

## Licensing Act Committee

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**MEMBERS:** Councillor Shuttleworth (Chairman); Councillor Ungar (Deputy-Chairman); Councillors Ansell, Coles, Cooke, Hearn, Jenkins, Liddiard, Murdoch, Murray, Stanley, Thompson and Warner

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## Agenda

- 1 Minutes of the meeting held on 7 October 2013.** (Pages 1 - 4)
- 2 Apologies for absence.**
- 3 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct.**
- 4 Questions by members of the public.**

On matters not already included on the agenda and for which prior written notice has been given (total time allowed 15 minutes).

**5 Urgent items of business.**

The Chairman to notify the Committee of any items of urgent business to be added to the agenda.

**6 Right to address the meeting/order of business.**

The Chairman to report any requests received to address the Committee from a member of the public or from a Councillor in respect of an item listed below and to invite the Committee to consider taking such items at the commencement of the meeting.

**7 Business Crime Group.**

The Specialist Advisor (Business Crime Group) to present a verbal report.

**8 Sensible on Strength Scheme.** (Pages 5 - 68)

Report of Senior Specialist Advisor.

**Inspection of Background Papers** – Please see contact details listed in each report.

**Councillor Right of Address** - Councillors wishing to address the meeting who are not members of the Committee must notify the Chairman in advance.

**Public Right of Address** – Requests by members of the public to speak on a matter which is listed in this agenda must be **received** in writing by no later than 12 Noon, 2 working days before the meeting e.g. if the meeting is on a Tuesday, received by 12 Noon on the preceding Friday). The request should be made to Local Democracy at the address listed below. The request may be made by letter, fax or e-mail. For further details on the rules about speaking at meetings please contact Local Democracy.

**Disclosure of interests** - Members should declare their interest in a matter at the beginning of the meeting, and again, at the point at which that agenda item is introduced.

Members must declare the existence and nature of any interest.

In the case of a DPI, if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation). If a member has a DPI he/she may not make representations first.

## Further Information

Councillor contact details, committee membership lists and other related information is also available from Local Democracy.

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Monday, 7 October 2013  
at 6.00 pm



## Licensing Act Committee

**Members:** Councillor Shuttleworth (Chairman) Councillors Ungar (Deputy Chairman), Ansell, Coles, Cooke, Liddiard, Murdoch, Stanley, Warner and West

(Apologies for absence were reported from Councillor Hearn, Councillor Murray and Councillor Thompson)

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### **1 Minutes of the meeting held on 14 January 2013.**

The minutes of the meeting held on 14 January 2013 were submitted and approved and the Chairman was authorised to sign them as a correct record.

### **2 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct (please see note at end of agenda).**

None were received.

### **3 Council's Statement of Licensing Policy 2014-2019 and Cumulative Impact Policy. Licensing Act 2003, setting out the Council's approach for the next 5 years.**

The Committee considered the report of the Senior Specialist Advisor regarding the Council's Statement of Licensing Policy 2014-2019, including a revised Cumulative Impact Policy 2014-2019.

As a Licensing Authority, in accordance with Schedule 5 of the Licensing Act 2003, Eastbourne Borough Council must prepare, consult and publish its Statement of Licensing Policy every five years.

The Statement purpose was to promote the four licensing objectives and provided guidance to Local Authorities when considering and determining applications under the Licensing Act 2003. It also assisted applicants, Responsible Authorities and all those making representations (objections) in conjunction with the decision making process.

The scope of the Statement covered the retail sale of alcohol, the supply of alcohol by or on behalf of a Club or to the order of a member of the Club, the provision of regulated entertainment and the provision of late night refreshment.

A public consultation of the Draft Statement of Licensing Policy took place between the 27<sup>th</sup> June 2013 and the 19<sup>th</sup> September 2013, in accordance with the requirements of a 12 week consultation.

A range of organisations and individuals, including Ward Councillors were directly consulted about the proposals. To date two responses had been received from the Town Centre Manager and the Town Centre Management Panel Chair, details of which were appended to the report.

The revised Cumulative Impact Policy, appended to the Policy Statement included a statement in support of the Cumulative Impact Zone by the Eastbourne Community Safety Partnership.

The Committee noted the implementation timetable for the Policy. Following tonight's meeting; the Policy would seek the comments of the Cabinet, and then seek the approval of the Full Council before being published in November 2013.

The Committee discussed the Licensing Act Sub Committee process, notably where Sussex Police had initially made a representation objecting to an application before withdrawing prior or at the meeting itself.

The Senior Specialist Advisor outlined the process prior to a hearing. Following an objection by Sussex Police, a negotiating period would occur where it would be up to the applicant to satisfy concerns raised by Sussex Police and this could be done by attaching certain conditions on the licence. If an agreement was made prior to a meeting, the representations are withdrawn and there would no longer be a requirement for a meeting to take place and the application would be approved.

The Committee then discussed the feedback submitted by the Town Centre Manager which expressed a concern about the robustness of the cumulative impact policy on alcohol sales for the town centre in determining future applications. The Senior Specialist Advisor made reference to the recent Tesco, 68 Grove Road application that had been approved after the applicant had addressed the concerns raised by Sussex Police by agreeing to add various conditions to the licence and successfully rebutted the presumption against granting the application arising from the Council's Cumulative Impact Policy. The Senior Specialist Advisor continued that the conditions were added to the licence with the aim of deterring street drinkers.

It was noted that each application was different and would be judged on its own merits. While the Cumulative Impact Policy created a rebuttable presumption when valid representation was made, an applicant could still provide evidence in their operating schedule or conditions to demonstrate that there would be no negative cumulative impact on the area.

The Committee then made reference to the effect of the Cumulative Impact Policy and the performance figures for crime related incidents inside the Cumulative Impact Zone (CIZ). Although the number of reported crimes had fallen, the proportion of offences inside the CIZ had risen to 31%.

Despite this, it was acknowledged that without the Policy, the statistics could potentially be worse and with a Policy in place, it allows the authority to intervene where necessary on applications.

The Senior Specialist Advisor added that there had been a decrease in vertical drinking establishments and most premises licence were attached to Café style establishments. This is consistent with the aims of the Cumulative Impact Policy.

It was requested that on the next follow up for the Licensing Policy, a breakdown of whether there had been an increase or decrease of drinking establishments in the town could be included.

**RESOLVED: (1)** That the responses to the consultation on the Draft Statement of Licensing Policy 2014-2019 and the proposed timetable leading up to the policy coming into force on 1<sup>st</sup> January 2014 be noted.

**(2)** That any further revisions to the draft Policy be delegated to the Senior Head of Infrastructure, in consultation with the Chair of the Licensing Act Committee and the relevant Cabinet holder, prior to and following consideration by Cabinet and up to final consideration and approval by Full Council.

The meeting closed at 6.23 pm

**Councillor Shuttleworth  
(Chairman)**

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**BODY:** Licensing Act Committee

**DATE:** 6<sup>th</sup> October 2014

**SUBJECT:** Sensible on Strength Scheme

**REPORT OF:** Jay Virgo, Senior Specialist Advisor

**Ward(s):** All

**Purpose:** To introduce a voluntary scheme that aims to limit the availability of super-strength beer, lager and cider in the Town centre and to encourage retailers who sell alcohol 'off the premises' to operate good practice measures that will promote the four licensing objectives.

**Contact:** Jay Virgo, Senior Specialist Advisor, Telephone 01323 415933 or internally on extension 5933  
E-mail address [jay.virgo@eastbourne.gov.uk](mailto:jay.virgo@eastbourne.gov.uk)

**Recommendations:**

- i) That the Licensing Committee notes the contents of this report.
- ii) That the Licensing Committee approves the launch of the Sensible on Strength scheme.

## **1.0 Summary and Policy Context**

1.1 This report sets out to inform the Licensing Committee about the Sensible on Strength Scheme.

## **2.0 Background Information**

2.1 Subject to Committee agreement, officers from Eastbourne Borough Council will work in partnership with East Sussex County Council's Trading Standards and Sussex Police to develop a non-mandatory customer driven compliance and accredited trader scheme.

2.2 The purpose of the scheme is to find ways of limiting the availability of super-strength beer, lager and cider in Eastbourne so as to promote the licensing objectives and to encourage retailers who sell alcohol 'off the premises' to operate good practice measures that will promote the four licensing objectives. The four licensing objectives are paramount under the Licensing Act 2003 and are; the prevention of crime & disorder, the prevention of public nuisance, public safety and the protection of children from harm.

- 2.3 The evidence indicates that the measures outlined in the report which aims to alter the availability of super-strength beer, lager and cider will be instrumental in achieving the ultimate objective of reducing alcohol related harm and anti-social behaviour. It is anticipated that those more vulnerable drinkers will consume weaker alcohol products and evidence suggests that if this can be achieved, the level of deterioration in health is dramatically slowed.

### **3.0 Community**

- 3.1 The aim is to engage with the community to reduce anti-social behavior and improve people's health whilst working with businesses to promote and support responsible retailing.
- 3.2 Officers want to encourage licensed businesses to voluntarily cease off sales of low cost super-strength beer, lager and cider above 6.5% Alcohol by Volume (ABV).

*Alcohol by volume* is a standard measure of how much alcohol is in a beverage expressed as the percentage of total volume.

### **4.0 Alcohol and Health**

- 4.1 According to data from the Office of National Statistics, the number of alcohol related deaths increased by nearly a fifth between 1999 and 2004. Deaths in England and Wales rose from 5,525 in 2000 to 6,544 in 2004. Alcohol Concern believes that these figures are an underestimate of the true figure. They argue that other research and statistics covering illnesses and health problems related to excessive alcohol consumption including some types of cancers, strokes, heart disease and dementia as well as accidents, suicides and assaults, provides a more accurate figure of over 30,000 deaths a year.
- 4.2 The Government's Alcohol Harm Reduction Strategy states that there are up to 22,000 premature deaths per annum and over 30,000 hospital admissions linked to alcohol dependence. It is estimated that 70% of admissions to Accident and Emergency departments at the weekend are linked to alcohol-related incidents.
- 4.3 The East Sussex public Health Directorate published the report "Alcohol Related Health Harm" in February 2013. **Appendix 1** includes an overview of alcohol indicators for East Sussex and data that is specific to Eastbourne. The Committee will note the data in the report relating to the alcohol related hospital admissions, which is above the East Sussex average. The data set also includes alcohol related chronic conditions by age and relative contribution of age to mental and behavioural disorders due to the use of alcohol.

4.4 As an example, a single 500ml can of 9% super-strength lager contains four and a half units of alcohol, which exceeds the Government's daily recommended safe alcohol limit of between two to three units for women and three to four units for men. This clearly breaches the drinks industry's corporate social responsibility guidelines.

## **5.0 Anti-Social Drinking**

5.1 Drinking in the streets can intimidate members of the public, cause disorder and nuisance, and generally degrade a public space.

5.2 The Prime Minister's Strategy Unit launched the Alcohol Harm Reduction Strategy for England in 2004. It stated that alcohol misuse is linked to disorder and contributes to driving people's fear of crime; 61% of the population think that alcohol-related violence on the streets is increasing, whilst 43% of women and 38% of men see drinking on the street as a problem.

5.3 The East Sussex Safer Communities Partnership commissioned a report into the "Reported Incidents of Street Drinkers in Eastbourne". This is included as **Appendix 2**.

5.4 In summary the data from **Appendix 2** suggests that street drinking has risen in Eastbourne whilst overall, anti-social behavior has dropped dramatically. This issue is almost exclusively confined to the town centre.

5.5 Figure 3 included within **Appendix 2** shows a map of reported street drinking in Eastbourne for the period November 2011 to October 2012. There are 5 distinct areas of street drinking activity in the town centre that have been identified.

## **6.0 Scheme Message**

6.1 The scheme has a very simple message: to educate and encourage businesses to operate a responsible retailing scheme. The message is that low cost super-strength beer, lager and cider is synonymous with irresponsible drinking and contributes to anti-social behaviour in the town.

6.2 Evidence suggests that where businesses have removed low cost super strength beer, lager and cider they have seen a reduction in crime & disorder experienced in and around the premises in question.

6.3 Ipswich Borough Council, in partnership with key stakeholders initiated a similar campaign called "Reducing the Strength". This commenced in September 2012. Please see **Appendix 3** for an update on the successes of the campaign that were experienced six months after its launch.

- 6.4 More locally Brighton & Hove City Council and Hastings Borough Council have commenced similar schemes.
- 6.5 Importantly, the schemes message is not anti-alcohol and recognises the long established beer and cider drinking culture in the UK. The scheme emphasises that when consumed in excess low cost super-strength beer, lager and cider causes damage to an individual's health and can be instrumental in anti-social behaviour.
- 6.6 Officers maintain that educating, supporting and encouraging businesses is a step in the right direction of improving the negative trends associated with alcohol in Eastbourne.
- 6.7 If committee is minded to support the launch of the 'Sensible on Strength' scheme in Eastbourne then officers will work with partnership agencies, stakeholders and businesses to drive the scheme forward.

## **7.0 Community & Stakeholder Engagement**

- 7.1 To date, the following stakeholders have given their support for the launch of the Sensible on Strength scheme: ESCC Alcohol Steering Group, the Community Safety Partnership Strategy Group, Sussex Police, ESCC Trading Standards, Broadway Homelessness and Support and Sussex Partnership Trust.
- 7.2 The ESCC Alcohol Steering group has agreed that one of its objectives should be to develop partnership schemes with retailers and licensees to promote responsible sales.
- 7.3 A number of retailers have expressed an interest in the scheme and have suggested that it would enable them to promote the merits of responsible retailing thereby presenting a positive image of their business to customers and the broader community.
- 7.4 The Licensing Authority will continue to work in partnership with businesses, interested parties, local residents and stakeholders to effectively maintain the objectives of the Licensing Act 2003.

## **8.0 Links to The Strategic Vision**

- 8.1 The Corporate Plan 2010-2015 (refreshed in 2014) sets out the Council's priority themes and aims for the authority and can be found via:

<http://www.eastbourne.gov.uk/EasysiteWeb/getresource.axd?AssetID=210648&type=full&servicetype=Inline&filename=/corporateplanrefresh1415pdf.pdf>

- 8.2 The Statement of Licensing Policy is instrumental in delivering the aims of the Corporate plan and can be found via:

<http://www.eastbourne.gov.uk/about-the-council/council-policies-plans-and-strategies/licensing-policy/licensing-policy-and-cumulative-impact-policy/>

- 8.3 The Minister for Crime Prevention wrote to all Licensing Authorities on 6<sup>th</sup> August 2014, welcoming local authorities' desire to take initiatives to try to address the harms associated with high ABV products. He also however reminded Licensing Authorities of the need to take into account the competition law risks of such schemes. A copy of this correspondence is included in **Appendix 4**.

## **9.0 Financial & Resource Implications**

- 9.1 EBC Officer time will be absorbed within the Licensing service budget, which is self-financing. Associated fees are set by central government. A budget for marketing and production of stickers for participating business to display is envisaged to cost around £500. A bid to cover this cost will be made to the Joint Action Group (JAG).

## **10.0 Legal Considerations**

- 10.1 The Office of Fair trade published "Local Initiatives and Competition Law" on the 4<sup>th</sup> February 2014. This is included in **Appendix 5** and canvasses some of the issues and risks where local authorities propose non-mandatory measures which seek the buy-in of independent undertakings.
- 10.2 In considering whether to support the initiation of the "Sensible on Strength Scheme", Committee will need to be mindful of the risks of an infringement of competition law. Competition law prohibits agreements between undertakings which may affect trade within the UK and have as their object or effect the prevention, restriction or distortion of competition within the UK. The consequences of breaching competition law are that the Competition and Markets Authority may initiate proceedings against the authority, cause it to cease the prohibited activity and impose a fine or other penalty. There may also be liability to third parties by way of damages or injunctive relief for losses suffered as a result of the infringement.
- 10.3 Members will be mindful of the local authority's primary objective, which is to disseminate to business a public policy message about the potential impact of a retailer's sales activity. This scheme – in common with many others across the UK – invites each business to make a unilateral commitment to address this and to the scheme as it sees fit. The risk of challenge to the proposed scheme is minimized by its non-mandatory character as well as the fact that the rationale for its existence is based on

local needs. It aims to encourage the voluntary collaboration of participants and is to be distinguished from agreements between competitor undertakings even where those are encouraged by the local authority.

- 10.4 The Competition and Markets Authority (CMA), which has superseded the Office of Fair Trading (OFT), has been reported as stating in April 2014 that it considers the voluntary nature of those schemes which have already been set up in the context of local circumstances.
- 10.5 On 4<sup>th</sup> February 2014, the OFT (now CMA) attended the Local Government Association (LGA) Annual Licensing Conference and delivered a workshop on Local Initiatives and Competition Law. The OFT gave an introduction to competition law, explained where further guidance and compliance resources could be found and discussed the competition law risks around local initiatives that involve co-operation or collaboration between industry participants. A particular focus of this workshop was local authority initiatives related to the sale of alcohol. The CMA also attended the Institute of Licensing conference on 17<sup>th</sup> June 2014 to deliver a similar workshop.
- 10.6 The proposed arrangements for the scheme take into account the best practice guidance in **Appendix 5** and the law to adopt an approach which ensures that the risk of an infringement of competition law by the local authority and businesses remains low.
- 10.7 Trade bodies raised their concerns in relation to infringement of competition law in correspondence sent to EBC on the 16<sup>th</sup> May 2014. This is included in **Appendix 6**.
- 10.8 The Councils legal advisor has been fully consulted in relation to this proposal.

## **11.0 Human Rights**

- 11.1 The provisions of the Human Rights Act, 1998, must be borne in mind by the Committee when taking licensing decisions under the Licensing Act, 2003. Particular regard should be had to Article 1 of the First Protocol, which relates to the protection of property and the peaceful enjoyment of possessions and property.
- 11.2 Article 8 relates to the right to respect for private and family life, home and correspondence - should also be borne in mind. While the Human Rights Act makes it unlawful for a local authority to act or to fail to act in a way that is incompatible with a Convention right, Article 1 of the First Protocol and Article 8 are both qualified rights which means that interference - to a justifiable extent - may be permitted as long as what is done:

- Has a basis in law;
- Is intended to pursue a legitimate purpose
- Is necessary and proportionate; and
- Is not discriminatory;

## **12.0 Equality and Fairness Analysis**

- 12.1 Low cost, high ABV beer, lager and cider are associated with consumption by adults who have lower incomes and who risk drinking at harmful levels.
- 12.2 Transition by individuals to lower ABV products is anticipated to be instrumental in reducing the harm of alcohol in the community.
- 12.3 An Equality and Fairness Analysis and scoping report will be carried out.

## **13.0 Recommendation**

- 13.1 Licensing Committee approves and fully supports the launch of the Sensible on Strength scheme

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## Appendix 1:

East Sussex Public Health  
Directorate.

Extracts from "Alcohol Related  
Health Harm"

Table 1: Overview of alcohol indicators for East Sussex

	Eastbourne	Hastings	Lewes	Rother	Wealden	East Sx	ESDW	H&R
<b>Local Alcohol Profiles for England (NWPHO, August 2012)</b>								
Alcohol-attributable months of life lost (u75s) - males, 2008-2010	11	15	9	6	8		9	10
Alcohol-attributable months of life lost (u75s) - females, 2008-2010	5	4	4	3	3		4	4
Alcohol-specific mortality - males (per 100,000), 2008-2010	19	18	12				11	12
Alcohol-specific mortality - females (per 100,000), 2008-2010	5	5	8				5	
Mortality from chronic liver disease - males (per 100,000), 2008-2010	16	21	12				10	13
Mortality from chronic liver disease - females (per 100,000), 2008-2010	6	7	7				5	5
Alcohol-attributable mortality - males (per 100,000), 2010	53		30	30	31		36	
Alcohol-attributable mortality - females (per 100,000), 2010	13	16	11	11	12		12	13
Alcohol-specific hospital admission rate - under 18s (per 100,000 pop), 2008/09-2010/11	64		63	64			51	
Alcohol-specific hospital admission - males (per 100,000 pop), 2010/11	475							
Alcohol-specific hospital admission - females (per 100,000 pop), 2010/11	214		211	196				
Alcohol-attributable hospital admission - males (per 100,000 pop), 2010/11	1426						1113	1542
Alcohol-attributable hospital admission - females (per 100,000 pop), 2010/11	775			796			606	904
Admissions for alcohol related harm (per 100,000 pop), 2010/11							1451	1903
Alcohol-attributable recorded crimes (per 1,000 pop), 2011/12	7							
Alcohol-attributable violent crimes (per 1,000 pop), 2011/12								
Alcohol-attributable sexual offences (per 1,000 pop), 2011/12	0.1	0.2	0.1	0.1	0.1		0.1	0.2
Claimants of incapacity benefits - working age (per 100,000 pop), 2011	110			66				
Mortality from land transport accidents (per 100,000), 2008-2010	1	1	2	2				2
Abstainers from alcohol (%), 2009	16	15	14	15	14			
Lower risk drinking (%), 2009	74	74	73	74	73			
Increasing risk drinking (%), 2009	19	19	20	20	21			
Higher risk drinking (%), 2009	7	7	7	6	6			
Binge drinking (synthetic estimate) (%), 2007-2008	16	21						
Employees in bars - % of all employees, 2010	2	2						
Alcohol treatment: Prevalence age 18-75, crude rate per 1000 population, 2010/11								
<b>Injury Profiles (SWPHO, March 2012)</b>								
Hospital admissions for alcohol-attributable injuries (per 100,000 pop), 2010/11	30		21	23				

## Local Authority sections

### Eastbourne

Compared to the England average, Eastbourne has a significantly worse rate of alcohol-attributable violent crimes. It has a significantly better rate than the England average for admissions for alcohol related harm and admissions for alcohol-attributable injuries. Across other alcohol indicators Eastbourne is not significantly different to the England average. (Table 17)

Table 17: Eastbourne and alcohol in the national context

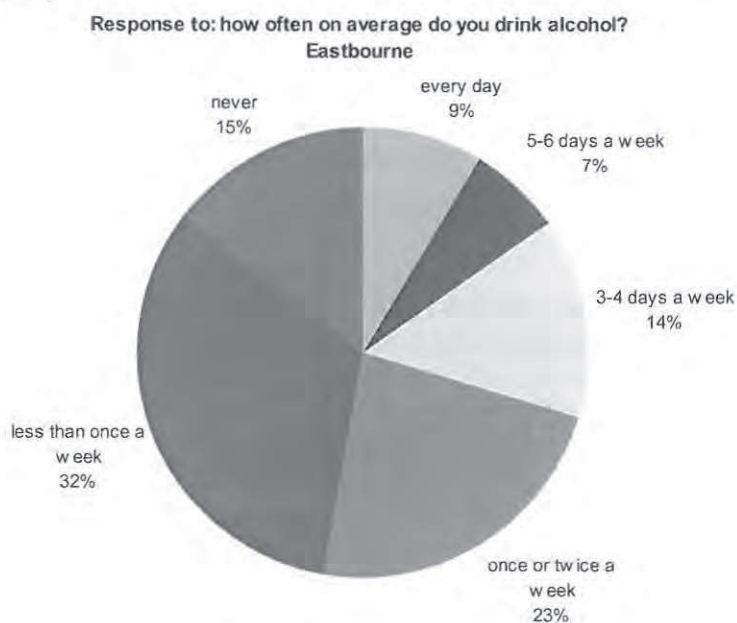
Local Alcohol Profiles for England (NWPHO, August 2012)	Eastbourne
Alcohol-attributable months of life lost (u75s) - males, 2008-2010	11
Alcohol-attributable months of life lost (u75s) - females, 2008-2010	5
Alcohol-specific mortality - males (per 100,000), 2008-2010	19
Alcohol-specific mortality - females (per 100,000), 2008-2010	5
Mortality from chronic liver disease - males (per 100,000), 2008-2010	16
Mortality from chronic liver disease - females (per 100,000), 2008-2010	6
Alcohol-attributable mortality - males (per 100,000), 2010	53
Alcohol-attributable mortality - females (per 100,000), 2010	13
Alcohol-specific hospital admission rate - under 18s (per 100,000 pop), 2008/09-2010/11	64
Alcohol-specific hospital admission - males (per 100,000 pop), 2010/11	475
Alcohol-specific hospital admission - females (per 100,000 pop), 2010/11	214
Alcohol-attributable hospital admission - males (per 100,000 pop), 2010/11	1426
Alcohol-attributable hospital admission - females (per 100,000 pop), 2010/11	775
Admissions for alcohol related harm (per 100,000 pop), 2010/11	
Alcohol-attributable recorded crimes (per 1,000 pop), 2011/12	7
Alcohol-attributable violent crimes (per 1,000 pop), 2011/12	
Alcohol-attributable sexual offences (per 1,000 pop), 2011/12	0.3
Claimants of incapacity benefits - working age (per 100,000 pop), 2011	118
Mortality from land transport accidents (per 100,000), 2008-2010	1
Abstainers from alcohol (%), 2009	16
Lower risk drinking (%), 2009	74
Increasing risk drinking (%), 2009	19
Higher risk drinking (%), 2009	7
Binge drinking (synthetic estimate) (%), 2007-2008	6
Employees in bars - % of all employees, 2010	2
<b>Injury Profiles (SWPHO, March 2012)</b>	
Hospital admissions for alcohol-attributable injuries (per 100,000 pop), 2010/11	

1 in 4 (24%) year 10 pupils are drinking occasionally (less than once a week) or regularly (at least once a week). 28% of pupils report having had an alcoholic drink in the last 7 days and 11% having got drunk in the last 7 days.

It is estimated that 22% of the total adult population in Eastbourne are increasing and higher risk drinkers. Of those who are drinking, 7% are doing so at high risk levels.

Just over half (53%) of adults in Eastbourne are drinking alcohol every week, with almost 1 in 10 (9%) doing so every day. (Figure 33)

Figure 33: frequency of any alcohol consumption in Eastbourne (aged 18 years and over)



Source: East Sussex Health and Lifestyles Surveys: Health Counts 2011

1 in 5 (20%) adults who drink alcohol reported that in the previous 12 months they had seriously tried cutting down the amount of alcohol they drink.

The top 5 wards in Eastbourne with the highest rate of attendances at A&E between 8pm and 4am due to assaults (2009/10 to 2011/12) are shown in table 18. Devonshire has the second highest rate of all East Sussex wards.

Table 18: top 5 wards in Eastbourne with highest A&E attendance rates due to assaults (8pm to 4am), 2009/10 to 2011/12, persons aged 15-59 years

Ward	Number of attendances	Rate per 1,000 pop
Devonshire	171	7.5
Hampden Park	96	5.4
Langney	92	5.1
St Anthony's	76	4.5
Upperton	66	4.1
<i>East Sussex</i>	<i>2357</i>	<i>2.9</i>

Table 19 shows the five wards with the highest rate of all alcohol suspected ambulance call outs, as well as for those during the night time economy. Devonshire is amongst the top 3 wards in all of East Sussex with the highest rates.

Table 19: top 5 wards in Eastbourne with highest rate of alcohol suspected call outs, August 2010 to July 2011

All alcohol suspected call outs			Night time economy		
Ward	Number	Rate per 10,000	Ward	Number	Rate per 10,000
Devonshire	592	240	Devonshire	369	149
Meads	328	137	Meads	200	83
Upperton	232	112	Upperton	129	62
Hampden Park	163	80	Hampden Park	88	43
St Anthony's	141	65	St Anthony's	76	35
<i>East Sussex</i>	<i>6826</i>	<i>66</i>	<i>East Sussex</i>	<i>3767</i>	<i>36</i>

Eastbourne has a higher rate of alcohol related hospital admissions than East Sussex, and up to 2008/09 had a higher rate than England. (Figure 34)

Figure 34: alcohol related hospital admissions, Eastbourne

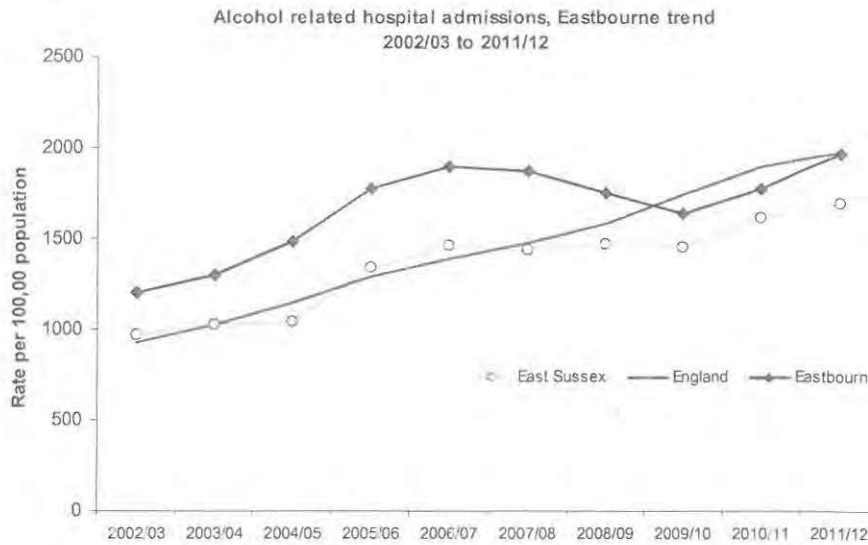
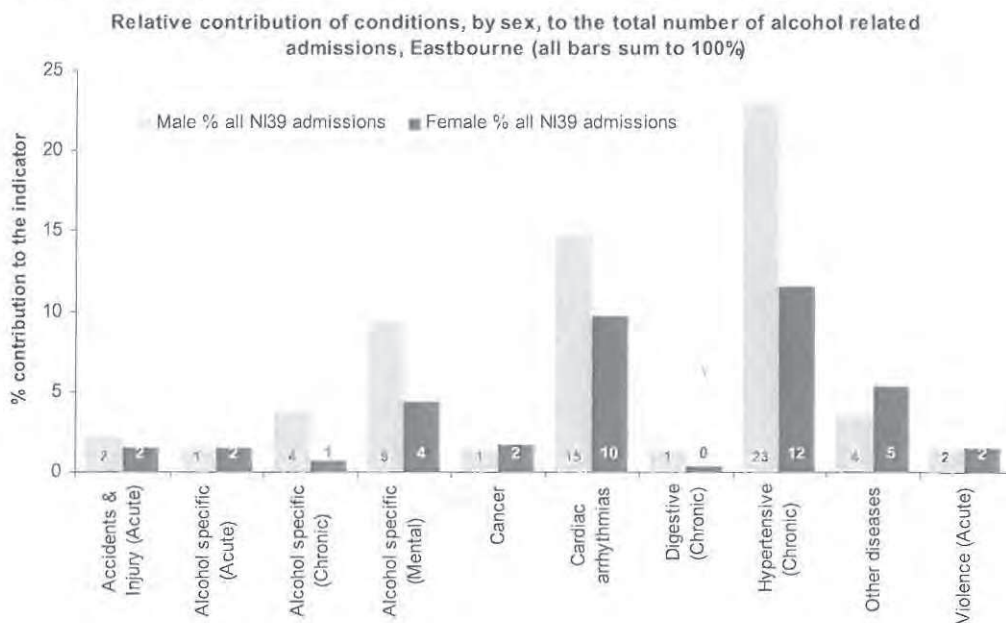


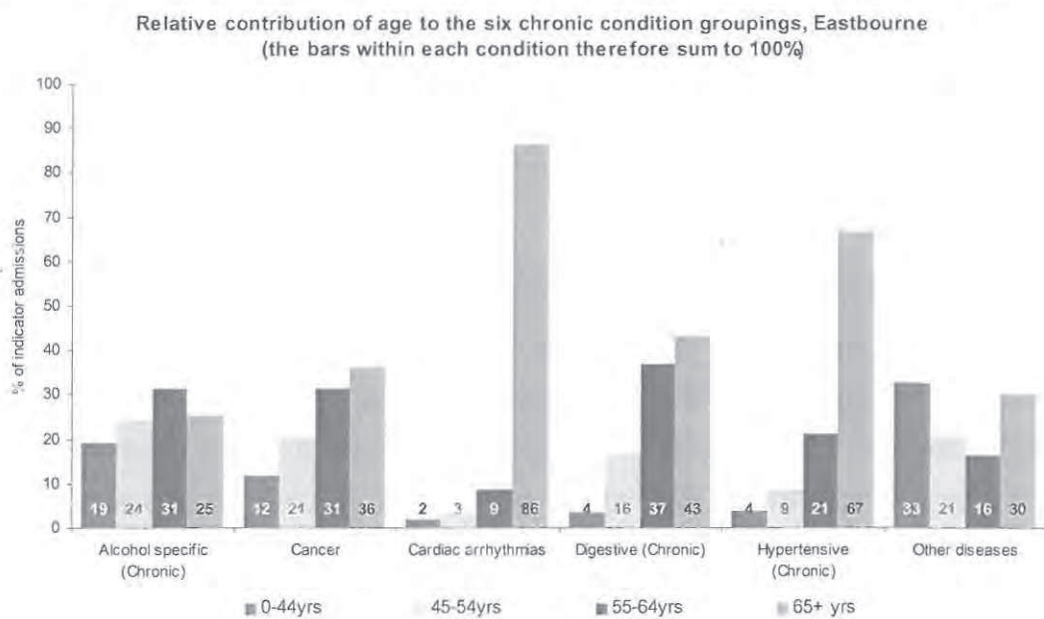
Figure 35 shows the relative contribution of conditions, by sex, to the indicator for Eastbourne in 2008/09 (all the bars total 100%). Just under a quarter of the admissions in Eastbourne come from males with hypertensive diseases (23%). Cardiac arrhythmias account for another quarter (males and females) and around one in ten admissions are from males with alcohol specific mental and behavioural disorders.

Figure 35: relative contribution by condition and sex to alcohol related admissions, Eastbourne



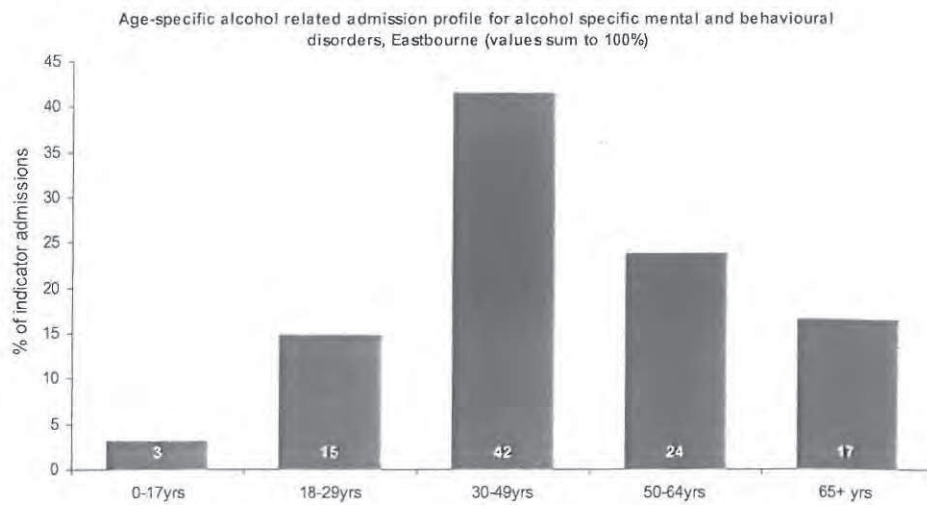
The breakdown by age group for alcohol related chronic conditions for Eastbourne is shown in figure 36. The majority of cardiac arrhythmia admissions are in those aged 65 years and over. There is an increasing contribution by age within alcohol related cancer admissions, digestive and hypertensive conditions.

Figure 36: alcohol related chronic conditions by age group, Eastbourne



The highest relative contribution towards mental and behavioural disorders comes from those aged 30-49 years, with under 18's contributing the least. (Figure 37)

Figure 37: relative contribution of age to mental and behavioural disorders due to use of alcohol, Eastbourne



In 2011/12 there were 155 alcohol specific admissions (based on primary diagnosis only) for Eastbourne residents. Less than 5 of these were for persons aged under 18 years.



## Appendix 2:

East Sussex Safer Communities Partnership.

“Reported Incidents of Street Drinkers in Eastbourne from November 2009 to October 2013”

### **Incident Data Caveat**

The Sussex Police incident data contained in this report has been compiled from multiple sources according to the timeline below. Due to differences in the way data is recorded in OIS and STORM, direct comparison of incident data from each system is not possible for performance purposes.

#### **2008 – 16<sup>th</sup> November 2010:**

All Disorderly Behaviour incident data from this period was collated via OIS and is consistent and comparable across the period.

#### **16<sup>th</sup> November 2010 – 30<sup>th</sup> April 2011:**

All Disorderly Behaviour incident data from this period was collated via STORM. Changes were made to the recording process with only an initial incident code recorded, hence all data from this period is not directly comparable to OIS data from before 16<sup>th</sup> November 2010, with initial investigations revealing a reduction of approximately 13% in the number of incidents available for analysis.

#### **1<sup>st</sup> May 2011:**

All Disorderly Behaviour incident data from this period onwards is collated via STORM. Further changes have been made to the recording process, with an initial code recorded, followed by up to three 'dispose' codes, and then a final result code. Three new result codes have been introduced for measuring ASB (categorised into ASB Personal, ASB Nuisance and ASB Environmental), however these codes do not match up directly to existing Disorderly Behaviour codes and cannot be applied retrospectively. For this reason these codes are not currently in use by the Partnership Analyst Team and the cleaning process instead focuses on the final 'dispose' code which should match existing STORM data from the period 16<sup>th</sup> November 2010 – 30<sup>th</sup> April 2011.

**It is therefore recommended that any comparison of incident data across the three periods described above be treated with caution, as any apparent patterns in the data may be related to the changes described above, rather than an actual change in patterns of ASB across the county.**

It is important to note that ASB incidents are based on details given by the caller, so may depend on their perception rather than what is actually occurring. However it is important to consider these calls because they add to the overall pattern of crime and disorder, especially in relation to so-called low level incidents that are not recorded as an offence but nevertheless impact on people's lives and perceptions of their area.

The incident data within this report has been taken from the Sussex Police local data and as such has not been verified or audited by statisticians at Police HQ. Therefore it represents a reflection of ASB rather than the authorised and fully verified 'Performance data'. The data has been stripped and sanitised, cleaning addresses so locations can be mapped. Only those offences where there is sufficient location information are included in the data in order to highlight and hotspot the reflection of ASB in an area. Therefore the incidents shown are sanitised, locations have been aggregated to comply with data protection, thereby allowing the information to be shared with outside agencies.

### **Compliance with Freedom of Information Act 2000**

Section 31 of the above act stipulates that information is exempt if its disclosure under this act would, or would be likely to, prejudice:

- a) the prevention or detection of crime
- b) the apprehension or prosecution of offenders

This report is based on data that has been supplied solely for the purposes of analysis and problem solving. As such, this report is not suitable for public dissemination without express consent of the data owners.

## Introduction

For the last 3 years, the problem of Street Drinking in Eastbourne has been an issue that the Police in the town and their partner agencies have been keen to tackle. To this end, dispersal orders were introduced to try and discourage individuals and groups from undertaking this activity and thus reduce the impact it has on businesses and individuals effected by the behaviour. Dispersal orders cover specific designated areas of the town and allow the Police to move on groups of two or more people where their presence or behaviour has resulted, or is likely to result, in a member of the public being harassed, intimidated, alarmed or distressed. In an authorised area, a police CSO may give one or more of the following directions<sup>1</sup>:

- Tell people in the group to disperse (either immediately, or at a stated time and in a stated way).
- Tell people who do not live in the area to leave the area (either immediately, or at a stated time and in a stated way).
- Tell people who do not live in the area not to return to the area for a period up to 24 hours.

The aim of this report is to see if anything has changed in terms of Street Drinking activity since the introduction of the Dispersal Orders. This report will look at the level of reports received by Sussex Police over the last 4 years, the times and locations of reports, whether the activity has been displaced to other parts of the town and their relationship, if any, to off license premises in the town. For the purpose of this report, only incidents which have a 'Final Result Code' of 312 (Street Drinking) have been included.

## Overview

Reported Street Drinking rose significantly during the period November 2011 to October 2012 (46%) and has remained at this high level for the following 12 months. This is in contrast to ASB as a whole which saw a dramatic decrease over the same period of 28%. Some caution must be used when comparing these figures however as this period saw changes to the recording system and to what incidents are categorised as ASB. However, the continued fall into 2012 and 2013 seems to indicate that overall reported ASB has decreased while reported Street Drinking has remained relatively high.

**Table 1: Reported Street Drinking in Eastbourne from 1<sup>st</sup> November to 31<sup>st</sup> October**

	2009/10	2010/11	Change	%	2011/12	Change	%	2012/13	Change	%
Street Drinking	191	192	1	0.5%	281	89	46.4%	290	9	3.2%
Total ASB	6,706	7,099	393	5.9%	5,077	-2,022	-28.5%	4,461	-616	-12.1%

**Table 2: Reported Street Drinking in Eastbourne from 1<sup>st</sup> November to 31<sup>st</sup> October by Ward**

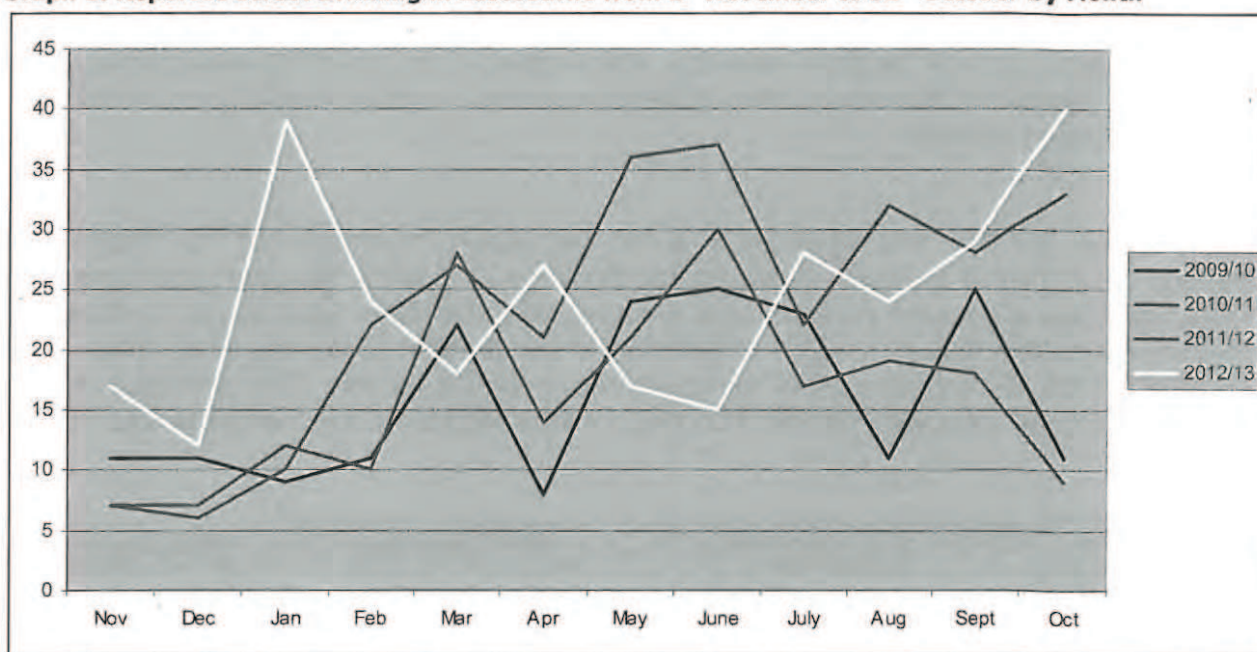
	2009/10		2010/11		2011/12		2012/13	
	Total	%	Total	%	Total	%	Total	%
Devonshire	45	23.6%	74	38.5%	92	32.7%	137	47.2%
Hampden Park	2	1.0%	2	1.0%	7	2.5%	5	1.7%
Langney	0	0.0%	5	2.6%	2	0.7%	1	0.3%
Meads	70	36.6%	53	27.6%	71	25.3%	120	41.4%
Old Town	2	1.0%	4	2.1%	1	0.4%	4	1.4%
Ratton	2	1.0%	1	0.5%	6	2.1%	2	0.7%
Sovereign	1	0.5%	1	0.5%	0	0.0%	2	0.7%
St. Anthony's	5	2.6%	1	0.5%	5	1.8%	2	0.7%
Upperton	64	33.5%	51	26.6%	97	34.5%	17	5.9%
<b>Total</b>	<b>191</b>		<b>192</b>		<b>281</b>		<b>290</b>	

<sup>1</sup> 'The Use and Impact of Dispersal Orders – Sticking Plasters and Wake Up Calls' – Adam Crawford & Stuart Lister, Joseph Rowntree Foundation (2007)

Reported Street Drinking in Eastbourne has fluctuated throughout the year over the last 4 years, with no specific peaks or troughs. However, relatively high figures were seen in September and June in most, though not all, years and low figures seen in December for all years. However, the last two years have seen some changes in behaviour. From 2009 through to 2011, reported Street Drinking followed a similar pattern with reports increasing in March, dropping again in April and then peaking in May and June. Reports would drop off from September and remain low through to the new year.

Since the start of 2012 however, the pattern of reported Street Drinking has changed. A larger volume of reports are starting to come earlier in the year with reports in 2012 starting to increase in February while January 2013 saw the 2<sup>nd</sup> highest number of reported Street Drinking incidents in the last 4 years. The last 12 months has seen the number of reported Street Drinkers in May and June, the usual peak months, at relatively low levels but with reports generally increasing from then onwards. Consequently it seems that over the last 21 months, Street Drinking has become a more a year round problem rather than one predominantly experienced during the spring and summer months.

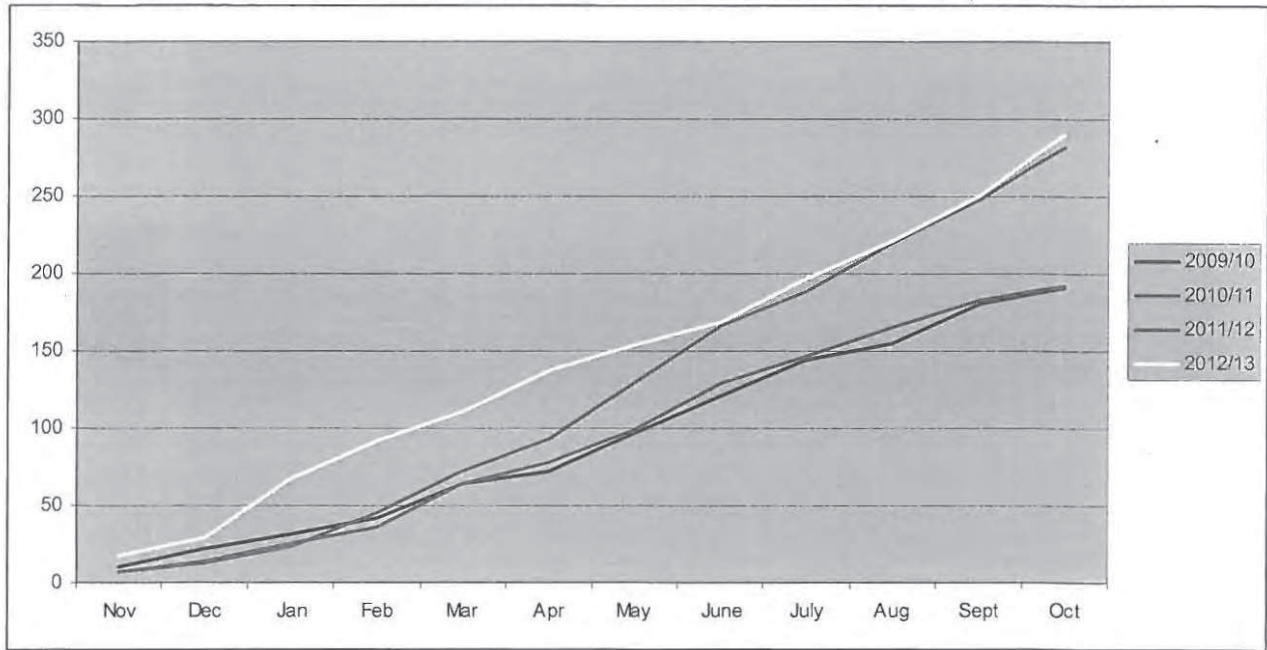
**Graph 1: Reported Street Drinking in Eastbourne from 1<sup>st</sup> November to 31<sup>st</sup> October by Month**



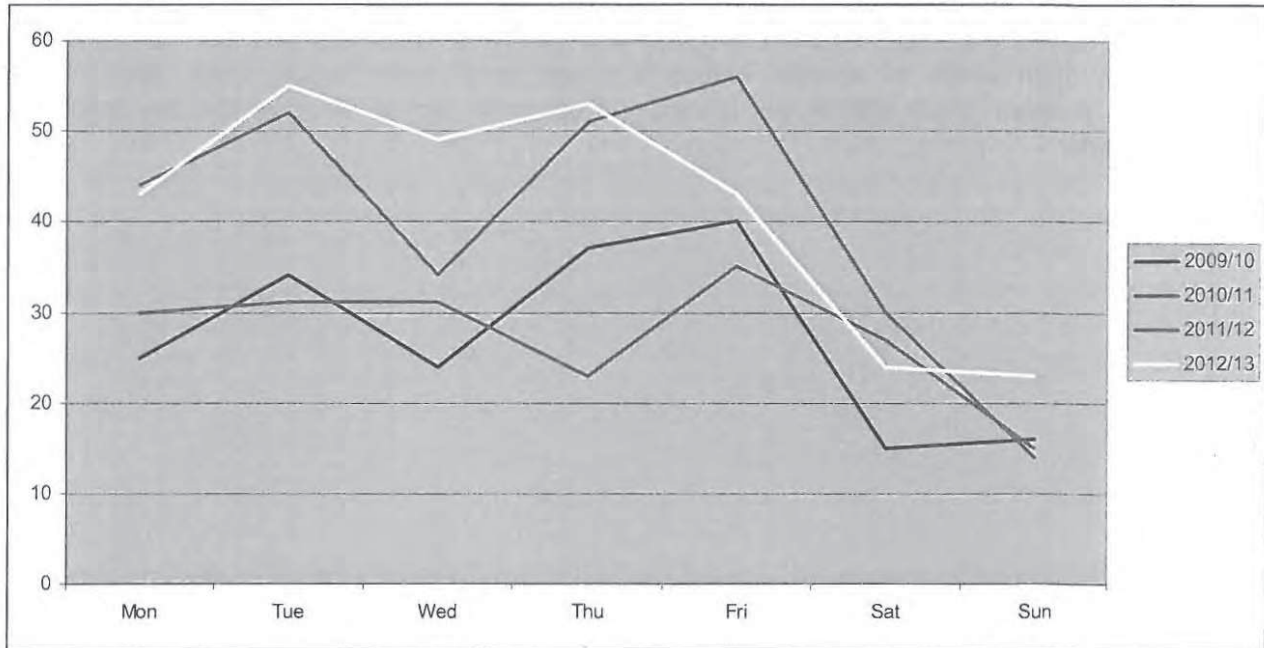
It is understandable that the weather plays a significant part in the levels of Street Drinking occurring in Eastbourne, with the logical assumption that the warmer and drier the weather, the more likelihood that Street Drinking will occur. Consequently, any variations in the weather will have had a significant impact in the relatively low numbers reported in each month. For example, March 2013 saw the lowest March figure for reported Street Drinking over the last 4 years. However, this month saw temperatures drop to close to zero for a couple of weeks, well below expected temperatures for this time of year while in 2012, temperatures far exceeded the average.

However, the weather in January for 2012 was both warmer and drier than for January 2013, yet there were only 7 reports in January 2012 and 17 in January 2013. Consequently, it is unclear about how much of an impact the weather conditions are having on Street Drinking at this present time.

**Graph 2: Reported Street Drinking (Accumulative) from 1<sup>st</sup> November to 31<sup>st</sup> October by Month**

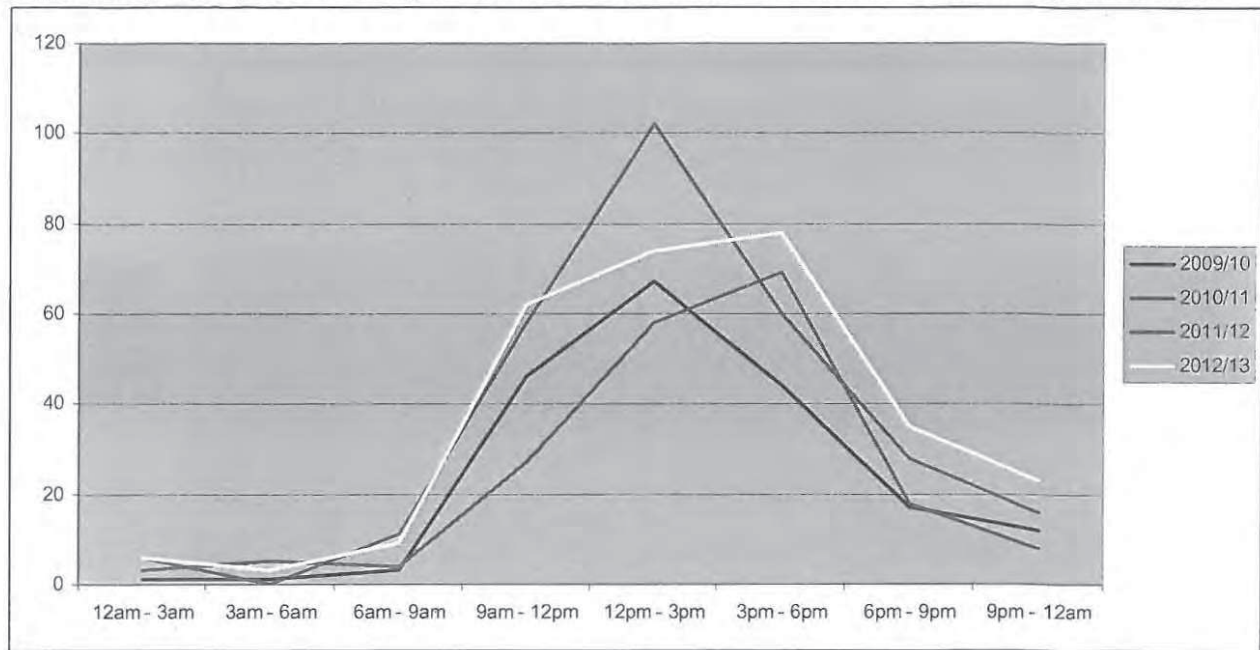


**Graph 3: Reported Street Drinking in Eastbourne from 1<sup>st</sup> November to 31<sup>st</sup> October by Weekday**



The time of the week that Street Drinking is reported has remained fairly consistent over the last 4 years. Weekdays saw 84% of all reports in all years except 2010/11 which saw 78% of reports.

**Graph 4: Reported Street Drinking in Eastbourne from 1<sup>st</sup> November to 31<sup>st</sup> October by Time Period**



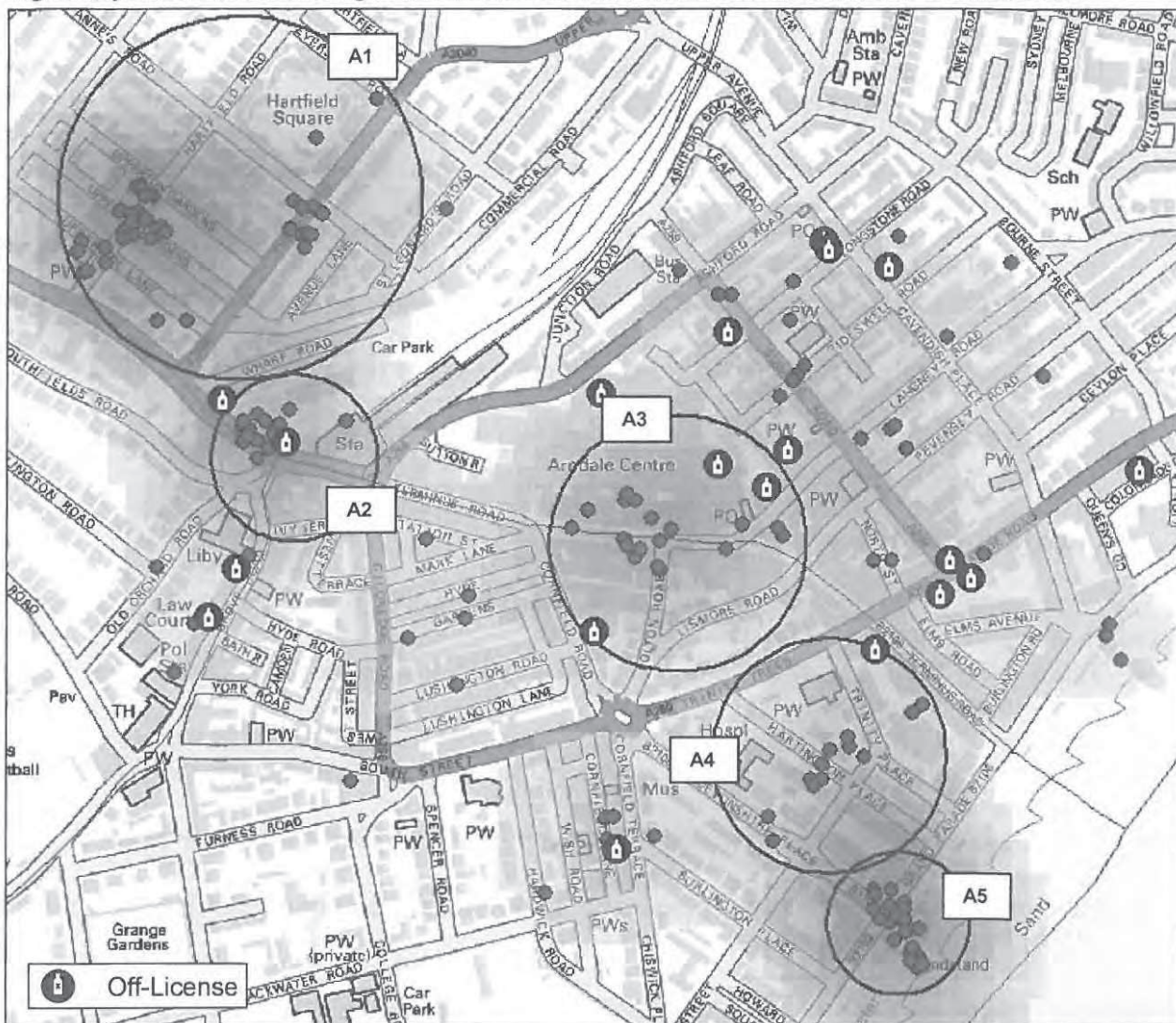
It is unsurprising that the last 4 years have seen the time that Street Drinking is reported follow a similar trend as the above graph shows. Reports have seemed to peak sometime between 12pm and 6pm with distinctive highs in both 2009/10 and 2011/12. However, the last 12 months has seen relatively high levels of reports across a much wider time period, from 9am to 6pm. Consequently, it would seem that Street Drinking is occurring across more of the day than in the previous 3 years.

## November 2009 to October 2010

During the period November 2009 to October 2010, there were 191 reports of Street Drinking of which:

- 37% (70) came from Meads, 34% (64) came from Upperton and 24% (45) came from Devonshire.

**Fig 1: Reported Street Drinking in Eastbourne for the Period November 2009 to October 2010**



Map shown produced under Ordinance Survey Crown.  
East Sussex County Council. 100019601, 2006



There were 5 distinct areas which saw high levels of reported Street Drinking (A1 to A5). **A1** covers an area which includes Upperton Lane, Upperton Gardens, Upperton Road, Hartfield Road, The Avenue and part of Eversfield Road:

- There were 39 reports in this area in the 12 months to October 2010 which made up 20% of the total for the year.
- Upperton Gardens (x17), The Avenue (x11), Upperton Lane (x7), Upperton Road (x2), St. Annes Road (x1) and Eversfield Road (x1).
- Reports were spread throughout the year but May, July and September saw the most with 5 (13%) each.
- Most reports came from Fridays with 9 (23%) while Monday and Tuesday both saw 8 reports (21%).
- Most reports came from between 12pm and 2pm when there were 23 (59%).



**A2** covers an area which includes Station Parade and Eastbourne Railway Station:

- There were 15 reports in this area in the 12 months to October 2010 which made up 8% of the total for the year.
- Station Parade (x7), Enterprise Centre, Station Parade (x7) and Eastbourne Railway Station, Terminus Road (x1).
- Reports were spread throughout the year but June saw 5 reports (33%) and November saw 4 (27%).
- Most reports came from Tuesday with 5 (33%) while Wednesday and Thursday both saw 4 reports (27%).
- Most reports came from between 11am and 12pm when there were 8 (53%) with a further 3 (20%) between 12pm and 1pm.

**A3** covers an area which includes just Terminus Road which runs for approximately 300m between Cornfield Road and Lismore Road:

- There were 19 reports in this area in the 12 months to October 2010 which made up 10% of the total for the year.
- Reports came from within the Arndale Centre (x4) and another 4 around the road outside Marks & Spencer.
- Reports were spread throughout the year but May saw 4 reports (21%) and March saw 3 (16%).
- Most reports came from Thursday with 4 (21%) while Tuesday, Wednesday and Sunday all saw 3 reports (16%).
- Most reports came from between 2pm and 5pm when there were 9 (47%) with a further 3 (16%) between 5pm and 6pm.

**A4** covers an area which includes Trinity Place, Hartington Place and the middle section of Devonshire Place:

- There were 12 reports in this area in the 12 months to October 2010 which made up 6% of the total for the year.
- Reports came Hartington Place (x6), Trinity Place (x4) and Devonshire Place (x2).
- Reports were spread throughout the year with 2 reports (17%) each from May, June, August and November.
- Most reports came from Friday and Thursday with 3 (25%) each while Sunday saw 2 reports (17%).
- Most reports came from between 2pm and 3pm when there were 4 (33%) with a further 3 (25%) between 5pm and 6pm.

**A5** covers an area which includes just Grand Parade around the area of the Bandstand:

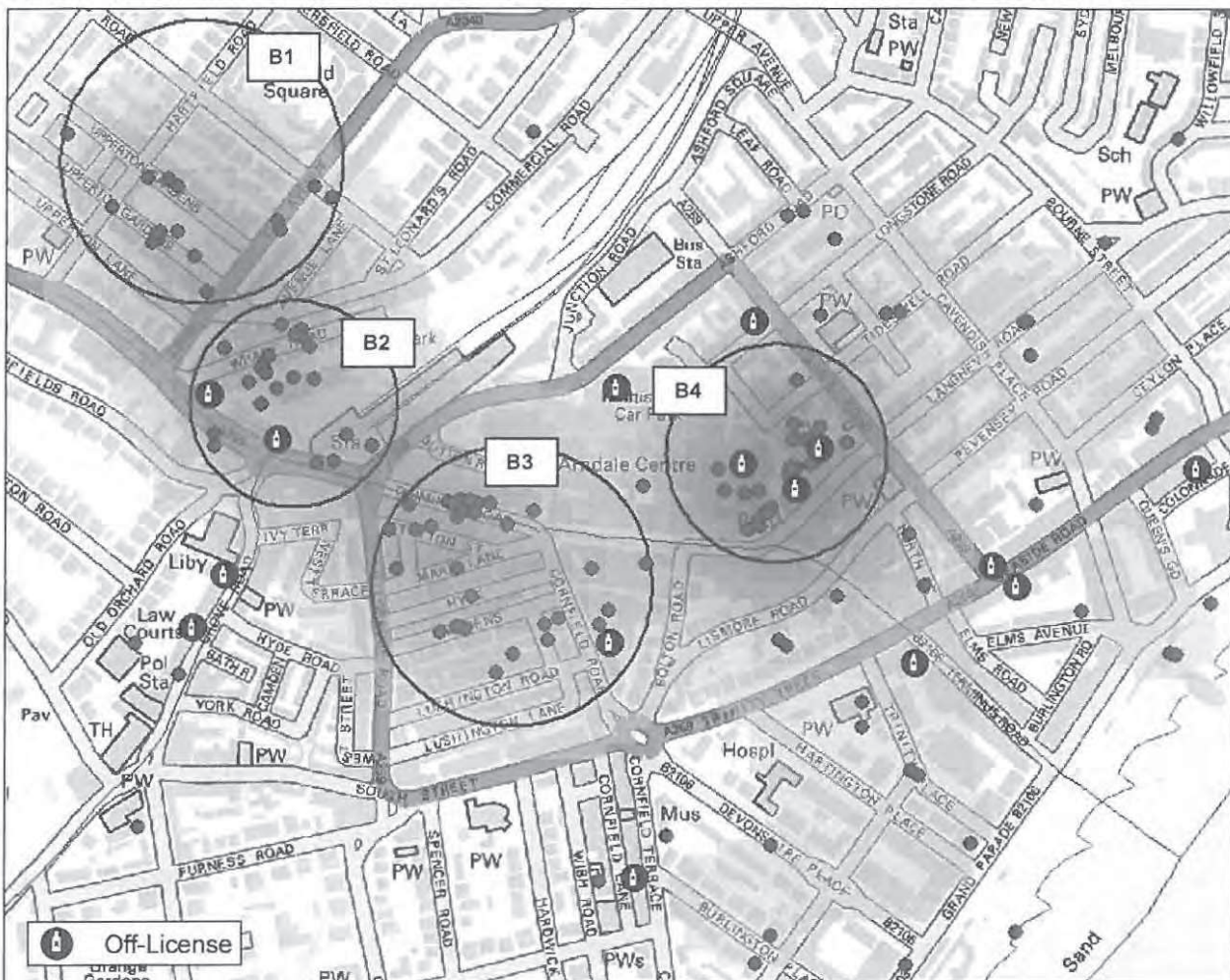
- There were 22 reports in this area in the 12 months to October 2010 which made up 12% of the total for the year.
- Reports came the Bandstand (x12), Grand Parade (x7) and Middle Promenade (x3).
- Reports were spread throughout the year with 5 reports (23%) each from May and July and 4 (18%) from March.
- Most reports came from Wednesday and Thursday with 6 (27%) each while Friday saw 5 reports (23%).
- Most reports came from between 9am and 10am when there were 5 (23%) with 6 reports (27%) between 10am and 12pm and a further 5 (23%) between 2pm and 3pm.

## November 2010 to October 2011

During the period November 2010 to October 2011, there were 192 reports of Street Drinking of which:

- 38% (74) came from Devonshire, 28% (53) came from Meads and 27% (51) came from Upperton.

**Fig 2: Reported Street Drinking in Eastbourne for the Period November 2010 to October 2011**



Map shown produced under Ordnance Survey Crown.  
East Sussex County Council. 100019601, 2006



There were 4 distinct areas which saw high levels of reported Street Drinking (B1 to B4). **B1** covers an area which includes Upperton Gardens, Hartfield Road, The Avenue and part of St. Annes Road:

- There were 19 reports in this area in the 12 months to October 2011 which made up 10% of the total for the year.
- Upperton Gardens (x15) and The Avenue (x4).
- Reports were spread throughout the year but August saw the most with 6 reports (32%) while March saw 5 (26%).
- Most reports came from Monday, Tuesday and Friday with 4 (21%) each while Wednesday saw 3 reports (16%).
- 5 reports (26%) came from between 11am and 1pm, 7 reports (37%) between 2pm and 4pm and 6 reports (32%) between 4pm and 7pm.

**B2** covers an area which includes Wharf Road, Station Parade, the lower end of Southfields Road and Eastbourne Railway Station, Terminus Road:

- There were 22 reports in this area in the 12 months to October 2011 which made up 11% of the total for the year.
- Wharf Road (x9), Enterprise Centre (x5), Station Parade (x3), Eastbourne Railway Station (x3), Terminus Road (x1) and Southfields Road (x1).
- Reports were spread throughout the year but January and March saw the most with 4 reports (18%) each while April saw 3 (14%).
- Most reports came from Thursday with 8 (36%) while Friday saw 5 reports (23%) and Monday saw 4 (18%).
- 4 reports (18%) came from between 9am and 11am, 6 reports (27%) between 11am and 1pm, 4 reports (18%) between 1pm and 3pm and 5 reports (23%) between 3pm and 5pm.

**B3** covers an area which includes the northern end of Terminus Road down to Lushington Road:

- There were 31 reports in this area in the 12 months to October 2011 which made up 16% of the total for the year.
- Terminus Road (x15), Hyde Gardens (x5), Connaught Road (x3), Arndale Centre (x2), Station Street (x2), Cornfield Road (x2), Lushington Road (x1) and Mark Lane (x1).
- Reports were spread throughout the year but March saw the most with 7 reports (23%) while May and June saw 4 (13%) each.
- Most reports came from Monday and Tuesday with 6 (19%) each while Wednesday saw 5 reports (16%).
- 7 reports (23%) came from between 11am and 1pm, 5 reports (16%) between 1pm and 3pm and 13 reports (42%) between 3pm and 6pm.

**B4** covers an area which includes Terminus Road from the junction with Bolton Road to its junction with Pevensey Road, Langney Road to its junction with Susans Road and the middle section of Susans Road:

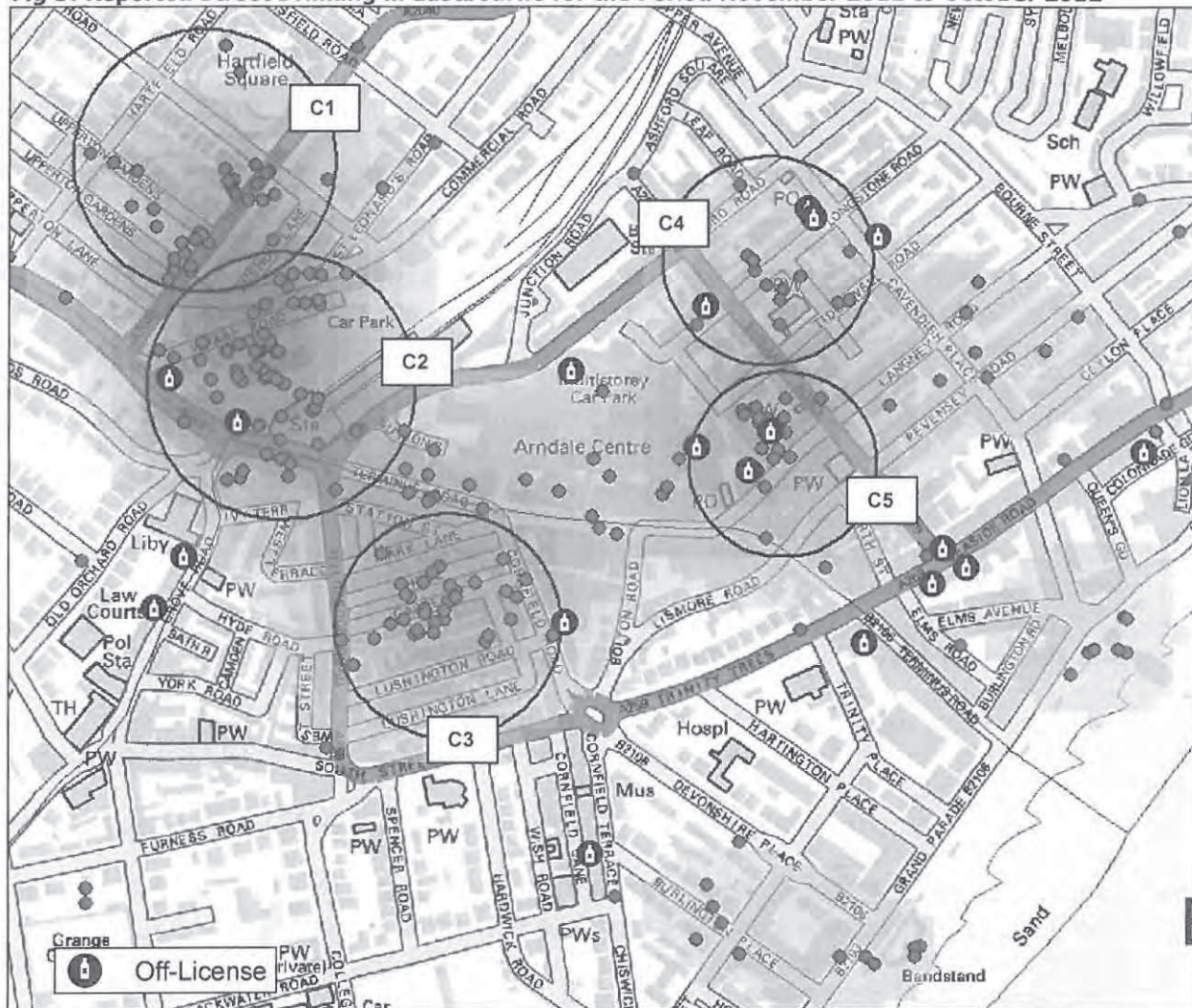
- There were 32 reports in this area in the 12 months to October 2011 which made up 17% of the total for the year.
- Langney Road (x19), Terminus Road (x11) and Susans Road (x2).
- Reports were spread throughout the year with February, March, April and May all seeing 5 reports (16%) while June saw 4 (12.5%).
- Most reports came from Friday and Saturday with 6 (19%) each while Monday saw 5 reports (16%).
- 11 reports (34%) came from between 1pm and 3pm and 16 reports (50%) between 3pm and 5pm.

## November 2011 to October 2012

During the period November 2011 to October 2012, there were 281 reports of Street Drinking of which:

- 35% (97) came from Upperton, 33% (92) came from Devonshire and 25% (71) came from Meads.

**Fig 3: Reported Street Drinking in Eastbourne for the Period November 2011 to October 2012**



Map shown produced under Ordnance Survey Crown.  
East Sussex County Council. 100019601, 2006



There were 5 distinct areas which saw high levels of reported Street Drinking (C1 to C5). **C1** covers an area which includes Upperton Gardens, Hartfield Road/Hartfield Square and The Avenue:

- There were 35 reports in this area in the 12 months to October 2012 which made up 12% of the total for the year.
- The Avenue (x25), Upperton Gardens (x8) and Hartfield Square (x2).
- Reports were spread throughout the year though almost a third (11 reports) came during May.
- Most reports came from Friday with 13 (37%) while Tuesday saw 8 reports (23%).
- 15 reports (43%) came from between 10am and 12pm and 13 reports (37%) between 12pm and 2pm.

**C2** covers an area which includes Wharf Road, the west end of Commercial Road, Station Parade, Terminus Road between Gildredge Road and Old Orchard Road, the north end of Grove Road and Eastbourne Railway Station:

- There were 58 reports in this area in the 12 months to October 2012 which made up 21% of the total for the year.
- Wharf Road (x27), Enterprise Centre (x17), Eastbourne Railway Station (x7), Station Parade (x2), Grove Road (x2), Gildredge Road (x1), Sutton Road (x1) and Terminus Road (x1).
- Reports were spread throughout the year but October saw the most with 9 reports (16%) while August and May saw 8 (14%) each.
- Most reports came from Thursday with 12 (21%) while Monday and Tuesday saw 10 reports (17%) each and Wednesday saw 9 (16%).
- 21 reports (36%) came from between 12pm and 2pm and 19 reports (33%) between 2pm and 4pm.

**C3** covers an area which includes Mark Lane, Hyde Gardens, Cornfield Road, Lushington Road and the central part of Gildredge Road:

- There were 34 reports in this area in the 12 months to October 2012 which made up 12% of the total for the year.
- Hyde Gardens (x24), Cornfield Lane (x2), Cornfield Road (x2), Gildredge Road (x2), Mark Lane (x2), Connaught Road (x1) and Lushington Road (x1).
- Reports were spread throughout the year but February and March saw the most with 6 reports (18%) each while August and September saw 5 (15%) each.
- Most reports came from Thursday with 10 (29%) while Friday saw 6 reports (18%) and Monday saw 5 (15%).
- 12 reports (35%) came from between 9am and 11am, 8 reports (24%) between 12pm and 2pm and 7 reports (21%) between 3pm and 5pm.

**C4** covers an area which includes Langney Road to its junction with Susans Road, a small section of Terminus Road between Pevensey Road and Langney Road and Susans Road between Tidewell Road and Pevensey Road:

- There were 23 reports in this area in the 12 months to October 2012 which made up 8% of the total for the year.
- Langney Road (x20), Susans Road (x2) and Terminus Road (x1) with 17 of the 20 reports from Langney Road coming from the car park to the rear of Iceland's.
- Reports were spread throughout the year but June saw the most with 7 reports (30%) while August and October saw 3 (13%) each.
- Most reports came from Wednesday and Saturday with 6 (26%) each while Thursday and Friday saw 4 reports (17%) each.
- 9 reports (39%) came from between 12pm and 2pm and 9 reports (39%) between 2pm and 5pm.

**C5** covers an area which includes Ashford Road, Longstone Road, Tideswell Road, Wellesley Road and Susans Road:

- There were 14 reports in this area in the 12 months to October 2012 which made up 5% of the total for the year.
- Longstone Road (x5), Susans Road (x5), Tideswell Road (x2), Wellesley Road (x1) and Ashford Road (x1).
- Reports fell predominantly between February and August with all but 2 reports coming from this period.
- Most reports came from Monday with 5 (36%) while Wednesday and Friday saw 3 reports (21%) each.

- 4 reports (29%) came from between 1pm and 2pm, 3 reports (21%) came from between 4pm and 6pm and 5 reports (36%) between 6pm and 8pm.

### November 2012 to October 2013

During the period November 2012 to October 2013, there were 290 reports of Street Drinking of which:

- 47% (137) came from Devonshire, 41% (120) came from Meads and just 6% (17) came from Upperton.

**Fig 4: Reported Street Drinking in Eastbourne for the Period November 2012 to October 2013**



There were 7 distinct areas which saw high levels of reported Street Drinking (D1 to D7). **D1** covers an area which includes Eastbourne Railway Station, Sutton Road, Station Parade, Terminus Road between Cornfield Road and Devonshire Park and Station Street:

- There were 24 reports in this area in the 12 months to October 2013 which made up 8% of the total for the year.
- Terminus Road (x16) and Eastbourne Railway Station (x8).
- Reports were spread throughout the year but January saw the most with 7 reports (29%) while March saw 3 (12.5%).
- Most reports came from Tuesday with 8 (33%) while Wednesday saw 6 reports (25%).
- 5 reports (21%) came from between 12pm and 2pm, 4 reports (17%) came from between 2pm and 4pm and 6 reports (25%) between 4pm and 6pm.

**D2** covers an area which includes Hyde Gardens, south end of Gildredge Road, Lushington Road, Cornfield Road, Connaught Road and South Street:

- There were 37 reports in this area in the 12 months to October 2013 which made up 13% of the total for the year.
- Hyde Gardens (x24), Gildredge Road (x7), Lushington Road (x3), Connaught Road (x1), Cornfield Road (x1) and South Street (x1).
- Reports were spread throughout the year but January saw the most with 8 reports (22%) while September saw 7 (19%).
- Most reports came from Tuesday and Friday with 8 (22%) each while Monday saw 7 reports (19%).
- 6 reports (16%) came from between 10am and 12pm, 6 reports (16%) came from between 12pm and 2pm and 7 reports (19%) between 2pm and 4pm.

**D3** covers an area which includes Trinity Trees, Trinity Place, Hartington Place and the north end of Devonshire Place:

- There were 25 reports in this area in the 12 months to October 2013 which made up 9% of the total for the year.
- Hartington Place (x11), Trinity Trees (x8), Trinity Place (x3) and Devonshire Place (x3).
- Reports were made throughout the year though 76% (19 reports) have occurred since July 2013.
- Most reports came from Monday and Tuesday with 6 (24%) each while Thursday and Friday saw 5 reports (20%) each.
- 4 reports (16%) came from between 11am and 1pm, 5 reports (20%) came from between 1pm and 3pm and 4 reports (16%) between 3pm and 5pm.

**D4** covers an area which includes Grand Parade and the promenade between Burlington Place and Hartington Place:

- There were 21 reports in this area in the 12 months to October 2013 which made up 7% of the total for the year.
- Bandstand (x9), Grand Parade (x9), Cavendish Hotel (x1), Eastbourne Beach (x1) and Seafront Office, Lower Parade (x1).
- Reports were made throughout the year though 62% (13 reports) occurred between March and April 2013.
- Most reports came from Friday with 5 (24%) while Tuesday saw 4 reports (19%).
- 7 reports (33%) came from between 11am and 1pm and 6 reports (29%) between 2pm and 4pm.

**D5** covers an area which includes Wellesley Road, the south end of Longstone Road, the south end of Tideswell Road and the north end of Susans Road:

- There were 27 reports in this area in the 12 months to October 2013 which made up 9% of the total for the year.
- Wellesley Road (x11), Susans Road (x8), Longstone Road (x7) and Tideswell Road (x1) with 21 of the 27 reports centring around the All Souls Church.

- Reports were made throughout the year though 70% (19 reports) occurred between November 2012 and February 2013.
- Most reports came from Wednesday with 7 (26%) while Tuesday and Friday saw 5 reports (19%) each.
- 9 reports (33%) came from between 12pm and 2pm and 8 reports (30%) between 4pm and 6pm.

**D6** covers an area which includes the west end of Langney Road, west end of Pevensey Road, the middle section of Susans Road and Terminus Road between Bolton Road and Lismore Road:

- There were 26 reports in this area in the 12 months to October 2013 which made up 9% of the total for the year.
- Langney Road (x17), Terminus Road (x6) and Susans Road (x1) with 13 of the 27 reports coming from around Iceland on Langney Road.
- Reports were spread throughout the early part of the year with only 7% (2 reports) occurring after March 2013.
- Most reports came from Thursday with 7 (26%) while Tuesday and Wednesday saw 5 reports (22%) each.
- 4 reports (15%) came from between 11am and 1pm, 6 reports (22%) came from between 1pm and 3pm and 7 reports (26%) between 3pm and 5pm.

**D7** covers an area which includes the Burlington Road, Grand Parade between Terminus Road and Queens Gardens and the Lower Promenade:

- There were 21 reports in this area in the 12 months to October 2013 which made up 7% of the total for the year.
- Grand Parade (x16) and Lower Parade (x5) with 11 of the 21 reports coming from around Eastbourne Pier.
- Reports were predominantly made during the middle of the year with 90% (19 reports) occurring between April and August 2013.
- Most reports came from Tuesday and Sunday with 5 (24%) each while Saturday saw 4 reports (19%).
- 6 reports (29%) came from between 12pm and 2pm and 7 reports (33%) between 3pm and 5pm.

## Summary

During 2011/12, reports of Street Drinking have seemingly risen in Eastbourne at a time when overall reported anti-social behaviour has fallen dramatically. However, this seems to be an issue which has been, and continues to be, almost exclusively confined to the town centre. For the 12 months to October 2010, just under 94% of all reports of Street Drinking came from Devonshire, Meads and Upperton, the three wards within which the town centre is located. This figure has remained relatively unchanged for the following three years and for the 12 months to October 2013, stands at 94.5%. It should be noted that within a 1km radius of this area, centred on the junction of Bolton Road and Lismore Road, there are approximately 20 off-licensed premises. This is the highest concentration in the town.

The time of year of reports of Street Drinking have remained fairly consistent over the last 4 years though there are signs that this is becoming more of a year round issue. Both 2011/12 and 2012/13 saw reports remain high into the months of September and October with reports also starting to increase earlier in the year as well. This goes some way to explaining the increase in reports of Street Drinking for the 12 months to October 2013 when the same period had not witnessed the highs in the summer months that were seen in previous years.

This is also an issue with the hours that incidents of Street Drinking are reported. Previous years have seen reports peak between 12pm and 3pm in both 2009/10 and 2011/12 while 2010/11 had



seen reports skew slightly more towards the hours between 3pm and 6pm. However, 2012/13 has seen incidents being reported in greater numbers across a wider time period. Reports have risen sharply from 9am and continue at a consistent level through to 6pm. Consequently, it seems that Street Drinking is occurring during a longer period during the day than in the previous three years.

The major changes in behaviour have occurred in the locations of reports. The main change in the last 12 months has been the shift of reports away from Upperton Gardens/The Avenue area of Upperton ward. In the previous three years, this area had seen some of the highest concentration of reports but the last 12 months have seen only 2 reports Street Drinking compared to 39 (2009/10), 19 (2010/11) and 35 (2011/12). Away from this area though, reports of Street Drinking of become more diffused with more reports being scattered between the growing number of hotspots:

- Reports have decreased in number from around the Enterprise Centre and Eastbourne Station when compared with the last 12 months with half of reports coming between November 2012 and February 2013. Incidents are more consistently reported from 12pm onwards.
- The last 2 years has seen reports increase in number from the area around Hyde Gardens and Mark Lane. Reports have continued throughout the year and seem to last throughout the day.
- The last 12 months has seen a rise in reports around Hartington Place though reports are less concentrated than elsewhere in the town centre. Reports have increased from July onwards and have so far remained high. This could possibly be due to the displacement of Street Drinkers from around the Station or from Langney Road. Again, reports have remained consistent throughout the day.
- After 2 years of relatively low numbers of reported Street Drinking, the 12 months to October 2013 has seen reports rise again around the Bandstand. Reports from this location did drop off in the summer months of 2013 but have started to increase again. Street Drinking seems to start early, from 9am, and continues to around 4pm.
- The main area of growth in the early part of the year for Street Drinking has been around the All Souls Church on Susans Road. Reports have increased from the end of 2012 through to February and have now dropped off to the odd report in most months. Reports from this location started later in the day than most, 12pm, before dropping after 1pm and rising again from 4pm.
- The most consistent area for reported Street Drinkers was Langney Road between Terminus Road and Susans Road. Reports continue to be high in this location, possibly due to the large number of off-licensed premises in its immediate vicinity. However, the majority of the reports were made between November and March with very few incidents reported since. This area has seen reports from much later in the day with just under 75% of them coming from 2pm onwards.
- The area around Eastbourne Pier has been another growth area in the last 12 months. Reports from here started to increase from April 2013 and have only started to drop off again in the last couple of months. This could possibly be due to the displacement of Street Drinkers from around the Station or from Langney Road. Reports from this location started later in the day than most, 1pm and continued through to 4pm.

Overall, reported Street Drinking has remained high over the last 24 months and has started to move away from the more traditional locations such as the Enterprise Centre/Eastbourne Station, Langney Road and All Souls Church to areas slightly further out from the main centre of the town. This has led to a growth in reports in areas such as the Pier, Hartington Place and the Bandstand. There are also signs that reports are moving to areas such as Seaside Road, where reports have increased since August 2013, and the west end of the promenade which has seen a run of reports from Burlington Place down to the Wish Tower since June 2013.

## Appendix 3:

### Reducing the Strength – Update from Ipswich



# Reducing the Strength



East of England  
CO-OPERATIVE SOCIETY



NHS  
Suffolk



Suffolk  
County Council



## Reducing the Strength

In September 2012, Suffolk Police, Ipswich Borough Council, Suffolk County Council and NHS Suffolk launched the 'Reducing the Strength' Campaign - aimed at stopping the sale of super strength alcohol from off-licensed premises in Ipswich.

Since the launch of the campaign, we have been contacted by public sector agencies across the UK, asking us for information on how the campaign started, how we put it into place and what the results have been.

This document is designed to answer some of those questions and to tell you how we got to where we are today.

Six months have passed since the start of the campaign and two thirds of all licensed premises in Ipswich are now 'super strength free'. We are still in the very early stages of the campaign, so we are unable to say that it has been a complete success. We can however, say that we have received fantastic support so far and we are seeing significant results in relation to reported crime and incidents of anti-social

street drinking in the area. Our work on the campaign is far from complete, however, and we are continuing our efforts to achieve even greater sign up across the town.

I hope that the information here may give you a starting point for thinking about similar campaigns in your area. Although the specifics of our communities are different, the problems associated with this type of alcohol and the lifestyles of those who consume it are the same nationwide. Super strength alcohol causes problems for individuals, communities and organisations in every county, and initiatives such as this provide pro-active ways of us tackling the problem and improving the lives of those affected by this kind of substance misuse.



**Tim Newcomb**, Assistant Chief Constable, Suffolk Constabulary

## Why was this initiative necessary?

In 2009, dedicated work to tackle problems surrounding street drinking in Ipswich began between police and partner agencies. In April 2009 a Street Drinking Liaison Officer was appointed in the town to work solely on issues connected to this area, working directly with affected individuals and licensed premises on a day-to-day basis.

In February 2011, Suffolk Constabulary identified a

critical issue for the force in relation to street drinking in Ipswich.

In the previous 18 months, four individuals linked to the street drinking community were murdered, and other issues affecting the local community were identified.

In June 2011 a working group was created, and 'Start Afresh' was launched. The operation was multi-agency, consisting of Suffolk Police, Ipswich Borough Council, Suffolk County Council and Suffolk

Drug and Alcohol Action Team. Other statutory partners involved in the operation included a Residents Representative Group, Community Resource Centre and members of the public affected by the problem.

It was identified that a long-term operational strategy was necessary, with the primary aim of significantly reducing the negative impact on communities of anti-social street drinking and rough sleeping in Ipswich.

## An analysis of the street drinking community at the time revealed the following:

- 25 Core + 45 Peripheral = 70 individuals
- 80% male
- Predominant age range 31 – 44, average age 40
- 90% consider super strength (over 6.5% volume) beer and cider consumption their primary issue
- Daily consumption exceeds recommended weekly level
- This is not a lifestyle choice for the majority

As part of the overall operational strategy, an action was created to tackle the specific issue of super strength alcohol, which had been identified as a key damaging factor in the lifestyles of the street drinking community. The 'Reducing the Strength' Campaign was therefore created.



## Key parts of the strategy were:

- Identifying the issues and objectives.
- Developing routes out.
- Improving community intelligence.
- The prevention of crime, anti-social behaviour and community issues.
- Community education.
- Maintaining a reduction in anti-social drinking, rough sleeping and community issues.



Reducing the  
**Strength**





**Ipswich is the county town of Suffolk, located on the River Orwell. It has a busy town centre with a vibrant shopping area and popular nightlife. The town is policed by the county's response officers and five Safer Neighbourhood Teams, which cover separate districts.**

**The main commercial and shopping area is covered by Ipswich Central Safer Neighbourhood Team.**

The town has seen a decrease in crime over the past year, which is in line with the trend for the whole county. Immediately prior to the launch of the campaign, to the end of August 2012, overall crime and anti-social behaviour in Ipswich was down compared to the previous year, but alcohol-related crimes and public disorder offences were up by 5.1%

Incidents specifically relating to street drinking had seen a slight monthly increase, with an average of 12 incidents recorded per month, compared with 7 per month in the previous year.

The Reducing the Strength Campaign was multi-agency from the outset, with representatives from Suffolk Police, Ipswich Borough Council, Suffolk County Council, NHS Suffolk, Suffolk Drug and Alcohol Action Team and the East of England Co-operative Society involved.

The East of England Co-Operative Society came on board as corporate partners, having agreed to remove super strength items from their Ipswich stores, and later from their stores across Suffolk.

# The aims of the campaign were:

“The campaign was multi-agency from the start, which was crucial for us in achieving long-lasting results that would be positive for both agencies and communities”

Mike Grimwood - Ipswich Borough Council

**1.** To encourage licensees of premises with an off-licence to voluntarily remove all super strength lager, beer and cider from their premises on a borough wide basis. Following this, to persuade licensees to voluntarily change the terms of their licence to include a licensing condition not to sell such items.

**2.** To use the campaign to highlight the dangers of alcohol in general and in particular super strength alcohol, to the communities of Ipswich, and the wider Suffolk community.

The definition of super strength alcohol was agreed as any beer, lager or cider with an alcohol volume of 6.5% or more that is sold very cheaply.

Representatives from the working group met on regular occasions to formulate a strategy for implementing the campaign. Actions were as follows:

- Create a comprehensive media strategy, containing agreed messages.
- Create branding and a campaign logo.
- Write to every off-licensed premises in the town to introduce the campaign and invite them to a launch event.

- Plan and facilitate a launch of the campaign, at a town centre location.
- Encourage licensees to sign up on the day.
- Visit premises that have signed up to discuss the removal of products from their store and explain the process of applying for a permanent minor variation.
- Carry out further communications with licensed premises to encourage sign up.
- Present premises that have signed up with a campaign plaque, advertising the fact that they are ‘super strength free’.

## The campaign would be measured via the following methods:

- The number of premises that sell super strength alcohol (both before and after the campaign).
- The number of incidents of anti-social behaviour at or near off-licensed premises (both before and after campaign.)
- The amount of recorded crime at or near off-licensed premises, with particular reference to alcohol related crime/disorder and thefts from shop.
- The amount of media coverage achieved, thereby the level of public awareness raised.



# Communications Strategy

Communications representatives from Suffolk Constabulary, NHS Suffolk, Ipswich Borough Council and Suffolk County Council created a comprehensive communications strategy for the campaign.

Media partners were secured at the outset, with the 'Ipswich Star' newspaper and BBC Radio Suffolk pledging their support. It was agreed that the campaign would tie in with the Ipswich Star's 'I Love Ipswich' initiative.

A 'superhero' angle was created, encouraging licensees to become 'superheroes' of Ipswich by signing up, and creating a unique angle to interest the public.

## Key messages:

### GENERAL:

- Super strength alcohol is all lagers, beers and ciders with an alcohol volume of 6.5% or over, that is sold very cheaply. This does not include premium products.
- The negative impacts associated with super strength alcohol are significant for the consumer and the wider community, but also for the public services who deal with the consequences. This campaign aims to take the problem away at the source.
- Super strength alcohol is often favoured by those most vulnerable in our community. Providing these people with these products increases their vulnerability to becoming victims of crime, increases the likelihood of them becoming involved in criminal activity and the potential for them to suffer significant health problems.

Agency-specific messages were also created, such as:

### POLICE:

- 14.4% of crimes and 60% of violent crimes reported in Ipswich in 2011 were alcohol-related
- Alcohol-related crime and disorder has a major impact on the quality of life of many people.
- Drinking excessive amounts of alcohol, and particularly drinks with a high alcohol volume can make individuals more vulnerable to becoming victims of crime.
- In one area of Ipswich anti-social behaviour fell by 64% after super-strength alcohol was removed from the local off-licence.

### HEALTH:

- A single 500ml can of 9% super strength lager contains four and a half units of alcohol, which exceeds the Government's daily recommended safe alcohol limit of between two to three units for women and three to four units for men.
- In Suffolk in 2011, there were more than 13,000 admissions to hospital with an alcohol-related condition, and every other day, one person in Suffolk will die from an alcohol-related condition.
- Excessive consumption of alcohol, particularly super strength, can lead to health problems such as liver disease, cancer and strokes. Other consequences include depression, impotence and excessive weight gain.



### Key audiences:

- Licensees
- Street drinking community
- General public and wider community
- The licensed trade and drinks industry
- Partner agencies

### Strategy:

- Create campaign title / logo and branding, including superhero branding
- Arrange opportunities for interviews with key individuals for media partners.
- Issue press release to local and national media, inviting them to launch event
- Facilitate media at launch event
- Launch web pages dedicated to campaign on partner websites
- Utilise social media to publicise launch
- Continue to release timely updates on the campaign as it progresses

The campaign title 'Reducing the Strength' was agreed and a logo was created.

Reporters were able to interview a recovering alcoholic who used to drink super strength alcohol and who now supports the campaign.

They also interviewed the owners of a business in Ipswich who saw a huge reduction in anti-social behaviour around their store after super strength alcohol was removed from an off-licence in the same street.



Prior to the launch, interviews were set up for media partners, to allow them enhanced access to features and stories. This enabled them to increase their coverage of the campaign on the day of the launch.

Superhero branding and logo were created. Image of a window sticker above.



Representatives from partner agencies

## The Launch

**The manager of every off-licensed premises in Ipswich was invited to the launch event, which was held in a function room of Ipswich Town Football Club.**

Health, NHS Suffolk, Mike Grimwood, Operations Manager, Ipswich Borough Council Licensing Team and Roger Grosvenor, Retail Executive, East of England Co-operative Society.

The event was opened by ACC Tim Newcomb, who highlighted the issues surrounding super strength alcohol and the aims of the campaign.

Two short sketches were performed by a professional theatre company, Menagerie, and licensees were invited to speak with campaign representatives at the end of the event.

A short film was shown, containing images of the effects of street drinking in Ipswich and various interviews. These were with a recovering alcoholic who had been a user of super strength, the manager of a local off-licence that is super strength free, a local business owner affected by the sale of super strength in their area, a local MP and representatives from the town and county councils.

Leaflets were produced for attendees, (copies are included), giving an overview of the campaign and what the benefits are for those who sign up. Window stickers, stating 'We are super strength free', and including the superhero image, were produced to give to those licensees who signed up on the day.

Short inputs were given by: Pc John Alcock, Street Drinking Liaison Officer, Suffolk Constabulary, Sally Hogg, Assistant Director of Public

Journalists were invited to film during the event and to listen in. Interviews were facilitated with key representatives.



Granite plaques were made to be displayed outside those premises that had signed up to the campaign. The plaques were engraved with the campaign logo and stated that the premises do not sell super strength alcohol.



# Media coverage

Extensive local and national media coverage was achieved.

On the day, representatives from the East Anglian Daily Times / Ipswich Star, BBC Look East, ITV Anglia and Radio Suffolk were in attendance.

Chief Inspector Andrew Mason was interviewed on Radio 5 live, Radio 2 covered the item and enquiries were received from the Daily Telegraph and Financial Times.

Following the launch, the campaign received coverage in the majority of national newspapers, either online or in print. Interviews were carried out with Sky News, various BBC radio stations, national and regional newspapers and industry publications such as 'Retail Express'.

## Following the launch

The launch event was the public start of the campaign, but work had already been underway with licensing teams from the council and from police, by engaging with licensed premises over the issue of super strength, and in some cases, enforcing licence amendments where the sale of super strength alcohol was already an issue of concern.

Anyone who expressed an interest in the campaign at the launch was visited by a member of the Constabulary licensing team, to discuss the removal of super strength products and to explain the process of applying for a minor variation to their premises licence.

To encourage further sign up, Ipswich Borough Council agreed to cover the fee, on behalf of the applicant, involved in a minor licence variation for any businesses that signed up before April 2013. This charge is usually £89.

Further premises were visited to discuss the initiative and support was gained from national stores in the town who agreed to sign up, with some also agreeing to a minor licence variation.

Any business that has signed up has been presented with a plaque to be displayed outside the premises.

Following the campaign, media interest has been maintained through the publication of further media updates at regular intervals, highlighting the number of stores 'super strength free' and announcing further significant national support.

A media event was held in April at the six month point, which received significant local and national coverage.



Pc John Alcock, Mrs Patel of Ulster News and C/Insp Andrew Mason



Reducing the  
Strength

# The Results

## Crime and anti-social behaviour

### Number of stores signed up

- Total off-licensed premises in Ipswich – 122
- Total number of off-licensed premises super strength free at the launch of the campaign - 53 (43%)
- Total number of off-licensed premises super strength free as of end of March 2013 - 80 (65%)

National retailers signed up locally - East of England Co-op, Tesco, Martin McColl, Debenhams, Marks and Spencer, BHS, Waitrose, Sainsburys and Aldi.

A significant reduction has been recorded in the number of 'street drinker events' reported to the police since the campaign launched. These are defined as incidents in which members of the public have called us to report a concern linked to street drinking. Ninety-four of these events were reported to police in the six months from the launch of the campaign (September 2012-March 2013), compared with 191 events in the same period the year before. This equates to a drop of 49.2%

The number of reported incidents of crime and ASB at or around Co-op Stores in Ipswich have been analysed, both before and after the implementation of the campaign.

Only the 26 Co-op stores were included in this analysis, rather than all off-licences in the town, as Co-op stores were signed up from the outset, rather than joining the

campaign later in the time period, allowing the greatest statistically significant timeframe.

Statistics show no change in the level of crime or ASB in these areas, but this is against the backdrop of falling levels of crime and ASB across the whole of the town. Crime in Ipswich is down 14% and ASB is down 19%.

Under Start Afresh, an Operation launched in 2011 to tackle issues surrounding street drinking in the town, of which Reducing the Strength is an important part, huge improvements have been made. By the end of 2012, there was a 20% reduction in the number of individuals defined as being part of the street drinking community and the number of Section 27 'direction to leave' notices used by police has also increased, reflecting significant pro-activity in this area.

Picture shows Campaign representatives at the 'Six months on' media event held in April 2013.



# The effect on the business community

Surveys were carried out on members of the business community in Ipswich in 2011, and again in February 2013. The results reveal the following:

- There was a 20% reduction in the number of people who stated that they witnessed a high level of street drinking, and those who considered the level of street drinking they witnessed to be low, increased by 10%.
- There was a reduction of 12% in the number of people who reported to have witnessed street drinking at all in the area around their business.
- Only 15% of those questioned stated that their business was significantly affected by street drinking.

Businesses who took part in the survey gave the following comments:  
St Matthew Street - "Street drinkers no longer hang around in this area and this has been a big improvement over the last year"

St Helen's Street - "Street drinking has dropped over the last year"

Tavern Street - "Have seen a reduction in street drinking over last 12 months"

Lloyds Avenue - "Have noticed a lot less street drinkers in area and business not affected"

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## Going forward

Work in relation to the campaign is still in its early stages and all agencies are committed to gaining further sign-up to achieve more positive results for communities.

Liaison will continue between campaign leaders and the managers of off-licensed premises to discuss the significant benefits of the campaign, and to work through the

reasons preventing retailers from becoming super strength free.

Additional work with members of the street drinking community continues, with support and help being offered by all agencies to assist in providing routes out of this lifestyle.

The campaign has been regarded as an example of excellent practice in dealing with the shared

issues experienced by towns across the country in relation to street drinking. Police forces and public sector agencies across the UK have contacted campaign leaders for help and advice in replicating the operation in their areas. Should the campaign continue to achieve success, the potential for it to be rolled out across other towns in Suffolk will be considered.



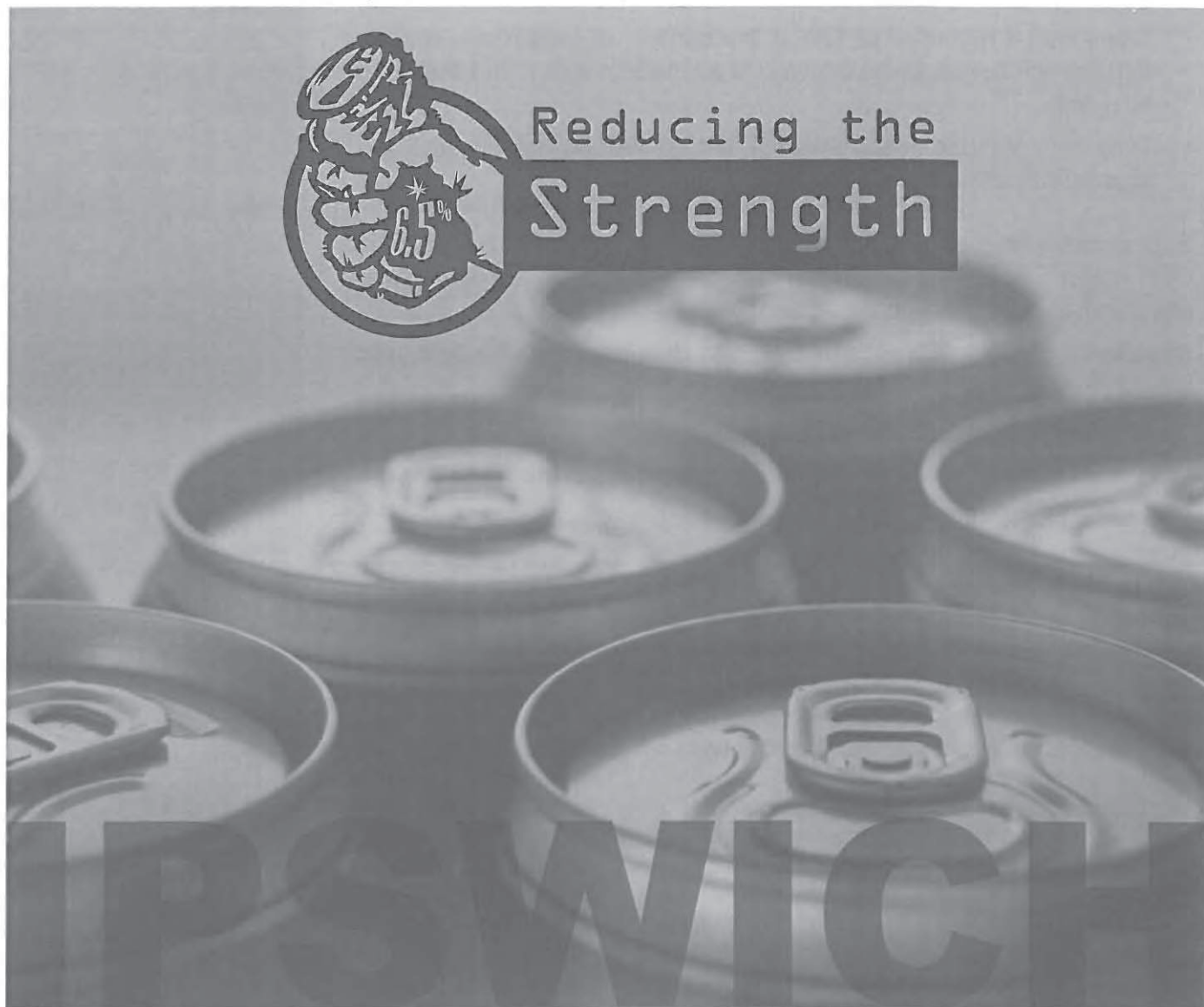
"We are extremely pleased that we are continuing to gain support for the Reducing the Strength Campaign, which will have such a positive effect on community life in Ipswich."

"This is just one of the initiatives we are undertaking in Ipswich and we are seeing some fantastic results for the town."

**David Ellesmere - Leader,  
Ipswich Borough Council**



# Reducing the Strength



Appendix 4:

Minister for Crime Prevention  
Correspondence dated 6<sup>th</sup>  
August 2014

Licensing Authorities  
Cc: Police and Crime Commissioners

6 August 2014

Alcohol is a key driver of crime and disorder and a major public health challenge, estimated to cost around £21bn per year. This includes the costs of alcohol-fuelled crime (around £11bn) and NHS costs (around £3.5bn). I am sure you will agree that these costs are unacceptably high. As Minister for Crime Prevention I am grateful to the work of licensing authorities in addressing these harms associated with alcohol.

I am keen to ensure that all tools and powers to tackle these alcohol harms, for example on sales to drunks and the new anti-social behaviour powers, are used fully. In particular, I wanted to draw your attention to a few specific alcohol measures.

#### *Late night levy*

Firstly, I would like to congratulate those of you who have adopted the late night levy and I hope to hear from you about the benefits that this is bringing your area. The levy enables a contribution to be raised from businesses benefitting from late-night alcohol sales to support police and local authority costs. While the legislation stipulates that the police must receive at least 70% of the income generated. I want to make it clear that there is no bar at all to making a local agreement between the licensing authority and the Police and Crime Commissioner to vary this percentage split by allocating some of the PCC's share of the revenue back to local authority initiatives, in areas such as Cheltenham and Newcastle such agreements were important in the decision to bring in a late night levy.

#### *Early Morning Alcohol Restriction Order (EMRO)*

Secondly, I have been interested to see the type of issues raised in a number of public consultations on the EMRO. Areas which have considered introducing an EMRO have often found that the discussions with the licensed trade, which the process prompts, have established useful voluntary schemes. Such engagement should be welcomed and I would encourage you all to consider whether an EMRO would be a suitable tool to use in your area. As part of a wider review of the section 182 guidance, I have also asked my officials to update the EMRO guidance to ensure that it is as useful as possible for you. The updated guidance will be published in the autumn. If you are considering an EMRO, and have specific



questions which you would like help with, please do get in touch with my officials in the Home Office who will be happy to help.

#### *Local Alcohol Action Areas (LAAAs)*

The Home Office is keen to support local partners, for example through the LAAA scheme. This project supports twenty areas to deliver objectives to cut alcohol-related crime and disorder, reduce the damage caused to people's health and promote diverse night-time economies. Amongst other things, the LAAAs are exploring the processes needed to underpin a policy to introduce health as a licensing objective, which I look forward to hearing more about.

#### *Local super-strength schemes*

I am aware that there are numerous local schemes, operating some form of voluntary restriction on strong alcohol, which are now in place. I welcome your initiative and determination to find ways to tackle the harms associated with high volume super-strength alcohol. Some of you have expressed concerns regarding the application of the Licensing Act 2003 and the complexities of competition law in this regard. The position is that any action taken under the Licensing Act 2003 must be with regard to the promotion of one of the licensing objectives and, you will want to satisfy yourselves the legality of any specific scheme you are planning.

The Competitions and Markets Authority (formerly the Office of Fair Trading) has issued some guidance on competition law relating to these types of voluntary schemes, which is available on <http://webarchive.nationalarchives.gov.uk/20140402142426/http://www.offt.gov.uk/news-and-updates/events/local-initiatives/>

You might also be interested in the new set of pledges, recently agreed by the alcohol industry, as part of the Government's Public Health Responsibility Deal. This includes a pledge on responsible packaging which, I hope, is a welcome step in addressing the harms associated with the excessive consumption of high volume super strength alcoholic drinks. The full list of pledges can be seen here: <https://responsibilitydeal.dh.gov.uk/pledges/>

#### *"Sobriety" pilots*

The Government's Alcohol Strategy stated that we would pilot compulsory sobriety measures as requirements in community orders relating to serious offences such as common assault and actual bodily harm. The Legal Aid, Sentencing and Punishment of Offenders Act 2012 introduced Alcohol Abstinence Monitoring Requirements (AAMR) to be made as part of a community order or suspended sentence order, and the Act requires that the AAMR is piloted prior to any national roll-out. A sobriety scheme using conditional cautions was carried out in 2012 involving five pilot areas, focussing on lower level offences. We have also been exploring ways to pilot compulsory sobriety measures and suspended sentence orders. In July, a pilot was launched in London using ankle tags to monitor alcohol consumption by offenders convicted of alcohol related offences. I am pleased that the pilots have begun, and I know that many of you will be interested to hear about the outcomes of this work in due course.

#### *Deregulation Bill*


As you may be aware, there are a number of alcohol licensing provisions progressing through Parliament as part of the Deregulation Bill. One such measure

is the removal of the need to renew a personal licence. The timescales for the Bill means that there may be some who will need to renew their licence before the changes take effect. This is beyond my control, although I do recognise that it is far from ideal. My officials will work with you to establish the best way of handling transitional arrangements and we will publish specific guidance later this year. Separately, the consultation on locally-set licensing fees (which I know is of interest to many of you) has concluded and is being analysed. An announcement will be made in the near future and I will ensure that you are made aware of our decision.

Finally, I would like to take this opportunity to thank you for your hard work to reduce the harms caused by alcohol. I appreciate that this is not an easy task and am grateful for the work you do. Please do get in touch with the Home Office if there are particular issues, concerns or successes you would like to share.

On a personal note, I am planning a number of visits to licensing authorities later this year and hope to have the chance to meet many of you then.

Yours sincerely

A handwritten signature in black ink that reads "Norman Baker". The signature is written in a cursive, slightly slanted style.

**Norman Baker**  
**Minister for Crime Prevention**

## Appendix 5:

Office of Fair Trading

“Local Initiatives and  
Competition Law”

**Local Government Association  
Annual Licensing Conference**

**4 February 2014**

# **Local Initiatives and Competition Law**

**Dan Moore, Director, Goods & Consumer Group  
Dan Rawling, Team Leader, Goods & Consumer Group**

# Competition law background

## Competition Act 1998 ('CA98')

### Chapter I Prohibition CA98

- Agreements between undertakings\*
- Decisions by associations of undertakings
- Concerted practices
- Object or effect of preventing, restricting or distorting competition

\* Any form of entity engaged in economic activity, including retailers, manufacturers, wholesalers and distributors

An agreement that prevents, restricts or distorts competition may benefit from exemption (under s.9 CA98) only where:

- it results in economic efficiencies and consumer benefits,
- the restriction is indispensable to obtaining these benefits, and
- competition is not eliminated

# Competition law background

The Chapter I Prohibition applies, amongst other things, to agreements to fix prices or trading conditions and the sharing of commercially sensitive information.

Information sharing does not need to be reciprocal. Information can be shared directly or indirectly.

The fact that an agreement is sanctioned by the Government (national or local), or that the discussion takes place in the presence of Government officials, does not prevent it from falling foul of the competition rules.

**If an agreement falls foul of the competition rules, the parties are susceptible to:**

- **Private actions for damages/injunction**
- **Enforcement action (plus potential for fines; criminal cartel offence)**
- **Individual sanctions (e.g. director disqualification)**

# Existing guidance

**There is a wealth of guidance material to help businesses and officials to understand competition law**

OFT competition compliance resources (for businesses, directors and advisers)

[www.ofc.gov.uk/OFTwork/competition-act-and-cartels/competition-law-compliance](http://www.ofc.gov.uk/OFTwork/competition-act-and-cartels/competition-law-compliance)

OFT detailed guidance on anti-competitive agreements and concerted practices (OFT401)

[www.ofc.gov.uk/OFTwork/publications/publication-categories/guidance/competition-act/ofc401](http://www.ofc.gov.uk/OFTwork/publications/publication-categories/guidance/competition-act/ofc401)

OFT guidance for policy-makers (including our 'Government in Markets' guide)

[www.ofc.gov.uk/OFTwork/competition-act-and-cartels/advocacy-guidance](http://www.ofc.gov.uk/OFTwork/competition-act-and-cartels/advocacy-guidance)

BIS advice for officials on competition law issues arising when Government encourages businesses to work together

[www.bis.gov.uk/files/file45711.pdf](http://www.bis.gov.uk/files/file45711.pdf)

OFT submission to the Health Committee Inquiry into the Government's Alcohol Strategy (May 2012)

<http://www.ofc.gov.uk/OFTwork/consultations/responses/health-committee>

The OFT has worked with the Department of Health, the Home Office and the Local Government Association to share these guidance materials for use in their own knowledge-hubs.

# Local Authority initiatives

Some Government or local authority policies may involve mandatory measures. Others may rely on voluntary co-operation or collaboration between industry participants (or between industry and Government).

Policy-makers may wish to pursue voluntary collaboration to achieve public policy objectives (e.g. social, health or environmental objectives) without the need for legislation, regulation or licensing action.

There is no general prohibition under competition law on competitors working together to address legitimate concerns or to deliver policy initiatives.

But it does require, in certain circumstances, that the method of dealing with these concerns should be carefully selected to avoid restricting competition.



# Local Authority initiatives

## Policy-makers and Local Authority officials should:

- Consult existing OFT guidance and consider the competition implications of their proposals at an early stage
- Seek independent legal advice where necessary
- Take into account the competition law risks that arise where a proposal involves non-mandatory measures and seeks the 'buy-in' of independent undertakings
- Remember that the CA98 covers any agreements or less formal understandings on prices or on *any other* terms affecting competition between independent businesses
- Remember that agreements can be direct or *indirect* (including through a third party intermediary)

# Competition landscape

On 1 April 2014, the Competition and Markets Authority ('CMA') will become the UK's lead competition and consumer body.

The CMA will bring together the existing competition and consumer protection functions of the Office of Fair Trading and the responsibilities of the Competition Commission, as amended by the Enterprise and Regulatory Reform Act 2013.

See the CMA's homepage for more information:

[www.gov.uk/government/organisations/competition-and-markets-authority](http://www.gov.uk/government/organisations/competition-and-markets-authority)

# Local authority initiatives

## Low/no risk of CA98 being infringed

### A Local Authority:

- uses regulatory or licensing powers to impose legal requirements that businesses must comply with,
- disseminates to a business a public policy message, for example explaining the social impact of a retailer's sales activities, and invites the business to make unilateral commitments to address this,
- seeks the views of businesses, for example through a meeting at which retailers make high-level suggestions to inform local government policy, or
- involves businesses in an initiative that is unlikely to impact on competition (either on price or non-price factors), for example agreeing best practice in verifying the age of customers, or in refusing to serve alcohol to drunk customers.

## High risk of CA98 being infringed

### A Local Authority:

- acts as a mechanism to co-ordinate the independent commercial decision-making of businesses through non-mandatory means, effectively substituting individual/unilateral decision-making with a co-ordination of economic activity (including on price and non-price factors), or
- encourages or facilitates the sharing of commercially sensitive information from one business to another (directly or indirectly), including information on individual retailer's future commercial policies or intentions.

## CA98 almost certainly infringed

- encouraging or brokering an agreement between businesses to raise/fix prices or to set minimum prices.

## Appendix 6:

# Trade Bodies Correspondence

Chief Executive  
Eastbourne Borough Council  
Town Hall  
Grove Road  
Eastbourne  
BN21 4UG



16th May 2014

Dear Sir or Madam,

### Local 'voluntary' bans on higher-strength beers and ciders

We are writing in reference to the decision of Eastbourne Borough Council to consider the implementation of a local scheme encouraging the removal of higher-strength beer and cider products.

As representatives of drinks producers and retailers, many of which are local, family or regional businesses, we would like to make you aware of some of the concerns we and our members have regarding the potential legal implications of a policy decision of this kind.

The proposals for a scheme in many cases appear to attempt to impose the removal of certain higher-strength products as a generalist blanket condition across licences. Under licensing law, any such conditions should be evidence based and tailored to specific premises, and therefore the creation of a generalised scheme of this kind will exceed existing licensing powers and place retailers in an uncertain legal position should they comply.

While authorities are able to deal with licensees individually on an evidential basis, the Office and Fair Trading (now the Competition and Markets Authority) are clear that if a Local Authority acts to co-ordinate the independent commercial decision-making of businesses through non-mandatory means, such as the co-ordination of economic activity on non-price factors, such as product removal, they run a high risk of contravening competition law, even if this is on a voluntary basis. We have outlined further detail in the attached document.

It is for this reason that licensees are often not prepared to sign up to or be involved in a local schemes of this kind voluntarily. However, despite concerns about the legality and effectiveness of the withdrawal of products our members take alcohol related harm, crime and anti-social behaviour very seriously and look to engage with local authorities in partnership to tackle these harms.

In order to ensure that local schemes are effective and sustainable, it is essential that they are legally sound as well as being evidence based and built upon strong partnership working in the local area. We have already written to Police and Crime Commissioners highlighting the existing powers local authorities and police to target street drinking issues, and are working with a wide range of partners to support the expansion of existing industry schemes aimed at tackling alcohol-related issues within communities.

Although independent examination has yet to be carried out in areas that have withdrawn higher-strength products, it appears that a focus on enforcement of existing legislation and development of a


comprehensive treatment and rehabilitation strategy have been more effective in tackling street drinking and associated anti-social behaviour than other measures.

Through partnerships with local authorities and other stakeholders, schemes have been developed like Community Alcohol Partnerships, Best Bar None, Purple Flag and Pubwatch which have been very successful in reducing the negative impact of alcohol across a range of areas. Following the announcement by the Home Office of the selection of twenty Local Alcohol Action Areas, the industry will be redoubling efforts to demonstrate the impact of effective partnerships in these areas. There is further information in the attached briefing on some of the measures that are available and have been effective elsewhere.

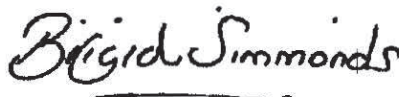
Given the legal issues outlined above, we would urge you as an authority to instead look to develop a comprehensive strategy of enforcement, treatment and local partnerships which have a proven record of tackling alcohol related harm and can be done in close partnership with the trade.

If you would like any further information or are interested in discussing this in more detail we would be more than happy to meet with you to look at how we and our members can work with you to tackle shared objectives.

Yours sincerely,



James Lowman  
Chief Executive  
Association of Convenience Stores



Brigid Simmonds OBE  
Chief Executive  
British Beer & Pub Association



Robert Price  
Director  
National Association  
Of Cidermakers



Miles Beale  
Chief Executive  
Wine & Spirits Trade Association

## Schemes restricting higher-strength products – legal guidance

### a) Use of blanket licensing conditions

As you will know a licensing authority's statutory power to impose s.18(4) conditions is not at large, but requires the trigger of "relevant representations" (s.18(3)), absent which the licence should be granted with conditions falling within a narrower compass (s.18(2)).

It is important to note that Parliament has identified certain mandatory conditions (s.19) and has entrusted the Secretary of State with the power to specify further mandatory conditions for the promotion of the licensing objectives but this does not extend to product bans. It is not open to local licensing authorities to act as regional legislators, imposing generally-applicable licensing conditions. The point is powerfully illustrated by the five mandatory licensing conditions which were imposed by the Secretary of State in the Schedule to the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010, including irresponsible promotions etc.

Furthermore, while local authorities may still discuss whether individual retailers would like to adopt the provision on their licence on a voluntary basis, licensing requirements extend to circumstances in which the effect is to create a generalised scheme through the voluntary acceptance under the threat of review or the desire to maintain good relations with the police and licensing authority and would apply to either general restrictions on the ABV strength or the targeting of specific products or brands. It is important for authorities to understand that it is these concerns regarding the legality of the policy, as well as concerns about the legality of their own role in these types of discussion, that leads to some retailers not supporting or being involved in these types of scheme.

### b) Entirely voluntary schemes

Although we understand that some local authorities have taken the view that voluntary agreements with no use of licensing conditions are less onerous and restrictive to retailers, we would like to raise concerns about the risk this places on retailers of breaching competition law.

The Office of Fair Trading (now the Competition and Markets Authority) advises that there is a high risk of the Competition Act 1998 being infringed if a Local Authority:

'acts as a mechanism to co-ordinate the independent commercial decision-making of businesses through non-mandatory means, effectively substituting individual/unilateral decision-making with a co-ordination of economic activity (including on price and non-price factors)'

We therefore believe that the OFT have been clear that any coordinated voluntary agreement between businesses, such as an agreement not to stock certain brands or higher strength products, is at risk of infringing of competition law. Additionally, although technically voluntary, local retailers may feel compelled to participate in such schemes to maintain good relations with the police and licensing authority.

It is important for your authority to understand that it is these concerns regarding the legality of the policy, as well as concerns about the legality of their own role in these types of discussion, that lead to some retailers not supporting or being involved in these types of scheme.

## Local voluntary schemes restricting higher-strength beers and ciders – alternatives

The industry is fully committed to working in partnership with local authorities and police to tackle local problems and is keen to engage in strategies to tackle alcohol misuse at a local level. There are already a wide range of powers in place which can be used to deal with alcohol related crime and disorder as well as a wide range of other measures including local partnership working, which can provide more sustainable long term solutions than removal of products.

### 1. Enforcement of current laws

**Alcohol Control Zones:** Under the Criminal Justice and Police Act 2001 local authorities have the power to introduce these (officially called Designated Public Place Orders), which give police the power to confiscate alcohol in a designated zone.

**Serving drunks:** Under section 141 of the Licensing Act 2003 it is illegal to serve drunks.

**Dispersal notices:** Under the Violent Crime Reduction Act 2006, Section 27 notices can be issued to order individuals to leave a given area and not return for 48 hours.

**Drinks Banning Orders:** Also under the Violent Crime Reduction Act 2006, an individual who breaks the law or causes problems whilst drinking, can be banned from drinking or possessing alcohol in public, buying alcohol and from entering certain licensed premises.

**Underage selling:** The Government recently increased the maximum fine to £20,000 for persistent underage selling at the same premises which can be just two occurrences.

### 2. Forthcoming legislation

Legislation to prevent below-cost-selling (defined as duty plus VAT) coming in on the 28<sup>th</sup> May 2014 and new anti-fraud measures will prevent the small numbers of retailers that sell at very low prices from doing so. This is particularly the case for beer, which has a higher duty rate for beers over 7.5% ABV.

### 3. Alcohol support services

Anecdotal evidence has shown that putting money and focus on providing support services to targeted individuals and getting them off the streets has had an impact on crime and disorder associated with the issue of street drinking. Whilst this is a complex issue with no easy solutions, tackling the causes of why people drink to this level and providing further help and support is likely to be much more effective and sustainable than simply removing certain products.

### 4. Partnership schemes

Partnership schemes contribute to creating a safer and more secure late-night economy in towns and cities around the country. Initiatives such as Pubwatch, Best Bar None, Business Improvement Districts, Community Alcohol Partnerships and Purple Flag fulfil a variety of different functions, but all help with tackling crime and anti-social behaviour. An outline of the various partnership schemes can be found at [bit.ly/lapportman](http://bit.ly/lapportman).

### 5. Awareness and education

The industry continues to be extremely supportive of initiatives to better educate and inform consumers. We are committed to help consumers in making informed choices through funding of Drinkaware, to supporting initiatives and campaigns on responsible drinking and unit awareness.