



**Scottish Health Action on Alcohol Problems (SHAAP) response to the Scottish Government's Consultation on Police Powers to Search Children and Young People for Alcohol**

**July 2016**

Scottish Health Action on Alcohol Problems (SHAAP) welcomes the opportunity to comment on the clarity and practicality of the new alcohol guidelines. SHAAP provides the authoritative medical and clinical voice on the need to reduce the impact of alcohol related harm on the health and wellbeing of people in Scotland and the evidence-based approaches to achieve this.

SHAAP was set up in 2006 by the Scottish Medical Royal Colleges through their Scottish Intercollegiate Group (SIGA). SHAAP is governed by an Executive Committee made up of members of the Royal Colleges and Faculties in Scotland.

SHAAP works in partnership with a range of organisations in Scotland and beyond. Key partners include Alcohol Focus Scotland, the British Medical Association (BMA), the Scottish Alcohol Research Network (SARN), the Alcohol Health Alliance, the Institute of Alcohol Studies, Eurocare and the European Public Health Alliance (EPHA).

**Question 1**

*Do you think it is appropriate for the police to search a child or young person for alcohol as outlined in Part 1 of this consultation paper is an appropriate way to reduce risks to safety and wellbeing caused by possessing and consuming alcohol in public?*

No.

The latest MESAS annual report highlights that levels of alcohol consumption among school-age children are at a historically low level<sup>1</sup>. The latest SALSUS data shows that the proportion of young people reporting drinking in the street has halved since 2008 and is at its lowest recorded level<sup>2</sup>.

In terms of effective alcohol policy to protect and support young people, action to address the World Health Organisation's three 'Best Buys'<sup>3</sup> would have the greatest impact on improving the health and wellbeing of the whole population, including young people:

- **Action on Price** – specifically minimum unit pricing (MUP). This pricing measures targets cheap, strong alcohol and makes this type of alcohol less affordable<sup>4</sup>.

<sup>1</sup> NHS Health Scotland Monitoring and Evaluating Scotland's Alcohol Strategy (MESAS) (2016) Final Annual Report [http://www.healthscotland.com/uploads/documents/26884-MESAS\\_Final%20annual%20report.pdf](http://www.healthscotland.com/uploads/documents/26884-MESAS_Final%20annual%20report.pdf)

<sup>2</sup> Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS) (2013) Alcohol Use among 13 and 15 year olds in Scotland 2013 [http://www.isdscotland.org/Health-Topics/Public-Health/Publications/2014-11-25/SALSUS\\_2013\\_Alcohol\\_Report.pdf](http://www.isdscotland.org/Health-Topics/Public-Health/Publications/2014-11-25/SALSUS_2013_Alcohol_Report.pdf)

<sup>3</sup> [http://www.who.int/nmh/publications/who\\_bestbuys\\_to\\_prevent\\_ncds.pdf](http://www.who.int/nmh/publications/who_bestbuys_to_prevent_ncds.pdf)

- **Action on Availability** – Licensing reform to reduce or stabilise the number of outlets selling alcohol, thereby reducing the availability of alcohol to young people. The objective to protect public health should be of primary consideration in all Licensing Applications.
- **Action on Marketing** – research shows that exposure of children and young people to alcohol marketing leads them to drink at an earlier age and to consume more alcohol than they otherwise would have<sup>5</sup>.

An extension of Police Scotland's test purchasing scheme could contribute towards reducing the number of outlets where children and young people are able to purchase alcohol. Education and engagement with alcohol retailers in this regard is important to address the knowledge gap that many of them have<sup>6</sup>. At a meeting SHAAP held with Police Scotland in October last year to discuss test purchasing, they stressed that education of the license holder (of an outlet or premise) is key to the success of test purchasing. When an outlet or premise fails a test purchase, it is usually widely publicised in media and the local area, and thus has a much wider impact. This should also be accompanied by stronger enforcement of ID checks.

We are concerned that the powers to Stop and Search young people for alcohol, as outlined in the consultation paper, may breach the human rights of young people, as well as being ineffective in changing problematic drinking behaviours.

The problems with Stop and Search procedures in Scotland have been well documented, including by Police Scotland themselves, who have noted that the practice has the power to damage and undermine relationships between Police and communities, fostering suspicion and distrust<sup>7</sup>. In 2014/15, a total of 426,404 stop and searches were carried out in Scotland. A disproportionate number (72%) of these were carried out on young people (aged 12 to 17), and the overall incidence of Stop and Search was far higher in Scotland. In 2014/15, the proportion of Stop and Searches carried out in Scotland was almost four times higher than in England and Wales<sup>8</sup>. Stop and Search procedures are disproportionately targeted and undertaken in areas of high deprivation, among disadvantaged and already marginalised groups.

## **Question 2**

*Do you think that any negative consequences could result from the new power to search a child or young person for alcohol as outlined in Part 1 of this consultation paper?*

Yes.

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<sup>4</sup> <http://www.shaap.org.uk/minimum-pricing-for-alcohol.html>

<sup>5</sup> World Health Organisation [WHO] Europe (2009), 'Evidence for the effectiveness and cost-effectiveness of interventions to reduce alcohol-related harm' [http://www.euro.who.int/en/health-topics/disease-prevention/alcohol-use/publications/2009/evidence-for-the-effectiveness-and-costeffectiveness-of-interventions-to-reduce-alcohol-related-harm-2009#\\_blank](http://www.euro.who.int/en/health-topics/disease-prevention/alcohol-use/publications/2009/evidence-for-the-effectiveness-and-costeffectiveness-of-interventions-to-reduce-alcohol-related-harm-2009#_blank)

<sup>6</sup> Scottish Centre for Social Research (2007) Evaluation of Test Purchasing Pilot for sales of alcohol to under 18s – Interim Report <http://www.gov.scot/Resource/Doc/166491/0045369.pdf>

<sup>7</sup> Scottish Police Authority (2014) Scrutiny Review – Police Scotland's Stop and Search Policy and Practice, Final Report, May 2014 <http://www.spa.police.uk/assets/126884/230479/scrutinytaskgroupreport>

<sup>8</sup> Murray (2015) Stop and search in Scotland: A post reform overview. Scrutiny and accountability, The Scottish Centre for Crime and Justice Research, June 2015 <http://www.sccjr.ac.uk/wp-content/uploads/2015/06/Stop-and-search-in-Scotland.-A-post-reform-overview-22ndJune2015.pdf>

The proposal raises concerns/questions about whether a young person has the maturity and capacity to give consent. Since June 2014, it has no longer been permitted to stop and search children aged eleven and younger. We welcome this cessation. It is questionable whether a twelve or thirteen year old would have the confidence to refuse a search from a police officer. The consultation paper notes that only 0.5% of children and young people refused consent between June and December 2015<sup>9</sup>. However, refusal to allow a search to be carried out is often viewed with suspicion and can be taken as grounds to carry out a statutory search.

Another potential negative consequence is the stigmatisation and further marginalisation of disadvantaged young people. Police Scotland figures from 2014/15 show that Glasgow City, an area of high deprivation, accounted for 29% of all recorded searches on sixteen year olds in Scotland (8,381 out of a total of 28,808 searches) compared to only 10% across the whole of Scotland's sixteen year old population (6,065 out of a total of 59,820 sixteen year olds)<sup>10</sup>.

### **Question 3**

*Do you think that a new power for the Police to search a person suspected of supplying a child with alcohol as outlined in Part 1 of this Consultation paper is an appropriate method to reduce risk to safety and wellbeing caused by possessing and consuming alcohol in public?*

No.

As with under-age young people, we are concerned that the proposed new powers will lead to a further stigmatisation and exclusion of marginalised and disadvantaged groups. Broader action to address price, availability and marketing of alcohol would be more effective than the proposed measures.

Police Scotland have identified proxy purchasing by adults as one of the biggest issues arising from the increase in off-trade sales. Those who commit the offence of proxy purchase are liable to a £90 Penalty Notice for Disorder (PND). Retailers are encouraged to display notices warning against proxy purchase and are encouraged to inform police and/or Trading Standards of any instances of adults who may be buying alcohol on behalf of young people<sup>11</sup>. Extension and expansion of ID verification practices in off-trade premises for example, such as verifying the age of all present when alcohol is purchased, could contribute to a reduction in proxy purchasing. Such practice would be both effective and cost-effective.

It would be helpful to have a definition of what constitutes 'reasonable grounds for suspicion' as stated in the proposed new powers. No definition is currently provided. This leaves scope for interpretation by individual police officers, which will inevitably leading to inconsistency in the way any new powers might be applied.

### **Contact:**

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For more information about SHAAP, please visit <http://www.shaap.org.uk/>

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<sup>9</sup> [https://consult.scotland.gov.uk/organised-crime-and-police-powers-unit/under18search/user\\_uploads/421031\\_p1--2-.pdf](https://consult.scotland.gov.uk/organised-crime-and-police-powers-unit/under18search/user_uploads/421031_p1--2-.pdf)

<sup>10</sup> Murray (2015) Stop and search in Scotland: A post reform overview. Scrutiny and accountability, The Scottish Centre for Crime and Justice Research, June 2015 <http://www.sccjr.ac.uk/wp-content/uploads/2015/06/Stop-and-search-in-Scotland.-A-post-reform-overview-22ndJune2015.pdf>

<sup>11</sup> <http://www.communityalcoholpartnerships.co.uk/what-we-do/enforcement>