



Home Office



Office of the  
Deputy Prime Minister  
Creating sustainable communities

# DRINKING RESPONSIBLY

## The Government's Proposals

Department for Culture, Media and Sport  
Home Office  
Office of the Deputy Prime Minister

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# 1. INTRODUCTION

## *The issue*

**1.1** Rights and responsibilities are at the heart of the Government's approach to alcohol. Most people drink responsibly but there is general agreement that the scale of alcohol-fuelled disorder is much too high. In 2002/03, 1.2 million violent crimes were alcohol related and 44% of all violent crime was fuelled by alcohol. 35% of all attendances at hospital accident and emergency departments are related to alcohol as are 70% of those which occur between midnight and 5 am. One in five violent incidents take place around pubs or clubs. All this carries with it a high bill, with crime and disorder costs alone estimated to amount to £7.3 billion a year.

**1.2** The Government has already taken a wide range of measures to tackle the problem and the new Licensing Act will give us more. But the evidence of the recent Alcohol Misuse Enforcement Campaigns demonstrates that this is still not enough. We need to achieve a fundamental change in attitude, so that binge and underage drinking are no longer regarded as socially acceptable because of the problems which can follow in their wake. So we must no longer focus simply on containing or managing the disorder so often associated with excessive drinking but seek to eradicate it.

**1.3** This consultation paper sets out how we propose to do that. We welcome comments on our plans, answers to the specific questions we pose and any suggestions for further measures we might take. We would be interested in comments from all sources but particularly from the Police, Local Authorities and the alcohol industry itself.

## *Context*

**1.4** The Government's aim to reduce the harm caused by alcohol in respect of health, crime and disorder was set out in the Alcohol Harm Reduction Strategy for England, published last March, and the Public Health White Paper, published in November. Both documents make clear that responsibility for tackling alcohol

misuse cannot rest with Government alone and requires partnership working at both national and local level between Government, the drinks industry, health and Police services, individuals and communities.

**1.5** The Alcohol Misuse Enforcement Campaigns which took place last summer and again over the Christmas period were led by the Home Office's Police Standards Unit and by the Association of Chief Police Officers (ACPO). They raised awareness of the importance of responsible retailing and consumption of alcohol, as well as tackling the underlying offences.

**1.6** One early lesson drawn from the campaigns was that the alcohol-fuelled violence which occurs in the night time economy cannot be addressed solely by individual Police officers dealing with individual drinkers in isolation.

**1.7** For this reason, the Government has introduced a Tackling Violent Crime Programme, focused on a limited number of areas which have significant levels of serious violent crime. The programme builds on the momentum from the Alcohol Misuse Enforcement Campaign and, alongside reducing domestic violence, has alcohol harm reduction at its heart. It is designed to encourage the spread of best practice, by drawing on the knowledge and experience of practitioners to enhance local strategies and support their implementation, while mounting specific enforcement campaigns to address the problems of the night-time economy.

**1.8** Both the Alcohol Misuse Enforcement Campaign and the Tackling Violent Crime Programme have been designed to enable partners to act together locally in a way that will have a national strategic impact.

**1.9** Other measures recently introduced include:

- a new range of alcohol-related Fixed Penalty Notices, which now cover bar staff who serve underage drinkers;

- an increase in certain alcohol Fixed Penalty Notice fines from £40 to £80, and we will raise the remaining ones to this level;
- an outline code of practice, on which the alcohol industry itself has been working since November, with the intention that it should be enforceable through internal industry sanctions, and supported by an accreditation process.

**1.10** This is supported by work to make the ‘sensible drinking’ message easier to understand, with the aim of encouraging individuals to exercise choice based on improved knowledge and awareness, and the undertaking of a national audit of the demand for, and availability of, alcohol treatment.

**1.11** Guidance for town centre managers and other partners on the night-time economy is also being prepared and will be shared through academies involving local Crime and Disorder Partnerships which have proved highly successful in tackling anti-social behaviour. The Government also believes that experience from a number of areas suggests that planning decisions need to take account of the concentration of licensed premises in an area as well as the issues surrounding individual applications.

### *The Changing Landscape – The Licensing Act 2003*

**1.12** The Licensing Act introduces significant new and improved powers for the prevention of crime and disorder and provides very substantial resources to local licensing authorities to support enforcement. The Act will retain or modernise the existing offences of:

- allowing disorderly conduct on licensed premises which, on conviction, could result in a fine of up to £1,000 and, if the offender is a personal licence holder, possible suspension or forfeiture of that licence;
- selling, or attempting to sell, or allowing alcohol to be sold to a person who is drunk

with a fine on conviction of up to £1,000 and, if the offender is a personal licence holder, possible suspension or forfeiture of that licence.

**1.13** The Act also increases the powers of the Police to close immediately areas or particular premises. In particular it:

- expands existing court powers, on application by the Police, to close all licensed premises within a specified geographical area for up to 24 hours where disorder is occurring or anticipated;
- expands the Police powers introduced in December 2001 to close down disorderly and excessively noisy licensed premises such as pubs, nightclubs, restaurants and hotels, and one off raves for up to 24 hours.

**1.14** The Act enables problem premises to be targeted by:

- providing a new mechanism for reviewing licences when problems relating to the licensing objectives arise rather than the current practice of having to await renewals before any action can be taken;
- allowing the Police, or indeed any responsible authority or interested party (such as a local resident), to ask the licensing authority to review a licence at any time on grounds relating to any of the licensing objectives including the prevention of crime and disorder;
- allowing a flexible range of measures to be taken as the result of such a review including:
  - temporary or permanent reduction in trading hours;
  - temporary or permanent reduction in licensable activities;
  - temporary or permanent modification of other conditions attached to the licence or club premises certificate;
  - removal of designated premises supervisor from the licence; and
  - suspension or revocation of licences or club premises certificates.

**1.15** The Act also protects children by:

- making it an offence to sell alcohol to people under 18 anywhere in England and Wales. This removes a numerous array of exceptions and exemptions;
- increasing the maximum fine for selling or supplying alcohol to children from £1,000 to £5,000. The Act will also make it possible to suspend or forfeit personal licences at first offence whereas previously on-licences could only be suspended for a second offence.

**1.16** The Act will also abolish the automatic fixed closing times which can encourage binge drinking and result in large numbers of young people hitting the streets simultaneously causing the Police significant difficulties. However, those who wish to extend their licensing hours will still need the licensing authority's agreement where the Police or local people have made representations or objections about this. Applicants will be required to pay a fee. At present one in ten licensed premises open beyond normal closing time.

**1.17** The fee structure will change too. Currently an alcohol licence, even for a very large pub or club, costs only £10 a year and the income goes only to meet the administration costs of magistrates courts. The fees under the new Act

will provide licensing authorities with an estimated £110 million over three years for licensing and enforcement activity by local authorities. This will be the first time fees have been provided for enforcement in relation to alcohol disorder. In addition, we estimate that the new regime should enable both the Police and the industry to make savings as a result of abolishing six current licensing regimes.

**1.18** With all 115,000 pub and club licenses up for renewal over the next six months as we move to the new system this is a unique opportunity to act to shut down the small minority of premises which generate a significant amount of disorder.

**1.19** All of these measures are helping, and will help more in the future, to control and reduce the level of alcohol fuelled disorder. But they do not, in the Government's view, do enough to tackle all of the problems which have been evidenced by the results of the two recent alcohol misuse enforcement campaigns and identified particularly by the Police and Local Authorities arising from the heavy concentrations of licensed premises in relatively concentrated parts of our towns and cities. The rest of this paper therefore sets out a further range of proposed measures on which the Government would like to consult.

## 2. ALCOHOL DISORDER ZONES

**2.1** Where a particular geographical area has been identified as giving rise to a problem of anti-social drinking, the Police and Local Authorities can already designate it through a Designated Public Place Order, which gives the Police the powers to confiscate alcohol containers within it. To date, this power has been used by around 130 Local Authorities. Under the Anti-Social Behaviour Act 2003, the Police and Local Authorities can also agree that, in problem localities, groups of people intimidating, harassing, alarming or distressing the public may be dispersed, and those under 16 who are unsupervised can be sent home after 9 pm. Around 400 anti-social behaviour areas were designated between January and September 2004. However, while some of these areas are found within city centres, the majority are more narrowly focussed and are often estate based. Moreover, they are aimed at irresponsible individuals and have no direct impact on those who may be encouraging irresponsible behaviour.

**2.2** The Government is therefore proposing building on these powers through the introduction of a new concept – Alcohol Disorder Zones. Such zones would cover licensed premises in an area agreed between the Police and the Local Authority. Before such a zone was designated the licensed premises which are contributing to alcohol related disorder within the area concerned would have the opportunity to implement a set of actions to reduce alcohol disorder. Where they fail to do so, they would be required to contribute towards the Policing and other local costs of dealing with the disorder being created by alcohol in the area concerned.

**2.3** Such zones would be designated where, in the view of the Police and Local Authority concerned, there was strong evidence of alcohol related disorder having reached clearly unacceptable levels. The intention of the new power would be to provide an incentive to those managing licensed premises in the area to reduce the level of alcohol-fuelled disorder in their area through the better management of their premises.

The longer term aim would be to reduce disorder, and all its associated consequences, and to reduce the health harms associated with binge and irresponsible drinking by securing better run premises and an adoption of good socially responsible practice.

**2.4** There are a number of questions on which, assuming this proposal goes ahead, the Government would welcome views.

### **QUESTION 1**

**How should the proposed Alcohol Disorder Zones link with existing powers and with new powers under the Licensing Act 2003?**

**2.5** Zones would only be designated after the licensed premises in an area had been warned of the possibility and been given both a period of time to tackle the problems of alcohol fuelled disorder in the area and notice of the actions which would be required in order for a zone not to be designated in this way. Our objective is that the issues creating disorder should be resolved through an agreed action plan without a zone having to be designated. Where, nevertheless, a zone was designated, it would be made clear to the licensed premises responsible for the disorder within it what steps they would need to take for the designation to be lifted.

### **QUESTION 2**

**How long should the warning period be?**

**2.6** The introduction of a zone would be intended to provide a strong incentive for change. It would be introduced only where a voluntary approach had not worked and disorder was continuing. A robust early warning system would be put in place to ensure it was only used where encouragement and guidance had been tried and failed. To this end, where the Police and Local Authority had evidence of a significant problem, they would warn the relevant premises within the potential zone that designation was imminent. They would specify the steps that needed to be

taken to avoid designation. The relevant establishments would then be given a reasonable period – we propose a minimum of 8 weeks – to agree and implement a package of measures. Only if these premises failed to respond would the zone be imposed. In the great majority of cases we would fully expect the local industry to respond constructively and work to reduce disorder. But the designation of a zone would provide a back up if the necessary measures were not taken.

#### **QUESTION 3**

**What costs might be recovered?**

**2.7** Where a zone had to be imposed, the Government's initial view is that the required contribution should be confined to the additional costs directly associated with crime and disorder. (This would rule out, for example, the costs of any existing services such as the running of night buses.) Local Authorities, as well as the Police, suffer resource demands from high levels of disorder, for instance through additional street cleaning operations and, beyond that, accident and emergency services have to meet the costs of dealing with at least 70% of their case load at some weekend periods arising as a result of alcohol. Alcohol-related violence also gives rise to additional costs for the Criminal Justice System. Whatever the costs which might be reimbursed, however, it would be necessary to be able to demonstrate a link between them and the geographic area covered by the zone. The costs should neither be tangential to the problem nor should they be complicated to establish. There is a strong case for national guidelines on the rates of contribution which should apply. Views are welcome on the level of contribution required.

#### **QUESTION 4**

**Who should pay the costs?**

**2.8** The next issue is who within the zone should pay the costs, and on what basis. The Government believes that these costs should be targeted at those premises responsible for alcohol

related disorder and would welcome views on how this might best be fairly, practically and effectively achieved.

#### **QUESTION 5**

**How should the costs be apportioned?**

**2.9** Options range from a flat rate for each premise to differential shares of the costs, linked perhaps to capacity or to rate banding used for licensing fees.

#### **QUESTION 6**

**Should off-licences be included? How should the proposal cover off-licences? Should this be the same for all, or dependent on a trigger mechanism, such as sales to under 18s?**

**2.10** A further issue is whether the proposed zones should cover off-licences, including both corner shops and those that sell little other than alcohol, and supermarkets. The Alcohol Misuse Enforcement Campaigns have shown a considerable problem with sales by off-licences to under-18s and it is important that the off-licensed trade accepts responsibility for its own contribution to the problems of violence and disorder in the night-time economy. However, the link between sale and consumption, and a particular premise and disorder, may be more tenuous. Nonetheless, the Government is clear that off-licences, big and small, do need to contribute effectively to tackling alcohol fuelled disorder.

#### **QUESTION 7**

**How should the zone be defined? Who would need to be consulted?**

**2.11** The geographical coverage of the zone would need to be defined. The Government considers that this should be led by Police and Local Authority evidence of the area in which unacceptable levels of disorder are occurring. As with Anti-Social Behaviour Dispersal Orders, the

Government is keen to involve the community in such decisions, through consultation and/or a power for the community to request the creation of a zone.

**2.12** The Government is minded to enable the creation of the zone to be determined jointly by a Police officer of at least Superintendent rank and the Local Authority (as for Anti-Social Behaviour Dispersal Orders) in any area with significant alcohol-fuelled disorder where members of the public had been alarmed or distressed by the disorder in that area. An alternative approach would be for the decision to be confirmed by a magistrate. The Government would welcome views on which route consultees consider appropriate. The Government also believes that some form of appeal process would be needed. We are, however, clear that there should be minimal delay in the ability to create a zone once the warning period has expired. Any court process would need to be expeditious.

#### **QUESTION 8**

**How should the withdrawal of the zone be determined?**

**2.13** Once a zone had been created, there would need to be a clear means to decide what would trigger its withdrawal. The Government hopes these will be short term measures and zones should not be used for the long-term management of disorder since the aim of creating a zone would be to tackle, not manage, the problem. It envisages that where a zone had been imposed licensees in the area covered by it would be required to agree an action plan with the local Crime and Disorder Reduction Partnership or the Local Strategic Partnership for addressing the disorder problems which had been identified. This would need to address the specific issues which the Police and the Local Authority had identified as contributing to the problems which had led to the zone being designated. The action plan could also be helpful in establishing local licensing forums, involving the industry and the wider

policing family, potentially including door staff in agreeing what longer term arrangements were desirable.

#### **QUESTION 9**

**Should payment be enforced through licence penalties? If not, by what method?**

**2.14** There will need to be an enforcement mechanism to secure payment where necessary. This could perhaps be linked to the licensing process so that a failure to make an agreed payment within a set period would result in an automatic licence penalty, such as curtailed opening hours or even closure. An alternative would be standard court procedures but this would be expensive and time consuming. As the objective is to reduce disorder rapidly, the Government is inclined to favour the first option.

#### **QUESTION 10**

**Do Local Authorities see new burdens resulting from this?**

**2.15** The Government is considering whether these provisions would amount to a 'new burden' on Local Authorities. On the face of it, if Local Authorities were to receive a contribution to their costs where there are high levels of disorder, then they should not end up out of pocket, and the longer term reduction in disorder that should be delivered would benefit them. So overall Local Authorities should have reduced costs. We would welcome Local Authorities' views on this point.

#### **QUESTION 11**

**A Voluntary Approach?**

**2.16** Some licensed premises already contribute to local initiatives designed to reduce disorder. The Government very much welcomes these, and sees no reason why the introduction of alcohol disorder zones should affect them. Nor should the concept cut across the desire of some areas to develop Business Improvement Districts.

**QUESTION 12**

**Should the concept of a Voluntary Fund be further developed at the national level, primarily for producers?**

**2.17** The introduction of alcohol disorder zones would not impact directly on alcohol producers. The Government therefore intends to continue to develop proposals, in consultation with the industry, for a National Voluntary Fund, primarily aimed at producers at the national level, concentrating on education and campaign work to encourage responsible drinking. We are exploring how best to ensure an effective mechanism for administering the fund including the possible expansion of existing bodies.

## 3. UNDER-AGE SALES

### *The problem*

**3.1** The alcohol enforcement campaigns<sup>1</sup> found that:

- in the summer campaign 45% of the on-licences and 31% of the off-licences targeted by the Police were selling unlawfully to young people under the age of 18; in the winter campaign 32% of on and off-licence premises sold unlawfully to underage persons;<sup>2</sup>
- over a third of more than 12,000 alcohol confiscations during the two campaigns came from youths;<sup>3</sup>
- 57% of those asked about problem drinking in their area identified drinking by under 18s as the key issue;<sup>4</sup>
- 15% of 12 to 17 year olds reported committing a disorderly or criminal act during or after drinking.<sup>5</sup>

**3.2** The Prime Minister said on 9 December 2004:

“We have already given the Police the power to close for 24 hours, swiftly, without any unnecessary court procedure, premises where there is disorderly behaviour, or where there are regular fights going on inside or outside the licensed premises. What we want to do now is to extend that power to close licensed premises to a situation where there is persistent under-age drinking that is continuing with the knowledge of the licensed premises”

**3.3** The Licensing Act 2003 provides that it is the duty of all licensing authorities to carry out their functions under the Act with a view to promoting the licensing objectives, namely:

- the prevention of crime and disorder;

- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

**3.4** However, there are no powers currently available to the Police which enable them to close temporarily premises which have been identified as persistently selling to under-age young people. We believe there to be a need for such a power, which would enable the Police, trading standards officers or the licensing authority to close premises where it is necessary to do so for the protection of children from harm.

**3.5** The Government believes that such a power should cover both on and off licence premises. In the case of establishments selling both alcohol and other products a power akin to a banning order on trains might be introduced meaning that stores and supermarkets could continue selling non-alcoholic products during the existence of any such order.

### **QUESTION 13**

**What should trigger a closure power for underage sales?**

**3.6** The power outlined above would be used where evidence was acquired by the Police, licensing authorities or trading standards officers to suggest that a licensed premises was persistently selling to underage drinkers. Such triggers might include incurring a significant number of fixed penalty notices within a limited time, or evidence/intelligence gathered by Police/trading standards. Closure orders could be time limited to 24 or 48 hours.

1 The summer Alcohol Misuse Enforcement Campaign ran in over 90 Basic Command Units in July and August of 2004. The winter campaign ran from 17 December 2004 to 3 January 2005 and involved over 180 Basic Command Units.

2 AMEC

3 AMEC

4 MORI Survey/Strategy Unit report 2004

5 Youth Lifestyle Survey 1998/99, research findings 125

**3.7** Such an offence would need to be linked to the premises rather than the licence holder and would need to reflect the fact that in larger premises many staff will be responsible for sales of alcohol. Evidence of under age selling is unlikely in such cases to be linked to a single individual licence holder, although clearly the licence holder is responsible for ensuring the law is obeyed. We would also want to avoid the possibility that a premises could continue to trade under another individual's personal licence without taking steps to remedy the underlying failings which give rise to underage sales.

#### **QUESTION 14**

**Who should exercise the power?**

**3.8** As with a number of existing powers allowing for the temporary closure of licensed premises, e.g. noise, the closure power could be exercised by a Police officer of Superintendent level or above. Alternatively, or in addition, it could rest with a Chief Executive of a Local

Authority or an Inspector of Weights and Measures on the basis of specific evidence or intelligence. A further alternative would be for the agreement of a magistrate to be required. Such an application might be made to a single JP. If the JP agreed, an order would be granted overriding any premises licence, temporary event notice or club premises licence. The order could be delayed for up to 24 hours where Police feared immediate closure would have implications for disorder. The order would be served on the premises.

#### **QUESTION 15**

**What penalty should this attract?**

**3.9** The penalty for breaching existing alcohol related closure/banning orders is a fine of up to £20,000 or up to 3 months imprisonment, or both. The penalty for an unauthorised sale of alcohol under s136 of the Licensing Act 2003 is a fine of up to £20,000 or up to 6 months imprisonment, or both. A breach of the proposed closure order would need to attract a similar penalty.

## 4. CHANGING THE CULTURE

**4.1** Responsibility for ending the binge drinking culture must also lie with the individual just as much, if not more, than it lies with the industry and licensed premises. Individuals need to understand that if as a result of irresponsible drinking they commit offences these will not be treated as somehow of only minor importance because they were under the influence of alcohol.

**4.2** We need, in particular, to ensure that the system of offences and penalties works so as to discourage unacceptable alcohol-fuelled behaviour and to punish it appropriately when it occurs. Action needs to be swift and effective. And it needs to be carried out in such a way as to have the maximum impact without imposing unnecessary burdens on the Police.

**4.3** That is why the Government has made extensive use of the fixed penalty for disorder scheme for alcohol related offences. The following offences already attract fixed penalty notices:

- being drunk and disorderly;
- selling alcohol to a person under 18;
- purchase of alcohol in licensed premises for consumption by a person under 18;
- purchase of alcohol for consumption in a bar in licensed premises for a person under 18;
- delivering or allowing delivery of alcohol to a person under 18;
- being drunk in a highway;
- consumption of alcohol in a public place contrary to a requirement by a constable not to do so;
- consumption of alcohol by a person under 18 in licensed premises;
- allowing consumption of alcohol by a person under 18 in a bar in licensed premises.

**4.4** Most offences on the list carry a fixed penalty of £80 though for some the penalty is lower. We have recently moved the offence of being drunk and disorderly from the lower to the

higher tier in recognition of the degree of public nuisance and alarm that this can cause; and that of purchase of alcohol for under 18s similarly in order to tackle under-age drinking. Fixed penalty notices are quick and easy for the Police to issue. They provide an immediate financial penalty which, if not paid or contested in court within 21 days, is registered as a fine at one and a half times the original amount. It can then be enforced as a fine through measures such as, for example, attachment of earnings or benefits. Offenders can also have their car clamped or be placed on a credit blacklist.

**4.5** In addition to these existing penalties, the Government intends to introduce fixed penalty notices for attempting to buy alcohol when underage and for selling alcohol to a person who is drunk. We will also keep the list of fixed penalty offences under review and add others as appropriate.

**4.6** The Government is particularly determined to target those individuals, including those who are serial offenders, whose abuse of alcohol results in the repeated causing of disorder in towns and city centres. We propose, therefore, to create a new civil order – a ‘Drinking Banning Order’ – which will allow for the exclusion from the area concerned of individuals aged 16 years or older who are responsible for alcohol related disorder. The order could be triggered in respect of an individual via a number of possible routes. These could include mandatory consideration by a court following a third or subsequent alcohol and disorder related criminal conviction, or through application to the court by either the Police or a Local Authority following the issuing of third or subsequent alcohol related fixed penalty notice.

**4.7** It would be open to the Police, Local Authority or individual to return to the court within the terms of the order to request a variance or discharge of it.

#### **QUESTION 16**

**The Government would welcome views on whether such orders should have a minimum/maximum term? If so, what? Should exclusions permit the geographical scope of the order to go beyond areas where the offender has previously offended to prevent displacement? Should the order only apply to certain times of day (eg 6pm – 6am) or should this be at the court’s discretion? And what should be the penalties for the breach for such an order?**

**4.8** At the more serious end of the offending scale, the Government is determined to bring about a more fundamental shift in culture. Traditionally, the law and the courts have tended to regard alcohol as a mitigating rather than an aggravating factor; offenders were somehow deemed less culpable because they had committed their crime under the influence of alcohol than if they had been sober. That is simply wrong; offenders consciously choose whether to drink or not; and they should not be able to rely on their being drunk to escape the consequences of their actions. The Sentencing Guidelines Council, an independent body set up by the Government under the Criminal Justice Act 2003, has helpfully made clear in its recent guideline on seriousness that it is not appropriate to consider alcohol as a mitigating factor in offending of any kind. Courts will be obliged to abide by the guidelines or state why they have departed from them in any particular case.

**4.9** To build on this work the Government will be undertaking a review of the penalties associated with alcohol related offending. We want to assess whether we have the right penalties in place and whether there is a clear framework of penalties available to the Police, Trading Standards officers and the courts to deal promptly and robustly with alcohol related offences. This is so that we can help drive this change in individuals’ behaviour. As part of this we will want to consider whether there is an appropriate escalation of penalties in

those cases where we are dealing with persistent offenders. A fixed penalty notice, for example, might be appropriate for a first time offender but how should we deal with them following subsequent incidents to get the step change in their behaviour?

#### **QUESTION 17**

**What offences should a review cover? Should we cover drunk and disorderly offences/drink driving offences only? Or should we look at other violent offences fuelled by alcohol? What new or different penalties might be included in an escalation framework?**

#### *Culture change led by the industry*

**4.10** We need to instil a cultural change amongst young people, whereby they expect always to be asked for ID whenever they try to buy alcohol. We fully support the efforts of Threshers and others who have introduced the ‘21 and under’ scheme and will work closely with industry trade associations to ensure that the ‘No ID, No Sale’ approach is properly advertised through visible and consistent point of sale messages about company policy, and staff training.

**4.11** We also welcome the intention of the industry to draw up a single, national-level code of practice applicable to retailers and producers. The code will build on existing good practice by setting out clear industry-wide protocols around seeking proof of age, effective end-of-evening dispersal policies and about what constitutes an irresponsible promotion. This will make it clear to consumers and operators that irresponsible behaviour will no longer be tolerated.

**4.12** Through effective partnership work between the industry, Local Authorities and the Police, we will begin to forge a culture change in our town and city centres and to move away from an accommodation of the problems associated with binge drinking and towards the prevention of them.

## 5. IRRESPONSIBLE PROMOTIONS

**5.1** Consumers today have enormous choice in purchasing alcohol.

**5.2** There is a very wide range of on-licensed establishments including public houses, bars and restaurants. Many of these offer the consumer their own distinct ambience, food, entertainment and products. There is also a wide range of retail outlets offering off-sales ranging from small local corner shops through to the large supermarkets. And we have an unprecedented range of beers, wines and spirits from all over the world to select from. That choice contributes to our quality of life and to the alcohol industry playing a key role in providing a vibrant leisure and tourism industry in the UK.

**5.3** Against this background of a competitive and vibrant market place, many in the industry already recognise that hand in hand with developing their product range and marketing those products must go social responsibility in the way that they promote their products to the consumer. We commend in that context the work on the naming, packaging and promotion of alcoholic drinks undertaken by the Portman Group and applaud the fact that they can report 100% compliance by the industry with the decisions of their independent panel.

**5.4** It is clear, however, that despite this work there remain a number of forms of promotion which are contributing to the problems of binge drinking and alcohol fuelled disorder. In particular, promotions that encourage people to speed drink in a short period of time carry the considerable risk that they will lead to alcohol misuse and crime and disorder.

**5.5** The British Beer and Pub Association is developing a code of practice on point of sale promotions that will give guidance to owners and operators on banning irresponsible drinks promotions.

**5.6** The Government will support the industry in working towards ending all promotions that encourage speed drinking and in particular the industry giving clear guidance against promotions such as *"All you can drink for £x.99"* or *"Girls drink free."* At the same time the Government is equally clear that normal price competition in line with competition law should not be put in doubt.

## 6. CONCLUSIONS

**6.1** We want to create a culture where drinking sensibly is the norm, and where alcohol misuse is considered socially unacceptable. The measures on which we wish to consult in this paper are intended to secure this, through incentivising the alcohol industry, and individuals who currently drink irresponsibly, to change. Some of our proposals would require legislation which would be taken forward as soon as Parliamentary time allowed. We would welcome your views on all of the proposed measures set out in this paper.

## RESPONSES

Replies to the consultation paper should be sent to:

[Alcohol.Consultation@homeoffice.gsi.gov.uk](mailto:Alcohol.Consultation@homeoffice.gsi.gov.uk)

by 28 February 2005, or posted to:

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