Dear Mr Galloway

Dundee City Licensing Board – Statement of Licensing Policy 2011-4

We are grateful for the opportunity to respond to the Dundee City Licensing Board consultation on the inclusion of a ‘bottle marking scheme’ in Dundee’s statement of licensing policy.

The WSTA is the UK organisation for the wine and spirit industry representing over 310 companies producing, importing, transporting and selling wines and spirits. Our members include retailers who between them are responsible for thousands of licenses.

We work with our members to promote the responsible production, marketing and sale of alcohol. The WSTA has been involved in a range of work to reduce underage access to alcohol and promote a responsible drinking culture. A list of the initiatives that we are involved with is included at Annex 1.

Bottle marking

The updated licensing policy consultation proposes that a bottle marking scheme be implemented in Dundee and I understand you wish to follow a model currently used as ‘good practice’ in East Ayrshire, but which does not form part of their own Licensing Policy Statement. We have spoken to officials in East Ayrshire and I understand the bottle-marking scheme there is run by Strathclyde Police with financial support from East Ayrshire Council and a number of other partners. We did ask Strathclyde Police to provide any evaluation or assessment they have made of the effectiveness of their bottle-marking scheme but they have been unable to do so thus far. We would therefore question the basis on which Dundee City Council are adopting this scheme, if there is no evidence base, or analysis, as to its effectiveness.

We have a number of concerns about bottle marking as licensing policy, based on our members’ experiences of it in other areas. There are set out below:

1. **Bottle marking does not produce evidence an offence has taken place and is unlikely to lead to a successful prosecution.**

Finding a discarded or confiscated bottle marked up as being from a certain shop does not prove that an underage person bought alcohol from that shop. Young people increasingly get alcohol from other sources rather than buying it directly. In 2008, (the
last year for which figures are available), only 6% of 11-15 year olds who drank tried to buy alcohol from a shop, while 22% were given alcohol by parents, 24% by friends and 18% asked someone else to buy their alcohol. Marked-up alcohol in the possession of a young person is as likely to have come from their parents’ cupboards at home or have been proxy purchased for them as to have been bought by them directly. Unless there is an element of surveillance involved in the scheme (which would negate the need for bottle marking anyway) it is difficult to see how bottle marking evidence could ever stand up as the basis for a prosecution for underage sales.

In Sunderland, where bottle marking was carried out in a large number of stores, no enforcement action was taken against shops despite a large amount of alcohol being confiscated from young people. The only enforcement actions were against individuals for being drunk and disorderly, carrying an offensive weapon and proxy purchasing alcohol.

2. Burdens on enforcement and business

Individually marking every item of stock sold by an off-licence or in a supermarket wine and spirits aisle would take a considerable amount of man hours, especially where stock has a rapid turnover, or where packaged products, such as beer, have to be taken apart and marked. In some areas where this has been piloted in England, local PCSOs have had to take on the task of marking up stock as they have been unable to provide the evidence base for businesses to assign staff to it, a questionable use of police time. Where business have agreed to provide staff to mark bottles, this has been a significant staff cost to the business, as noted in Sunderland.

Bottle marking schemes also have high start up and running costs due to the materials needed to bottle mark. I note that you have yet to ascertain the costs of a bottle marking scheme in Dundee and that specific proposals are yet to be formulated. It may be useful to know that a pilot undertaken by the Metropolitan police in 2009 cost £5000 for a three month trial. The police chose not to continue with the pilot or provide any more funding for the scheme after the pilot was over.

These factors make it unlikely that such a project will be sustainable in the long-term.

3. There are more effective ways to tackled underage drinking in partnership with business

Selling alcohol to an under 18 is already illegal and there are a variety proven methods of enforcement to uphold the law in this area. Test purchasing when used in a targeted and evidence based way can provide the evidence with which to take action against irresponsible retailers.

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1 Smoking, drinking and drug use among young people in England in 2008, Table 3.21
4 http://www.uxbridgegazette.co.uk/west-london-news/local-uxbridge-news/2010/01/14/uxbridge-bottle-marking-scheme-a-failure-113046-25600420/
By contrast, a bottle marking scheme is untargeted and aimed at all retailers, whether there are any local concerns about them or not. Most retailers want to trade responsibly and play a positive role in their community and 80% of off-licenses now use an age verification policy like Challenge 21 and 25\(^5\). It is likely that the retailers who co-operate with schemes such as bottle marking are the responsible traders who are already doing all they can to prevent underage sales.

Experience shows that much can be achieved in co-operation with local businesses, who are part of the local community and the vast majority of whom will want to be part of the solution to any alcohol related problem.

Community Alcohol Partnerships is a scheme pioneered by the Retail of Alcohol Standards Group (RASG) where retailers work together with police and local authorities to share information and training. There are now 20 schemes in operation in 11 counties, and the model has achieved excellent results. For example, when the projects in Kent were independently evaluated by Kent University it was found that criminal damage reduced on average 6% more than in non pilot areas in Kent. CAP is the type of proven project that shows what can be achieved by using existing powers and the resources of a range of local interest groups to tackle underage drinking.

We would welcome the opportunity to discuss Community Alcohol Partnerships and whether they could be a useful alternative to bottle marking in Dundee. If this would be of interest, please do not hesitate to contact me.

Yours sincerely

Jeremy Beadles
Chief Executive

\(^5\)Regulatory Impact Assessment, Mandatory Code for Alcohol Retail, Home Office
Annex 1: Industry Initiatives

Retail of Alcohol Standards Group

The Retail of Alcohol Standards Group (RASG) was formed at the end of 2005 when several major retailers of alcohol came together to examine ways they could cooperate to reduce the incidence of alcohol sales to minors. The secretariat for RASG is provided by the WSTA.

RASG is an example of unprecedented cooperation between hugely competitive rival companies, it has provided a focus for the entire alcohol retail trade and continues to be a source of industry best practice.

Challenge 25

The Challenge 25 scheme is part of the RASG’s commitment to reduce sales of alcohol to those under 18. It encourages anyone who is over 18 but looks under 25 to carry acceptable proof of age if they wish to buy alcohol.

Challenge 25 builds on the highly successful Challenge 21 campaign developed by the Retail of Alcohol Standards Group in 2005. The Challenge 25 signage is available to download from the WSTA website.

Community Alcohol Partnerships

Community Alcohol Partnerships (CAPs) bring together local retailers, trading standards and police to tackle the problem of underage drinking and associated anti-social behaviour. The partners share information and training to facilitate risk-based enforcement and to resolve local problems swiftly and effectively.

What started as a pilot in Cambridgeshire is now in place in 20 areas in the UK. The independently evaluated project in Kent showed that CAP pilot areas saw a decline in 6 out of the 7 measures of different anti-social behaviour. CAPs operate under the banner of the Retail of Alcohol Standards Group employing a dedicated project manager to manage schemes.

Campaign for Smarter Drinking

The Campaign for Smarter Drinking is a £100 million social marketing campaign aimed at encouraging responsibility among young adults and shifting attitudes towards drunkenness. The initiative was developed by over 45 of Britain’s best known companies across the drinks trade and was launched in partnership with charity Drinkaware and the Government.