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| EQUALITY IMPACT ASSESSMENT |
| Crime Reduction and Community Safety |
| Crime and Drugs Strategy Directorate |
| Alcohol Strategy Unit |

**Alcohol – Policing and Crime Bill
PRELIMINARY SCREENING**

| | |
|------------------------------|-------------------|
| Date of Screening | 08/10/2008 |
| Name of Policy Writer | Charlotte Hickman |
| Director General | Vic Hogg |

| | | |
|---|-------------------------------------|---|
| Amending police powers on confiscating alcohol and issuing directions to leave, and creating the offence of persistent possession of alcohol. | <input checked="" type="checkbox"/> | This is a new policy |
| | <input checked="" type="checkbox"/> | This is a change to an existing policy |
| | <input type="checkbox"/> | This is an existing policy |

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| Policy Aims, Objectives & Projected Outcomes |
| These policies aim to reduce drinking in public places by young people, which is known to lead to anti-social behaviour and crime that can be a significant problem for the wider community. |

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|---|-----|
| Will the policy have an impact on national or local people/staff? | YES |
| Are particular communities or groups likely to have different needs, experiences and/or attitudes in relation to the policy | YES |
| Are there any aspects of the policy that could contribute to equality or inequality? | NO |
| Could the aims of the policy be in conflict with equal opportunity, elimination of discrimination, promotion of good relations? | NO |
| If this is an amendment of an existing policy, was the original policy impact assessed? | YES |

If your answer to any of these questions is **YES, go on to the full EIA.**

If you have answered **NO to any particular questions**, please provide explanatory evidence.

If you have answered **NO to all of these questions** then you must also attach the following statement to all future submissions that are related to this policy and ensure it is signed off by senior management. You must also include this statement within any regulatory impact assessment that is related to this policy.

“This policy was screened for impact on equalities on [insert date]. The following evidence [Evidence] has been considered. As a result of this screening, it has been decided that a full equality impact assessment is not required. “

FULL IMPACT ASSESSMENT

STATISTICS & RESEARCH

What relevant quantitative & qualitative data do you have in relation to this policy?

Please site any quantitative (e.g. statistical research) and qualitative evidence (monitoring data, complaints, satisfaction surveys, focus groups, questionnaires, meetings, research interviews etc) of communities or groups having different needs, experiences or attitudes in relation to this policy area.

| Equality Target Areas | How does the data identify potential or known positive impacts? How does the data identify any potential or known adverse impacts? |
|--|--|
| <p>Race (consider e.g. nationalities, Gypsies, Travellers, languages)</p> | <p><i>Drug use, smoking and drinking among young people in England in 2007</i> (DuSD) suggests that non-white children are much less likely to drink alcohol and so these measures should have less of an impact on them.</p> <p>However, non-white groups tend to have a disproportionate level of contact with the police and be overrepresented throughout the Criminal Justice System.</p> |
| <p>Disability (consider social access and physical access)</p> | <p>No data is available</p> |
| <p>Gender</p> | <p>DuSD shows that boys and girls are equally likely to drink alcohol, and are equally likely to drink in public.</p> <p>The <i>Offending, Crime and Justice Survey</i> (OCJS) shows that boys are more likely to commit a criminal offence than girls, and that they are also more likely to be repeat offenders. Further analysis of this data suggests that a similar proportion of the offences committed by boys and girls are alcohol-related and so boys also tend to commit more alcohol-related crime.</p> <p>During the national alcohol confiscation campaign in February 2008 approximately two-thirds of confiscations involved boys. A similar proportion of the directions to leave that were issued were issued to boys.</p> |

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|----------------------------|--|
| Gender Identity | No data available |
| Religion and Belief | No data available |
| Sexual Orientation | No data available |
| Age | <p>DuSD shows that both the frequency of drinking and amount drunk increases with age. Older children are also more likely to drink in public places.</p> <p>Data from the February 2008 confiscation campaign showed that the majority of confiscations involved older children (15 to 17 year olds).</p> |

What research have you considered commissioning to fill any data gaps?
For example, you may need to ensure quantitative & qualitative data groups include stakeholders with respect to this policy.
N.B Include any recommendations in your action plan

There are no plans to commission further research.

Who are the stakeholders, community groups, staff or customers for this policy area?

Children who drink alcohol in public, their families, and the wider community which is impacted upon by the resulting crime and anti-social behaviour
Police
Youth Justice Board and Youth Offending Teams
Department for Health
Department for Children, Schools and Families
Ministry of Justice

What are the overall trends and patterns in this qualitative & quantitative data?
Disproportionality; regional variations; different levels of access, experiences or needs; combined impacts.

The proportion of 11-15 year olds who have ever drunk alcohol is falling, but the average amount drunk by those who do drink doubled during the 1990s and has remained at this higher level ever since. The proportion of 11-15 year olds who drink in public has also increased significantly in recent years. Trends are similar for both sexes and for different age groups.

There have been no significant changes in offending by young people as measured by the OCJS. However, the sample size of this survey may be too small to observe subtle variations over such a short time period.

No reliable trend data on the use of existing alcohol-related police powers exists.

Please list the specific equality issues that may need to be addressed through consultation (and further research)?

These provisions will give the police discretionary powers to confiscate alcohol, to issue directions to leave and to arrest children for persistently possessing alcohol in public. Consideration will be given to the criteria on which the police exercise these powers and guidance issued to govern their use. Their use will also be monitored to ensure that certain groups (particularly different racial groups and those from different backgrounds) are not disproportionately affected.

GATHERING EVIDENCE THROUGH COMMUNITY ENGAGEMENT

INTERNAL STAKEHOLDER ENGAGEMENT: Consulting & involving Other Government Departments, Staff, Agencies & NDPBs

| | |
|--|--|
| Does this policy affect the experiences of staff? How? What are their concerns? | |
| Staff | These policies will affect those working in the police force, particularly Constables, Police Community Support Officers and Special Constables who will primarily be responsible for exercising these powers. |
| Staff Networks & Associations | |
| Trade Unions | |

How have you consulted, engaged and involved internal stakeholders in considering the impact of this proposal on other public policies and services?

For example your policy may affect access to housing, education, health, employment services.

These policies have been developed by the cross-governmental Alcohol Strategy Delivery Team. This comprised officials from the Home Office, DCSF, DH, and DCMS and met on a regular basis throughout the development of the policy. BERR and CLG were also consulted when putting together the New Burdens Assessment for the Youth Alcohol Action Plan. The ACPO lead on alcohol and licensing was widely consulted throughout the development of the policy.

What positive and adverse impacts were identified by your internal consultees? Did they provide any examples?

Positive: these policies will make existing police powers much more effective in dealing with young people who are drinking in public. The police will no longer have to prove an intent to consume the alcohol, they will be able to deal with groups of mixed ages and persistent offenders can now be prosecuted. Alcohol consumption in public by young people can have significant negative consequences for the wider community in terms of crime and anti-social behaviour and these policies should result in a fall in the amount of alcohol young people consume in public and therefore a fall in these associated harms. This should benefit all members of the community and help to foster better relations between different groups.

Negative: The police commented that in order to be effective the new offence of persistent possession will require details of all alcohol confiscations to be recorded. Whilst this will help us to monitor the effectiveness of the policy, it may increase the amount of time the police need to spend dealing with each confiscation.

Feedback the results of this internal consultation and use it as a basis for work on external consultation

EXTERNAL CONSULTATION & INVOLVEMENT

| How did your engagement exercise highlight positive and negative impacts on different communities? | |
|---|---|
| Voluntary Organisations | No impacts identified |
| Race | No impacts identified |
| Faith | No impacts identified |
| Disability Rights | No impacts identified |
| Gender | No impacts identified |
| Gender Identity | No impacts identified |
| Sexual Orientation | No impacts identified |
| Age | Negative: a focus on enforcement may lead to the alienation of young people |
| Other | Negative: these measures may disproportionately affect those already overrepresented in the Criminal Justice System and may penalise those from poorer backgrounds who may feel that they do not have an alternative to 'hanging around' on the streets |

Feedback the results of your community engagement (i.e. involvement and consultation) to all participants including internal and external stakeholders

ASSESSMENT & ANALYSIS

Does the EIA show a potential for differential impact on any group(s) if this proposal is introduced? If Yes, state briefly whether impact is adverse or positive and in what equality areas.

The results of this EIA show that there is the potential for some differential impacts. These policies aim to reduce alcohol-related crime and disorder caused by young people drinking in public and so will naturally lead to a differential impact on under 18s but this is entirely by design.

Amongst under 18s, there is the potential for a differential impact on boys. Evidence suggests that current police powers are used more against boys despite boys and girls being similarly likely to drink in public. Again, we believe this impact is justified in meeting our objectives as boys are more likely to commit crime. There is also the small possibility of a disproportionate impact on different racial groups, as some racial groups tend to be more likely to come into contact with the police. However, this is unlikely to occur as those groups who do have a disproportionate level of contact with the police are largely not the ones who are drinking alcohol and causing problems in public places. Therefore, no adverse impact is expected.

What were the main findings of the engagement exercise and what weight should they carry?

A small number of external stakeholders were concerned that these measures may lead to the alienation of young people and/or may disproportionately affect those from poorer backgrounds. We recognise the importance of these concerns but the Youth Alcohol Action Plan also contains a broad range of measures (which are outside the scope of this EIA) around educating young people about alcohol, forming a partnership with parents, and taking action with the alcohol industry itself, which will benefit these groups. Therefore, in order to meet our objectives of reducing the problems associated with young people drinking in public, we believe that increased enforcement is an important part of this multi-faceted approach.

Does this policy have the potential to cause unlawful direct or indirect discrimination? Does this policy have the potential to exclude certain group of people from obtaining services, or limit their participation in any aspect of public life?

This policy will not cause unlawful or indirect discrimination, and will not exclude people from obtaining services or limit their participation in public life.

How does the policy promote equality of opportunity?

By using the new powers to intervene early it is anticipated that problematic drinking behaviour can be nipped in the bud before it escalates to more serious offending. By notifying parents of instances of public drinking, remedies can be made in the home with recourse to the police and YOTs if required. It will also help to identify those parents who are not taking their

responsibilities seriously who will then become subject to Parenting Contracts and Parenting Orders.

How does your policy promote good relations? How does this policy make it possible for different groups to work together, build bridges between parallel communities, or remove barriers that isolate groups and individuals from engaging in civic society more generally?

These policies will enable the police to more effectively deal with young people who are drinking in public, and thereby should lead to a fall in alcohol-related crime and disorder. This should benefit all members of the community and help to foster better relations between different groups. The new offence of persistent possession is part of a tiered approach built on early intervention and partnership working with police, YOTs, parents and young people themselves.

How can the policy be revised, or additional measures taken, in order for the policy to achieve its aims without risking any adverse impact?

The Home Office will issue guidance to the police on the appropriate use of these powers to ensure certain groups are not disproportionately affected. Youth stakeholders and frontline practitioners will be consulted on the guidance to ensure that it is as clear, helpful and relevant as possible.

Are there any concerns from data gathering, consultation and analysis that have not been taken on board?

Please justify and explain the reason for your decision.

No

ENSURING ACCESS TO INFORMATION

How can you ensure that information used for this EIA is readily available in the future?

(N.B. You will need to include this in your action plan)

Data on confiscations should be more readily available than previously as the new offence of persistent possession will require details of all confiscations to be recorded for use as evidence in prosecutions.

Other data used in this EIA is from national surveys which are intended to continue.

How will you ensure your stakeholders continue to be involved/ engaged in shaping the development/ delivery of this policy?

(N.B. You will need to include this in your action plan)

Youth stakeholders and frontline practitioners will be consulted on the guidance issued to police on how best to use the new powers. This will ensure that it is clear, helpful and relevant.

How will you monitor this policy to ensure that the policy delivers the equality commitments required?

(N.B. You will need to include this in your action plan)

Data will be collected during future enforcement campaigns (when these powers are most likely to be used) to monitor who these powers are being used against.

Data on the new offence of persistent possession of alcohol will be available annually from the Ministry of Justice.

Now submit your EIA and related evidence for clearance.

ACTION PLAN

| Recommendations | Responsibility | Actions required | Success Indicators | Target Date | What progress has been made? |
|---|-----------------------------------|--|----------------------------------|-------------|------------------------------|
| Publication Arrangements | Home Office Alcohol Strategy Unit | Publish EIA | EIA on Home Office website | | |
| Monitoring & Review Arrangements | Police Forces | Data on future enforcement campaigns to be collected | Data is collected | Ongoing | |
| | Ministry of Justice | Data on new persistent possession offence to be collected annually | Data is collected | Ongoing | |
| Consult on and issue guidance to the police on using these new powers | Home Office Alcohol Strategy Unit | Consult on and issue guidance | Guidance consulted on and issued | | |

Please ensure that the action plan is agreed by your Director/ Minister

THE EQUALITY IMPACT ASSESSMENT REPORT

Background:

The Youth Alcohol Action Plan was published by DCSF, the Home Office and DH in June 2008. Amongst a range of other actions, this action plan contained the following legislative measures:

1. Remove the need for the police to prove intent to consume when confiscating sealed containers of alcohol from young people
2. Extend police powers to issue Directions to Leave to 10-15 year olds
3. Introduce a new offence for persistently possessing alcohol in a public place

This EIA deals with the impact of these measures, which are primarily aimed at tackling drinking in public by young people that can often result in crime and anti-social behaviour.

Methodology:

This EIA is based upon:

- Data from *Drug use, smoking and drinking among young people in England in 2007*. This is an annual survey of around 8,000 11-15 year olds which asks them about their alcohol consumption.
- Data from the *Offending, Crime and Justice Survey*. This was an annual survey of the offending behaviour of 10 to 25 year olds and occurred between 2003 and 2006.
- Data on the results of a national alcohol confiscation campaign. This campaign was conducted in February 2008 in 165 out of the 227 Police Basic Command Units. During the two week campaign, almost 21,000 litres of alcohol was confiscated from 5,143 young people, an average of over 4 litres per seizure. In total, some 23,621 young people were present at these incidents, a large proportion of whom would have been drinking alcohol.
- Discussions with other government departments involved in the Alcohol Strategy Delivery Team. This comprised officials from the Home Office, DH, DCSF, and DCMS. BERR and CLG were also consulted, as was the ACPO alcohol and licensing lead.
- Responses to a 6-week consultation following the publication of the Youth Alcohol Action Plan in June 2008.
- The Equality Impact Assessment that was published alongside the Youth Alcohol Action Plan in June 2008.¹

This assessment has taken account of seven key diversity strands currently covered in varying degrees by legislation: race, gender, gender identity, disability, religion, sexual orientation and age.

Consultation & Involvement:

Consultation with internal stakeholders was conducted through regular meetings of the Alcohol Strategy Delivery Team. As detailed above, these meetings comprised officials from a number of government departments.

¹ <http://www.dcsf.gov.uk/publications/des/docs/080520YAAPEQUIA.doc>

External stakeholders were consulted through a 6-week consultation following the publication of the Youth Alcohol Action Plan. 156 responses were received from a range of stakeholders including parents, local councils, the police, the medical profession, voluntary organisations and young people themselves

Assessment & analysis

An Equality Impact Assessment was published alongside the Youth Alcohol Action Plan in June 2008. That assessment concluded that an adverse impact from the plan as a whole was not expected. This EIA considers 3 of the measures outlined in that action plan in more detail. Following further consultation with both internal and external stakeholders some potential impacts have been identified, both positive and negative. However, a key issue around assessing the likely equality impacts of these measures has been a lack of data and evidence. Although we are reasonably well informed about the drinking behaviour of different groups, we have less information about their offending behaviour, especially in relation to alcohol-related crime and anti-social behaviour. There is also a particular lack of evidence around the current usage of the police powers that these measures propose to adapt.

Potential positive impacts

Since 2001, the proportion of young people aged 11-15 who, when asked, said they have never drunk alcohol has increased from 38% to 46%. 20% of those surveyed reported drinking some alcohol in the last week, down from 26% in 2001². However, those who do drink appear to be drinking more frequently and in larger quantities. Average weekly consumption of alcohol by 11-15 year olds who drink alcohol has doubled from an average of 5 units per week in 1990 to 10 units per week in 2000 and has remained at a similar level since. Furthermore, in 2006, 49% of those pupils who had drunk in the last week claimed to have drunk an average of more than 4 units (i.e. more than the recommended daily limit for adults) on each of the days on which they drank. There has also been a shift in where that consumption occurs. In 1999, 21% of those 11-15 year olds who drank alcohol said that they usually drank alcohol in a public place. By 2006, this had risen to 31%. Furthermore, it is often the heaviest drinkers, who are the most at risk of committing crime or anti-social behaviour, who are the most likely to drink outside. In 2006, 63% of those 11-15 year olds who had drunk more than 14 units in the past week usually drank outside compared to just 22% of those who had drunk less than 1 unit in the previous week.³

The measures considered in this EIA will make existing police powers much more effective in dealing with young people who are drinking in public. The police will no longer have to prove an intent to consume the alcohol, they will be able to deal with groups of mixed ages and persistent offenders can now be prosecuted. Alcohol consumption in public by young people can have significant negative consequences for the wider community. The Home Office estimates that alcohol-related crime costs England and Wales between £9bn and £15bn⁴ each year and a significant portion of this involves young people. These measures will reduce the amount of alcohol young people drink in public and should also lead to a fall in these associated harms. This should benefit all members of the community and help to foster better relations between different groups.

² *Drug use, smoking and drinking among young people in England in 2007*, NHS Information Centre

³ *Smoking, drinking and drug use among young people in England in 2006*, NHS Information Centre

⁴ *Safe, Sensible, Social - Consultation on further action*, Department of Health 2008

Potential negative impacts

We have identified three key diversity strands where these measures have the potential for adverse impacts: age, gender and race.

Age

The very nature of these measures will result in a differential impact on under 18s. However, the evidence presented above shows that drinking in public by young people is increasing and that it can often lead to crime or anti-social behaviour. Hence, this is entirely deliberate and, on the basis of the available evidence, justified as a means of reducing alcohol-related crime and disorder. We also recognise that alcohol consumption by adults also leads to crime and disorder and we aim to tackle this through a range of other initiatives which are outside the scope of this EIA.

Gender

Amongst this age group, there is likely to be a differential impact on boys. Amongst 11-15 year olds, boys and girls were equally likely to have drunk alcohol (54%) and equally likely to have drunk in the last week (20%).⁵ They were also similarly likely to drink alcohol in public (30% for boys, 31% for girls).⁶ However, boys are more likely to get involved in crime. 30% of 10-17 year olds admitted offending in the last year compared to 22% of girls. Furthermore, 9% of boys were classed as frequent offenders compared to just 3% of girls.⁷

During the national alcohol confiscation campaign in February 2008, two-thirds of those who had alcohol confiscated were male and a similar proportion of those who received Directions to Leave were male. It is therefore reasonable to assume that the additional powers given to the police will also be used mostly against males. Further analysis of the OCJS data suggests that crimes committed by boys and girls were equally likely to be alcohol-related and so overall boys commit more alcohol-related crimes. As these policies as designed to tackle alcohol-related crime and disorder it is justified that these powers are used more against males than females.

Race

There is also likely to be a differential impact amongst different racial groups. Evidence shows that amongst 11-15 year olds, non-whites are much less likely to have drunk alcohol in the last week. Compared to white children, those of mixed race had an odds ratio of 0.61. This was even lower for black and Asian pupils (0.43 and 0.08).⁸ We would therefore expect these powers to be used much more against white children.

However, there is some evidence that certain racial groups tend to be more likely to come into contact with the police and so there is the slight possibility of a disproportionate impact on some groups. We do not anticipate this to occur though as these groups are generally not the same as those who are drinking alcohol in public and causing problems.

Summary

An adverse impact is not anticipated. The differential impact on under 18s, particularly boys, is justified given the aims of these measures to reduce alcohol-related crime and disorder. The

⁵ *Drug use, smoking and drinking among young people in England in 2007*, NHS Information Centre

⁶ *Smoking, drinking and drug use among young people in England in 2006*, NHS Information Centre

⁷ *Young people and crime: findings from the 2006 Offending, Crime and Justice Survey*, Home Office Statistical Bulletin 09/08

⁸ *Drug use, smoking and drinking among young people in England in 2007*, NHS Information Centre

potential adverse impact on different racial groups identified above is not expected to materialise. We are confident these measures will not have any effect on the other key diversity strands of disability, gender identity, religion or sexual orientation.

Recommendations

The Home Office will issue guidance to the police on exercising these powers. This will enable the police to exercise them in as objective and proportional way as possible. When writing the guidance frontline practitioners and stakeholders will be consulted to ensure it is as clear ,helpful and relevant as possible

Data on future enforcement campaigns should be collected by the police so that the use of the powers can be monitored. Data on confiscations should also be more readily available and help in that respect.

Date of EIA Report

8th October 2008

Date of Publication of Results

Ensure that the EIA Report is published on the Home Office website before your policy/programme is implemented.