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Responsible drinks retailing conference - 20th March 2007

William Reed hosted their second responsible drinks retailing conference on the 21st March, welcoming a broad range of speakers from all sectors of the trade, the police and legal specialists. Adrian Studd Chief Inspector of the Clubs and Vice Unit of the Associations of Chief Police Officers described the ACPO licensing objective following the introduction of the 2003 Licensing Act of 'reducing crime and disorder through implementation of the seven strands of Licensing Strategy'

The strands are:

Cultural change, the licensed trade accepting its responsibilities, informed planning and licensing decisions, local prevention and enforcement activity backed by consistent sentencing policy.

Studd believes that the Trade is broadly accepting its responsibilities and that local buy in and partnerships work much better than policies at a national level. The police feel the Government is supporting the new licensing regulations and they work with key stakeholders such as the BBPA and BII to improve common standards, which are improving.

The challenges the police are facing regarding responsible alcohol retailing is too much legislation – drunkenness and disorder are century old problems and Studd is against more regulation, he would like to see a settling down period.

Underage purchase remains an issue and the AMEC test purchasing to catch retailers on and off trade selling to those underage will continue, failure rate has plateaued at 20% at present. He would like to see an automatic request for ID by servers as in the US.

The issue of extended opening hours has impacted on the police, not in terms of increased incidences, but in terms of man-hours required of police, at night, impacting daytime service. Studd also recognised the pressure on premises in being asked to participate, physically and financially in many partnerships. He also highlighted the need for cultural change in British attitude to drunkenness and antisocial behaviour that can only be delivered with ongoing government investment.

Police emphasis overall is on reducing crime and disorder, violent offences and antisocial behaviour - all of which alcohol plays its role to some degree. There has been a reduction in serious assaults, but there has been a slight increase in minor public disorder offences.

Studd emphasised the police's desire to work with the industry to find solutions, to support responsible operators and to target enforcement around rogue operators and irresponsible promotion (more music operators that attract violence, than drinks promotions). On trade participants voiced their disquiet over police initiatives to introduce polycarbonate glass instead of glasses to reduce glass related injuries. Operators felt if you denigrate the drinking experience you will reduce the number of 'quality customers' and ironically increase chances of violence and disorder. It is believed that improvements to licensed premises design, layout, food offerings, seating and space would be far more effective tools in diffusing potentially violent situations.

Finally Studd outlined that the police expect a negative effect from the new smoking ban due to come in July as it will lead to more drinking on the streets and potential disorder. To conclude, Studd

believes the key to delivering improvement is via dialogue and partnership at local level and highlighted best bar none and Pub Watch as successful schemes, and together with communications and enforcement where necessary will resolve 90% of alcohol related police issues.' Our vision is to have a properly regulated licensed trade that contributes to safe and sustainable communities'

A reminder on how licensing came about and the effects of the 2003 Licensing Act - 'Great Idea – shame about the execution'

According to Jeremy Allen, Partner of Poppleston Allen licensed solicitors, alcohol exclusion zones and the first seeds of licensing were introduced in the fourteenth century in the UK, with its formalisation in the seventeenth and eighteenth centuries with the effects of cheap gin popularised through William of Orange.

Labour was committed to reforming the UK's archaic licensing laws through its election strap line of who gives a 4x with responsibility moving to the department for Media, culture and sport rather than the Home Office. The new law gave operators and local authorities just 9 months to implement the new licence applications (Scotland had 18 months), with no incentive to operators to apply early, resulting in a last minute deluge of applications.

Certain measures such as having a 'designated premises supervisor, who always has to be on site has lead to difficulties and was poorly thought through. Provision for alterations to premises are too rigid and have resulted in 30% of authorities accepting 'informal applications' for minor changes to avoid what amounts to having to apply for a new licence. This could result in difficulties when premises come to be sold.

Other licensing complications are the serving of drunk customers, in terms of there is no definition of 'drunk' it is personal. In April the three strikes policy will come into effect whereby if you are caught serving underage customers three times then the police have the power to close the premises for 48 hours, or the operator can opt to go to court and face possible closure for three months.

Jeremy Allen concluded that there has to be more of a balance between individuals being more responsible and accountable to the law for their behaviour rather than just the server and operator as at present. There were just five convictions in 2006 of underage purchasers, sending a message that there are no repercussions for the individual as matters stand.

An update on the Drink AWARE Trust by Kevin Byrne CEO Drink AWARE Trust

Kevin Byrne, who has been on secondment from the Government to the Trust to oversee its formation since November 2006 reported that the Trust is now established as an Independent charity with a recruited volunteer Chair in Debra Shipley and a full complement of trustees who met for the first time in March. The Trust will now seek to appoint a Chief Executive enabling it to charity to move forward in establishing its programmes to educate consumers on sensible alcohol use and reduce misuse from alcohol related harm by delivering cultural change via campaigns and interventions.

'Our purpose is to positively change public behaviour and national drinking culture to help reduce alcohol misuse and minimise alcohol related harm ... by becoming the primary source of information and campaigning activity on sensible drinking'.

The trust will deliver material that is evidence based and measurable as to its impact and will be both direct (web based, materials and media) and indirect (via professionals, teachers, health workers, retailers) – and in partnership with all stakeholders. Byrne wished to make clear that the Drink AWARE Trust will not lobby on policy issues, will not carry out any regulatory activity. Neither will it undertake treatment or enforcement activities or seek to replace or replicate existing government activity.

Kevin Byrne highlighted existing Drink AWARE programmes that are ongoing, which include the maintenance of the www.drinkaware.co.uk web site, the delivery of 'Streetwise' a CDrom and teachers pack used by 44% of secondary schools and the establishment of the 'The Drink AWARE challenge' with UK Youth an association of 7000 youth clubs across Britain. The Trust has also supplied funding

to 120 local alcohol related projects. Buy in from all sectors of the trade is still needed for the Trust to meet its incremental funding targets of 3m, 4m and 5m over the next three years.

An example of best practice from the on trade

Nathan Wall, operations Director of JD Wetherspoon a group of 670 pubs with 18000 employees outlined how the group has worked to diversify its offerings to attract a broad range of clients, including families, by developing good and reasonably priced menus (including breakfasts), plenty of seating, smoke free areas, and an extensive and reasonably priced selection of soft drinks, teas and coffee. The company has rigorous staff training, has a system of 6 unannounced inspections a month, but most importantly staff bonuses (£21 million a year) are awarded on management standards rather than drinks sales targets, hence there is no financial incentive to sell alcohol, which could lead to irresponsible promotion or practices. The company operates 'Challenge 21' whereby customers who look under 21 are asked for their ID, they offer consumers a half price deal for the proof of age card 'Citizen card' and they take part in vigilance schemes such as 'Pub watch' and the police scheme 'Best Bar None'. Any incidences of violence or anti social behaviour on premise and in the town is logged and discussed at board level if deemed a problem.

Wetherspoon believe that a package of best practice and well trained mangers and staff who interact with their customers in a friendly manner is far more constructive than what could be 'denigrating experiences' such as aggressive door staff or bouncers and the use of polycarbonate or plastic to serve drinks, which risk off putting a mixed clientele and spoil a quality experience. Suggestions that children should be banned from pubs they believe again will worsen the mix as family dining would disappear. They believe that rogue premises should be clamped down and that police should (as they often do) work in partnership with the Council and trade to resolve any local issues regarding disorder issues. Finally it was suggested that premises passing test purchase enforcement by police should be told and congratulated when refusing underage sales, rather than just failures being highlighted as at present.

How small shops selling alcohol can ensure best practice

James Lowman, is Chief Executive of the Association of Convenience Stores (ACS), which has 32,000 members, including the multiples, specialist off licenses and petrol forecourts as well as members of trading groups such as Spar. Lowman explained that the challenges facing the ACS sector are:

Underage purchase

Test purchasing

Purchase by those already drunk

Proxy purchasing by those over 18 for underage drinkers

Irresponsible pricing or promotion

Anti social behaviour around and in shops

The proposed Alcohol Disorder zones

Complying with the 2003 Licensing Act

There most important issue is ensuring they do not sell alcohol or make alcohol attractive to the underage

- How?

Staff often find it difficult to identify under 18 year olds as many appear much older than their age, they can often feel threatened by large groups of youths who come in and they are hampered by the lack of a National Identity Card in the UK. Schemes that are helping are 'Challenge 21' material, shelf talkers and seminars, together with till prompts and a register of underage refusals help train staff to make the asking for ID routine. The PASS card which is a proof of age card is promoted together with Citizen Card, to cover consumers without a driving licence and to avoid them carrying valuable ID in the form of a passport.

Although test purchase failure rate has fallen from 45%, it is stagnating at 20% and the Wine and Spirit Association has investigating why this is. Issues for staff include queues, which add pressure and a true belief that the customer is over 18.

In return for staff training, in house test purchase, expenditure on till prompts and literature, the retail sector expects fair enforcement. This includes the police sharing information and concerns rather than pursuing a 'a catch you out' policy, congratulating stores when they pass test purchasing attempts and cooperation is initiatives to reduce local problems, intimidation and shop lifting. The IRN 2006 Violence survey showed that 26% of shop staff is challenged by violent incidents each week, with 67% of those being alcohol related. At present the offending underage purchasers are rarely prosecuted or fined, if they are refused purchase, simply move onto the next premises. All sectors would like to see more emphasis on fining or cautioning the underage drinker in balance with the server. Proxy purchasers should be prosecuted, the black market and bootleggers should be targeted and there should be effective punishment for genuinely rogue retailers.

Lowman made a final plea for existing legislation and penalties to be used, rather than the introduction of new ones, for an evidence base to be established on underage and proxy issues in particular and to recognise that access to alcohol by children is a widespread and complex issue needing resolution at many levels, not just in stores.

AMEC RESULTS

	Off trade		On-trade	
	No of visits	% fail	No. of visits	% fail
Summer 04	1473	31	391	45
Winter 04/05	655	32	334	32
Winter 05/06	5023	20	1674	29
Summer 06	5447	21	1268	29

The challenge is to get problem retailers involved, ***'The danger is that we are preaching to the converted and not reaching those who are not engaged'*** Jeremy Beadles Chief Executive, The Wine and Spirit trade Association.

The WSTA pioneered the Challenge 21 initiative through the creation of the Retail of Alcohol Standards Group (RASG). In November 2005. Its work in creating the materials and implementing a comprehensive system to help prevent the sale of alcohol to minors has resulted in a reduction in the sale alcohol to the underage from 32% in 2005 to 21% a year later in the off trade. However, both the on and off trade have stagnated at 21% and 29% respectively in the lat six months. Following its survey of why cashiers are failing to refuse 20% of attempted purchasers, the response was not that they have any problem with asking for ID, but more an issue of time, a failure to recognise that mature looking teenagers are underage. The RASG have developed a best proactive package to help servers by promoting them throughout the sales procedure, training and keeping a refusals register in store.

The RASG now seeks to increase its distributions channels to local authorities and small stores.

Beadles believe part of the solution to preventing sales to minors must include more research into why young people want to drink and part of their work will include going into schools to explain how you can risk getting a criminal record for example. The group has identified two pilot regions; Cambridge and Staffs where it will try every idea possible to reduce underage sales and consumption and then develop the most successful interventions to national level. Integral to success will be a change in culture by server and young people to expect automatically to be asked for ID, as is the case in the US.

Would the replacement of glass with plastic reduce alcohol related violence?

Dr Belinda Winder, Senior Lecturer at Nottingham Trent University, a psychologist specialising in the psychology and ergonomics of packaging reported on her findings as to whether glass is a catalyst for aggressive incidents in city centres.

Dr Winder's studies centred round a cohort of 50 interviewees from various cities across Britain who had been involved or were victims of glass related violence.

Her studies revealed that there were three main causes of violence, rivalry (based on sport, the opposite sex or region for example). Crowding (including issues such as noise, lack of seating, jostling at the bar, badly sited exits/loos etc) and staff (bullying or confrontational, interfering, banning entry, rudeness etc). The other issue that emerged was whether injury with glass was intentional or an accident.

Dr Winder concluded from her studies that if glass was not used as a weapon, an alternative such as a knife or fist fights would be used, plastic would not avoid the cause.

Causes could be diffused with better staff and venue management and vigilance, better venue layout, a fairer form of queuing for drinks at the bar. Well designed and easily accessible areas for glasses to be collected by staff would help as does the encouragement of relaxed and friendly atmospheres 'where alcohol is not a pre-requisite to enjoying the evening'.

Why bother being a responsible producer of alcohol?

Vicki Nobles, Corporate Relations Director of Diageo GB explained why it was worth buying into reducing alcohol related harm and promoting the responsible use of alcohol.

Diageo sees its role in CSR engagement as fundamental to the industries survival as a whole, as well as good for business as clients, consumers trust and respect you more if you recognise and address the potential harms of a product you are marketing and selling.

Diageo believes the issue, as illustrated by retailers and the on trade, of personal responsibility is often overlooked by government and hence many of its efforts are directed encouraging its customers to enjoy themselves but 'not to see a great night, wasted, Drink sensibly'. The company feels it is important that the role that alcohol plays in society in bringing pleasure and relaxation is not overlooked, or that it has been integral to most civilisations for 7000 years. At the same time alcohol can be misused, 'causing problems for the individual and for society as a whole'. Society has many negative perceptions of alcohol, buoyed up by the press. Hence the case for delivering a cultural change to make drunkenness and the antisocial associations of drinking to excess, in addition to health risks unacceptable makes good corporate sense

The case for responsible drinking

Rational and emotional

- The right thing to do – respecting consumers and nurturing their relationship with brands
- Strengthening our reputation – building a strong corporate brand in an industry that is trusted and respected
- Securing our future – earning the right to continue to self regulate and prosper
- Attracting great Diageo staff – ensuring pride in working for a drinks company

Nobles illustrated some of Diageo's personal initiatives, which begin with an internal code of practice and drinking policy for all staff as well as a marketing code for all markets governing the design, promotion and advertising of its products.

Nobles believes their consumer advertising which is not brand related can help change behaviour and should relate to the individual rather than be censorial. Other investments have included a unit aware initiatives for students via the NUS in 20 universities, increasing knowledge of sensible drinking and units by 72%.

Talking to under 18 year olds is key as the average age of a first whole drink in the UK is 12 and most 15 year olds 'drink'. Programmes such as a theatre based show 'Crag Rats' shows what can go wrong, and the risks that young people engage in through underage drinking. Diageo also contributes to many Social Aspect organizations and associations around the globe who have specific interventions programmes and outreaches to reduce misuse and reach 'at risk' groups.

Panel session of retailers and suppliers of alcohol

A varied panel, representing Tesco's (supermarket), Scottish and Newcastle, (producer and on trade), Beam Global (producer) and two pub and club Groups (Mitchell's and Butler and Ultimate Leisure) discussed their role and ability to help engender cultural and societal change. Adrian Mckeeon felt the UK publics' 'sniggering approach' to drunkenness and alcohol related misadventures could be changed, as attitudes to drink drive, use of the mobile phone and the wheel and seat belts had been. More needs to be done to put alcohol producers own house in order' and a heated debate ensued as to how well that had or was being done by the different sectors. Andrew Pring closed the session by asking each sector how well they felt they would score in delivering on the issues highlighted by the Alcohol Harm Reduction Strategy, due for review shortly.