

SHETLAND ISLANDS AREA LICENSING BOARD – MEETING 15 SEPTEMBER 2015

1. Application for Variation other than a Minor Variation of Premises Licence

<u>Applicant</u>	<u>Premises</u>	<u>Proposed Variation</u>
(a) Shetland Recreational Trust	Clickimin Leisure Complex	Provision for sale of alcohol for off consumption in addition to sale for on consumption. Letter of support attached. <u>Proposed off sale hours:</u> Mon: 10am - 10pm Tues: 10am - 10pm Wed: 10am - 10pm Thurs: 10am - 10pm Fri: 10am - 10pm Sat: 10am - 10pm Sun: 10am - 10pm
LSO comments:	No comments or objections	
Building Standards comment:	No objections	
Police comments:	No objections	
Health Board Comments:	No response received	
Fire Board Comments:	No response received	
Community Council comments:	No response received	

17 July 2015

Clickimin Leisure Complex
Lochside
Lerwick
SHETLAND
ZE1 0PJ

Telephone: +44(0)1595 741000

Shetland Islands Area Licensing Board
8 North Ness Business Park
Lerwick
SHETLAND
ZE1 0LZ

Clickimin Leisure Complex Licence Application

Dear Board members

I am writing to you in order to provide background information regarding our application above, for consideration at your board meeting on 15 September.

In 2014 at the Craft Fair the local drinks producers applied for a licence to sell alcohol from our car park with the public offered free tasting of products in our squash courts. Following a tasting, should a customer wish to make a purchase this was then done from the back of a van in our car park. This arrangement proved unsatisfactory for both customers and producers.

This year the food producers are hosting their own fair separate from the Craft Fair on 30 October to 1 November, which will be staged in our Main Hall at Clickimin. There are 3 local drinks producers participating they are; Lerwick Brewery, Valhalla Brewery and Reel Gin.

The reason for this application is to make the forthcoming Food Fair easier to manage for the participating producers and also to facilitate Clickimin hosting possible future similar events.

I respectfully request that you look favourably on our application.

Yours sincerely

Mr. Robbie Leask
Assistant Manager

Clickimin Leisure Complex

Phone: +44 (0) 1595 741000
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Website: www.srt.org.uk
Registered Charity number: SC002179

Shetland Recreational Trust,
Clickimin Leisure Complex,
Lochside, Lerwick,
Shetland ZE1 0PJ

SHETLAND ISLANDS AREA LICENSING BOARD

15 September 2015

Licensing (Scotland) Act 2005

Chief Constable's Report to the Shetland Islands Area Licensing Board

1. Introduction

- 1.1 In terms of section 12A of the Licensing (Scotland) Act 2005 the Chief Constable is required to report to the Licensing Board annually. This report presents as Appendix 1 the Chief Constable's report for the financial year 1 April 2014 to 31 March 2015.

2. Details

- 2.1 The matters that the report must consider are matters relating to policing in connection with the operation of the Licensing (Scotland) Act 2005 and any steps the Chief Constable has taken or intends to take to prevent the sale or supply of alcohol to children or young people in the area.
- 2.2 If the Board requires it the Chief Constable or his nominee must attend at the meeting to discuss the report.

3. Recommendation

- 3.1 The Board is asked to consider the terms of the report and consider whether any further action is required in response to it or otherwise to note the report.

Depute Clerk to the Licensing Board

Ref: Z/Gen SB



**POLICE
SCOTLAND**
Keeping people safe

**CHIEF CONSTABLE'S REPORT TO THE
SHETLAND LICENSING BOARD
FOR THE PERIOD
1ST April 2014 to 31ST March 2015**

LVRD/ 04/05/2015 V.1

Foreword

I am pleased to present my Annual Report for 2014/15, in accordance with the requirements of the Licensing (Scotland) Act 2005 (S12A).

This report is set against a backdrop of recorded crime in Scotland reaching a 40 year low and outlines the comprehensive activity which has been undertaken in the Shetland Area over the last twelve months. Going forward, this report confirms the steps we will take in 2015/16 to ensure we continue to improve on our performance and positively impact upon the lives of people throughout Scotland.

Over the last year, our Licensing focus has centred on prevention, supplemented by intervention and enforcement measures. Collectively, these measures are designed to improve our consistency of approach, reduce violence and positively influence behaviour and cultural attitudes towards alcohol across Scotland.

Working in partnership to deliver results remains at the heart of policing. We continue to seek out new partnership opportunities, whilst maintaining and building upon our existing relationships to support the licensed trade, relevant authorities and local communities.

Police Scotland strives to ensure the safety and wellbeing of people, places and communities across Scotland and our focus remains 'Keeping People Safe'.

Sir Stephen House QPM
Chief Constable
Police Scotland

Police Scotland Licensing Overview

Licensing Structure

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. This is defined through a national policy unit and local licensing teams.

National Perspective

The National Liquor and Civic Licensing Policy Unit (NLCLPU)

The NLCLPU is a specialist department within Licensing and Violence Reduction Division (LVRD) which exists to support territorial divisions across Police Scotland.

It consists of a Chief Inspector, Inspector, Sergeant and a Constable and is based at Dalmarnock Police Office, Glasgow.

Working with divisional licensing teams the NLCLPU shape policy and strategy around the police licensing function and provide practical and tactical advice to police licensing practitioners, operational officers, supervisors and policing Commanders.

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

The National policy unit has particular focus on;

- Scrutiny of the most serious incidents of violence and disorder linked to licensed premises.
- Identifying opportunities to impact on serious and organised crime groups who may seek to exploit the licensed trade
- Working closely with partners to identify and address licensed premises issues and inform personal licence holder training.
- Engaging with major event and festival organisers to agree alcohol management plans that will set out how alcohol sale, supply and risk are to be controlled.
- Support the development of the National Licensing ICT solution "Innkeeper"

Local Perspective

Police Scotland comprises of 14 divisions each of which has a dedicated licensing team within a Divisional Coordination unit which consist of Police officers and members of police staff.

These teams service the statutory obligation placed on the Chief Constable to respond to the 34 Licensing Boards and have oversight of all licensable activity within their division.

Local Licensing teams regularly work in partnership with the licensed trade and any other relevant body, to prevent violent incidents and vulnerability occurring in and around licensed premises.

Where problems are identified local problem solving is adopted, licensing staff generally take an incremental approach and try to agree a proactive and positive way forward to address ongoing issues.

However, on occasions enforcement activity or an application to review a premises licence may be the solution to the problem and local Licensing teams will report to COPFS and/or Local Licensing Boards as necessary.

Priorities

Both the National Liquor and Civic policy unit and Divisional Licensing work towards Police Scotland National priorities;

Violence, Disorder and Antisocial behaviour
Serious organised Crime
Counter Terrorism
Protecting people at risk of harm
Road Safety and Road crime

PART 1

SHETLAND LICENSING BOARD AREA

The Licensing Board area is policed by North Division.

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

Local Policing Priorities

Following our public consultation process, the policing priorities for North Division, as set out in our Local Policing Plan are as follows;

- Protecting People
- Reducing Antisocial Behaviour
- Reducing Violence
- Tackling Substance Misuse
- Making our Roads Safer
- Tackling Serious Organised Crime

Senior Officers

The senior officers who hold responsibility for licensing with the area of the Shetland area are as follows;

Chief Inspector Lindsay Tulloch
Inspector Paul Daley

Area Commander
Area Inspector

Supported by Licensing Department;

Superintendent Gus Macpherson
Chief Inspector Mairi Macinnes
Sergeant Bruce Gray

Partnerships
Head of Department
Licensing Sergeant

In total there are 160 Licensed Premises within the Shetland area. Given the distribution of population over a large geographical area, many Licensed Premises are situated in rural locations. The spread of said premises can provide challenges for policing, given limited resources. This spread of Licensed Premises is managed extremely well through sound community policing, partnership working and the utilisation of such excellent schemes as Pub Watch.

PART 2: OPERATION OF THE LICENSING (SCOTLAND) ACT 2005

Introduction

Alcohol is often a contributory factor in, or a catalyst for, a wide and varied range of issues which affect our society. It is regularly linked to violence, domestic abuse and anti social behaviour, to name but a few of the alcohol related incidents the Police Service of Scotland deals with on a daily basis.

Section 5 of the act lists five objectives which must always be linked to the sale of alcohol. They are:-

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

The act, and moreover these objectives, have made all those involved in Liquor Licensing responsible for "Keeping people safe". Licensees, staff within Licensed Premises, security and door staff, are all responsible for ensuring the safety of all those connected to Licensed Premises and the sale and consumption of alcohol.

Partnerships

Officers and staff from the Police Service of Scotland work in partnership with those connected to licensed premises in ensuring the objectives are met. Front line Police carry out regular visits to Licensed Premises where they liaise with staff and patrons to ensure a safe environment. Police attend meetings of Pub Watch where the small minority who conduct themselves in an improper manner, or offend in or around licensed premises, can be brought before the Pub Watch committee and dealt with in a manner which the committee deems fit; be it a ban, warning letter or no action.

The Police Service of Scotland monitors the running of Licensed Premises, often in conjunction with Local Authority Licensed Standards Officers, and performs Licensed Premises Inspections, test purchasing operations and take appropriate action in relation to any licensees or staff who fail to operate or run their premises to the standard expected.

Staff within the Liquor Licensing department of the Police Service of Scotland, Shetland Isles Area Command, carry out enquiry in relation to every application for Personal Licenses or Premises Licenses, including Occasional Licenses, and submit their findings to the Shetland Council and the Licensing Board. Shetland Isles Area Command processed a total of 449 enquiries through the Shetland office for the fiscal year 1st April 2014 to 31st March 2015.

Problem Solving

Training is currently being rolled out in relation to the use of a computerised system which monitors trends and dispersal of violent, antisocial and alcohol related crimes and incidents. This analytical overview of such incidents means that Police resources

can be directed to the right place at the right time and makes optimum use of those resources, ensuring a focused approach to targeting alcohol related criminality, in particular violence and anti social behaviour.

In addition to front line policing, the Flexible Policing Unit can be directed, with maximum efficiency, to locations where there is a rise in antisocial behaviour, violence or disorderly conduct via interrogation of the trends computer system.

All area commanders, in conjunction with the liquor Licensing Department, constantly review Licensed Premises, and any problems or issues around those said premises. The preferred approach is one of prevention rather than cure, addressing any issues early to curtail escalation. Should any issues arise Licensees, or their delegates, are liaised with and a partnership approach taken to eradicate those problems.

In addition to the Licensing Department, Police Service of Scotland Licensing and Violence Reduction Department have been instrumental in ensuring Licensed Premises adhere to the Licensing Objectives, and in particular

Protecting Children from Harm

Summary

All provisions of the Licensing (Scotland) Act 2005 are expected to be adhered to and any failings to adhere to the Act will be reviewed, investigated and reported to the appropriate authority should there be failings.

The Police Service of Scotland not only reacts to any reports, or allegations, of failure to comply with the legislation, but also proactively visit Licensed Premises to ensure the legislation is adhere to. Over and above such reports and visits the Police Service of Scotland also utilise an intelligence led approach to compliance of the Act and will build on, or investigate, any intelligence which would suggest otherwise.

All applications are fully investigated, background checks are carried out, financial enquiry can be commenced and applicants are interviewed to ensure full compliance and that all objectives of the Act are met. In addition to ensuring the applicant or premises are fitting, thorough investigation prevents the likelihood of Organised Crime Groups being given the opportunity to infiltrate our communities by apparent legal and legitimate means.

Should the way premises are run, or the manner in which those responsible for the running of such premises conduct themselves in a manner which falls short of what should be expected, then intervention can take place to ensure the appropriate standard is met.

As part of the Police Service of Scotland Licensing Toolkit a formal intervention process can be agreed between the Licensing Department, Area Commander for the area in which the premises are based and most importantly the premises licence holder. This agreement is designed to assist premises management to reduce alcohol fuelled violence and other incidents of note which are directly linked to their premises.

The process involves meeting with those responsible for the troublesome premises where an action plan is put in place. The action plan will include such aspects as crime prevention advice and processes to reduce or prevent such incidents and is agreed with the licence holder. An intervention form is created, detailing the process, with the original kept for future reference and a copy given to the licence holder.

All such interventions should follow the S.M.A.R.T. format, Specific, Measurable, Achievable, Realistic and Timed. Following an agreed period, if there are no further issues then the intervention will be deemed to have been complied with and there will be no requirement for any further police action.

If, however, there are further incidents of note, or should the licensee fail to comply with the conditions of the agreement, then the matter may proceed to an application for a review of the licence.

Currently there are no Licensed Premises within the Shetland Isles Area which are under any form of intervention, nor were there any during the period 1st April 2014 to 31st March 2015.

Offending in relation to licensing for the Shetland area under the Licensing (Scotland) Act 2005 is as follows

Section 105 (sale on behalf of a child)	-	2
Section 116 (Refusal to leave licensed premises)	-	5

As can be seen from the numbers provided, and given there are 160 Licensed Premises within the Shetland area, offending is low and this is testament to the working relationship between the Police Service of Scotland and the Licensees and those employed within the licensing trade.

Low level drunkenness and disorder in Licensed Premises is regularly dealt with by staff within the premises. Should the staff be unable to resolve the issue then they will request Police attendance where the matter will be dealt with by variety of means, ranging from a warning to formal action. Should formal action be required and an offender is charged, again there is a variety of disposals from the Formal Adult Warning process where a warning letter is issued, a fixed penalty issued, a report submitted to the Procurator Fiscal and in extreme cases where an offender is kept in Police custody to appear in court.

In addition to the processes open to the Police, there is also further recourse open to the licensee by way of bringing a matter to the Pub Watch committee where, over and above any Police or court action, a warning letter or ban may be issued, as previously mentioned in this report.

Daily reviews are carried out of incidents reported to the Police Service of Scotland in the Shetland area, should any Personal Licence holder be involved in an adverse incident then a review of the matter is carried out. Should the incident be of sufficient gravity, the Personal Licence holder can be spoken to, or interviewed, and consideration given to requesting a review of their licence by the Licensing Board.

PART 3: PREVENTING THE SALE OR SUPPLY OF ALCOHOL TO CHILDREN OR YOUNG PEOPLE

Introduction

As previously detailed, one of the five objectives, as set out under Section 5 of the Licensing (Scotland) Act 2005, is

Protecting Children from Harm

To understand why children and young persons consume alcohol is a complex and wide ranging issue. The risks associated to the health of children and young persons who consume alcohol can be significant.

In addition to the health risks associated with alcohol consumption in children and young persons, there are also behavioural and offending issues. These issues range from increased violence, antisocial behaviour, increased vulnerability and susceptibility to exploitation.

Information was provided at a meeting of the Highland Licensing Forum by NHS staff in relation to alcohol and children and young persons. Although this information does not relate specifically to the Shetland period of review contained within this report (1st April 2014 to 31st March 2015) it does show a decrease in the number of 13 and 15 years old who had consumed an alcoholic drink between 2010 and 2013.

Again there was a decrease in the amount of 13 and 15 year olds who consume alcohol once a week between 2010 and 2013.

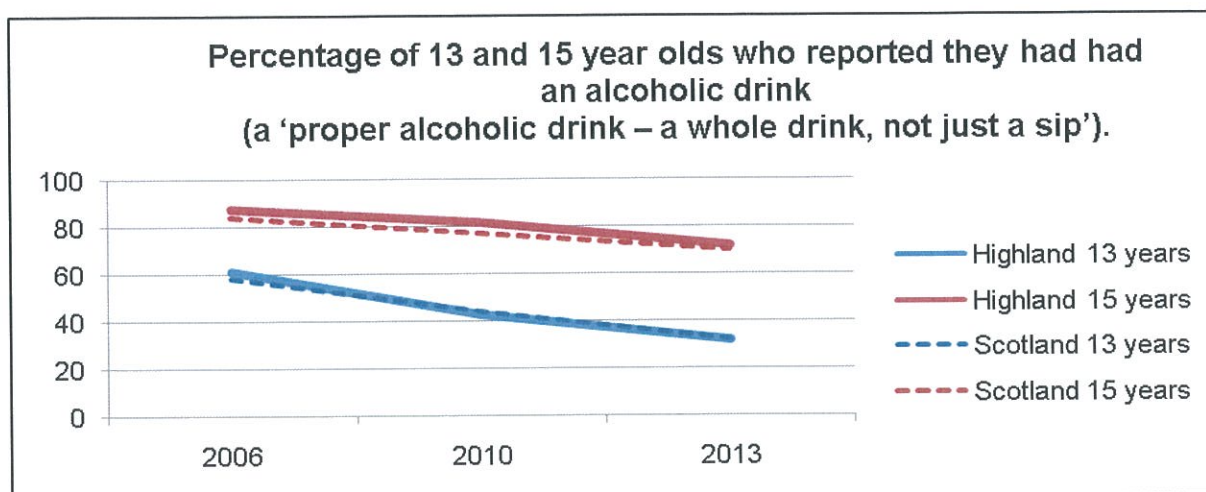
Of particular note there has been an increase in the number of 13 and 15 year olds whose parents or guardians allow them to drink at home between 2010 and 2013.

The 2013 Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS) is the latest in a national series of surveys of smoking, drinking and drug use among secondary school children. This local data presents key findings from the 2013 survey for pupils attending schools in Highland area.

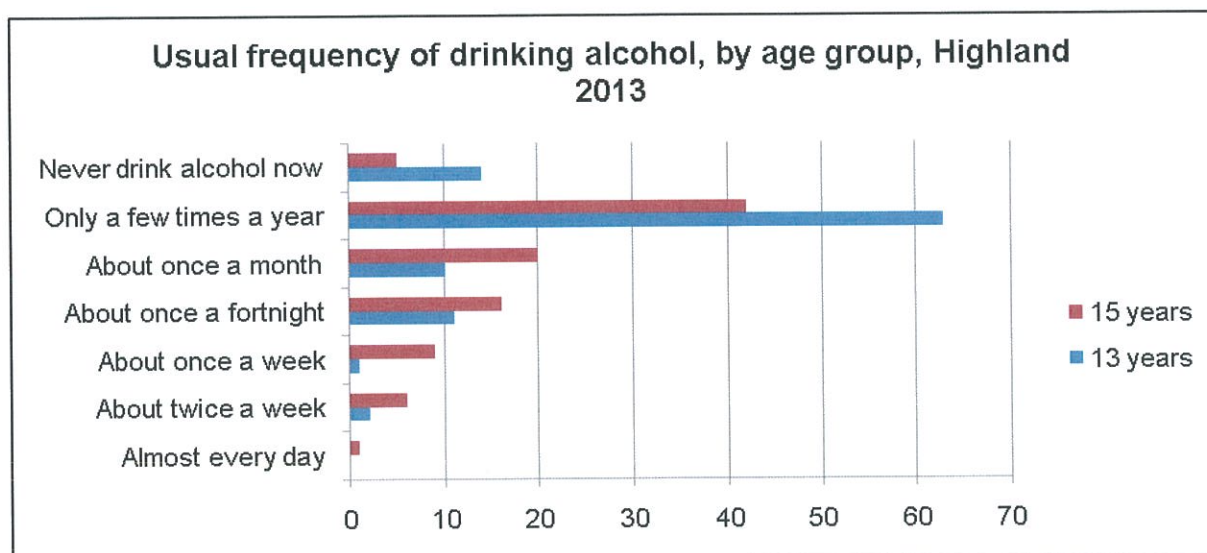
In 2013, 32% of 13 year olds and 72% of 15 year olds reported that they had had an alcoholic drink. This is a decrease from 2010 (43% of 13 year olds, 82% of 15 year olds).

In Shetland the figures for 2013 was 36% (50% in 2010) of 13 years olds and 81% (80% in 2010) of 15 year olds reported to have had an alcoholic drink in 2013. Albeit a small increase in 15 year olds there was a significant drop of 14% for 13 year olds.

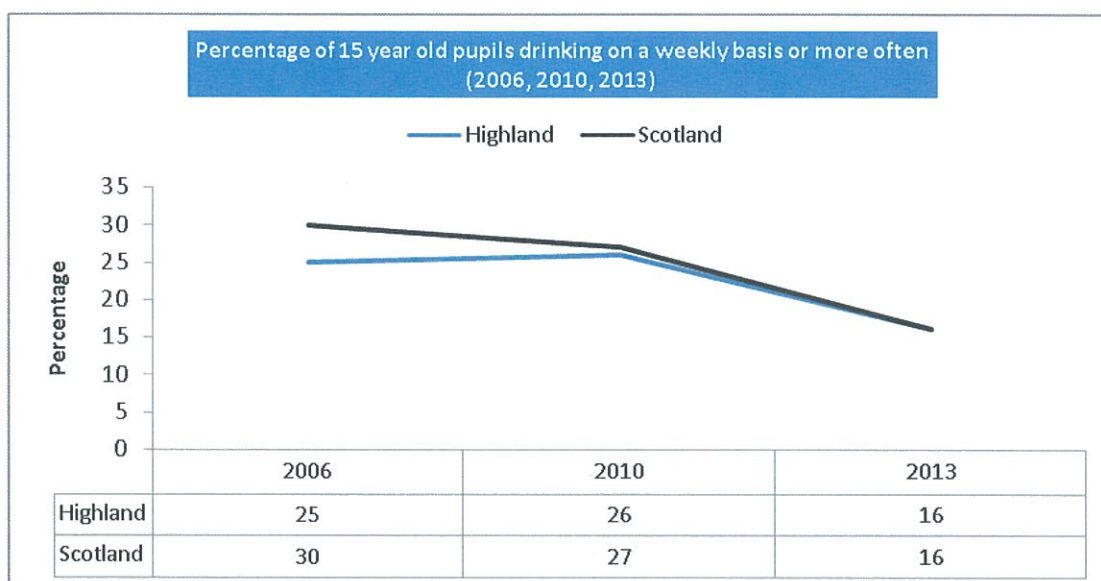
Among those pupils who had consumed alcohol, the average age when they had first drunk more than a small amount was 13 years old. In comparison to Scotland, the proportion of 15 year olds in Shetland and in the Highlands who have ever had an alcoholic drink in 2013 is higher than the national average (89% in Shetland 72% in Highland compared with 70% nationally).



In Highland 1% of 13 year olds and 9% of 15 year olds reported that they usually drink about once a week. This is a decrease since 2010 (5% of 13 year olds and 13% of 15 year olds). In Shetland these figures are 11% of 13 years olds and 22% of 15 year olds with a 4% increase in 13 year olds since 2010 and the percentage static for 15 year olds.

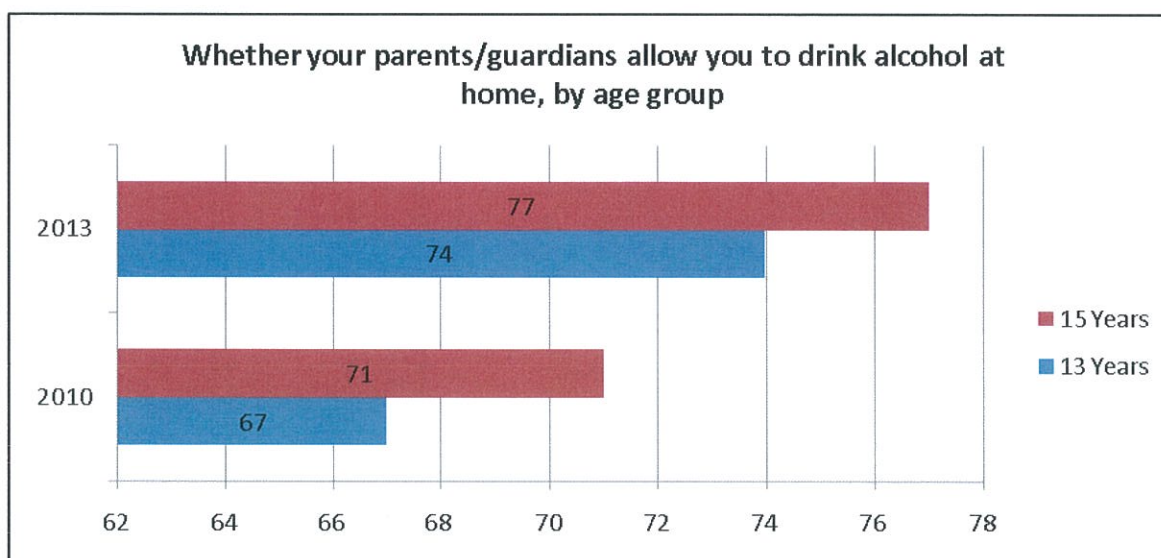


The Highland ADP area prevalence rate has decreased between 2006 and 2013 for 15 year olds who drank on a weekly basis or more. Highland is now equal to the national average. The Highland target for 2015 is to continue the trend of reducing prevalence in Highland ADP area.



Source: SALSUS, 2006, 2010, 2013

74% of 13 year olds and 77% of 15 year olds said their parents or guardian sometimes let them drink at home. This is an increase on the figures for 2010 (67% of 13 year olds and 71% of 15 year olds.)



The Police Service of Scotland utilises a computerised Vulnerable Persons Database (VPD) system which links in with partner agencies, including Social Work, Health and Education.

To further protect children from harm, in relation to alcohol, policy has been introduced that on every occasion a child is found in possession of alcohol their details are entered onto the Vulnerable Persons Database, commonly referred to as the VPD.

In addition to the child's details, the details of their parents or guardians are also entered onto the VPD. A partnership working approach is then followed whereby details will be shared with relevant agencies, such as education, health or social work, so that each agency can work together to ensure the safety of that child.

In line with Scottish Government protocol, the Police do not look to criminalise children who may be found in possession of alcohol, rather, they look to pursue any would be irresponsible licence holders who may sell alcohol to children.

In addition to test purchase operations, and pursuing those licensees who may sell alcohol to children, the drop in the previously referred to figures can also be attributed to other forms of Police intervention.

Community Police officers regularly provide inputs at schools to provide education in relation to the dangers of alcohol. Area Commanders ensure targeted high visibility mobile and foot patrols of known underage drinking hotspots.

This combination of enforcement, education and partnership working has undoubtedly had a positive impact on the reduction in children and youths abusing alcohol as detailed in the aforementioned statistics and graphs.

PART 4: TACKLING SERIOUS AND ORGANISE CRIME

Serious and Organise Crime Groups (SOCG) regularly attempt to infiltrate bona fide businesses so as to present a professional, legal and legitimate front. In addition to infiltrating established business, members of Organised Crime Groups will themselves attempt to enter into business or have a third party do so on their behalf.

Such business ventures are often established as a way of money laundering, to move proceeds of crime, or ill gotten goods, into legitimate finances.

The licensed trade is often just such an avenue. As such the Police Service of Scotland carry out a wealth of checks on applicants, both for personal or premises licences. This includes, but is not limited to, previous convictions, intelligence and financial checks. All departments within the Police Service of Scotland will share information as required to target Organised Crime Groups and use all means available to them to disrupt and deter their activities.

All procedures and processes utilised to target Serious and Organised Crime Groups are constantly under review but all lead to the same desired outcome "Keeping People Safe".

PART 5: PROPOSED ACTIVITY FOR THE COMING YEAR

Through utilisation of the new computerised data tracker computer system, Area Commanders will be able to accurately target locations of alcohol fuelled violence and disorder and utilise resources in a more focused manner. Flexible Policing units will be targeted to troublesome, or hotspot, areas through analysis of the data provided in a more accurate and efficient manner.

Associations with current Pub Watch schemes will be built upon, and those areas which do not have a Pub Watch scheme will be proactively approached with a view to developing one, so as to help reduce incidents of violent and antisocial behaviour linked to and around licensed premises.

To protect children from harm, the Licensing and Violence Reduction Department are actively working to recruit new members for use in test purchasing operations, to actively target licensees or premises which may sell alcohol to children.

Work with partner agencies, social work, health, education, Licensing Standard Officers, will continue with a view to identifying licensed premises who would supply, or individuals who may act as agents to supply, alcohol to children.