

Response to the consultation document underage drinking in public places

1.0 Introduction

1.1 The Institute of Alcohol Studies fully accepts that, as the Government describes, there is a large and, it seems, growing problem of drinking and drunkenness by teenagers and, to a lesser extent, younger children, and that the drinking and the associated problems often occur in public places.

1.2 We do not dispute, therefore, that there is a real problem which the Government is now, somewhat belatedly, trying to address. We do, however, question whether the proposed new police power to confiscate alcohol from 'under-age drinkers' is an appropriate solution to these problems.

1.3 In his speech to the Conservative Party Conference, the Home Secretary is reported to have said that the new powers to confiscate alcohol from 'under age drinkers' would "end the spectacle of drunken louts who hang around on street corners shouting abuse at others."

1.4 However, this statement appears, firstly, to imply, questionably, that most if not all 'drunken louts' are aged under eighteen, and, secondly, to ignore the fact that there are already laws against public drunkenness and public nuisance. If these laws are not being enforced or are not effective, then, presumably, there is a question as to whether the new power would bring about any improvement. Indeed, we understand that the police already have the power to confiscate cigarettes from under age smokers, but that this power is rarely used as it creates administrative problems regarding the disposal of the seized property.

1.5 We believe the Government's proposal is questionable in principle, would be open to abuse and, partly for that reason, is also of doubtful practicability. In our view, the most important question to be addressed is how the situation has arisen such that dubious legislation is now considered necessary. The real need is to tackle the causes of the problem.

2.0 A Power to Confiscate Alcohol

2.1 We understand that that the origin of the Government's proposal may be the Weymouth Under Aged Drinking Campaign of Dorset Police. We have been informed by Dorset Police that this campaign was successful in reducing under-age drinking and associated anti-social behaviour.

2.2 On this, however, we make two comments. Firstly, the campaign was mounted under the existing law. Secondly, while the campaign included the seizure of alcohol from under eighteens, so far as we know the seizures occurred when the police had good reason to believe that the alcohol had been purchased illegally, with steps then being taken to prosecute the licensee.

2.3 We do not have any difficulty with the concept of alcohol illegally acquired being confiscated; we fully support the clarification of the law on test purchases of alcohol and we fully support the police using their powers within the law to tackle the problems of under-age drinking and drunkenness.

2.4 However, we are reluctant to see extra powers being given to police to confiscate and destroy, using 'reasonable force' where necessary, property which has been acquired, and is in the possession of the individual concerned, perfectly lawfully.

2.5 In our view, this proposal is objectionable in principle but we also question its practicability. It may be that where what is involved is a small group of youngsters congregated at one particular point and who are clearly aged, say, below 16, seizures of alcohol could be managed without difficulty. As we understand it, this was the situation in Weymouth.

2.6 However, the situation in other areas could be very different. In practice, for example, what action would the police be able to take in regard to large groups of young people milling around town centres at night, some of whom were under and some over the age of eighteen?

2.7 One anxiety is that the attempt to confiscate alcohol in this kind of situation could be inflammatory and that it might be difficult to convince young people that confiscation was being enforced equitably.

2.8 Under the Government's proposal, police would only be able to seize alcohol from over eighteens whom they 'reasonably suspected' were about to give the alcohol to under eighteens, not those who were intending to consume it themselves. We are concerned that should seizures be contested, it would not necessarily be a straightforward matter for the police to establish 'reasonable suspicion'.

2.9 In this connection, we are concerned that the Consultation Paper ignores the question of what would happen when an individual contested the right of the police to confiscate his or her property, or sought compensation for property which had been destroyed. It would, surely, be helpful for the Government to provide details of the procedures it envisages would be used to settle such disputes.

3.0 A Ban on Public Drinking by Under Eighteens

3.1 An obvious alternative, or indeed addition, to the proposal would be to take the course the Government has rejected, and introduce a ban on public drinking by under eighteens. One advantage of doing so is that it would make the situation of young people clearer to them in the sense that if they were drinking in the street, they would know that they were breaking the law. We are not convinced by the Government's stated reasons for rejecting this possibility, that it would be 'excessive' and 'would deal with the mischief only after it had occurred'.

3.2 We are unable to see how such a ban would be any more 'excessive' than the initiative the Government proposes, which appears to be a method of stopping public drinking by the under eighteens without actually making it illegal.

3.3 If the argument is that not all public drinking by under eighteens should prompt intervention by police - such as in the context of a perfectly orderly family picnic - then we agree, but we cannot see how that is an argument against a ban on public drinking. If guidance can be issued for the proper use of police discretion in regard to the use of powers to confiscate alcohol so as to prevent inappropriate intervention, then presumably exactly the same guidance could be given in regard to the use of discretion in enforcing a ban on public drinking.

3.4 We are also unable to understand how a public drinking ban would be a case of 'dealing with the mischief only after it had occurred', whereas allowing the police to seize alcohol would not.

3.5 Similarly, we cannot understand the logic of saying that the courts would be unable to find suitable disposals for those convicted of infringing a public drinking ban, when the Government itself suggests a disposal for those who infringe its own proposal by refusing to give a correct name and address.

3.6 The Youth Court has the power to levy a fine up to £1000 on any person fourteen and over committing an offence (well inside Level 2). It is highly unlikely that any fine would be over £250, the maximum for those under thirteen.

4.0 Alcohol Free Zones

4.1 Another option would be, with the qualifications noted above, to ban public drinking by people of any age. The Consultation Paper says that this would be an excessive response where the problem is confined to under age public drinking. We do not advocate turning every public space in the country into an alcohol free zone but we wonder in how many localities the problems are in fact confined to the under eighteens. We take the view, therefore, that further use of the alcohol free zone bye-law would help to tackle the problems with which the Consultation Paper is concerned.

5.0 The Causes of the Problems

5.1 This is a complex question but in our view the problems of teenagers drinking in the streets arise in the context of general and widespread social changes in attitudes and behaviour amongst adults as well as children. It seems reasonable to conclude that one element is a lack of parental control.

5.2 Certainly, the evidence appears to be clear that many young people are beginning to drink at an earlier age than was the case in previous generations, substantial proportions of nine and ten year olds reporting that they drink alcohol and that the main source of alcohol is the home. Moreover, by age twelve children's perception is that one of the main reasons people drink alcohol is 'to get drunk'. There is evidence that the new range of 'alcoholic soft drinks' are popular with under eighteens, and that their consumption by teenagers is associated with increased drinking and drunkenness. There is also evidence that drinking, and especially heavy drinking while young increases the likelihood of alcohol abuse in later life.

5.3 Conversely, there is little evidence that the 'sensible drinking' message has produced tangible benefits. Indeed, it is possible that the emphasis on the 'sensible limits' originally designed for adults may be interpreted as a kind of official licence for what are, in terms of the drinking habits of the population as a whole, high levels of consumption, especially for children and teenagers.

5.4 We do not believe that there is a 'quick fix' solution to these problems, but that what is required is sustained, coherent action over time to reduce the level of alcohol problems in society, with children and young people being a priority group.

6.0 Preventative Measures

6.1 In regard to legal controls, as stated above we fully support the proposal to clarify the law on test purchases of alcohol. In this connection, we suggest that the Government also consider the possibility of making it a condition of a licence that the licensee operate the proof of age scheme.

6.2 In regard to education, our recommendation is that that the Government review the 'sensible drinking message' as it is conveyed to young people with a view to ensuring that it be made clearer that, from a public health point of view, the sensible policy is to delay the onset of regular drinking by children and young people.

6.3 In this connection, we also recommend that the Government give consideration to the issue of the legal age for drinking. The Consultation Paper refers to 'under age drinkers', yet the legal age for drinking (as distinct from purchase, and consumption in a bar) is five. In view of the widespread problems referred to in the Consultation Paper, we recommend that the Government should consider whether it would now be desirable to raise the legal age for drinking. Any suggestion of an age limit must be to some degree arbitrary, but we propose that the age of leaving primary school provides a possible point of reference. We would not wish to go further than this because of the risk of undermining parental responsibility. However, we do think there is now a case for reviewing the legal drinking age, and that raising it to the age-range suggested would communicate a needed message to young people and society generally, and that it could indeed be of help to responsible parents.

6.4 Especially in view of the advent of 'alcoholic soft drinks', we also recommend that the Government review the whole question of the promotion and advertising of alcohol and the way that this affects children and young people. There is, for example, the issue of sports sponsorship. There is, surely, a considerable paradox if not downright contradiction in children and young people acting, in effect, as human advertising hoardings for brands of alcoholic drink by means of the logos on football shirts, when, if the Government goes ahead with its present proposal, should the children be caught with the product they are advertising, it could be seized and destroyed by the police.

6.5 There is also evidence that young drinkers are particularly sensitive to price changes and that, therefore, this is a specific reason why the Government should resist pressure to cut excise duties on alcoholic drink.

6.6 In rejecting possible courses of action, the Government argues that they "would deal with the mischief only after it had occurred". In our view, that is a criticism which could be made of the Government's own proposal. The real mischief has been the development of a culture of drinking even amongst young teenagers, of which drinking in the street is but one aspect.