

# Notice of meeting and agenda



## Police and Fire and Rescue Board

**Venue:** Council Chambers, Midlothian House, Dalkeith, EH22 1DN

**Date:** Tuesday, 24 May 2016

**Time:** 11:00

**John Blair**  
Director, Resources

**Contact:**

Clerk Name: Democratic Services

Clerk Telephone: 0131 270 7500

Clerk Email: [Democratic.Services@midlothian.gov.uk](mailto:Democratic.Services@midlothian.gov.uk)

**Further Information:**

This is a meeting which is open to members of the public.

**Audio Recording Notice:** Please note that this meeting will be recorded. The recording will be publicly available following the meeting, including publication via the internet. The Council will comply with its statutory obligations under the Data Protection Act 1998 and the Freedom of Information (Scotland) Act 2002.

## **1 Welcome, Introductions and Apologies**

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Including any apologies received from Board Members who are unable to attend

## **2 Order of Business**

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Including notice of new business submitted as urgent for consideration at the end of the meeting.

## **3 Declarations of Interest**

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Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

## **4 Minutes of Previous Meeting**

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Note of meeting of Police and Fire and Rescue Board of 23 February 2016 (circulated) – submitted for approval as a correct record.

Police and Fire and Rescue Board minute February 2016 **3 - 10**

## **5 Public Reports**

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**5.1** Consultation on Police Powers to Search Children and Young People for Alcohol - Report by Joint Director, Health and Social Care **11 - 38**

**5.2** Designated Local Police Commander - Report by Joint Director, Health and Social Care **39 - 42**

**5.3** Local Plan Performance Report - Report by Scottish Fire and Rescue **43 - 64**

**5.4** Midlothian Scrutiny Board Report 2015-16 - report by Police Scotland **65 - 82**

**5.5** Midlothian Community Policing Team - Report by Police Scotland **83 - 90**

## **6 Private Reports**

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No items received to be heard in private

# Minute of Meeting



## Police and Fire and Rescue Board

Date	Time	Venue
23 February 2016	11am	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

### Present:

Councillor Baxter	Councillor Montgomery
Councillor Muirhead	Councillor Parry
Councillor Wallace	Councillor de Vink

### In attendance:

Kevin Anderson – Head of Customer and Housing Services	Rosie Kendall – Community Safety Manager
Eibhlin McHugh – Joint Director, Health and Social Care	

Chief Superintendent Gill Imery (Police Scotland)	Chief Inspector Kenny Simpson (Police Scotland)
Alasdair Perry – Local Senior Officer (Fire and Rescue Scotland)	Mike Jaffray – East & Midlothian Group Commander (Fire and Rescue Scotland)
David Hume – Scottish Police Authority	John Beresford (Scottish Police Authority)

**Sederunt – The Joint Director, Health and Social Care held the Chair at the commencement of the meeting pending the resolution of the item of urgent business to appoint a Chair to the Board.**

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**1. Welcome, Introductions and Apologies**

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- 1.1 It was noted that no apologies had been received from Elected Members.
- 1.2 The Joint Director, Health and Social Care welcomed everyone to the meeting and once introductions of the participants of the Board were made, the Joint Director, Health and Social Care confirmed the following:
- a) The Police and Fire and Rescue Board is a formal committee of Midlothian Council and is set up under the Standing Orders of the Council.
  - b) The Elected Members of the Board are voting members of the Board whilst other members of the Board are non voting
  - c) The Board's remit is:
    - Scrutiny of Police and Fire Plans;
    - Performance Reporting and statistical reports of complaints and policing and fire and rescue Midlothian;
    - Notification of any Midlothian policing and fire rescue matters subject to independent national review bodies;
    - Providing comments/replies on any consultation documents pertaining to policing and fire and rescue services; and
    - Recommending improvements in local policing and fire and rescue service.

**2. Order of Business**

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- 2.1 The order of business was confirmed as outlined in the agenda that had been circulated.
- 2.2 It was also confirmed that two urgent items of business were to be included in the agenda:
- The appointment of the Chair of the Police and Fire and Rescue Board
  - Designation of Local Senior Officer – letter received from Scottish Fire and Rescue Service

**3. Declarations of interest**

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- 3.1 No declarations of interest were noted.

**4. Minutes of Previous Meetings**

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- 4.1 As this was the first meeting of the Police and Fire and Rescue Board, no previous minutes were submitted for approval.

Agenda No.	Business	Discussion led by:
<b>4B</b>	<b>Appointment of the Chair of the Police and Fire and Rescue Board</b>	<b>Joint Director, Health and Social Care</b>

#### Summary of discussion

The Joint Director, Health and Social Care invited nominations for the role of Chair of the Police and Fire and Rescue Board.

Councillor Wallace nominated Councillor Parry to take the role of Chair and this was seconded by Councillor Baxter.

No further nominations were heard.

#### Decision

The Board agreed:

- a) Councillor Parry should assume the role of Chair of the Police and Fire and Rescue Board.

**Sederunt – At this point the Joint Director, Health and Social Care handed the Chair to Councillor Parry.**

Agenda No.	Business	Discussion led by:
<b>4C</b>	<b>Designation of Local Senior Officer</b>	<b>Councillor Parry</b>

#### Summary of discussion

The Chair referred to a letter, that was tabled as an item of urgent business, dated 10 February 2016 from Alasdair Hay of the Scottish Fire and Rescue Service confirming the designation of Local Senior Officer. The letter confirmed that as a result of the promotion of Alasdair Perry to Deputy Assistant Chief Officer, David Farries will assume the role of Local Senior Officer.

#### Decision

The Board agreed:

- a) To note the content of the letter.

## 5. Reports

Agenda No.	Report Title	Presented by:
5.1	<b>Fire Service – Midlothian Report – Quarter 3 2015/16</b>	<b>Alasdair Perry – Local Senior Officer (Fire and Rescue Scotland) and Mike Jaffray – East &amp; Midlothian Group Commander (Fire and Rescue Scotland)</b>

### Outline of report and summary of discussion

The Board heard from Alasdair Perry who introduced the report and provided an overarching strategy update in relation to the current structure within the Fire Service. Following this Alasdair Perry introduced Mike Jaffray who spoke to the report that had been circulated.

Councillor Baxter requested clarification on the definition of ‘deliberate fires’ and the Board heard that this referred to malicious fires and not where there was a controlled burn.

Councillor de Vink was heard in support of enhanced home visits as many households would benefit. Alasdair Perry confirmed that enhanced home visits referred to a situation where other agencies were involved with the situation e.g. social work. However 280 Home Safety visits had been completed in the reporting period and the focus of these visits was about developing a preventative and holistic approach to risk in the home.

Councillor Muirhead requested further information in relation to the effectiveness of smoke detectors in reducing house fires. Alasdair Perry confirmed that smoke detectors had proved to be very successful and the number of house fires had reduced. Coupled with this where there were house fires, the severity of injuries was less due to the warning provided by the smoke detector. Mike Jaffray added to this by stating that smoke detectors were also part of supporting safety in the home e.g. encouraging people to switch electrical items off as part of their routine and having an evacuation plan.

Councillor Parry asked for further information in relation to non-fire emergencies and whether there were any trends in relation to roads in Midlothian. Mike Jaffray confirmed the Fire Service were involved in more medical calls including cardiac arrest (out of hospital) and all appliances now carry defibrillators. The Fire and Rescue Service are seeking to train as many people as possible and members of the public can now attend Fire stations for training.

### Decision

The Board agreed:

- a) To note the content of the report.

Report No.	Report Title	Presented by:
5.2	Sale of Fireworks in Midlothian	Rosie Kendall

#### Outline of report and summary of discussion

The Board heard from Rosie Kendall who presented the report which followed on from a motion to Midlothian Council on 15 December 2015. A summary of the Partnership discussion held earlier that morning was provided, highlighting the Partnerships desire to focus on preventative activity.

Stephen Thomson, Principal Trading Standards and Laboratory Manager, also provided the Board with confirmation of the requirements of Local Authorities in relation to the sale of fireworks and stated that in Midlothian there are currently 11 licensed premises – 10 of which require to re-apply on an annual basis and 1 currently holds a five year license.

Councillor Baxter requested confirmation about the possibility of lobbying the UK Government through Midlothian's M.P. and Councillor Parry highlighted that of the two options (changing the legislation and devolving the matter), lobbying to devolve the matter may prove more effective as the UK legislation was only recently implemented..

Councillor Montgomery was heard in support of progressing a solution for Midlothian and confirmed that he was already in discussion with the Midlothian MP. Further Councillor Montgomery expressed his view that, perhaps as part reducing the risk presented by the sale of fireworks, that retailers could adopt a voluntary non sale of fireworks to anyone under 21 year old.

Councillor Parry was heard in support of Councillor Montgomery's concerns about the sale of fireworks and further was heard in support of the preventative action that had already taken place.

Following further discussion from the Board, Councillor Parry concluded the discussion by stating the as everyone was in agreement that further action was taken, that the recommendations were taken forward.

#### Decision

The Board agreed to:-

- a) Support the adoption of a voluntary ban on the sale of fireworks to those under 21 years old with the support of the Trading Standards team within the Council;
- b) Continue to liaise with the Midlothian MP in relation to lobbying the UK Government for a change to the legislation or devolve the matter; and
- c) The Board would receive a further update in relation to the work that had been done.

#### Action

Trading Standards Team

## Elected Members

Report No.	Report Title	Presented by:
<b>5.3</b>	<b>Community Policing Teams</b>	<b>Chief Superintendent Gill Imery (Police Scotland) and Chief Inspector Kenny Simpson (Police Scotland)</b>

**Outline of report and summary of discussion**

The Board heard from Chief Superintendent Gill Imery who provided an update of the overarching strategy of Police Scotland and the relationship with community policing. Following this the Chief Superintendent invited Chief Inspector Kenny Simpson to speak to the report that had been circulated. The Chief Inspector concluded by recommending that the Board approve the suggested model of Community Policing.

Councillor Muirhead requested further information in relation to the impact on communities as a result of the reduction in numbers and the Chief Superintendent confirmed that whilst there was a reduction in numbers there was flexibility in relation to how the resources was deployed.

**Decision**

Following a brief discussion, the Board agreed:

- a) To note the proposed models in Section 3 of the appended report; and
- b) That the proposed model outlined in 3.2, of the Police briefing document attached as appendix 1 to the report, is adopted.

**Action**

Police Scotland

Report No.	Report Title	Presented by:
<b>5.4</b>	<b>Police Scotland – Proposed Development of Current Model - Midlothian</b>	<b>Chief Superintendent Gill Imery (Police Scotland) and Chief Inspector Kenny Simpson (Police Scotland)</b>

**Outline of report and summary of discussion**

The Board heard initially from Chief Superintendent Gill Imery who provided the strategic context of the development of the current policing model in Midlothian. Following this the Board heard from Chief Inspector Kenny Simpson who provided further detail in relation to the feedback that had been received and how this had shaped the proposals for the model.

Councillor Parry was heard in support of the work that had already been done.

Following this the Board heard from Councillor Muirhead who requested further information in relation to how the Police resources would be split across the



division and raised concerns about the potential impact to communities – particularly complaints from residents of Midlothian feeling insecure in their communities. The Chief Superintendent provided further clarity in relation to the proposed model and the demand response for each of the Local Authority areas. Further the Chief Inspector confirmed he would be happy to discuss further with any Elected Member.

#### Decision

Following the discussion, the Board agreed to:

- a) Note the content of the report

**Sederunt – During the course of the debate in relation to Report 5.5, Midlothian House had to be evacuated due to a fire alarm activation. Therefore the Board meeting was suspended at approximately 12.20pm and reconvened at approximately 12.45pm**

Report No.	Report Title	Presented by:
<b>5.5</b>	<b>Police Scotland – Midlothian Report Apr-Dec 2015</b>	<b>Chief Superintendent Gill Imery (Police Scotland) and Chief Inspector Kenny Simpson (Police Scotland)</b>

#### Outline of report and summary of discussion

The Board heard from Chief Superintendent Gill Imery and Chief Inspector Kenny Simpson who spoke to the report and provided a further commentary in relation to key aspects of the report.

The Board then heard from Councillor Parry who raised a query in relation to the age profile of offenders. The Chief Inspector responded raising concerns about the potential for young people to be exploited by organised crime and this was something that was being investigated further.

Councillor de Vink raised concerns in instances where it has been reported in some instances that there was no Police response following a domestic break-in. The Chief Inspector expressed his disappointment if there had been no Police response as this was a focus area and if no immediate response could be offered confirmation as to when an officer would be deployed should be given.

Councillor Montgomery requested further information in relation to the impact of the change in legislation in Scotland with regards to drinking and driving. The Chief Superintendent confirmed there had been an increase in people's awareness and was supporting a change in behaviour.

Councillor Muirhead asked if the Police felt that they were receiving the appropriate support from the Procurator Fiscal. The Chief Inspector confirmed that Sheriffs have a part to play and there is a variance in relation to judgements. Further the Chief Inspector confirmed that the Police continue to lobby the Crown Office in relation to this.

Councillor Parry requested further information in relation to remote reporting sites and the Chief Superintendent confirmed that these were under utilised in

Midlothian. The Chief Inspector confirmed that he would circulate the list of sites to the Board.

#### Decision

The Board agreed to:

- a) Note the content of the report.

#### Action

Police Scotland

**Sederunt – The Chief Inspector confirmed that whilst Report 6.1 had been marked as ‘restricted’ he was happy that the information contained in the report could be disclosed publically.**

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Report No.	Report Title	Presented by:
<b>6.1</b>	<b>Community Policing Team Activity Report – October – December 2015</b>	<b>Chief Inspector Kenny Simpson (Police Scotland)</b>

#### Outline of report and summary of discussion

The Board heard from Chief Inspector Kenny Simpson who spoke to the report outlining the Community Policing Team Activity report.

#### Decision

Following the presentation the Board agreed to:

- a) Note the contents of the report.

**Consultation on Police Powers to Search Children and Young People for Alcohol****Report by Eibhlin McHugh, Director, Health & Social Care****1 Purpose of Report**

The purpose of this report is to bring to the Board's attention the attached consultation.

**2 Background**

The attached consultation closes on 15<sup>th</sup> July and the Police and Fire & Rescue Board are asked to consider whether they would like to submit a response.

**3 Report Implications****3.1 Resource**

This report has no resource implications

**3.2 Single Midlothian Plan and Business Transformation**

Themes addressed in this report:

- ☒ Community safety
- ☐ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value
- ☐ None of the above

**3.3 Key Priorities within the Single Midlothian Plan**

Ensuring Midlothian is a safe place to live, work and visit

**3.4 Adopting a Preventative Approach**

The attached consultation covers powers that may assist with preventing child and youth consumption of alcohol.

**3.8 Ensuring Equalities**

This report has no equalities implications

**4 Recommendations**

The Police and Fire & Rescue Board is asked to consider whether they would like to submit a response to the attached consultation on Police Powers to Search Children and Young People for Alcohol.

**17<sup>th</sup> May 2016**

**Report Contact:**

**Name:** Rosie Kendall

**Tel No:** 0131 2716654

**Email:** Rosie.Kendall@midlothian.gov.uk

**Background Papers:** Consultation on Police Powers to Search Children and Young People for Alcohol

# **Consultation on Police Powers to Search Children and Young People for Alcohol**



In March last year, I asked John Scott QC, Solicitor Advocate, to chair an independent Advisory Group on Stop and Search.

The Advisory Group recommended that non-statutory (or consensual) Stop and Search should end when a new Stop and Search Code of Practice comes into force next year. From that point on the police will be able to search a person only where they have a specific legal power to do so.

In their report, the Advisory Group highlighted a potential legislative gap once consensual search ends, as the police do not currently have a specific legal power to search children and young people for alcohol. However, the Group's members were unable to reach a concluded view on whether a new search power was desirable or necessary. They therefore recommended that the Scottish Government should carry out this public consultation.

I would like to thank John Scott and the Advisory Group members for their considerable efforts in producing such a comprehensive and balanced report. The Scottish Government accepted the Group's recommendations in full. We have included the section of the Advisory Group Report on Children and Alcohol as an Annex to this consultation paper and I encourage you to read it.

This is a complex issue and it is vitally important that we get the balance right. We must ensure that the police have the powers that they need to safeguard and protect the safety and wellbeing of children and young people, while at the same time we must ensure that we are protecting the rights of the individual.

I am keen to build consensus on this important issue and I encourage you to respond to this consultation. We will be particularly keen to hear the views of children and young people.

A handwritten signature in black ink, appearing to read 'Michael Matheson', written on a light-colored background.

**Michael Matheson**

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# **CONSULTATION ON POLICE POWERS TO SEARCH CHILDREN AND YOUNG PEOPLE FOR ALCOHOL**

## **1. Introduction**

### **Purpose of this consultation**

This consultation asks for views on whether the police should be given the following new search powers:

- The power to search a child or young person under the age of 18 for alcohol, where a constable has reasonable grounds to suspect that the person is under the age of 18 and has alcohol in a public place.
- The power to search a person where a constable has reasonable grounds to suspect that the person has alcohol in a public place, and that the person has supplied or intends to supply the alcohol to a person under the age of 18 for consumption in a public place.

The questions in this consultation paper are deliberately framed in a way that allows for open discussion of these issues and how they are best addressed. The Government is not, at this stage, taking a position on whether the powers are needed and will only make a decision on this once it has considered all of the responses to the consultation.

### **Consultation Questions**

1. Do you think that a new power for the police to search a child or young person for alcohol as outlined in Part 1 of this consultation paper is an appropriate way to reduce risks to safety and wellbeing caused by possessing and consuming alcohol in public?
2. Do you think that any negative effects could result from a new power to search a child or young person for alcohol as outlined in Part 1 of this consultation paper?
3. Do you think that a new power for the police to search a person suspected of supplying a child with alcohol as outlined in Part 1 of this consultation paper is an appropriate method to reduce risk to safety and wellbeing caused by possessing and consuming alcohol in public?

## 2. Responding to this consultation paper

Responses should reach us by **15 July 2016**. We would welcome earlier responses.

Please complete your response using the online system at

<https://consult.scotland.gov.uk/organised-crime-and-police-powers-unit/under18search>

or send your response with the completed Respondent Information Form included at the end of this paper (see 'Handling your response' below) to:

[alcoholsearchconsultation@gov.scot](mailto:alcoholsearchconsultation@gov.scot)

or:

Police Powers Team  
Scottish Government  
Area 1WR  
Saint Andrew's House  
Edinburgh  
EH1 3DG

If you have any questions please phone Catherine Lobban on 0131 244 2160

This consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation pages of the Scottish Government website at

<https://consult.scotland.gov.uk/>

The Scottish Government has an email alert system for consultations

<http://register.scotland.gov.uk/Subscribe/Step1>. This system allows stakeholders, individuals and organisations to register and receive a weekly email containing details of all new consultations.

### Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete the consultation online at <https://consult.scotland.gov.uk/organised-crime-and-police-powers-unit/under18search>

or complete and return the Respondent Information Form (included at the end of this paper) as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.



## **The consultation process**

As well as publishing this consultation paper, the Scottish Government will be discussing these issues with a range of organisations, including organisations that represent children's interests.

We are especially keen to hear the views and experiences of young people and we encourage young people to respond to this consultation. To help with this we have included an easy access summary as Part 9 of this consultation paper. We will also create an Ebook version of this consultation paper that people can read and respond to on mobile phone or tablet.

We may also hold workshops and group discussions with young people. If you would like someone from the Scottish Government to come to speak to your group or organisation to hear your views please email us at [alcoholsearchconsultation@gov.scot](mailto:alcoholsearchconsultation@gov.scot) or phone Catherine Lobban on 0131 244 2160.

## **Next steps in the process**

Where respondents have given permission for their response to be made public and after we have checked that they contain no potentially defamatory material, responses will be made available to the public in the Scottish Government Library and on the Scottish Government consultation web pages by 15 September 2016. You can make arrangements to view responses by contacting the SG Library on 0131 244 4552. Responses can be copied and sent to you, but a charge may be made for this service.

## **What happens after the consultation?**

We will analyse responses to the consultation and information gathered from any workshops, group discussions and meetings carried out during the consultation period.

Scottish Ministers will then decide whether or not to lay regulations before the Scottish Parliament that would give police the new powers to search people for alcohol as outlined in Part 1 of this consultation paper. If Scottish Ministers decide to lay regulations then at that stage the Scottish Government will carry out another public consultation on more detailed proposals to change the law to create a new search power.

The new regulations would only come into force if the Scottish Parliament voted to approve them<sup>1</sup>.

## **Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please send them to the contact details above.

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<sup>1</sup> See section 70 of the Criminal Justice (Scotland) Act 2016

### **3. Stop and Search**

Various laws give the police the power to detain and search a person who has not been arrested, where there is reasonable suspicion that the police might find evidence of an offence or something that could be used to commit a crime. The police also have the power in some limited circumstances to search a person to protect the health and wellbeing of that person or others, where there is no suspicion that any offence has been committed<sup>2</sup>. The term 'Stop and Search' is used to describe this process of detaining and searching a person who has not been arrested.

Being stopped and searched does not necessarily mean that a person has done anything wrong or that they will now have a criminal record.

At the moment, there are two different types of Stop and Search in Scotland.

#### **Statutory Stop and Search**

This can happen where there is a specific law that gives police the power to search someone (for example, if an officer has reasonable grounds to suspect someone is in possession of controlled drugs, section 23 of the Misuse of Drugs Act 1971 gives the police the power to search that person).

#### **Non-statutory (or consensual) Stop and Search**

This can happen where there isn't any specific law that would give police power to search a person. If, however, a person agrees to being searched, the person can be searched with their consent.

The Independent Advisory Group on Stop and Search recommended that non-statutory (or consensual) Stop and Search should end when a new Stop and Search Code of Practice comes into force next year. From that point on the police will be able to search a person only where they have a specific legal power to do so.

#### **Independent Advisory Group on Stop and Search**

In March 2015 the Scottish Government's Justice Secretary, Michael Matheson asked John Scott QC, Solicitor Advocate, to chair an independent Advisory Group on police use of Stop and Search. The Group was made up of experts in policing, law enforcement, children's rights and academics.

In their report<sup>3</sup>, the Advisory Group highlighted a potential legislative gap once consensual search ends, as the police do not currently have a specific legal power to search children and young people for alcohol. However, the Group's members were unable to reach a concluded view on whether a new search power was desirable or

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<sup>2</sup> See for example section 66 of the Criminal Justice (Scotland) Act 2016

<sup>3</sup> <http://www.gov.scot/Resource/0048/00484527.pdf>

necessary. They therefore recommended that the Scottish Government should carry out this public consultation on whether the police should be given the new search powers described in Part 1 of this consultation paper. These new search powers would be in addition to the powers that the police already have to require people to surrender alcohol (as outlined in Part 5 of this consultation paper).

The section of the Advisory Group's report on children and alcohol is included as Annex A to this paper - we encourage you to take a few minutes to read that Annex before you respond to this consultation.

## **Stop and Search Code of Practice**

Codes of Practice are increasingly common in the work of public bodies. They can allow for greater certainty on the part of the public and the public servants involved.

The Criminal Justice (Scotland) Act 2016 provides that there should be a Code of Practice to underpin how Stop and Search is used, and that, before it is brought into force, there should first be a consultation on a draft Code of Practice. The Code of Practice will set out rules and guidance on when and how Stop and Search is used, how the search should be carried out and the type of information that should be recorded. The Act also says that when the Code of Practice comes into effect, the police will no longer be able to use non-statutory (consensual) Stop and Search – from then on all searches must be statutory.

The Scottish Government is currently carrying out a public consultation on what should be included in the Code of Practice. You can access the consultation on the Code of Practice at <https://consult.scotland.gov.uk/organised-crime-and-police-powers-unit/stop-and-search>

## **4. Harm that alcohol can cause for children and young people**

A 2009 report by William McKinlay and others on Alcohol and Violence among Young Male Offenders in Scotland (1979 – 2009)<sup>4</sup> brought together the findings of four research studies carried out over the past 30 years. It found that many offenders associate their criminality with alcohol misuse, particularly young offenders and those who have committed a violent offence. Self-reported data suggested that 50% of all male offenders in Scotland were under the influence of alcohol at the time of their offence, rising to 77% among young offenders aged 16-21.

The report found that:

- 40.1% of young offenders in 2007 said they got drunk daily.
- 79.6% considered that alcohol had contributed to their previous offending.

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[http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUK Ewif4KG42vnKAhWF\\_Q4KHbCZAEAQFggIIMAA&url=http%3A%2F%2Fwww.sps.gov.uk%2Fnmrsrunti me%2Fsaveasdialog.aspx%3FfileName%3DTheMcKinlayReportAlcoholViolenceAmongYoungMaleOf fenders2678\\_1428.pdf&usq=AFQjCNFQB6MtMYMCLdbGRsFpHjxn2JLc4A&sig2=fpu-bl3aV\\_KBbinjugXXw](http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUK Ewif4KG42vnKAhWF_Q4KHbCZAEAQFggIIMAA&url=http%3A%2F%2Fwww.sps.gov.uk%2Fnmrsrunti me%2Fsaveasdialog.aspx%3FfileName%3DTheMcKinlayReportAlcoholViolenceAmongYoungMaleOf fenders2678_1428.pdf&usq=AFQjCNFQB6MtMYMCLdbGRsFpHjxn2JLc4A&sig2=fpu-bl3aV_KBbinjugXXw)

- 56.8% blamed their current offence on drinking.
- All interviewees linked alcohol to their offending, in some cases to every one of their previous offences.

The Scottish Prison Survey in 2013 stated that just under half (45%) of prisoners in Scotland reported being drunk at the time of their offence.

The Crime and Justice Survey in 2012-13 found that in 59% of incidents of violent crime the victim said the offender was under the influence of alcohol.

Of the 77 persons accused in homicide cases in 2014-15, 27 (35%) were under the influence of alcohol.

An audit of Scottish emergency departments (NHS Quality Improvement Scotland, 2006) found that at least 70% of assaults presenting to emergency departments may be alcohol-related. On this basis it is estimated that a minimum of 77 alcohol-related assaults present to Scottish emergency departments every day<sup>5</sup>

## **The Scottish Government's Alcohol Framework**

The Scottish Government's Alcohol Framework contains over 40 measures aimed at reducing consumption, supporting families and communities, encouraging more positive attitudes and positive choices and improving treatment and support services.

Children and young people who are involved in offending often present with associated issues such as alcohol misuse. The Scottish Government's priority is to improve life chances for children and young people involved in, or at risk of being involved in offending. As part of a preventative approach there is a particular focus on health issues, including addressing alcohol misuse and any wellbeing concerns.

Young people's bodies are more vulnerable than adults' to the effects of alcohol. Drinking can cause short and long term harm to health, as well as put young people in risky situations when drunk. Research shows that the earlier a young person begins to drink alcohol, the more likely they are to drink in ways that can be risky later in life.

## **5. Current police powers to require people to surrender alcohol<sup>6</sup>.**

### **Children and young people under 18**

It is not an offence for a child or young person under 18 to be in possession of alcohol in a public place (although in many places in Scotland it is an offence to drink alcohol in public or be in possession of an open container of alcohol, under local authority bye-laws).

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[http://www.healthcareimprovementscotland.org/programmes/mental\\_health/programme\\_resources/harmful\\_drinking\\_2\\_alcohol\\_an.aspx](http://www.healthcareimprovementscotland.org/programmes/mental_health/programme_resources/harmful_drinking_2_alcohol_an.aspx).

<sup>6</sup> Section 61 of the Crime and Punishment (Scotland) Act 1997

If the police have reasonable grounds to suspect that a person is under the age of 18 and that they have alcohol in a public place the police have the power to require the person to surrender the alcohol. Once surrendered, the officer can dispose of the alcohol and require the person to supply their name and address. Police Scotland records alcohol recovered in this way as 'seizures'.

Refusing to surrender alcohol when required to do so is an offence and the officer has the power to arrest the person<sup>7</sup>.

Before requiring the surrender of the alcohol the officer must tell the person of their suspicion and that failure to comply is an offence.

There is no specific law that gives police the power to search a child or young person under 18 who has not been arrested for alcohol (unless in certain particular circumstances such as at entry to football matches).

### **People suspected of supplying a child or young person with alcohol**

If the police have reasonable grounds to suspect that a person has alcohol in a public place, and that the person has supplied or intends to supply the alcohol to a person under the age of 18 for consumption in a public place, the police have the power to require the person to surrender the alcohol. Once surrendered, the officer can dispose of the alcohol and require the person to supply their name and address.

Refusing to surrender alcohol when required to do so is an offence and the officer has the power to arrest the person<sup>8</sup>. Before requiring the surrender of the alcohol the officer must tell the person of their suspicion and that failure to comply is an offence.

There is no specific law that gives police the power to search a person who has not been arrested for alcohol (unless in certain particular circumstances such as at entry to football matches).

## **6. Evidence about what powers the police used to recover alcohol<sup>9</sup>**

### **Alcohol surrendered where police did NOT search the person for alcohol**

From 1 June 2015 to 31 December 2015 there were **2551** occasions where a child or young person under 18 surrendered alcohol to a police officer where the officer did not search that young person for alcohol. There were also **8440** occasions where

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<sup>7</sup> The Criminal Justice Act 2016 will change the law on arrests but officers will still have the power to arrest someone who refuses to surrender alcohol when required to do so.

<sup>8</sup> The Criminal Justice Act 2016 will change the law on arrests but officers will still have the power to arrest someone who refuses to surrender alcohol when required to do so.

<sup>9</sup> The information in this table was provided by Police Scotland and is taken from the June to December Stop and Search management information at <http://www.scotland.police.uk/assets/pdf/138327/306184/national-stop-and-search-database-management-information-report-1st-june-31st-december>

alcohol was surrendered by a person aged 18 or over where the officer did not search that person for alcohol.

**Alcohol surrendered where police searched the person for alcohol (these searches were non-statutory [or consensual]<sup>10</sup>)**

From 1 June 2015 to 31 December 2015 there were **158** occasions when a child or young person under 18 surrendered alcohol after an officer carried out a non-statutory (consensual) search of that young person for alcohol. There were **262** occasions where a person aged over 18 surrendered alcohol after a non-statutory (consensual) search for alcohol. More detail about these searches is set out below:

**Non-statutory (or consensual) searches for alcohol:**  
**1 June to 31 December 2015**

	Number of searches for alcohol	Number of people who refused to consent to the search	searches where alcohol found	% of searches where alcohol found
<b>Searches of under 18s</b>	<b>1629</b>	<b>9</b>	<b>158</b>	<b>9.7%</b>
<b>Searches of people aged 18 and over</b>	<b>1605</b>	<b>23</b>	<b>262</b>	<b>16.3%</b>

**Commentary:**

- In over 9 out of 10 (94%) cases where children and young people under 18 surrendered alcohol to the police between June and December 2015 the police did not search the young person for alcohol (2551 cases where alcohol was surrendered without a search for alcohol and 158 occasions where alcohol was surrendered after a non-statutory [consensual] search for alcohol).
- The Scottish Government is not aware of any evidence that any child or young person who was not searched refused to surrender alcohol to an officer or that an officer needed to consider arresting a child or young person for refusing to surrender alcohol.
- In 9 out of 10 (90%) of the non-statutory (or consensual) searches for alcohol of children and young people, the police did not find any alcohol.

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<sup>10</sup> See Part 3 of this paper for a definition of non-statutory (consensual) searches



- Only 0.5% of children and young people who were asked refused to give their consent to be searched for alcohol from June to December - 158 children and young people under 18 who were in possession of alcohol gave their consent to be searched.

## 7. Arguments for and against new powers to search children and young people aged under 18

The independent Advisory Group members were unable to reach a concluded view on whether new search powers for alcohol were needed. Some of the main arguments for and against new search powers are set out in this section.

<b>FOR – The police should be given new powers to search children and young people for alcohol</b>	<b>AGAINST – The police should not be given new powers to search children and young people for alcohol</b>
<p><b>Not having a search power could put children and young people at risk of harm.</b> There were 158 non-statutory (or consensual) searches for alcohol of children and young people aged under 18 between 1 June 2015 and 31 December 2015 where alcohol was found. If police weren't able to search for alcohol, they might not have been able to recover this alcohol.</p> <p><b>Having a search power could help the police to find alcohol that a child or young person under 18 had concealed.</b> If a child or young person under 18 told an officer that they didn't have any alcohol, but they did and they had concealed it, then a power to search would allow the officer to look for it and confirm the officer's reasonable suspicion.</p> <p><b>Having a power to search someone could avoid the need to arrest them.</b> If the police aren't given a legal power that lets them search a child or young person who they think has alcohol, the only way the police could search that person would be if they had grounds to arrest them. Being able to search a child or young person for alcohol may allow</p>	<p><b>The police already have enough powers to require children and young people to surrender alcohol.</b> In over 9 out of 10 cases (94%) where alcohol was surrendered by a child or young person aged under 18 from June to December 2015, the police did not need to search that young person (2,551 cases where alcohol was surrendered without a search for alcohol and 158 occasions where alcohol was surrendered after a search for alcohol).</p> <p>The Scottish Government is not aware of any evidence that any young person who was not searched refused to surrender alcohol to an officer or that an officer needed to consider arresting anyone for refusing to surrender alcohol.</p> <p><b>There are no circumstances in which a new power to search could be used where the police cannot already use their existing powers to require a young person to surrender alcohol.</b> The police would only be able to use a search power where they had reasonable grounds to suspect that a young person had alcohol. But if they have reasonable grounds to suspect possession then they can use their existing powers to require a young person to surrender the alcohol. We</p>

the police to act early and effectively to prevent any harm without resorting to arrest.

**In many places in Scotland drinking in the street and possessing an open container of alcohol in public is an offence under local by-laws.**

A new power to search for alcohol would support earlier intervention in the interest of wellbeing and safeguarding children and young people by preventing offences occurring.

**In England and Wales, Police Community Support Officers (PCSOs) have the power to search a person for alcohol in certain circumstances.**

Police constables in England and Wales don't have a power to search people for alcohol. But a PCSO can search a person, if that person has refused to surrender alcohol after having been requested to do so by a PCSO<sup>11</sup>.

**A new power to search would be tightly controlled – it could be used only where there were reasonable grounds to suspect that the person had alcohol, and it would be covered by the Stop and Search Code of Practice.**

Reasonable grounds for suspicion is the legal test that an officer would need to satisfy. An officer would need to be able to explain and justify the basis for their suspicion by reference to intelligence or information about, or some specific behaviour by, the person concerned. The Stop and Search Code of Practice would be used to add any extra rules and guidance about how the search power was used. Also, in deciding whether or not to search a child for alcohol, a police officer would, by law, have to treat the need to safeguard and promote the

have not seen evidence that any young person has ever refused to surrender alcohol where the police have been able to demonstrate reasonable suspicion of possession and when asked to do so.

**A new search power would not give the police any new powers to take alcohol away from a young person.**

The police already have the power to require a young person to surrender alcohol. Failure to surrender the alcohol would be an offence and the officer would have the power to arrest the person – as outlined in Part 5 of this paper. Giving the police a new search power would not change that – it would not give the police any new power to take alcohol from a young person.

**There should not be a power to search for something that is legal.**

Possession of alcohol is legal (although public consumption may be illegal where local by-laws are in place). The police should not have the power to search for something that it is legal to have.

**There is no need for police officers in Scotland to have a search power that police officers in England and Wales don't have.**

Police officers in England and Wales don't have a power to search young people for alcohol<sup>13</sup>. Scotland is a similar society with similar laws.

**A new search power could lead to more searches of children and young people.**

At the moment, in over 9 out of 10 cases where a child or young person under 18 surrenders alcohol to the police, the young person does not need to be searched (2551 people under 18 surrendered alcohol without a search

<sup>11</sup> We do not have PCSOs in Scotland – they help deal with anti-social behaviour. They are civilian members of police support staff but they wear a uniform and have some of the powers that police officers have - see Police Reform Act 2002



<p>wellbeing of the child as a primary consideration<sup>12</sup>.</p>	<p>from June to December 2015).</p> <p>The police can use their existing powers to require a person to surrender alcohol only where they have reasonable grounds to suspect that a person has alcohol. If a new search power is created, it will be subject to exactly the same ‘reasonable grounds’ test.</p> <p>This would mean that, if a new search power is created, on every occasion where an officer has the power to require a child to surrender alcohol under their existing powers, the officer would also have the new power to search that child.</p> <p><b>A new search power could risk harming relationships between children and the police.</b></p> <p>From June to December 2015, 9 out of 10 searches of children and young people for alcohol found no alcohol (there were 1629 non-statutory [consensual] searches of children and young people for alcohol – alcohol was found in only 158 searches).</p> <p>The Scottish Government is not aware of any research into whether these searches affected people’s relationships with the police. However, concerns have been raised by a range of bodies about the potential impact a power to search for alcohol might have on relationships between children and the police. For example, when the UK Parliament was debating the 1997 Act that gave the police their existing powers to require people to surrender alcohol, the absence of a power of search was mooted as ‘one of the great strengths’ of the law as it was feared that searches might create</p>
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<sup>13</sup> In England and Wales, Police officers do not have power to search for alcohol. Police Community Support Officers (PCSOs) have the power to search a person for alcohol if that person has refused to surrender alcohol after having been requested to do so by a PCSO – see Police Reform Act 2002.

<sup>12</sup> Section 68 of the Criminal Justice (Scotland) Act 2016

	tension and conflict between the police and young people <sup>14</sup> .
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## 8. Consultation Questions

The previous sections set out a range of relevant information and arguments in relation to powers to search children for alcohol. The Scottish Government would welcome the view of respondents in relation to the following questions which arise from this analysis:

- 1. Do you think that a new power for the police to search a child or young person for alcohol as outlined in Part 1 of this consultation paper is an appropriate way to reduce risks to safety and wellbeing caused by possessing and consuming alcohol in public?**

**YES**

**NO**

**DON'T KNOW**

- 2. Do you think that any negative effects could result from a new power to search a child or young person for alcohol as outlined in Part 1 of this consultation paper?**

**YES (please specify below)**

**NO**

**DON'T KNOW**

- 3. Do you think that a new power for the police to search a person suspected of supplying a child with alcohol as outlined in Part 1 of this consultation paper is an appropriate method to reduce risk to safety and wellbeing caused by possessing and consuming alcohol in public?**

<sup>14</sup> Dr Robert Spink, HC Deb 24 January 1997 vol 288 cc1165-206, Confiscation of Alcohol (Young Persons) Bill, as cited in the report by the independent Advisory Group on Stop and Search – see Annex D

**YES (please specify below)**

**NO**

**DON'T KNOW**

The Scottish Government would also welcome any wider evidence, information or views that are relevant to the purpose of this consultation that respondents would wish to bring to our attention in our further consideration of this issue.

## 9. Easy access summary of this consultation paper

The Scottish Government is particularly keen to get the views of children and young people. To help with this, we have included this easy access summary.

### EASY ACCESS SUMMARY

The Scottish Government wants to know what you think about these two questions:

1. Should the police be able to **search a young person aged under 18 for alcohol**, if police believe the young person has alcohol in a public place?
2. Should the police be able to **search a person if they believe the person intends giving alcohol to a young person** aged under 18 to drink in public?

The police want to be able to do this because they believe it will help them **protect young people and others and keep them safe from the harm** that alcohol could cause to them or others.

At the moment the police can search someone for alcohol if the person agrees to be searched. The police **don't have a specific legal search power to do this**. But the law has changed and from next year the police won't be able to search people for alcohol, even if a person agrees to be searched. That is why **the police want to be given a specific legal search power** to do this.

A Group with members from different organisations was set up to advise the Government. That Group looked at this problem but couldn't decide whether the police needed a legal power to search children and young people for alcohol. They recommended that the Government should ask the public what they think. **The Scottish Government wants to use this consultation paper to find out what you think about giving police a specific legal power to search children and young people for alcohol** in public places

The Scottish Government hasn't yet decided whether the police should be given a legal power to search children and young people for alcohol. It is going to listen to what the public think, gather more evidence about this and then it will decide.

There are arguments for and against giving the police this power:

#### ARGUMENTS FOR

**Not being able to search children and young people for alcohol could put children and young people at risk of harm.**

There were 158 searches for alcohol of children and young people aged under 18 from June to December 2015 where police found alcohol. The police might not have recovered this alcohol if they weren't able

#### ARGUMENTS AGAINST

**The police don't need to be able to search children and young people for alcohol as they already have powers to require them to surrender alcohol.**

In over 9 out of 10 cases (94%) where alcohol was given up by a young person aged under 18 to the police from June to December 2015, the police did not need to search that young person for alcohol

to search for it.

**Having a search power could help the police to find alcohol that a child or young person under 18 had hidden**

If a child or young person under 18 told an officer that they didn't have any alcohol, but they did and they had hidden it out of sight, then a power to search would allow the officer to look for it.

**Having a power to search someone could avoid the need to arrest them.**

If the police aren't given a legal power that lets them search a child or young person who they think has alcohol, the only way the police could search that person would be if they had grounds to arrest them. Being able to search a child or young person for alcohol may allow the police to act early and effectively to prevent any harm without resorting to arrest.

**In many places in Scotland drinking in the street and possessing an open container of alcohol in public is an offence under local by-laws.**

A new power to search for alcohol would support earlier intervention in the interest of wellbeing and safeguarding children and young people by preventing offences occurring.

**In England and Wales, Police Community Support Officers (PCSOs) have the power to search a person for alcohol in certain circumstances**

Police constables in England and Wales can't search people for alcohol. But a PCSO can search a person, if that person has refused to give up their alcohol. (We don't have PCSOs in Scotland – they help deal with anti-social behaviour – they are civilian members of police support staff but they wear a uniform and have some of the powers that police officers have).

(there were 2,551 times where alcohol was surrendered without a search for alcohol and only 158 times where alcohol was surrendered after a search for alcohol).

If a police officer thinks that a person is under 18 and that they have alcohol in public, the officer has the power to ask the person to give them any alcohol they've got. The officer can then throw it away. It would be an offence to refuse to give the alcohol to the police when asked and there is no evidence that any child or young person has ever refused.

**In all cases where the police have reasonable grounds to suspect that a person has alcohol, they can use the powers they already have to ask the person to give their alcohol to the police.**

If a police officer thinks a child or young person has alcohol they can ask the person to give it to them. It would be an offence to refuse to give alcohol to the police, when asked and there is no evidence that this has ever happened. So there is no need for the police to be able to search that person for alcohol.

**The police should not be able to search children and young people for something that is legal.**

It is legal for a person to have alcohol in public, no matter what age they are (but it might be against the law to drink it in public if local by-laws are in place). The police should not have the power to search for something that it is legal to have.

**Police Officers in England and Wales can't search people for alcohol, so there is no need for police in Scotland to do it.**

Police officers in England and Wales can't search people for alcohol. Scotland is a similar society with similar laws.

**Any searches for alcohol would be tightly controlled – the police could only search someone where they had reasonable grounds to suspect that the person had alcohol, and all searches would be covered by a new Stop and Search Code of Practice that will be introduced in early 2017.**

The police would only be able to search someone where they had reasonable grounds to suspect they had alcohol. This means that an officer would need to be able to explain why they think the person has alcohol – this might include things like information that the officer has received about the person, or things that the officer has seen, such as the way that the person has been acting.

The new Stop and Search Code of Practice could include extra rules and guidance about how the police search people (especially children and young people) for alcohol.

**A new search power could lead to more searches of children and young people.**

At the moment, over 9 out of 10 cases where alcohol is taken from children and young people under 18 are dealt with using the powers the police already have to ask the person to surrender the alcohol.

If the law is changed so that the police have the power to search people they think may have alcohol, it could lead to many more searches of children and young people for alcohol.

**A new search power could risk harming relationships between children and the police.**

From June to December 2015, 9 out of 10 searches of children and young people for alcohol did not find any alcohol.

We haven't seen any research on whether these searches affect young people's relationships with the police. But a lot of different organisations are concerned that being able to search young people for alcohol could harm relationships between children and young people and the police.

There is more information about these arguments in the rest of this consultation paper. Please read the rest of the paper if you would like to learn more.

### **What do you think?**

Should the police be able to search a young person aged under 18 if the police think that person has alcohol in public?

Do you think there could be any negative impact, if the police are able to search young people aged under 18 for alcohol?

Should the police be able to search a person if the police think the person is going to give alcohol to a young person aged under 18 to drink in public?

Tell us what you think at

<https://consult.scotland.gov.uk/organised-crime-and-police-powers-unit/under18search>

or email us at [alcoholsearchconsultation@gov.scot](mailto:alcoholsearchconsultation@gov.scot)

If you have any questions please phone Catherine Lobban on 0131 244 2160.

If you would like someone from the Scottish Government to come to speak to your group or organisation to hear your views please email us at [alcoholsearchconsultation@gov.scot](mailto:alcoholsearchconsultation@gov.scot) or phone Catherine Lobban on 0131 244 2160.

Closing date for comments is **15 July 2016**

## Consultation on police powers to search children and young people for alcohol



### RESPONDENT INFORMATION FORM

**Please Note** this form **must** be returned with your response.

Are you responding as an individual or an organisation?

☐ Individual

☐ Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- ☐ Publish response with name
- ☐ Publish response only (anonymous)
- ☐ Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- ☐ Yes
- ☐ No



## EXTRACT FROM THE STOP AND SEARCH ADVISORY GROUP REPORT<sup>15</sup>

### ALCOHOL

#### Recommendation 6

**That the Scottish Government should hold an early consultation on whether to legislate to create a specific power for police officers to search children under 18 for alcohol in circumstances where they have reasonable grounds to suspect that they have alcohol in their possession. Such a power might also extend to searching those suspected of supplying alcohol to those under 18. The Government should ensure that the consultation process engages effectively with children and young people. In introducing any such power care should be taken to ensure that there is no consequent increase in criminalisation of children and young people.**

1. The possession of alcohol by children and young people has been offered repeatedly as a major aspect of the use of, and need for, the tactic of non-statutory Stop and Search. On the face of it there was some justification for taking a closer look at this area. Non-statutory searches of children and young people for alcohol seemed to make up a significant number of such searches.
2. However, creation of the new National Stop and Search Database, which has provided much better recording of police activity in this area, revealed that the bulk of incidents involving alcohol were recorded as seizures (previously consensual searches for alcohol and seizures had been collapsed together). Nevertheless, it is clear that searches have continued to be undertaken for alcohol, including some inappropriate use of statutory grounds which reveals both confusion over, and reliance on, its use. The sheer scale of the activity around alcohol underlines Police Scotland's view that this continues to be an area of concern and the inability to use search powers to remove alcohol from young people is a potential problem.
3. In his report Her Majesty's Inspector of Constabulary in Scotland wondered if an implied power of search for alcohol might be read into the power of seizure of alcohol. Subsequent legal advice has confirmed that there is no implied power of search within the current legislation. In part this advice was based on the fact that the United Kingdom Parliament had specifically decided in 1997 not to give the police such a power. The absence of such a power was mooted as "one of the great strengths" of the legislation as it was feared that the exercise of such a power might create tension and conflict between the police and young people<sup>16</sup>. This is something the Scottish Government and Scottish

<sup>15</sup> <http://www.gov.scot/Resource/0048/00484527.pdf>

<sup>16</sup> Dr Robert Spink, HC Deb 24 January 1997 vol 288 cc1165-206, Confiscation of Alcohol (Young Persons) Bill

Parliament ought to keep in mind when exploring the merits of a new power to search for alcohol. Meaningful consultation with children and young people will be important in this regard.

4. The issue of whether this area represents a gap is complicated by the fact that the statistics for non-statutory Stop and Search seem to include what were in fact seizures. Such seizures were entirely lawful in terms of the legislation. On most occasions these seem to have happened without any further action or intervention, or the involvement of Child Protection partners. For the avoidance of doubt, we do not suggest that further intervention was necessary or appropriate in those cases.

5. Conversely, it has been suggested to us that, in the absence of non-statutory Stop and Search there could be circumstances where vulnerable young people could be at greater risk if the police had to rely solely on the power of seizure. It has been suggested that use of the tactic of non-statutory Stop and Search may have masked any such risk.

6. In relation to alcohol in the possession of children, one possibility would be the introduction of a power to search similar to the one recently made available in parts of England to Police Community Support Officers if reasonable grounds to suspect such possession exist. In Scotland, such a power to search could be added to section 61 of the Crime and Punishment (Scotland) Act 1997 which allows officers to seize alcohol. It would therefore adopt the existing statutory framework, providing the same test of reasonable grounds to suspect possession of alcohol by someone under 18 or by someone over 18 suspected of supplying alcohol to those under 18.

7. Such a power, with the requirement of reasonable suspicion, would be an improvement on the current situation, especially if supported by the recommended Code of Practice, but thought must be given to wider implications and alternatives. It has been suggested to us that complementary methods exist to address underage drinking, with more possible on the licensing front and monitoring of licensed premises.

8. Child welfare and protection has been given as a major justification for much that has happened through non-statutory Stop and Search, with emphasis on this justification especially prominent in relation to alcohol. We deal separately with more general aspects of child and adult protection, particularly necessity and proportionality. In relation to alcohol, the presence of a welfare/protection aspect is seen in the fact that the tactic has been used very frequently to remove alcohol from children and young people in circumstances where they may be placed at risk of becoming involved in crime or anti-social behaviour, or at risk of harm to themselves.

9. Our experts on children and young people were not entirely persuaded by this justification. If child welfare and protection was a justification, they asked whether there was evidence of further intervention and partnership working to deal with the issues thrown up by the possession of alcohol by children.

10. Specific child welfare and protection powers are available, and are used, which place welfare more obviously at their heart<sup>17</sup> (See Appendix 9 for Extract from National Guidance for Child Protection in Scotland 2014).

11. A power to search for alcohol would not be entirely uncontroversial<sup>18</sup>. Alcohol is not a prohibited substance. Possession of alcohol is not prohibited. The offences related to alcohol strike primarily at its sale or supply to children, for example, an adult buying alcohol for a child.

12. There was general agreement that the introduction of any additional power should not lead to unnecessary criminalisation, but, if required, should instead lead to a wider multi-agency preventative intervention, in which the police should play their part but which also requires the efforts of other public agencies, and indeed families, where appropriate. This could easily be facilitated in appropriate cases within the context of the current youth justice practices in Scotland, including the Whole System Approach<sup>19</sup>.

13. As a new power of search for alcohol would be used most often on children and young people, care would be needed to ensure that any deployment of the power was necessary and proportionate. This should be understood and accepted when it is realised that the involvement of the law is intended primarily to protect children, and to deal sensitively with their specific vulnerabilities.

14. Such a power would see continued police focus on children and young people. As the basis of the power is that an officer has reasonable grounds to suspect possession of alcohol, we would expect that it would be used less indiscriminately than has been the position. The hope is that, even following a positive search for alcohol, most such young people would remain outwith the youth or criminal justice system.

15. If it is seen as no more than an extension of the power of seizure, the same sensible, common-sense approach should follow, with any further steps taken being commensurate to the circumstances and following an assessment of the specific risks, and involving the least intrusive measures available and appropriate.

16. We have been told such a power is necessary. Several serving and retired police officers have said that, in the absence of non-statutory Stop and Search, they would be satisfied that they can still perform their duties effectively, but only if given such a power in relation to alcohol.

17. A power of arrest already exists that could be exercised on the same basis as we propose for a power of search. Although we have been told that it would be unlikely to happen, we do not want to push police officers towards a new practice of arresting children suspected of possessing alcohol and potentially criminalising them unnecessarily. Police

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<sup>17</sup> Anne Houston, OBE., FRSA., The Impact of Consensual Stop and Search on Children and Young People including issues around informed consent and child protection.

<sup>18</sup> See, especially, John Carnochan, OBE., QPM., Alcohol - Stop Search – Consensual or otherwise, 11 August 2015

<sup>19</sup> Murray, K., McGuinness, P., Burman, M. and McVie, S. (2015) 'Evaluation of the Whole System Approach to Young People Who Offend in Scotland'. SCCJR Research Report 7/2015. Edinburgh: SCCJR

officers have stressed that they do not want this outcome either. It may be that some such situations can continue to be dealt with, in effect, by simply seizing and disposing of the alcohol.

18. For the sake of completeness it is worth pointing out that there is an existing criminal offence where children refuse to hand over alcohol. If a new power of search for alcohol were to be given, it may be appropriate to consider removing that offence for those under 18. This would be on the basis that a power of search on reasonable suspicion will recover the alcohol – which it is not, in itself, an offence to possess – and will potentially provide grounds for welfare concerns that should result in a proportionate (where necessary, multi-agency) intervention.

19. For our part, on balance, we have not been able to form a concluded view on this question on the evidence produced thus far. Accordingly, we recommend that there should be a further consultation on whether a specific power of search for alcohol is necessary and appropriate. The possibility of consultation on this issue has been welcomed<sup>20</sup>. Any consultation should have the benefit of greater reliable data on the relevant practices, both search and seizure, and a fuller opportunity to consult relevant stakeholders including children and young people themselves and those who work with them.

20. If such a power were to be introduced thought should be given to ensuring appropriate recording, monitoring and reporting processes are in place from the outset to guard against any inappropriate drift in use or unintended consequences.

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<sup>20</sup> See, for example, the response to the Call for Evidence from Barnardo's Scotland



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**Designated Local Police Commander – Lothians and Scottish Borders****Report by Eibhlin McHugh, Director, Health & Social Care****1 Purpose of Report**

The purpose of this report is to bring to the Board's attention the consultation undertaken by Police Scotland in appointing the new Local Police Commander, Chief Superintendant Ivor Marshall.

**2 Background**

The attached letter provides detail of correspondence between Police Scotland and Midlothian Council regarding the Local Police Commander appointment.

**3 Report Implications****3.1 Resource**

This report has no resource implications

**3.2 Single Midlothian Plan and Business Transformation**

Themes addressed in this report:

- ☒ Community safety
- ☐ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value
- ☐ None of the above

**3.3 Key Priorities within the Single Midlothian Plan**

Ensuring Midlothian is a safe place to live, work and visit

**3.4 Ensuring Equalities**

This report has no equalities implications

**4 Recommendations**

The Police and Fire & Rescue Board is asked to note the consultation undertaken by Police Scotland in appointing the new Local Police Commander.

**17<sup>th</sup> May 2016**

**Report Contact:**

**Name:** Rosie Kendall

**Tel No:** 0131 2716654

**Email:** Rosie.Kendall@midlothian.gov.uk

**Background Papers:** Letters to Midlothian Council Chief Executive regarding the appointment of the new Local Police Commander

Date: 21 April 2016

Your Ref:

Our Ref:

Mr Kenneth Lawrie  
Chief Executive  
Midlothian Council  
Midlothian House  
40-46 Buccleuch Street  
Dalkeith  
Midlothian  
EH22 1DN



Chief Constable  
Philip Gormley QPM

2 St Ninians Road  
Randolphfield  
Stirling  
FK8 2HD

Telephone No: 101

E-mail: [cc.office@scotland.pnn.police.uk](mailto:cc.office@scotland.pnn.police.uk)

Dear Mr Lawrie

### **Designated Local Police Commander – Lothians and Scottish Borders**

As you are aware Chief Superintendent Gillian Imery has recently taken up another position.

Under Section 44 of the Police and Fire Reform (Scotland) Act 2012: "(2) For each local authority area, the chief constable must, after consulting the local authority, designate a constable as local commander". In addition the Act also permits the Chief Constable to appoint an officer as Local Police Commander for more than one area.

In this regard I write to inform you my nomination for your Local Police Commander is Chief Superintendent Ivor Marshall. Ivor started his policing career with Dumfries and Galloway Constabulary where he worked in a range of roles and ranks across community policing, criminal investigations, local partnerships and the force control room. He later transferred to Lothian and Borders Police where he carried out a number of senior roles. As the Deputy Divisional Commander in the City of Edinburgh he had responsibility for a variety of operational teams and was also the police representative on a number of partnership groups. He was chair of Edinburgh Child Protection Committee for over 3 years and was a member of the Chief Officer Group.



In recent years he has undertaken lead roles in the delivery of the Commonwealth Games, working with partners on national leadership development and most recently was Head of Training, Leadership and Development for Police Scotland. Ivor has a wealth of urban and rural policing experience specifically focusing on prevention and development through collaboration. He currently resides within the Lothians and Scottish Borders Division with his family.

Chief Superintendent Marshall has been selected following a process which involved the post being advertised across Scotland to all eligible candidates.

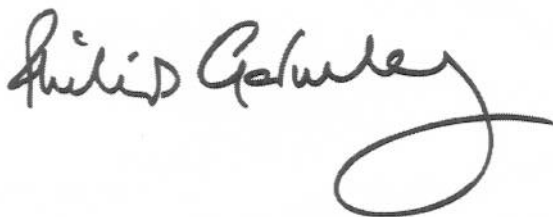
I write to consult you on this proposition and would be grateful if you could therefore respond, advising whether you support my nomination of Chief Superintendent Marshall as Local Police Commander for your area.

I would appreciate an early reply, which would allow me to confirm Chief Superintendent Marshall in his role and allow him to make contact with you directly.

Chief Superintendent Marshall is a highly experienced officer and I am certain the positive working relationship Midlothian Council previously enjoyed with Chief Superintendent Imery will continue in the capable hands of Chief Superintendent Marshall.

I trust you will find this information helpful.

Yours sincerely,

A handwritten signature in black ink, reading 'Philip Gormley'. The signature is fluid and cursive, with a large, sweeping loop at the end.

Philip Gormley QPM  
Chief Constable

Date: 9 May 2016

Your Ref:

Our Ref:

Mr Kenneth Lawrie  
Chief Executive  
Midlothian Council  
Midlothian House  
40-46 Buccleuch Street  
Dalkeith  
Midlothian  
EH22 1DN

Chief Constable  
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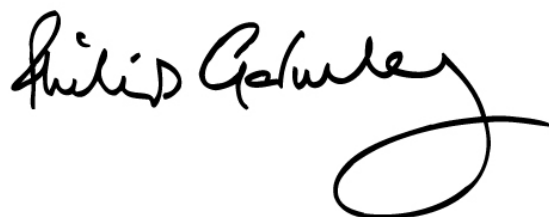
Dear Mr Lawrie

**Designated Local Police Commander – The Lothians & Scottish Borders**

Thank you for your prompt response to my request for views on the appointment of a new Divisional Commander for The Lothians & Scottish Borders Division.

I can confirm the appointment of Chief Superintendent Ivor Marshall from Monday 16 May 2016. I know Chief Superintendent Marshall is very much looking forward to building a strong working relationship with you and your Elected Members.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Philip Gormley', with a large, stylized loop at the end.

Philip Gormley QPM  
Chief Constable



# LOCAL PLAN PERFORMANCE REPORT FOR MIDLOTHIAN



**SCOTTISH**  
**FIRE AND RESCUE SERVICE**  
Working together for a safer Scotland

**Quarter 4 Report, 1<sup>st</sup> January – 31<sup>st</sup> March, 2016**

**Working together  
for a safer Scotland**

Midlothian 

## DISCLAIMER

The figures included in this report are provisional and subject to change as a result of quality assurance and review. The statistics quoted are internal management information published in the interests of transparency and openness.

The Scottish government publishes Official Statistics each year which allow for comparisons to be made over longer periods of time.

Please ensure any external partners in receipt of these reports are aware of this.

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## Introduction

This performance report provides information on our prevention, protection and operational response activities within the Midlothian for Quarter 4 of 2015-16 (1st January – 31st March) including information on the year to date.

The Scottish Government provides an overarching vision for public services. This vision supported by 16 National Outcomes, which demonstrate commitment to creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable growth. The Scottish Fire and Rescue Service (SFRS) can make a significant contribution to improving these outcomes for Midlothian by contributing to the Community Planning arrangements across the area.

The national priorities for the SFRS are set out in the Fire and Rescue Framework for Scotland. The SFRS Strategic Plan 2013-2016 outlines how the SFRS will deliver against these priorities and the outcomes against which this delivery can be measured.

The priorities contained within the Local Fire and Rescue Plan for Midlothian 2014-2017 contributes towards the priorities within the Single Midlothian Plan.

The aims of the local Fire & Rescue Service in Midlothian are to reduce fire deaths and to reduce injuries from fire and other emergencies in the community. We aim to achieve this by working in partnership, being pro-active and targeting our prevention and protection activities to where they are required, based on evidence.

The Local Fire and Rescue Plan for Midlothian 2014-2017 identifies the following five objectives as the main focus for service delivery locally:

- Priority 1. Reduction of Accidental Dwelling Fires,
- Priority 2. Reduction in Fire Casualties and Fatalities,
- Priority 3. Reduction of Deliberate Fire Setting,
- Priority 4. Reduction in Road Traffic Collisions,
- Priority 5. Reduction of Unwanted Fire Alarm Signals.

Area Manager David Farries

Local Senior Officer for Midlothian, East Lothian and the Scottish Borders.

david.farries@firescotland.gov.uk

## Performance Summary

We measure how well we are meeting our priorities using 6 key indicators, depicted below

	Apr to (& incl.) Mar					RAG rating
Key performance indicator	2011/12	2012/13	2013/14	2014/15	2015/16	YTD
All accidental dwelling fires	65	88	62	56	59	▲
All fire casualties (fatal & non-fatal (incl. p/c's))	29	20	35	20	10	●
All deliberate fires	438	187	316	275	285	▲
Special Service - RTCs	41	41	36	46	47	▲
Special Service Casualties - All	54	40	62	49	58	◆
False Alarm - UFAs	285	271	270	251	304	◆

### RAG rating - KEY

◆	RED DIAMOND	10% higher than the previous YTD period, or local target not achieved.
▲	YELLOW TRIANGLE	Up to 9% higher than the previous YTD period, or local target not achieved.
●	GREEN CIRCLE	Equal to or improved upon the previous equivalent quarter (or YTD period), or local target achieved.

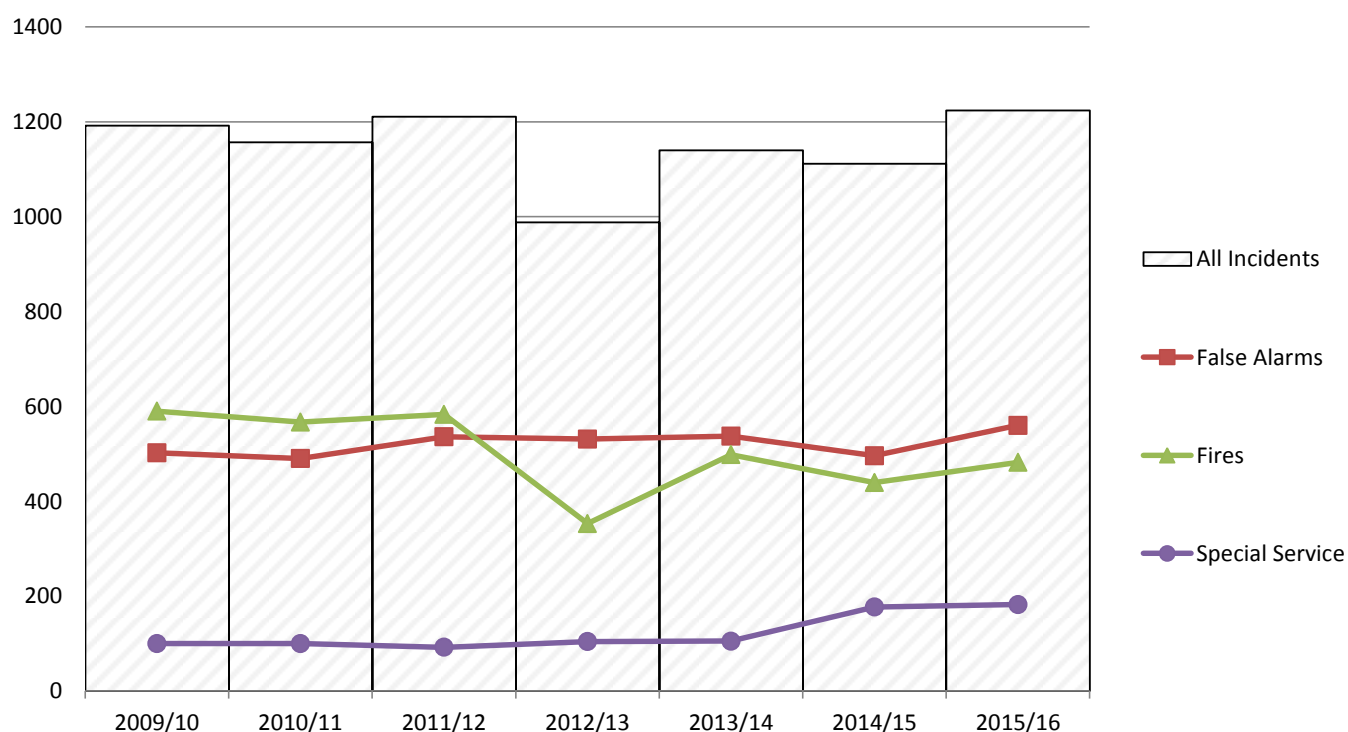
### Note

Quarterly comparison RAG Rating = the reporting period compared to the average of the three previous quarterly reporting periods.  
Year to Date RAG Rating = the cumulative total of all quarterly performance in current year compared to cumulative total of all quarterly performance in previous year.

### Incident Overview

During the year 2015-16, the SFRS responded to 1224 incidents in Midlothian, which is an increase of 112 incidents on the last reporting year.

The chart below illustrates incidents YTD attended within Midlothian council over the last 6 fiscal years



<b>Progress on local fire &amp; rescue plan priorities</b>
<b>Local Risk Management and Preparedness</b>
<p>The Service must identify, prioritise and plan to meet the risks in each local community.</p> <p>We said we would:</p> <ul style="list-style-type: none"> <li>• train our staff to deal with our local risks</li> <li>• gather and analyse risk information</li> <li>• work with partners to mitigate risks</li> <li>• deal with major events</li> </ul>
<u>Train our staff to deal with our local risks</u>
<p>All of our operational staff undertake routine and risk specific skill acquisition and maintenance training.</p>
<u>Gather and analyse risk information</u>
<p>All of our operational staff gather and analyse local risk information and operational intelligence, used in our preparations to resolve incidents. We conduct Post Incident Debriefs to identify any lessons that can be learned from our preparedness and response to emergency events. We use Urgent Operational Intelligence Briefings to inform our operational staff of any safety critical information.</p>
<u>Work with partners to mitigate risks</u>
<p>We continue to be an active member of the East Local Resilience Partnership.</p> <p>We share information with local authority partners and other key stakeholders (e.g. Police Scotland) to ensure emergency event risks are mitigated.</p>
<u>Deal with major events</u>
<p>There were no major fire events or significant emergency events in this reporting period.</p>





## Reduction of 'All accidental dwelling fires'

Accidental dwelling fires can have devastating effects on our community. The SFRS is committed to keeping people safe in their homes. We share information with partners to make sure that the right people get the right information they need, particularly those who are vulnerable due to age, isolation or addiction. Reduction of Accidental Dwelling Fires contributes to The Single Midlothian Plan.

### Results

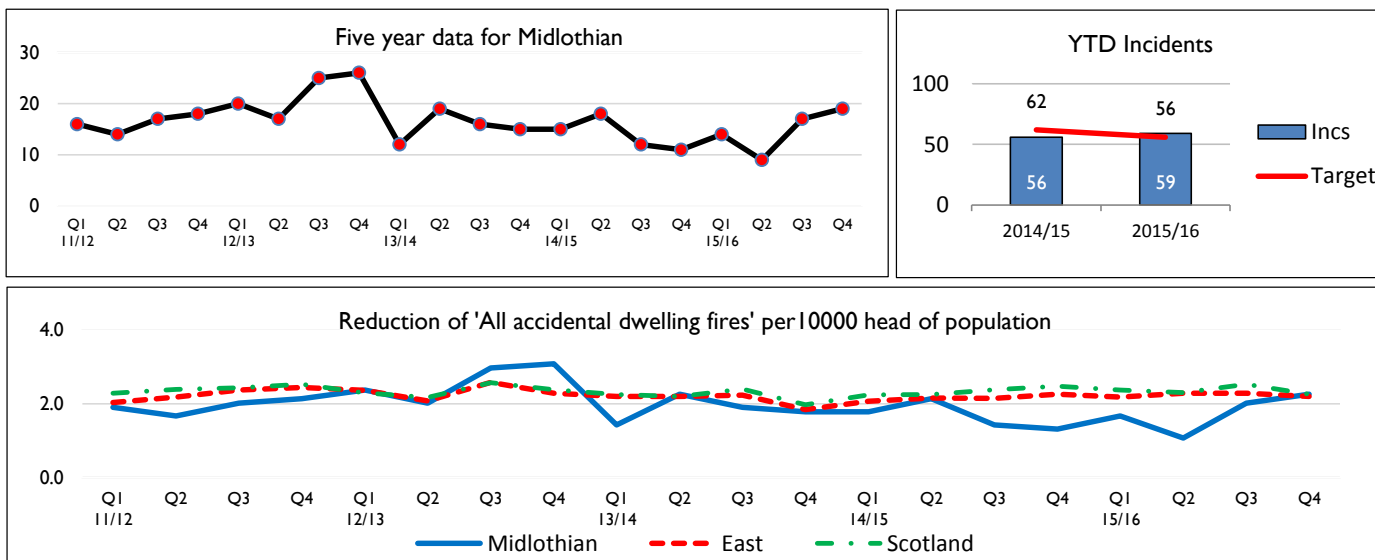
We aim to reduce Accidental Dwelling Fires in Midlothian by contributing towards the SFRS target of 10% reduction per year, over a three-year rolling period. During this quarter, we responded to 19 Accidental Dwelling Fires, which is an increase of 8 incident from the same period last year. The long-term trend based upon incidents/10,000 population is in line with both the Scottish and East Delivery Area trends.

### Reasons

Of the 19 dwelling fires attended, nearly 60% occurred in single occupancy households with 30% being in the over 65 category. The main causes were cooking (60%) or smoking materials (15%). 60% of the fires started in the kitchen and 20% in the bedroom with 100% confined to the room where the fire started. It is clear from this evidence for the need in continuing to target those mostly at risk in single occupancy households as well as the need to continue to ensure those properties have working smoke detection.

### Actions

During this reporting period, 227 Home Fire Safety Visits were carried out and 98 smoke detectors were fitted within Midlothian. Of this total, 72 visits were carried out in premises deemed as being 'high risk'. A number of initiatives and events aimed at reducing accidental dwelling fires were conducted. We have introduced a 'Post Domestic Incident Response' policy, which provides a framework to ensure that engagement activity is completed in a structured and appropriate manner following incidents. Appendix I provides further details on our prevention activities in relation to this priority.



YTD ward ave. for Midlothian - 10	2011/12	2012/13	2013/14	2014/15	2015/16	Sparklines
Midlothian	65	88	62	56	59	
Penicuik	19	21	13	6	11	
Bonnyrigg	7	11	4	5	9	
Dalkeith	8	13	18	17	16	
Midlothian West	11	14	5	7	8	
Midlothian East	11	15	12	12	7	
Midlothian South	9	14	10	9	8	



## Reduction of 'All fire casualties (fatal & non-fatal (incl. p/c's))'

Fire casualty and fatality rates provide an indication of the amount of serious, life-threatening injuries that occur due to fire. This can indicate not only the success of SFRS in reducing the number of life risk fires through community fire safety and similar activities, but also their success in response activity in saving lives.

### Results

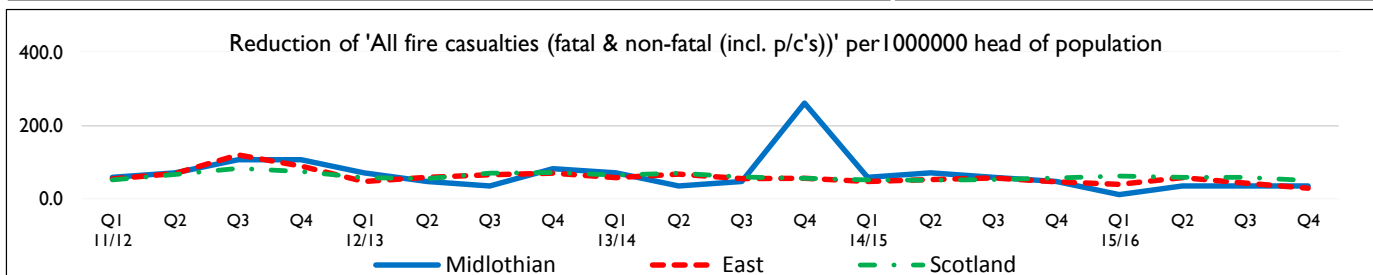
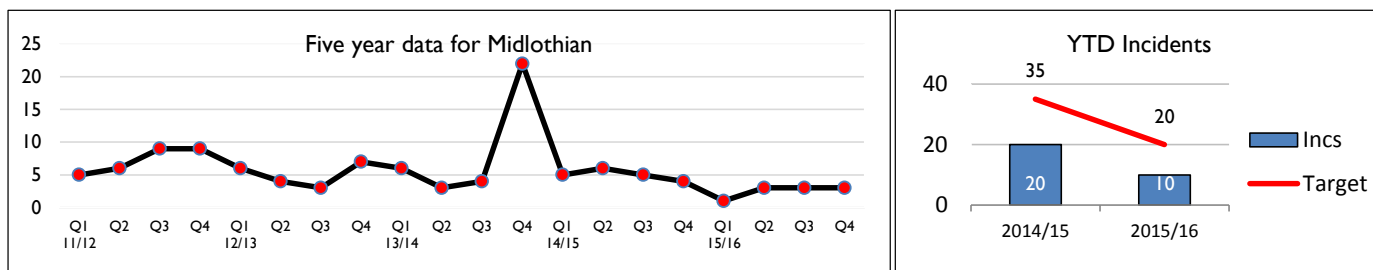
There were no fire fatalities in this reporting period. We aim to reduce fire casualties in Midlothian each per year, which contributes towards the SFRS target of reducing Fire Casualties by 5% per year, over a three-year rolling period. In this reporting period, SFRS dealt with 3 casualties due to fire. This was a decrease of 1 in the same reporting period last year. The long-term trend based upon casualties/10,000 population shows that we are in line with the Scottish and East delivery area average. It is pleasing that casualty numbers have decreased by around two thirds in the last 5 years.

### Reasons

Historically Midlothian has had low numbers of casualties from fires and it is pleasing that trend is continuing to reduce. The casualties who were rescued because of the fire received first aid at the scene and did not attend hospital. Smoke detectors were fitted within the properties.

### Actions

During this reporting period, 227 Home Fire Safety Visits were carried out and 98 smoke detectors were fitted within Midlothian. Of this total, 72 visits were carried out in premises deemed as being 'high risk'. In addition, we continue to work with our partners particularly Midlothian Council, social work and NHS to target those most vulnerable and at risk from fire.



YTD ward ave. for Midlothian - 2	2011/12	2012/13	2013/14	2014/15	2015/16	Sparklines
Midlothian	29	20	35	20	10	
Penicuik	9	6	4	2	2	
Bonnyrigg	3	3	9	2	2	
Dalkeith	1	4	9	5	1	
Midlothian West	4	1	0	2	3	
Midlothian East	6	3	8	6	1	
Midlothian South	6	3	5	3	1	



## Reduction of 'All deliberate fires'

Although deliberate fire setting is not a significant problem for the SFRS in Midlothian there is a close link between deliberate secondary fires and other forms of anti-social behaviour. In the main, deliberate fires are secondary fires categorised into refuse/bins, grassland or derelict buildings incidents. Reduction of Deliberate Fire Setting contributes to the Single Midlothian Plan.

### Results

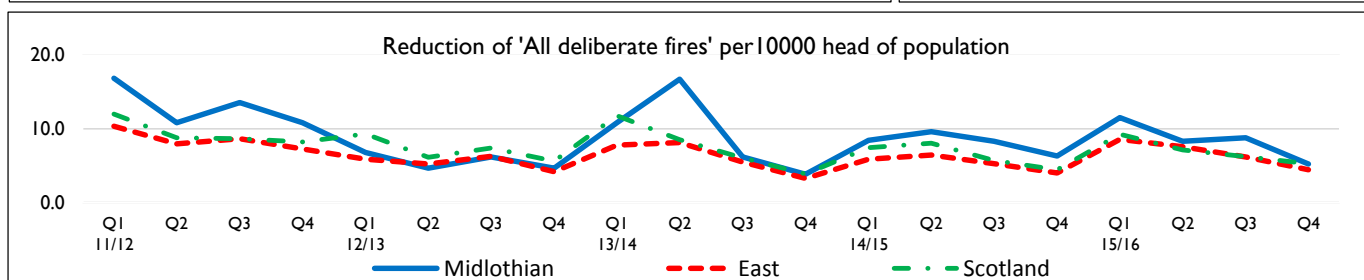
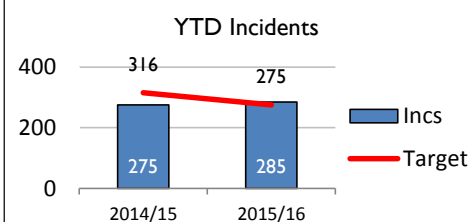
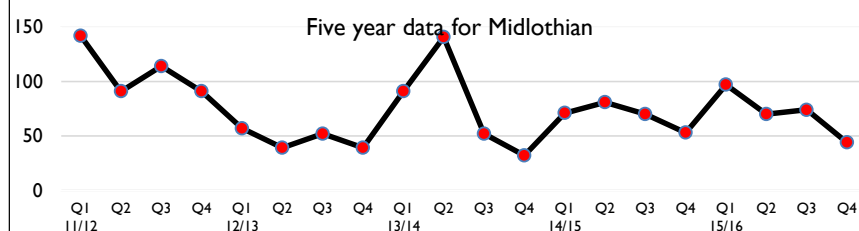
There were 44 deliberate fires during this reporting period, a decrease of 9 on the same period as last year. The wards most likely to suffer from this type of fire are Dalkeith and Midlothian East and South. The long-term trend based upon Deliberate Fire Setting /10,000 population shows us slightly above the Scottish average and below that average in the East delivery area but it is pleasing that the numbers in the last 5 years have dropped.

### Reasons

Nearly 66% of the incidents attended were 'deliberate secondary fires' in waste or scrubland, 12% were car fires and 12% involved refuse/bins. There were no patterns emerging from these incidents.

### Actions

SFRS continues to work with partner agencies attending the weekly TACG meetings and provision of monthly tactical assessments by the Midlothian Partnership Analyst. Various on-going preventative activities have been undertaken throughout the year targeting the issue of deliberate fire-raising. This includes various youth engagement events (Cooldown Crew and Challenge Projects), Stair Aware activity, visits to schools and other partnership work.



YTD ward ave. for Midlothian - 48	2011/12	2012/13	2013/14	2014/15	2015/16	Sparklines
Midlothian	438	187	316	275	285	
Penicuik	32	16	18	19	25	
Bonnyrigg	19	12	27	21	28	
Dalkeith	119	64	60	65	64	
Midlothian West	67	24	44	44	47	
Midlothian East	126	41	104	83	63	
Midlothian South	75	30	63	43	58	



## Reduction of 'Special Service - RTCs'

While much of this risk is out with the control of SFRS, responding to Non-Fire Emergencies such as Road Traffic Collisions is a key part of our intervention activities. The SFRS is committed to working with partners and other stakeholders to drive continuous improvement in this area. Reduction of Casualties from Non-Fire Emergencies contributes to the Single Midlothian Plan, number of people killed or seriously injured in road accidents.

### Results

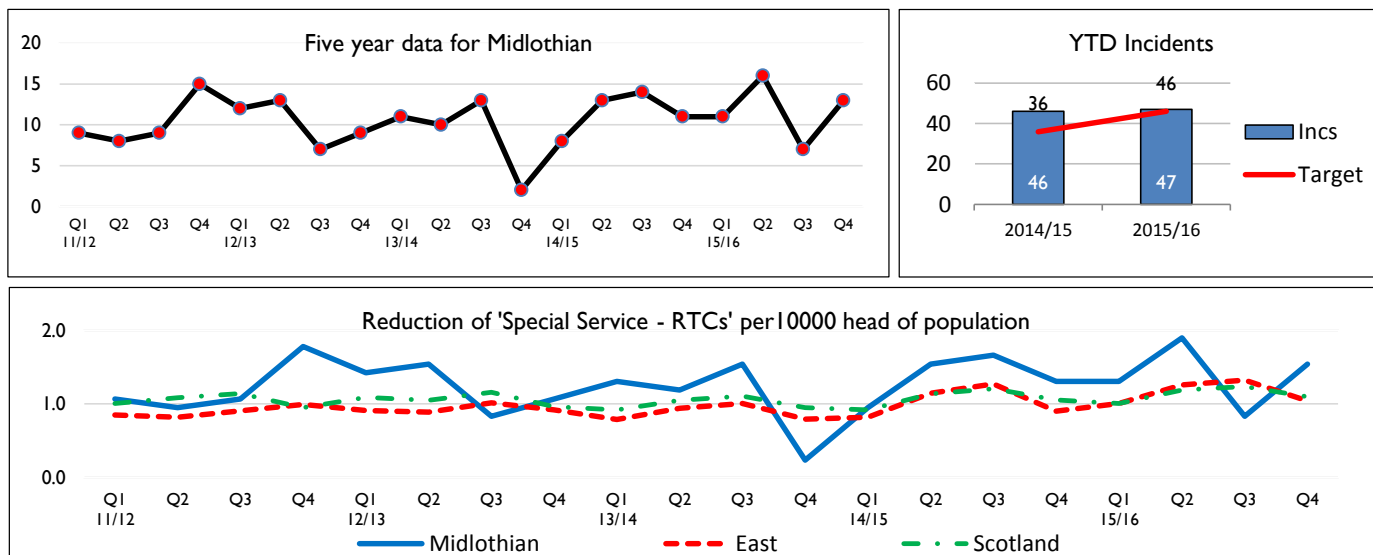
We attended 13 Road Traffic Collisions during this period; this is an increase of 2 on the same period last year. Per 10,000 head of population, Midlothian is above the Scottish and East delivery area trend and has the highest number in the last 5 years.

### Reasons

The SFRS only attend those RTC's they are requested to attend this number does not reflect the total number within Midlothian.

### Actions

The SFRS is a member of a multi-agency approach to reducing Road Traffic Collision's and the associated casualties and fatalities. The continued delivery of Tomorrow's Driver programme targeting young people is an excellent partnership approach to reducing road traffic collisions.



YTD ward ave. for Midlothian - 8	2011/12	2012/13	2013/14	2014/15	2015/16	Sparklines
Midlothian	41	41	36	46	47	
Penicuik	7	9	6	8	12	
Bonnyrigg	2	3	2	1	2	
Dalkeith	8	9	2	6	6	
Midlothian West	10	10	12	15	10	
Midlothian East	7	8	8	7	12	
Midlothian South	7	2	6	9	5	





## Reduction of 'Special Service Casualties - All'

While much of this risk is out with the control of SFRS, responding to Non-Fire Emergencies is a key part of our intervention activities. The SFRS is committed to working with partners and other stakeholders to drive continuous improvement in this area. Reduction of Casualties from Non-Fire Emergencies contributes to the Single Midlothian Plan.

### Results

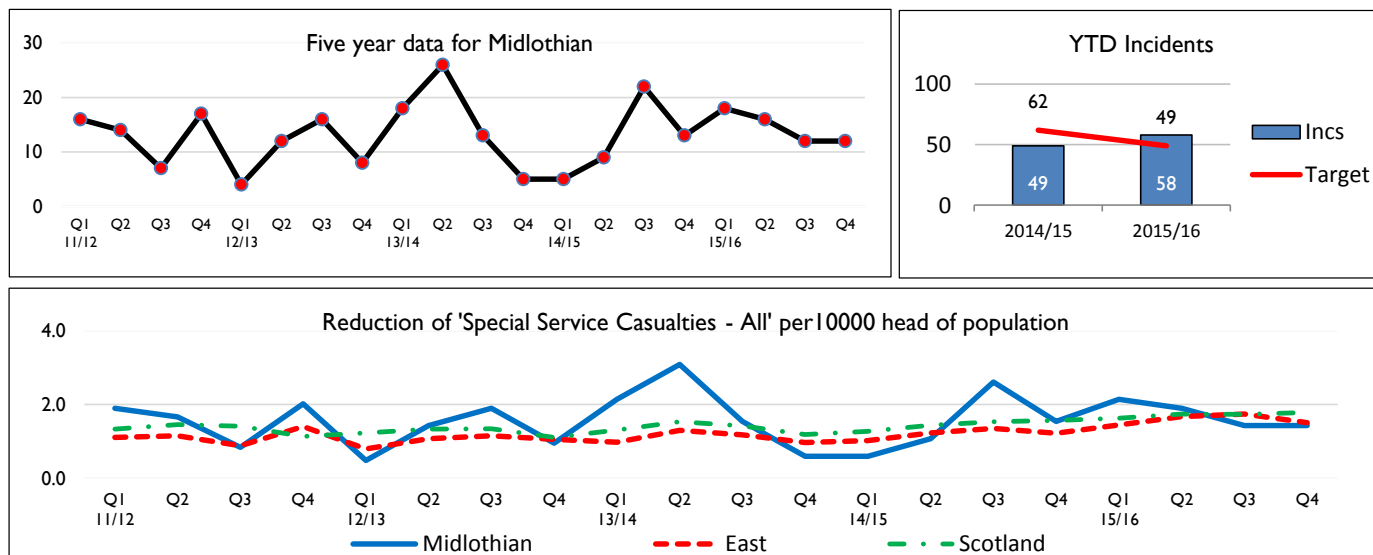
We attended to 12 casualties one of which was a fatality, from non-fire emergencies in Midlothian. This is a decrease of 1 casualty when compared to the same period last year. Per 10,000 head of population, Midlothian is below the Scottish and East delivery area trend.

### Reasons

Road Traffic Collisions accounted for injury to 5 people. The other 7 casualties were mainly due to the SFRS assisting with medical emergencies as co or first responders. The fatality was in the first responder category.

### Actions

The SFRS in Midlothian work in partnership with the Midlothian Rapid Response Team to care for people who fall in the home. We will also continue to respond to the communities needs in terms of other non-fire emergencies.



YTD ward ave. for Midlothian - 10	2011/12	2012/13	2013/14	2014/15	2015/16	Sparklines
Midlothian	54	40	62	49	58	
Penicuik	15	8	7	6	17	
Bonnyrigg	4	4	1	4	3	
Dalkeith	7	4	6	3	7	
Midlothian West	13	5	17	20	15	
Midlothian East	5	13	13	8	9	
Midlothian South	10	6	18	8	7	



## Reduction of 'False Alarm - UFAs'

Unwanted Fire Alarm Signals (UFAS) are defined as incidents where an automated fire alarm system activates and results in the mobilisation of SFRS resources, when the reason for that alarm turns out to be connected with faulty or defective alarm equipment. The SFRS is committed to working with partners and other stakeholders to reduce Unwanted Fire Alarm Signals.

### Results

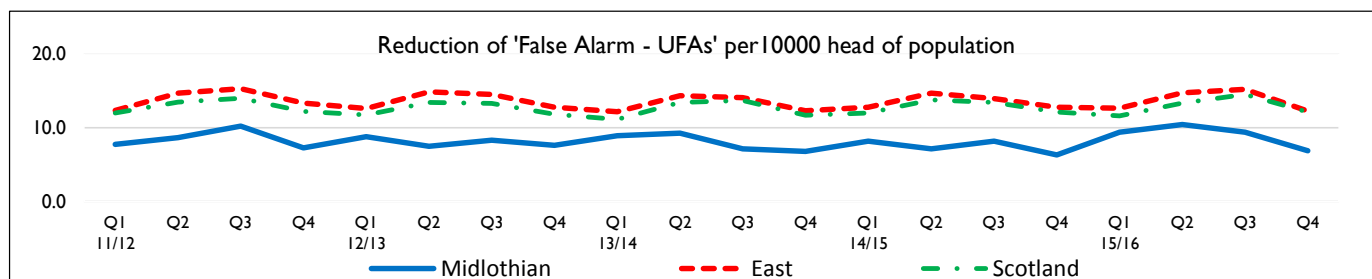
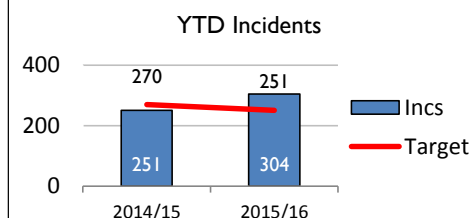
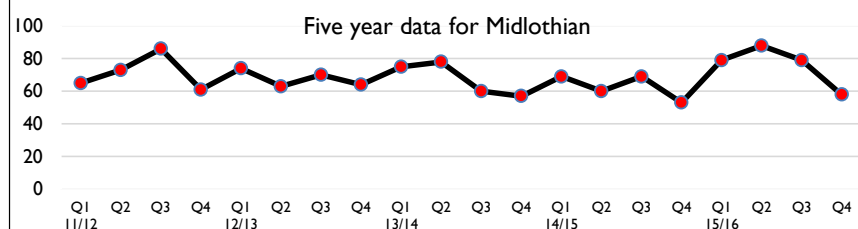
SFRS attended 58 Unwanted Fire Alarm Signals incidents during this reporting period, which is an increase of 5 for the same period last year. Midlothian trend line is significantly below that of Scotland and the East delivery area, the year to date figure remains steady.

### Reasons

Causes of Unwanted Fire Alarm Signals in this reporting period, 62% caused by equipment failure within the fire alarm system, 4% were malicious and 34% caused by people, cooking etc.

### Actions

We continue to monitor Unwanted Fire Alarm Signals calls and our Fire Safety Enforcement Officers work closely with premises to reduce further incidents. This includes discussing technological, procedural and management solutions in order to prevent future Unwanted Fire Alarm Signals incidents.



YTD ward ave. for Midlothian - 51	2011/12	2012/13	2013/14	2014/15	2015/16	Sparklines
Midlothian	285	271	270	251	304	
Penicuik	21	16	19	33	32	
Bonnyrigg	33	34	45	43	44	
Dalkeith	67	71	41	54	58	
Midlothian West	98	62	89	57	91	
Midlothian East	47	70	45	44	57	
Midlothian South	19	18	31	20	22	



# Appendix 1

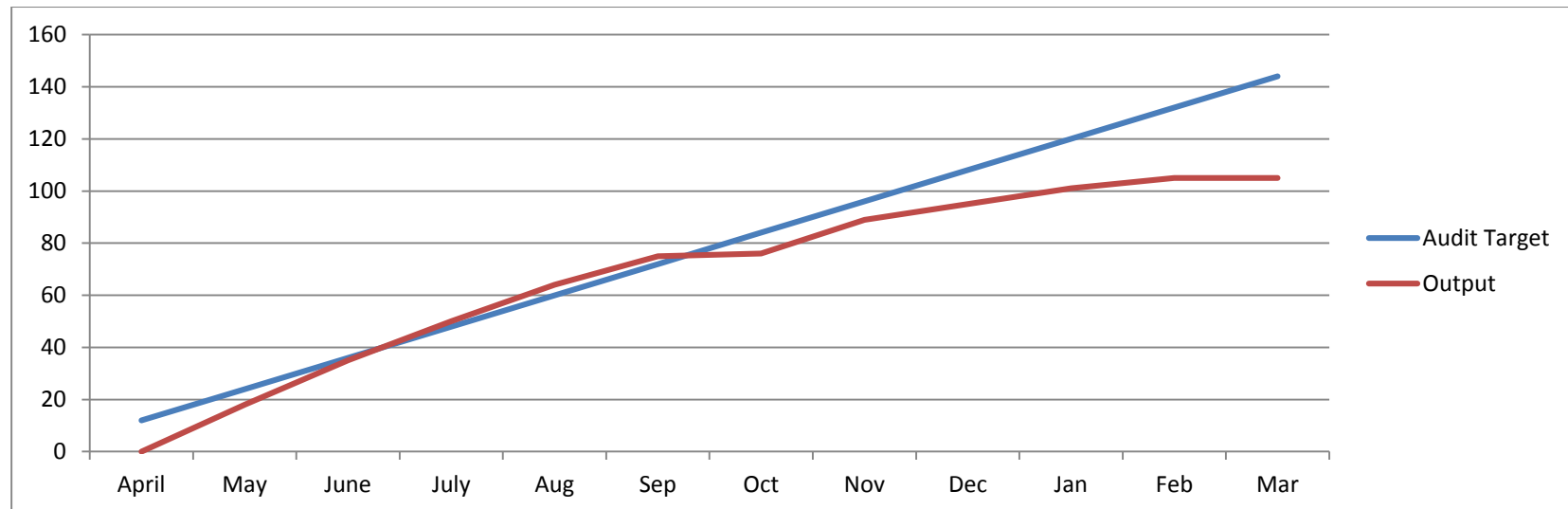
## Prevention & Protection Activities

### Midlothian Q4 2015-16

#### Fire Safety Enforcement Audits

The figures represent the audit workloads delivered by the Midlothian Fire Safety Enforcement Officer (FSEO). Following the Scottish Fire and Rescue Service (SFRS) Enforcement Framework, local deployment ensures compliance for relevant premises in terms of the Fire Scotland Act (2005) and associated Fire Safety Regulations. The overall annual target has not been achieved due to the retirement of the Midlothian Fire Safety Enforcement Officer (FSEO). This officer has now been replaced. Importantly all SFRS Framework premises (hospitals, care homes etc.) which require an annual audit were completed.

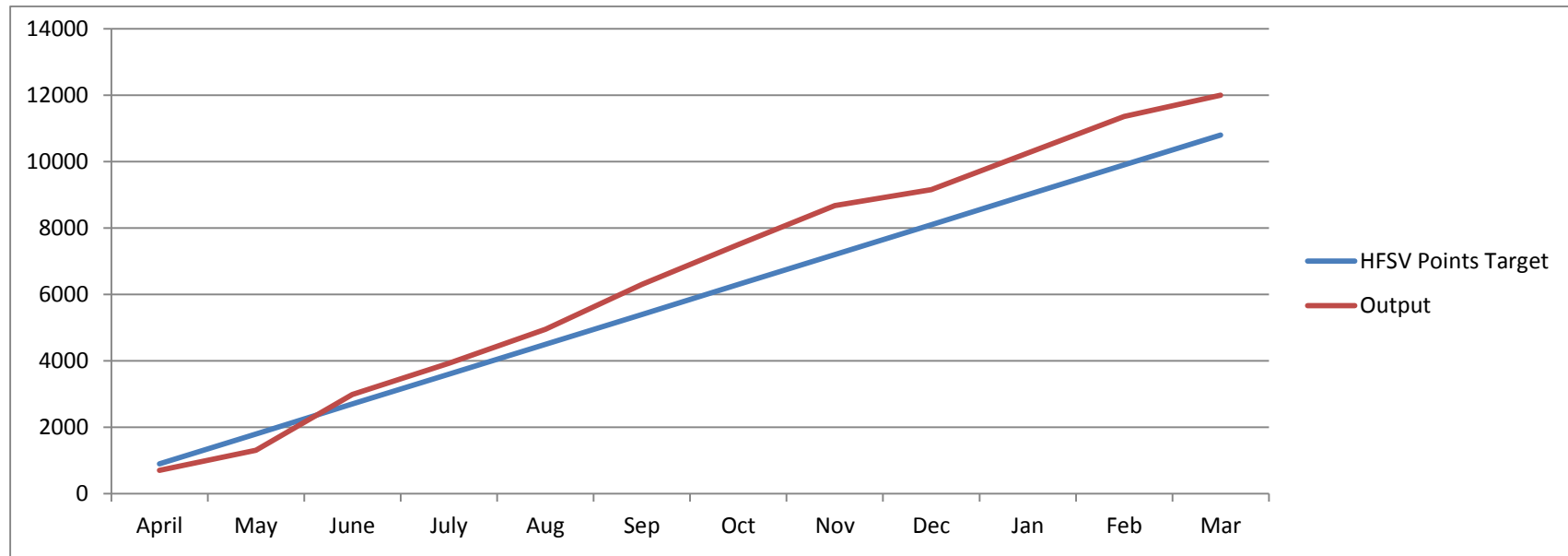
	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Total
Target:	12	24	36	48	60	72	84	96	108	120	132	144	144
Completed:	0	18	35	50	64	75	76	89	95	101	105	105	105



## Home Fire Safety Visits

The delivery of Home Fire Safety Visits (HFSVs) is the corner stone of the SFRS Community Safety Engagement framework. By visiting households and providing fire safety advice and smoke alarms the numbers of dwelling fires and casualties will be reduced. To target the highest risk households across Midlothian a points allocation based on risk and associated target has been set (24 points per high, 8 per medium, 4 per low risk visit). This will ensure valuable resources are put to use with greatest effect. It is pleasing to report that the year-end points target has been exceeded with a total number of **1100 home fire safety visits** being delivered in Midlothian.

	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Total
Target	900	1800	2700	3600	4500	5400	6300	7200	8100	9000	9900	10800	<b>10800</b>
Completed	704	1308	2984	3932	4948	6304	7500	8672	9156	10256	11356	12200	<b>12200</b>



**Total Number Of Home Fire Safety Visits By Risk Category**

	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
High	20	10	52	20	20	37	30	32	12	19	33	20
Medium	26	36	38	35	29	31	42	38	21	25	32	22
Low	18	27	15	12	14	15	28	27	20	28	27	20

**Total Number Of Smoke Detectors Fitted By Risk Category**

	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
High	7	3	14	13	3	21	12	11	3	5	14	14
Medium	8	14	17	21	18	13	18	14	7	16	12	9
Low	6	10	5	6	2	4	8	10	7	12	9	6

## Partnership Working

- Quarter 4 saw activities delivered relating to the SFRS Spring Thematic Action Plan (TAP). Every year an increase in deliberate secondary fires in certain areas are recorded and resources deployed in preventative activities. Predominantly focused on working with young people and educating them around the risks and consequences of playing with fire and deliberate fire setting.
- Where appropriate SFRS are supporting activities centred around the problem solving partnerships formed for Woodburn and Bonnyrigg and take direction from the Midlothian TACG.
- The Police led rural experience project was also supported in both February and March and this will continue on request.
- The Phoenix diversionary programme continues to run successfully at Dalkeith Fire Station one night a week.
- The SFRS continues to support the Midlothian Multi-Agency Risk Assessment Conference (MARAC) and where required providing advice and resources to reduce the risk of fire in domestic abuse cases.



## Scrutiny Report April 2015 - March 2016

Midlothian



*Please let it be noted that this report is for information purposes, to provide an indication of performance and to allow Partnership Members to conduct their scrutiny responsibilities.*

*(Figures relate to Midlothian as a whole for the date period 1 April 2015 - 31 March 2016 (YTD) with comparisons made to the previous year 1 April 2014 - 31 March 2015 (LYTD))*

*YTD = Year to Date      LYTD = Last Year to Date*

## Priority 1 – Tackling Substance Misuse

### Indicator - Reduce the volume of crime aggravated by alcohol

#### Target - Reduce from LYTD

#### Current situation

On target. YTD alcohol aggravated crime accounted for 9.4% of all group 1-7 crime recorded by Police in Midlothian, down from 10.1% LYTD.

#### Reasons

Compared to the previous year, there were 202 fewer crimes recorded overall in Midlothian YTD, and a decrease in alcohol aggravated crime by 0.7% (71 crimes). YTD there were 6961 group 1-7 crimes recorded in Midlothian, 655 were tagged with the aggravator 'alcohol'. LYTD there were 7163 crimes recorded of which 726 were aggravated by alcohol. The percentage of alcohol aggravated crime is also lower YTD compared to the 3-year average of 11.4%.

Over 40% of alcohol aggravated crime are acts of violence (incl serious violent crimes and common assaults), a further 28% of alcohol aggravated crime related to threatening and abusive behaviour and breach of the peace. Vandalisms account for 6.7% of all crime.

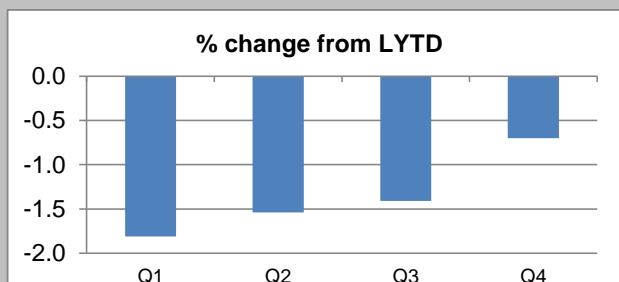
#### What are we doing

A number of actions are being taken by Police and the Community Safety Partnership in tackling alcohol fuelled violent crime:

- Targeting of 'party houses' through the weekly partnership tasking and co-ordination group
- Following the grading meeting on 29 January four licensed premises have achieved the Best Bar None Award - 3 x gold and 1 x silver.
- Police visits to problem and monitored licensed premises (no problem premises but three being monitored currently)
- Early intervention meetings with licencees and their staff following incidents with Licensed premises
- Dispersal detail within Dalkeith and Penicuik Town Centres
- Campaign Against Violence (CAV) days of action
- Securing the use of Force Flexible Policing Unit for April/May
- Test purchase operation undertaken during March (three premises failed, however all passed the re-test)

### Indicator - Reduce the volume of crime aggravated by alcohol

Force YTD	Divis'n YTD	ML YTD	ML LYTD	ML Change
N/A	N/A	9.4%	10.1%	-0.7%



## Priority 1 – Tackling Substance Misuse

**Indicator - Increase the proportion of positive stop searches for drugs**

**Target - Increase from LYTD**

### Current situation

An enhanced version of the National Stop & Search Database commenced on 1 June 2015. The enhanced database brought significant changes in the process of data capture and the methodology for recording data items. No previous year to date figures are provided as it has been previously acknowledged this data is not 100% accurate, therefore comparisons will provide misleading results or invalid conclusions.

### Reasons

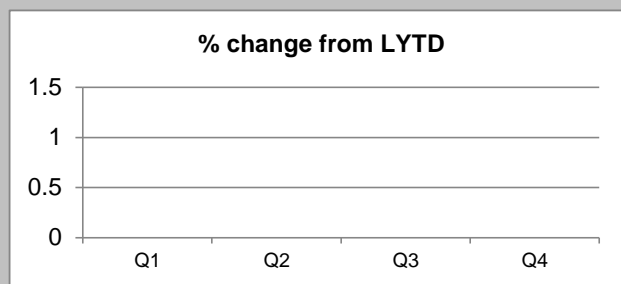
Between 1 June 2015 and 31 March 2016 Lothian and Scottish Borders Police carried out 1,281 stop and searches for drugs (105 consensual, 1,176 statutory), with a positive return of 27.8%. This is above the force figure of 26.6%.

### What are we doing

Officers in Midlothian continue to search people on an intelligence led basis.

**Indicator - Increase the proportion of positive stop searches for drugs**

Force YTD	Divis'n YTD	ML YTD	ML LYTD	ML Change
26.6%	27.8%	N/A	N/A	N/A



## Priority 2 – Protecting People:

**Indicator - Increase the number of Adult at Risk referrals made to partner agencies**

**Target - Increase from LYTD**

### Current situation

On target. There were 1327 referrals made to partnership agencies YTD, up from 1303 LYTD - an increase of 1.8%.

### Reasons

Improved awareness among police officers of the risk factors involved and necessity for informed consent to share with partnership agencies.

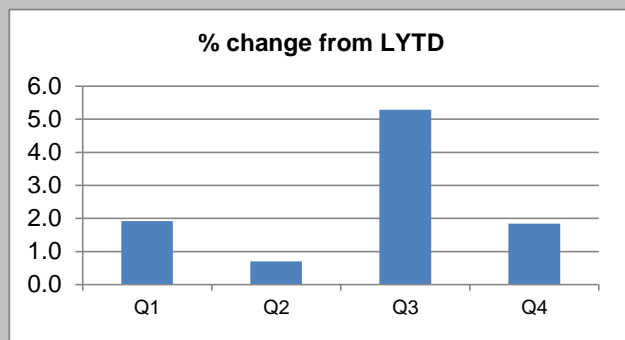
An adult protection screening pilot was launched across East and Midlothian in July 2015. The multi agency screening group meets twice a week to screen adult referrals prior to submission. The main benefit of this group is to allow referrals to be made and received by the relevant agency more effective and efficient.

### What are we doing

- Introduction of VPD (Vulnerable Persons Database), as a standardised national process and database, making it easier to raise a referral for adults involved in domestic incidents and hate crimes and adults at risk.
- Continued awareness-raising among police officers regarding criteria for submission of adult concern referrals.
- Operation Monarda: Police have been working with partner agencies, the third sector and local communities across Midlothian as part of an ongoing national campaign to help minimise risk and prevent harm to vulnerable and older people from criminals who commit doorstep crime (incl road shows, foot patrols, attendance at community facilities such as libraries, leisure centres, and day centres).
- Established a co-located Public Protection Unit unit within the Brunton Hall, Musselburgh.
- Recent introduction of the ICMU (Incident Crime Management Unit), whose role in principle is to triage receipt of initial submission of adult VPDs, which will improve the quality, standard and compliance aspects of adult protection VPDs.
- In the process of developing a pilot "Risk and Concern" hub which will enhance our ability to assess risk. Two other pilot areas in Scotland (Aberdeen and Glasgow)

**Indicator - Increase the number of Adult at Risk referrals made to partner agencies**

Force YTD	Divis'n YTD	ML YTD	ML LYTD	ML Change
N/A	N/A	1327	1303	1.8%



## Priority 2 - Protecting People

**Indicator - Ensure 95% of Domestic Abuse initial bail checks are conducted within a prescribed timeframe (24 hours)**  
**Target - 95%**

### Current situation

On target. YTD 98.7% of domestic abuse initial bail checks have been conducted within a prescribed timeframe of 24 hours - above the 95.0% target and the divisional and force figure (97.0% and 96.8% respectively).

### Reasons

These checks are vital to ensure that the perpetrator is adhering to bail conditions imposed at the court. It is well known that perpetrators regularly return to victims irrespective of bail conditions or not, and these checks, which include a physical search of the property are designed to protect the victim and provide levels of support and reassurance.

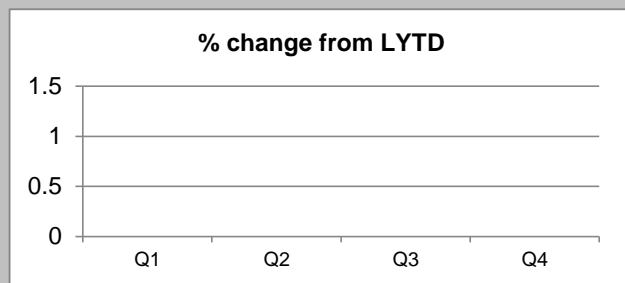
Supervisors and officers are fully aware of the importance of these checks and the disciplined process that is in place between the courts and the police.

### What are we doing

- Pro-active Domestic Abuse bail checks.
- MATAC: responsible for identifying and targeting High Risk Domestic Offenders

**Indicator - Ensure 95% of Domestic Abuse initial bail checks are conducted within a prescribed timeframe (24 hours)**

Force YTD	Divis'n YTD	ML YTD	ML LYTD	ML Change
96.8%	97.0%	98.7%	97.6%	1.1%



## Priority 2 - Protecting People:

**Indicator - Domestic Abuse crimes and offences – achieve a detection rate of at least 75.0%**  
**Target - 75%**

### Current situation

On target. Detection rate for domestic abuse crimes and offences YTD is 75.6%, meeting the target figure of 75.0%.

### Reasons

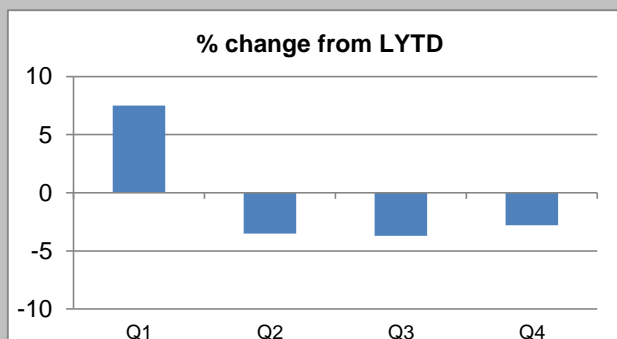
YTD there were 681 crimes and offences of domestic abuse recorded in Midlothian, down from 740 PYTD and above the five-year average of 482. Police in Midlothian detected 515 crimes/offences of domestic abuse in 2015/16, at a detection rate of 75.6%, achieving the year end target of 75.0%.

### What are we doing

- Pro-active Domestic Abuse bail checks for both offender and victim.
- Multi Agency Tasking and Coordination (MATAC): responsible for identifying and targeting high risk domestic offenders
- Multi Agency Risk Assessment Conference (MARAC): responsible for identifying and protecting high risk victims of domestic abuse
- Officers trained in identifying risk assessment through domestic abuse questionnaire
- Direct referral process in place to East and Midlothian Domestic Abuse Service (DAS)
- Domestic Abuse Investigation Unit (DAIU) in place to deal with complex and high tariff cases
- Seasonal national campaigns

**Indicator - Domestic Abuse crimes and offences – achieve a detection rate of at least 75.0%**

Force YTD	Divis'n YTD	ML YTD	ML LYTD	ML Change
81.7%	80.7%	75.6%	78.4%	-2.8%



### Priority 3 - Reducing Violence :

**Indicator - Decrease the number of violent crimes per 10,000 head of population**

**Target - reduce from LYTD**

#### Current situation

On target. YTD there were 9.2 violent crimes per 10,000 population, slightly below LYTD figure of 10.0 crimes per 10,000 population.

*(note the latest population estimate for Midlothian relates to 2014 - population estimate of 86,210)*

#### Reasons

79 violent crimes (all group 1) were recorded YTD in Midlothian. This is 8.1% below LYTD when 86 crimes were recorded and lower than the 3-year average of 97 crimes. The rate of violent crimes YTD is 9.2 crimes per 10,000 population, down from 10.0 LYTD.

There have been seven attempted murders recorded by police, up one from LYTD (6). Crimes of serious assault have decreased by one compared to the previous year 34 PYTD to 33 YTD). Crimes of assault and robbery have also decreased YTD compared to the previous year 22 PYTD to 15 YTD).

Detection rate for all group 1 crime is an excellent 94.9% up 13.5% on the PYTD figure of 81.4%.

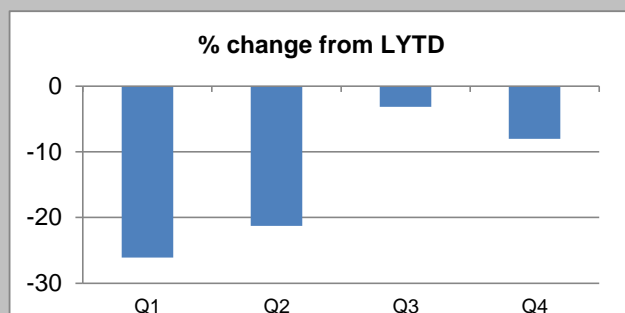
#### What are we doing

A number of actions are being taken by Police and the Community Safety Partnership in tackling violent crime:

- Targeting of 'party houses' through the weekly partnership tasking and co-ordination group
- Visits to problem and monitored licensed premises
- Dispersal detail within Dalkeith and Penicuik Town Centres
- Targeted use of Campaign Against Violence (CAV) officers
- Antisocial behaviour and violent offenders monitoring group - action against high profile and prolific offenders (for example for violent offences committed in the vicinity of the dwelling tenancy warnings or in cases eviction are carried out by the relevant housing association/ council)
- Robust monitoring and enforcement of bail conditions/curfew for known violent offenders
- Active early engagement with violent offenders released from prison
- Prioritising of warrants for violent offenders
- Secured Force Flexible Policing unit for Apr/May
- Process established to extend MAPPA to include violent offenders

**Indicator - Decrease the number of violent crimes per 10,000 head of population**

Force YTD	Divis'n YTD	ML YTD	ML LYTD	ML Change
N/A	N/A	9.2	10.0	-0.8%



### Priority 3 - Reducing Violence

**Indicator - Increase the percentage of positive Stop and Searches for offensive weapons**

**Target - increase from LYTD**

#### Current situation

An enhanced version of the National Stop & Search Database commenced on 1 June 2015. The enhanced database brought significant changes in the process of data capture and the methodology for recording data items. No previous year to date figures are provided as it has been previously acknowledged this data is not 100% accurate, therefore comparisons will provide misleading results or invalid conclusions.

#### Reasons

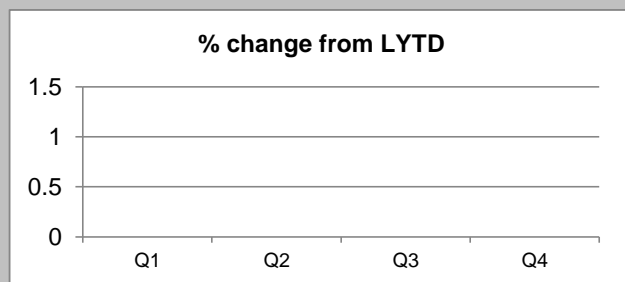
Between 1 June 2015 and 31 March 2016 in the Lothian and Scottish Borders Police carried out 145 stop and searches for weapons (42 consensual and 103 statutory), with a positive return of 16.6%, which is above the force figure of 14.2%.

#### What are we doing

Officers in Midlothian continue to search people on an intelligence led basis.

**Indicator - Increase the percentage of positive Stop and Searches for offensive weapons**

Force YTD	Divis'n YTD	ML YTD	ML LYTD	ML Change
14.2%	16.6%	N/A	N/A	N/A





## Priority 4 - Making our Roads Safer

**Indicator - Decrease the number of people killed or seriously injured on Midlothian's roads**

**Target - Decrease from LYTD**

### Current situation

Off target. YTD 43 people were killed or seriously injured on Midlothian's roads, 14 more than the previous year (29), and 12 more than the 3-year average of 31.

### Reasons

YTD there were 3 fatalities on Midlothian's roads - there were no fatalities LYTD. In the last quarter (December - March 201) there were no fatalities on Midlothian's roads.

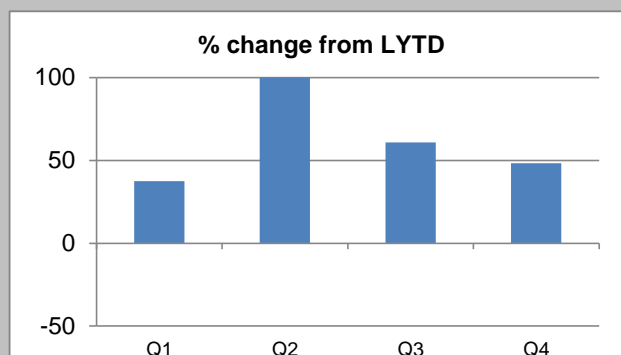
YTD there were 40 people seriously injured on Midlothian's roads, up from 29 the previous year. Three children were seriously injured YTD, up from zero the previous year and comparable with the 3-year average (3). Analysis of all Killed/Seriously Injured (KSI) continues to be undertaken in an effort to establish causation factors or identify any "hot spot" areas, however this has failed to identify anything or any locus of significance.

### What are we doing

- Targeted patrol matrix used by Roads Policing which identifies hotspots for serious and fatal collisions.
- Deployment of unmarked Roads Policing vehicles and Police Motorcycles
- Additional Community Policing Team Officers have been trained into the use of hand held radar devices and are undertaking speed checks on roads identified as problematic in an effort to positively influence driver behaviour
- Joint work with partners in VOSA to ensure road worthiness of vehicles/HGV's and that drivers are complying with standards required
- Winter Safety Campaign aimed at educating drivers to the hazards of winter driving
- Tomorrow's driver events - aimed at S5/6 year pupils to raise awareness of the dangers on the road
- Operation Zenith - targeting motorcyclists behaviour on the road

**Indicator - Decrease the number of people killed or seriously injured on Midlothian's roads**

Force YTD	Divis'n YTD	ML YTD	ML LYTD	ML Change
1317	170	43	29	48.3%



## Priority 4 - Making our Roads Safer

**Indicator - Increase the number of people detected for dangerous driving**

**Target - Increase from LYTD**

### Current situation

On target. YTD there were 37 detections for dangerous driving in Midlothian, an increase of 11 (42.3%), from PYTD.

### Reasons

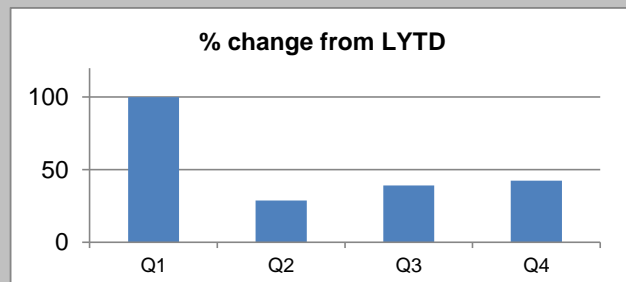
Males aged 17-26 years are over represented in dangerous driving offences (68%). Dangerous Driving offences recorded in Midlothian account for 23.3% of all offences in the Lothian and Scottish Borders Division and 1.5% for all of Scotland.

### What are we doing

- Roads Policing are tasked through the weekly partnership tasking and co-ordination group (TACG) in regards to patrolling antisocial / careless driving hotspots
- Deployment of unmarked Roads Policing vehicles and motorcycles
- Deployment of camera enforcement vehicles in Midlothian. There are currently three sites which form part of their deployment matrix and others being looked at.
- Continued road checks involving Roads Policing working with local Community officers and partners

**Indicator - Increase the number of people detected for dangerous driving**

Force YTD	Divis'n YTD	ML YTD	ML LYTD	ML Change
2499	159	37	26	42.3%



## Priority 5 - Reducing Antisocial Behaviour

### Indicator - Increase the detection rate for hate crime

Target - increase from LYTD

#### Current situation

On target. The detection rate for hate crime in Midlothian was 80.2%, above 79.0% LYTD.

#### Reasons

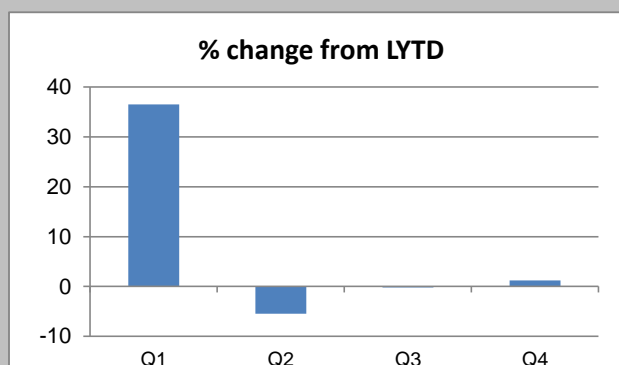
At the end of March the Midlothian detection rate for hate crime increased by more than 1% compared to the same period the previous year, and sits above the divisional and force figures of 79.0% and 77.0% respectively. Racially aggravated hate crime continues to be a challenge in Midlothian with offences taking place between neighbours, at point of sale, and against police officers during arrest. YTD there were 86 recorded hate crimes/offences, down 4 from 90 PYTD.

#### What are we doing

- A racial hate crime offender has been taken to the ASBVO meeting (case is being monitored and on conviction action will be taken against the tenancy)
- Educational inputs at local schools
- A thorough and robust investigation process in place
- Strong links with identified vulnerable premises

### Indicator - Increase the detection rate for hate crime

Force YTD	Divis'n YTD	ML YTD	ML LYTD	ML Change
77.0%	79.0%	80.2%	79.0%	1.2%



## Priority 5 - Reducing Antisocial Behaviour

**Indicator - Reduce the number of incidents of Antisocial Behaviour reported by members of the public**  
**Target - reduce from LYTD**

### Current situation

Off target. The number of complaints of antisocial behaviour (ASB) increased by 234 incidents YTD compared to LYTD.

### Reasons

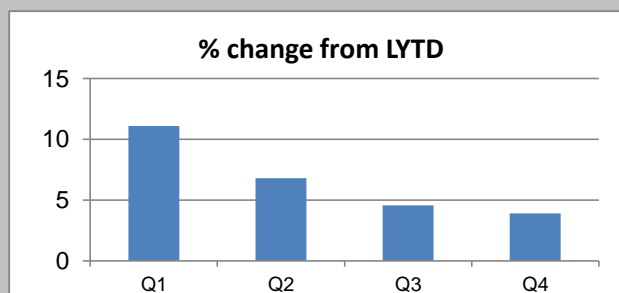
6299 incidents of ASB have been reported by members of the public YTD. There have been 234 more incidents YTD than LYTD - an overall increase of 3.9%. A specific challenge for police is the last quarter was high levels of youth disorder in the Bonnyrigg area. Hotspots in youth disorder are raised at the Community Safety Delivery Group and weekly tasking and co-ordinating group (T&CG) and specific action are taken by Community Policing Team / funded officers and community learning and development street workers. A Bonnyrigg Problem Solving Partnership Group has been initiated and meets regularly to tackle ongoing youth disorder in this area. Alcohol related antisocial behaviour continues to be a challenge for police with a disproportionate percentage of calls received Friday and Saturday between 20:00 and 00:59.

### What are we doing

- Weekly partnership tasking and coordination group - actions taken around repeat ASB loci and offenders
- Briefing circulation on the Midlothian Council Mediation Service has resulted in an increase in police referrals to this service
- Antisocial Behaviour and Violent Offenders Monitoring Group (ASBVO) - a number of actions taken each meeting against high tariff ASB offenders
- ASB occurring in private and housing association tenancies are passed to the housing agency involved to ensure enforcement action is taken
- Woodburn and Bonnyrigg Problem Solving Partnerships ongoing
- Consultation ongoing with Children's Reporter regarding a more robust use of supervision orders for youths regularly offending in the community
- Rural Experience Midlothian completed its second diversionary project with three very positive outcomes
- Underage drinking/test purchase operation undertaken in March
- Challenge Project (Army youth diversion project for early secondary school pupils) in the coming months
- Secure Force Flexible Policing unit resources for April/May
- Community Beat Officers/Housing officers joint visits to identified problematic premises

**Indicator - Reduce the number of incidents of Antisocial Behaviour reported by members of the public**

Force YTD	Divis'n YTD	ML YTD	ML LYTD	ML Change
317247	26163	6299	6065	3.9%



## Priority 6 - Tackling Serious and Organised Crime

**Indicator - Increase the number of detections for drugs supply, drugs production and drugs cultivation**  
**Target - increase from LYTD**

### Current situation

On target. YTD police in Midlothian detected 74 offences for drugs supply, production and cultivation, which is 5 more detections than LYTD (+7.2%).

### Reasons

Police in Midlothian detected 74 offences for drugs supply, production and cultivation YTD. This is 5 offences above LYTD (+7.2%).

50 offences were for drugs supply and 24 offences for drug production/cultivation. Briefings are taking place with Community Safety Officers and Housing Officers within Midlothian Council to educate front line workers around identifying drug related paraphernalia - this has resulted in a number of detections.

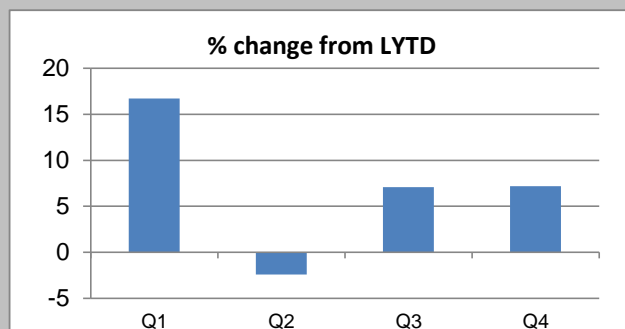
There is one active Serious Organised Crime Group operating within Midlothian. Police have made 11 arrests of SOCG principles and 466 members throughout Lothian and the Scottish Borders area YTD.

### What are we doing

- Divisional Intelligence Officer now within Dalkeith Divisional Intelligence Unit
- Information sharing protocol is now in place to carry out Landlord Registration checks in order to identify potential money laundering
- Operation Sandrone now in place to actively pursue any intelligence relating to drug supply/misuse by children and young people
- Joint Police and Trading Standards work continues in relation to New Psychoactive Substances in our area
- Operation Borah targeting suspected cannabis cultivations

**Indicator - Increase the number of detections for drugs supply, drugs production and drugs cultivation**

Force YTD	Divis'n YTD	ML YTD	ML LYTD	ML Change
5007	382	74	69	7.2%



## Priority 6 - Tackling Serious and Organised Crime

**Indicator - Increase the amount of cash and NET assets seized from criminals using the Proceeds of Crime Act**

**Target - increase from LYTD**

### Current situation

Off target. YTD police have seized £472,766 in cash and NET assets from criminals using the Proceeds of Crime Act. This is a decrease of £283,554 compared to LYTD.

### Reasons

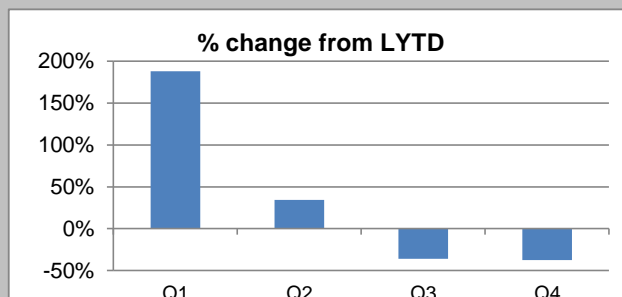
There have been three NET assets seized YTD totalling £464,446 and a further £8320 in cash seizures from five individuals who reside in Midlothian. LYTD there were six NET assets seized and five cash seizures with a total value of £756,310.

### What are we doing

- Police Scotland continue efforts to identify and assess the scale and impact of serious organised crime, and to manage the threat posed by those SOCGs involved in Midlothian.
- Information sharing protocol is now in place to carry out Landlord Registration checks in order to identify potential money laundering
- Joint plan in place with Midlothian Council to tackle SOCG

**Indicator - Increase the amount of cash and NET assets seized from criminals using the Proceeds of Crime Act**

Force YTD	Divis'n YTD	ML YTD	ML LYTD	ML Change
N/A	N/A	£472,766	£756,310	-37.5%



## Priority 7 – Reducing Housebreaking

**Indicator -Reduce the number of thefts by housebreaking at domestic properties**

**Target - reduce from LYTD**

### Current situation

Off target. Police recorded 159 domestic housebreakings (incl attempts) YTD, up from 103 LYTD - an increase of 54.4%.

### Reasons

Housebreaking to domestic properties continues to be a challenge for Police with 159 recorded break-ins YTD, up 54.4% from LYTD total of 103 crimes. The 3-year average for 2012/13 - 2014/15 was 108. On a positive note non-dwelling housebreakings (e.g. break-ins to garages and sheds) have dropped by 21% YTD. Overall domestic and non-domestic housebreakings (excl businesses) have dropped by 2.6% YTD compared to LYTD.

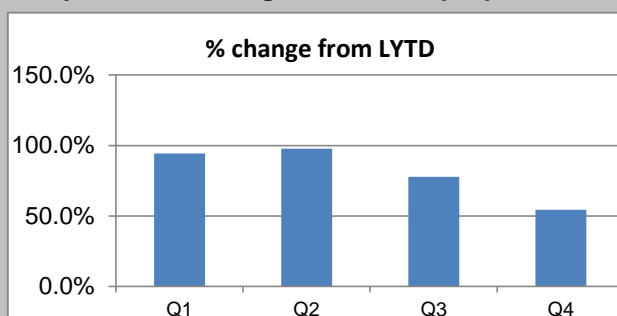
The targeting of domestic properties for car keys and the subsequent theft of motor vehicles has been a challenge for police with 23 motor vehicles stolen during domestic housebreakings YTD. A recidivist group of young males continue to commit high numbers of housebreakings throughout the area and dedicated police resources are being directed to this SOCG under the banner Operation Bistra.

### What are we doing

- Police continue to gather intelligence and deploy resources to housebreakings and autocrime under Operation 'Greenbay' and Operation Bistra.
- General crime prevention advice is given by recording officers at victims of domestic housebreakings. More detailed crime prevention surveys are offered to victims of domestic housebreaking who appear vulnerable or who are repeat victims.
- Increase in the use of social media by Community Policing Sgts in promotion of home security and personal safety advice
- An ASBO is being considered for a high tariff individual convicted of a number of housebreakings. Action against the tenancy is also being considered.
- Consideration for action taken at the ASBVO where stolen property is detected in Council or social housing tenancies where tenant was convicted of housebreaking in the vicinity of their tenancy
- Housing officers have been educated around the reporting of intelligence to Police (e.g. gardening tools stored within a flat without a garden)
- Deployment of plain clothed officers in problematic areas
- Proactive bail/curfew checks on offenders
- Target hardening initiative relating to sheds/garages/houses planned for the Dalkeith/Eskbank areas in May

**Indicator - Reduce the number of thefts by housebreaking at domestic properties**

Force YTD	Divis'n YTD	ML YTD	ML LYTD	ML Change
N/A	532	159	103	54.4%



## Priority 7 – Reducing Housebreaking

**Indicator -Increase our detection rate for crimes of housebreaking at domestic properties**  
**Target - Increase from LYTD**

### Current situation

On target. The detection rate for crimes of domestic housebreaking YTD is 35%, compared to LYTD total of 34% and above the 3-year average of 31%.

### Reasons

Despite high levels of housebreaking Police continue to make a number of arrests with the solvency rate for domestic housebreakings 35% YTD - up slightly from 33.98% LYTD and the 3-year average of 31.2%.

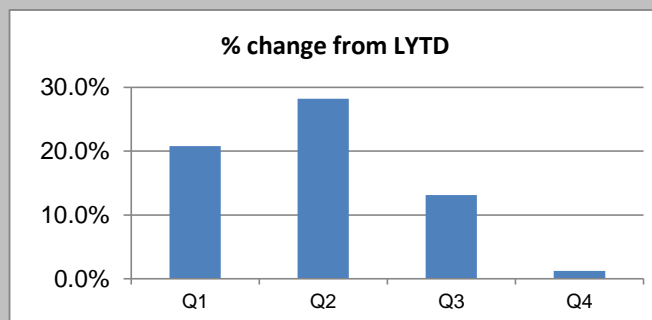
Several nominals have been charged with numerous offences YTD, with a total of 38 individuals charged with 56 domestic housebreaking (incl attempts). Details of repeat housebreaking offenders are passed by police to Midlothian Council Community Safety Team and Criminal Justice Social Work for follow up enforcement action.

### What are we doing

- Operation Reduce and Capture (RAC)
- Operation Bistra – Police operation targeting non-dwelling housebreakings and the theft of pedal cycles and gardening equipment across Midlothian
- Police are represented at all CSP Roadshows delivered throughout the year promoting personal, road and home safety
- Joint work with our Search and Recovery Teams (SART) with regards to tracing stolen property
- Joint work with officers from Edinburgh targeting known housebreakers across both authority areas (Operation Greenbay)

**Indicator -Increase our detection rate for crimes of housebreaking at domestic properties**

Force YTD	Divis'n YTD	ML YTD	ML LYTD	ML Change
N/A	42.7%	35.2%	34.0%	1.2%





## Public Confidence - Number of complaints against the Police: 2015/16

In September 2014 the Professional Standards Department introduced a change in process for streamlining the handling, investigation and response to all complaints about the police. As a result, year on year comparisons are not possible.

Number of complaints - Midlothian	TBC
Number of complaints - J Division	478

Number of Complaints per 10,000 Police Incidents	TBC
Number of Complaints per 10,000 Police Incidents	35.8

	Midlothian	J Division
Total allegations recorded	TBC	639





## **COMMUNITY POLICING TEAM MIDLOTHIAN**

### **ACTIVITY SUMMARY**

## **January, February and March 2016**

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**MIDLOTHIAN CPT 1 & 2  
KEY PERFORMANCE INDICATORS RETURN  
(Month January, February and March - 2016)**

**ASB:**

Time spent on allocated patrol relevant to tasked ASB hotspots and areas of concern (total officer hours):	1148
Party house visits	6
Number of ASBO visits	2
Number of ASBO breach calls attended	8
Number of ASBO breach charges	2
Number of youth ASB calls attended	149

**Alcohol and Drug misuse**

Searches:	Drugs (Persons) + ve	16
	Drugs (Persons) - ve	53
	Drugs (Houses) + ve	2
	Drugs (Houses) - ve	1
	Alcohol (Persons) + ve	22
	Alcohol (Persons) - ve	1
Alcohol Recovered:	Vodka (Bottles)	6
	Cider (Bottles/Cans)	22
	Lager (Bottles/Cans)	37
	Buckfast (Bottles)	8
	Other	2
Visits:	Number of Licensed Premises Visits (on and off sales):	38

**Violent crime**

Searches	Weapons + ve	2
	Weapons - ve	9
Visits	Violent offender visits	

**Crimes of dishonesty**

Searches	Stolen property +ve	3
	Stolen Property -ve	10

**Re-offending**

Number of Bail Curfew Checks & Offenders Reported:	Bail Curfew Check + ve (traced in)	148
	Bail Curfew Check - ve (not traced)	18
	Bail Curfew SPRs submitted	13
Number of Warrant Checks & Arrests:	Warrant Checks	159
	Persons Arrested on Warrant	45
	Number of Arrests (other than warrants):	33

**Supporting children at risk of harm**

Number of Child Referrals (VPDs):	39
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**Supporting adults at risk of harm**

Number of Adult Referrals (VPDs):	9
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**MIDLOTHIAN CPT 1 & 2  
KEY PERFORMANCE INDICATORS RETURN  
(Month January, February and March - 2016)**

**Road Safety**

Fixed Penalty Notices & Standard Police Reports	Number of ASB FPNs Issued (excluding RTA):	5
	Number of Road Traffic full SPRs Submitted:	24
	Number of RTA FPNs (excluding ASB):	16
	Number of Section 165 RTA Seizures:	8
Recorded Police Warnings	Number of RPWs issued	10
Breath tests	Breath Tests - negative	72
	Breath Tests - positive	5
Vehicle ASBO Warnings and Vehicles Seized:	ASBO Warnings Issued	
	ASBO Vehicle Seizures	

**Community Involvement in setting and delivering outcomes**

Joint communication/ engagement activities undertaken	
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**Cross cutting indicators**

Full Standard Police Reports Submitted (excluding RTA and Bail Offences):	Adult	29
	Juvenile	11
Intelligence	Number of SID Intelligence Submissions:	65
Number of Incidents/ visits attended with partners:	Fire Service	
	Ambulance Service	4
	Visits with Council staff	10
Abstracted Officer Hours (Non Core Duties):	Hours	147
	%	

## **Additional Information & Incidents of Note**

- On 2<sup>nd</sup> January 2016, MCAT officers conducted a Roads policing initiative in Midlothian as part of the festive plan. A vehicle was seen to make off from officers in the Lasswade area and 5 persons exit the vehicle and run off. All were apprehended and the driver reported for Dangerous driving and failing to stop for Police. They also failed the roadside breath test but fell below the required limit for reporting.
- On 4<sup>th</sup> January 2016, MCAT officers conducted a Roads Policing initiative in Midlothian. Following a vehicle stop, Driver issued a FPN for no insurance. Registered keeper reported for causing and permitting the vehicle to be used.
- On 5<sup>th</sup> January 2016, during routine patrols MCAT officers observed two persons within a vehicle who exited and made off. They were traced nearby and the driver reported for driving without a licence, no insurance and no MOT.
- On 6<sup>th</sup> January 2016, during routine bail curfew compliance checks, officers from MCAT discovered a priority offender was failing to comply and took immediate action to trace them. The offender was reported from Police custody for bail offences.
- On 13<sup>th</sup> January 2016, a Misuse of Drugs act search warrant was executed at an address in Penicuik. Clear evidence of drug misuse was found and a small amount of class A drugs (Diamorphine) were recovered. Occupier reported for possession offences.
- On 20<sup>th</sup> January 2016, following good work from an off duty MCAT officer; cover-shift MCAT officers traced a recidivist offender who was subject of 5x outstanding apprehension warrants, which had been outstanding for a number of months. They appeared in court and were subsequently remanded in custody.
- On 23<sup>rd</sup> January 2016, following extensive enquiry, MCAT officers effected the arrest and subsequent reporting of a repeat offender, whom, had made extensive malicious calls to the Police regarding big issue sellers. A total of 96 calls were made to Police between January 2014 and January 2016. A protracted enquiry was undertaken, with some considerable effort and commitment resulting in the offender being reported to the procurator fiscal for malicious telephone calls.
- On 28<sup>th</sup> January 2016, MCAT officers successfully identified and apprehended a prolific shoplifter who was arrested following a short foot chase and reported for various offences.
- On 30<sup>th</sup> January 2016, MCAT officers traced a Registered Sex Offender during a routine stop/search, whose current whereabouts were unknown. They were issued a recorded Police warning for being drunk and incapable and significant intelligence gleaned regarding their habits and current lifestyle.

- On 31<sup>st</sup> January 2016, MCAT officers traced an offender responsible for 2x historic hate crimes in the Newtongrange area. They were arrested and reported for the offences.
- January 2016 also saw the introduction of the Recorded Police warning scheme, an early intervention for disposal of minor crime. MCAT have issued 6 of these tickets for a variety of offences in the first few weeks of the scheme being introduced and it is proving popular with officers.
- On 9<sup>th</sup> February 2016, MCAT officers were requested to assist Midlothian council with gaining entry to an address in Dalkeith. The occupier having previously been threatening and abusive. On attendance officers found the occupiers demeanour to be similar and a significant threat to trade workers. They were arrested and reported for Threatening and abusive behaviour.
- On 9<sup>th</sup> February 2016, MCAT officers conducted plain clothes patrols in the area of Woodburn, Dalkeith targeting continued youth ASB. During pro-active activities a well-known youth was heard by officers to shout inappropriate comments of a racial nature. The youth was arrested and charged in the presence of their parents and reported via the Youth Justice system.
- On 9<sup>th</sup> February 2016, following pro-active curfew checks a recidivist offender was discovered to be in breach of their bail curfew conditions. They were reported for warrant and subsequently arrested for this and other offences and later remanded in prison.
- On 10<sup>th</sup> February 2016, MCAT officers conducted plain clothes patrols in the area of Woodburn, Dalkeith. During patrols officers identified a youth responsible for continued disorder at Dalkeith Library over the previous week. They were arrested, conveyed home and reported for a Breach of the peace via the Youth Justice system.
- On 11<sup>th</sup> February 2016, MCAT officers conducted a Road safety check in Howgate village, Penicuik. Several drivers were warned regarding their speed within the restricted area and a vehicle was seized under Section 165 RTA 1988 due to no insurance. The driver was issued a fixed penalty notice and the registered keeper reported for causing and permitting the vehicle to be driven.
- On 12<sup>th</sup> February 2016, a person was observed by MCAT officers acting suspiciously, in the Mayfield area and was detained for a search under the Misuse of Drug act. A quantity of Diazepam was recovered in their possession and a reported submitted for possession offences.
- On 12<sup>th</sup> February 2016, MCAT officers observed a well-known offender driving a motor vehicle in the Mayfield area. The vehicle was stopped and found to have no insurance and the vehicle was seized under Section 165 RTA 1988. The driver was reported for driving without insurance.
- On 18<sup>th</sup> February 2016, MCAT officers patrolling in the Woodburn area of Dalkeith observed a well-known youth offender. Due to recent intelligence regarding the group carrying weapons, he was stopped and searched. They were subsequently found in possession of a screwdriver, for which they could give no valid reason.

They were arrested and charged with possession of an offensive weapon and report submitted via the Youth Justice system.

- On 20<sup>th</sup> February 2016, following a series of pro-active bail curfew checks by MCAT officers, a well-known offender was found to be in breach of their curfew order and reported for bail offences.
- On 21<sup>st</sup> February 2016, MCAT officers observed a well-known offender sitting within a vehicle and approached to speak with them. The offender made off and was observed to discard an item before being apprehended. The item was subsequently recovered and found to be a quantity of Cocaine. The offender was also found in possession of a quantity of Cannabis. They were arrested and reported for possession of drugs.
- On 25<sup>th</sup> February 2016, MCAT officers traced and arrested a well-known recidivist offender for breaching their bail curfew. He was reported from Police custody for bail offences.
- February also continued with the use of Recorded Police warnings, with 3 being issued for Possession of Cannabis following successful stop/searches.
- February did see an increase on MCAT officer abstraction compared to recent months. This was due to unforeseen priority incidents which continued over a number of days, placing added demand on front line officers.
- On 2<sup>nd</sup> March 2016, MCAT officers were deployed for re-assurance and security patrols for the first Ministers visit to Lasswade High School. The visit passed without Incident.
- On 2<sup>nd</sup> March 2016, MCAT officers attended an incident at the Lasswade centre, Bonnyrigg regarding youths causing a disturbance and abusing members of the public. A youth was identified and reported through the Youth Justice system for Threatening and Abusive behaviour.
- On 4<sup>th</sup> March 2016, following the report of a road traffic collision in the Mayfield area, MCAT officers identified the offending vehicle, which, had left the scene. The driver was identified and found to be under the influence of alcohol, subsequently failing a roadside breath test and found to be over the prescribed limit during the station procedure. The driver was reported for relevant offences.
- On 6<sup>th</sup> March 2016, MCAT officers attempted to stop a vehicle, in the Bonnyrigg area, during routine patrols, which, subsequently made off. The vehicle was abandoned and 2x occupants attempted to run from the officers before being apprehended. The vehicle was searched and found to contain various tools, balaclavas and gloves. The occupants were arrested and reported for offences under Section 58 Civic Government (Scotland) Act 1982 and possession of class A drugs.
- On 11<sup>th</sup> March 2016, MCAT officers attended a call regarding a disturbance at a retail premises in Dalkeith. The suspect left prior to Police arrival but was identified following enquiry and also identified as responsible for attempting to steal from motor vehicles in the Mayfield area. The offender has been reported for Theft



shoplifting, Threatening and abusive behaviour and offences under Section 57 Civic Government (Scotland) act 1982.

- On 12<sup>th</sup> March 2016, MCAT officers conducted a pro-active bail curfew check at the home address of a known violent offender, whom, was found to in breach of conditions set. Following enquiry and a short foot chase the offender was arrested for a breach of bail conditions and held in Police custody to appear at court for the bail offences.
- On 12<sup>th</sup> march 2016, a youth was identified and subsequently reported through the Youth Justice system for offences under the Road Traffic act 1988 following a series of incidents reporting the dangerous use of an off road motorcycle in the Dalkeith area.
- On 15<sup>th</sup> March 2016, MCAT officers conducted a pro-active bail curfew check at the home address of a known recidivist offender, whom, was found to in breach of conditions set. The offender was traced, arrested for a breach of bail conditions and held in Police custody to appear at court for the bail offences.
- On 17<sup>th</sup> and 18<sup>th</sup> March 2016, MCAT officers were involved in Operation Andromeda, targeting the illegal sale of alcohol to underage customers in Midlothian. 3x Licensed premises failed following a test purchase and reports have been submitted to the Procurator Fiscal and licensing board.
- On 20<sup>th</sup> March 2016, MCAT officers stopped a vehicle during routine patrol in the Lasswade area. The driver was found to be uninsured and the vehicle to have no current MOT certification. The driver was charged with offences under the Road Traffic act 1988 and the vehicle was seized.
- On 22<sup>nd</sup> March 2016, MCAT officers traced 3x persons responsible for spraying graffiti and fire-raising upon premises and a war memorial within Penicuik public park. A report has been submitted to the Procurator Fiscal.
- On 30<sup>th</sup> March 2016, MCAT officers attended a report of Youths vandalising caravans in Mayfield. Following a short foot chase, 4 youths were apprehended, charged and reported via the Youth Justice system for vandalism.
- On 31<sup>st</sup> March 2016, MCAT officers responded to a reported assault and theft of property in the Penicuik area. Following liaison with the victim, quick and robust enquiry was conducted resulting in the identification of a suspect and recovery of property. The suspect was arrested, charged with assault and a report submitted to the Procurator Fiscal. A further suspect is to be traced.
- During March 2016, MCAT officers received training in Alcohol Test purchasing and UNIPAR speeding device. This has facilitated MCAT officers to target the sale of alcohol to underage customers and increased their skillset in the area of road safety.

## Appendix

# CPTM VISION & ACTIVITIES

## Vision

Impact positively on life quality within the communities of Midlothian by reducing all types of antisocial behaviour through prevention, disruption and enforcement.

## Activities

- 1. High Visibility Patrolling:** the provision of community support and reassurance by undertaking high visibility vehicle, foot and cycle patrols focusing on identified antisocial behaviour issues.
- 2. Recidivist-Offenders:** intelligence led focus on individuals known to engage in antisocial behaviour, drugs use/supply and persistent alcohol abuse, with specific attention being given to persons subject to ASBOs and judicial bails (including curfews).
- 3. Youth Engagement:** actively engage with youths and foster a positive image of the police and their local communities. Act as primary first responders to youth calls, disrupt antisocial behaviour and enforce appropriate legislation firmly but fairly. Maximise alcohol seizures. Engage with partners and CBO colleagues to identify appropriate support and diversionary activities.
- 4. Licensed Premises:** monitor licensed premises activity and act as first responders to antisocial behaviour related incidents whenever possible.
- 5. Support Partners & Colleagues:** engage with community partners to work together towards the vision and promote joint patrolling. Support divisional colleagues by acting as first responders to antisocial behaviour related incidents that are occurring in real time whenever possible. Instigate and contribute to operations and initiatives linked to the core vision.
- 6. Road Safety:** tackle antisocial vehicle use, giving specific attention to inconsiderate vehicle use on the Midlothian road network and the illegal use of off-road motorcycles. Maximise the appropriate use of ASBO warnings and vehicle seizures.