north bank of the River Tay, with easy access to Glasgow, Edinburgh and Aberdeen. Dundee City Council area covers around 60 square kilometres.

Traditionally famous for the "three Js" – Jute, Jam & Journalism, Dundee is a modern, vibrant city, developing advances in medicine, digital media and entertainment industries.

The iconic Victoria & Albert Museum was completed in September 2018 and has provided a huge boost to the economy and tourism of the city, with numerous new hotels being built in and around the City Centre.

OFFICIAL
NOT PROTECTIVELY MARKED

Dundee Waterfront is also undergoing a master regeneration plan, aiming to reconnect the City Centre to the waterfront and improve the facilities for walking, cycling and buses. The new Dundee Railway Station was officially opened in 2018, providing a site for a brand new hotel and revitalising the area.

With an estimated population of 148,710, Dundee has two universities whose students make up almost 10% of this figure.

Dundee is known as the “City of Discovery”, named after Captain Scott’s famous Antarctic exploration vessel, the RRS Discovery, which is berthed at Dundee Waterfront adjacent to the V&A.

In 2018, Dundee was named in Lonely Planet’s “Best in Europe” guide, and in 2019, Dundee was voted Scotland’s “Best Place to Live” in the Sunday Times guide.

There has been an increase in hotels in Dundee since the opening of the V&A. In March 2017, there were 15 hotels. This has nearly doubled and the number of premises trading as hotels in 2020 is 27.

There are 4 premises currently trading as nightclubs, and normally around 150 as public houses, and around 128 trading as off-licences only (as of February 2020).

OPERATION OF THE LICENSING (SCOTLAND) ACT 2005

Introduction

Legislation in relation to the sale and supply of alcohol is continually evolving through case law and statutory instruments. Police Scotland strive to match the evolution of legislation with policing tactics in order to effectively tackle these changes.

The misuse of alcohol is regularly cited as a contributory factor in relation to crimes of violence, domestic abuse, disorder and antisocial behaviour.

Police Scotland have developed the “Licensing Toolkit” – a document with practical and tactical advice and a range of problem solving options. It is designed to assist operational officers, supervisors, commanders and Police Licensing Practitioners in relation to decision making around licensed premises, to ensure their safe and legitimate operation.

Partnerships

Police Scotland work closely with our partners in the Local Authority, Dundee Licensing Forum, Local Pubwatch Schemes and Security Industry Authority to raise the standards of the licensed trade, through proportionate and effective enforcement of licensing legislation and working practises.

The Licensing Department in particular enjoys a positive working relationship with Dundee City Council Licensing Standards Officers, who we contact on a regular basis to discuss current issues, and to highlight premises which may have come to the adverse attention of either or both agencies.

OFFICIAL
NOT PROTECTIVELY MARKED

We regularly carry out joint visits with all partnership agencies to licensed premises throughout Dundee, identifying and addressing areas of concern without resorting to formal interventions involving the Licensing Board.

In order to reduce violence and disorder within Dundee, we

- Listen to the concerns of our communities and utilise evidence based policing to deploy our resources to identified locations, in order to prevent the misuse of alcohol and related violence and disorder.
- Actively encourage police engagement and interaction with licensed premises, ensuring crimes of violence are investigated as a priority and bail conditions and exclusion orders are effectively applied to prevent repeat offending by individuals who pose a significant threat to the public

We will further work with partners including Social Work, Departments of Health & Education, the Alcohol and Drug Partnership and Tayside Council on Alcohol and Child Protection Committees to raise awareness, seek solutions and support joint problem solving in relation to alcohol and drug misuse in our communities.

Working with our communities and partners such as Local Authority Licensing Standards Officers, Immigration Enforcement, HMRC, Trading Standards, and SIA we will gather intelligence and support local and national initiatives to disrupt criminal activity.

The Divisional Licensing Team recently conducted a joint operation with the Gambling Commission in several Licensed Premises in Dundee City Centre. Of the six premises visited, two were non-compliant through administration errors, rather than an intent to deceive the Licensing Board. They were issued guidance from the Gambling Commission, and fully adhered to this immediately.

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.

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

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.

OFFICIAL
NOT PROTECTIVELY MARKED

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, 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.

The action taken at all stages is documented on our 'Innkeeper' system. Within the past year, we have had two premises within Dundee on "Monitored" status, and no premises on intervention plans.

The management of one premises gave us cause for serious concern due to several instances of public disorder and violence occurring over the period of a week. The Divisional Licensing Team were able to contact and inform the premises licence holder, who took immediate action in evicting their lease holder and closing the premises, negating the need for a closure order to be submitted.

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.

Tayside Division Licensing Department have recently undergone a change in leadership and focus. Although there are still administrative tasks to deal with, the Licensing Team have taken up a more proactive and public facing approach. The team deploy at various times of the day and evening, and engage with all licensing trades to ensure compliance, to provide education, and to support local Officers.

In December 2019 and February 2020, the divisional licensing team delivered a number of seminars to both community and response police officers in the Dundee area. This focused on how better cooperation and collaboration with officers and members of the licensing trade can support the policing priorities and keep people safe.

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.

With the return of the Dundee Derby Football matches, the Divisional Licensing Team deployed in the run up to matches to visit licensed premises throughout the city, and emphasise their responsibilities in terms of the Licensing (Scotland) Act 2005. The Licensing Team were also deployed on the days of the events, prior to and after the matches to ensure compliance with licensing legislation.

OFFICIAL
NOT PROTECTIVELY MARKED

The department were involved in the recent music events at Slessor Gardens, meeting with the organisers to ensure a competent Alcohol Management Plan, conducting site visits, and deploying at the events to ensure compliance within the venue and at premises within Dundee City Centre.

Several issues were identified surrounding pavement cafes with many premises simply unable to cope with the number of patrons, leading to overcrowding and safety concerns. These issues were dealt with by police at the time and the premises visited the following week with advice and guidance given by the Licensing Team. The issues were highlighted to Dundee City Council and the Licensing Standards officers, and pavement café conditions have since been amended to require premises to have at least two members of door staff on duty prior to and after the event.

The Dundee Dance Event is a huge occasion for licensed premises across the city. The Licensing Team carry out numerous checks and diligent enquiry prior to the event to ensure the smooth running of the weekend. They are thereafter deployed during the weekend to provide expertise should any licensing issues be identified.

Summary

Over the last year the unlicensed sale/supply of alcohol has not been an issue that has featured within Tayside Division.

There have been two requests for reviews for premise licences within the City. Both related to a breach of the licensing objectives and both were rectified prior to the matter being considered at the Licensing Board, and therefore grounds for review were not established.

All personal licence applications are given thorough consideration, giving due regard to the date and nature of all relevant previous convictions along with any available intelligence.

There were four objections to personal licence applications in Dundee in the last year. Three applications were refused at the Licensing Board and one was granted.

The Divisional Licensing Team receives notification of offences within Tayside committed by licence holders. Only the most significant, serious and relevant matters are brought to the attention of the Licensing Board prior to conviction, and others are monitored closely until dealt with by the Court, before being brought to the Board's attention.

There have been nine requests for personal licence reviews within Dundee over the last year. Of those nine, five licences were revoked, three received warnings/endorsements and one is still being dealt with at the time of writing.

After every instance of violence within a licenced premises, the reporting officer has the option of requesting an exclusion order banning the perpetrator from licenced premises within the city after conviction. There are currently three persons with exclusion orders within Dundee.

OFFICIAL
NOT PROTECTIVELY MARKED

There have been no Closure Orders in regard to licensed premises within Tayside Division in the last year.

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. 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 with all staff employed in the running of licensed premises at all times, with the risks and consequences of excessive alcohol consumption by individuals continually being highlighted to mitigate any risks to drunk persons after they leave establishments.

The Divisional Licensing Team has also developed, and will continue to develop, its proactive approach towards the regulation of and operation of licensed premises across Dundee. Officers are now routinely deployed throughout the year outwith normal office hours to tackle emerging issues and establish a regime of regular inspections. This is often done in conjunction with other partner agencies such as the Local Authority, Immigration Enforcement and HMRC, whose added presence has been noted as having a positive effect with regards individual compliance with and enforcement of the licensing objectives.

The Divisional Licensing Team recently received a "Certificate of Recognition" at the Local Divisional Commander's Award Ceremony for our outstanding performance which contributed to the success of the Division.

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

The sale and supply of alcohol to children and young persons is both serious and irresponsible, and should never be underestimated.

The physical, mental and moral development of children and young persons can be significantly compromised as a result of the misuse of alcohol. Behavioural changes can occur during those early years and can be accompanied by involvement in criminality and violent and anti-social behaviour, leaving children and young persons vulnerable and susceptible to exploitation.

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,' and working with schools and developing outcome based solutions, including the development of our Police Scotland Youth Volunteers programme, assist in preventing them from coming to harm.

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

OFFICIAL
NOT PROTECTIVELY MARKED

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 will engage and will not re-offend.

Police Scotland operates the Whole System Approach for addressing the needs of young people involved in offending and this is underpinned by the 'Getting It Right For Every Child' framework. This ensures that anyone providing support puts the child or young person and their family at the centre of the process.

Over the last year there have been nine 'Innkeeper' incident reports received across the Division in relation to liquor licensing concerns and incidents involving children and young persons, with three of those relating to the Dundee area.

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 Dundee City Council and letters of objection or representation are submitted to the Licensing Board.

The Divisional Licensing Team also scrutinise all allegations of suspected underage activity in relation to licensed premises, and routinely task officers 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. The Divisional Licensing Team routinely visit licensed premises to ensure the appropriate age policy signage is in place, and that all staff are aware of their responsibilities surrounding the prevention of the sale of alcohol to children and young persons.

Although there is provision for Test Purchasing in terms of Section 105 of the Licensing (Scotland) Act, 2005, the procedure is currently under review with Police Scotland's Legal and Policy unit and was unable to be utilised during 2019/2020.

Warning letters can also be sent to the licence holder and / or management of premises highlighting to them the extent of any alleged underage problems, while making it clear that unless the situation improves, further formal action is a likely consideration, with matters being reported to the Licensing Board. This provides for remedial action to be taken and improvements to be made by staff to address the problem. This tactic has been utilised once in Dundee in previous years but there were no instances in 2019-2020. This is always followed up by a regime of tasked inspections to ensure compliance with licence conditions and support of the Licensing Objectives

Over the last year, the Divisional Licensing Team has also carried out joint operations with Immigration Enforcement/HMRC, Trading Standards and Licensing Standards Officers, whereby off-sales premises have been visited with a view to ensuring standards are being adhered to and that staff are fully aware of their

OFFICIAL
NOT PROTECTIVELY MARKED

training and responsibilities in relation to the sale of alcohol to suspected underage persons or their agents. This joint approach often identifies other non-licensing related issues which can have a significant impact on the running of a business, and it is noted that improvements and compliance in respect of liquor licensing legislation are achieved at the same time.

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.

TACKLING SERIOUS AND ORGANISED CRIME

Introduction

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

In the last year Police Scotland has continued to take preventative measures to cut off the markets for Serious and Organised Crime products such as drugs and counterfeit goods. We have also worked with schools, prisons, communities and third sector organisations on diversionary activities in an attempt to prevent or reduce recruitment to Serious and Organised Crime Groups.

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

OFFICIAL
NOT PROTECTIVELY MARKED

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

A growing area of concern for Police Scotland is the growth of remote sales and deliveries of alcohol (purchasing over the internet). The current licensing legislation allows for premises to deliver alcohol to patrons at their home address, without the need to vary their licence. The problems arise when the premises use the services of a third party delivery company who are not trained as per the Licensing (Scotland) Act 2005. The Licensing Board are unable to act on the delivery companies who are not licensed to sell alcohol. These concerns have been expressed with Dundee City Council and have been shared by other Licensing Departments with their own Local Authorities. We will continue to seek assurances and, where relevant, conditions to maximise compliance with responsible licensing activity, thereby minimising the risk to the general public.

The announcement of the BBC Big Weekend in Dundee in May 2020 is an exciting opportunity for the city and will require significant planning from Police Scotland. The Divisional Licensing Team will liaise with organisers, deploy at the venue and support local officers to ensure a well organised, safe and secure event.

Police Scotland remains committed to maintaining a prevention, partnership and intelligence led approach to tackling violent crime, disorder and anti-social behaviour which can all be fuelled by excessive and uncontrolled alcohol misuse. We note that the impact of such has consequences that extend beyond victims, affecting families, communities and society as a whole.

We will ensure our people have the skills and knowledge to enable them to target and reduce violent crime, disorder and anti-social behaviour, and will work with our partners to develop and deliver a collaborative approach to prevent these issues.

We will work in partnership to reduce and prevent harm from violence within private space and the link with alcohol use.

The role of our National Safer Communities Task Force and Violence Reduction Unit will be enhanced to ensure resources are deployed effectively and efficiently in a collaborative and planned manner. Our local Community Policing Teams will continue to develop strong relationships with our communities to prevent anti-social behaviour.

The Divisional Licensing Team will continue to work closely with our National Licensing Policy Unit to ensure the local delivery of policing services by ensuring a

OFFICIAL
NOT PROTECTIVELY MARKED

consistent approach is taken in tackling alcohol related violence, disorder and anti-social behaviour linked to licensed premises.

We will be actively involved in the evaluation of minimum unit pricing of alcohol, and we will ensure that our people are kept fully informed regarding any changes to licensing legislation and the tactical options available to them by way of a refreshed 'Alcohol Toolkit'.

By working closely with the licensed trade, we seek to improve licensing standards in premises by continuing the proactive approach adopted by the Divisional Licensing Team, and maintaining a robust inspection policy throughout the Division to identify any potential shortcomings with appropriate reporting to the Licensing Board as required.

In the past year the Divisional Licensing Team have increased their proactive approach across the area with more days of action, education seminars, and better use of enforcement options available to us.

We have recently delivered licensing presentations to Community Officers within Dundee to develop their knowledge and understanding of licensing legislation. We will continue to deliver these inputs to local officers as well as to new officers joining Police Scotland.

We will continue to carry out joint operations with our partners and utilise social media to deliver these key messages to the licensing trade and to the public.

To conclude we would like to thank you for your continued support and stress the importance of this collaborative problem solving approach. This ensures that police, licence holders and licensed premises staff have a better understanding of their responsibilities. We look forward to furthering this partnership over the coming year.