

Chapter 3

Bottle Marking

The campaign

Marking bottles and cans of alcohol sold by premises holding off sales licences so that alcohol confiscated from under aged drinkers can be traced to the point of sale and action taken against the seller or agent who provided it.

Objectives

1. To reduce the number of alcohol fuelled youth related complaints received by the police and local authority,
2. To identify the main source(s) (i.e. which off sales premises) of the alcohol being consumed in public areas by young people,
3. To engage and educate the licence holders of local off sales premises and their staff regarding their legal responsibilities and to educate them about the effect that the sake of alcohol to under aged or irresponsible persons has on the local community,
4. To identify persons who habitually act as agents and purchase alcohol on behalf of persons under the age of 18 years and to take action against them,
5. To identify licence holders who may be selling alcohol to under aged persons, whether knowingly or not,
6. To educate young persons about the risks of alcohol abuse,
7. To educate the public about the penalties attached to purchasing/supplying alcohol to under aged persons.

Preliminary considerations

There is a considerable amount of work to be done prior to this initiative commencing. This work is critical if the initiative is to be a success.

The first requirement is to engage with the stakeholders. As noted in chapter 2 stakeholders are the police and Community Support Officers, the off licensed trade, Trading Standards and Licensing staff and council wardens where the same are employed. Where shopping centres are owned and managed by commercial organisations which employ security staff to manage the centres they should also be invited to take part in the scheme. It is suggested that a preliminary meeting should be held with stakeholders to outline the scheme and to promote its benefits to them, and also with the members of the Council Licensing Committee to advise them of the scheme and its perceived benefits and to gain their support for the same. Indicators of success should be agreed with stakeholders so that there is common understanding and buy in from all

parties and all are engaged in ensuring the success of the initiative once operational.

The initiative is two pronged – it seeks to reduce sale of alcohol to under aged drinkers from premises having an off sales licence and also to reduce the quantity of alcohol being provided to under aged drinkers by agents – third parties who may purchase alcohol for under aged drinkers at their request. The two strands are tackled simultaneously but using different approaches, the second strand relying on a degree of education of the general public.

It is important that there is certainty about how the scheme will be progress and the consequences that will follow where offending is detected. The stakeholders and partners should therefore be aware of the enforcement policy to be adopted where offending behaviour is detected. The enforcement agencies (the police, Trading Standards and the relevant local authority departments) should determine what action will be taken where offending behaviour is detected , e.g. sales of alcohol to under aged persons, supply of alcohol to under aged persons by agents and third parties and should ensure that they have a clear and transparent statement to that effect to ensure that all parties are informed as to the position should offending behaviour be detected. Options may include reports to Licensing Committee regarding whether a person can be considered a Fit and Proper person to hold a licence should they permit sales of alcohol to under aged persons which may lead to suspension of licences for period to be determined by the Licensing Committee, issuing of warnings, Simple Cautions or prosecution of persons purchasing alcohol for under aged persons etc, and the circumstances in which the particular options will be selected.

Bottle Marking – premises

Local knowledge should be used to determine the areas in which the scheme should be run on a pilot or preliminary basis. Local police intelligence will advise as to where under aged drinkers gather or the premises that they target for supplies of alcohol, as well as being able to highlight areas close to or associated with off sales of alcohol where low level criminality is an issue. The holders of off sales licences in such are as should be actively encouraged to join the scheme. Membership of the scheme is voluntary, however in the Strathclyde police area where the scheme originated premises were advised that whilst they did not have to join the scheme membership of and active participation in the scheme would be information that would be provided to the Licensing Board for the area. On a similar basis Licensing Committees should be asked to seek active participation of the scheme amongst holders of off sales licences as being indicative of responsible behaviour. The text of the letter sent to holders of off sales licences' asking them to join the scheme as used in the Strathclyde areas appears as [Appendix 1](#) and can be adapted for local use. Holders of off sales licences will be aware of those alcohol products which are most popular with under aged drinkers and may wish to extend or amend the list of suggested products in the letter to

meet local circumstances, however evidence suggests that strong cider, strong lager and alco-pops are the products most likely to be selected by under aged drinkers and it is therefore suggested that these should be common to all premises taking part in the scheme.

Once the area or areas in which the scheme is to be run has been determined each premises in that area should be given a unique premises code. This should be short and should be sufficiently distinct from that of neighbouring premises in the locality to ensure that no suggestion of misidentification through misreading of the codes can be made. Lists of all of the premises codes should be circulated to all those partners to the scheme who will be involved in identification of confiscated alcohol; however access to the codes on this list should be restricted to prevent allegations of premises coding their bottles or cans with codes relating to other premises. It is further suggested that there should be agreement as to where bottles and cans should be marked, in order that all participating premises are marking in the same place, for ease of identification when product is seized. The scheme in Scotland promotes marking on the bottom of the bottles and cans, and specifically precludes marking on labels, which may be removed after purchase. Each participating premises should be provided with UV marker pens with which to mark the bottles and cans in the product lines selected and should be asked to mark all of the stock in the product ranges selected with the unique code. This includes all stock on shelves and thereafter all stock as shelves are restocked. Evidence from participating premises in Scotland suggests that this is not an onerous process and does not take up significant amounts of staff time. Frequently asked questions regarding the scheme are:

Does it take up staff time to mark up bottles and cans?

The evidence from Scotland is that it does not take up staff time. The staff in the premises concerned nominate those types of alcohol that they are most commonly asked for by young people, commonly strong lager, cider and alco-pops, and only those are marked. They are marked as they go onto the shelves during re-stocking causing the minimum of disruption.

Are sales affected?

Evidence from Scotland suggests that this is not the case. Where staff are vigilant regarding sales to under aged persons there should not be an issue in any event. It is further the case that where under aged drinkers are aware that sales to them and to those who may act as agents for them are being strictly controlled they may leave the area, and in doing so may make the area around the premises less intimidating for those who may wish to visit, encouraging them to do so.

Do the staff get hassled by under aged drinkers wanting to make purchases?

Again, the evidence from Scotland would suggest not. Under aged drinkers are usually aware of the criminality of their behaviour and once they are aware that service will be refused and that they may be recorded asking for service should the premises have CCTV cameras etc they tend not to make repeated visits to the premises.

The need to record occasions where staff have refused to serve alcohol to persons who appear to be under the age of 18 years should be reinforced, as a reduction in the number of attempts to purchase alcohol may be taken as an indicator of the success of the initiative.

Purchase of alcohol by agents/third parties

There is evidence to suggest that some members of the public are not aware that it is an offence to purchase alcohol and supply it to under aged drinkers, and that when approached by an under aged person outside a premises where alcohol is sold some will make a purchase on their behalf either without realising that by doing so they commit an offence, or alternatively with that knowledge but believing that no action will be taken against them for doing so. It is important to address this matter, since it is possible that under aged persons, being aware of the potential for increased vigilance regarding sale of alcohol directly to them, may increase requests to or pressure on third parties to buy alcohol on their behalf.

It is impossible to reach all of the individuals who potentially form the target group 'third parties/agents' directly since the group is disparate and speculatively based. It is therefore suggested that in any pre-publicity for the Bottle Marking Scheme the partners should highlight that offence of supplying alcohol to under aged drinkers and underline that action can and may be taken against those individuals who do so. In Strathclyde posters were prepared that showed photographs of young people suffering from the effects of alcohol and advised that supplying them with alcohol is an offence punishable by a £1000 fine. An example of one of the posters is shown as [Appendix 2](#). If the partners to the initiative decide to produce publicity of a similar type it should be produced and disseminated to all participating premises and to any other premises where the partners feel that it will be seen by those who may consider acting as agents or may be approached by young persons and requested to purchase alcohol on their behalf prior to the commencement of the initiative.

Enforcing the scheme

There is a requirement for staff who will be engaged in the scheme to be familiar with what will be required of them. All enforcement staff – police, Community Support Officers, Trading Standards Environmental Health and Licensing staff should be provided with ultra violet pens, key rings to other forms of detector so that when they confiscate or find a bottle or can they can ascertain from which premises it was purchased. They should also be provided, as noted, with a list of the identifying codes for premises so that they can link the bottle or can appropriately.

Where under aged individuals are found in possession of alcohol it should be confiscated and traced to the point of sale. In Scotland this action was supplemented by sending a letter to the parents or guardian of the under aged person, advising the of the fact that the under aged drinker had been found in possession of alcohol and offering assistance should the same be required. A copy of the letter used is shown as [Appendix 3](#). If the individual discovered drinking was aged 16 – 18 years old they were also sent a letter outlining the consequences of their conduct, the text of which is shown as [Appendix 4](#). If such letters are to be used the standard text should be prepared and circulated to all enforcement officers for use prior to the commencement of the initiative.

Alcohol found in the possession of under aged drinkers should be confiscated. Partners may wish to keep a record of confiscations which may be used as performance indicator.

The decision as to how offenders should be dealt with will in all probability have been subject to come consideration by enforcement officers, but all of those involved in enforcing the scheme should be aware of the agree positions regarding offenders to ensure consistency of approach.

Pre-commencement publicity

The partners to the initiative should take a view on whether they wish to publicise the scheme prior to its commencement. The decision to be made rests on whether the partners wish to draw attention to the existence of the scheme and by doing so alert under aged drinkers to the fact that there will be increase vigilance at off sales premises and that bottles and cans will be traceable to the point of sale, and further to draw the attention of those who may act as agents, whether with or without knowledge of the consequences of doing so to the criminality of their behaviour. Drawing attention to the scheme may have a pre-emptive effect in that under aged drinkers may be altered to the fact that their behaviour will be under greater scrutiny and may amend it, thereby contributing to the success of the initiative. In the alternative the partners may consider running the scheme for a period of time without drawing attention to it, in order to gather some data on number of offenders identified, confiscations etc prior to any publicity of the scheme, and after an agreed period of time publicise it and thereafter be in a position to make direct comparison of the data on a before and after basis. This will be a matter for local decision, but should be agreed in advance of the commencement of the scheme.

Performance indicators for the scheme as used in the Strathclyde scheme were:

1. Number of persons reported for crimes and offences,
2. Quantity of alcohol seized and disposed off,
3. Number of Parent Alert letters sent ([Appendix 3](#))

Figures from Ayrshire from September to December 2006, the pilot period showed that 171 youths under the age of 18 years were found to be drinking under age, 149 of which were male and 22 female. 630 litres of alcohol were seized.

It is suggested that additional performance indicators could include falls in the number of complaints of anti social behaviour received by the local authority and reductions in nuisance complaints relating to drinkers congregating around premises with off sales licences, although in all cases choice of performance indicators will be matter for local decision based around local circumstances.

Running the Initiative

Prior to the commencement of the initiative the following will have been put in place

Licensed trade (off sales)

1. All relevant stocks marked with unique identifying code
2. Posters regarding agents purchase and requirement for proof of age displayed
3. Refusals books in place

Enforcement partners

1. Enforcement protocol agreed
2. Standard letters drafted
3. UV Detectors supplied to all officers
4. Unique premises codes disseminated to all officers
5. Confiscations policy agreed

The scheme should start on an agreed date. From that date enforcement officers from all of the partner organisations should interface with groups of young people congregating in public places to determine whether they are drinking alcohol. Some areas have No Alcohol Zones where this is already standard practice, however where the area concerned is not a No Alcohol Zone it remains an offence for under 18 years olds to drink alcohol, and where this is discovered the alcohol should be confiscated and the identify of the drinker/s determined. Having determined the name, address and age of the drinker which ever of the letters shown as appendices 3 and 4 should be sent either to the parents/guardian of the drinker, or to the drinker if aged between 16 and 18 years.

The unique premises code on the bottom of the bottle or can should be discovered and the premises visited to discuss how the under aged drinker came to be in possession of alcohol purchased from that premises. If the alcohol was purchased by the under aged drinker themselves (as determined by asking the

drinker, and checking with CCTV footage where possible) action as determined by the enforcement protocol should be taken.

If the alcohol was purchased by a third party acting as agent for the drinker, or was given to the drinker by a parent or guardian relevant action as determined by the enforcement protocol should be taken.

Alcohol confiscated should be retained and recorded in order to quantify the size of the under aged drinking problem within an area, to determine what type of drinks those which should be marked locally as being preferred by under aged drinkers and to act as a performance indicator or measure of success for the initiative.

Where there are suggestions from the premises identified as that from which the alcohol was purchased that agents purchased the alcohol for under aged persons notwithstanding the presence of warning posters and any verbal advice given officers should seek to identify those persons acting as agents from viewing CCTV footage should the same be available, and in the event of this not providing sufficient evidence upon which to base action should consider proactive surveillance of the premises in order to address the issue, having regard at all time to the provisions of the Regulation of Investigatory Procedures Act 2000.

In addition to apprehending under aged drinkers drinking alcohol in public places enforcement officers should also make unannounced visits to premises taking part in the scheme to check that the range of alcohol products that have been identified to be marked are in fact marked when displayed on the shop shelves. This ensures that all premises are confident that everyone is taking part on the same basis, and further provides support to the owners of the off licensed premises. The refusals book can also be viewed at the same time to further underline the importance of refusing to serve alcohol to those appearing to be under age that cannot prove their age using an appropriate proof of age mechanism.

The scheme in Strathclyde was led by the police and considerable police resource was put into high profile patrolling of known areas, particularly on Friday and Saturday nights and in interfacing with premises and licence holders. Clearly such a resource is expensive, and availability of funding will determine how the initiative is conducted. It is suggested that where the engagement of the police at such a high level cannot be assured the same role should be undertaken by Licensing, Trading Standards and Environmental Health Officers with support where possible from Community Support Officers and such other staff as can be identified. Where resource is very limited only those areas where there is an obvious problem should be targeted to ensure that coverage can be complete, with the initiative being widened as availability of resource allows.

Identification of alcohol

Once the scheme becomes established and the fact that bottles and cans may be marked to identify their point of origin become known under aged drinkers in possession of bottles or cans of alcohol may decant their contents into soft drink bottles or other containers and discard the original bottle. Whilst this will make identification of the supplying premises impossible officer may wish to consider using Alcohol test strips to determine whether the contents of unmarked containers or soft drink containers are alcoholic, and in the event that they are confiscating them.

Saliva Alcohol Test Strips can be purchased, which work by immersing the tip of a test strip into the unknown liquid, waiting for 2 minutes then analysing a colour change which will show the presence of alcohol. This sort of testing is recommended as being non-invasive and not requiring consent. Suitable test strips, as used by NHS Accident and Emergency Departments can be found at www.valuebreathalysers.co.uk Other types of test strip are also available.

Evaluation of the Initiative

As with any initiative of this sort evaluation of impact is critical. The partners to the project should determine prior to its commencement what evaluation measures are to be used, and a number are suggested in the foregoing text. There are a number of the suggested evaluation measures that can be measured easily – number of bottles/can confiscated, number of under aged drinkers identified, number of agents identified, and further evaluation can be based upon number of specific actions taken – Simple Cautions issued etc.

Evaluation of the more oblique parts of the initiative is less simple. Whilst it is relatively easy to measure incidents of low level crime – incidents of appearance of graffiti etc., the absence of the same is more difficult to measure. It is also difficult to measure perceptions regarding improvements in an area, other than in a wholly subjective manner. Where the intention is to determine whether an area has been improved by the initiative it will be necessary to undertake some subjective research regarding attitudes held by people living or frequenting the locality in question prior to the commencement of the initiative and to repeat the work at a given period after commencement. Questions could consider feeling if being safe, of feeling intimidated, of preferring not to visit a premises when groups of young people are hanging around outside etc. but the answers and their validity will depend much on the individual being asked and being able to make contact with the same individuals after the initiative as prior to it.

Following up the Initiative

In the first instance it was suggested that the initiative should be run only in areas where there is a problem with under aged drinkers - generally around local

corner shops and other places where alcohol can be purchased to be drunk off site. After the commencement of the initiative there is a risk that under aged drinkers will be displaced by it and will seek out other places to drink, so that the problems of under aged drinking and incidents of low level crime are moved from areas that were initially a problem to 'new' areas. Care should be taken to catch such areas when making routine patrol of the area.

Evidence from Scotland suggests that it is of critical importance to keep following up all parts of the initiative to reinforce the messages about it. This includes enforcement officers visiting off licensed premises taking part in the scheme to ensure that the bottles and cans of alcohol that they have agreed to mark before sale are indeed marked when present on the shelves and that the policy of checking the age of potential purchasers is being followed, interfacing with groups of young people gathered in public places to ensure that they are not drinking and if they are confiscating the drink if obviously alcoholic and testing any substances about which there are grounds to suspect the presence of alcohol and following up all incidents of third party purchase of alcohol where there is evidence that this has taken place.

Variations

Whilst this initiative has been targeted at alcohol it is readily adaptable to use with other age of sale controlled products such as knives, glue and other solvents, or other products, such as aerosols where a problem may have been identified locally.