

# Inverclyde Licensing Board

**ALL MEMBERS OF THE LICENSING BOARD**

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Our Ref: LC/LIC  
Your Ref:  
Date: 29 August 2017

Dear Member

Please attend a meeting of the **INVERCLYDE LICENSING BOARD** to be held on **Thursday 7 September 2017** at **10.00 a.m.** within the **MUNICIPAL BUILDINGS, GREENOCK.**

Yours faithfully

Depute Clerk

## **AGENDA**

- 1. Licensing (Scotland) Act 2005: Application for Occasional Licence**  
Application details enclosed.
- 2. Licensing (Scotland) Act 2005: Application for Variation of Premises Licence**  
A list of applications is enclosed.
- 3. Licensing (Scotland) Act 2005**  
**Police Scotland: Chief Constable's Report - 1 April 2016 to 31 March 2017**  
Report enclosed.

INVERCLYDE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

(1) APPLICATION FOR OCCASIONAL LICENCE

<u>No</u>	<u>Name and Address of Applicant</u>	<u>Event Details</u>	<u>Decision</u>
1.	Anthony Buckley Inverclyde Catering & Events Ltd 31 Turnberry Drive Gourock PA19 1JA	Sunday 31 December 2017 6.30 p.m. – 1.30 a.m. Hogmanay Show, Ceilidh & Dinner  Request children to be permitted at the premises throughout the event whilst accompanied by an appropriate adult.	

INVERCLYDE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

(2) APPLICATION FOR VARIATION OF PREMISES LICENCE

<u>No</u>	<u>Name &amp; Address of Applicant</u>	<u>Address of Premises</u>	<u>Variation Details</u>	<u>Decision</u>
1.	Raja Masroor 79 Gower Street Glasgow	Sam Superstore 58/60 Moorfield Avenue Port Glasgow	(a) Amend Core Hours as follows:  Monday – Sunday 10.00 a.m. – 10.00 p.m.  <b>Existing:</b> Monday – Thursday 10.00 a.m. – 8.00 p.m. Friday & Saturday 10.00 a.m. – 9.00 p.m. Sunday 10.00 a.m. – 7.00 p.m.	
2.	Lidl UK GmbH 19 Worple Road Wimbledon London	Lidl UK GmbH Newark Street Port Glasgow	(a) Increase alcohol display area to 47.61 sq. m.  <b>Existing</b> 46.73 sq.m  (b) Add seasonal alcohol display for the period of 1 December each year until 2 January the following year. Additional capacity during season trading – 12.02 sq.m	



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**FOREWORD**

It gives me great pleasure to provide my second annual licensing report, in accordance with section 12(A) of the Licensing (Scotland) Act 2005.

This report outlines what activity has been undertaken over the last twelve months for Inverclyde which provides me with the opportunity to outline how our services will be delivered over the coming year.

Police Scotland continues to face an increasing range of demands against the backdrop of a challenging financial environment, however we will continue to work in partnership at local and national level to ensure that our communities are safe. I cannot understate the importance of empowering our people to work with others, to innovate and solve problems.

Over the last year we have seen success in our preventative problem solving approach, with officers and staff resolving issues proportionately and at the earliest opportunity. This has been possible due to the active partnerships which exist across the licensing sector, which have led to an increase in positive outcomes.

In the year ahead our approach will continue to be based on prevention and collaboration to ensure the most efficient and effective service delivery. I will encourage officers and staff to utilise the range of options available to ensure improved licensing standards, reduced violence and to positively influence behaviour and cultural attitudes across Scotland.

Finally, I would like to take this opportunity to record my thanks to all who work towards the shared aim of effective licensing regulation and I am sure that with the continued hard work and dedication of all staff, Police Scotland will continue to deliver a service that our communities can be proud of.

Mr Philip Gormley QPM

Chief Constable

Police Service of Scotland

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### **Police Scotland Licensing Overview**

Following the inception of Police Scotland in 2013, a two tier structure for licensing was adopted to support both national and local priorities and service delivery.

The National Licensing Policy Unit (NLPU) sits within the Specialist Crime Division – Safer Communities based at Dalmarnock Police Office, Glasgow.

The NLPU 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.

Dedicated licensing teams are located in each of the 13 local divisions and are 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 within their local area.

Police Scotland Licensing is supported and governed by a National IT solution known as 'Innkeeper'.

### **LICENSING BOARD AREA**

The Licensing Board area is policed by Renfrewshire and Inverclyde Division.

Chief Superintendent James Downie is the Divisional Commander with responsibility for all policing functions.

Chief Inspector Elliot Brown was the Local Area Commander for Inverclyde with responsibility for the management of personnel, local service delivery, community engagement and partnership working to ensure local and national priorities are met during the reporting period. From 01 May 2017 the new Local Area Commander is Chief Inspector Alison Kennedy.

Inverclyde is bordered to the north/west by the Firth of Clyde, the east by Renfrewshire and stretches south where it meets North Ayrshire. It has a population of over 80,000 people. It is one of the smallest in terms of area (29th) and population (27th) of the 32 Scottish unitary authorities.

The main population centres of Greenock, Port Glasgow and Gourock are surrounded by smaller local communities such as Wemyss Bay, Inverkip and Kilmacolm and policing delivery is tailored to meet the needs of those communities. Partnership working in Inverclyde is well established and those partnerships deliver a highly effective police service which has a positive impact on local communities.

Inverclyde has a rich and renowned history in shipbuilding and the 'deep water docking' on the Clyde offers berth to visiting cruise ships. Much investment has been made in education within Inverclyde with the area being home to the Greenock campus of West College Scotland.

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There are currently 207 licensed premises in Inverclyde, 76 are licensed for off sales only, 78 on sales only and 53 for both on and off sales.

### **Local Policing Priorities**

The policing priorities for Inverclyde, identified following public consultation and engagement, are as follows;

- Drunk or Disorderly Behaviour
- Assault and Violent Crime
- Drug Dealing and Use
- Housebreaking and Other Theft

### **OPERATION OF THE LICENSING (SCOTLAND) ACT 2005**

Alcohol misuse, exacerbated by its accessibility, availability and affordability, is commonly acknowledged as a contributory factor in incidents of violence, disorder and antisocial behaviour.

Police Scotland continues to work with its partner agencies, including the licensed trade, to reduce the impact alcohol misuse has on local communities. By working together we can target those who fail or simply refuse to promote responsible trading practices. Together we can improve the safety and wellbeing of people, places and communities in Scotland.

### **Partnerships**

Partnership working is key to delivering tangible outcomes and we will continue to strengthen our relationships with all agencies, community representatives and local residents to ensure our services are co-ordinated, effective and efficient and address the needs of our communities

Some examples of work carried out during the past 12 months include:

- Working with Inverclyde Trading Standards, the licensing department arranged a licensing seminar for the Inverclyde liquor licensing trade. The seminar was held on the 30th November 2016 at the Ardgowan Bowling Club, Ardgowan Square, Greenock and premises licence holders, management and staff of all on sale premises were invited to attend. Inputs were delivered relating to crime scene management, current drug trends and legal highs, preventing sexual violence, roads policing and counter terrorism as well as an input by Inverclyde Council trading standards. Positive feedback was received after the seminar. The seminar will run in the coming year.
- “No Knives Better Lives” is a national initiative and aims to raise awareness of the consequences of carrying a knife and provides information on local activities and opportunities for young people. It is delivered at a local level and

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is a primary prevention initiative that specifically addresses the issue of knife carrying. It is informed by and complimentary to wider priorities and interventions that aim to prevent offending and antisocial behaviour and to improve outcomes for young people in Scotland.

- Persistent Offender Partnership is a community safety initiative using a joint partnership approach to identify and focus on the needs of the most persistent offenders within Inverclyde, many of whom commit crimes to sustain their dependency on alcohol and/or drugs. The aim is to assist in reducing the dependency on alcohol and drugs, to reduce or even stop offending behaviour and promote 'positive' lifestyles for offenders and their families. In the past year there have been 53 persons on the scheme whose misuse of alcohol has been noted as a contributory factor in their offending.
- The Wasted Project is a joint agency project which is now in the third year and is offered to all S2 pupils across Inverclyde. Police Scotland has helped fund the project and participated in the 6 school inputs to young people on drugs, alcohol and safe life choices. The most recent inputs took place in March 2017.
- Inverclyde Youth Antisocial Behaviour and Safeguarding Initiative. Over the summer months we ran a series of operations involving partners including Inverclyde Council Youth Workers, Inverclyde Council Wardens, Antisocial Investigators, Scottish Fire and Rescue Service, Scottish Ambulance Service, British Transport Police and HM Coastguard. This is a multi-agency approach in diverting young people from antisocial behaviour whilst keeping them safe from harm including alcohol misuse. This has developed to include movement over the rail network, associated antisocial behaviour around the stations and providing reassurance to the residents. Regular support is provided by Force resources such as the Support Unit and Mounted Branch. In addition we work with housing and ASIST colleagues to follow up with parental letters, joint visits and housing tenancy warnings where necessary.
- We have carried out and will continue to carry out intelligence led Test Purchasing operations at off sales throughout the area. Our aim is to prevent the unlawful sale and supply of alcohol to young people, reduce the instances of alcohol related Anti-Social Behaviour and violence and reduce harm. Local residents have been supportive and continue to provide intelligence about agent purchases in particular. Within Inverclyde, 12 premises have been visited this year to date and all have passed.
- Clyde Conversations. Over the last 2 years Inverclyde Council have run a participation project involving pupils from all schools in the area allowing a host of discussions on various topics including sex education, community safety, drugs and alcohol awareness and more. We have participated in workshops with young people to discuss the issues and use the information to inform our policing strategies. We maintain strong links to schools through our

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schools liaison officer and Community Policing teams and regularly assist with joint inputs in relation to alcohol, drugs and safe life choices.

### Problem Solving

Police Scotland currently have 3 levels for categorising licensed premises that come to our attention:

- **Monitored** – Premises that require extra support and supervision. This can include premises that have come to police attention through incidents or newly opened premises with inexperienced staff. A low key approach is used to address issues before they escalate.
- **Intervention** – A formal intervention agreement is put in place to improve the safe and legitimate operation of a premises. This intervention plan, which contains a list of conditions, is agreed between all parties. The intervention period would last a minimum of three months and be subject to review.
- **Problematic** – Premises deemed problematic will normally be the subject of a premises licence review submission by Police Scotland to the Licensing Board.

Any categorised premises will be subject to regular inspections to ensure compliance and will form part of the tasking regime for the night time economy action plans. All inspections, pro-active, re-active or planned are submitted via the Innkeeper system.

Figures for the period 1<sup>st</sup> April 2016 to 31<sup>st</sup> March 2017 show that there were a total of 4 monitored premises within Inverclyde which were subject to regular inspections. There were no intervention or problematic premises during this time.

### Summary

Appendices A and B provide details of all crimes/offences detected within Inverclyde and the volume of applications processed by Police Scotland for licensed premises within Inverclyde in terms of the Licensing (Scotland) Act 2005, between 1 April 2016 and 31 March 2017.

**Section 1 - Unlicensed sale of alcohol** – There were 2 offences of this nature reported.

**Section 22 – Objections and Representations** – There was one objection submitted by Police Scotland in response to the grant of new premises licences. This was granted with condition that a named person does not sell alcohol.

**Section 36 – Review Applications** – There were no premises subject to a review application.

**Section 63 – Sale or supply out-with licensed hours** – There were no offences of this nature reported.

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**Section 72 – Personal Licence Applications** – There were no submissions by Police Scotland recommending refusal.

**Section 84 – Personal Licence Reviews** - There were no review submissions.

**Section 94 – Exclusion Orders** – There were no exclusion orders.

**Section 97 – Closure Orders** – There have been no closure orders issued.

**Section 111-116 – Drunkenness/Disorder Offences** – 29 persons were charged under these sections during this year. Many of the offences were dealt with by way of a Fixed Penalty Notice.

**The total number of offences recorded under the Licensing (Scotland) Act 2005 has risen from 17 in 2015-16 to 36 in 2016-2017.**

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

Police Scotland, in conjunction with partner agencies make a positive impact on outcomes for children and families, by addressing the sale and supply of alcohol to young persons, by licensed premises or by proxy (agent purchase).

Identifying young people that drink, or those on the periphery of offending through alcohol will allow intervention to be progressed and consistently applied. Parent alert schemes or formal warnings, diversionary activities such as Street Stuff, Police Scotland youth volunteers and Street Pastors complement ongoing enforcement activity within our communities.

Police officers attached to the Safer Communities Department routinely provide inputs across schools in Inverclyde in partnership with local community initiatives and 3rd sector organisations. Through Early and Effective Intervention (EEI) we and our partners aim to divert young people from offending, and reduce their need for, or dependence on, alcohol or drugs. Research suggests that the earlier intervention is delivered to a young person the more likely they are to engage and not re-offend. Consideration is also given to the impact of offending upon victims and communities.

The provision of test purchasing in terms of section 105 of the Licensing (Scotland) Act 2005 is a tactic which is used where there is an underlying body of evidence to suggest that alcohol is being unlawfully sold or supplied to a child or young person from a particular off sales premises or that the participating premises are located within an area where all off-sale licensed premises are being subjected to a test purchase operation, in a non-discriminatory manner, to raise awareness in relation to the unlawful sale or supply of alcohol in licensed premises.

A total of 12 premises in Inverclyde have been tested this year and all have passed.

Anecdotally there continues to be a move towards 'agent purchase' of alcohol and much less instances of children or young person's purchasing alcohol themselves. No one has been reported for buying alcohol for children/ young persons in the last year.

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### **TACKLING SERIOUS ORGANISED CRIME (SOC)**

The Serious Organised Crime Taskforce was set up to ensure Scotland can respond robustly to the threat posed by organised crime, identify improvements, ensure all agencies are working to the same aims and to raise public awareness. Membership of the group includes the Solicitor General; the Police Service of Scotland; the Prison Service; Her Majesty's Revenue and Customs (HMRC); National Crime Agency (NCA); Society of Local Authority Chief Executives (SOLACE); Her Majesty's Inspectorate of Constabulary Scotland (HMICS) and Scottish Business Resilience Centre (SBRC).

Its remit is to work together to help deliver the Scottish Government's commitment to tackling serious organised crime by:

- Identifying priorities for tackling serious organised crime (SOC) in Scotland.
- Sharing best practice and improving co-ordination between law enforcement agencies and others;
- Identifying innovative ways of working together and encouraging better ways of working together;
- Developing a coherent Scottish response on reserved and other SOC issues; and
- Making proposals for legislation, research and other measures to tackle SOC.

There are several groups operating within the Inverclyde area, some of which have connections to the licensed trade, via licensed premises, second hand dealers, tanning salons and car wash facilities. Police Scotland, in conjunction with our partner agencies, have identified innovative ways to disrupt such organisations who are targeted through multi-agency days of action. Whilst it can be difficult to link these groups to serious crimes, targeting other crimes has proven to be a useful tool in disrupting their operations.

### **PROPOSED ACTIVITY FOR THE YEAR AHEAD**

#### **Test Purchase Operation**

Further recruitment of young people will ensure these operations continue to be carried out by Police Scotland throughout 2017 and 2018.

#### **Enforcement Operations**

The Licensing department will continue to plan and coordinate multi agency operations with officers from Home Office Immigration Enforcement (HOIE), Her Majesty's Revenue and Customs (HMRC) and Inverclyde Council targeting all forms of licensed premises and persons within the area.

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### Licensing Seminar

This annual event for the Inverclyde liquor trade will continue to be part of the festive safety campaign. Licensing staff will liaise with partners to identify appropriate topics for discussion as well as a suitable venue.

### NATIONAL PERSPECTIVE

Our Priorities and Policing Plans continue to be shaped by the objectives contained within Scottish Government's Strategic Objectives and National Outcomes and the Strategic Police Plan that are delivered locally.

Consultation and engagement with the public informs our local and national Strategic Assessments, identifies our priorities and provides the evidence base for local policing teams across Scotland to deliver operational plans to prevent crime and disorder and Keep People Safe.

#### Our National Priorities are:

- **Violence Disorder and Antisocial Behaviour**
- **Serious Organised Crime**
- **Road Safety and Road Crime**
- **Protecting People at Risk of Harm**
- **Counter Terrorism**

The National Licensing Policy Unit (NLPU) is a specialist department which consists of a small team of officers, based in Glasgow. The officers within the unit work in conjunction with licensing colleagues from local policing divisions. Together, they seek to ensure that legislation governing the sale and supply of alcohol and other civic licensed activity is applied and reported consistently in accordance with the Licensing Objectives.

During 2017/18, from a licensing perspective, our particular focus will be 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 to introduce a National Licensing Trade Forum to identify licensing related issues and prevent/reduce associated crimes.

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- The implementation and ongoing development of a National ICT Licensing System, known as “Inn Keeper”, to increase the efficiency and effectiveness of liquor and civic licensing administration and management.

To conclude we would like to thank you for your continued support and stress the importance of this collaborative, problem solving approach, which ensures that police, licence holders and licensed premises staff have a better understanding of their responsibilities. This strengthens locally-led alcohol licensing practices, in order to preserve order and promote safety and public health.

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**APPENDIX A**

Licensing (Scotland) Act 2005

Review Applications 1<sup>st</sup> April 2016 – 31<sup>st</sup> March 2017

Inverclyde Board Area

<b>Type of Application or Review</b>	<b>Total</b>
Section 36 Licensing (Scotland) Act 2005 – Application for Review of Premises Licence	0
Section 84 Licensing (Scotland) Act 2005 –Review of Personal Licence (conduct inconsistent with Licensing objectives)	0
<b>Total</b>	<b>0</b>

*Licensing (Scotland) Act 2005*

*Applications Received 1<sup>st</sup> April 2016 – 31<sup>st</sup> March 2017*

*Inverclyde Board Area*

<b>Type of Application</b>	<b>Total</b>
<i>Premises Licence</i>	4
<i>Provisional Premises Licence</i>	3
<i>Extended Hours</i>	127
<i>Major Variation</i>	12
<i>Minor Variation</i>	53
<i>Occasional Licence</i>	278
<i>Personal Licence</i>	65
<i>Premises Transfer</i>	12
<b>Total</b>	<b>554</b>

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**APPENDIX B**

Licensing (Scotland) Act 2005

Number of Crimes and Offences 1<sup>st</sup> April 2016 – 31<sup>st</sup> March 2017

Inverclyde Board Area

<b>Licensing (Scotland) Act 2005</b>	<b>Offence</b>	<b>Total</b>
Section 1(1)	Liquor licensing laws, other offences	2
Section 48(1)(a)	Liquor licensing laws, other offences	0
Section 52(1)	Liquor licensing laws, other offences	1
Section 52(2)	Liquor licensing laws, other offences	1
Section 102(1)	Sale of alcohol to person under 18 years of age	0
Section 105(4)(A)	Buy or attempt to buy alcohol for child or young person	2
Section 110(4)	Licensed persons, other offences	1
Section 111(1)	Drunk and attempting to enter licensed premises	0
Section 113	Licensed persons, other offences	1
Section 114	Employee drunk on premises	1
Section 115(1)(a)	Disorderly on licensed premises	20
Section 115(2)	Permitting riotous behaviour within licensed premises	0
Section 116	Refusing to quit a licensed premises	3
Section 116(1)	Refusing to quit a licensed premises	4

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Total		36
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