# The Retail of Alcohol Standards Group

Guidance for the responsible retailing of alcohol

# **Scotland**



# Contents.

	Foreword	3
1	Legislation around the sale of alcohol in Scotland	4
2	Age restricted sales	5
3	Pricing	10
4	Promotion of alcohol	12
5	In-store environment	16
6	Home delivery	17
7	Tackling the illicit Trade	18
8	Local Engagement	20
	About the Retail of Alcohol Standards Group	23

#### **Foreword**



Retailers in Scotland take their responsibility with regards to the sale of alcohol very seriously and the members of the Retail of Alcohol Standards Group have been at the forefront of efforts to promote the responsible retail of alcohol since the group started in 2005.

This includes developing pioneering schemes to tackle underage sales such as the Challenge 25 ID scheme ten years ago, Community Alcohol Partnerships seven years ago, of which there have been over 100 launched, and launching the initial version of this guidance in 2014.

This guidance was developed initially to help set a standard for the responsible retail of alcohol in off trade retailers, such as shops and supermarkets. It took the best practice from retailers across the industry and sought to instil high standards of alcohol retailing to support the efforts of the industry and others to reduce alcohol related crime, harm and nuisance.

This second edition looks to build on and improve on the initial guidance by enhancing the signposting to best practice schemes and guidance and containing more links and contact information to guidance and publications that may support retailers. In addition it updates the legislative aspects which have changed in the past two years and provides best practice examples and case studies.

It is our hope that this guidance is easy to access for all alcohol retailers and that it continues to be a useful source of information for those wanted to improve their standards and become increasingly responsible retailers of alcohol.

Yours sincerely,



Hardish Purewal,

**Chair, Retail of Alcohol Standards Group** 

# Legislation around the sale of alcohol in Scotland

The retail of alcohol in Scotland is regulated by a number of key acts. These include:

#### The Licensing (Scotland) Act 2005

The Licensing Act establishes the regulations for licensed premises and individuals for the sale or supply of alcohol. Permission to supply or sell alcohol now requires the retailer to hold a premises licence for each store and at least 1 staff member within each store who holds a personal license.

Responsibility for issuing licences rests with local authorities, who took over this power from the Justices of the Peace. These authorities are each required to establish a Licensing Board, as well as a Local Licensing Forum. These forums review the implementation of the Licensing Act in each area, and in particular the activities of the Licensing Board, as well as offering them advice as necessary. The powers of the Act, which applies across Scotland, fully came into force in December 2005 and is supplemented by various statutory regulations.

#### The Alcohol etc. Act 2010

The Alcohol etc. Act 2010 established a provision regulating the sale of alcohol and licensing of premises on which alcohol is sold and to make provision for the imposition of charges on the holders of licences granted under the Licensing (Scotland) 2005 and the Civic Government (Scotland) Act 1982.

The main effects of the 2010 Act were:

- introduction of new mandatory conditions for premises licences and occasional licences
- conditions on minimum pricing of multi-packs & drinks promotions
- age verification policy made mandatory (e.g. Challenge 25)

The Act amended regulations relating to the pricing and promotion of alcohol drinks, as well as introducing the social responsibility levy, which is yet to be commenced.

# The Air Weapons and Licensing (Scotland) Act

The Air Weapons and Licensing Bill establishes further protocols around the sale and supply of alcohol, particularly in relation to tightening restrictions on the amount of licences granted within a Board area (overprovision). It also includes the re-introduction of the Fit & Proper person test, further changes to alcohol pricing/promotions and changes to the licensing objectives.

The Bill gives greater powers to Licensing Boards than those granted in the Licensing Act 2005.

# Age restricted sales

#### Legal obligations

Sections 102 – 110 of the Licensing (Scotland) Act 2005 set out the key legal provisions in relation to children and the sale of alcohol in Scotland. This includes the key principle that it is illegal for a retailer to sell alcohol to a person under the age of 18. However, in addition to this, it is also illegal for a person under the age of 18 to attempt to buy alcohol and illegal for anyone to attempt to buy alcohol on behalf of a person under the age of 18, what is known as "proxy purchasing". There are also further measures to deal with retailers that persistently make underage sales.

In accordance with the law, each store will have a Premises Licence and a Designated Premises
Manager that holds a personal alcohol licence (granted by the Licensing Board following
completion of a specific licensing qualification and police background checks) and each member of
staff involved in the sale of alcohol is required to complete mandatory licensing training.

#### **Mandatory Code**

The mandatory code places conditions on every licence in Scotland. In relation to the off trade the code requires measures include:

- Alcohol must be sold in accordance with the operating plan contained in the licence;
- Requirements around ensuring there is a premises manager that holds a licence;
- Requirements to provide sufficient age-related sales training to staff;
- Restrictions on the varying of the price of alcohol;
- Restrictions on irresponsible drinks promotions;

A full list of conditions can be found at the following link: http://www.legislation.gov.uk/asp/2005/16/schedule/3

#### Licence holders - training

Every premises that sells alcohol will need to appoint a Premises Manager that holds a personal alcohol licence. Premises managers may only be appointed to one licenced premises. In order to obtain a personal licence, applicants must be aged 18 years or over, hold a relevant licensing qualification and (if they held a personal licence in the past) not had any previous personal licence revoked within the past 5 years. It is also necessary for the applicant to demonstrate that they are a fit and proper person to hold a license.

Licence holders are required to undergo refresher training every 5 years.

For further information about licensing obligations, the WSTA has produced for its members a guide to licensing which is available from autumn 2017.

#### **Individual licensing conditions**

In addition to the mandatory conditions, licensing boards may place further individual conditions on a premises licence, either during the application process or by review. These may impose stricter requirements that are appropriate for the protection of the Licensing Objectives. It is vital that these conditions are adhered to at all times.

There are significant penalties for selling alcohol to a person under the age of 18 for both staff and retailers. These include:

- A fine of up to £5,000 and/or imprisonment for 3 months if a member of staff makes an underage sale (for both the member of staff and the premises manager) unless they can show they have taken all measures including asking for identification that would convince a reasonable person that they were over 18;
- A fine of up to £5,000 and/or imprisonment for 3 months for a person who purchases alcohol on behalf of a minor;
- A fine of £5000 and/or imprisonment for 3 months for sending a child to obtain alcohol;
- A fine of £1000 for failure to show a Section 110 notice at each point of sale, warning it is an offence to sell alcohol to a person under the age of 18;
- Review of your alcohol licence with the potential to lose it and have to cease trading;

#### **Challenge 25**

Every RASG retailer has gone further by developing the Challenge 25 scheme, which asks all people buying alcohol that look under 25, to provide proof of age when attempting to purchase alcohol. This scheme has had an enormous impact since its adoption and is now in force in all Retail of Alcohol Standards Group retailers. Section 6 of the Alcohol etc. (Scotland) Act 2010 made the application of an Age Verification policy at the age of 25 mandatory in Scotland. Therefore all retailers will:

- Implement a Challenge 25 policy across all stores to ensure universal coverage of the branding and standard;
- Provide any member of staff that sells alcohol age restricted sales training, including references
  to the application of the Challenge 25 scheme and proxy purchasing where appropriate, and will
  provide refresher training on at least a yearly basis.
- Have a clear policy on which proof of age documents are acceptable in store and provide training
  to staff to support this. This should include accepting Passports, Drivers Licences and any card
  featuring the PASS hologram as a minimum, unless conditions state otherwise.
- Ensure that no alcohol sales through self-service can be made without a member of staff in the store having to authorise the sale

#### Action retailers can take to prevent underage sales

- Provide any member of staff that sells alcohol age restricted sales training, including
  references to the application of the Challenge 25 scheme and proxy purchasing where
  appropriate, and provide refresher training on at least a yearly basis;
- Ensure that the age verification policy has a clear policy on which proof of age documents are acceptable in store and provide training to staff to support this;
- Have an underage sales escalation process that can be followed in the event of a failed test purchase for alcohol and consider internal test purchasing to test the robustness of the ID policy and training;
- Have an in-built prompt on computerised systems for purchases that contain alcohol, which
  alerts staff and requires active assent to the sale and ensure that no alcohol sales through
  self-service tills can be made without authorisation from staff in store:
- Where operationally possible, have a Personal Licence Holder or someone who has completed the Personal Licence Holders Qualification on duty during the alcohol selling times.



#### **Guidance and support for retailers**

#### Challenge 25

In order to support the effort to reduce underage sales, the RASG has developed the Challenge 25 scheme. The scheme is designed so that all people buying alcohol that look under 25 are to provide proof of age when attempting to purchase alcohol. This scheme has had an enormous impact since its adoption, further details of which can be found here: http://bit.ly/Ch25Rep

The adoption of Challenge 25, and the training that goes with it, helps to give confidence to staff to make challenges, shows the public that the scheme is in operation and helps to deter those that may attempt underage sales.

The WSTA maintains the official Challenge 25 posters and logos on its website, which are free to all retailers to download. The scheme is adopted by all RASG retailers and is promoted by the Association of Convenience Stores to its members, but is open to any retailer, large or small, to adopt. A guide to support retailers that are interesting in adopting Challenge 25 is available here: http://bit.ly/Ch25Adopt







#### Support with fake ID

The only ID that is acceptable for the purchase of alcohol is one that contains a photograph, date of birth and a hologram logo. However, while retailers are required by law to have an ID policy in relation to alcohol sales, the ID that retailers accept can vary.

The UK Home Office has developed guidance for retailers which sets out what ID is allowed to be accepted and provides guidance on how to detect fake ID. This information can help to form part of training to support staff in identifying and dealing with fake ID. Available here: http://bit.ly/FakeID1





# 3

# **Pricing**

The issue of pricing of any product, including alcohol, is very strictly regulated for a number of reasons. Primarily, this is to ensure that companies do not engage in anti-competitive or cartel style practices. However, there are also consumer protection restrictions around the promotion of products and the minimum value at which products can be sold.

#### Legal obligations

#### **Competition Law**

Retailers must be aware of their obligations under the Competition Act 1998 (and related EU competition law) and particularly the provision set out in Section 2(1) of this act which sets out that any agreements, decisions or practices which directly or indirectly fix purchase or selling prices or any other trading conditions are unlawful.

In practice this means any agreement which encourages or brokers an agreement between businesses to raise/fix prices or to set minimum prices will almost certainly infringe the Competition Act 1998

Further to this any measure which acts as a mechanism to co-ordinate the commercial decision-making of independent businesses through non-mandatory means such that those businesses take a decision collectively, or in agreement with each other, rather than individually/unilaterally or encourages or facilitates the sharing (directly or indirectly) of commercial information from one business to another, including information on the future commercial activity are highly likely to breach Competition Act 1998.

All retailers and trade associations are entities for the purposes of the Competition Act and are therefore within the scope of the Act.

Any breaches of this Act are investigated by the Competition and Markets Authority and they have produced the following guidance for retailers, which retailers should have due regard for. This is available on the GOV.UK website, and includes:

- How your business can achieve compliance with competition law (OFT1341)
- Agreements and concerted practices understanding competition law(OFT401)
- Government in markets (OFT1113)

Additionally, as many retailers are encouraged into agreements by local authorities, advice from the Department of Business, Innovation and Skills as it then was included advice for officials on competition law issues when Government encourages businesses to work together - www.bis.gov.uk/files/file45711.pdf

Further guidance from the Office of Fair Trading can be seen in its submission to the Health Committee Inquiry into the Government's Alcohol Strategy (May 2012) - www.oft.gov.uk/OFTwork/consultations/responses/health-committee

Guidance from the Competition and Markets Authority can be found at the following link: <a href="https://www.gov.uk/government/collections/cma-ca98-and-cartels-guidance">https://www.gov.uk/government/collections/cma-ca98-and-cartels-guidance</a>

#### **Penalties**

Penalties for breaching competition law can be quite severe. This could lead to:

- Fines of up to 10% of group global turnover;
- Having provisions in agreements being declared void and unenforceable;
- Actions for damages from customers and competitors who can show they have been harmed by the anti-competitive behaviour; and
- Individuals being disqualified from being a company director and lead to criminal sanctions

#### **Further pricing restrictions**

Further restrictions which apply to all products, including alcohol, should also be considered such as:

- Unfair Terms in Consumer Contracts Regulations 1999
- Price Marking Order (2004)
- Consumer Protection from Unfair Trading Regulations 2008

#### Pricing restrictions specifically in relation to the sale of alcohol:

- Licensing (Scotland) Act 2005
- Alcohol etc. (Scotland) Act 2010



## Staying legal on pricing

Given the strict rules around competition and pricing, there is no scope for retailers to discuss pricing collectively in relation to alcohol on either a self-regulatory or voluntary basis.

# **Promotion of alcohol**

The responsible promotion of alcohol, as with any product, is a legitimate means for retailers to create competitive advantage and market differentiation. However retailers in must always ensure that they are following their legal obligations as well as adhering to the self-regulatory framework around the promotion of alcohol.

#### **Legal obligations**

#### Price related promotions

As set out in Chapter 3, the pricing of alcohol, including pricing related to promotions, is strictly controlled by the Competition Act, therefore retailers are not lawfully allowed to share information or broker agreements in relation to pricing related promotions. Therefore no voluntary measures relating to pricing related promotions can be made in this guidance.

However, price related promotions are subject to regulations set out by the Alcohol etc (Scotland) Act 2010. A package containing two or more alcoholic products (whether of the same or different kinds) may only be sold on the premises at a price equal to or greater than the sum of the prices at which each individual alcoholic product is for sale on the premises. Duty plus VAT does not apply as a price floor in the Scottish market, unlike in England and Wales.

Any promotion of alcohol connected to the premises may not take place with a 200m vicinity of the premise and in store, promotions may only take place within the BWS aisle.

#### Action retailers can take to support responsible promotion

In addition to following these codes, in order to ensure that alcohol is promoted responsibly, retailers can also:

- Not cross-market or cross-promote alcohol with products that are designed to primarily appeal to children or products that are used as hangover remedies;
- Ensure tasting and sampling in store is done responsibly by only allowing small measures of alcohol samples and operate the Challenge 25 policy. Where contractors are used, retailers could provide guidance for contractors to inform them of these obligations;
- Provide non-alcohol alternatives as part of "meal deal" offers which include alcohol;
- Include clear unit content and a warning about drinking when pregnant on all own brand labels for alcohol products;
- Adhere to the Drinkaware brand guidelines to enable clear and consistent usage, including using the Drinkaware logo on alcohol marketing where practicable;

Or: "It is safest not to Units must be displayed drink alcohol when per container, and pregnant" as an optionally per serve. alternative to logo. 1 UK units For further health information visit 28 Per UK www.drinkaware.co.uk 25<sub>ml</sub> Units

The container should state the website address of the independent charity, Drinkaware, as **drinkaware.co.uk** 

# Case Study: Voluntary measures on labelling

In 2012, 101 retailers and producers signed a voluntary pledge to ensure that health information was provided on at least 80% of alcoholic drinks labels. This information included a warning not to drink while pregnant, unit information and the UK safer drinking guidelines.

Following concerted action by the industry, by November 2014 an independent report found that the 80% target had been met and that 90.7% of labels now contained pregnancy warnings, up from 17.6% in 2008.

#### **Guidance and support for retailers**

# Advertising Standards Authority rules on alcohol advertising

The ASA marketing rules in this section apply to marketing communications for alcoholic drinks and marketing communications that feature or refer to alcoholic drinks. Alcoholic drinks are defined as drinks containing at least 0.5% alcohol.

Alcohol retailers should follow the Advertising Standards Authority rules on Marketing Alcohol fully, including both the Broadcast and Non-Broadcast codes.



#### In Particular:

- Ensuring that alcohol marketing is not targeted at people under 18 and does not imply, condone or encourage immoderate, irresponsible or anti-social drinking. And:
- Ensuring that no medium should be used to advertise alcoholic drinks if more than 25% of its audience is under 18 years of age.

The ASA provide advice and guidance to members of the public wishing to complain about adverts that breach the ASA codes, this is available here: http://bit.ly/ASAComp1. It has also developed a training module to support retailers and producers understand the code of practice around alcohol marketing. For more information on the online training available from CAP / ASA please visit www.caplearning.org.uk

#### The Portman Group

The Portman Group operates a strict Code of Practice to ensure alcohol is marketed responsibly and does not appeal to children. This Code applies to all pre-packaged alcohol sold or marketed in the UK and they have recently launched a code to cover alcohol sponsorship too. Since the Portman Group was set up in 1989, they have banned over 130 irresponsible products in co-operation with retailers.



In order to ensure retailers are promoting and packaging products appropriately RASG retailers should:

- Ensure that own label products comply with the Portman Group Code;
- Support the principles of the Portman Group code by not restocking any products which fall foul of the code and are the subject of a Retailer Alert Bulletin;

The Portman Group also operates an advice line to support retailers and producers in applying the Portman Group code to the products that they produce or sell. This advice is confidential and designed to support the industry in applying the code to their own practices. More details are available here: <a href="http://bit.ly/PGCodeAdvice1">http://bit.ly/PGCodeAdvice1</a>

#### **Case Study**

In 2017 the UK drinks industry published new guidance on communicating health information through labelling and other channels. The industry advice, developed by the Portman Group, Wine and Spirit Trade Association, National Association of Cider Makers, British Beer and Pub Association and the Scotch Whisky Association, aimed to support producers and retailers to communicate voluntary health and content information consistently.

The full guidance is available here: <<insert link>>

#### **Drinkaware**

The Drinkaware Trust is an independent UKwide alcohol education charity, funded largely by voluntary and unrestricted donations from UK alcohol producers, retailers and supermarkets.

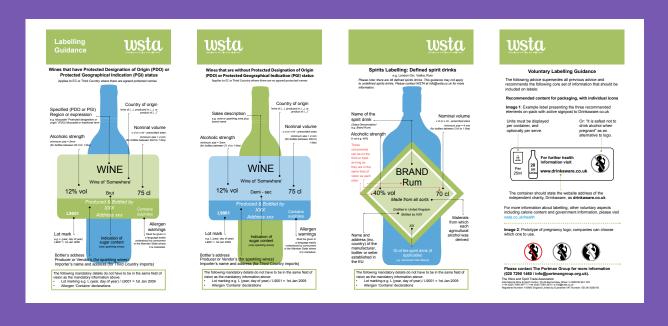
The Trust is governed independently and works in partnership with others to help reduce alcohol-related harm by helping people make better choices about their drinking. Its website www.drinkaware.co.uk contains facts about the health impact of alcohol, a range of advice for those looking to cut down and for parents on how to approach talking about alcohol, as well as a range of trackers and calculators to help people monitor their own drinking habits.



Companies that wish to adopt the Drinkaware logo can do so by gaining a licensing agreement with Drinkaware. You can contact them by emailing logos@drinkaware.co.uk or calling 020 7766 9900.

#### Labelling requirements

In order to support producers and retailers in presenting the correct information on alcohol labels, the WSTA has produced a best practice design guide, which includes details on what images to use, the format of these and how these should be presented on alcohol labels. This is available here: <a href="http://bit.lv/Labelguide">http://bit.lv/Labelguide</a>



## In-store environment

The in-store environment is unique to each retailer and varies greatly depending on the size, layout and type of store. Distinction in this chapter is drawn between large stores and convenience retailers because of the differing challenges facing these stores in terms of their in-store environment. Convenience stores are defined as being 280sqm (3014sqft) and under as in the Sunday Trading Act 1994.

#### Legal obligations

There are several legal restrictions on the placement of alcohol in-store in Scotland. Alcohol on sale for consumption off the premises must be displayed only in a single area as stipulated on the premises license. For storage purposes, stores are allowed an additional single area, in accessible to the public and stipulated on the premises license. A product other than alcohol may only be displayed within the same aisle if it is a non-alcoholic drink; packaged with, and may be purchased only along with, alcohol; a branded non-alcoholic product, or a newspaper, magazine or other publication. All stores must operate the Challenge 25 Scheme.

#### Action to ensure the responsible placement of alcohol

While all retailers take an individual approach to how they organise their store layouts depending on the store format, retailers can consider the following in order to help promote the responsible retailing:

- Provide simple and consistent information as appropriate in the off-trade (supermarkets and off-licences) as well as other marketing channels (e.g. online, in-store magazines), to raise awareness of units, NHS lower-risk drinking guidelines, and the health harms associated with exceeding the guidelines;
- Display Challenge 25 signage as a minimum in each store and consider displaying further age restricted sales warnings, Drinkaware signage or unit awareness information;
- Operate Challenge 25 at any point an on-sale purchase of alcohol is made on the premises;
- In larger stores (over 3014sqft) which sell alcohol make low-alcohol and non-alcohol beer, cider or wines available;



# **Home delivery**

#### Legal obligations

This section is applicable to the home delivery of supermarket groceries which include alcohol.

Section 108 of the Licensing (Scotland) Act 2005 outlines that it is an offence to either deliver or allow to be delivered alcohol to a person under 18 and the penalty for this offence is a fine of up to £1000. The delivery of alcohol sales is permitted within the existing framework of the premises licence, which will include regulations such as to what time of day the delivery can be made and also at what time the sale can be made.

It is a defence if the person charge is able to demonstrate that they took all reasonable steps to establish that person's age. This includes taking reasonable steps to establish a young person's age by requesting legitimate proof of age. Additionally, it is a defence if no reasonable person could have suspected from a young person's appearance that they were under 18.

#### Action to ensure the responsible delivery of alcohol

While the legal application of the law does not require ID checks to be made, it is best practice to ensure that age verification checks are carried out when groceries including alcohol are delivered. To ensure responsibility in home delivery, retailers can:

- Ensure that delivery colleagues are trained to operate Challenge 25 on the door step;
- Develop a clear policy in relation to the sale of alcohol online and make this available publically on their website or as part of their website terms and conditions;
- Place Drinkaware branding on their own online grocery websites; and a link to Drinkaware.co.uk
- Require that customers must confirm when buying alcohol online, through an appropriate statement, that they are over the age of 18;
- Consider further measures when alcohol is being delivered such as: prompts for drivers on handheld devices; warnings on receipts when deliveries contain age-restricted products such as alcohol; monitoring of alcohol only baskets, monitoring of unusual purchasing patterns.



# Tackling the illicit trade

The UK Government estimates that there is around £1.2bn of alcohol fraud in the UK and therefore tackling the illicit alcohol trade is beneficial for retailers, producers, consumers and the Government. There are a number of ways in which fraud occurs. This can be through non-payment of duty, theft or counterfeit alcohol.

#### Legality obligations

The sale of alcohol without having paid the requisite duty is covered by:

- The Excise Goods (Holding, Movement and Duty Point) Regulations 2010
- The Customs and Excise Management Act 1979
- HMRC due diligence requirements

Additionally, Section 121 of the Alcohol (Scotland) 2005 Act makes it an offence if a person knowingly keeps or allows to be kept, on any relevant premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported.

#### **Alcohol Wholesale Registration**

If you sell alcohol to another business you may need to apply to register for the Alcohol Wholesaler Registration Scheme (AWRS). This scheme was introduced by HM Revenue and Customs (HMRC) to tackle alcohol fraud. If you only sell alcohol to the general public and not to other businesses you won't need to apply. The scheme doesn't apply to individuals purchasing alcohol from retailers for their own use. For more information on the scheme you can visit: <a href="http://bit.ly/GovAWRSLink">http://bit.ly/GovAWRSLink</a>

#### Action to prevent the illicit sale of alcohol

There are a number of actions that retailers can take to help avoid the sale of illicit alcohol, including:

- Undertaking due diligence on all alcohol suppliers to ensure that they are not providing illicit, stolen
  or non-duty paid alcohol;
- Ensuring that they have developed a company policy in relation to fraud which is relevant to alcohol products;
- Ensure that they have developed a company policy in relation to store thefts, which includes
  alcohol related theft, and that have a protocol for members of staff to report incidents;
- Have a process for product recall or withdrawal that is applicable to alcohol in the event of fake, counterfeit or non-duty paid products entering the supply chain;
- If you believe that another retailer is selling alcohol that is non-duty paid, this can be reported to your local licensing authority who have to powers to investigate this;

#### **Guidance and support for retailers**

#### **HMRC Fraud Taskforce**

A joint taskforce was launched by the Government in January 2013 in a bid to tackle alcohol duty fraud. The Joint Alcohol Anti-fraud Taskforce (JAAT) aims to bring together law enforcers, trade bodies and key alcohol industry figures in order to tackle duty fraud.

The JAAT, which works to improve intelligence and information sharing, meets twice yearly and the WSTA represents its members a member of the Group. For more details contact David Richardson on David@Wsta.co.uk.

#### Reporting fraud

Should a retailer identify alcohol related fraud there are a number of ways in which this can be reported or dealt with. This includes:

- The Crime Stoppers Hotline on 0800 555
   111 or http://bit.ly/CrimeSInfo\_
- The HMRC fraud reporting hotline available at 0800 595 000 or http://bit.ly/HMRCFraud
- Association of Convenience Stores Guide to Duty Fraud: http://bit.ly/ACSFraud1



#### **Product recalls**

If you discover that an alcohol product you have been selling is illegal, dangerous or unsafe it may need to be subject of a product recall, the Chartered Institute of Trading Standards provides guidance as to how to notify it of a product recall here: http://bit.ly/TSIRecall



8

# **Local Engagement**

Constructive relationships and partnership work between retailers and licensing authorities can be incredibly useful in an effort to tackle all types of alcohol related harm and crime. Retailers are often approached by licensing authorities to take part in a wide range of local schemes, including through Community Alcohol Partnerships.

#### **Legal obligations**

#### Licensing conditions

Local Licensing Boards may choose to place licensing conditions on alcohol retailers on a wide range of issues such to ensure CCTV is in operation or to prevent the sale of particular products or through particular promotions. It is a licensee's prerogative to accept these voluntarily, however refusal to do so can lead to a rejection of a license application or a revocation through appeal.

#### Action to promote positive partnerships locally

In addition to their licensing obligations, retailers should consider the following:

- Have regard for all reasonable requests for licensing conditions as part of a licence application or review;
- On a case by case basis, give due regard to local schemes by enforcement agencies that are
  operated in the local community that seek to deal with alcohol related crime, anti-social behaviour
  and harm;
- Provide guidance to store managers about their ability to sign up to and support local schemes
  designed to tackle alcohol related crime, anti-social behaviour and harm;
- Encourage good working relationships between stores and local enforcement agencies;
- Work with RASG to support Community Alcohol Partnerships being introduced into communities where the problem of underage sales and drinking is identified;

## **Ensure engagement is legal**

While retailers are encouraged to work with in partnership with local authorities to tackle alcohol related harm and crime, it is important that retailers understanding the potential legal issues associated with this. The following guidance has been produced for retailers to ensure that they are aware of their legal obligations when dealing with local authorities or other retailers.

ACS and WSTA: https://www.acs.org.uk/advice/reducing-the-strength/

Competition Commission Guidance: http://bit.ly/CompComGuide

Local Government Association: http://bit.ly/LGAGuide

# **Local Engagement Case Study:**

# North East Edinburgh Community Alcohol Partnership



#### Location of the CAP

The original CAP areas established in 2013 covered the Portobello and Piershill areas in East Edinburgh. In 2017 this was expanded to include Leith, Magdalene, Bingham, Niddrie and Craigmillar. The expanded North East Edinburgh CAP area has an estimated population of approximately 110,500 at the last census, 15,185 of who are aged between 0 and 15 years old. This is 5 times larger than the average CAP resident population. A separate CAP has also now been launched in North West Edinburgh.

#### **Key Partners**

- Police Scotland
- City of Edinburgh Council
- Health Opportunities Team
- Queen Margaret University
- Piershill Project
- · Mentor Scotland
- RASG members including ASDA, Lidl, Sainsbury's, Scotmid and Tesco.

#### Aims and objectives

A main aim of the East Edinburgh CAP is to reduce the opportunities young people have to purchase alcohol through continued dialogue between vendors and enforcement agencies and explore innovative ways to educate young people about alcohol. Key objectives are to:

- Improve the health of young people
- Increase young people's awareness of the risks and consequences associated with drinking alcohol
- Reduce proxy purchasing and underage sales of alcohol to under 18's
- Reduce anti-social behaviour associated with youth alcohol consumption
- Develop a responsible retailing ethos and effective partnership approach in the CAP area

#### **Examples of actions taken**

- The Edinburgh Health Opportunities Team (HOT) has worked with local schools tto provide learning and development opportunities on alcohol. In 2014 a total of 214 confidential one-to-one counselling sessions were delivered to young people aged 11-21; 13 SE+ (Social Education Plus) Therapeutic Group work sessions delivered; 32 Feel Good Group sessions delivered; 127 Drop-Ins delivered with 108 young people aged 13-22;
- The AlcoLOLs are a group of 150 pupils from Portobello High School, Edinburgh, who have been
  working with academics from Queen Mary University's Centre for Dialogue to develop a new
  approach to learning and communicating about alcohol. With support from CAP, around 2,000
  pupils have been involved in different types of 'no adults allowed' conversations across six schools
  in the North East of Edinburgh.

- Regular joint patrols by Police Scotland and CAP stakeholders to local off-sales premises to
  ensure alcohol is being sold responsibly and legally, including advice on Challenge 25, and
  reducing proxy or "agent" purchase. Joint patrols also visit known anti-social behaviour hot spots
  to seize any alcohol being consumed by young person's under 18 years old.
- Young people are being signposted to exciting activities on offer at local leisure centres, youth cafés, youth clubs, drop-in centres and the 'Buz Bus' (North Edinburgh Mobile Youth Project) – this is being done via Twitter and Facebook and local advertising at events such as the Portobello Summer Festival.

#### **Outcomes**

- 17.7 % reduction in alcohol related crime in CAP area:
- Reduced number of calls to police from the public regarding alcohol related anti-social behaviour by young people: 13 calls in past 6 months 6 from within CAP area and appears to be reducing;
- Estimated 80% reduction in alcohol seizures from young people.

For more information about community alcohol Partnerships please visit www.communityalcoholpartnerships.co.uk or email kate@communityalcoholpartnerships.co.uk.



#### About the Retail of Alcohol Standards Group.

The Retail of Alcohol Standards Group (RASG) was established in 2005 in an effort to tackle the issue of underage sales and underage drinking. After conducting research into the issue, in 2006 the group developed and launched the ID scheme Challenge 25 (previously Challenge 21). This required that anyone that looked under the age of 25 were requested to produce ID when purchasing alcohol.

The scheme developed a common standard for ID checking which included the development of distinctive signage. Staff were provided with training and support from management to help increase confidence in making challenges and deal with conflict that may arise.

Following on from the development of Challenge 25, RASG began to focus on the demand side of alcohol and proxy purchasing, which continued to remain an issue, despite the reduction in underage related sales. This work led to the development of Community Alcohol Partnerships (CAP), localised schemes which aim to tackle both the supply and demand side of alcohol in communities.

This is achieved through co-operation at a local level between alcohol retailers and other partners such as trading standards, police, local authority licensing teams, schools and health networks. Over 108 schemes have been launched across every part of the UK. The CAP model is unique in that it recognises that retailers and licensees are part of the solution and has been shown to be more effective that traditional enforcement methods alone.

#### Retail of Alcohol Standards Group members include:

Aldi UK & Ireland Sainsbury's Supermarkets Ltd

Asda Stores Ltd Snax 24

Association of Convenience Stores Spar (UK) Limited

The Co-op Tesco Stores Limited

Lidl UK Gmbh Waitrose

Marks and Spencer PLC Wine and Spirit Trade Association

Nisa Retail WM Morrison Supermarkets PLC

Registered Number: 410660 England

Limited by Guarantee

VAT Number: GB 243 8280 60

