

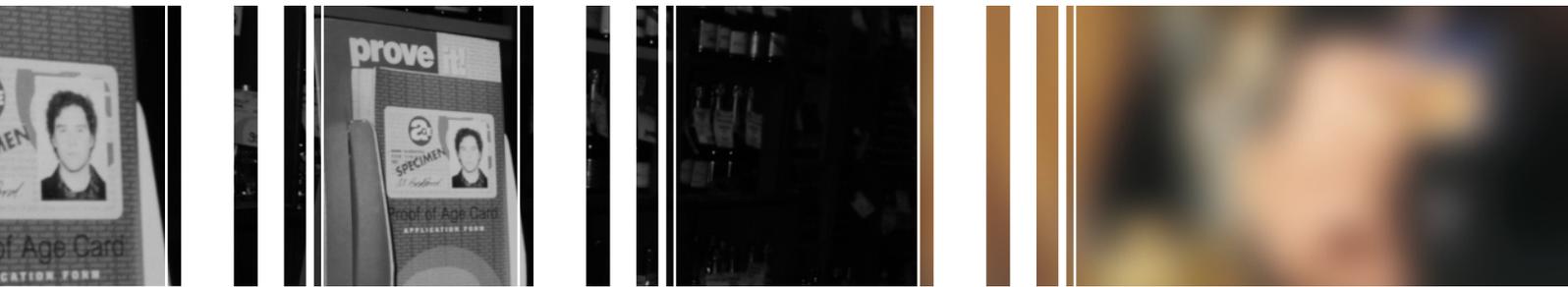


chapter six
protection and controls





|| ■ ■ ■ | Plan for Action on alcohol problems



introduction

6.1 This chapter:

- examines the contribution legislative and other controls might make to the Plan;
- sets out how the review of the Licensing (Scotland) Act 1976 fits with the Plan;
- describes controls currently in place and proposes further action;
- looks at how the criminal justice system works with offenders who have alcohol problems.

What are controls?

6.2 Controls to protect individuals and communities from alcohol problems currently take a number of forms including:

- licensing law;
- criminal justice activity e.g. policing, community safety partnerships, bylaws;
- drink driving legislation;

- voluntary controls on advertising;
- responsible practices in serving alcohol and drinking environments;
- controls on alcohol at sporting events.

Pricing and taxation

6.3 Some consultation replies suggested use of price, including increases in duty, to regulate levels of consumption. Fiscal policy is reserved to Westminster, however, and so could not be used by the Scottish Executive to reduce alcohol problems in Scotland. Nor is the evidence of effectiveness clear that it would assist in reducing harmful patterns of alcohol consumption, and thus achieving the aims in chapter 2.

6.4 However, the Executive shares concerns expressed in the public consultation about the illicit sale of smuggled/bootleg alcohol. The Executive is pleased that the UK Government is taking firm action against those abusing the system.

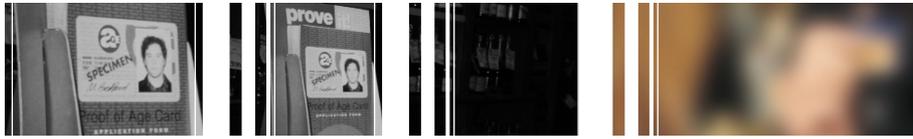
6.5 **It's happening already: Her Majesty's Customs and Excise aim to reduce cross-Channel smuggling of alcohol and other excise goods by 10% year on year. An additional 170 customs officers are being deployed specifically for this purpose.**

Licensing law

6.6 Licensing law regulates the sale and supply of alcohol. The law controls when, where and to whom alcohol is sold. It allows provisions to be tailored locally to reduce social consequences of alcohol problems. It is clear from the consultations that Executive's decision to review the Licensing (Scotland) Act 1976 as an integral part of the strategic approach in tackling alcohol problems is warmly welcomed. Views gathered in consultation for this Plan have been made available to the review Committee, as has evidence about the effectiveness of licensing controls.

6.7 Comments in the consultation exercises for this Plan included:

- the need to enforce existing legislation effectively;
- licensing hours;
- the number of licensed outlets and the balance between on and off sales;
- criteria for granting licenses;
- age limits;
- licensing board procedures.



6.8 It is hoped that an outcome of the Review will enable action in future on the following aspects of the Plan:

- Culture change.
- Binge drinking.
- Harmful drinking by children and young people.
- Crimes of violence and public disorder associated with harmful drinking.

Proof of age schemes

6.9 The Executive is keen to reduce harmful drinking by children and young people. Proof of age card schemes may well help to prevent illegal sales. Specifically, retailers are encouraged to adopt a “no proof, no sale” policy.

6.10 **It’s happening already: The Executive is supporting pilot youth card schemes, in which proof of age is an integral part, in Glasgow, Edinburgh, Argyll & Bute and Angus in conjunction with CoSLA, and Young Scot.**

6.11 Cards offer the holder a range of benefits including access to local authority services such as libraries, leisure and recreational facilities, reduced travel costs and discounts from a range of retailers. Several other local authorities have expressed an interest in introducing similar card schemes in the light of the pilots. Proof of age is an integral part of these cards.

- > **The Executive is discussing with local authorities and NHSScotland the scope for a wider local authority administered smartcard scheme.**

Preventing underage sales

6.12 Other approaches can contribute to preventing the sale of alcohol to under 18s. Industry bodies representing retailers have guidelines for their members on avoiding sales of age-restricted goods, including alcohol and tobacco, to underage customers.

6.13 **It’s happening already: Following a review of prosecution policy, the Lord Advocate has authorised a pilot scheme to permit criminal proceedings to be taken on the basis of evidence obtained by test purchasing of age-restricted goods, including alcohol, by children. The aim of the pilot is to assess whether test purchasing by children in Scotland can help to achieve more effective enforcement of the law in this area.**

Alcohol and crime

6.14 The consultation exercises identify links between alcohol and a range of criminal and anti-social behaviour:

- violent crime;
- vandalism;
- public disorder (often on or around licensed premises);
- physical, sexual and domestic abuse;
- threats to community safety.

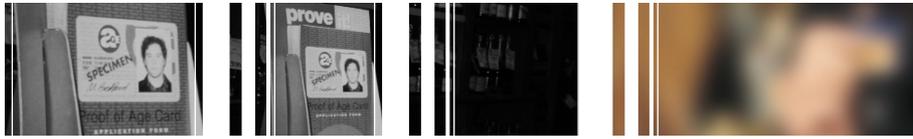
6.15 Several agencies have a part to play in dealing with alcohol-related crime:

- the police;
- the Crown Office and the courts;
- the prison service;
- local authority criminal justice services;
- communities/Community Safety Partnerships – parents, young people, retailers, the drinks industry, the licensed trade, youth workers.

6.16 The Executive recognises the need for current law to be effectively enforced and supports local authorities' use of bylaws to restrict drinking in public places. The police in Scotland already undertake rolling programmes of initiatives that help tackle alcohol problems. They work in partnership with other agencies and with the licensed trade on:

- visits to licensed premises to educate and remind licensees about their responsibilities;
- visits to hot spots where young people and others create alcohol-related problems;
- high visibility patrols in areas of licensed premises to help reduce public order offences;
- development of 'Pub Watch' schemes which allow publicans to alert one another to problems experienced with customers;
- licensee forums;
- radio links between licensees and police;
- the use of CCTV systems in town centres to reduce alcohol-related offences;
- targeting underage drinking, for example by confiscating alcohol from under 18s.

The Crown Office take particularly seriously assaults in A&E Departments and also underage sales by licence-holders.



Community safety

6.17 In 1998 the Scottish Office launched *Safer Communities Through Partnership: A Strategy for Action* which is aimed at encouraging the development of local crime prevention strategies between the police, local authorities and local communities. Local authorities now lead local crime and safety partnerships involving the police, voluntary sector bodies and the public to tackle community safety issues, including those which are alcohol related, which trouble local people. Umbrella bodies for the alcohol and hospitality industries and the licensed trades have recently been invited to provide members for these partnerships.

- > **Alcohol-fuelled violence will be examined at the Executive's anti-violence conference to be held early 2002.**
- > **Revised funding arrangements for community safety partnerships to be introduced April 2002 will require responses to alcohol and drug related crime to feature in forward work programmes.**

Door stewards

6.18 Another area of particular concern to emerge in the consultations surrounds poorly managed licensed premises, including the failure to refuse entry to intoxicated individuals and inconsistency in dealing with anti-social behaviour. In the main those responsible are door stewards or night-club bouncers, licensed or otherwise, which form part of the private security industry. Some local authorities have already introduced arrangements specifically to try to achieve minimum standards for door stewards, but there are gaps in overall consistency.

6.19 **It's happening already: A consultation paper outlining the Executive's proposals for regulating the private security industry in Scotland issued on 11 September 2001, with a closing date for responses of 14 December 2001.**

Alcohol at sporting events

6.20 The controls over carriage and consumption of alcohol at designated sporting grounds and events, introduced in 1980, have been very effective in counteracting the alcohol-related violence and misbehaviour which used to occur at major football matches. The Executive will keep this area of the law under review, but we have no plans for any general relaxation of the framework of controls.

Criminal justice system

6.21 Within the criminal justice system services are needed to assist those with alcohol problems and to reduce the likelihood of their re-offending, as well as to protect individuals and communities from alcohol related crime. The consultation evidence identified the need for a range of criminal justice interventions for people with alcohol problems:

- multi-agency alternatives to custody;
- treatment and testing orders;
- designated places;
- diversion schemes;
- community-based disposals;
- a clear route to support and treatment services.

6.22 The Executive's overall objective is to provide a range of community based criminal justice interventions for people with an alcohol problem. These are funded centrally under the 100% funding arrangements for criminal justice social work. The current national budget is £50m.

6.23 It's happening already:

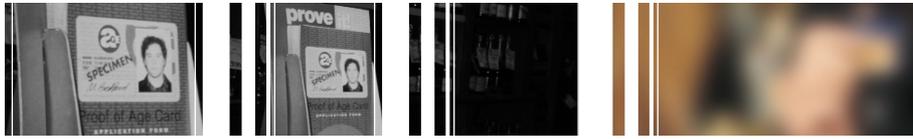
- ***Diversion from prosecution schemes:* have been rolled out across Scotland to provide Procurators Fiscal access to local schemes. Alcohol/drug misusing accused are one of the target groups.**
- ***Probation:* it is possible to place a specific condition of a probation order to require offenders to attend programmes to address alcohol problems. Alternatively this can be done on a voluntary basis.**
- ***Electronic monitoring:* schemes are being rolled out nationally which restrict offenders to, or from, a certain place for a designated number of hours.**

6.24 There is a gap between diversion and probation which may require to be filled by work with people given deferred sentences not subject to the 100% funding arrangements for criminal justice social work at the moment.

- > **The Executive is setting up a working group with representatives from statutory and voluntary agencies to consider policy and guidelines for social workers and sentencers, on structured work with those receiving deferred sentences.**

Use of deferred sentences and appropriate programmes for individuals would be piloted in the first instance and subject to full evaluation.

6.25 The Executive is exploring the opportunities for extending the existing range of criminal justice interventions, to increase the numbers of offenders who can be linked to support, treatment and rehabilitation services.



6.26 Although not strictly speaking a criminal justice measure, arrest referral schemes are attracting increasing interest. Arrestees are referred to agencies that assist with a range of problems that may underlie offending behaviour.

- > **The Executive will support pilot arrest referral schemes from 2002 that tackle drug and alcohol problems amongst others.**

Domestic abuse

6.27 The misuse of alcohol can lead to violence because of its disinhibiting effect. In the Scottish Crime Survey 2000, 62% of victims of threats or force said that the perpetrator had been drinking. However, drink is not a cause of domestic abuse nor an excuse for it.

6.28 Women experiencing domestic abuse who turn to alcohol or drugs may experience difficulties in accessing service provision. It is important to reach and support them.

6.29 **It's happening already: The Scottish Executive has provided £10m to Scottish Homes for a three year refuge development programme. One of the aims of the programme is to improve refuge and other services to meet the needs of women who may not currently have access, including women who use drugs or alcohol.**

Drink driving legislation

6.30 Many consultation responses wanted action on drink driving. Prevention and publicity campaigns were mentioned in chapter 4. The GB road safety strategy for the period to 2010, published in March 2000, includes other measures to address drink driving which are the responsibility of the UK Parliament (although enforcement of the law is up to the police in Scotland).

6.31 **It's already happening: Since January 2000, rehabilitation courses for drink drivers have been rolled out across Great Britain. There are now four organisations approved to provide courses in Scotland.**

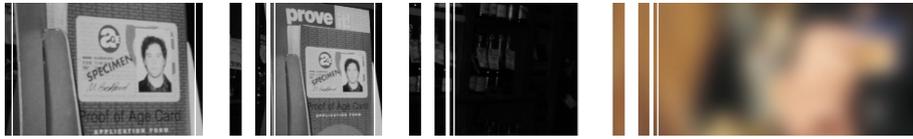
- 6.32** > **The UK Government is considering:**
- **the current drink drive limit in the context of proposals from the European Commission;**
 - **responses to a consultation paper, issued in December 2000, on proposed changes to penalties for road traffic offences, including drinking and driving;**
 - **legislation to introduce targeted breath testing and roadside testing to provide admissible evidence in court.**

Advertising

- 6.33** The alcohol industry and related trades operate voluntarily a number of social responsibility codes and practices. Advertising and promotion are subject to self-regulation. The British Codes of Advertising and Sales Promotion and the Independent Television Commission Codes limit presentation of alcohol, for example, so that advertisements should not appeal directly to underage drinkers.
- 6.34** Alcohol advertising was nevertheless raised frequently in the public consultation, with many people identifying effects of advertising on drinking cultures and pointing to perceived gaps in controls. Limits on advertising were suggested through, for example:
- the use of an independent regulator;
 - the replacement of voluntary controls with statutory measures;
 - a watershed for alcohol advertising;
 - a ban or more controls on advertising/sponsorship in sport.
- 6.35** These matters are best handled at UK level. Evidence about the effects of advertising on alcohol consumption and alcohol problems is equivocal. The UK Government considers that non-statutory controls are effective in subjective areas of advertising and promotion content, such as alcohol, where formal regulation is apt to be contentious.
- > **The Executive will raise issues surrounding alcohol advertising from the evidence for this Plan, with the UK Government and the alcohol industry.**

Promotional activities and drinking environments

- 6.36** The consultation exercises also identified perceived needs to improve drinking environments and to restrict promotional activities (happy hours, 2 for 1 offers etc) which are seen to encourage harmful drinking especially among young people. These may be considered as part of the licensing review. The Executive welcomes the industry's willingness to take steps voluntarily to curb some of the more unacceptable promotional practices. We also welcome the increase in more attractive and family-friendly drinking environments.
- 6.37** **It's happening already: The British Beer and Pub Association's guidance on point of sale promotions is being issued to pubs in Scotland.**



Labelling

6.38 A number of consultation replies suggested that unit information and health warnings should be printed on alcohol containers, and relevant information should be displayed at points of sale. Research in the USA has suggested that these may increase awareness of alcohol problems, but will only change attitudes and behaviours, as part of a much broader prevention strategy.

6.39 The Executive welcomes the discussions which are taking place with the drinks industry at UK level over the question of unit labelling. We consider that health warnings are worthy of further consideration, when used in conjunction with other prevention and education initiatives.

- > **The Executive will participate in discussions on labelling issues at UK level.**

Server training

6.40 The public consultation exercise identified support for the training for licensees, and those working in licensed premises, both on and off sales and licensing board members. Suggestions about the nature of this training included embracing such issues as:

- server interventions;
- serving those intoxicated;
- proof of age;
- legal responsibilities;
- management of violence;
- environmental issues;
- effects of alcohol;
- harm caused by alcohol.

6.41 International evidence suggests that responsible servers of drinks, and managers, can help prevent some alcohol problems. The Executive welcomes the support of the industry for training which covers quality standards, customer care, etc. There are a number of training schemes in place including the Scottish Licensee certificate for pub managers, the British Institute of Innkeeping qualification and Alcohol Focus Scotland's Servewise initiative which has been funded by the Executive.

- > **The Executive will work with the industry and licensed trade and Alcohol Focus Scotland to improve and promote training in responsible serving of drinks.**