

Gloucester City Council

OVERVIEW AND SCRUTINY COMMITTEE

TASK AND FINISH GROUP

ON SALES OF HIGH STRENGTH ALCOHOL AND ITS CONTRIBUTION TO NEGATIVE OUTCOMES AND INTERACTIONS WITHIN THE COMMUNITY

FINAL REPORT AND RECOMMENDATIONS

April 2018

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Section 1 – Introduction

Background

On the 11th July 2016, Gloucester City Council's Overview and Scrutiny Committee commissioned a Task and Finish Group study to identify actions to reduce the sale of high strength alcohol and the impact on the community.

The Task and Finish Group was formed in November 2016. The report details the purpose and process of the review, the Task and Finish Group's findings, and its recommendations.

Membership

The following cross-party Members took part in the study:-



Councillor Kate Haigh
(Chair)



Councillor Hannah Norman



Councillor Declan Wilson

The Group was supported by Licensing Team, the Community Wellbeing Team, the LVA and Democratic and Electoral Services.

Section 1 – Introduction (continued)

Terms of Reference (as defined in the scoping document shown in Section 2 of this report)

The agreed **ambition** for the review was:-

‘To reduce harm in the community caused by alcohol abuse’

The **anticipated outcomes** for the review were set as:-

- Preventative rather than punitive measures;
- Reduce alcohol based harms and anti-social behaviour caused by alcohol abuse;
- Put tools in place for Officers of the Council to be able to address these issues;
- Work with Licensees to address concerns.

Length of Study

When the terms of reference were drawn up, it was anticipated that the review would take around four months. However, it became clear that, given the need to produce research from a number of sources (including primary data and secondary literature) this work would take considerably more time than originally anticipated.



To allow for this factor, the study was more protracted with meetings of the Task and Finish Group being programmed around the work of a fluid set of Officers.

The Overview and Scrutiny Committee was briefed on the Group's progress when Councillor Haigh, Chair of the Task and Finish Group, attended their meeting on 29 January 2018 in order to give Members a verbal interim report in anticipation of the work's imminent conclusion.

Section 2 – Scoping of Study (the Terms of Reference)

| SCRUTINY REVIEW – ONE PAGE STRATEGY | |
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| Broad topic area | Promoting Responsible Drinking Councillors Haigh, Wilson, Norman (substituted for Councillor Melvin) |
| Specific topic area | Sales of High Strength Alcohol and their contribution to negative outcomes and interactions within the community. |
| Ambitions for the review | To reduce harm in community caused by alcohol abuse. |
| How do we perform at the moment? | There is a DPPO in place at the moment in the City Centre but this is in relation to consumption rather than the purchase of alcohol. Whilst there was a “Reducing the Strength” programme as part of the Council’s Licensing Policy Statement for 2016/2021, this is not currently ongoing. All Licenses are requested to run a Challenge 25 scheme and suggested a Challenge 30 scheme. |
| Who should we consult? | <ul style="list-style-type: none"> • LVA • Off Licences • City Safe – Rich Burge • Street Pastors • Press • Street • Drinker Agency <ul style="list-style-type: none"> • Police – PC Mark Mansfield • City Centre Partnership • Drinkers especially street drinker and young people • Public Consultation |
| Background information | <ul style="list-style-type: none"> • Safe and Attractive Streets Policy • Council’s Licensing Policy Statement for 2016/21 • Gloucester City Council O&S Workshop on High Strength Alcohol 22/3/16 • LGA “Reducing the Strength Policy” • Club Soda “Nudging Pubs” Report |
| Support | <ul style="list-style-type: none"> • Democratic Services • Lisa Jones, Food Licensing and Markets Manager • Other Officers as required |
| How long will it take? | Approximately 4 Months – Aim to have finished for February 27 2017 Overview and Scrutiny meeting. Final report and recommendations therefore required on Friday 17 February 2017. |

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| Desired Outcomes | <ul style="list-style-type: none">• Preventative rather than punitive measures will be favoured.• Reduce alcohol based harms and anti-social behaviour caused by alcohol abuse.• Put tools in place for Officers of the Council to be able to address these issues• Work with Licensees to address concerns |
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Section 3 - Summary of Current Position

Introduction

The consumption of alcohol is one of the most commonly experienced activities on the British cultural landscape. The vast majority of people who drink alcohol enjoy doing so and do so in a safe and controlled manner without the risk of causing immediate harm to either themselves or others. Gloucester is no different in this respect and neither is it different in the way in which the alcohol industry provides a large contribution to the local economy through bars, pubs, restaurants and shops.



Whilst most enjoy alcohol in a safe way, it is evident that some drinking habits harm, not only the health of the individual but the health and wellbeing of the community at large. According to the Health and Social Care Information Centre, in excess of 1.5 million people are alcohol-dependent. Long term alcohol abuse, it is well known, can (among other matters) lead to heart disease, strokes and liver disease as well exacerbate existing mental health conditions such as depression, anxiety and bi-polar disorder.

Of note is the proliferation, over the past few years, of the sale of 'super strength' (or, for the purposes of this study, high strength, alcohol). This has typically been defined (for example, by the Local Government Association and other Local Authorities) as lager/beer and cider products with an ABV of 6.5% or greater. There are a number of products on the market which far exceed this volume of alcohol – some of which can contain more than the daily drinking guidelines. In previous years, this has caused enough consternation for the Portman Group Independent Complaints Panel to ask licensees to not stock a particular 500ml product of 9% ABV as it, 'encouraged immoderate consumption'.

The group identified that the sale and consumption of such high strength products had significantly increased and a partial consequence of this was an increase in street drinking and associated anti-social behavior. Worthy of note also is the fact that a Designated Public Place Order (DPPO) has been in place since September 2002. A DPPO is an Order which gives police officers a discretionary power to require a person to cease drinking alcohol and confiscate alcohol in public places where the order is in effect.

In 2014, twenty areas were selected by the Home Office to be Local Alcohol Action Areas with Gloucester selected as one with a particular focus on diversifying the night-time economy. It appears that the project nationally did not receive a great deal of attention and no outcomes of this have been identified.

Towards the end of the study, the merits of a Public Spaces Protection Order (PSPO) began to be examined. A public consultation exercise (which contained questions related to alcohol-related nuisance) was carried out between 8th January 2018 to 4th April 2018.

The identified aim of the study, therefore, was to reduce the consumption of high strength alcohol in the city in order to promote greater wellbeing of both the individual and the community.

It was agreed that the group would:-

- Investigate the prevalence of high strength alcohol in the City of Gloucester;
- Consult partner organisations on their experience of high strength alcohol consumption;
- Examine other Councils' work in reducing the consumption of high strength alcohol;
- Make realistic recommendations that could assist in the harm reduction – both to the individual and the City.

What might the work reveal?

- A high number of outlets offering high strength alcohol;
- What challenges the sale and consumption of high strength alcohol brings;
- A perception of an unsafe environment where high strength alcohol is consumed in public places;
- Examples of best practice across other authorities.

Section 4 – Findings

Introduction

This section summarises the discussions held at the Task and Finish Group meetings and the actions which were identified during these meetings.

Meeting 1 – 14 November 2016

The Group discussed the background to the study and agreed the scope of the project by completing a one page document which set out the ambitions for the review and the anticipated outcomes.

Outcomes from the meeting held on 14 November 2016

1. Members outlined concerns about the sale of high strength alcohol and its impact on the community.
2. The Group agreed that meetings would be held with relevant bodies and individuals (LVA/UoG Students' Union/Police etc).
3. Members identified, through both their ward work and discussions with other Members, a number of areas which saw a greater prevalence of high strength alcohol – both in terms of sale and visible consumption. These included the Rose Garden on London Road, Eastgate Street and Westgate Street.
4. The desired outcomes were agreed as follows:
 - Preventative rather than punitive measures would be favoured;
 - Reduce alcohol based harms and anti-social behaviour caused by alcohol abuse;
 - Put tools in place for Officers of the Council to be able to address these issues;
 - Work with Licensees to address concerns.
5. The Local Government Association's '*Reducing the Strength*' document would be circulated among the Group. (N.B: The *Reducing the Strength* document is not a



tool to promote such schemes; rather it is guidance in addressing the concerns of the alcohol industry and ensuring compliance with relevant legislation.)

Meeting 2 – Gloucester Local Victuallers Association (LVA): 30th March 2017

The Group attended a meeting of the Gloucester LVA to not only outline the purpose of the study but to also hear the concerns of local licensees.

Matters discussed

1. One licensee based in Westgate informed the Group that street drinkers had caused issues by frequently entering his premises to use the toilet facilities. Another premises kept a log of incidents and would frequently encounter issues with street drinkers 3-4 times a week. The Chair of the LVA stated that, in some parts of the City Centre, daytime saw more problems as the night time economy had the benefit of moving people - the LVA and door staff worked alongside each other in this endeavour. Some held the view that the issue was not small off license but national supermarkets.
2. In terms of particular groups who consume high strength alcohol, LVA members identified non-homogenous groupings of people who caused concern in the City Centre. This included individuals who congregate at King's Square, those without a local support base who remain mobile while drinking in the open and those who drink high strength alcohol in doorways in Eastgate Street. It was held by members of the LVA that homelessness was not a factor as the majority would return to homes in the late afternoon. The Chair stated that such problems were becoming a 'fact of life' and licensees were doing their best to continue operating in this environment.
3. Members of the LVA suggested a number of approaches which could alleviate the issues caused by the consumption of high strength alcohol in public. It was suggested by one member that a more visible police presence could improve this. Similarly, another member stated that enforcing the legislation related to street drinking (such as the DPPO) would require further police resources. A further member suggested a Public Spaces Protection Order (PSPO) and a Business Investment District to assist in changes perceptions of the City Centre.

Section 4 – Findings (continued)

Meeting 3 – 23rd October 2017

There was a considerable time gap between the Group meeting due to re-focussing the project and personnel changes.

Matters discussed

1. Gloucester City Council's Head of Communities outlined that Officers had identified three themes across the work of the Group:
 - A scheme for off licences to participate in reducing the sale of high strength alcohol;
 - Different approaches to licensing policy;
 - Raising awareness of the harm high strength alcohol can do and lowering alcohol intake.
2. In the period following the meeting with the LVA, every 'off' licensee was sent a letter and a series of questions to gather information on the sale and consumption of high strength alcohol and the challenges this presented. It was reported that, having written to 124 premises, there had been no responses. An Officer from the Community Wellbeing Team reported that Officers had attempted engagement in person and that this had been a challenge.
3. The Group explored whether there could be voluntary involvement in reducing the sale (and, by extension, consumption) of high strength alcohol or, if there was to be involvement on the part of the authorities, whether a review of licences could be considered. It was queried whether a voluntary alteration of a licence could be considered with regard to the ABV of particular products. It was agreed that advice would be sought from One Legal on the question of licensing.
4. A discussion took place in relation to identifying areas where there was an issue with the consumption of high strength alcohol and its consequent effect of street drinking. It was agreed that Officers, in tandem with partner organisations, would conduct research into the prevalence of the sale of high strength alcohol in the City.

It was noted that a public consultation regarding the possibility of introducing a PSPO was to begin in January 2018 and would run until April 2018. Whilst it was vital that the Group did not pre-judge the outcome of the consultation, it was felt

that it may be useful in the sense of giving a broad overview of whether there was a perception that alcohol use in the City Centre was an issue.

5. There had previously been discussion around 'on' sales and reducing alcohol intake. It was reported that there were certain venue companies which would not participate in any form of scheme to reduce alcohol intake. It was agreed that the LVA would be asked for details of which venues did take part in and what schemes were in use.

Meeting 4 – 20 December 2017

Matters discussed

1. The Group was updated on the field research that had been conducted. It showed that there was a very high prevalence of the sale of high strength alcohol in the City. It also revealed that areas with a high level of street drinking were accompanied by shops which sold a vast number of high strength products. It was agreed that a summary of these findings would be included in the Group's report.
2. One of the Democratic Services team had met with the University of Gloucestershire Students' Union Membership Services Manager and Welfare Officer along with the Chair of the Group. They did not believe that there was a high level of high strength alcohol consumption among students but did note that 'pre-drinking' was a common feature of the student experience. They also shared that street drinkers' drinking high strength alcohol did have an effect on the community and areas of Gloucester where students reside. The Welfare Officer described some parts of the City Centre as 'eerie' at night when returning home and raised questions regarding student safety (and perceptions of safety) when the student population increases in the near future.
3. A summary of the legal advice obtained by the licensing team was shared. The key aspect for consideration is the fact that it would be ultra vires for licensing to effectively ban the sale of high strength alcohol. There are measures that can be taken on an ad hoc basis and it was agreed that this would be included in the Group's report. It was noted that there was a premises where a license holder who had voluntarily agreed to not stock high strength products. It was found, however, that he was in breach of this and enforcement was initiated.

4. Examples of voluntary schemes in other parts of the country were discussed – the two key areas being Suffolk and Portsmouth. It was found that considerable effort was made in partnership with other bodies to launch the schemes and they had seen significant success.



Publicity used in Suffolk

Section 5 – Conclusions

The Task and Finish Group reached the following conclusions:-

1. The consumption of high strength alcohol (beer/lagers/ciders over 6.5% ABV) is a significant health issue nationwide and affects Gloucester also. The sale of these products is widespread. Of 32 off licenses in the City Centre that were visited, each sold at least one high strength product with numerous offering many more. The suggestion that the issue was not small off licenses but national supermarkets is not borne out by the field research that was conducted. Supermarkets were least likely to stock a wide range of high strength products and, in all but one case, mostly stocked products in packs of at least four. Supermarkets did not stock white cider. In terms of smaller off-licenses, the number of high strength products ranged from three to fifteen and each off-licence sold white cider.

There is a wide range of products available ranging from single cans to three litre bottles of 'white' cider. The strength of products ranged from 6.5% to 10%. In the discussions of both the Group and outside bodies, a question was repeatedly raised about the fact that, if any given shop were to not stock such products, individuals could simply buy a bottle of spirits. What this does not account for is what is likely to make these products so attractive – their price. At the lowest end of the pricing scale was the equivalent of 66p per 500ml can.

2. During the course of the study, the Group re-scoped the project to include formulating applicable and enforceable recommendations to reduce negative impact of Street Drinking upon the City rather than simply reducing harm caused

by alcohol. This had the benefit of a sharper focus and clear aims. Councillor H. Norman also joined the Group as a replacement for Councillor Melvin.

3. There is limited capability to reduce the sale and consumption of high strength alcohol from a licensing perspective. The legal view is that the Council would be unable to put a blanket ban into its Statement of Licensing Policy as each application is considered on a case-by-case basis. Members of the Licensing Sub-Committee could add a condition at a hearing or following a review of a Premises Licence. A Responsible Authority could request that this is added as a condition during the consultation period when a new application is received. If there is evidence to review the premises licence at an off licence, a responsible authority i.e. the Police could make an application to review the licence and stipulate that they would like this condition added to the licence which would then help in the promotion of the four licensing objectives. It must be stressed, however, that this requires clear and compelling evidence that the licence holder in question is breaching licensing regulations.
4. As noted above, there was an example of a licensee voluntarily not stocking high strength alcohol but had breached this. In any such scheme, it is clear that enforcement has an important role to play.
5. The public consultation in relation to a proposed PSPO has concluded. Whilst the details of the responses have not yet been made public, a significant majority considered that alcohol related nuisance was either a big problem or a very big problem. Again, a significant majority agreed with the proposed term in the draft order with regard to alcohol related nuisance. It is evident, therefore, that there is a public perception that the consumption of alcohol in public is an issue.
6. Other Local Authorities have initiated 'Reduce the Strength' campaigns. One such example is Suffolk County Council which launched its campaign in Ipswich in September 2012 in partnership with Ipswich Borough Council, Suffolk Constabulary and the East of England Co-operative Society. It was initiated following complaints from the public and businesses that street drinking had become a significant issue.

There were three approaches to the scheme. Off licences were asked to stop selling high-strength alcohol products of 6.5% ABV and above, the police took action where regular street drinking caused disturbances and the County Council put resources into outreach work to encourage drinkers into receiving treatment.

Responsible authorities also made use of the licensing process to 'nudge' retailers into taking part. Council Officers visited businesses upon licensing approval to request that they consider sign up to the scheme citing potential gains for license holders and the benefits to the local community.

This campaign was very successful in that 100 out of 138 off licenses subscribed to the scheme including national supermarkets. Further, the number of street drinkers fell from 70 to just over 20 and incidents in which the public contacted the police in relation to street drinking fell by almost 25%.

A similar scheme was also introduced in Portsmouth. Of 184 off licences, over 100 signed up to the scheme leading to a reduction of 39% in street drinking.

A challenge for both campaigns was the unwillingness of some license holders to be part of the scheme citing loss of earnings. In one case, a license holder was observed breaching licensing regulations by selling alcohol to intoxicated persons but agreed to the voluntary removal of high strength alcohol.

7. It is unlikely that licensees simply not stocking high strength products will have the effect of reducing consumption and associated health problems on its own. What is noticeable from the schemes in both Suffolk and Portsmouth is the fact that a very much joined-up approach with partners was the key to its success. Working with law enforcement and health agencies enabled an approach which was focussed on both anti-social behaviour and encouraging dependent drinkers to seek treatment. If a similar effort to reduce the sale and consumption of high strength alcohol were employed in Gloucester, such issues could be combatted.

Section 6 – Recommendations

The Task and Finish Group’s ambitions for the study were:-

- *To reduce harm in community caused by alcohol abuse.*
- *To formulate applicable and enforceable recommendations to reduce negative impact of Street Drinking upon the City.*

The Task and Finish Group’s recommendations are:-

1. To ask the Gloucester City Council representative on the Health and Care Scrutiny Committee to share the Group’s report with the committee to inform the committee’s work planning activity;
2. To share this report with the Director of Public Health for Gloucestershire and the Gloucestershire County Council Cabinet Member for Public Health and Communities;
3. To share this report with the Gloucestershire Health and Wellbeing Board to inform its discussions on the refresh of the Gloucestershire Joint Health and Wellbeing Strategy;
4. In partnership with the Gloucestershire Health and Wellbeing Board, there could be a Voluntary Code of Practice initiative where off licences commit to not selling high strength alcohol products. As noted in this report, there is no current legislation in place for enforcement action to take place;
5. Where clusters of off licences are associated with clusters of ASB, particularly related to alcohol consumption, licensing enforcement team to work with those retailers to reduce the strength of the products available in that location and to consider not selling the lowest priced high strength products;
6. Where a fresh planning or licensing application is received in respect of a proposed premises in an identified ‘cluster’ area, those relevant Committees to consider placing restrictions on those licences if approved;
7. For the Overview and Scrutiny Committee to note the approach taken by the Health and Care Scrutiny Committee at Gloucestershire County Council upon their noting of this report.

Section 7 – Acknowledgements

The Task and Finish Group would like to thank the following for their input to the study:-

- The Licensing Team;
- The City Centre Improvement Team;
- The Community Wellbeing Team;
- The Gloucester Victuallers Association;
- One Legal;
- Democratic Services.