



Community Safety Briefing

Briefing number	02/2010	Date issued	23 March 2010
This briefing is	For information		

YOUNG PEOPLE AND ALCOHOL IN PUBLIC PLACES – THE POLICING AND CRIME ACT 2009

INTRODUCTION

The Policing and Crime Act 2009 received Royal Assent on 13 November 2009 and gives Police Officers* new powers to tackle underage drinking in public places. It has amended powers under the Confiscation of Alcohol (Young Persons) Act 1997 and created a new offence of being persistently in possession of alcohol in a public place. The purpose of this briefing is to inform those working with young people of the change in the law and the tiered approach to dealing with those found in possession of alcohol underage.

**Although the term Police Officers is used throughout this document the powers are also applicable to both Police Community Support Officers (PCSOs) and Accredited Persons (Neighbourhood/Street Scene Wardens).*

CONFISCATION OF ALCOHOL FROM PERSONS UNDER 18

The Confiscation of Alcohol (Young Persons) Act 1997 gives Police Officers the power to seize alcohol from anybody that they reasonably suspects to be under the age of 18 who is found in possession of it in a public place. It also gives officers the power to seize alcohol from any person aged over 18 if they believe that all or part of the alcohol is intended to be supplied to a person under 18. It is a criminal offence for a person to refuse to surrender the alcohol in their possession.

Section 29 of the Crime and Policing Act has given officers an additional power in relation to the confiscation of alcohol from under 16s. If an officer seizes alcohol from somebody that they reasonably believe is under 16 they now have the power to take that person home or to another place of safety. This new power allows officers to deal with those young people who are most vulnerable by virtue of their age and in effect formalises a long standing practice where officers have taken young people home.

Summary

For further information, contact:

Neil Worth
Community Safety Officer
Horsham District Council
Park North
Horsham
West Sussex RH12 4RL

Direct line **01403 215116**
E-mail **neil.worth@horsham.gov.uk**

Outline of new powers under the Crime and Policing Act 2009 in relation to young people and alcohol.

PERSISTENTLY POSSESSING ALCOHOL IN A PUBLIC PLACE

Section 30 of the Policing and Crime Act 2009 created a new offence of Persistently Possessing Alcohol in a Public Place. The Act states that: *A person under the age of 18 is guilty of an offence if, without reasonable excuse, the person is in possession of alcohol in any relevant place on 3 or more occasions within a period of twelve consecutive months* (a relevant place is defined as any public place or any place, other than a public place, to which the person has unlawfully gained access). This now means that if a young person has alcohol seized from him/her at least three times they commit the offence for which they can be prosecuted. This legislation is directed at young people specifically and if found guilty *they* will be liable to a fine not exceeding £500. They will also have a criminal record.

In practice the Police will take a three stage approach to dealing with those found in possession of alcohol in a public place:

Stage One:

When dealing with a one-off instance, officers should confiscate the alcohol from the young person and, if felt necessary, take that young person home if they are under 16. A letter will then be sent to the young person's parents giving details of the incident via the Anti-Social Behaviour Team. A copy of this letter will also be sent to the Youth Offending Team for their information.

Stage Two:

When dealing with a repeat instance of possession of alcohol underage, the young person will be made the subject of an Acceptable Behaviour Contract and other specifically targeted interventions, such as attendance at an alcohol misuse course, will be considered if appropriate. Again the Youth Offending Team will be informed. At this stage parents may be directed to parenting courses or other family support services. They may also be made subject to Parenting Contracts (much the same as an ABC).

Stage Three:

Young people who persistently drink or possess alcohol in a public place may be prosecuted for the offence. At this stage depending on the circumstances applications may be made for an Anti-Social Behaviour Order for the young person and also a Parenting Order for their parents.

The purpose of this offence is to reduce crime and disorder caused by persistent and unsupervised drinking by young people by making it clear that there are penalties to those who are causing problems in their community. The three stage approach has been adopted to highlight the consequences of their behaviour to the young people concerned and to also allow agencies to work together to intervene and support them where necessary. At all times during the process the Police and the Anti-Social Behaviour Team will be conscious of the welfare of the young people involved and this may result in referrals to Social Services and other agencies using the Common Assessment Framework.

UNDERAGE SALES AND SUPPLY OF ALCOHOL TO YOUNG PEOPLE

Various items of legislation exist to tackle the supply of alcohol to persons under 18. It is mainly obtained via adults passing it on to the young people and adults caught doing this commit an offence for which they may receive a fine not exceeding £5000. The Policing and Crime Act has amended the Licensing Act 2003 and has made it an offence for an establishment to persistently sell alcohol to an under 18 on two separate occasions within three months.

FURTHER INFORMATION

The Home Office have published a guide to using powers under Section 30 Policing and Crime Act 2009 entitled "A Tiered Approach to Tackling Young People Drinking in Public Places" which can be downloaded via their website: <http://www.crimereduction.homeoffice.gov.uk/crimereduction054.htm>.

