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CRIME REDUCTION THROUGH REGULATIONS

James Royan and John E. Eck on violent disorder and the licensed trade



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TWO MURDERS, 5994 kilometres (3724 miles) and 45 months apart, illustrate the value of police-researcher knowledge transfer. The first murder occurred in 2010 at the Ritz Nightclub, in Cincinnati, USA. The victim was shot. The nightclub had a history of trouble with the police, including numerous violent events. The second killing occurred in 2013, at the Rowantree Inn, outside Dalkeith, Scotland. The victim was stabbed. This place too had a history of violence and other troubles. Both events illustrate the utility of taking a regulatory approach to crime prevention.

In April 2013, the Centre for Evidence Based Crime Policy (CEBCP) and the Scottish Institute of Policing Research (SIPR) assembled academics and practitioners from the United States and Scotland at George Mason University to promote the transfer of knowledge of evidence based practices. In October, 2014 SIPR and CEBCP held a second meeting at the Scottish Police College. This paper is the result of a fortuitous meeting of the authors.

At the first meeting, Eck spoke about regulating crime places, arguing that crime is concentrated on places because some create crime opportunities (Eck and Eck, 2012). Unless the opportunities that create 'hot' places are rectified, these addresses will stay 'hot'. Arresting and prosecuting offenders serves justice, but leaves opportunities for crime untouched, so more crimes occur. A regulatory approach addresses the opportunities for further crime. At the second meeting, Royan spoke about his application of a regulatory approach to places within his command area using the Ritz Nightclub murder as an example. In this article, we illustrate the utility of practitioner-researcher information exchange by focusing on the direct application of Eck's theory and the work also illustrates the utility of both police-researcher and international exchanges.

Licensing Developments in Midlothian

On 26 November 2012, Royan was appointed the Local Area Commander for Midlothian. He identified alcohol

related violence and antisocial behaviour as a priority, and began exploring partnerships which could help reduce these problems identifying two specific concerns:

The Licensing Act 2005, placed a duty on all Local Licensing Boards to have a 'Licensing Policy Statement' containing an overprovision assessment of the number and density of licensed premises and if this caused problems. Midlothian's Local Licensing Board had neither a 'Policy Statement' nor an 'overprovision assessment'.

The Act provides for the creation of Local Licensing Forums to review its operation and to give advice and make recommendations to the Board. The Midlothian Council had a Forum but it was administered within the Licensing section of the Council, which limited its independence from the Board.

To rectify issue 1, Royan suggested to the Clerk of the Licensing Board, and it was agreed, that the Community Safety Partnership Analyst would prepare an alcohol profile for Midlothian, which would allow the Board to develop a Policy Statement, containing an overprovision assessment. In response to issue 2, Royan requested that the administration of the Local Licensing Forum be moved from the Licensing Department to the Safer Communities Team. This increased community representation at the Forum, and gave the Forum greater independence. Thus, the Forum became the key driver for creating the overprovision assessment and making recommendations to the Board.

Simultaneously, Forum membership was increased and widened to include greater representation from the community and licensed trade. This fostered effective working relationships between the Police and partners, specifically the licensed trade.

Case Study: The Rowantree Inn, Mayfield, Midlothian

The background was the culpable homicide of a 28 year old male outside the Rowantree Inn on 24 November 2013.

The Place

The Rowantree Inn is a public house within the former mining area of Midlothian. Between October 2010 and November 2011, there were 17 separate incidents on the premises requiring police intervention, including four disturbances involving multiple individuals; eight assaults and five other miscellaneous licensing offences, including patrons refusing to leave the premises and selling alcohol to underage patrons.

As a consequence, police asked the Local Licensing Board to review the premises' operating plan. The police supported this request with documentary evidence, oral testimony, and CCTV footage. The Board upheld the grounds for the review and reduced the Rowantree's operating hours by one hour. The Rowantree Inn did not come to the attention of the police for any significant incident thereafter until the murder.

The Incident

At 2341 hours, the police received an emergency call reporting that a man had entered the Rowantree with a knife. He threatened the barmaid before a second man intervened and with a group of other patrons ushered the first man out, into the adjacent car park.

Within the car park, the disturbance resumed, and the first man fatally stabbed the second. A full criminal investigation ensued: the man responsible was convicted of culpable homicide and is currently serving a custodial sentence.

Licensing Interventions

To prevent further violence, Royan considered the PS internal Alcohol Licensing Toolkit, sought advice and support from the National Licensing and Violence Reduction Policy Unit, and considered the contents of Eck's 'Crime Place and Pollution' article when developing his community impact assessment.

From the 24th the premises was a crime scene and was locked down for forensic examination. By 29 November, the police were ready to hand the premises back to the owners. However, Royan identified a significant risk in the premises being handed back on a Friday with all likelihood that it would re-open over the weekend. Community tensions were running exceptionally high following the incident, particularly between the two families involved and the Rowantree was a potential scene of more trouble.

Mindful of the limitations of an emergency closure, Royan considered other options. Through involvement in the Local Licensing Forum, Police Scotland had developed an enhanced working relationship with Midlothian's Licensed Trade. Exploiting these positive working relationships, Royan invited the Premises Manager of the Rowantree Inn to a meeting. At this meeting police informed him that the property would be returned but a licensing investigation still had to examine any malpractice. Since community tensions were still high, Royan asked the premises manager if he would agree to closure until the 16th December on a voluntary basis. This would allow for a full licensing investigation, community tensions to subside, and, a formal application for a closure order to be made to Midlothian Local Licensing Board.

The premises manager agreed and the premises closed immediately on a voluntary basis. This agreement was facilitated by the positive working relationships developed among the licensed trade, Licensing Forum, and police.

On 13 December 2013, an application was made for a formal Closure Order. This was granted until the Local Licensing Board could hear from the police on their review of and suggestions for the premises operating plan. This was only the second formal closure order to be granted within Scotland under this legislation.

A month later, the Board upheld the reasons for the review and agreed to a full implementation of the conditions requested by the police. These were that the Premises Licence Holder should:

- ❖ Be present on the Rowantree at all times that it is open.
- ❖ Hire stewards to be on duty between 9pm and close of business every Friday and Saturday.
- ❖ Pay for an independent review of stewarding needs, to the satisfaction of the police.
- ❖ Remove indoor and outdoor sports.
- ❖ Keep an up-to-date incident book.

The premises were only permitted to re-open after the review of stewarding was undertaken.

After re-opening, the police conducted regular visits and inspections to ensure all conditions were being adhered to. By this time, community tensions had gone down.

This case study deftly combined three dimensions of regulation. The first is government: here the police and Local Licensing Board. The second is 'self-regulation', and involves the organisation or industry imposing rules upon themselves: here the premises' owner and representatives of the license trade. The third is community-based regulation: here the expanded Local Licensing Forum (Grabosky, 2011). This case also illustrates the interconnectedness of a problem-oriented approach and regulation (Sparrow, 2000). Finally, it shows that although theory based on evidence is useful, practitioners must artfully apply the general principles to local problems.

Eck and Eck suggest that place management practices are in part responsible for high crime and place managers can reduce the crime in their respective place. To achieve this, a regulatory approach can be useful. Through the application of specific legislation the police and partners can apply regulatory control over problematic premises. Finally, in this case, by requiring an independent review of stewarding at the premises' manager's expense, the burden of responsibility shifts towards place managers reducing crime.

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