

RESPONSIBLE ALCOHOL RETAILING CAMPAIGN

In the run up to Christmas, the police and Home Office are stepping up their enforcement activity to reduce alcohol related disorder over the busy festive trading period. This year, central funding will be made available to allow the police to focus in particular on the serving of drunken customers by licensed retail premises – an offence under the Licensing Act. The primary objective of the campaign is to raise awareness of the offence itself and increase the likelihood of being penalised for it – so we can expect high profile prosecutions and PR activity surrounding the issue.

The campaign is being promoted at the Home Office by a newly promoted Chief Inspector Duncan Slade – formerly licensing inspector for Westminster – and it is highly likely that it will be taken forward across the Borough. In addition, the campaign aims to promote effective ‘server training’. Again, this is an initiative being piloted in Westminster – reinforcing the suggestion that Westminster will be a high profile target during the campaign.

The campaign will see **under cover police officers visiting pubs from 30 November to 23 December** to monitor and observe behaviour. Unlike previous national campaigns, there will be no actual test purchasing, but police officers will watch to see if ‘irresponsible’ sales are made. Offences in this area are far more subjective and less clear cut to prove than under age sales, so the focus is on observation and evidence gathering in the first instance. More targeted enforcement activity will be centred on known problem premises.

In order to prove an offence has been committed, the police must demonstrate that the person serving the alcohol knew that the customer was drunk. In the absence of an acknowledgement of this from the bar staff, they will need to prove that the customer was unequivocally drunk. The courts tend to interpret this as meaning they had “lost control of their normal physical and mental functions” and the police interpretation is “eyes glazed, speech slurred, unsteady, breath smells of alcohol”. CCTV footage and till receipts may also be used retrospectively to prove an offence.

Retailer Action: There is nothing new to the offence of serving drunks or allowing disorderly conduct on the premises, and this should already form part of staff training. You should refresh and revisit staff training ahead of the start of the new campaign.

Focus on reminding them of what the law says and on the need to form an initial impression of a customer. Staff should be trained on to identify customers who may be drunk – the key warning signs are nuisance, aggression, violent behaviour, staggering, dozing – are they regulars, how long have they been in the premises and how much do you think they have been served.

For those with doorstaff, this should be your first line of defence. The police have explicitly stated that they will definitely investigate premises who allow people who appear to be drunk already to enter the premises. In addition, the doorstaff need to be on guard for undercover police officers entering the premises and should warn staff if they suspect a covert visit is underway.

If staff are challenged about a sale to someone who appeared to be drunk, and a genuine mistake has been made, they need to avoid giving an indication that they were aware that the customer was drunk. Unless they have knowingly sold alcohol to such a person, then the police will need to demonstrate that the customer was unequivocally drunk – a much higher test than a subjective assessment that their breath smelt of alcohol and they were unsteady on their feet.