

# West Lothian Licensing Report 2022-2023



**POLICE  
SCOTLAND**  
Keeping people safe

## **Foreword**

It gives me great pleasure to provide the Annual Licensing Report for 2022/23, in accordance with Section 12(A) Licensing (Scotland) Act 2005.

Police Scotland has continued to achieve success by focussing on prevention, early intervention and enforcement. This has been made far more effective with the continued support of the many active partnerships that exist within the 32 Local Authorities across Scotland.

This collaborative working is vital to ensuring a fair and consistent approach to licensing while focussing on preventing alcohol fuelled violence, disorder and antisocial behaviour.

In the year ahead our approach will remain focused on prevention and collaboration to ensure efficient and effective service delivery. I will continue to encourage officers and staff to utilise the range of options available to improve licensing standards, reduce violence and to positively influence behaviour and attitudes across Scotland.

I would like to take this opportunity to thank our local partnerships and acknowledge their contribution in continuing to drive improvements with the Licensed Trade, and for the communities we all serve.

**Sir Iain Livingstone QPM**

Chief Constable

Police Service of Scotland

## **Police Scotland Licensing Overview –**

The Violence Prevention and Licensing Co-ordination Unit (VPLCU) sits within Partnerships Prevention & Community Wellbeing based at Dalmarnock Police Station, Glasgow.

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

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

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

During 2022/2023, from a licensing perspective, our particular focus was on the following;

- Scrutiny of the serious incidents of violence, disorder and antisocial behaviour linked to licensed premises.
- Governance and ongoing development of the National ICT Licensing System, known as “Inn Keeper”, to increase the efficiency and effectiveness of liquor and civic licensing administration and management. Police Scotland are currently working on upgrade to the National ICT system to ensure compliance with GDPR legislation.

Each of the 13 Local Policing Divisions have a licensing team responsible for the day to day management of licensing administration, complying with statutory requirements as well as addressing any issues that may arise within licensed premises in their local area.

## **LICENSING BOARD AREA**

The Licensing Board area is policed by Lothians & Scottish Borders (J) Division. Chief Superintendent Catriona Paton is the Local Police Commander who has the responsibility for all day-to-day policing functions. The Local Area Commander Chief Inspector Jocelyn O'Connor is based at Livingston. She is responsible for performance management, community engagement, partnership working and the daily management of local personnel.

Chief Inspector O'Connor is supported by Inspector Brendan McMahon who is also based at Livingston.

The Licensing Department is part of the Divisional Co-ordination Unit based at Dalkeith Police Station. The senior officers who have responsibility for Licensing are Inspector John McEwan and Sergeant Rachel Stark.

The local liquor Licensing Department is based at West Lothian Civic Centre. This consists of one police officer, Police Constable Donna Pearey, supported by administration staff who work from both Dalkeith Police Station and West Lothian Civic Centre.

### **Local Policing Priorities**

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

- Protecting the most Vulnerable People
- Reducing Violence & Antisocial Behavior
- Tackling Serious and Organised Crime
- Improving Road Safety
- Reducing Acquisitive Crime

In response to the local policing priorities, J divisions will continue to address violence, including focusing on alcohol related violence as well as dealing with disorder and antisocial behavior related to the sale, and consumption of alcohol. It is recognised that education, prevention, partnership working and robust policing are all key factors in reducing crime and disorder in this area.

### **Description of Board Area**

There are currently:

- 111 'on sales' only premises,
- 171 'off sales' only premises, and
- 111 combined on/off sales premises

Giving a total of 393 premises in West Lothian licensed to sell alcohol. This is a 2.35 % increase from the previous reported year.

There are demands placed on police resources in West Lothian by 'Linlithgow Marches', Gala days, which take place annually in June 'Party at the Palace' which takes places annually in August in Linlithgow and 'Fly Open.

West Lothian also has a number of high profile football games, which place a demand on police resources.

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

The Licensing Officer is responsible for processing all correspondence received from the Licensing Board. The officer reviews applications on behalf of the Chief Constable as part of the consultation process in conjunction with the Area Commander. This consultation process forms part of the Police support of the Licensing Objectives.

This section concentrates on how the Act has been applied by the licensing team and other local policing to support the Licensing Objectives in tandem with the local/national policing priorities.

In West Lothian, there were 369 recorded incidents in licensed premises between 1<sup>st</sup> April 2022 and 31<sup>st</sup> March 2023, this figure shows an increase of 8.53% on the previous year but a decrease equating to 9.23% on the year 2020/2021.

Police Scotland carried out 168 recorded inspections of licensed premises in the West Lothian during the reporting year.

On Friday and Saturday evenings police officers are deployed on foot where other incidents permit, to aid with dispersal of licensed premises and reduce antisocial behaviour and violence related incidents between the hours of 2200-0400.

The proactive use of exclusion orders and antisocial behaviour legislation continues to contribute hugely to reducing repeat offending in licensed premises.

The misuse of alcohol is regularly cited as a contributory factor in relation to crimes of violence, domestic abuse, disorder and antisocial behaviour occurring on our street and within our homes. In addition, alcohol is also known to lower inhibitions which can have an impact on people's lives, both resulting in them becoming victims of crime, as well as the perpetrator, which can have serious consequences for individuals and their families.

We continue to ensure there is a concerted focus on the issues surrounding the sale and supply of alcohol within our communities and work together in partnership with Licensed Premises and other agencies to promote responsible trading practices, ultimately keeping people safe.

### **The intervention Process**

As detailed in previous reports to the Licensing Board, issues in licensed premises are assessed using a well-established intervention process. Incidents connected to premises are identified by licensing officers who evaluate the Licensing Objectives to determine if any have been compromised.

Police intervention usually results in a meeting with the appropriate representatives of the premises concerned e.g. premises licence holder, designated premises manager and if appropriate, any stewarding company to discuss concerns and agree a way forward to resolve these.

Premises being monitored by way of the above system are subject to weekly visits by either local officer's or licensing officers to monitor progress, measure improvement and ensure that agreed remedial measures are implemented.

The intervention system is ultimately designed to support the licence holder before any premises review is sought, although a serious or significant incident may obviously merit an immediate review application.

Depending on the severity of the incident and history of the premises, licensing officers will categorise the premises/incident as follows:

<b>Police Intervention Categories</b>		<b>Number this reporting Year</b>
<b>RED</b>	Problematic Premises – those operating in a manner inconsistent with the Licensing Objectives or out with the conditions of a premises licence and where local police intervention and support has failed or is unlikely to succeed in resolving the issues. A premises review request to the local Licensing Board is considered the most appropriate way to address the issue.	0
<b>AMBER</b>	Premises that require Formal Intervention. Issues have arisen and a formal intervention agreement is entered into between premises licence holders and Divisional Licensing teams to resolve them. This action may be taken with more serious or repeat issues.	0
<b>GREEN</b>	Monitored – the premises have come to note for a minor adverse issue and are being monitored. This may result in an informal intervention in terms of advice/support to the premises along with police visits.	1
<b>NO ACTION</b>	Action – An incident review has highlighted no issues regarding the management of the premises or licensing legislation. No further police action.	0

Over the last calendar year there has been one premises in West Lothian which was classed as 'Monitored'. The premises has now been removed from the monitoring list and has successfully actioned all recommendations by police.

## **Summary**

### **Section 1 – Unlicensed Sale of Alcohol**

Alcohol is not to be sold on any licensed premises except and in accordance with a Premises Licence or Occasional Licence. During the reporting year no premises or events were found to be operating unlicensed.

### **Section 22 - Applications**

Over the reporting year, there were 17 Provisional Premises Licences, showing a decrease from last year.

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

Police Scotland only seek review of a premises licence when an intervention has failed, is likely to fail or there is a serious risk to public safety if the premises continues to operate in the same manner e.g. the resulting problems as well as community impact must be considered.

In this reporting year there were no review applications of this type submitted by Police Scotland in West Lothian.

### **Section 63 – Sale or Supply out with licensed hours**

Officers in West Lothian monitor the sale or supply of alcohol out with licensed hours closely. Local officers continue to make pro-active visits to licensed premises, particularly at weekends, to ensure premises are being managed appropriately. The



Police Innkeeper IT solution can be accessed by Police control staff and officers alike, twenty four seven, providing any information on licensed hours etc. that are required, out with normal office hours of the Licensing Department. Close monitoring of premises through the use of Innkeeper, tasking's, and night time economy dispersal details continue to assist in reducing offending of this nature. In this reporting year, there have been no licence holders reported for this type of offence in West Lothian.

### **Section 72 – Personal Licence Applications**

There were 138 applications made for the grant or renewal of personal licences during this reporting year in West Lothian. This is an increase on the previous year.

The amendment to legislation in terms of the Criminal Justice and Licensing (Scotland) Act 2010 and the Police and Fire Reform (Scotland) Act 2012 permitting the Chief Constable to request refusal for the purposes of 'any' Licensing Objective has widened the scope for making appropriate representations to the Board. During this reporting year there has been two representation of this type made to the Licensing Board, whereby police objected to their application and the applicants withdrew as a result.

### **Section 84 (84A) – Personal Licence Reviews**

Police Licensing Officers are responsible for monitoring the conduct of personal licence holders. Again, the amendment to legislation has widened the ability for the Chief Constable to report conduct inconsistent with the Licensing Objectives.

There were no Personal Licence Reviews requested by Police Scotland in this reporting year.

**Section 94 – Exclusion Orders**

When a person has been charged with a violent offence within or in the immediate vicinity of any licensed premises, a request for an Exclusion Order is included in the 'remarks' section of the police report. Exclusion Orders are granted by the Courts, 'on conviction', and can exclude a person from specific licensed premises for between three months and up to two years. The Police Licensing Officer proactively drives the request for exclusion orders whenever there is an incident in or in the immediate vicinity of licensed premises. Persistent offenders can also be dealt with under the Anti-Social Behaviour legislation. The use of Exclusion Orders are fully supported by the licensed operators in the West Lothian. There were no exclusion orders during the dates reported.

**Section 97 – Closure Orders**

There were no closure orders used within West Lothian during the reporting year. It is fully expected that should a premises require to cease trading, due to a serious risk to public safety, that we would receive full cooperation from the licence holder or person in charge.

## Sections 111-116 – Drunkenness / Disorder Offences

The following licensing offences have been reported to the COPFS during the reporting year.

Number of Offences Reported – West Lothian	2019-20	2020-21	2021-22	2022-23
Section 111 (drunk persons within licensed premises)	0	0	0	0
Section 112 (obtaining alcohol by or for a drunk person)	0	0	0	0
Section 113 (sale of alcohol to a drunk person)	0	0	0	0
Section 114 (DPM drunk whilst on duty)	0	0	0	0
Section 115 (disorderly conduct within licensed premises)	1	0	3	1
Section 116 (refusal to leave licensed premises)	9	1	3	6
Section 102 (sale of alcohol to a child or young person)	0	0	0	1
Section 1003 (allowing the sale of alcohol to a child/young person)	0	0	0	0
Section 104A (supply of alcohol to a child)	1	1	1	0
Section 104B (supply of alcohol to a young person)	0	0	0	0
Section 105 (purchase of alcohol by or for a child or young person)	1	0	0	0
Section 106 (child/young person consuming alcohol)	0	0	0	0

The numbers reported to COPFS above remains relatively low. We remain committed to keeping people safe and improving the quality of life for residents in West Lothian.

## Violence and ASB Data

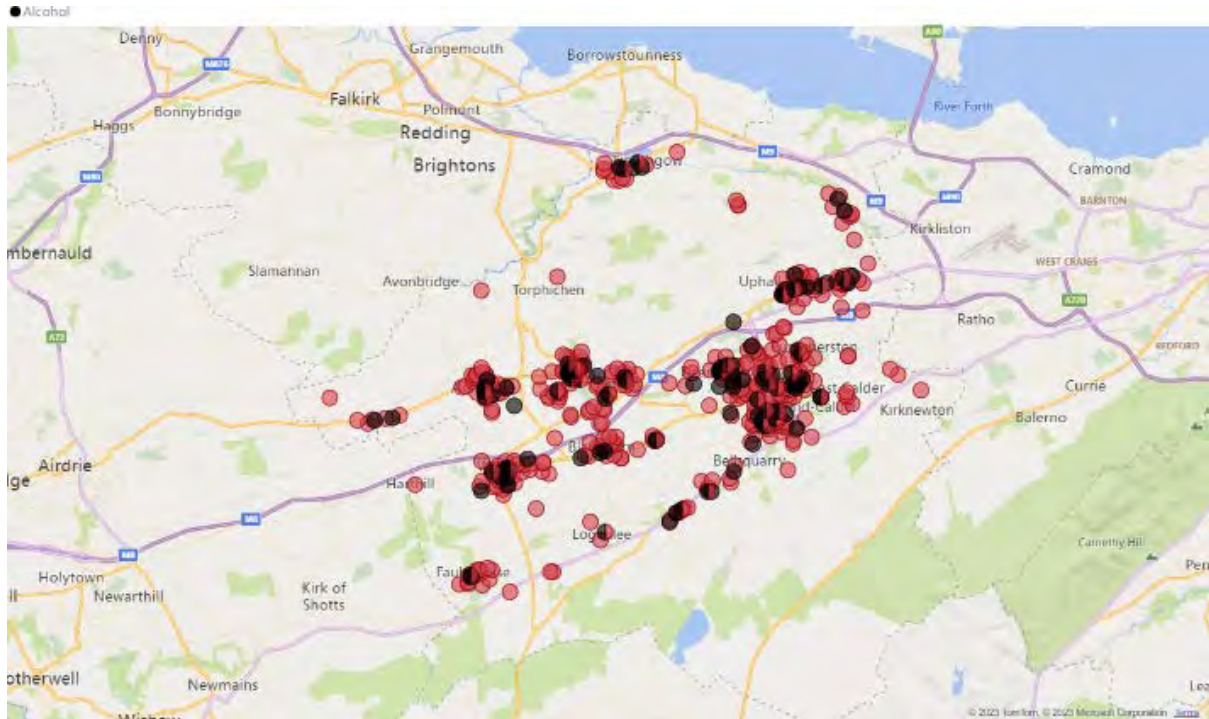
A total of 2313 acts of violence\* were recorded within the West Lothian area for the period from 1st April 2022 to 31st March 2023. This equated to one murder, seven attempted murders, 143 serious assaults, 30 robberies and 2132 common assaults which includes 166 assaults on Police Officers and 53 assaults on Retail Workers. This represents almost no overall change from the 2020/21 levels of violence, with a slight reduction of five crimes from the total of 2318. It should also be noted that there were three recorded crimes of drugging in 2022-23, one of which occurred within a licensed premises, and whilst not included in the violence statistics above, are relevant to note due to their link to alcohol. The split between locations of violent crimes shows that approximately 48.2% occurred within public space versus 51.8% occurring within

private space locations. This represents a slight increase in the proportion of violent crime occurring in public space when compared to the previous year (47%). A total of 83 crimes of violence were recorded for licensed premises within West Lothian during 2022-23 compared to 60 reports in 2021-22 and 16 the year previous to that. It is likely that this is due to comparing data to pandemic years when restrictions prevented premises from being open or operating at capacity and therefore caution should be exercised when comparing statistics to pandemic years. It was also noted that 63 crimes were committed within supermarkets licensed to sell alcohol with 14 such crimes being “alcohol” related. The table below depicts the overall crimes of violence by section for the past two years for comparison.

Section	2020-21	2021-22	2022-23	Change from previous year
Armadale	169	188	199	+5.9%
Blackburn	128	101	114	+12.9%
Bathgate	318	377	396	+5.0%
Broxburn	179	226	248	+9.7%
Fauldhouse	105	102	88	-13.7%
Linlithgow	76	91	71	-22.0%
Livingston	732	742	754	+1.6%
Mid Calder	83	88	82	+6.8%
West Calder	172	161	137	-14.9%
Whitburn	217	244	208	-14.8%

### Violence Data Where Alcohol Is A Factor

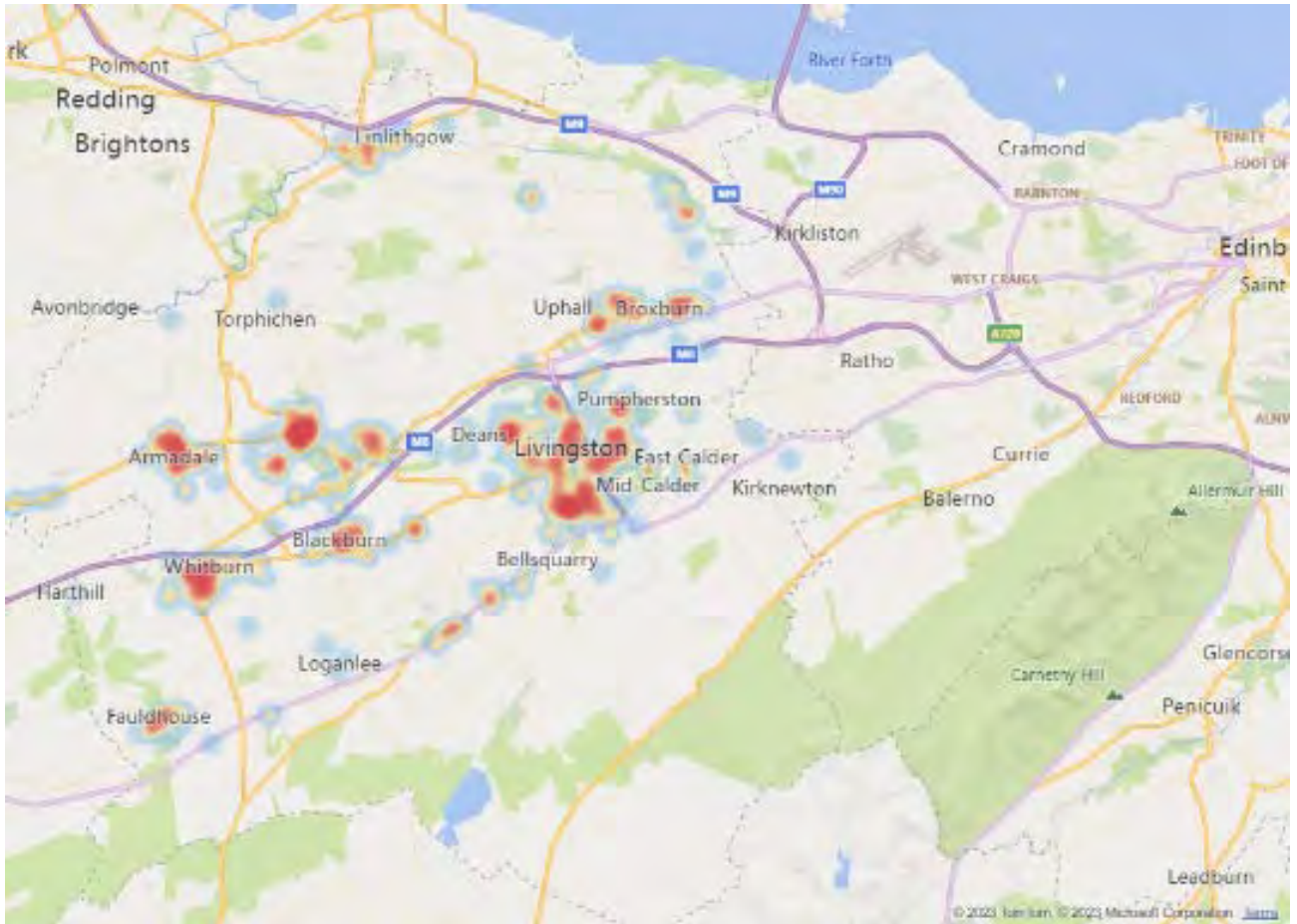
Violence recording indicates an “Alcohol” marker as a clearly defined aggravator to indicate where the presence of alcohol is deemed a factor in the act of violence. Of the 2313 recorded crimes of violence for the 2022-23 period, a total of 512 had the alcohol marker attached to the crime report. Of that total, 52.9% were in private locations leaving 47.1% of recorded violence in a public space where alcohol featured. The following map has been produced indicating the locations of public space violence where alcohol is a factor. The black dots indicate alcohol while the red dots are the other public location crimes where no such aggravator has been added.



The main areas for recorded violence with an alcohol marker are, by volume, Bathgate Town Centre, Livingston (Town Centre and Carmondean areas), Whitburn, Craigshill, Broxburn, Armadale and Linlithgow. All other areas had less than ten crimes recorded during the year period.

### **Public Space Violence**

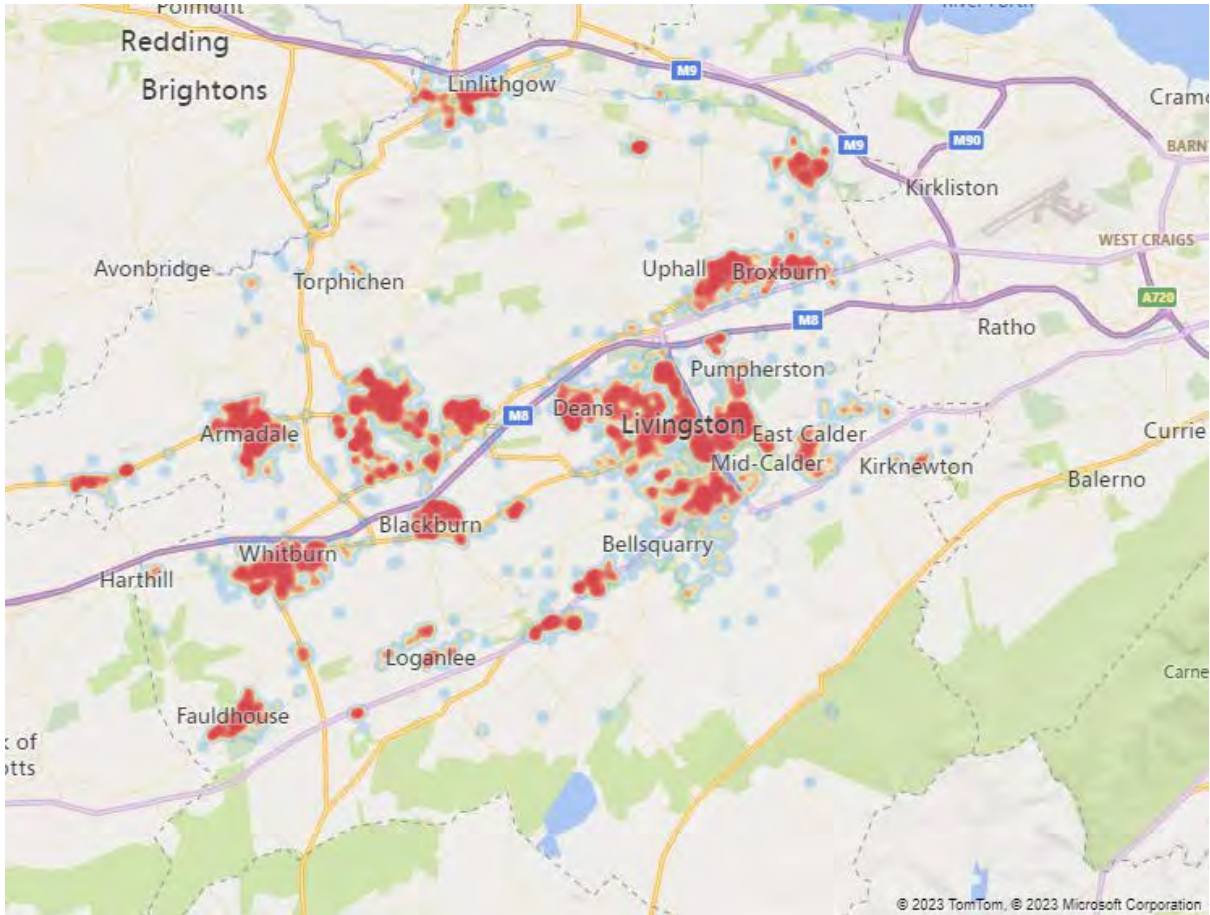
The following map indicates the main locations for crimes of public space violence within the West Lothian area in relation to the location details specified on each crime report for an act of violence recorded during 2022-23. The proportion of public space violence crimes was 48.2% from the 2313 crimes recorded during 2022-23 which is a slight increase from the 47% recorded in 2021-22. However caution should be taken when comparing statistics to years affected by the lockdown restrictions arising from the Covid pandemic.



The map above clearly shows that the Livingston Wards, Bathgate, Whitburn, Broxburn and Armadale wards are most affected by violence. These areas are the same as identified in last year's report.

### **Antisocial Behaviour**

A total of 10131 calls relating to ASB have been recorded during 2022-23 within the West Lothian area. This represents an increase of 434 calls (4.5%) from the 9697 recorded in 2021-22. The following maps indicate the main locations for recorded incidents of ASB.



## Partnership Working

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

Police management in West Lothian continues to enjoy a positive working relationship with partner agencies, in particular with West Lothian Council and the Licensing Board. The local licensing officer works regularly with a number of partner agencies and organisations to improve local licensing issues including Trading Standards, Environmental Health, HM Revenue & Customs, Immigration, West Lothian Licensing Forum, Security Industry Authority, NHS Borders, Scottish Ambulance Service and Scottish Fire and Rescue.

**Licensing Standards Officer (LSO)**

The local Police Licensing Officer works regularly with a number of partner agencies including the Local Authority. She continues to work alongside the one LSO's within West Lothian to maintain effective information sharing procedures and establish good partnership working.

**West Lothian Licensing Forum**

The Police Licensing officer is also an active member of the West Lothian Licensing Forum and continues to provide them with relevant information relating to licensed premises as well as consultation and feedback on other licensing policy and guidance.

**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 and working with our partners, taking the appropriate action to address both the potential and actual misuse of alcohol within the early years.

Officers continue to routinely proactively visit premises licensed for 'off-sales' to ensure that they are aware of their responsibilities under the 2005 Act, and in particular in the run up to and during school holidays or local events.

Likewise, officers will continue to routinely proactively visit premises licensed for 'on-sales' to ensure that management have taken all appropriate measures to prevent the sale or supply of alcohol to young people under age.

There are three dedicated School Link Officers and 1 Youth Engagement Officer based in West Lothian and they are seen as one of the main links between Police and children and young persons in the area. The local licensing officer continues to work alongside School Link Officers and youth engagement officers to provide



education and support to students around the dangers of alcohol not only to their own health but also the impact on the community. Local Community Police Officers are also known to assist in offering similar guidance where required.

## **TACKLING SERIOUS AND ORGANISED CRIME**

The Serious Organised Crime Task Force was set up by the Scottish Government to provide direction and co-ordination for all organisations involved in tackling Serious Organised Crime in Scotland.

The task force has a remit to disrupt, dismantle and pursue Serious Organised Crime Groups (SOCGs). Key partners include Police Scotland, NCA, HMRC, COPFS, SOLACE and the Scottish business Resilience Centre, amongst others.

If SOCGs gain a foothold in licensed premises then this would afford the criminal group a seemingly legitimate income stream, which could be no more than a veneer for other criminal activities such as money laundering, tax evasion, drug and people trafficking and other dishonest activities.

SOCG's pose a serious threat to communities, individuals and businesses. We use intelligence and enforcement to break the cycle of crime and reduce opportunities for criminals to profit from illegal activity.

### **Examples of Serious and Organised Crime (SAOC) Activity in the Board area –**

Over the past year, the Police Licensing Officer has scrutinised and interrogated licence applications to identify where Serious and Organised Crime Groups (SOCGs) may be trying to enter legitimate businesses. This is particularly detailed when processing new premises and transfer applications, where the applicant may be asked to evidence the source of any financing. Unfortunately a number of SOCGs already have a foothold in licensed premises, making it challenging to object to these applications as more often than not they have no relevant convictions to comment on. In some cases they do not actually transfer the licence, they are 'tenants', who

neither hold the premises licence or the Designated Premises Manager position and therefore are not 'relevant' persons.

The Police Licensing Officer continues to monitor the persons connected to licensed premises in Midlothian, who are known to have links to SOCGs.

All opportunity is taken to disrupt the running of these licensed premises with the assistance of the National Intervention Unit. Multi-Agency Proactive visits are conducted with key partners in an effort to put the pressure on these operators, in an effort to disrupt their activity and cease from trading.

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

- The Licensing Officer will continue to work in conjunction with partner agencies and LSO's to provide guidance and support to all parties, ensuring license holders and licensed premises staff have a better understanding of their responsibilities/obligations. This collaborative approach should seek to further develop partnerships as well as fulfil licensing objectives.
- The Bystander Training Programme will re-commence and premises will be invited to participate at a local venue. The purpose of this training is to generate maximum awareness of potential issues faced by staff in licensed premises and adopting best practice for dealing with such. The BTP will be extended to further education establishments to ensure maximum exposure.
- The Dedicated Night Time Economy Policing Plan will continue and will be led by Local Community Police Officers, with assistance from Response Officers (subject to incident demand). This co-ordinated plan will be devised with the Licensing Officer and will include licenced premises inspections to ensure compliance with licensing obligations and to detect and deter any alcohol-fuelled criminality. All incident related visits will continue to be recorded for any required further action from the Licensing Officer.
- Continue with the "It'll Cost You" Proxy Purchase Campaign. This will encompass further distribution of campaign materials, engaging with licensed premises staff to provide appropriate guidance and some social media activity to increase awareness across West Lothian.
- The Licensing Officer will continue to review any relevant intelligence and liaise with colleagues or other intelligence sources (where permitted) to facilitate a uniformed and satisfactory resolution.

- Work in conjunction with major event organisers, colleagues and partner agencies to agree conditions for events, offer advice and support in order to achieve a safe and crime free environment for such events.
- Raise any necessary licence objections, adverse concerns or representations and conditions, as well as identify any potential licensing reviews required to be submitted for review by West Lothian Licensing Board.

To conclude we would like to thank you for your continued support during what has been a challenging year for all. We have all had to adapt to a new way of working and ever changing circumstances which has been embraced by all.

We look forward to a safe and healthy 2023/2024.