

# ◆ EDINBURGH ◆

LICENSING BOARD

## NOTICE OF MEETING

THURSDAY 6<sup>th</sup> AUGUST 2020

START TIME 3.30 pm

**NOTE – meeting to be conducted remotely, in terms of section 133 of the 2005 Act, as amended by the Coronavirus (Scotland) Act 2020**

## AGENDA

1. Preliminary matters
2. Minutes of meeting of 18<sup>th</sup> June 2020
3. Application for variation of existing premises licence – continued from 18<sup>th</sup> June 2020
4. Request for Extension of Provisional Period –
  - 57/59 High Street
5. Review of premises licence – Iona Bar, 203 Easter Road, Edinburgh
6. Chief Constable's Annual Report

Nick Smith  
Clerk of the Licensing Board

# ◆ EDINBURGH ◆

## LICENSING BOARD

Licensing Board membership:

Councillor Steve Burgess	Councillor Derek Howie
Councillor Lezley Marion Cameron	Councillor David Key
Councillor Nick Cook	Councillor Callum Laidlaw
Councillor Cammy Day	Councillor Joanna Mowat
Councillor Gillian Gloyer	Councillor Norman Work (Convener)

General information about the Licensing Board's meeting dates, Policies, etc is available online:-

<https://www.edinburgh.gov.uk/licences-permits/edinburghs-licensing-board/1>

# ◆ EDINBURGH ◆

LICENSING BOARD

## MINUTES OF MEETING (VIDEOCONFERENCE)

THURSDAY 18<sup>th</sup> JUNE 2020

**Members present:** Councillors Norman Work (Convener); Gillian Gloyer; Joanna Mowat; David Key; Steve Burgess; Callum Laidlaw; Cammy Day; Lezley-Marion Cameron

**Apologies:** Councillor Derek Howie

**Police:** Sergeant John Young, Inspector Murray Starkey

**Council Officers:** Tom Veitch (Acting Regulatory Operations Manager); Colin McCulloch (Building Standards); Nick Fraser and Morag Leck (Depute Clerks) Anna Darocha and Ciorstaidh McIver (Administrative Officers); Nicola McLaren (Senior Solicitor)

### 1. Preliminary matters

The Board agreed in terms of paragraph 12(2) of schedule 1 of the 2005 Act that it was not possible to hold the meeting in public because of reasons connected with coronavirus. The Board also agreed that in terms of section 133 of the Act that hearings would proceed on the basis of videoconferencing and /or written representations for similar reasons.

### 2. Minutes of Meeting of 30<sup>th</sup> April 2020

The minutes and decision list for the meeting of 30<sup>th</sup> April 2020 were agreed, subject to confirmation from Councillor Laidlaw that he had not been in attendance at that meeting.

### 3. Applications for variation of existing premises licences, new premises and provisional premises licences, personal licences, etc – as detailed in separate list

The Board considered applications for variation of premises licences, the decisions for which are as detailed in the list appended to these minutes.

**Declarations of interest:** None

**Divisions:** None

**NHS Lothian representations:** None

### 4. Requests for Extension of Provisional Period

#### 85/87 South Bridge

The Board noted the details of a written request to extend the provisional period for the premises at 85/87 South Bridge. The Board agreed to a one year extension

**20/30 Cockburn Street**

The Board noted the details of a written request to extend the provisional period for the premises at 20/30 Cockburn Street. The Board agreed to a six months extension

**Unit 4-5 Raeburn Place**

**Unit 6-8 Raeburn Place**

**Unit 9 Raeburn Place**

The Board heard from Mrs Loudon, Solicitor in relation to the written requests to extend the provisional periods for each of the above premises namely Unit 4-5 Raeburn Place; Unit 6-8 Raeburn Place and Unit 9 Raeburn Place. The Board thereafter agreed in respect of each request to a one year extension.

**5. Extended hours Policy - 2020**

The Board noted the terms of a report prepared by the Depute Clerk setting out the terms of the Board's Statement of Licensing Policy as regards extensions of hours during the Edinburgh Festivals period, the specific dates for which required to be confirmed by the Board each year.

The Covid-19 pandemic had resulted in the cancellation of the Festival and Fringe events for 2020. To ensure clarity for all, it was considered necessary to confirm that in the absence of these events for 2020, the extended hours period which would normally be agreed by the Board as operating between specific dates, would not apply for this year.

The Board agreed that the extended hours period which would ordinarily apply for the Festival period would not apply for 2020.

**6. Amendment to Licensing Board Scheme of Delegation**

The Board noted the terms of a report prepared by the Depute Clerk advising that the Coronavirus (Scotland) Act 2020 had extended a number of fixed statutory time limits under the Licensing (Scotland) Act 2005 to allow licence holders who were unable to meet statutory time limits for a reason related to coronavirus to be treated as having so complied in relation to the submission of applications. In some cases, these time limits could be further extended by the Licensing Board if the Board was also satisfied that the delay was due to coronavirus related reasons.

The Board was asked to agree that the existing Scheme of Delegations in relation to the Board's functions be amended to allow for applications detailed below to be accepted out with statutory limits under delegated powers.

The Board agreed to amend the current scheme of delegations to include delegations to both Board Members and the Clerk and his Deputies in relation to: -

- (i) accepting late applications for transfer under section 34 (1) of the Act where satisfied that the delay is due to coronavirus related reasons; and

# ◆ EDINBURGH ◆

## LICENSING BOARD

- (ii) accepting late applications for variations under section 54(4) of the Act where satisfied that the delay is due to coronavirus related reasons

### **7. Use and operation of outdoor areas**

The Convener confirmed he had agreed to include the item for discussion by the Board following concerns being expressed by several Board members regarding premises selling alcohol in open containers to take away whilst premises remained closed. He confirmed, as advised by the Depute Clerks, that individual premises should not be discussed.

There followed a lengthy discussion by Board members about off sales, the use and operation of outdoor areas and the announcement earlier that day by Scottish Government that no date had yet been fixed for the anticipated re-opening of external areas of licensed premises.

Members discussed the problems that had arisen at a small number of premises in the Board's area, where there had been persons congregating in the street outside because of the better weather. There had been instances of antisocial behaviour in the vicinity of some licensed premises and the question was raised about whether that was how the Board had envisaged premises providing takeaways or if it was in the spirit of guidance from Government. Concern about antisocial behaviour in the vicinity of licensed premises.

Discussion also centred around a number of other connected issues:-

- where did licence holders' responsibility stop as regards the behaviour of patrons outside their premises, particularly as to beer gardens were not yet being allowed to reopen which would otherwise provide a contained licensed area.
- the impact on businesses of outside areas having to remain closed, and the interplay between the Council's Byelaws on Public Drinking and the situation where alcohol could be bought in off sales premises and consumed in the streets, in the vicinity of on sales premises.
- the lack of available toilet provision and difficulties with on sales premises being unable to provide toilets for patrons.
- the use of open containers for the sale of alcohol by on sales premises, using their off sales provision, and how much control could be imposed on this activity and whether and to what extent police and LSOs could intervene.
- whether representations could be made to Scottish Government about the reopening of beer gardens, in view of the business pressures being felt by on sales premises.
- Whether information was available on the number of premises providing a takeaway service.

The Board heard in detail from Mr Tom Veitch, Acting Regulatory Operations Manager (with responsibility for the LSO team). The LSOs were liaising with a small number of premises, discussing their operation to ascertain safe working practices were in place. There was no condition on licences that tied in with the use of closed containers. On sales premises with off sales provision had always been able to sell takeaway alcohol. The Board might wish to think about future applications and consult with the Clerks about options available.

The current practice probably started about 5/6 weeks ago and LSOs and Police Scotland had been in touch with premises giving advice. Permission to sell off sales did not differentiate how drinks should be sold. The Police had powers under the Byelaws.

# ◆ EDINBURGH ◆

## LICENSING BOARD

He referred to toilets and explained that he also had responsibilities for Business Regulation. He referred to the Emergency Regulations. He understood the national view to be that all parts of licensed premises must be closed including toilets.

Many premises were operating using off sales including restaurants delivering food and alcohol and the LSOs were looking at issues with about 12 premises.

The Convener then invited Sergeant John Young, Police Scotland who was in attendance to address the Board.

Sergeant Young referenced background to the situation with the closure of licensed premises and the impact on the licensed trade. Premises had adhered to the requirement to close. In early stages of lockdown, the use of off sales in terms of the Regulations had allowed premises to provide for food and alcohol collection or delivery to a home address.

He referred to the Emergency Regulations and that if seating was available adjacent to premises it was considered as part of the business in terms of the Regulations. He referred to public benches immediately outside some premises being used by people congregating who were contradicting the guidelines. He explained that Police Scotland were pursuing a relationship with the trade using the 4E model. In the initial phase some premises had been in touch about excess stock and how they intended to sell as off sales. He referred to problems developing more recently in better weather, referencing issues at Portobello. The Police response had involved engaging with the public, and they could make use of the Drinking in Public Byelaws.

He had been in touch with about 15/20 premises raising concerns. He initially gave information and discussed operating models and provided further Q &A information in relation to outside their premises. He referred to causal links with the licensing objectives. A number of premises took the advice on board regarding signage, consumption at home, staff engagement and notices explaining the Byelaws. There was an issue of public behaviour. However, he would suggest there was still a responsibility on licence holders and if Police still considered a risk from way any premises operating then they may have to report premises to the Board.

Board members discussed matters further, seeking clarification on the points made by Mr Veitch and Sergeant Young around use of toilets in premises and the extent of boundaries outside premises..

Sergeant Young reiterated that several premises had been visited and offered additional guidance and been advised that further concerns as to how they were operating could be reported to the Board. The issue of toilet facilities was also being considered.

Mr Veitch also added that the move to Phase 2 meant that LSOs who had previously been working remotely were recommencing visits to premises.

Morag Leck, Depute Clerk advised the Board that the legal position as regards licensed premises providing toilet facilities was that premises were closed at the present time under the Emergency Regulations rather than by the Board and therefore the decision to reopen would be under those Regulations.

Councillor Cameron moved as a proposal that Scottish Government be contacted, to ascertain when beer gardens would be permitted to reopen, given the impact upon licence holders. It was agreed that public health concerns would be paramount. The Board thereafter unanimously agreed that the Convener should write to Scottish Government

# ◆ EDINBURGH ◆

## LICENSING BOARD

regarding the re-opening of licensed premises following circulation of a draft communication to members of the Board for approval.

The Board also agreed that further written updates from Police Scotland and the Council's Licensing Standards officers advising of complaints and visit to licensed premises over the forthcoming weekend periods would be beneficial. Sergeant Young and Mr Veitch confirmed these would be provided to the Depute Clerks for circulation.

NOTE: The Convener subsequently wrote to Scottish Government as agreed.

Police and LSO reports were subsequently circulated to Board members for consideration.

# ◆ EDINBURGH ◆

LICENSING BOARD

## DECISION LIST – APPLICATIONS CONSIDERED ON 18 JUNE 2020

No	Reference	Applicant	Agent Details	Premises	On Sale	Off Sale	On & Off Sale	Remarks	Decision
1.	430230	Lidl Great Britain Limited	Harper Macleod LLP The Ca'd'oro, 45 Gordon Street, Glasgow, G1 3PE	Lidl, 160 West Granton Road, Edinburgh, EH5 1PE	No	Yes	No	Extend store and increase in display capacity for alcohol.  CC LSO BSR	GRANTED
2.	428754	Lidl Great Britain Limited	Licensing Team Lidl Distribution Centre, Palmer Avenue, Severn Beach, Bristol, BS35 4DF	Lidl, 56-58 Nicolson Street, Edinburgh, EH8 9DT	No	Yes	No	Increase capacity of alcohol display.  CC LSO BSR	GRANTED
3.	428755	Lidl Great Britain Limited	Licensing Team Lidl Distribution Centre, Palmer Avenue, Severn Beach, Bristol, BS35 4DF	Lidl, 11 Logie Green Road, Edinburgh	No	Yes	No	Increase capacity of alcohol display.  CC LSO BSR	GRANTED



# ◆ EDINBURGH ◆

## LICENSING BOARD

4.	429571	Scottish Midland Co-Operative Society Limited	Anderson Strathern LLP 1 Rutland Court, Edinburgh, EH3 8EY	Scotmid, 1a Hillwood Road, Newbridge, EH28 8PU	No	Yes	No	Include recorded music both during and outwith core licensed hours; increase trading hours.  CC LSO	GRANTED  Music condition – no audible nuisance
5.	429418	Tesco Stores Limited	Pinsent Masons LLP 141 Bothwell Street, Glasgow, G2 7EQ	Tesco Express, 59 Holyrood Road, Edinburgh, EH8 8AU	No	Yes	No	Increase in capacity of alcohol display.  CC LSO BSR	GRANTED
6.	426888	The Edinburgh Woollen Mill Limited	TLT LLP Gf, 80 Hanover Street, Edinburgh, EH2 1EL	The Edinburgh Woollen Mill, 371 High Street, Edinburgh, EH1 1PW	No	Yes	No	Allow for activities to take place outwith core licensed hours, without the sale of alcohol.  CC LSO BSR	GRANTED  Music condition – no audible nuisance

# ◆ EDINBURGH ◆

## LICENSING BOARD

7.	429638	Trust Inns Limited	John Gaunt & Partners Omega Court, 372 Cemetery Road, Sheffield, S11 8FT	Dukes Head, 31 Duke Street, Edinburgh, EH6 8HH	No	No	Yes	Commence sale of alcohol from 11:00 on Sundays; add bar meals as an activity; allow access for children.  CC LSO BSR	CONTINUED  Board wanted to be provided with more information about proposed children and young persons' access – agent to explore possibility of video walkthrough
8.	430155	Premier Inns Hotels Ltd	John Gaunt & Partners Omega Court, 372 Cemetery Road, Sheffield, S11 8FT	Edinburgh City Centre Premier Inn, 121/123 Princes Street, Edinburgh, EH2 4AD	No	No	Yes	Amend address to 121/123 Princes Street; amend description; increase capacity.  CC BSR	GRANTED

### Provisional Premises licence extension requests:-

Premises	Licence Holder	Agent	Decision
85-87 South Bridge	Soco Catering Co. Limited	Macdonald Licensing	Agreed – 1 year
20-30 Cockburn Street	Mr Umran Akbar	Macdonald Licensing	Agreed – 6 months
Unit 4-5 Raeburn Place	Raeburn Place Development Ltd	TLT Licensing	Agreed – 1 year
Unit 6-8 Raeburn Place	Raeburn Place Development Ltd	TLT Licensing	Agreed – 1 year
Unit 9 Raeburn Place	Raeburn Place Development Ltd	TLT Licensing	Agreed – 1 year

## APPLICATION TO EXTEND PROVISIONAL PERIOD

### 1. Purpose

- 1.1 To ask the Board to consider an application to extend the provisional period for a provisional premises licence, received during Coronavirus lockdown.

### 2. Main Report

- 2.1. In terms of section 45(6) of the Licensing (Scotland) Act 2005, a provisional premises licence is granted for a period of four years from the date of issue of the licence. If not confirmed before the end of the provisional period, the licence is revoked, by operation of the Act. Confirmation is obtained upon receipt by the Licensing Board of clear section 50 certificates (Planning, Building Standards and, where necessary, Food Hygiene).
- 2.2. In terms of section 45(7) of the Act, a provisional premises licence holder may apply to the Board before the end of the provisional period, requesting an extension by such further period as the Board considers appropriate.
- 2.3. In granting such an extension, the Board must be satisfied in terms of section 45(8) of the Act that (a) completion of the construction or conversion of the premises to which the licence relates has been delayed and (b) the delay has been caused by factors outwith the premises licence holders' control.
- 2.4. During the Coronavirus lockdown period, a number of applications to extend provisional periods have been received. In the absence of a specific delegation, these applications require to be considered by the Board.
- 2.5. The Coronavirus (Scotland) Act 2020 provides for a six month extension to the provisional period where this is the first such extension and where it is for coronavirus-related reasons. While there are anticipated to be such reasons in each of the attached applications, the attached request is not a first-time extension request. The application therefore requires to be considered by the Board in terms of the 2005 Act.

### 3. Recommendation

- 3.1 In the event the Board is satisfied with the reasons given, the Board is asked to reach a decision on the duration of any extension of the provisional premises licence.

APPLICATION TO EXTEND PROVISIONAL PERIOD

**4. Background Papers**

4.1 Individual requests attached, for 57/59 High Street.

**Depute Clerk of the Licensing Board**

## PREMISES LICENCE REVIEW HEARING – THE IONA BAR, 203 EASTER ROAD, EDINBURGH

### 1. Purpose

- 1.1 To advise the Board of the requirement to hold a hearing on a premises licence review application for the premises The Iona Bar, 203 Easter Road, Edinburgh.
- 1.2 To set out the options available to the Board, if it considers it necessary for the purposes of the licensing objectives to take any action with the premises licence.

### 2. Main Report

- 2.1. The grounds for review of a premises licence are:-
  - (a) that one or more of the licensing conditions has been breached;
  - (b) that having regard to the licensing objectives the premises licence holder is not a fit and proper person to hold the licence; or
  - (c) any other ground relevant to the licensing objectives:-
    - preventing crime and disorder,
    - securing public safety,
    - preventing public nuisance,
    - protecting and improving public health, and
    - protecting children and young persons from harm.
- 2.2. The Board may reject an application for review if it is considered that it is vexatious or frivolous, or that it fails to disclose matters relevant to the statutory grounds for review. The Board's Statement of Licensing Policy provides that this decision may be taken by the Convener. The details of the application for review of The Iona Bar were forwarded to the Convener for consideration and he agreed that the application should be reported to the Board for a premises licence review hearing.
- 2.3. The application has been submitted by Police Scotland. The premises licence holder is Om Par Limited and the manager of the premises is Tracey O'Brien, holder of a personal licence issued by the Board. Details of the review application were forwarded to the Council's Licensing Standards Officers and an LSO report has been provided for the Board.
- 2.4. In carrying out a review hearing, the Board should hear from the applicant and then hear from the Licence holder or their representative in response. At the conclusion of the hearing if the Board is satisfied that it is necessary or appropriate for the purposes of any of the licensing objectives the Board can take any of the following steps:-
  - (a) issue a written warning;
  - (b) make a variation of the licence;
  - (c) suspend the licence for such period as the Board may determine;
  - (d) revoke the licence.
- 2.5. If in the course of a hearing the Board makes a finding that any personal licence holder who is or was working in the premises has

PREMISES LICENCE REVIEW HEARING – THE IONA BAR, 203 EASTER ROAD,  
EDINBURGH

acted in a manner which is considered to be inconsistent with any one or more of the licensing objectives, the Board must hold a hearing on the personal licence. Any such hearing would be scheduled for a later date.

**3. Recommendation**

3.1 The Board is required:-

- (a) to hold a premises licence review hearing;
- (b) to decide at the conclusion of the hearing what action requires to be taken, having regard to the licensing objectives;

**4. Background Papers**

- 4.1 Application for review of premises licence, dated 22<sup>nd</sup> June 2020
- 4.2 LSO report, dated 3<sup>rd</sup> August 2020

**Depute Clerk of the Licensing Board**



**POLICE  
SCOTLAND**

Keeping people safe

CHIEF CONSTABLE'S REPORT TO THE  
EDINBURGH LICENSING BOARD  
FOR THE PERIOD  
1<sup>ST</sup> APRIL 2019 to 31<sup>ST</sup> MARCH 2020

## **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 accustomed to in the Edinburgh 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



## **Police Scotland Licensing Overview**

### **LICENSING BOARD AREA**

The Licensing Board area is policed by Edinburgh Division.

Chief Superintendent Sean Scott 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 E Division for 2020-2023, are set out in our Local Policing Plan (LPP), and are as follows:

- Addressing violence
- Reducing drug harm and targeting supply
- Tackling housebreaking and acquisitive crime
- Dealing with disorder and antisocial behaviour
- Making our roads safer

As part of the 3 year LPP, Edinburgh Division will continue to focus on alcohol related violence and disorder, recognising that education, prevention, partnership work and robust policing are key factors in reducing crime and disorder in this area.

### **Senior Officers**

The senior officers who hold responsibility for licensing within the area of E Division are as follows;

Head of Department: T/Superintendent David Robertson - Specialist Operations  
Chief Inspector Murray Starkey - Partnerships and Events

The Licensing Department is based at St Leonard's police station and consists of:

Inspector Robert Innes, Sergeant John Young, 3 Police Constables and 4 Divisional Licensing Administrators.

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

Alcohol permeates a wide range of issues in our society and is often a causal factor in violence, domestic abuse and anti-social behaviour; incidents that the Police Service of Scotland deal with every day across the country. We seek to ensure that legislation governing the sale and supply of alcohol is applied consistently across the division and all opportunities are taken to address the illegal or irresponsible sale, supply or consumption of alcohol. This is with the intention of preventing violent crime and disorder. The application of alcohol legislation continues to evolve through case law,

statutory instruments and local board decisions. As such, policing tactics require flexibility to keep pace with these changes.

Our focus is to 'Keep People Safe' and we seek to reduce the negative impact that alcohol has on our communities. This is achieved through encouraging the responsible sale and supply of alcohol in well-run licensed premises, taking positive action to stop the irresponsible supply of alcohol to children and young persons and preventing the over-supply to individuals already intoxicated in licensed premises.

This report details how Edinburgh Division has carried out this function in 2019/20.

### **Edinburgh Licensing Board Statistics 2019/20**

The Edinburgh Licensing Board area had 7059 personal licence holders and 1898 premises licences (428 on sale, 471 off sale and 999 on and off sale) in force as at 31<sup>st</sup> March 2020.

### **Summary of Applications, Premises and Personal Licence Reviews**

#### **Section 20 - Application for premises licence**

Each application received from the Licensing Board is scrutinised by staff in the Divisional Licensing Team and where relevant, objections and representations are made to the Board, paying particular attention to both relevant convictions and the five licensing objectives.

- Preventing crime and disorder.
- Securing public safety.
- Preventing public nuisance.
- Protecting and improving public health.
- Protecting children and young persons from harm.

Within the limits of what the legislation permits, the Chief Constable will always endeavour to bring all relevant information before the Board to afford the fullest picture of the applicant/application to be considered in any subsequent deliberations.

In the year 1 April 2019 to 31 March 2020, the following applications were received and processed by the police licensing team for consideration of the Edinburgh Board.

Type of application	No.	No. of Police Representations	No. of Police Objections	Granted	Partially Granted / Amended	Refused	Withdrawn
New Premises Licence	4	4	0	4	N/A	0	0

**OFFICIAL**

Provisional Premises Licence	63	63	0	61	N/A	0	2
Major Variations	93	72	0	54	36	0	3
Transfers	111	1	0	98	0	0	13

### **Section 56 - Occasional Licences**

Due to the festival and festive seasons along with other significant all year round events, Edinburgh is a popular venue for pop up bars. During consultation of the Board's Statement of Licensing Policy, recommendations were made to ensure that such bars do not become a permanent fixture and are licensed only for the duration of the specific festival / event period. Police Scotland welcomes the Board's recognition of this within the new Policy Statement and during subsequent deliberations.

In addition, working in partnership with the Licensing Standard Officers (LSO's), the licensed trade and City of Edinburgh Council Licensing department, a set of 'pool conditions' have been adopted, covering conditions regularly requested by police and LSO's. Since introduction, these conditions have assisted in significant efficiency savings in terms of administration and improved understanding by applicants of conditions likely to be requested by statutory consultees.

In the year 1 April 2019 to 31 March 2020, the following applications were received and processed by the police licensing team for consideration of the Board, an increase of 106 applications on the previous year.

Type of application	No.	No. of Police Representations	No. of Police Objections	Granted	Refused	Withdrawn
Occasional	3799	2530	3	3783	0	16

### **Section 68 – Extended Hours Licences**

During consultation of the Board's Statement of Licensing Policy, recommendations were also made in respect of extended hours applications. Police licensing has noted a significant improvement in terms of quality of information received to assist in determining whether or not such extended hours are justified and further, following initial adjustments, the majority of applicants are now seeking one hour extensions as per the new Board policy as opposed to previously two hours or longer. Police objections relate to the granting of additional hours that were outwith those normally permitted, deemed to be contrary to the Board's licensing policy and/or detrimental to the licensing objectives.

**OFFICIAL**

In the year 1 April 2019 to 31 March 2020, in addition to the seasonal variations in respect of extended hours, the following applications were received and processed by the police licensing team for consideration of the Board.

Type of application	No.	No. of Police Representations	No. of Police Objections	Granted	Refused	Withdrawn
Extended Hours	513	359	45	421	55	37

This shows an increase of 179 applications on the previous year and is due to the Rugby World Cup taking place earlier in the year. The Board refused 21 more applications than the previous year and in addition the number of applications withdrawn increased by 25 on the previous year.

**Section 72 - Personal Licence Applications**

In line with the section above regarding premises applications, close scrutiny is made by the Divisional Licensing team paying particular attention to relevant convictions and the five licensing objectives.

In the year 1 April 2019 to 31 March 2020, the following applications were received and processed by the police licensing team for consideration of the Board.

Type of application	No.	No. of Police Representations	No. of Police Objections	Granted	Refused	Withdrawn
Personal Licences	1656	18	6	1601	23	31

**Crime and Disorder during the Night Time Economy (NTE)**

Excessive consumption of alcohol is a significant factor in levels of crime and disorder, particularly during the NTE. This manifests itself in public space violence and disorder in areas densely populated with licensed premises or private space crime where individuals consume large quantities or cheaper alcohol from off sales.

Alcohol fuelled crime is most visible at weekends within the City Centre. In order to manage this 'Operation Nightguard', a dedicated policing plan, is implemented every Friday and Saturday night to focus on the NTE. The detail can vary but generally comprises a minimum of 2 sergeants and 30 police officers in addition to regular shift officers and partners and can be supplemented by an additional 10 officers when particular events dictate. This resource is necessary to retain a visible police presence in the City Centre due to the high level of alcohol fueled crime and antisocial behaviour. The operation is also supported by an Edinburgh Licensing Standards Initiative (ELSI)

**OFFICIAL**

Police officer who works closely with licensed premises in the city providing support to the Best Bar None, Think Twice initiatives and local Pub Watches.

Partnership assistance comes in the form of patrols by Environmental Wardens, use of council CCTV, Taxi Marshalls and support from Street Pastors and the Street Assist Edinburgh project. The Street Assist initiative, delivered by a group of 40 volunteers, provides help and support to vulnerable persons and assist in matters from homelessness to becoming separated from friends on a night out. The project greatly assists the emergency services during the busy times within the city's night time economy.

**Drunkenness/Disorder Offences**

Over the reporting period 2019-20, the following licensing offences relating to drunkenness and disorder were recorded for the Board area:

<b>Offence</b>	<b>2018-19</b>	<b>2019-20</b>
Section 111 Drunk persons entering or in premises on which alcohol is sold	<b>0</b>	<b>0</b>
Section 111(2) Drunk and Incapable on relevant premises	<b>1</b>	<b>0</b>
Section 112 Obtaining alcohol by or for a drunk person	<b>1</b>	<b>0</b>
Section 113 Sale of alcohol to a drunk person	<b>1</b>	<b>0</b>
Section 114 Premises manager, staff not to be drunk	<b>1</b>	<b>0</b>
Section 115 Drunk/Disorderly conduct on premises	<b>16</b>	<b>9</b>
Section 116 Refusal to leave licensed premises	<b>38</b>	<b>32</b>
Section 138 Obstructing Constable entering premises	<b>1</b>	<b>0</b>
<b>Total</b>	<b>59</b>	<b>41</b>

*There has been a notable reduction of 18 offences in comparison to the 2018-19 figures and is an encouraging trend following on from previous years. This reduction may in part have been achieved through the work of Police Scotland and partners engaging with premises management and being visible within and around licensed premises, so that any emerging issues are being dealt with at an early stage by the premises.*

**Off Sales**

In Edinburgh, alcohol is sold as off-sales from a wide range of outlets, supermarkets, convenience stores, garages, off-sales and speciality shops.

Minimum Unit Pricing (MUP) was introduced to address concerns regarding unregulated levels of consumption in the home leading to health harm. Experts suggest that the main driver for change in consumer behaviour is cost, with alcohol prices significantly lower per unit in off-sales outlets. These cheaper prices can lead to preloading – persons drinking large quantities of alcohol prior to going out to pubs, bars and clubs.

Since the introduction of MUP, there has been no evidence to suggest any rise in theft of alcohol in Edinburgh Division.

### Summary of other offences committed

Offence	Total 2018-19	Total 2019-20
Section 1 Unlicensed sale of alcohol	<b>3</b>	<b>0</b>
Section 63 Sale or supply out-with licensed hours	<b>1</b>	<b>0</b>
<b>Total</b>	<b>4</b>	<b>0</b>

### Section 94 - Think Twice Bail / Exclusion Orders

When an individual is charged with a violent offence on licensed premises within the Edinburgh city centre ward, a senior officer will consider the offence and decide whether a 'Think Twice' bail condition is justified, proportionate and necessary in the circumstances. The bail condition prevents the person from entering or attempting to enter any licenced premises within Edinburgh city centre ward where the licence permits the sale and consumption of alcohol on any part of the premises. A request is made to the Procurator Fiscal seeking a continuance of the conditions until the case is concluded. The reporting officers also seek an exclusion order within the Police report, requesting that the accused person be excluded on conviction from licensed premises in the area where the offence was committed, for a period of time the court sees fit.

### Section 97 - Closure Orders

There have been no closure orders implemented during the reporting period.

### The Intervention Process

A great deal of work is undertaken to prevent crimes and offences occurring in and around licensed premises. Police Scotland actively work with the licensed trade to problem solve issues at an early stage. In the majority of cases, issues are successfully resolved through communication and advice.

Where issues do emerge Police Scotland uses an incremental process as part of our operational policing toolkit. This is designed to assist premises management to address matters and to reduce and prevent the recurrence of alcohol fuelled violence, and other incidents of note which are directly linked to their premises. These measures, if adopted, reduce the necessity for an application to be made for a review of a premises or personal licence. Incidents connected to licensed premises are monitored daily by the licensing team to establish whether any of the licensing objectives have been compromised or where other management/ licensing issues require to be addressed or improved. Police Officers submit an Inspection of Licensed Premises Report via the Innkeeper Licensing IT system on every occasion they are called to attend an incident at licensed premises or following a proactive visit. Particular focus is placed upon violence, disorder, antisocial behaviour, drunkenness, drug dealing or misuse, underage drinking, breaches of licensing legislation and any other matter that might impact on the safety of the public. An incremental process allows for these emerging issues to be addressed quickly and effectively at an early

**OFFICIAL**

stage, reducing the likelihood of escalation and recurrence. In most cases the issues can be successfully resolved through communication and advice. Premises are generally keen to take on board licensing advice and recommendations made.

The level of engagement from within the Edinburgh trade is very good. However, where necessary, the process allows for elevated intervention to support premises where a need has been identified. Often this will involve an agreed action plan for improvements to resolve the issue(s). This is frequently undertaken in conjunction with tasked, supportive visits to the premises by officers in order to discuss and examine the issues in more detail. These visits are designed to support staff and reassure patrons. Should the second stage not bring about the necessary changes, or be otherwise unsuccessful, the next stage is the submission of a premises licence review application for the attention and consideration of City of Edinburgh Licensing Board.

The intervention system is ultimately designed to support the licence holder before any premises review is sought, although a serious or significant incident may merit an immediate review application without any recourse to the use of an intervention. Every intervention agreement follows SMART objective settings:

**Specific, Measurable, Achievable, Realistic and Timed.**

<b>Intervention Process - Stages</b>	
<b>No Action</b>	An incident review has highlighted no issues regarding the management of the premises or licensing legislation. No further police action.
<b>Green – Monitored</b>	The premises have come to note for a minor issue and require to be monitored. This may result in an informal intervention providing advice / support to the premises along with police visits.
<b>Amber – Intervention</b>	Issues have arisen and an intervention action plan/agreement is drawn up by the police and implemented by the licence holder to resolve them. This action may be taken with more serious or repeat issues.
<b>Red - Problematic</b>	Premises are operating in a manner inconsistent with the licensing objectives or outwith the terms of their licence. Where local police intervention and support has failed or is unlikely to succeed in resolving the issues, a premises review request to the licensing board is considered the most appropriate way to address the issue.

The following table illustrates the number of premises within each of the categories that were subject to the intervention process during the reporting year.

<b>Intervention Process - Stages</b>	
<b>Green - Monitored</b>	<b>11</b> licensed premises were the subject of monitoring
<b>Amber – Intervention</b>	<b>7</b> licensed premises were the subject of intervention action plans
<b>Red - Problematic</b>	<b>1</b> Premises was identified as problematic and <b>1</b> Premises Review application was submitted to the Board.

### **Section 36 - Application for Review of Licence**

**1** premises licence review application was submitted by Police Scotland in respect of an off-sales premises under the crime and disorder licensing objective.

The application was made detailing the steps taken to try and resolve the issues including intervention with the Premises licence holder and Designated Premises Manager. It contained disclosable evidence showing serious management failings and criminality associated with the premises which was incompatible with licensing objectives. On 2<sup>nd</sup> April 2019 the grounds for review were upheld. The Board took the unanimous decision to revoke the licence.

The Board also made findings during the premises licence review hearing that the personal licence holder had acted in a manner which was inconsistent with the licensing objectives and, following a subsequent hearing, the personal licence was also revoked.

### **Section 84 - Personal Licence Reviews**

The Licensing Team maintain an overview of the number of current Personal Licence Holders who are reported and convicted with any relevant offences. Over the reporting period, **3** such licence holders were convicted of relevant offences resulting in the Police submitting notification of conviction letters to the Board. The Board took the decision to endorse these licences.

**2** personal licence reviews under Section 84A of the Act were sought during this reporting period, resulting in the revocation of one of the licences. No further action was taken in respect of the other.

### **Partnerships**

The licensing team, supported by local policing officers, have promoted the Police Service of Scotland's Force Priorities in conjunction with the five licensing objectives and the overarching principles and aims of the Licensing (Scotland) Act 2005.



## OFFICIAL

The Licensing Team enjoy a positive working relationship with the Licensing Standards Officers (LSO's). Both teams meet on a regular basis to share information and over the reporting period there were numerous joint inspections of licensed premises in the Board area. Specific areas of concern which often prompts such visits are: information about lack of premises management, concerns around poor management and compliance with conditions relating to CCTV.

A key aspect of partnership working with LSO's is during the planning phase for major and large scale events. This allows a joint working approach regarding the submission of Alcohol and Drug Management Plans by event organisers and any representations to be made to the Licensing Board in relation to conditions that may require to be attached to any plan. Furthermore, having LSO's deployed alongside Police officers at events to undertake visits to licensed premises greatly enhances the ability to interact with the licensing trade.

Edinburgh Division Licensing Department works in partnership with the following groups and organisations to jointly improve local licensing issues:

- Edinburgh Licensing Forum;
- Licensing Standards Officers;
- Edinburgh Drug and Alcohol Partnership;
- Edinburgh Community Safety Partnership;
- Street Assist;
- Pubwatch initiatives;
- Best Bar None initiative;
- Community Alcohol Partnership initiative (CAP);
- Security Industry Authority;
- NHS Lothian;
- Scottish Ambulance Service;
- Scottish Fire and Rescue Service;
- Immigration;
- HMRC;
- Gambling Commission

### **Best Bar None Initiative**

Best Bar None (BBN) is a National accreditation and award scheme aimed at raising standards and rewarding licensed premises who undertake positive management practices in support of a great and safe night out. The scheme is supported by City of Edinburgh Council, Police Scotland, the Scottish Fire and Rescue Service, the Scottish Government, the Scottish Business Resilience Centre and the Scottish Licensed Trade Association.

- Best Bar None recognises venues who are offering a quality experience focusing on safety and customer care and aims to:
  - Reduce Alcohol related harm, disorder and crime.
  - Establish a benchmark of good practice in on-sales premises.

## OFFICIAL

- Identify and reward responsible operators and share good practice with others.
- Create consistency of standards throughout Scotland with which to underpin the alcohol harm strategy.

Police Scotland are fully supportive of this initiative and the licensing department and Community Policing Teams work closely with Licensing Standard Officers (LSO's) to raise awareness and to promote and encourage premises to take part in the scheme.

As in previous years, supported by the Board, a joint licensing seminar with Police Scotland and LSO's is being arranged to further raise the profile of BBN and build upon the success of previous seminars working in partnership with the licensing trade. In recent years Edinburgh venues participating in the scheme have notably won national awards.

Tackling sexual violence is a priority for Police Scotland and delivery of initiatives supporting both local and national prevention have been enthusiastically supported by Edinburgh's licensed trade. As part of the Summer City policing initiative all licensed premises in the city were visited or supplied with information and resources by both police and LSO's in respect of the following:

### **'Ask for Angela' Initiative**

The Ask for Angela initiative seeks to help people who are on a date or who have met someone at a venue and feel unsafe to get help from bar staff. The initiative aims to reduce sexual violence and vulnerability by providing customers with a non-descript phrase they can use to get the attention of staff members who can help separate them from the company of someone with whom they feel unsafe due to that person's actions, words or behaviour. In addition the campaign was further enhanced utilising social media messaging and an online victim impact recordings. There were nearly 20,000 viewings in the initial phase of the campaign.

### **'Put a lid on it' Initiative**

The 'Put a lid on it' campaign' is aimed at preventing drinks from being spiked.

### **'Bystander' training**

Bystander training inputs involve providing a presentation highlighting the potential vulnerability of patrons frequenting licensed premises. The training aims to provide understanding and support to make it easier for bar and door staff to spot when to intervene inside and outside venues as well as provide an insight into young people attending colleges and Universities.

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

Police Scotland can make a positive impact on the future outcomes for children and families, by addressing the sale and supply of alcohol to young persons via problem

## OFFICIAL

premises or by proxy (agent purchase). Working with our partners, we take appropriate action to address both the potential and actual misuse of alcohol within early years.

Edinburgh Division continue to conduct both high visibility and plain-clothes patrols providing support to premises as well as detecting offenders who are reported for licensing offences.

Edinburgh Community Alcohol Partnerships (CAP) have continued to expand across the division and maintained their successful work during the reporting period to prevent underage sales through education and partnership work with licensees.

Building on the success of the multi-agency campaign 'Operation Savana' in Leith which targetted proxy purchasing in 2016, it is intended during the year ahead to run a similar campaign 'Don't Pay for It' across the whole of Edinburgh.

The campaign's aims are;

- Raise awareness of the potential consequences of proxy alcohol purchases
- Reduce the number of proxy purchases of alcohol for under 18's
- Protect children and young people from harm
- Detect related offences
- Prevent crime and anti-social behaviour
- Keep our communities safe

Campaign information packs will be distributed to relevant off-sales premises across the division.

Police Scotland has the capability to carry out test purchase operations on an intelligence led basis. When intelligence is received about premises selling alcohol to persons under 18, the first stage in the process is to issue a warning letter to the premises. This is usually hand delivered by a member of the police licensing team who will inspect the premises and discuss expectations regarding the responsible sale of alcohol with the licensee. Only when intelligence continues to be received should a test purchase operation be implemented.

Edinburgh Police licensing continues to work with licensees to tackle the use of counterfeit, borrowed or stolen identity documents as proof of age to enter licensed premises and purchase alcohol.

Edinburgh Division is committed to continuing to engage with the community, in particular with schools through our school link officers and educational establishments, to raise awareness of vulnerability and risk associated with the consumption of alcohol.

Over the reporting period 2019-20, the following licensing offences relating to the Sale or Supply of Alcohol to Children or Young People were recorded in the Board area:

**OFFICIAL**

<b>Offence</b>	<b>Total 2018-19</b>	<b>Total 2019-20</b>
Section 102 Sale of alcohol to a child or young person	<b>2</b>	<b>0</b>
Section 103 Allowing the sale of alcohol to a child or young person	<b>2</b>	<b>0</b>
Section 104 Buy alcohol for a child or young person	<b>4</b>	<b>5</b>
Section 105 Purchase of alcohol by or for a child or young person	<b>0</b>	<b>0</b>
Section 106 Consumption of alcohol by a child or young person	<b>0</b>	<b>0</b>
<b>Total</b>	<b>8</b>	<b>5</b>

## **TACKLING SERIOUS AND ORGANISED CRIME**

Serious and organised crime has far reaching consequences that affect a large proportion of society and the economy. Those involved have spread their activity into an increased variety of criminal enterprises including illegal drugs, money laundering, fraud, human trafficking, fake goods and the licensed trade.

It is important to highlight that all applications submitted in respect of the Licensing (Scotland) Act 2005 are scrutinised in terms of the applicant (whether individuals or companies), the premises and the activity applied for to minimise the risk of organised criminals infiltrating the licensed trade.

Serious and Organised Crime Groups (SOCG) present a clear threat to the licensed trade in Edinburgh. Police continue to target known criminality in this area as well as attempting to reduce the opportunity for individuals to exploit legitimate licensing opportunities for their own illegitimate means.

Edinburgh Division Licensing Department works closely with the Divisional CID Proactive team as well as the Organised Crime and Counter Terrorism Unit (OCCTU) to act at the earliest opportunity to disrupt criminals who are believed to be running or involved in licensed premises. Where this can be evidenced, police licensing will provide the Licensing Board with information in an attempt to prevent or remove known criminals from premises.

Currently, there are a number of SOCGs being managed by the Division with some having a known interest in a business requiring some form of licence to operate. Such involvement presents a clear opportunity to launder criminal proceeds. We are very much at the intelligence gathering stage and will always take any opportunity to carry out enforcement action around those individuals or businesses.

Edinburgh Division continues to carry out targeted premises visits to ensure that they operate in line with licensing legislation. Such visits may also involve partner agencies including HMRC, Council LSO's, Council Environmental Health, Fire Service, DVLA, SIA and Immigration. During the reporting period, there have been joint initiatives with Immigration enforcement to tackle illegal workers within licensed premises and the Fire Service to improve safety in establishments.

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

Violence and disorder significantly affects individual victims and the wider community through instilling fear, impacting also on the residential desirability and economy of the area concerned. The link between violence, disorder and alcohol is well established. Specific activity for 2020-21 includes:

- Edinburgh division in partnership with other agencies will carry out operations aimed at problem licensed premises and their environs, particularly where violent crime has occurred. We will use intelligence processes to identify hot spots for violence and develop action plans to target known problem areas.
- We will continue to target premises highlighted for misuse of drugs or other criminal activity through searches under warrant or proactive joint inspections, utilising specialist departments including drugs dogs and CID where appropriate.
- We will work with partners to provide evidence to the Licensing Board in an attempt to responsibly control the number of alcohol licences issued for an area. We will continue to promote and increase licensed premises visits.
- We will continue to raise objections, representations and other concerns when appropriate.
- We will continue to engage with all partners involved in the licensed trade and work together with them to uphold the five licensing objectives and the spirit of the 2005 Act to ensure the safety and wellbeing of the people of Edinburgh.
- We will continue working in partnership with other agencies and Licensing Forum to support the delivery and outcomes of the Edinburgh Alcohol and Drug Partnership alcohol strategy, it's vision being that '*Edinburgh is safe, healthy and has a culture of low risk drinking. The city is socially, economically and culturally vibrant and alcohol consumption is incidental to the good quality of life that people enjoy.*'
- We will continue working with partners to provide support and deliver the proxy purchasing 'Don't Pay for It' campaign in respect of off-sales premises.
- We will continue to embed and audit the new national licensing IT system Innkeeper within the division to further enhance the management of liquor and civic licensing records, documentation and information. The continued assistance obtained from City of Edinburgh Council is very much appreciated by Police Scotland. It is anticipated that this effective collaboration between the parties will continue to ensure that this valuable national resource remains fit

**OFFICIAL**

for purpose and significantly improves the information available to assist with informed decision making.

- We will engage 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. The aim is the delivery of safe and enjoyable events that achieve strategic objectives and comply with legislation.
- We will work closely with our City of Edinburgh Council locality leadership teams and work together on the locality improvement plans and carry out actions in relation to the priorities set around alcohol misuse.

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.