Children and Young People Overview and Scrutiny Committee (CYPOSC)

Reducing Alcohol Related Harm To Children and Young People Ad Hoc Panel

Overview and Scrutiny

Brighton & Hove City Council

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A Introduction

This section explains the decision to establish an ad hoc panel, as well as providing general background to issues relating to underage drinking (in both national and local terms) and to the 2003 Licensing Act.

1. Establishment of the Ad Hoc Panel

1.1 At its 24 September 2008 meeting, the Children and Young People's Overview and Scrutiny Committee (CYPOSC) considered the 2008 Annual Report of the Brighton & Hove Director of Public Health: "Brighten Up! Growing Up in Brighton & Hove 2008". The 2008 report (which doubles as a Joint Strategic Needs Assessment for city services) focuses on children's health issues.

1.2 CYPOSC members decided that the committee should investigate some aspect of this public health agenda in greater depth, and after discussion it was determined that the committee's focus should be on the subject of young people and alcohol.

1.3 More specifically, it was proposed that an ad hoc should be established to:

"Examine the costs of, social and economic outcomes of, and reasons for the higher than average, and worsening, levels of alcohol related harm suffered by children and young people in Brighton and Hove.

Such a panel will specifically, but not exclusively, examine the impact of the Licensing Act 2003 on the availability to and consumption of alcohol by those aged under 18 in the city and, seeking evidence from, amongst others, Sussex police, premises license holders, the council's own public safety officers and our partners in the NHS, will determine what steps the council could take to reduce levels of alcohol-related harm to children in the city.

Further, the Panel will examine reasons why the problems of alcohol-related harm appear to be worst in the east of the city."

1.4 Committee members agreed to adopt this wording as the ad hoc Panel's Terms of Reference.

1.5 Councillors Juliet McCaffery and Ann Norman agreed to sit on the Panel alongside Councillor Duncan. Councillor Norman was subsequently appointed as Chairman of the Panel.

1.6 Panel members held a scoping meeting, where they were advised by the Director of Public Health and by officers from the council's Children and Young People's Trust (CYPT).

1.7 The Panel subsequently held a series of evidence gathering meetings in public. Witnesses included police officers, Trading Standards officers, officers representing the council's Licensing team, CYPT officers, public health professionals from NHS Brighton & Hove, a consultant paediatrician, head-teachers, and representatives of the major supermarket and off-licence chains.[1] The Panel also invited a number of independent alcohol retailers to give evidence. However, none of these potential witnesses agreed to appear before the Panel.

1.8 Panel members also met on two occasions with members of the Brighton & Hove Youth Council in order to elicit young people's views on this issue.

2. The 2008 Annual Report of the Director of Public Health

2.1 The 2008 Annual Report of the Director of Public Health makes several references to alcohol-related issues. In particular the report states that:

"It appears that children in Brighton and Hove drink slightly more than their national counterparts and some key alcohol indices among 14-15 year olds in Brighton and Hove show high levels of drinking. Drinking is on the increase and a substantial number of children drink more than fourteen units, the recommended weekly maximum for adult women.

While boys drink more than girls, the culture of binge drinking appears to be more common among girls who are much more likely than boys to get drunk. Overall a quarter of boys and a third of girls report getting drunk in the previous week and in the east of the city the figures for drinking and getting drunk are much higher.

Mental and behavioural disorders due to alcohol were the highest cause of admission to hospital compared to other mental health disorders in 2005/6 and 2006/7.

The number of ambulance calls related to drinking among young people has been steadily increasing and between 10 and 25 children and young people aged less than 18 years attend A&E with alcohol related problems every month."

2.2 In an attempt to address these problems, the Director of Public Health proposed that:

"The CYPT and the PCT [i.e. NHS Brighton & Hove] should take further action to tackle the increasing levels of drinking among young people, especially the apparent culture of binge drinking among young girls. This should be explored as part of the Joint Strategic Alcohol Needs Assessment currently underway.

[1] A full list of witnesses is contained in Appendix 1 to this report.

The CYPT should work with the ambulance service and A&E Services in order to ensure appropriate treatment and referral for children and young people presenting with alcohol related conditions. This work should be coordinated with the Joint Strategic Alcohol Needs Assessment."

3. Background

3.1 Population statistics

- Brighton and Hove has a rather lower proportion of children aged less than 16 years (16.65%) than the average for the South East (19.93%) and for England and Wales (20.16%).

- In mid-2005 there were an estimated 255,022 residents in Brighton and Hove, of whom 53,500 were aged between 0-19 years.

- Population trends and projections suggest that the proportion of children in the city is set to rise somewhat in the next few years, with a concomitant increase in demand for children's services.

- The east and central areas of Brighton & Hove have proportionately more children and young people than the west.

- Brighton and Hove has relatively high levels of deprivation, higher than both regional and national averages. In the more deprived parts of the city (e.g. in parts of East Brighton) up to 45% of children live in families with parents/carers who are out of work.

3.2 Alcohol statistics and further information

- Nationally the proportion of pupils aged 11-15 years who had drunk alcohol in the last seven days fell from 26% in 2001 to 21% in 2006.

- However, those young people who did drink were generally drinking more than hitherto: boys drank an average of 12.3 units per week and girls 10.5 units per week. Girls are more likely to get drunk than boys.

- Of the young people who did drink, 49% consumed more than four units on the days they drank; 22% consumed three or four units; and 28% consumed an average of two units or fewer.

- Half of the young people who drank claimed that they purchased their own alcohol.

- 20% of young people said they had been drunk in the last four weeks and 35% had deliberately tried to get drunk.

3.3 Local statistics

- In Brighton & Hove,11% of boys and 14% of girls claim that they purchase alcohol from off licences. Children in the east of the city are most likely to purchase alcohol from an off license and drink it in a public place[2].

- Underage drinking in public spaces (e.g. parks) is very common across Brighton & Hove. Young people who consume alcohol in public spaces are often implicated in anti-social behaviour. They are also at risk of becoming victims of crime, physical injury (i.e. via accidents or assault) or of being exposed to other harmful substances (e.g. illicit drugs). Young people drinking in public spaces often do so in large groups, and this increases the risk of anti-social behaviour and poses serious problems for policing.

- It is estimated that there are 12-20 young people who present at Brighton Accident & Emergency (A&E) each month with overdoses or injuries directly caused by alcohol, and of these, 4-5 young people are consequently admitted for treatment[3]. The number of young people presenting at A&E with conditions indirectly related to excessive alcohol consumption (e.g. people who engage in risky behaviour and consequently suffer injuries because they are drunk) is almost certainly far higher than this, although these statistics are not necessarily collated.

4 The Licensing Act (2003)

4.1 The ad hoc Panel Terms of Reference proposed by Councillor Duncan (see **point 1.3** above) make reference to the 2003 Licensing Act. It may therefore be helpful to give a brief explanation of aspects of the Act and of how it has been incorporated into local licensing policy.

4.2 The Licensing Act (2003) represented a major revision and rationalisation of licensing law, replacing the 22 existing Acts which determined licensing issues (including the 1964 Licensing Act – the principle vehicle for alcohol licensing).

4.3 The 2003 Act introduced flexible opening hours for licensed premises (subject to their impact upon local residents), simplified the licence application process (by replacing the existing six types of licence with one general licence), and transferred the responsibility for granting licences from magistrates to local authority Licensing Committees.

[2] This information has been extracted from the Annual Report of the Director of Public Health, Brighton & Hove City NHS Teaching Primary Care Trust (Chapter 2 & 5).

[3] This information is from the Health Impact Assessment (April 2009)

4.4 In addition to simplifying a previously very complex area of law, the 2003 Act sought to make significant changes to national licensing policy. In essence, the architects of the Act argued that the *status quo* position of tight restrictions on the number and opening hours of licensed premises was generally ineffective in controlling problems associated with the excessive consumption of alcohol, and in some instances might actually exacerbate the difficulties it sought to mitigate. For example, it can be argued that imposing an 11pm closing time on pubs and bars effectively creates 'flash-points' in town centres where several thousand people leaving premises at the same time can overwhelm local services, police etc. Staggering closing times may mean that some people spend longer drinking, but it also means that the police, taxi services etc. are required to cope with a regular trickle of people coming and going rather than with an 11pm deluge.

4.5 Similarly it can be argued that restricting the number of licensed premises does little to limit drinking, as people will readily travel to purchase alcohol. Restrictions therefore inconvenience the public and local retailers whilst doing little to mitigate the impact of excessive drinking.

4.6 These arguments are by no means universally accepted, with critics contending that extended opening times may reduce flash-points, but only at the expense of prolonging noise nuisance and anti-social behaviour (e.g. instead of having an hour or so when people noisily returned home from a night's drinking, there are now people creating a disturbance all night long, as groups of drinkers come and go throughout the night). Similarly, whilst some aspects of the growth in licensed premises may not impact upon drink-related problems, others (such as the increase in late night off-licences) may have a deleterious effect (i.e. people who might formerly have stopped drinking when they ran out of alcohol can now continue drinking for as long as they please, with obvious consequences for themselves and their neighbours).

4.7 Brighton and Hove City Council's response to the 2003 Licensing Act is embodied in the council's "Statement of Licensing Policy 2003" [4]. This sets out the council's licensing objectives in light of the 2003 Act. The Licensing Authority objectives are:

(a) the prevention of crime and disorder;
(b) public safety;
(c) the prevention of public nuisance; and
(d) the protection of children from harm.

4.8 The revised Brighton & Hove Licensing Policy came into force in January 2005, and will be under constant review until January 2011.

[4] See the Licensing Act 2003, Brighton & Hove City Council, Statement of Licensing Policy, Environmental Health and Licensing Service.

4.9 The Licensing Committee is limited in its ability to consider the impact of the granting of new licences, being authorised to consider any potential impact upon the very local vicinity, but not broader issues of harm (e.g. impact on a wider or more distant geographical area).

4.10 In terms of the current ad hoc panel, the obviously pertinent licensing objective is: Protection of Children from Harm. The Licensing Policy addresses this by:

- Including the moral, psychological and physical harm which may be connected with licensed and club premises (e.g. exposure at a young age to strong language and adult entertainment and films) as a factor to be considered in relation to license applications.

- Insisting that licensees show awareness that under 18s are frequently involved in drink related disorders, and have a robust policy for checking customers' ages in place.

- Demanding that all staff responsible for selling alcohol receive information and advice on the licensing laws in relation to children and young people in licensed premises.

4.11 In order to limit underage drinking and related problems, the Licensing Committee supports the following measures:

a) (Under powers established by the Confiscation of Alcohol (Young Persons) Act 1997) the Police acting to remove alcohol from young people on the street;

b) The Police and Trading Standards using Police Cadets to carry out test purchasing (e.g. employing U18s to attempt to purchase alcohol from on and off-sales);

c) The promotion of proof of age schemes;

d) The development of in-house, 'mystery shopper' schemes carried out by businesses (i.e. to check whether staff are willing to sell to U18s);

e) Possible CRB checking of staff providing catering for events with unaccompanied children.

4.12 Licensing enforcement entails close partnership working involving Sussex Police, the East Sussex Fire & Rescue Service and Brighton & Hove City Council.

4.13 Where licensees are found to sell consistently to U18s (or to serve intoxicated people etc.), the licensing authority will take action under its statutory powers. In general, offenders are not prosecuted; the Licensing Committee has the power to attach conditions to, to suspend

or to revoke licenses, and typically employs these measures rather than using the courts (prosecution is time-consuming, expensive, and often less effective than revocation/suspension). Any action taken against licensees must be proportionate; balancing the undesirability of selling to U18s with the need to support local businesses.

B Recommendations

This section of the report describes in more detail the particular problems faced by Brighton & Hove in relation to young people and alcohol, and makes some recommendations in terms of how city services might be improved.

5 On-sales and Off-sales

5.1 The majority of adults probably associate underage drinking with evenings spent in on-sales premises: pubs and bars. However, in recent years this has changed considerably, with fewer under 18s (U18s) drinking in pubs and many more drinking in public places or at home. There has been a particularly noticeable growth in the phenomenon of 'park drinking' – with often very large groups of teenagers gathering in parks on Friday and Saturday nights to socialise and consume alcohol, with consequent problems of anti-social behaviour.[5] There are several possible explanations for this shift:

5.1(a) Better on-sales enforcement. Recent years have seen the introduction of 'test purchasing' by the police working in partnership with Trading Standards Officers (TSO). Test purchasing involves employing U18s (police cadets) to attempt to buy alcohol from licensed premises. This method of enforcement is often more effective than alternatives (which may essentially consist of observing premises in the hope of witnessing staff serving or refusing to serve customers who are clearly U18). Test purchasing for alcohol is a relatively recent development as, until 2003, it was illegal to employ people under the age of 18 for this purpose (as it is against the law for U18s to buy alcohol, not just against the law to sell it to them). If fewer U18s are drinking in pubs and bars then, it may be because bar staff are more reluctant to serve them than they were a few years ago, as there is a far greater risk of being caught out.[6]

5.1(b) Pricing. There has always been a difference between on and off-sales (off-licence and supermarket) pricing of alcohol. However, recent years have seen this gap grow to the point where it is almost invariably

[5] To a degree this shift is seasonal, with park drinking very popular in the summer months and drinking in on-sales more popular over the winter.

[6] See evidence from Tim Nichols (point 23.9, 16.02.09).

considerably more expensive to drink in a pub or a bar than to purchase alcohol from off-sales. Since U18s are, on average, fairly unlikely to have very much disposable income, this price differential may be a significant factor in determining where they choose to drink.

5.1(c) 'Fashion'. In addition to pressures 'pushing' young drinkers out of pubs and bars, it may be the case that other locations for drinking have attractive elements which act as a 'pull'. For instance, the phenomenon of park drinking may be influenced by high on-sales prices or a decreasing tolerance for U18s in pubs, but it may also be a product of active choice: young drinkers simply prefer congregating outside in large groups to using pubs and bars.

5.2 Whatever the reasons for the change in drinking habits, it seems to be the case that most of the alcohol that U18s drink is not now obtained from on-sales.[7] But, if they are not purchasing from pubs and bars, where do young people get alcohol? The Panel heard that the principle sources are: U18s purchasing from off-sales; 'proxy-purchase' (over 18s buying from off-sales on behalf of U18s); theft (from off-sales or from the family home); and parents (i.e. parents knowingly providing their children with alcohol).[8]

5.3 In terms of the role the statutory agencies play in enforcement, the key factor here is probably U18 purchase from off-sales.[9] Is the shift of underage drinking from on to off-sales a significant one? It can be argued that it is, and that there are some worrying implications to such a move:

5.3(a) Traditionally, U18s drinking in pubs would be informally 'monitored' by bar staff and by adult drinkers, with young drinkers who were disruptive being refused service. There need be nothing particularly altruistic

[7] It is estimated that approximately 5% of U18 drinking is via on-sales purchase by underage drinkers; 15% via off-sales purchase by underage drinkers. The remaining 80% of alcohol consumed by U18s is not purchased illegally – i.e. it is supplied by parents, by over 18s 'proxy-purchasing', or by theft. (Evidence from Inspector Andrew Kundert, Licensing Inspector, Brighton & Hove Police: point 4.15, 27.02.08). See also evidence from Tim Nichols and Cllr Carol Theobald: points 23.2 and 23.3, 16.02.09. Not everyone working in the field would regard these estimates as accurate.

[8] It is difficult to be sure where alcohol consumed by U18s originates, as inebriated teenagers (the obvious source of this information) may not be very lucid, and may also be inclined to lie in order to protect friends or family (evidence from Andrew Kundert and Anna Gianfrancesco: point 5.2(b), 27.11.08).

[9] 'Proxy-purchase' is also an enforcement issue, but this is very difficult to regulate as the obvious targets for enforcement here are the adults who agree to buy alcohol for children rather than the on or off-sales retailers (although retailers do have a duty to be observant and to refuse sales where it is apparent that proxy-purchase may be taking place). The group of potential proxy-purchasers is obviously much larger and more diffuse than that of retailers. Neither is it really possible to do anything equivalent to test purchasing here – i.e. by employing U18s to ask adults to buy alcohol on their behalf – as, legally speaking, this would be considered to amount to entrapment: meaning that no adult caught in such a 'sting' could subsequently be prosecuted (see point 5.2(a), 27.11.08).

about this monitoring – it would generally just be a case of adult drinkers only tolerating U18s who kept a low profile and did not annoy them; but the effect may well have been to provide quite a powerful lever to moderate alcohol consumption and behaviour amongst young drinkers in pubs. In contrast, young people drinking in parks or other public places are not monitored in any way, save by their peers.

5.3(b) Large groups of U18 drinkers would not typically have been tolerated in pubs as such groups are bound to be noisy and attract unwanted attention (i.e. from TSO and the police). Thus even publicans who were willing to sell to U18s would probably baulk at selling to large groups. Again, there is no such lever to control the size of groups gathering in parks – and there are clear links between the size of a group of drinkers and the likelihood of public disorder.

5.3(c) On-sales prices have always been higher than those in off-sales, particularly so for spirits. Since U18 drinkers are not, on average, likely to have a lot of spare cash, drinking in pubs may mean that young drinkers consume with a degree of moderation and that they drink beer, cider etc. rather than spirits (generally seen as less risky behaviour as it is rather harder to drastically over-consume beer than it is vodka etc). Off-sales prices can be much cheaper, particularly for spirits (which are also far more portable than large volumes of relatively low alcohol beer), thereby encouraging greater and more hazardous consumption.

5.3(d) U18s drinking in pubs would be exposed to the behaviour of adult drinkers, and (assuming that the adult behaviour they saw was relatively benign) might therefore learn to drink sensibly by observation. U18s drinking with their peers have no such role models to draw upon.

5.3(e) Pubs and bars and the areas around them are generally relatively heavily policed, both by the police force and by bar security staff, council officers etc. Clearly, this degree of policing is in reaction to the dangers inherent in adult drinking environments – pubs would not warrant this level of security if they were safe places to be. However, it can certainly be argued that on-sales are still much safer places to congregate than parks or the beach, which have no comparable networks of security in place.

5.4 In a number of ways then, it can be argued that U18 drinking in on-sales may be preferable to U18s obtaining alcohol from off-sales (or from the parental home etc.) and congregating in large groups in parks or the like.[10] Given that a certain level of U18 drinking is probably

[10] These arguments do rather assume a relatively civilised pub environment - the traditional 'local' where adults meet to drink in a sensible manner. Whether or not such pubs ever formed the majority of on-sales, it's certainly questionable whether they do so in the present day; and the argument for the civilising influence of city-centre 'vertical drinking establishments' is perhaps not quite so clear-cut as that for backstreet 'locals'.

inevitable, it might in fact be preferable if this drinking took place in pubs rather than other, objectively more risky, environments.

5.5 Clearly, U18 drinking is illegal in most contexts, and it would not be possible at a local level, even if it was considered desirable, for underage drinking in pubs and bars to be officially tolerated. However, licensing enforcement inevitably involves prioritising certain elements of the licensing regime over others, as with any service which is required to manage finite resources. Panel members believe that the dangers posed by U18 drinking in relation to off-sales (and subsequent consumption of alcohol in public places) considerably outweigh the typical dangers of U18 drinking in on-sales, and that licensing enforcement should be prioritised accordingly.[11]

5.6 However, enforcement of off-sales is led by TSO, whilst on-sales enforcement is, in the most part, carried out by the police. It would therefore be difficult, if not impossible, to switch focus and resources from one type of enforcement to the other in a wholesale manner. The point is rather that, when working in partnership to develop strategies around U18 drinking, TSO and the police should take into account the differential impact of off and on-sales drinking as set out above, and plan accordingly.

5.7 In fact, there is considerable evidence that this is already happening, with, for instance, the recent concentration on park drinking via the 'Operation Parks' initiative.[12] The Panel commends this forward thinking and effective partnership working and trusts that city licensing enforcement agencies will continue to focus on the aspects of U18 drinking which are of most pressing concern.

5.8 RECOMMENDATION 1: The Panel welcomes and commends the increased emphasis of Licensing enforcement on off-sales (and on public place drinking), as it shows a commitment to identifying and tackling current problems rather than simply adhering to traditional modes of enforcement. The Panel hopes that this will provide a platform for the further development of Licensing enforcement, both in terms of closer partnership working, and in terms of a continuing concentration on the actual rather than the popularly perceived problems of underage drinking.

[11] This assumes that on-sales premises tolerate moderate levels of U18 drinking rather than that they permit U18s to drink and act irresponsibly. On-sales which effectively facilitate anti-social behaviour by U18 drinkers (by allowing large groups to congregate, by serving people who are already drunk etc.) should remain a licensing enforcement priority.

[12] See evidence from Andrew Kundert: point 4.11, 27.11.08.

6 Best Practice in Off-Sales

6.1 During the course of the Scrutiny review, Panel members spoke with Trading Standards officers, with the council's Head of Licensing, with police officers responsible for licensing and with representatives of some of the city's largest alcohol retailers. The Panel learnt of a number of initiatives designed to ensure that U18s are unable to purchase alcohol from off-sales.

6.2 Measures in place include comprehensive training of till staff; systems for recording incidents when customers have been refused service; store by store analysis of refusals to identify potential discrepancies[13]; the deployment of security guards to support and reassure till staff; close co-working with TSO and the police; support for voluntary I.D. card schemes; and support for initiatives which require till staff to request identification from customers who appear to be younger than 21 or 25 (depending on the scheme in use).

6.3 Whilst there may sometimes be a significant gap between the theory and the practice of some of these measures, it is clear that a great deal has been done to try and avoid selling alcohol to U18s. The retailers who adopt these types of safeguards should be commended for their responsibility, as should TSO and the local police force who have done a considerable amount of work in terms of persuading and requiring city retailers to adopt best practice.

6.4 However, it seems to be the case that those firms adopting the measures outlined above are generally the large regional and national off-licence chains and supermarkets. Whilst these firms are responsible for a very significant part of the city off-sales market, this market also includes several hundred independent retailers.

6.5 Indeed, it would seem that independent off-sales have proliferated since the Licensing Act (2003) relaxed the terms under which alcohol licences are granted.[14] Many of these retailers are not specialist off-sales, but rather generalist shops which sell alcohol as a sideline alongside newspapers, groceries etc. This may mean that independent retailers are not always as well-trained about, or as focused on, issues of underage selling as might be wished.

[13] See evidence from Sue Dixon and Chris Denman (Area Manager for Threshers): points 17.3 &17.5, 10.02.09, points 18.1to 18.4 from David Solomon and Tony Rickwood, point 12.1 from Eric Price.

[14] In essence the 2003 Licensing Act demands that Local Authority Licensing Committees work on the presumption that a licence should be granted unless there is good reason to oppose it (and members of the public willing to protest). Therefore, applicants for licences do not have to prove that their business will not damage the community; rather, anyone opposing a license application has to 'prove' that there will be damage.

6.6 Whilst there is no doubt that the great majority of independent off-sales retailers are honourable businesses which do not set out with any intention of selling alcohol to U18s, it is also clear that it can be very difficult for small business to adopt and enact the best practice evolved by the large off-sales chains. The kind of systemised approach which seems to have worked very well for Somerfield or Tesco may not be readily adopted by a small family concern, with limited capacity to pay for training, extra security, CCTV etc.

6.7 The Panel recognises that TSO is very active in this area, working in partnership with independent retailers to improve their practice, rather than simply assuming the role of licensing enforcer. However, Panel members believe that there would be value in taking an extra step here by compiling a best practice guide on how to avoid selling alcohol to U18s. This guide could then be distributed to all new licence applicants and could also become an important tool for the Local Authority Licensing Committee – e.g. when considering what action to take against retailers who have sold to U18s, the Licensing Committee might request that a licence holder adopted some or all of the recommendations contained within the best practice guide.

6.8 Although all the information contained in such a guide might already be transmitted to independent retailers via a number of avenues, there is considerable value in having it compiled and available in one place, as this would mean that retailers could not then plead ignorance of any elements of the best practice advice. A best practice guide would therefore be a tool to complement the work of TSO and the local Licensing Committee; it would not be a substitute for the face-to-face work with retailers that TSO excels in, but would augment this work.

6.9 RECOMMENDATION 2 – City partners (co-ordinated by TSO) should draw up a Best Practice Guide on avoiding selling alcohol to U18s with a view to the guide being disseminated to independent retailers.

7 'Think 21' and 'Challenge 25'

7.1 It is evident that relatively few off-sales retailers deliberately sell to U18s. Ethical issues aside, the potential downsides of doing so outweigh any benefits in terms of increased sales.[15] However, the issue is not quite as simple as resolving not to sell to U18s, as it can be very difficult for staff to determine which customers are underage and which are not.

[15] This is perhaps particularly the case for the national chain retailers, which risk attracting adverse publicity if they are found to have sold alcohol to U18s. (See evidence from Sue Dixon, Head of Security, First Quench Retailing [Thresher]: point 17.4, 10.02.09; and evidence from Tony Rickwood, Tesco Store Manager [Portslade]: point 18.5, 10.02.09.)

7.2 In consequence, a number of measures have been adopted by retailers (see **point 6.2** above). Perhaps the most interesting of these are the 'Think 21' and 'Challenge 25' initiatives. Under the 'Think 21' scheme, till staff are instructed to challenge any customer who they believe may be under 21. When challenged, customers must show I.D. before being allowed to proceed with their purchase. Think 21 is heavily advertised in participating stores, with prominent checkout notices explaining that the scheme is in operation. Think 21 is designed to remedy a common problem in dealing with U18 alcohol sales: the fact that staff often struggle to accurately identify customers' ages. By setting the 'bar' at several years above the legal drinking age, the Think 21 scheme should ensure that only customers who look 21 or over will be served without an age check. The assumption is that, whilst many younger teenagers may pass for 18, relatively few will pass for 21, and that the number of inadvertent sales to U18s will consequently be reduced.

7.3 'Challenge 25' is essentially Think 21 but with a higher age bar. Again, the intention is to counter ambiguities associated with making visual assessments of customers' ages, and setting a bar at 25 means that even fewer U18s are likely to get served. The introduction of Challenge 25 is perhaps testament to how difficult it can be to assess customers' ages, as it was seemingly felt that Think 21 allowed for too much ambiguity, with staff still struggling to differentiate between 16 and 21 year olds.

7.4 Panel members consider that these age-based schemes are an excellent idea, particularly Challenge 25. Retailers adopting this scheme should be in a position where they rarely if ever inadvertently sell alcohol to an U18.[16] These initiatives may also make it easier for staff to challenge customers who are under age, since they make it less likely that individuals will take offence at being singled out by till staff (i.e. it's not just you who's being asked for I.D.; it's everyone who looks under 25).

7.5 Almost all the major chain off-sales retailers now employ or are planning to adopt the Challenge 25 scheme.[17] However, it is still not widely used by independent retailers, even though it is arguably smaller businesses (or at any rate those that genuinely wish to avoid

[16] Since Challenge 25 and Think 21 rely upon customer I.D., there is an issue of the integrity of I.D. schemes to be considered here. Passports and driving licenses provide a very secure proof of identity, but few young people would wish to carry passports around with them at all times, and not everyone is a driver. This means that it is often necessary to fall back on less formal I.D. schemes. These schemes can be excellent, but people are much more likely to tamper with or forge this kind of I.D. than they are driving licenses or passports, and the police are often reluctant to prosecute this type of fraud (see evidence from Tim Nichols, Head of Environmental Health and Licensing, Brighton & Hove City Council – point 23.4, 16.02.09).

[17] See evidence from Sue Dixon: point 18.6, 10.02.09.

selling to U18s) which stand to benefit most from the initiative. Panel members therefore believe that Challenge 25 should be more widely encouraged, particularly in the context of the Licensing Committee granting new licences and reviewing existing licenses (i.e. in circumstances where a licensee has been found to have sold to U18s). Whilst it may not be possible for the Licensing Committee to impose the adoption of this or similar schemes, there might be considerable value in encouraging licensees to adopt this best practice.

7.6 RECOMMENDATION 3 – Encourage (particularly via the Brighton & Hove Licensing Committee) all off-sales to adopt the 'Challenge 25' scheme.

8 Discounting

8.1 It may be possible, through good partnership working and effective licensing enforcement, to limit the amount of alcohol U18s obtain from off-sales. However, it seems inevitable that under age drinking, including U18 purchasing from off-sales, will continue to be a problem to some degree. It is therefore necessary to enquire whether there are other factors relating to off-sales which may encourage U18s to use them or to indulge in particularly hazardous drinking practices?

8.2 One factor that Panel members were particularly interested in was the price of alcohol (which is typically much cheaper in off than in on-sales), and whether price and various discounting practices affect the amount that young people drink.

8.3 In terms of price, some witnesses argued that pricing makes little difference to levels of consumption or to alcohol-related anti-social behaviour. One witness pointed out that France and many other European countries have very low alcohol prices, but also relatively few difficulties with excess underage drinking or alcohol-related behaviour problems. There is therefore no simple and universal correlation between the cost of alcohol and its negative impact[18].

8.4 Other witnesses argued that price is an important factor in determining levels of consumption.[19] This seems to be a view which is gathering strength nationally, with several recent calls for a national minimum (per unit) price for alcohol to combat drink related problems.

8.5 This argument is a complex one, but perhaps rather simpler in terms of U18s than for adult drinkers. Since U18s may be assumed, on average, to have relatively little disposable income, it seems reasonable to suppose that they will be particularly sensitive to drink

[18] See evidence from Sue Dixon: point 18.10, 10.02.09.

[19] See evidence from Tim Nichols: point 23.18, 16.02.09.

pricing – i.e. with relatively little money to spend on alcohol, higher pricing is likely to see them buy less, and lower pricing more, alcohol.[20]

8.6 Off-sales also commonly practice discounting on multiple sales: for instance offering '2 for 1' or '2 for £10' deals. The obvious risk here is that these offers encourage customers to buy and then drink more alcohol than they actually require. Of course, this type of discounting need not inevitably lead to excessive drinking: an adult customer might take advantage of a 2 for 1 offer by putting aside some of their purchase for a later date. However, U18 drinkers are unlikely to have anywhere to store unneeded alcohol; everything they buy, they are going to drink. It seems likely therefore, that discounting on multiples may encourage excessive drinking in young and under age drinkers, even if it does not do so for most adults.

8.7 There are few if any local levers in relation to drink pricing, as alcohol duties are set nationally.[21] However, the local Licensing Committee can request that applicants for new licences or licensees whose licences are being re-considered following incidents of underage selling should consider voluntarily adopting certain measures.[22] These might include some or all of the following:

(i) retailers agree not to discount sales below cost ('loss-leading')[23]

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[20] A potential complicating factor to bear in mind here is the type of alcohol which people purchase. If alcohol is made more expensive in an attempt to curb drinking, there is a danger that drinkers with little money will opt to buy very strong cider/lager or cheap spirits rather than purchasing average strength beer, 'alco-pops' etc (i.e. that they will switch to drinks which offer the best value in terms of units of alcohol). However, there are particular problems associated with consuming these very potent drinks (i.e. that it is much easier to drink excessive amounts of spirits/strong lager than it is of weaker drinks), and these risks need to be born in mind when considering the relationship between the price of alcohol and its consumption by young people.

[21] The only context in which minimum prices could be set locally would be if it were possible to prove a "clear causal link" between pricing/drinks promotions and anti-social behaviour. However, it is almost impossible to legally prove such a link (see evidence from Tim Nichols: point 23.10, 16.02.09).

[22] It appears that the Government is considering granting Local Authorities some powers to compel licensees to adopt more responsible pricing policies. (See point 23.17 from Tim Nichols, 16.02.09. Clearly, the Panel would encourage the use of such powers when and if they become available. In the meantime, the Licensing Committee should seek to persuade licensees to voluntarily adopt good selling practices.)

[23] 'Loss-leading' in a strict sense refers to the practice of retailers discounting a line below its actual cost in order to attract customers (who then buy other products in addition to the discounted ones, and/or remain loyal to the retailer after prices have risen again). However, it is not clear that many major retailers actually loss-lead alcohol, instead preferring to negotiate deals with suppliers which guarantee them a supply of some products at a heavily discounted price and others at the standard commercial rate (i.e. the supplier rather than the retailer takes the 'loss'; suppliers are often willing to do this if the retailer agrees to buy enough additional products at full price, as this allows them to off-set a loss on one line with profits on others). Although this might have the same end result as loss-leading, this practice does not actually involve retailers selling anything at a loss and would therefore not be subject to any

(ii) retailers agree not to discount for multiples[24]

(iii) retailers agree not to stock certain types of drink[25]

8.8 RECOMMENDATION 4 – Licensing Committee to request assurances that new and re-assessed licensees will not discount sales below cost, engage in irresponsible multiple discounting or sell products strongly associated with hazardous drinking practices.

9 Drugs and Alcohol issues

9.1 Alcohol is often linked with drugs in terms being a health problem, often under the umbrella of 'substance misuse'. This grouping is quite understandable, and may often make good sense. However, it can be argued that the drugs element of substance misuse has received a disproportionate degree of attention over the past few years, to the detriment of alcohol services.

9.2 In part, any over-emphasis of drugs issues has been a reaction against their under-emphasis for very many years – recent improvements in drugs services have often been the result of professionals and campaigners working tirelessly to create an understanding of the damage that drugs can do and the legitimacy of seeing them as a social problem requiring public solutions rather than a minority issue which should elicit censure rather than sympathy. This has led to a number of measures, including the 'ring-fencing' of funding for some drugs projects, which were necessary to ensure that drugs-related issues were adequately addressed in the face of a good deal of institutional and public scepticism.

9.3 However, now that there is a broad recognition of the value of doing drugs-related work, this prioritising of drugs issues may, in some instances, be of detriment rather than of value, particularly when it means that local substance misuse budgets are inflexibly geared towards drugs issues when there might be greater value in moving some funding into alcohol based projects. This may be of particular

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informal agreement on loss-leading. (Smaller retailers probably do very little loss-leading of any type, as they are unlikely to be able to balance the loss with a profit from other areas of their business. This is obviously particularly the case for dedicated off-licences, which cannot sell alcohol at a loss when they do not stock a range of other products to be sold at a profit.)

[24] Such an agreement would have to be sensibly applied, as some discounting of multiples is established practice for off-sales retailers not associated with U18 drinking – i.e. for wine merchants who typically offer a discount for customers buying 12 bottles or more. There seems no reason for intervening in this practice, unless it is considered likely that U18 drinkers are abusing fine wines.

[25] Most obviously, strong lager and cider (i.e. 6% plus) and very cheap spirits.

relevance to preventative educational projects, where there may be as much to be gained in warning people of the dangers of excessive drinking as of warning about drug use.[26]

9.4 Whilst there may have always been an argument for better funding of alcohol services, the issue has moved up the agenda in recent years, as the health and social impacts of excessive drinking from an early age have become clearer.[27] However, there may still be something of a lag between recognising the gravity of alcohol-related harm and funding services designed to ameliorate this harm.

9.5 In some instances, there may be little which can be achieved at a local level, as ring-fencing has been imposed nationally (particularly in terms of NHS budgets). However, where there is a degree of local autonomy in terms of substance misuse budgets, Panel members believe that serious consideration should be given to whether alcohol services are being funded as well as they could or should be. Since the Panel's remit is to consider the impact of excessive alcohol on children and young people, this recommendation is directly addressed to children's rather than adult services, although the issue is just as relevant for adults.

9.6 The Panel is not necessarily proposing any general shift of budgets from drugs to alcohol. In most instances, continuing support for drugs-based education or treatments may be absolutely vital. In many cases, it may be that what is needed is better central funding for drugs and alcohol services (perhaps particularly in terms of public health/preventative services). In some other cases though, it may be that an inflexible approach, either due to structural inflexibilities (i.e. ring-fencing) or for attitudinal reasons, means that substance misuse funding is not spent in the most effective possible manner.

9.7 RECOMMENDATION 5 – CYPT should consider its substance misuse services in terms of a potential re-deployment of resources from drugs to alcohol-related projects in instances where drugs issues may have been advanced to the detriment of similarly serious alcohol-related problems. CYPT should also consider whether there is value in lobbying NHS Brighton & Hove and central Government to review their resource allocation in regard to alcohol-related services for children and young people.

10 Cumulative Impact Area (CIA)

10.1 The Licensing Act (2003) introduced a presumption in favour of granting licenses to sell alcohol (as well as relaxing opening time restrictions). The reasoning behind this is essentially that excess

[26] See evidence from Tim Nichols: point 23.12, 16.02.09.

[27] See evidence from Dr Oli Rahman, Barbara Hardcastle and Inspector Andrew Kundert: points 5.5-5.6, 27.11.08.

alcohol consumption is not generally causally linked to the number of on and off-sales premises in an area (i.e. people will still buy as much alcohol if the number of licensed premises is restricted, it will just be more inconvenient for them to do so), and that artificially restricting the supply of alcohol is likely to have little positive effect on drinking behaviour, but may have a negative impact (e.g. having an 11pm closing time creates a 'flash-point' for anti-social activity).[28]

10.2 However, even if this argument generally holds true, there are local circumstances which may contradict it. This is especially the case for urban areas, where particular localities may become the focus of local and even regional drinking activity. Brighton is a prime example of such a special case – the city is a magnet for tourists visiting the night time economy (pubs, clubs, restaurants etc.), as well as having an unusually young demographic, bolstered by the city's two universities (lots of residents in their twenties and thirties – the people most likely to binge drink in pubs and bars). Furthermore, as Brighton is a seaside resort, it is inevitable that people will tend to gravitate towards the beach and its environs for their entertainment rather than utilising the wider city.

10.3 The result is that there is an extremely high concentration of licensed on-sales premises around Brighton sea-front, with lots of additional public drinking from a proliferation of off-sales in and around the beach area.

10.4 Although the night time economy is hugely advantageous to the city in terms of the income and the employment it generates, there are also very major problems associated with such a massive concentration of drinking in such a small area. These problems most obviously relate to public order and anti-social behaviour as there is a well established correlation between having very large groups of drunk people in one place and experiencing problems with disorder. In such circumstances, the concentration of on and off-sales can be said to 'cause' crime and disorder problems, with any increase in the number of licenses likely to exacerbate the problem. Thus, although a concentration of drinking in one part of a city may not lead to any absolute increase in alcohol consumption (as people might have drunk just as much had they done so in other areas of the city), it can lead to an increase in crime and anti-social behaviour (as drunk people concentrated in very large groups tend to create many more problems than drunk people dissipated over a larger area).

10.5 In response to these particular issues, the council established a 'Cumulative Impact Area' – CIA (sometimes known as a 'Cumulative Impact Zone'). A CIA is essentially an area in which the normal

[28] The Panel heard evidence from the council's Head of Environmental Health and Licensing that the 2003 Licensing Act had been effective in facilitating better management of the city's night time economy. With the potential for closing-time 'flash-points' reduced via more flexible licensing, the police and the council have been able to significantly reduce incidents of public place violent crime (evidence from Tim Nichols: point 23.13, 16.02.09).

presumptions of the 2003 Licensing Act are reversed, so that new applicants for licenses must prove that their premises will not adversely impact upon the local community (rather than having their licence granted unless a detrimental impact can effectively be argued). The intention is to limit the creation of new licensed premises within this area and thus maintain some control over alcohol and public order associated problems.[29]

10.6 The Brighton & Hove CIA extends from Rock Gardens in the east of Brighton to Preston Street in the west, and stretches north to Western Road/Edward Street. Areas abutting selected CIA boundaries may be subject to some, but not all the CIA controls.[30]

10.7 Clearly, it would run counter to the intentions of the 2003 Licensing Act to have a CIA that extended over a very large part of the city (unless there was a very high concentration of licensed premises throughout), but this does not mean that the current boundaries of the local CIA are, or should be, set in stone. Panel members believe that the large number of licensed premises in the Hanover/Elm Grove and London Road areas, together with the increasing problems of public drunkenness, noise nuisance and anti-social behaviour in these localities, may justify the extension of the CIA northwards to Elm Grove to include the Hanover and London Road areas south of this line.

10.8 Furthermore, the serious problems posed by park drinking and its associated anti-social behaviour (in addition to a rapid growth in off-sales premises in the area) justifies extending the CIA to include Preston Park and potentially other city parks.

10.9 The problems in these areas may not always be as acute as in the current CIA (although in terms of say, serious drink-related anti-social and criminal behaviour in the London Road area, it can be argued that they are just as serious), but it would not be necessary to employ all the powers of the CIA in every instance to gain a considerable benefit from extending the CIA boundaries in the ways suggested.

10.10 RECOMMENDATION 6 – CIA boundaries to be re-examined with a view to extending them to other areas of the city which might benefit from CIA powers (e.g. extension around Preston Park and up to Elm Grove).

[29] See evidence from Councillor Carol Theobald, Chairman of Brighton & Hove Licensing Committee:point 23.6, 16.02.09.

[30] For more information see: The Licensing Act 2003 – Brighton & Hove City Council: Statement of Licensing Policy (available to download at: http://www.brighton-hove.gov.uk/downloads/bhcc/licence_applications/Licensing_Policy_A4_2008.2.pdf)

11 Policing Underage Drinking

11.1 Fewer underage drinkers frequent pubs and bars than was the case a generation ago, but this does not necessarily mean that U18 drinking has decreased. Rather, there seems to have been a displacement of activity to other locations, most notably to parental homes and to parks and other public places.

11.2 U18s drinking in parental homes should have their behaviour observed and moderated by adults (although clearly a good deal of drinking goes on when parents are away or otherwise unaware of what is happening). Drinking in parks and other public places is a more pressing problem, in part because it involves U18s consuming alcohol without adult supervision or intervention (unlike much home drinking and drinking in on-sales – see **points 5.3(a)** through **5.3(e)** above). In part also, park drinking tends to involve very large numbers of young people congregating in one place to get drunk, with obvious public order implications.

11.3 There are two issues of concern here: the danger posed by young people acting in an anti-social manner; and the potential risk to young people themselves (e.g. that they may accidentally hurt themselves, or that they may be targeted by other U18s or by older people – inexperienced drinkers who are intoxicated in a public place are an obvious target for assault etc.).

11.4 Policing park drinking also poses specific challenges for the police force. U18 drinking is, of course, illegal in most contexts, but in practical terms it may not always be possible or even desirable for the police force to stop all such drinking. The degree to which the police do intervene, and the point of intervention, are key to managing park drinking effectively.

11.5 The specific problem here may be described as the escalatory nature of drinking in large groups, which means that gatherings which are entirely peaceable when everyone is sober are almost certain to become disordered when drink is involved. From a policing perspective, this means that it may be necessary to intervene pre-emptively before trouble starts, rather than reactively once problems emerge – particularly as it is generally easier to communicate with sober people than drunk ones.

11.6 However, this may mean that teenagers who are drinking illegally, but are not otherwise engaged in any risky or anti-social behaviour, find themselves targeted by police officers and ordered to disperse etc. This can obviously cause resentment, particularly if young people do not understand why they are attracting police attention when they are not themselves acting anti-socially.

11.7 It is clearly undesirable for young people to develop a bad relationship with the police force, perhaps particularly in terms of teenagers who might not otherwise be negatively involved with the police (as is presumably the case with many park drinkers); but it also is evident that the police cannot permit very large groups of young people to congregate and get drunk without taking some sort of pre-emptive action in mitigation of the problems which are likely to arise as the drinking progresses.

11.8 There may not be any easy solution to this problem, but young witnesses to the Panel did point out that it was as much the attitude of police officers as their intervention *per se* that young people often found disconcerting, with needlessly aggressive or confrontational approaches adopted in situations where a friendly attitude might have been more appropriate and effective.[31]

11.9 Young people's perception of events are important, but they do not necessarily provide an objective evidence base, and Panel members have no actual evidence that police interventions with young drinkers are typically needlessly confrontational or aggressive (clearly there are situations when police interventions will quite properly be very assertive).[32] However, given the circumstances surrounding park drinking, it is obviously important that policing is conducted with a degree of sensitivity, and that, whenever possible, pre-emptive action is explained and contextualised in a friendly and non-confrontational manner. If this is not done, the danger is not only that young people may become needlessly alienated from the police force in general, but that very vulnerable young people may be reluctant to use the police force as a resource when they feel threatened by the behaviour of others (particularly in the context of U18 drinking in parks etc.).

11.10 Clearly, it is far easier to recommend in the abstract that the police act in a friendly manner than it is in actuality, when the situation may require that a robust attitude to potential disorder be taken. One partial solution may be to encourage the police force to reach out to young people – most obviously via schools – in order to explain why they manage park drinking as they do. This type of explanation may be a good deal more effective in the context of a classroom than at the point where a crowd is being dispersed, and might make at least some park drinkers more amenable to taking directions from the police.

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[31] See Appendix 2 -Notes from the Brighton and Hove Youth Council meeting on the 31.1.09 for evidence from Youth Council representatives.

[32] The Panel heard that the police adopt a variety of approaches to park drinking, and may sometimes choose not to intervene in situations where young people are not engaged in anti-social behaviour (evidence from Andrew Kundert: 4.13, 27.11.08). One problem here may be that some young people define anti-social behaviour rather differently than do older people (particularly in terms of what constitutes an unacceptable level of noise), so that teenagers may feel they are doing nothing wrong in situations where their behaviour is actually causing a nuisance to local residents.

11.11 RECOMMENDATION 7 – When engaged with young drinkers, police officers need to ensure that they are not over-confrontational and that the rationale for their actions is widely understood. This may best be achieved by engaging with young people in contexts other than those of front-line policing (particularly by visiting schools).

12 Education on the Health Risks of Underage Drinking

12.1 The police and the licensing authorities have an important role to play in combating excessive underage drinking by limiting the retail supply of alcohol to U18s and by ensuring that when young people do drink in public, they do not get in situations which are risky for themselves or for others. However, other groups of people may have just as much influence on what young people do – these include schools and, perhaps most importantly, parents.

12.2 The Panel heard that U18 drinking is not generally a very high profile issue for schools. Although schools do provide some education and training on alcohol-related issues, there is relatively little drunkenness in and around school premises, so the issue is not one of direct concern to most head teachers. Similarly, whilst some students do have serious issues with alcohol which intrude upon their school lives, such students are very likely to drink as a reaction to serious emotional problems: these are therefore best characterised as behavioural issues which manifest in drinking rather than drink problems *per se.* Most students, even if they are involved in alcohol-related anti-social behaviour outside school hours, are unlikely to show the effects in school to any great degree.[33]

12.3 The issue of hazardous drinking by young people who have serious emotional or other problems is an important one, but is largely beyond the remit of this ad hoc panel. Schools should monitor attendance and achievement records so as to be aware of pupils who may fall into this category (pupils with serious drink problems are likely to do poorly in school and to attend on an irregular basis).

12.4 Panel members do believe that more could be done in terms of schools educating young people about the implications of excessive alcohol use. As noted in **point 11.10** above, there may be an opportunity for the police to engage with pupils in schools to explain in strategic terms why they manage U18 drinking in public places as they do. It may also be the case (as argued in **Part 9** of this report), that some of the time and resources which schools currently devote to drugs issues might be better allocated on alcohol-related education.

[33] See evidence from Tim Barclay, Head Teacher, Hove Park School: point 11.2, 22.01.09.

12.5 The strand of alcohol education which might most usefully be developed relates to the health impact of U18 drinking. This is not an area which is currently very comprehensively covered, with the focus of alcohol-related education falling on the legal status of U18 drinking and the risks posed by hazardous consumption in terms of safety (accidents, criminal behaviour, teenage pregnancy etc.).

12.6 However, several witnesses made the point that there should be a greater focus on the long term health impact of excessive drinking. One health sector witness pointed out that if alcohol was a drug it would be banned due to its harmful side effects.[34] There is a growing body of evidence on the damage that alcohol can have on the developing body (i.e. excessive drinking is always problematic, but it can be far more so for adolescents than for adults, as teenagers' bodies are still in the process of developing the systems necessary to safely process alcohol).[35] Long term health problems associated with teenage drinking include an increased risk of early onset dementia[36], serious liver damage, some cancers, heart disease, and foetal alcohol syndrome (as a result of excessive drinking in early pregnancy).

12.7 Clearly, effective public health education is not quite so straightforward as informing people about the dangers of the activities they indulge in and then watching their behaviour change. In particular, people do not always link their current behaviour with long term health risks, which is why it may sometimes be more effective to flag up relatively minor issues (i.e. that smoking gives you bad breath rather than that it gives you lung cancer). However, the situation with underage drinking seems to be rather different, as it is readily apparent that some of the long term health risks of excessive drinking are not very well known at all. There might therefore be considerable value in establishing these risks, even if it were unlikely that increased knowledge would necessarily lead to reduced risk taking in the short term.

12.8 There are also considerable short term problems with excessive U18 drinking. These can include the direct effects of over-consumption of alcohol (i.e. 'alcohol poisoning'), as well as indirect consequences of drinking, such as an increased likelihood to have accidents, to become injured in fights, to have unprotected sex, become pregnant etc.

12.9 It is not necessarily always clear what effect U18 drinking has on pregnancy rates, attendance at Accident & Emergency (A&E) etc. as statistics may not be collated or may not be particularly reliable.[37]

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[34] See evidence from Anna Gianfrancesco, Service Manager, RU-OK: 5.6(b), 27.11.08.

[35] See evidence from Dr Oli Rahman, Consultant Paediatrician, Brighton & Sussex University Hospitals Trust: point 5.5(a), 27.11.08.

[36] See point 5.5(b), 27.11.08.

[37] Traditionally, A&E attendances were only fully recorded if they resulted in an admission/treatment, and only then in terms of the actual admission criteria. Thus, someone

However, the Panel did hear that a significant number of young people do present at A&E with alcohol-related problems, placing an additional strain on an already over-stretched system.

12.10 RECOMMENDATION 8 – Alcohol education should address the long term physical impact of U18 alcohol use, not just safety/legal issues.

13 The Role of Parents

13.1 It is evident that parents and carers play a key role in combating excessive teenage drinking, not least because parents appear to be the source of so much of the alcohol that U18s consume. In some instances, drink may be taken from the parental home without parents' permission or knowledge, but it seems often to be the case that parents are complicit in their children's drinking. There may be several reasons for this:

13.1(a) Parents may see little or no harm in their children drinking – either because they are unaware of the health and public order impact of U18 drinking, because they feel the risks are exaggerated, or because they feel the risks are not really applicable to their children (who, they believe, drink and act with relative moderation).

13.1(b) Parents have their concerns, but would rather their children socialise with their peers (even if this involves alcohol) than risk them becoming socially isolated.[38]

13.1(c) Parents have concerns, but recognise that they cannot effectively bar their children from drinking, and would prefer to maintain some control over consumption rather than have none at all (e.g. parents may give their children a moderate amount of alcohol rather than risk them obtain an unregulated quantity from off-sales or friends; parents may chaperone parties at which U18 drinking is permitted rather than have their children drink without being monitored etc).[39]

13.1(d) Parents are unsure what common practice is with regard to U18 drinking, so may not know how to deal with children who tell

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who had fallen down and damaged their leg whilst drunk might not have their attendance recorded as alcohol-related, whilst someone who had passed out as a result of drinking heavily would (assuming that both patients received treatment rather than being diagnosed as not requiring urgent attention). This is now changing, with a greater emphasis on recording more information about A&E admittances (although not necessarily attendances), particularly from 'at risk' groups (such as U18s, people with disabilities, mental illnesses etc.). See point 5.4(b), from Dr. Oli Rahman, 27.11.08. Panel members welcome this move to a more thorough recording system.

[38] See evidence from the Youth Council representative point 25.3, 11.03.09

[39] See evidence from Chris Owen, Healthy Schools Team Manager: point 11.5, 22.01.09 and evidence from the Youth Council representative points 25.4 and 25.5, 11.03.09.

them that their friends are permitted to drink and that they risk being 'the odd one out'. (The ambiguous status of U18 drinking is a key factor here, as parents have always been complicit in U18 drinking to the degree that they were effectively aware that their children were frequenting pubs, even if they never overtly granted them permission to do so. What may have changed in recent years is the degree to which parents are actively complicit in their children's drinking – i.e. actually buying them alcohol rather than tacitly permitting them to drink in pubs.)

13.1(e) Parents may be willing to accept the risks (as they understand them) of U18 drinking since it provides them with respite from their teenage children, particularly in situations where alternative social activities are limited.

13.2 Some of these problems seem rooted in a lack of information – parents can feel very isolated, particularly when the modern environment is very different to the situations that they have personal knowledge of (e.g. parents who grew up experiencing relatively moderate U18 drinking in pubs may not have much understanding of the problems caused by binge drinking and drinking in parks).

13.3 There is therefore an obvious need for information specifically targeted at parents, information which objectively sets out the actual dangers of U18 drinking – in terms of long and short term health risks, public disorder, teenage pregnancy, safety etc. As well as providing this basic information, any pack should include links to be more detailed resources and should also link to organisations which provide long term support to children and families with serious and ongoing alcohol-related issues.

13.4 There is an equally obvious need for advice to parents and carers on how to deal with the (considerable) pressure that children can bring to bear to allow them to drink, and on what a sensible approach to U18 drinking should actually look like (i.e. whether it ought to proscribe alcohol entirely, or allow teenagers to drink moderately in chaperoned situations etc). Rather than consisting of prescriptive advice from the authorities, this support might be better arranged by encouraging parent forums and similar representative bodies to develop their own resource packs, thereby utilising 'on the ground' knowledge of the current manifestations of U18 drinking.

13.5 There may be an opportunity to involve some of the city's various community groups, residents' associations etc. in such work

13.6 RECOMMENDATION 9 – Develop and deliver an information pack on alcohol targeted at parents and carers, and facilitate the involvement of parents/carers in creating and maintaining this material.

14 Activities For Young People

14.1 Part of the problem that parents and the authorities face in terms of discouraging U18 drinking is that there may be relatively few alternative outlets available to young people, particularly at the times (e.g. Friday and Saturday nights) when they are most needed. Therefore, U18 drinking may be as much a reaction to there being nothing to do as it is a 'positive' choice.

14.2 Clearly, it is possible to overstate this argument: drinking alcohol is a central aspect of British culture, and many young people will surely choose to get drunk even if there are alternative activities available. However, the availability of alternatives to park drinking must surely have some impact on the numbers of young people engaged in these activities, particularly as it seems to be the case that park drinking, for many of the young people involved, is actually as much about having a shared space to socialise as it is about getting drunk.

14.3 It is important that activities are developed as direct alternatives to U18 drinking. There is relatively little point, for instance, in offering things to do if they are not available on Friday and Saturday nights when the great bulk of park drinking takes place, or in offering activities which appeal to an entirely different 'market' than does park drinking (e.g. activities which appear very structured and controlled by adults, when a good deal of the appeal of park drinking seems to be that it is unregulated and 'controlled' by young people).

14.4 One way of ensuring that these activities actually match what young people want is to ask teenagers for their opinion. This could take the form of a poll/survey of 13-18 year olds (or similar) organised via schools. This would also have the benefit of explicitly involving young people in the design of services, and could form part of an educational programme aimed at explaining the democratic process and local decision making.

14.5 RECOMMENDATION 10 – Survey teenagers for their views and seek to develop alternative activities for young people to engage with as alternatives to illegal drinking in public places.

15 East Brighton

15.1 When the Scrutiny Panel was established, an element of its remit was to establish whether the problems of excessive under age drinking were a constant across the city or whether they were concentrated in any specific areas. The Director of Public Health's Annual Report (2008/9) had stated that there was a higher level of problems in East Brighton than in other parts of the city, and it was determined that this warranted further investigation.

15.2 Witnesses were asked about this issue, but no one thought that there was anything singular about the east of the city which might explain a higher incidence of U18 drinking problems, save for the generally higher levels of deprivation in this area.

15.3 It was however noted that East Brighton alcohol-related problems do not just impact upon this area of the city, as both the perpetrators and the victims of alcohol-related crime in the city centre are disproportionately likely to live in East Brighton.[40]

15.4 Panel members debated whether to include a recommendation for better funding for U18 alcohol services in East Brighton in recognition of the particular problems faced in this part of the city. However, whilst some members argued for such an approach, others felt that area based funding had not been an unqualified success in past years, and that although the allocation of funding might fruitfully track deprivation, this should be on a targeted basis rather than an area level.

15.5 Therefore, whilst the Panel notes the higher incidence of problems involving young drinkers in the east of the city, and Panel members recognise the correlation between alcohol problems and family deprivation, the Panel has not chosen to make a recommendation in this instance.

16 Scrutiny Panel Recommendations and the Sustainable Communities Act

16.1 The Sustainable Communities Act (2007) seeks to make the statutory framework of government more amenable to local and community influence, by encouraging local authorities (via the Local Government Organisation) to report back to Central Government in instances where it is felt there would be value in introducing new statutory powers or varying existing powers.

16.2 When compiling this report, panel members were initially minded to recommend that the local Licensing Committee sought to impose certain conditions on licensees in instances where a licensee had been shown to have sold to U18s, or where an application for a new license was made in an area with particular alcohol-related problems (e.g. in the vicinity of a city centre park; in an area with many existing licensed premises etc.).

16.3 The conditions envisaged by the Panel included licensees being required to refrain from selling alcohol below its cost price (loss-leading), from discounting multiples (e.g. '2 for 1' offers), and from selling certain drinks strongly associated with hazardous drinking (e.g. strong cider, cheap spirits). They also included requiring licensees to

[40] Evidence from Tim Nichols: point 23.14, 16.02.09.

adopt best practice in terms of under age drinking (e.g. adopting the 'Challenge 25' scheme).

16.4 However, on taking advice, it became clear that it is generally not the case that local Licensing Committees are able to impose such conditions on aspirant licensees, and not always the case that they can impose this type of condition on licensees facing suspension/revocation.

16.5 In this report, the Panel has therefore recommended that the Licensing Committee asks for a commitment from licensees that they follow the types of best practice enumerated above.

16.6 However, panel members believe that local problems with young people and alcohol could be much more effectively managed if Licensing Committees had the ability to compel licensees to adopt sensible approaches to selling in situations where there was an established problem – either with the particular premises itself or in the local area.

16.7 Therefore, the Panel would like to recommend that a proposal to allow Licensing Committees considerably more latitude in terms of imposing conditions on licensees be included amongst this council's submissions to the Local Government Association in relation to the Sustainable Communities Act (2007).

16.8 RECOMMENDATION 11 – The council should request changes to statute relating to the powers of local Licensing Committees (as detailed in point 16.3 above) in line with the powers granted by the Sustainable Communities Act (2007).

Appendix 1: Dates of public meetings and witnesses who attended plus dates of private meetings (witnesses are employed by Brighton & Hove City Council unless otherwise indicated)

Monday 27 October 2008
Private Scoping meeting with the following officers:

- Dr Tom Scanlon – Director of Public Health
- Lydia Lawrence - Public Health Development and Improvement Manager
- Anna Gianfrancesco – Service Manager, RU-OK
- Chris Owen – Healthy Schools Team Manager

Wednesday 26 November
Private meeting – to plan the questions for the witnesses

Thursday 27 November 2008

- Barbara Hardcastle – Brighton & Hove City Teaching Primary Care Trust (PCT)
- Andrew Kundert – Brighton & Hove Licensing Inspector, Sussex Police
- Dr Oli Rahman – Consultant Paediatrician, Brighton & Sussex University Hospitals Trust
- Anna Gianfrancesco – Service Manager for RU-OK

Monday 15 December 2008
Private De-brief meeting

Thursday 22 January 2009

- John Peerless– Head of Trading Standards Office
- Tim Barclay – Head Teacher, Hove Park School
- Chris Owen – Healthy Schools Team Manager
- Eric Price –Trading Standards Licensing Manager, Somerfield

Saturday 31 January 2009
Brighton & Hove Youth Council meeting

Tuesday 10 February 2009

- David Soloman – Store Manager, Tesco Express (Droveway, Hove)
- Tony Rickwood –Store Manager, Tesco (Portslade)
- Chris Denman- Area Manager for Threshers and the Local
- Sue Dixon - Head of Security for First Quench Retailing (formally known as the Thresher Group)

Monday 16 February 2009

- Cllr. Carol Theobald- Chairman of Licensing Committee
- Tim Nichols – Head of Environment & Licensing

Wednesday 11 March 2009
A private meeting was arranged with Youth Council representatives

Friday 20 March 2009
Private meeting to discuss the recommendations.

Tuesday, 12 May 2009
Private meeting to discuss the first draft of the report.

Tuesday 26 May 2009
Private meeting to discuss the second draft of the report.

Appendix 2: Minutes of the meetings

a) Thursday 27 November 2008: 2-4pm, Committee Room 1, Brighton Town Hall

b) Thursday 22 January 2009: 2-4.30pm, Council Chamber, Hove Town Hall

c) Saturday 31 January 2009: 12pm, Brighton Youth Centre (the Chairman was invited to speak at the Brighton & Hove Youth Council Meeting and to listen to Youth Council representatives' views)

d) Tuesday 10 February 2009: 9.30-12.30pm, Banqueting Suite, Hove Town Hall

e) Monday 16 February 2009: Committee Room 2, Hove Town Hall

f) Wednesday 11 March 2009: 5pm - Private meeting the Chair and a Youth Council Representative

BRIGHTON & HOVE CITY COUNCIL

CHILDREN & YOUNG PEOPLE'S OVERVIEW & SCRUTINY AD-HOC PANEL - REDUCING ALCOHOL RELATED HARM TO CHILDREN & YOUNG PEOPLE

2.00pm 27 NOVEMBER 2008

COMMITTEE ROOM 1, BRIGHTON TOWN HALL

MINUTES

Present: Councillors Mrs Norman (Chairman), Duncan and McCaffery

Other Members present: Councillors

PART ONE

1. PROCEDURAL BUSINESS

1A Declarations of Substitutes

1.1 Substitutes are not permitted on Ad-hoc Scrutiny Panels.

1B Declarations of Interest

1.2 There were none.

1C Exclusion of Press and Public

1.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in Schedule 12A, Part 5A, Section 100A(4) or 100 1 of the Local Government Act 1972 (as amended).

1.4 **RESOLVED -** That the press and public be not excluded from the meeting.

2. MINUTES

2.1 This was the first panel meeting and there were therefore no minutes from a previous meeting to be approved.

3. CHAIRMAN'S COMMUNICATIONS

3.1 The Chairman welcomed the witnesses giving evidence at this meeting, and noted that the panel's Terms of Reference were:

To make practical recommendations by examining the costs of social and economic outcomes of, and reasons for the increasing levels of alcohol related harm suffered by children and young people in Brighton and Hove.

To examine the impacts of the Licensing Act 2003 on the availability to and consumption of alcohol by those aged under 18, in the city.

These recommendations will be made by inviting and gathering evidence from Sussex Police, Council Officers, PCT, NHS and off sales licensed premises.

4. EVIDENCE FROM WITNESSES

4.1 The Chairman asked the witnesses to introduce themselves and explain how their work connected with the issue of alcohol use and young people.

4.2 Members then asked each witness a series of questions.

4.3 Barbara Hardcastle (BH), Brighton & Hove City Teaching Primary Care Trust: PCT told members that she was employed by Brighton & Hove City Teaching Primary Care Trust (PCT), and was responsible for developing and compiling a Joint Strategic Needs Assessment (JSNA) for alcohol services, covering both adult and children's services.

4.4 BH noted that Brighton & Hove's performance lagged behind national/regional averages in many aspects of alcohol related health, including having one of the worst performances in England in terms of male deaths from chronic liver disease.

4.5 In terms of children and alcohol, BH told members that national trends showed that the numbers of young people drinking were stable or declining slightly, but that those young people who did drink tended to be drinking more.

4.6 In Brighton & Hove, BH noted that young people's drinking rates are slightly above the national averages. It seems that more girls than boys are engaged in 'binge-drinking', and that drinking rates are highest in the east of the city (and lowest in the west).

4.7 Dr Oli Rahman (OR), Consultant Paediatrician, Brighton & Sussex University Hospitals Trust informed members that he was a consultant

paediatrician working at the Royal Alexandria Children's Hospital. Dr Rahman also works closely with colleagues in the Royal Sussex County Hospital Accident & Emergency (A&E) department.

4.8 OR told members that it was difficult to gauge the proportion of young people attending A&E with alcohol related conditions, as, whilst admissions obviously linked to alcohol use would be coded as such, other admissions might not be, even if alcohol was probably a contributory factor (e.g. an alcohol-related fall resulting in injury might just be recorded as a fall).

4.9 In addition, OR informed the panel that the great majority of A&E attendances do not result in admission to hospital (i.e. patients are discharged without treatment or are treated without requiring admission as in-patients). Recording the role of alcohol in attendances which do not result in admission can be very challenging.

4.10 Inspector Andrew Kundert (AK), Licensing Inspector, Brighton & Hove Police told the panel that he was the Licensing Inspector for Brighton & Hove, and that the Brighton & Hove police force was committed to reducing levels of public place violence and anti social behaviour – both of which were alcohol (and licensing) related matters.

4.11 AK noted that, whilst in previous years the police had concentrated on the city's 'night time' economy, there had been a more recent focus on other areas where alcohol related disorder was an issue, particularly in terms of the effective policing and management of young people drinking and socialising in parks and green spaces.

4.12 AK told the panel that three localised initiatives had recently been combined to form 'Operation Parks' which sought to address problems associated with the phenomenon of groups of young people meeting up to drink in city parks (particularly on Friday and Saturday nights).

4.13 AK noted that effective policing of this issue required a variety of approaches: if young people were not engaging in anti social behaviour, there might be no police intervention; if there was anti-social behaviour, the police might seek to disperse those on the periphery of incidents and to target 'ring-leaders' (e.g. to escort them home to their parents/guardians).

4.14 AK informed the panel that it was not always clear whether groups of young people were drinking or not, as young people would typically 'disguise' alcoholic drinks in soft drinks bottles.

4.15 AK told members that (in very approximate terms) around 5% of underage drinking involved underage drinkers purchasing alcohol in pubs and bars; approximately 20% involved alcohol purchased by underage drinkers from shops and off licenses. However, around 75% of alcohol was not purchased illegally – i.e. it was bought by parents,

by 'proxy buyers' (over 18s buying alcohol at the request of under 18s), was stolen etc.

4.16 AK informed the panel that a good deal of work was done to try and ensure that under 18s were not able to purchase alcohol from either on or off sales. The police work closely with Trading Standards to arrange 'test purchasing' (under 18s will try to purchase alcohol in closely monitored operations). Test purchasing is not at random; it is targeted at businesses where there is intelligence of selling to minors.

4.17 AK told members that the citywide 'fail' rate for test purchasing was currently around 20% (i.e. one in five test purchasers was actually served alcohol). This is a very encouraging rate.

4.18 AK informed members that if business do fail test purchasing, they will be re-tested. Persistent offenders may have their alcohol licences suspended or revoked.

4.19 Anna Gianfranceso (AG), Service Manager, RU-OK? told the panel that she was the Service Manager for RU-OK?, the Children & Young People's Trust specialist substance misuse service, and that she was also heavily involved in the local implementation of the new national alcohol strategy.

4.20 AG informed members that she worked closely with the police, and had developed a Care Pathway for young people referred from the police. She is currently seeking to develop a similar pathway to channel referrals from A&E, and eventually hopes to combine the pathways.

4.21 AG noted that targeting alcohol use amongst young people was a fairly recent initiative, as drugs misuse had traditionally been prioritised.

4.22 AG told the panel that Operation Parks had been very successful in terms of reducing young people drinking in public. However, it was not clear whether this reduction in public drinking actually indicated lower levels of drinking (i.e. it might be the case that young people were simply drinking at home rather than in public places).

4.23 AG noted that there had been recent national guidance on alcohol education in schools and that she would pass this guidance on to the panel members.

4.24 AG told members that Operation Parks had not identified a large number of 'repeat offenders' in terms of young people drinking and behaving anti-socially in public: fewer than 20% of people escorted home by police are subsequently picked up again.

5. FURTHER QUESTIONS

5.1 Panel members then jointly asked the witnesses a series of questions. The witness responses are detailed below.

5.2(a) In answer to a question as to whether action was taken against adults supplying children with alcohol, members were told (by AK) that Operation Parks had tried to address the issue of 'proxy purchasing'. For example, an operation had been arranged in which under 18s tried to persuade passing adults to purchase alcohol from off-licenses on their behalf. However, such an initiative could not realistically lead to prosecution, as the act of encouraging adults to purchase alcohol for under 18s would probably be viewed as a form of entrapment by the courts.

5.2(b) AK and AG added that it was often difficult to ascertain where an underage drinker had obtained alcohol, as drunk people might not be very lucid, and might lie to protect friends or retailers. However, there was now more focus on tracking back the supply of alcohol, and city partners would share this type of information if they were successful in obtaining it.

5.2(c) John Peerless (JP), Head of Trading Standards, Brighton & Hove City Council, told members that an initiative had been planned for under age drinking in Moulsecoomb, which would have included trying to ascertain the origin of the alcohol being consumed – possibly via an analysis of litter.

This scheme would also have sought to encourage off-licenses not to sell to people who looked under 21.

The council failed to get Government funding for this initiative, but does still intend to undertake it at some point.

5.2(d) AG noted that schemes seeking to restrict sales to under 21s had been effective in other localities.

5.3(a) In response to a question about whether the recent proliferation of off licences had led to an increase in drink-related problems, AK replied that the city Cumulative Impact Zone (CIZ) assumed that there was indeed such a causal link.

AK noted that the CIZ had been very successful, particularly in terms of empowering local communities (i.e. individuals felt that their representations were taken seriously and could have a practical effect).

5.3(b) BH added that there had in fact been a very large increase in the number of off-licenses in recent years.

5.4(a) In answer to a question regarding repeat A&E attendances, OR told members that very few young people repeatedly attended A&E for alcohol-related issues (unless they were self-harming).

5.4(b) OR also noted that A&E record keeping was not perfect in this respect, and that whilst incidents where drink was the primary cause of injury would almost certainly be recorded as alcohol-related, incidents where drink was only a potential contributory factor might not be recorded. Efforts were being made to improve recording, although this needed to be carefully handled as there were issues of patient confidentiality to take into account.

5.5(a) In response to a question regarding the physical damage caused by excessive drinking in young people, OR told members that teenagers' bodies were still developing which might mean that they were less able to process alcohol than adults.

5.5(b) BH noted that there was growing evidence that excessive drinking from an early age would lead to an increase in alcohol related-dementia in the future.

5.6(a) In answer to a question regarding the relative threat posed by alcohol or drugs, OR told members that a significant number of teenage drink or drug hospital admissions were drink related (unless self-harm was a factor).

5.6(b) AG added that alcohol could be very dangerous and certainly would not be licensed if it was not so socially established.

5.6(c) AK noted that alcohol was a major contributory factor in most public disorder offences, as well as many Domestic Violence incidents.

5.6(d) OR added that drunkenness also created major problems for A&E services, particularly at weekends.

5.7(a) In answer to questions concerning prosecution of licensees, JP told members that prosecution was rare, as it was a relatively ineffective method of taking action. This was generally the case in Brighton & Hove and across Sussex, where a consistent strategic approach had been adopted by a number of authorities.

5.7(b) AK added that the police in Brighton & Hove would generally seek to take action through the city Licensing Committee (e.g. seeking suspension or revocation of a license) rather than via prosecution.

5.7(c) JP also noted that most local businesses to not wish to sell to under 18s and are keen to work together with the police and the local authority. Suspension or revocation of the licenses of co-operating businesses is rarely a sensible option.

5.7(d) AK noted that suspension was quite rarely used, and questioned whether the Licensing Committee would welcome attempts to employ this power more widely, particularly in situations where a premises had only failed one or two times.

5.8 In response to a query about supermarkets, JP told members that supermarkets could be a source of alcohol for under 18s. Supermarkets have a specific problem in that their scale means that it can be difficult for them to properly train and monitor staff (in contrast with small off-licenses where the person making sales may well also be the licensee). Trading Standards have done a lot of work with large local alcohol retailers such as Somerfield and Threshers and are now involved in these organisations' staff training.

5.9(a) Asked what could be done to improve the situation in Brighton & Hove, AK noted that one possibility was to take action against under age drinkers buying alcohol rather than focusing entirely on those selling alcohol (as both selling and buying are offences).

AK also told the panel that it was important to recognise that Brighton & Hove was much safer than formerly – much has been done to tackle alcohol-related anti social behaviour and violence.

5.9(b) AG noted that young people replicate adult behaviour, and that children are bound to see adults drinking to excess. This is particularly so given the effects of the smoking ban in pubs and a general modern attitude amongst adults of not being ashamed of being inebriated in public. Adult attitudes to drinking need to change if there is to be any realistic hope of changing children's behaviour.

5.9(c) JP added that messages to children about alcohol harm needed to be consistent – which they currently are not.

5.9(d) OR suggested that children should be given much more credit for being able to understand information about how their own behaviour might impact upon their health, and that providing an honest assessment of the risks associated with excessive drinking might be effective.

6. ANY OTHER BUSINESS

6.1 There was none.

The meeting concluded at 4.00pm

Signed Chair

Dated this day of

BRIGHTON & HOVE CITY COUNCIL

CHILDREN & YOUNG PEOPLE'S OVERVIEW & SCRUTINY AD-HOC PANEL - REDUCING ALCOHOL RELATED HARM TO CHILDREN & YOUNG PEOPLE

2.00pm 22 JANUARY 2009

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Mrs Norman (Chairman), Duncan and McCaffery

Other Members present: Councillors

PART ONE

7. PROCEDURAL BUSINESS

7a. Declaration of Substitutes

7.1 No substitutes are permitted on Ad-hoc Scrutiny Panels

7b. Declarations of Interests

7.2 There were none.

7c. Declaration of Party Whip

7.3 There was none.

7d. Exclusion of Press and Public

7.4 In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

7.5 **RESOLVED –** That the press and public be not excluded form the meeting.

8. MINUTES OF THE PREVIOUS MEETING

8.1 **RESOLVED –** That the minutes of the meeting held on the 27 November 2009 be agreed.

9. CHAIRMAN'S COMMUNICATION

9.1 The Chairman announced that Mark Whitby (Head of Advisory Centre for Education - ACE) had been obliged to send his apologies for this meeting. Mark Whitby will be invited to attend the next meeting of the panel.

9.2 John Peerless (Head of Trading Standards) kindly agreed to give evidence at this meeting at late notice.

10. EVIDENCE FROM JOHN PEERLESS (JP)- HEAD OF TRADING STANDARDS OFFICE (TSO)

10.1 JP told members that the council was currently being evaluated on its approach to regulating alcohol sales to children. A copy of the report would be forwarded to the panel when it was published.

10.2 JP informed the panel that work on limiting alcohol sales to under 18s altered significantly in 2001, when changes to licensing law permitted 'test purchasing' (using under 18s to try and purchase alcohol).

10.3 JP noted that the TSO has a very broad remit and limited resources (amounting to 15 Full Time Equivalent officers). The Brighton & Hove TSO considers under-age drinking to be a city priority and has allocated its resources accordingly. In the past few years the local TSO has developed initiatives such as 'Too Young to Buy' and 'Think 21', and has promoted the use of an identity card scheme for young people.

10.4 JP told members that a major piece of work had been undertaken in 2004 in which local authorities, working together with the Home Office Alcohol Standards Unit, had developed a campaign to encourage co-working between regulators of licensed premises. Test purchasing conducted as part of this work showed very high levels of non-compliance for both on and off licences. Partly as a result of this, local authorities have subsequently been strongly encouraged to incorporate work to limit under-age drinking as part of their core business, rather than relying upon time-limited initiatives. Experience suggests that a good rate of compliance is reliant upon constant reinforcement: as soon as a time-limited initiative ends, rates of non-compliance soar.

10.5 Non-compliance rates are still around the 35% mark. Problems are particularly associated with newly licensed premises or those with a very high turnover of staff, managers or licensees. The TSO attempts to 'risk assess' newly licensed premises, offering advice on how best to train staff so as to minimise sales to under 18s.

10.6 JP told members that eliminating off sales to under 18s would not stop under-age drinking as there are several sources of alcohol: co-ordinated action from other services is required for any initiative to be successful.

10.7 TSO initiatives to counter under age drinking are not always effective, as targeting a particular location can result in displacement of drinking activity to neighbouring areas. Informal intelligence networks used by teenage drinkers (via texting, Face Book etc) are often very efficient. To some degree this may be a resource-related issue, as displacement might be less of a problem if a greater geographical area could be targeted by TSO, although better planning and co-working between agencies rather than extra resources *per se* might produce good results.

10.8 JP confirmed that prosecution of licensees is very rarely considered, as the licence review/revocation process is far more effective. JP stressed that this approach is intended to help retailers sell alcohol responsibly: it is not meant to be punitive.

10.9 In answer to a query about the spread of problems across the city, JP told members that the TSO had not encountered any particular problems in East Brighton. However, if there was a spike in figures in the East of the city, it probably reflected other problems encountered here, as problematic under age drinking could often be a symptom/result of other problems.

10.10 JP informed the panel that the way forward for his work may well lay in encouraging local partners to work together to tackle under age drinking. JP referred to ongoing work in Moulescoomb, which he identified as embodying good practice in this area.

11. EVIDENCE FROM CHRIS OWEN (CO)- HEALTHY SCHOOLS TEAM MANAGER & TIM BARCLAY (TB)-HEAD OF HOVE PARK SECONDARY SCHOOL

11.1 CO presented to the Panel "A summary of the learning opportunities delivered by schools and local data about school age children and young people"

TB explained what is done in his school in terms of drug and alcohol education, how this programme is reviewed in the light of emerging data from students, surveys etc.

11.2 TB noted that there are two distinct groups of underage drinkers: the first group can be characterised as 'risk takers' – individuals who use alcohol (and who may display other types of risky behaviour) due to underlying emotional/social problems. The second, much larger, group uses alcohol as a way of bonding with their peers/in a celebratory

manner etc. Many young people feel a sense of empowerment and safety in large groups, and this includes groups of people sitting in parks etc. drinking. This is not necessarily about a lack of facilities, youth clubs etc.

11.3 CO noted that the behaviour of young people frequently mirrors that of their elders, and that adult culture currently features many patterns of drinking which are reflected in teenage behaviour.

11.4 Recent years have seen a reduction of young people drinking in licensed premises, and this drinking has been displaced to parks etc where it can be much more visible and can lead to problems of disorder.

11.5 CO told members that many parents were uncertain how to deal with the issue of underage drinking – e.g. unsure whether the best approach was to try and proscribe their children's drinking or to supply a limited amount of alcohol in the hope that this would encourage a relatively sensible approach to alcohol.

11.6 In answer to a question on the impact of alcohol on educational attainment, TB told the panel that there was not necessarily a link between 'Friday night drinking' and attainment, but that people with more serious drink problems could see their attainment fall (however this is a complex issue as excessive alcohol use is often a 'symptom' of other social or emotional problems rather than a discrete problem).

11.7 TB added that schools do lots of work with students in terms of advising on how best to deal with the stress associated with exams, and this may include advice on sensible drinking.

11.8 CO noted that schools may simply not be aware of problems associated with their students' drinking as very few students actually attempt to drink in the school environment, and contact with students out of school is generally limited.

CO informed members that children of parents with problematic drinking are another group the Panel needs to be mindful of.

12. EVIDENCE FROM ERIC PRICE(EP) -SOMERFIELD TRADING STANDARDS LICENSING MANAGER

12.1 EP told the panel that almost all Somerfield stores (859) have an alcohol license, and that the company is committed to implementing licensing law. Somerfield uses comprehensive training and re-training; till prompts for staff, maintains a 'refusal record' for under age sales, has a 'three year rule' (i.e. staff will ask for ID from anyone who doesn't look 21), and supports 'citizen cards.'

12.2 EP noted that, prior to 2003, retailers were less aware of the level of their sales to under 18s, as it was not legal to conduct test purchasing. Very few if any complaints were received from the general public about sales being made to under age persons. Since test purchasing became widespread, it became clear that there was an industry wide problem with staff failing test purchases. An industry group, the Retail of Alcohol Standards Group was formed to seek ways to drive down under age sale. Great improvements were then made.

12.3 In recent years retailers have had to think very hard about how best to deal with this problem – this is far more involved than simply having a policy in place. Issues to be dealt with include: staff problems with identifying under 18s; staff reticence Re: challenging customers; dealing with groups of under 18s.

12.4 Somerfield does a lot of data analysis, looking at situations where staff actually challenge customers, and at the results of its own internal test purchasing (although it cannot use 18s for this).

12.5 Larger stores tend to be better performers; perhaps because young people buying alcohol are more conspicuous in this type of environment (most customers in big stores tend to be doing a large weekly shop, whereas smaller stores tend to have a higher percentage of shoppers buying only a few items).

12.6 In terms of the London Road, Brighton store, there are obvious problems associated with the siting of this store: on a very busy bus route, near to the level and to several nearby housing estates etc.

12.7 Measures introduced at the London Road store include: an increased use of door supervision (particularly reassuring for counter staff); only using over 18 counter staff; marking alcohol so that it can be traced back to the shop (although none ever has been); employing a new store manager who has a track-record of supporting staff; collaborating with TSO on training of staff. These measures have turned the situation around in this store – the store has passed its last three test purchases, and the working culture has significantly improved.

12.8 In response to a question regarding alcohol sales to adults, EP told members that Somerfield was increasingly concerned with facilitating sensible drinking via providing information on units, safe drinking practices etc.

12.9 In answer to a question about what more could be done locally to tackle the problem of underage drinking, EP told the panel that the key was to involve all elements of the community in initiatives – including police, schools, TSO etc.

13. ANY OTHER BUSINESS

13.1 It was agreed to contact St. Neots for further information on their partnership working, as mentioned by Eric Price.

13.2 Members agreed to find out young people's views through attending a school or sixth form college

The meeting concluded at 4.00pm

Signed Chair

Dated this day of

Notes from the Brighton and Hove Youth Council meeting on the Saturday, 31 January 2009

1. Present: Councillor Ann Norman (Chair) and Youth Council Representatives (YCR), Superintendent Grenville Wilson (from Sussex Police) and Youth Council Officers.

2. Councillor Ann Norman was asked to speak at the Youth Council meeting and was present to here Superintendent Grenville Wilson speak too.

3. Questions were asked by the YCR's why the Police disperse small groups of youths in parks when they are not being disruptive or loud. The Superintendent explained that the Police tend to work on dispersing small groups early on in the evening before any anti-social behaviour can start; working on prevention rather than waiting for situations to escalate and then dealing with the issues then.

4. A YCR privately told Councillor Norman that young people enjoyed meeting up in groups, as they felt safer and by dispersing the groups they felt more vulnerable and that young people did not see anything wrong with sitting around in small groups. They felt the dispersal technique was unfair especially when they are not causing any trouble.

5. Another YCR privately said that when she was at a party, where lots of additional young people turned up to the party (than previously planned); a Police van came to the location with dogs to disperse the large crowd and that this was seen as a very heavy handed approach and they had been dealt with unfairly.

6. Another YCR privately said that the Police do ask young people to empty their drinks. Some young people take offence to this as some young people do not drink alcohol and therefore have to empty out their soft drinks.

7. A YCR privately said how young people who do not drink alcohol tend to look after their friends that do drink alcohol.

8. A YCR privately said about a positive experience she had with the Police and how she and her friend, (who had been drinking alcohol,) had been treated as individuals and how the policewoman showed that she was concerned for their safety.

9. What upset young people the most was how most of the Police approach these situations by not explaining what they are doing and why they are doing it and not treating each young person as an individual but as a group as a whole.

BRIGHTON & HOVE CITY COUNCIL

CHILDREN & YOUNG PEOPLE'S OVERVIEW & SCRUTINY AD-HOC PANEL - REDUCING ALCOHOL RELATED HARM TO CHILDREN & YOUNG PEOPLE

10.00am 10 FEBRUARY 2009

BANQUETING SUITE, HOVE TOWN HALL

MINUTES

Present: Councillors , Duncan and McCaffery

Other Members present: Councillors

PART ONE

14. PROCEDURAL BUSINESS

14a. Declaration of Substitutes

14.1 No substitutes are permitted on Ad-hoc Scrutiny Panels

14b. Declarations of Interests

14.2 There were none.

14c. Declaration of Party Whip

14.3 There was none.

14d. Exclusion of Press and Public

14.4 In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

14.5 **RESOLVED –** That the press and public be not excluded form the meeting.

15. MINUTES OF THE PREVIOUS MEETING

15. That the minutes of the meeting held on the 22 January 2009 need to be approved and signed by the Chairman.

16. CHAIRMAN' S COMMUNICATIONS

16.1 Apologies have been sent from the Councillor Ann Norma (Chairman).

17. EVIDENCE FROM WITNESSES

17.1 Evidence from **Sue Dixon (SD), Head of Security for the First Quench Retailing** (formally known as the Thresher Group) and **Chris Denman (CD), Area Manager for Threshers and the Local**

17.2 SD told members that the there were 1500 branches with 4 different brand names: Threshers, Wine Rack, the Local & Hadows in Scotland; of which there were 30 stores in Brighton & Hove.

17.3 SD informed the panel around a million people were challenged annually and a third of these were refused. All refusals were recorded on the tills and in books and this information was collated and analysed to identify anomalies.

CD explained that any anomalies were investigated and compared with company and store averages. A “compliant” Store Manager generally meant that refusals would be lower in these stores, as young people would not shop at these branches.

17.4 SD informed members that the company derives no benefit from under 18 sales as it would damage their reputation which would not exceed potential income.

17.5 SD told members that new staff completed an induction, filled out a booklet, watched a DVD which covered mechanisms to prevent underage selling of alcohol and had to be signed off by their Manager before being authorised to use the tills. These inductions and training materials were developed by working with Trading Standards.

17.6 SD informed members that identification is asked for, when any customer looks younger than 21: “Challenge 21”. This is being moved to “Challenge 25”. This makes identification of under 18’s easier for staff. Accepted forms of ID are Passport, Driving Licence and any other accredited ID. Test purchases are carried out with over 18’s and over a 100 test purchases are carried out nationally per month; from this the company can identify problem areas and target their work on these.

CD confirmed that all Brighton and Hove stores were working to Challenge 25 already

17.8 It was advised that Partnership working with local authorities, the Police and Trading Standards was the best way forward. It was noted that enforcement has a role but dealing with issues at an early stage is better and to act on any intelligence to deal with the matter swiftly worked best.

17.9 In answer to a question as to how many challenges Brighton and Hove had, it was estimated at around 25/30 per store, per week and challenges were higher in the summer. The exact figures would be forwarded onto the panel.

17.10 In relation to a question on what happens to the information about refusals, it was explained that the District Manager and Licensing Manager collate and investigate the information on a store basis.

CD added that store visits are arranged to stores that have anomalies and an investigation would take place by speaking with staff. All stores within each area are visited on a 6 weekly basis.

17.11 In response to a question as to where under 18's were sourcing their alcohol and whether proxy sales were the problem, it was advised that staff are trained on proxy purchasing by looking at unusual buying patterns and that staff shouldn't sell if they are suspicious of proxy sales being undertaken.

The Panel were informed that shoplifting was an issue and it was thought that 60% of alcohol consumed by underage drinkers came from homes.

17.12 In answer to a query about what information in stores is available for parents, it was noted that stores have been involved in local area schemes where leaflets were put into customers' bags. However it was noted that more education was required.

17.13 Tony Rickwoood - Portslade Tesco's Store Manager commented that there were many instances of staff overhearing parents asking their children what alcohol they would like their parents to purchase for them. In these experiences the retailer would refuse these sales.

17.14 CD informed the panel that refusals do vary from store to store. Stores with higher footfall have higher refusals and smaller "community" stores have lower refusals. Under 18's do not shop at their local stores as there is more chance that they will be refused as the Retailer will probably know their parents.

17.15 In response to a question as to whether there are more refusals in the east of Brighton (as underage drinking is worst in the east of city), it was noted that this hadn't been identified.

17.16 In response to a question from a Youth Council representative as to whether it would be possible to scan an universal ID card which could total up the amount of alcohol purchased and flag up if the individual was over a guidance level and the possibility that proxy sales may be occurring, TR explained that technically it would not be possible to collate this type of data from the different retailers.

18. Evidence from **David Solomon (DS), TESCO Express, Store Manager -Droveway, Hove** and **Tony Rickwood (TR), TESCO, Store Manager – Portslade**

18.1 DS informed members that TESCOs had a vigorous induction training programme, which included "Think 21", a buddy system, plus training updates, refresher training, till prompts (with the date of birth information), a DVD and also regular team meetings.

TR handed out training materials that all staff including managers had to complete and noted that there was more comprehensive training for the Licensees at each store. There were "Quarterly Due Diligence Reviews" that a Designated Premises Supervisor completed which reviewed their stores compliance.

18.2 The panel noted how managers backed staff with the "you say no and we say no policy" when a transaction was refused.

18.3 DS informed the panel how the non-compliance is identified with test purchases, and explained how these stores are targeted for up skilling. It was also very important to work with the Police, Trading Standards and the community and advertise the no selling of alcohol to under 18's policy around the store.

18.4 TR explained how there were very robust systems in place and that he had worked hard to engage with the local Police, to increase store visits which had an impact on reducing theft.

18.5 TR told members how it was not in TESCO's interest to sell alcohol to under 18's.

18.6 In answer to a question on how young staff challenge under 18's, TR informed the panel that staff under 18 had to have a supervisor authorise any alcohol sales they made. This then prevents under 18 store staff selling to their under 18 friends. TR explained how TESCO is moving to the "Think 25" scheme.

SD informed members that all retailers were moving to the "Think 25" scheme, expect Waitrose. However independents would not necessarily follow.

18.7 In response to a question as to whether there was an increase in sales since the Licensing Act 2003 was implemented, SD told members that

the Act had meant that a tighter regime was in operation and it was hard to determine as this is a very high profile topic and is in the press regularly.

18.8 TR informed the panel how there had been a significant improvement in compliance since legislation made individual staff vulnerable to prosecution as well as the retail company.

18.9 In answer to a question whether cheap alcohol had increased the levels of drinking, TR felt that people weren't buying more cheap alcohol.

18.10 TR informed the panel that by increasing the cost of alcohol it would not have any affect as customers wouldn't trade down to cheaper drinks and that when the VAT had been reduced recently; there wasn't an increase in alcohol sales.

SD noted that alcohol was cheap in France and there were no major issues there.

18.11 In answer to a question why young people were drinking more, TR informed the panel that alcohol is increasingly difficult for young people to get from retailers and that more adults were purchasing it for them.

SD questioned whether young people were drinking more or whether anti-social behaviour had increased.

18.12 In response to questions as to whether shoplifting was an issue, SD told members that it was a problem as there was little legal deterrent (fixed penalty notice for a first offence). Retailers find it challenging to balance attractive store layouts with crime prevention measures.

Shoplifting varies with different areas and different products.

TR informed the panel how alcohol is purchased with weekly shopping on a regular basis.

18.13 In answer to a question on whether there is information for parents about not purchasing alcohol for their underage children, TR responded he could not recall any such information and that parents had a lack of understanding on the subject.

18.14 In answer to a question on what recommendations would they make TR responded that the local Police are the key and their support to retailers was invaluable.

Members noted that SD recommended partnership working as retailers were committed to eliminating sales to under 18's and that any intelligence could be dealt with swiftly. Additionally direct links with the retailers Central Office would be useful for more proactive working. It

was also pointed out that enforcement does have a negative impact on retailers.

TR informed members that Trading Standards could do with engaging with Retailers more in the future.

18. ANY OTHER BUSINESS

19.1 No other business was discussed.

The meeting concluded at 11.00am

Signed Chair

Dated this day of

BRIGHTON & HOVE CITY COUNCIL

CHILDREN & YOUNG PEOPLE'S OVERVIEW & SCRUTINY AD-HOC PANEL - REDUCING ALCOHOL RELATED HARM TO CHILDREN & YOUNG PEOPLE

2.00pm 16 FEBRUARY 2009

COMMITTEE ROOM 1, HOVE TOWN HALL

MINUTES

Present: Councillors Mrs Norman (Chairman), Duncan

Other Members present: Councillors C Theobald

PART ONE

19. PROCEDURAL BUSINESS

20a. Declaration of Substitutes

20.1 No substitutes are permitted on Ad-hoc Scrutiny Panels.

20b. Declarations of Interests

20.2 There were none.

20c. Declaration of Party Whip

20.3 There was none.

20d. Exclusion of Press and Public

20.4 In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

20.5 **RESOLVED –** That the press and public be not excluded form the meeting.

20. MINUTES OF THE PREVIOUS MEETING

21.1 That the minutes of the meeting held on the 10 February, 2009 need to be approved and signed by Chairman.

21. CHAIRMAN'S COMMUNICATIONS

22.1 Chris Parfitt (Youth Lead on Alcohol) and Mark Whitby (Head of Advisory Centre for education (ACE)) send their apologies.

22. EVIDENCE FROM WITNESSES

23.1 Evidence from **Councillor Carol Theobald (CD), Chairman of the Licensing Committee** and **Tim Nichols (TN), Head of Environment and Licensing**

23.2 CT informed the panel that there was ongoing work in schools educating pupils on the affects that alcohol has and that generally, under 18's do not obtain their alcohol from licensed premises.

23.3 TN told members that this was a national problem and that most of the alcohol is obtained from homes, off sales and proxy purchasing.

23.4 TN informed the panel that the Council supports proof of age schemes, but levels of fraud are very high. Police are also reluctant to prosecute under 18's for using false ID. The Licensing Committee is currently enacting the recent national guidelines to deal with problem licensees.

23.5 CT informed the panel that Challenge 25 was very useful, as were out of school activities. She also stated that refusal log books should be kept as evidence relating to underage sales.

23.6 CT confirmed that the Cumulative Impact Area (CIA) had also been introduced to stop further new drinking establishments from opening.

23.7 TN told members that under age drinking is a national priority and a Health impact Assessment (HIA) is being funded by the Primary Care Trust (PCT) and being undertaken by the Council. It was noted that Licensing was not to blame for this problem, and that marketing, pricing and availability were more the reason.

23.8 TN informed the panel that there was a 40% failure rate for test purchasing and it was difficult to decrease this (Subsequently TN said the current rate was 20%).

23.9 TN advised the panel that underage drinking in on licences has moved to parks in recent years as the on licenses are regulated heavily. In the past when Licenses were less heavily regulated publicans tended to tolerate underage drinking providing they didn't drink to access.

23.10 In answer to a question as to whether there was a case to charge above a minimum level for alcoholic drinks, TM told members this would be unlawful. For any action to be taken it needs to be demonstrated that there was a "clear causal link" between price promotions and antisocial behaviour. It was noted that it was particularly difficult to establish that link and also to word such restrictions. TN referred to the "*Guidance: Department for `Culture, Media & Sport, sections 10:38 & 10:40 of the Licensing Act 2003"*

23.11 TN advised the panel that it was important to be mindful of economic conditions and that most licensees were trying to earn an honest living, however it maybe useful to publicise revocations and suspensions in the future.

23.12 TN told members that he was looking forward to the publication of the Health Impact assessment (HIA) and possible changes to the NHS drinking and drug budgets. It was suggested that spending on preventative education might be better allocated on alcohol rather than drugs.

23.13 In answer to a question as to whether the Licensing Act 2003 had any impact on the worsening health figures, TN responded that the reverse was true; there had been a long term rise in consumption and disease relating to alcohol and the Licensing Act 2003 was a reaction to the situation rather than a cause. Since the Licensing Act 2003 there were declining rates of public place violent crime. The Police should also be credited for this. The Licensing Act 2003 has given city centres the ability to spread out "closing time" public disorder.

23.14 In relation to a question why binge drinking amongst young people was worst in the east of the city, TN responded that the analysis of information from the Police show a disproportionate volume of the postcodes from offenders and victims are in the BN25 and BN26 areas.

23.15 In response to a question whether it was possible to restrict the proliferation of off sales premises, TN responded that the Licensing Act 2003 assumed that most of these off sales premises are operating an honourable business; applications are granted automatically unless representations have been made. The Review Panels have more power than the initial License and have a choice of options which are to suspend/revoke the license, remove the premised licensee or take no action. Residents, Trading Standards Officers and the Police can be heard and it is more likely that the Panel would make a more effective decision based on evidence than refuse a new application.

23.16 In answer to a question whether smaller stores were selling to under 18's, CT responded that there was a case where by a non-english speaking relative, who had received no training was covering a shop when the store failed a test purchase. The shop had been to the Review Panel before with a similar problem and the Owner had not

acted upon the advice given by the Review Panel in the first occasion; at the next Review Panel the decision was taken to revoke the license.

TN told members that sales to underage drinkers was spread out throughout different off and on sales as there were national off licences, franchises, single operators, pubs and bars have all been subjects for reviews.

23.17 In answer to a question how Licensing laws could be tightened TN answered that the recently issued government guidance gave the Review Panel power to restrict the trading hours, or even use CCTV to record sales.

23.18 In response to a question on whether increasing the tax on alcohol would reduce underage drinking TN advised that this would reduce access for young people, should focus on off sales, stores and supermarkets and Government could hypothecate the money to alcohol treatment services and out of school activities.

23. ANY OTHER BUSINESS

24.1 It was agreed to contact any Representatives from the Youth Council who had given their contact details.

24.2 It was agreed to collate written questions for Chris Parfitt (Youth Lead on Alcohol) and Mark Whitby (Head of ACE) and ask them for written statements.

24.3 The meeting with the youth offender is arranged for Thursday, 19 February and the Chairman will be attending this.

The meeting concluded at 3.00pm

Signed Chair

Dated this day of

BRIGHTON & HOVE CITY COUNCIL

CHILDREN & YOUNG PEOPLE'S OVERVIEW & SCRUTINY AD-HOC PANEL - REDUCING ALCOHOL RELATED HARM TO CHILDREN & YOUNG PEOPLE

4.00pm 11 MARCH 2009

MINUTES

Present: Councillors Mrs Norman (Chairman),

Other Members present:

PART ONE

24. EVIDENCE FROM WITNESS

25.1 **Evidence from a Youth Council Representative (YCR)**

25.2 YCR told the Panel Member how the view of not being able to drink needs to be changed, as it makes young people want to drink and break the rules.

Her experience of her first alcoholic drink was that it was “not an amazing thing”, and she still didn’t enjoy the taste of it and would drink wine with a sweet fizzy drink to make it more palatable.

The YCR told how there was alcohol always in her parent’s house and how her parent would give wine with a mixer to drink on occasions.

25.3 It was confirmed that peer pressure was one of the reasons why young people drank.

25.4 The YCR told how house parties are popular places for young people to drink. There were varying amounts of alcohol at these parties, more being available if parents were not present. If parents were present they did supervise these parties and tended to water down the alcoholic drinks by providing punches.

At a recent party, the YCR informed the member how some young people arrived already drunk.

The YCR informed the member how at her next party her father will invite his friends to the party to help supervise. Some young people

regularly sleep at certain friends' parents' houses as these parents do not "tell" on them. The next morning the young person has slept of most of their hangover and "is not that much of a wreck" when they return home.

25.5 YCR informed the member how teenagers copied adults, parents and their older friends and how they had seen parents having a drink of alcohol after they had a stressful day and copy this; or it's the weekend and they learn how alcohol is consumed to celebrate this. As a result of this, young people get stressed over their exams and can turn to alcohol to relax.

25.6 In answer to a question whether parents are aware how much their children drink, the YCR answered, that they say to their parents they drank "smart" levels of alcohol, but didn't mention the additional amounts consumed on top of this too.

25.7 When asked where else young people were getting alcohol from other than parents supplying it, the YCR informed that their 18 year old friends purchased it for them.

The YCR told how she could remember that last year her friends bought bigger bottles of spirits but this year, due to the credit crunch parents have less disposable income to give their children and as a result of this, young people were purchasing smaller bottles of spirits as they found the bigger bottles too expensive to purchase.

25.8 The YCR recommended that adverts similar to the smoking ones would be affective, showing how it could ruin young people's lives in different ways, for example how it can "mess up your exams".

25.9 In response to a question whether young people were aware of what the adverse affects of underage drinking were, the YCR said she wasn't aware of these and she would recommend that these be advertised. She confirmed that in schools there is some Personal Social Health Education (PSHE) which touches on the safety issues when drunk, but not information on the negative affects of drinking alcohol.

25.10 The YCR advised the member that she felt it was very dangerous to be drinking on the streets and that more controlled places would be suitable, such as clubs perhaps?

25.11 YCR confirmed that a friend had problems at home and some young people did not want to discuss these experiences with anyone so they tended to deal with these on their own, without asking for help and drank alcohol to forget these problems. However, the YCR informed how she had a supportive group of long standing friends and they would try and help anyone they could and have been successful in

doing this, by guiding their friend away from alcohol, studying more and getting them to mix with the right crowd.

25.12 The YCR informed the member how teachers did not understand the pressures that young people were under.

The meeting concluded at 5.00pm

Signed Chair

Dated this day of

Appendix 3: Digest of recommendations

- **RECOMMENDATION 1-** The Panel welcomes and commends the increased emphasis of Licensing enforcement on off-sales (and on public place drinking), as it shows a commitment to identifying and tackling current problems rather than simply adhering to traditional modes of enforcement. The Panel hopes that this will provide a platform for the further development of Licensing enforcement, both in terms of closer partnership working, and in terms of a continuing concentration on the actual rather than the popularly perceived problems of underage drinking.

- **RECOMMENDATION 2 –** City partners (co-ordinated by TSO) should draw up a Best Practice Guide on avoiding selling alcohol to U18s with a view to the guide being disseminated to independent retailers.

- **RECOMMENDATION 3 –** Encourage (particularly via the Brighton & Hove Licensing Committee) all off-sales to adopt the 'Challenge 25' scheme.

- **RECOMMENDATION 4 –** Licensing Committee to request assurances that new and re-assessed licensees will not discount sales below cost, engage in irresponsible multiple discounting or sell products strongly associated with hazardous drinking practices.

- **RECOMMENDATION 5 –** CYPT should consider its substance misuse services in terms of a potential re-deployment of resources from drugs to alcohol-related projects in instances where drugs issues may have been advanced to the detriment of similarly serious alcohol-related problems. CYPT should also consider whether there is value in lobbying NHS Brighton & Hove and central Government to review their resource allocation in regard to alcohol-related services for children and young people.

- **RECOMMENDATION 6 –** CIA boundaries to be re-examined with a view to extending them to other areas of the city which might benefit from CIA powers (e.g. extension around Preston Park and up to Elm Grove).

- **RECOMMENDATION 7 –** When engaged with young drinkers, police officers need to ensure that they are not over-confrontational and that the rationale for their actions is widely understood. This may best be achieved by engaging with young people in contexts other than those of front-line policing (particularly by visiting schools).

- **RECOMMENDATION 8 –** Alcohol education should address the long term physical impact of U18 alcohol use, not just safety/legal issues.

- **RECOMMENDATION 9 –** Develop and deliver an information pack on alcohol targeted at parents and carers, and facilitate the involvement of parents/carers in creating and maintaining this material.

- **RECOMMENDATION 10 –** Survey teenagers for their views and seek to develop alternative activities for young people to engage with as alternatives to illegal drinking in public places.

- **RECOMMENDATION 11 –** The council should request changes to statute relating to the powers of local Licensing Committees (as detailed in point 16.3 above) in line with the powers granted by the Sustainable Communities Act (2007).

Appendix 4: Background papers

'Brighten Up! Growing Up in Brighton & Hove 2008': Annual Report of the Director of Public Health (and Joint Strategic Needs Assessment, Children and Young People. Brighton and Hove City Council and Brighton & Hove City Teaching Primary Care Trust, 2008.

'Are the kids driving you mad?': Positive Parenting Programme leaflet. Brighton & Hove Children & Young People's Trust.

Draft Alcohol Needs Assessment for Children and Young People: Brighton & Hove City Primary Care Trust (Draft 4), November 2008.

'Drug Education: An Entitlement For All': A report to Government by the Advisory Group on Drug and Alcohol Education, 2008.

Government Response to the report by the Advisory Group on Drug and Alcohol Education: Department for Children, Schools and Families.

Health Impact Assessment of the introduction of flexible alcohol hours in Brighton & Hove: Brief for consultants 2007 v2. Brighton & Hove City Council, 2007.

Licensing Act 2003: Statement of Licensing Policy. Environmental Health and Licensing Service, Brighton & Hove City Council.

Report of stakeholder responses to the Health Impact Assessment of the Introduction of Flexible Alcohol Hours in Brighton and Hove, 6th April 2009.

Setting Targets for Core, Enhanced and Intensive Services (presentation on drug use among vulnerable young people): from 'Crime & Drugs Analysis & Research,' Home Office, September 2007.

"Safe, Sensible, Social: the next steps in the National Alcohol Strategy." Department of Health, Home Office, Department for Education and Skills and Department for Culture, Media and Sport, 2007.

Scrutiny Review of Alcohol Misuse amongst Children & Young People. East Sussex County Council, March 2008.

Sustainable Communities Act 2007 : A Guide for Communities and local Government.

Young People and Alcohol, Overview and Scrutiny Review, Lancashire County Council, February 2008.