

# **Report of the Chief Constable to the triennial sessions of the Licensing Court**

**February 2018**

Your Worships, the passage of time should not surprise anyone, but I find it hard to believe that three years have passed since I last stood before the Court at the time of the 2015 triennial sessions. Now, as then, I am grateful to you for allowing me to address you at the beginning of the current sessions.

In preparing for today I reviewed my report from 2015, which was very lengthy. You may well be relieved to know that I do not intend to rehearse its contents. The reason for this is simple: the licensing trade is generally fairly subdued in nature and not a huge amount has changed. However, I will make some mention of the themes from my 2015 address and I will touch upon one or two matters that have arisen since then. My comparative brevity today should in no way be taken as indicating a diminution in the importance that the Constabulary attaches to licensing issues. The impact of alcohol – its use and more particularly its abuse – is felt across the whole of our society and the entire public service needs to ensure that identifying, preventing and responding to the harm caused by alcohol remains in the forefront of our thinking.

I would reiterate a point that I made three years ago: I am a genuine supporter of a well regulated, well run and successful licensing trade. The positive societal benefits from such a trade are considerable and there is much in the Island's approach that should be celebrated.

This may be the beginning of the sessions, but a considerable amount of activity has been undertaken over the course of last autumn and during this winter, all of which will allow your work to proceed smoothly and in a way that satisfies the best interests of everyone. Your management of the process means that comparatively few applicants will be appearing in person. This does not mean that there has been less rigour in the approach that the Constabulary has taken, but it offers tangible proof of the maturity of the relationship that has developed between the licensing trade, the police and the Court. This offers real benefits to the public.

I should make clear that the requirement for applicants to attend in person is not necessarily a reflection on the suitability of the premises or of the applicants. Most of those attending will do so because of the nature of the premises, not because of how they have been run. Indeed, some of the premises are very well run. It is only right and proper, though, that the busiest premises, particularly those that stay open well into the night, should attract the highest level of scrutiny. Your Worships are aware of the reasons for the attendance of other applicants.

Your Worships have been provided with a considerable amount of data by the Constabulary, which inter alia show the levels and times of demand caused by alcohol, the enforcement of the law and the level and nature of offending. I believe that the Constabulary has been able to provide Your Worships with more meaningful data than ever before. I do not intend to offer a detailed explanation of the data, as generally it is entirely self-evident. However, I will attempt to offer a very broad summary of it.

The data tends to show that little has changed since the last triennial sessions of the Court: the demands caused by drunkenness are little different than in the previous three years; offences in and immediately outside premises are low compared to, say, a decade or more ago; some people still drink to excess and become a nuisance; the demands facing the police caused by alcohol are still highest at weekends, particularly during the early hours of Sunday; and alcohol is often the key factor in the commission of some offences, notably those involving violence. The effect of the reduction in recent years of the number of police officers in neighbourhood policing teams is beginning to be felt. For example, routine supervisory visits to premises have declined slightly, but the behind-the-scenes work of the Alcohol Unit – which includes actively reviewing every single incident linked to licensed premises and often making follow-up visits to the premises concerned – compensates for this. I am under no illusion, though, that the reduced number of officers in the Unit itself has necessarily made our approach less ambitious than was once the case.

I am considerably disappointed that the data shows that some premises are paying lip service to trade bodies. I would ask Your Worships to reinforce the need, not only for those charged with running licensed premises to be members of bodies such as Pubwatch, but for them to strive to attend every meeting and to play an active part in what such bodies do.

I have always had sympathy with the trade about how it prevents and manages drunkenness. It is not always easy to determine when someone has had too much to drink, especially if they have indulged in so called pre-loading or pre-

drinks as it now appears to be called, or if they have just entered premises. The trade will say that this is especially difficult in busy or complex premises. I understand this view, but the key to dealing properly with drunkenness is four-fold:

- (a) the setting of and adherence to high standards in the running of premises;
- (b) the recruitment and retention of sufficient numbers of high quality staff;
- (c) the provision of ongoing training for staff and
- (d) the maintenance of positive working relationships with the Constabulary.

In regards to the first element – standards – considerable work has been undertaken by the Alcohol Unit in order to maintain or improve upon the already high standards that apply in most premises. The off-licence trade has maintained the improvements that I mentioned in 2015 and almost all of the on-trade has continued to work closely with the police, as a result of which standards across it remain largely good. The owners and licence holders have a duty to ensure that they set consistently high standards, which are not compromised. However, in the last three years one or two licence holders have tried to lessen their focus on standards, including seemingly paying reduced regard to the need to work with the police and in treating the conditions applied to their licence as being flexible. Anyone in the trade who thinks this way should think again. In 2015 I spoke about the dangers of “a race to the bottom” and that remains an issue that all of us with an interest in public safety and in the trade must keep in mind.

There are signs, perhaps because of commercial pressures, that the quality of some premises is starting to deteriorate.

Poor décor, “uncertain” cleanliness and a generally tired appearance can give the impression that licence holders do not care about the premises. If this perception takes hold, then almost inevitably standards of service reduce and the conduct of the public who visit the premises declines. The trade should reflect on this for the future. The Constabulary may well ask Your Worships to consider inspecting premises that its officers find to be dirty or otherwise poorly maintained. Of course, the fact may be that there are still too many licensed premises for all of them to thrive, but standards must not be allowed to decline. If licence holders are just about surviving commercially, rather than thriving, they may well face real challenges investing in their premises.

All of this said, the last three years have seen the opening of some new premises, which are of a high standard and which offer innovative approaches to the sale of alcohol. I am pleased that this is happening and this offers positive hope for the future.

In regards to the second element (high quality staff) there are again positive things to report, but there are also some signs that may well offer concern. During the last three years the Constabulary has seen signs across the trade that employers are applying a real focus to recruiting and retaining good quality staff. I know, for example, of the development programme that Heron and Brearley Limited has put in place to help make the licensing trade an attractive career. However, some premises have found it difficult to recruit and retain good staff and, whilst I accept that this is an increasingly intractable problem facing all employers on the Island, the trade must redouble its efforts. What will not be accepted is where licence

holders fail to employ sufficient staff to ensure that their premises are well run. On more than one occasion in the last three years my officers have had to intervene and have difficult dialogue with licence holders, who have employed insufficient staff.

This issue of staffing is important as it is actually at the heart of the submission made to the Court by Douglas Borough Council. Issues such as littering outside premises are, to a considerable degree, caused by licence holders not employing sufficient staff to prevent customers from taking bottles and glasses away from the premises.

This leads me to the third element: staff training. The training and development of staff across the whole of the trade is key: for the prosperity of the trade, for the quality of service offered to the public and for the safety of the public. I am pleased that most of the trade is willingly participating in various training initiatives and, in some cases, developing its own bespoke programmes. In time those premises that do not invest in training will fail to thrive and, even if there is no law enforcement issue, the rules of the marketplace will inevitably apply.

Fourthly, relationships with the police. The last three years have been something of a struggle for the Alcohol Unit, which is less than half of its original size. Officers have worked hard to maintain the good working relationships that have long existed with the trade, but without allowing those relationships to become too cosy. Almost all of the trade readily accepts the importance of working with the police, but in the last three years one or two operators tried to distance themselves from us and from the standards that we advocate. The message is

very clear: licence holders who try to plough their own furrow, perhaps by joining trade bodies in name only, or by failing to be open and honest with the Constabulary, will become the focus of our attention.

Let me turn now to some of the issues that I highlighted three years ago. Most of them are still relevant today, but in some cases things have changed.

I spoke at some length last time about the importance of trade bodies, such as the Licensed Victuallers Association. I make no apology for raising again the importance of these bodies in setting standards and raising the profile of the trade. It was my privilege last autumn to present a hugely experienced Manx designated official, Mr Harry Creevy, with the highest UK national award for his services to the Association. It was apparent when I did this that many in the UK licensing trade look with envy at the positive influence that trade bodies have here, at the hugely positive relationships that exist with the police and at the way the whole trade generally does all that it can to work together.

Last time I aired my concerns at what looked like the beginning of an increase in drunkenness. I am pleased to say that the last three years have seen a decline in offences linked to drunkenness, especially in the calendar year 2017. At the same time, figures from both a government sponsored joint strategic needs assessment into drug and alcohol issues and a large-scale youth survey tend to show that attitudes to alcohol on the part of young people are changing. Indeed, there are genuine and now consistent signs that young people are drinking less. There has, though, been an increase in drink-driving. I cannot link this with the trade in terms of selling to

drunken people, who then drive; however, the trend is a worrying one. Strong and clear messages about enforcement and sentencing continue to be important.

Three years ago I spoke about drinks promotions and the sale of alcohol at a very low price. I am grateful to Your Worships for your continued support in ensuring that drinks promotions have not taken hold here. I will not labour the point that I made last time, but the existence of clear, empirical evidence about the harm caused by such promotions shows that we must remain vigilant. My views on the sale of alcohol at very low prices by the off trade have not changed. I am pleased that the government's new substance misuse strategy is likely to address the issue of minimum per unit pricing for alcohol. This will save lives, reduce other forms of harm and, in my view, help the on-licence trade regain some of its vibrancy.

This takes me onto the issue of legislation. I was critical last time that our licensing laws are complex and outdated. Whilst the last three years have not brought us a new act, they have brought us close to one. A new Licensing Bill is due soon and it will be the product of extensive and meaningful consultation involving all parties. The result will surely be modern, fit for purpose legislation that protects the public, streamlines processes and allows for good quality operators to enter the trade. Importantly as well, the legislation will address the increasingly common problems created by changes to commerce brought about by technology, such as sale via the internet, and the use of technology in premises. I have already made mention of the work that is being done by parts of the trade to address training and development issues. I am pleased that the Bill will propose to place such matters onto a



statutory footing. This will help reinforce the improvement of standards.

Last year saw an unfortunate and unnecessary situation arise in regards to music and dancing and the need or otherwise for events to be licensed. There can be no doubt that the law covering such activities requires modernisation, so that what can or cannot be done is clearly understood.

In 2015 I made very clear the Constabulary's position in regards to new premises. That position has not changed. Our role is not to make commercial judgements, but it is instead to treat each new application on its merits, looking at the suitability of those making the application, the suitability of the proposed premises, the experience of those intending to run them and on the likely impact on the local community. Those wishing to open premises must engage with the police and must follow the protocols that have been developed over time. The required level of cooperation even extends, as has been the case recently, in making crystal clear the beneficial ownership of a company.

I think I have spoken for only around half of the time that I did in 2015. Perhaps what I have said can be summed up as follows: steady as she goes.

Thank you for allowing me to address the Court. I suspect that this is a unique privilege in British policing and I am grateful to Your Worships for the wise guidance that you have given to my officers since the last sessions. I would also wish to place on record my thanks to Sergeant Wendy Barker and her team for their hard work, both in the preparation for these sessions, but also across the whole of the last three years. I note also that

our partners from other agencies, notably the Isle of Man Fire and Rescue Service, are here today. Their presence and the important work that they have done demonstrate the strength of the Island's approach to licensing.

**Gary Roberts**

**Chief Constable**

**February 2018**