



BILLET D'ÉTAT

WEDNESDAY, 29th JUNE, 2005

1. Home Department - Review of Liquor Licensing Legislation, p. 1031.
2. Policy Council - Bailiwick Alcohol Strategy, p. 1054.

VIII
2005

B I L L E T D ' É T A T

TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

I have the honour to inform you that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE, on WEDNESDAY, the 29th JUNE, 2005**, immediately after the Meeting of the States of Election already convened for that day, to consider the items contained in this Billet d'État which have been submitted for debate by the Policy Council.

DE V. G. CAREY
Bailiff and Presiding Officer

The Royal Court House
Guernsey
10th June 2005

HOME DEPARTMENT

REVIEW OF LIQUOR LICENSING LEGISLATION

The Chief Minister
Policy Council
Sir Charles Frossard House
La Charroterie
St. Peter Port

6th May 2005

Dear Sir

1. Executive Summary

The purpose of this report is to propose amendments to the current liquor licensing legislation based on:

- (a) A review of the impact of changes in licence categories following States approval of the Liquor Licensing Ordinance 1993, as amended;
- (b) Increasing concerns about the levels of alcohol-related crime and disorder and general noise and nuisance from some licensed premises;
- (c) Increasing concerns about a growing trend towards binge drinking, particularly amongst teenagers; and
- (d) The development of an Alcohol Strategy for the Bailiwick.

In undertaking this review the Home Department has sought the opinions of a cross-section of all parties involved in the issuing and enforcement of licences and the licensed trade (see Appendix 1). It has also sought to work closely with the Social Policy Steering Group which has been responsible for drafting the Bailiwick Alcohol Strategy. Further, it has looked to Great Britain, Alderney, Jersey and the Isle of Man to see how these jurisdictions are addressing alcohol-related crime and disorder and binge drinking. This report includes a number of recommendations for new legislation to address the anti-social and damaging consequences of the consumption of alcohol which are proposed on the basis of the evidence of their effectiveness in other jurisdictions.

The Department believes that its recommendations will, together with adoption of the Bailiwick Alcohol Strategy, assist in reducing the incidence of alcohol-related crime, disorder and anti-social behaviour and binge drinking. However, it believes that the proposals will not adversely affect the good licensee or the sensible drinker.

The Department's proposals include a recommendation that the Liquor Licensing Ordinance, 1993, as amended be repealed and replaced by a new Ordinance which will encompass those sections of the current Ordinance which are unaffected by the proposals set out in this report and its recommendations for a restructuring of the licensing system.

2. Background

The Liquor Licensing Ordinance 1993 saw a number of changes to the Islands liquor licensing regime. The most fundamental of which was a move away from a system based on categories of licences, which reflected the nature of the premises (that is, restaurants, cafés, bars, etc) to a system whereby premises selling alcohol could (except in the case of some specific categories of premises, such as off licences) operate under a general liquor licence and, depending on the nature of the business, a family permit. In March 2003 the States approved a policy letter from the then Committee for Home Affairs which recommended further changes to liquor licensing practice.

At the time of the most recent amendments some members of the Committee expressed concern about some aspects of the liquor licensing regime. The Department therefore sought to review the impact of the changes after one year. During the course of that review, it received various representations expressing concern about apparent increasing levels of alcohol-related crime and disorder. There was a perception, amongst many who contributed to the review, that this trend was, in some part, linked to the change to the general licence system. Further, it was suggested that the change had reduced the "control" which the system based on categories had had. It was noted that once a general licence had been granted in respect of premises, it was possible for a proprietor to change the nature of the business carried on from those premises, without there being any necessity to return to the Royal Court, except where a permit for an additional function was sought or alterations of the internal layout of the premises were proposed. For example, under the current "general licence" system, premises used for the purposes of running a restaurant say, at the time of the grant of a liquor licence, may be used subsequently for the purpose of running a pub, without any need to apply to the Royal Court to change the type of liquor licence relating to those premises,

The phenomenon noted above is not entirely satisfactory - for example the Royal Court may be willing to grant a restaurant licence for premises where it may not grant a public house licence. Whilst a small restaurant in or on the edge of a primarily residential area may not attract any adverse reports, a request to open a public house on the same premises may attract considerable opposition. The clientele for a restaurant are likely to be very different from those for a public house. Further, diners will tend to leave the premises in small groups when they have finished their meal rather than en masse at closing time. Similarly, a lower incidence of alcohol-related disorder is generally associated with diners than those frequenting a public house.

Other more specific representations have included:

- (a) **The Royal Court** - for guidance about what factors it should take into account when considering applications for:

- (i) *Family permits* - there are no criteria set out in the current legislation which the Court may use to assess the suitability of premises for a permit;
- (ii) *Nightclub permits* – the Court is unclear as to requirements relating to the provision of live entertainment or dancing.

A concern that the imposition of large fines appeared to be having a limited deterrent affect on those appearing before the courts charged with alcohol-related crimes, in particular disorderly conduct whilst drunk.

- (b) **The St Peter Port Constables** - for a return to family permits being based on the provision of meals and measures to address the increased incidence of people drinking in public places which was having a negative impact on those nearby. The Constables also commented that the current levels of fees payable to them for preparing reports did not reflect the amount of time taken to complete the task.
- (c) **The Guernsey Fire and Rescue Service** - for greater control on the number of persons permitted on licensed premises at any one time. That is, to bring all licensed premises in line with the fire safety controls associated with Salle Publique licences.
- (d) **The Environmental Health Department** - for inclusion in the reporting process to ensure that all licensed premises, regardless of whether they provide meals, satisfy the criteria for the provision of drinks, the disposal of rubbish, and, increasingly, the control of noise emanating from such premises
- (e) **The Island Police Force** – for provision of:
 - (i) a simple system to enable a police officer to quickly identify the licensee or, in his absence, the person responsible for supervising the sale of alcohol;
 - (ii) a system to control drinking in public places where such behaviour was likely to result in nuisance to others; and
 - (iii) a power to close licensed premises in exceptional circumstances where there was a risk of serious public harm or disorder without the necessity of a full application to the Royal Court.
- (f) **The Customs and Immigration Service** – for amendments to the provisions in respect of the States Gauger and his powers to seize any paraphernalia associated with the adulterated spirits and spirits stored on the licensed premises and to seek the forfeiture of items seized on conviction.

The Department was satisfied that the strength of the concerns which were being raised both within and from outside the Department necessitated a major review of the approach to liquor licensing which the States had approved in March 2003.

Further, the Department was involved in the work being undertaken to develop an Alcohol Strategy for the Bailiwick. This work stream also reflected the growing concern at the level of alcohol related crime and disorder and growing public concern regarding excessive drinking.

3. Working Group

The Department established a Working Group of interested parties to undertake its review. The membership included:

- Members of the Home Department;
- Island Police;
- Guernsey Fire and Rescue Service; and
- Guernsey Licensed Victuallers Association Chairman and Treasurer.

In addition to the concerns identified above the Working Group sought to balance the requirements for a fair, proportionate and balanced licensing regime with the key concerns highlighted by the Alcohol Strategy, namely:

- ***Alcohol-related crime and disorder.*** It is widely acknowledged that freedom from crime, and from the fear of crime, can improve the quality of life for a community.
- ***Binge drinking.*** There is mounting evidence to link drinks discounting with binge drinking, drunkenness and an increase in public disorder and anti-social behaviour.
- ***Excessive noise from licensed premises.*** The need to protect residents, businesses and those using premises in the area immediately surrounding licensed premises from noise particularly in the early hours of the morning.
- ***Underage drinking.*** The sale of alcohol to those under the age of 18 is of great concern to society and is considered a serious breach of licence conditions.
- ***Licensees' and bar staff's understanding of licensing legislation.*** Staff awareness and training play a key part in preventing alcohol related harm.
- ***Safety on licensed premises.*** Public safety in general is identified as one of the key licensing objectives.

- ***Protection of children and young people from harm.*** It is accepted that where children and young people are to be permitted on licensed premises the environment must be suitable for them.

4. Licence Categories

The Department initially considered whether the changes under the 2003 amendments to the Liquor Licensing Ordinance, 1993 could be developed to address the concerns which have been raised. After considerable work it concluded that this approach was not possible or practicable because of the various, and often competing, demands of different sectors of the licensed trade and the desire to impose certain standard conditions in respect of certain licensed premises. Therefore, it believes the most sensible way forward is to return, in part, to the position prior to 2003. That is, a licensing system based on licensing according to the nature of the service provided or to be provided from premises at the time of licence application. Schedules 1 and 2 of the 1993 Ordinance provide for the following categories of licence, (Table 1):

(Table 1) *Existing licence categories*

Category	Weekdays	Sundays (other than Christmas Day)	Christmas Day and Good Friday
General Licence	(i) 10.00am to 12.45am (ii) 10.00 to 1.45am if served under a nightclub permit	12 noon to 12.45am	(i) 11.00am to 2.30pm (ii) 7.00pm to 10.30pm
General Off-Licence	7.00am to 12:00pm	7.00am to 12:00pm	7.00am to 12:00pm
Port Licence	(i) opening of terminal to 10.00am in sealed containers not for consumption on the premises (ii) 10.00am to 12.45am or closure of terminal whichever is earlier	(i) opening of terminal to 12 noon in sealed containers not for consumption on the premises (ii) 12 noon to 12.45am or closure of terminal whichever is earlier	(i) opening of terminal to 12 noon in sealed containers not for consumption on the premises (ii) 12 noon to 12.45am or closure of terminal whichever is earlier
Club Licence	10.00am to 12.45am	12 noon to 12.45am	(i) 11.00am to 2.30pm (ii) 7.00pm to 10.30pm
Casino Licence	11.00am or when the casino opens whichever is the later to 3.30am or when the casino closes whichever is the earlier	11.00am or when the Casino opens whichever is the later to 3.30am or when the Casino closes whichever is the earlier	Closed

The Department recommends that the existing categories should be abolished and replaced by the licence categories indicated below (Table 2), which would permit the consumption of alcoholic drinks during the hours indicated, subject to the conditions listed in Table 2. It believes this approach will overcome the problems identified as a

result of the move to general licences, support the aims of the Bailiwick Alcohol Strategy and have a positive impact on addressing alcohol-related crime and disorder but will not prove unduly onerous on the responsible licensee.

(Table 2) *Proposed licence categories*

Category	Licensing Conditions
Category A(1) Standard Licensed Premises	<ul style="list-style-type: none"> Hours – 10.00am to 12.45am (Monday to Saturday); 12 noon to 12.45am (Sunday other than Christmas Day); 11.00am to 2.30pm and 7.00pm to 10.30pm (Christmas Day and Good Friday) No under 18s No material alteration to internal layout impeding existing access arrangements or to customer sanitary facilities, without consent of Court
Category A(2) Enhanced Licensed Premises	<ul style="list-style-type: none"> Hours – 10.00am to 12.45am (Monday to Saturday); 12 noon to 12.45am (Sunday other than Christmas Day); 11.00am to 2.30pm and 7.00pm to 10.30pm (Christmas Day and Good Friday) Under 18s access during prescribed hours, that is, 10am to 9:30pm Meals must be available when under 18s present Under 18s must be seated at tables or in designated games room¹ No material alteration to internal layout impeding existing access arrangements or to customer sanitary facilities, without consent of Court
Category B Café Licence	<ul style="list-style-type: none"> Hours – 10.00am to 12.45am (Monday to Saturday); 12 noon to 12.45am (Sunday other than Christmas Day); 11.00am to 2.30pm and 7.00pm to 10.30pm (Christmas Day and Good Friday) Under 18s must be seated at tables or in designated games room Meals available the hours under 18s present No material alteration to internal layout impeding existing access arrangements or to customer sanitary facilities, without consent of Court
Category C Restaurant Licence	<ul style="list-style-type: none"> Hours – 10.00am to 12.45am (Monday to Saturday); 12 noon to 12.45am (Sunday other than Christmas Day); 11.00am to 10.30pm (Christmas Day and Good Friday) Under 18s during normal licensing hours and seated at a table Drinking area limited to pre-dinner/post-dinner drinks No material alteration to internal layout impeding existing access arrangements or to customer sanitary facilities, without consent of Court
Category D General Off Licence	<ul style="list-style-type: none"> Hours – 7.00am to 12 midnight (Monday to Sunday); 11.30am to 7.00pm (Christmas Day and Good Friday)
Category E Port Licence	<ul style="list-style-type: none"> Hours - opening of terminal to 10.00am in stoppered or sealed containers not for consumption on the premises and 10.00am to 12.45am or closure of terminal whichever is earlier (Monday to Saturday); opening of terminal to 12 noon in stoppered or sealed containers not for consumption on the premises and 12 noon to 12.45am or closure of terminal whichever is earlier (Sunday, Christmas Day and Good Friday) Under 18s must be seated at tables or in designated games room Meals available the hours under 18s present

¹ A person under 18s must be accompanied by and remain in the company of a person over 18 years whilst on licence premises.

Category F(1) Standard Club (Members')	<ul style="list-style-type: none"> • Hours – 10.00am to 12.45am (Monday to Saturday); 12 noon to 12.45am (Sunday other than Christmas Day); 11.00am to 2.30pm and 7.00pm to 10.30pm (Christmas Day and Good Friday) • No under 18s • Meals may or may not be available • No material alteration to internal layout impeding existing access arrangements or to customer sanitary facilities, without consent of Court
Category F(2) Enhanced Club (Members')	<ul style="list-style-type: none"> • Hours – 10.00am to 12.45am (Monday to Saturday); 12 noon to 12.45am (Sunday other than Christmas Day); 11.00am to 2.30pm and 7.00pm to 10.30pm (Christmas Day and Good Friday) • Accompanied under 18s access during prescribed hours, that is 10am to 9:30pm • Meals must be available • Under 18s must be seated at tables or in designated games room • Meals available during the prescribed hours if under 18s present • No material alteration to internal layout impeding existing access arrangements or to customer sanitary facilities, without consent of Court
Category G Passenger Vessel	<ul style="list-style-type: none"> • Hours – 10.00am to 12.45am (Monday to Saturday); 12 noon to 12.45am (Sunday other than Christmas Day); 11.00am to 2.30pm and 7.00pm to 10.30pm (Christmas Day and Good Friday) • Under 18s permitted²
Category H Nightclub Licence	<ul style="list-style-type: none"> • Hours – 10.00am to 1.45am (Monday to Saturday); 12 noon to 12.45am (Sunday other than Christmas Day); 11.00am to 2.30pm and 7.00pm to 10.30pm (Christmas Day and Good Friday) • No under 18s • Provision of live entertainment or dancing • No material alteration to entertainment facilities or dance floor, without consent of Court • No material alteration to internal layout impeding existing access arrangements or to customer sanitary facilities, without consent of Court
Category I Casino Licence	<ul style="list-style-type: none"> • Hours – 11.00am or whenever the casino opens whichever is the later to 3.30am or when the casino closes whichever is the later (Monday to Saturday); 11.00am or whenever the casino opens whichever is the later to 3.30am or when the casino closes whichever is the later (Sunday other than Christmas Day); closed (Christmas Day and Good Friday) • No under 18s • Provision of gaming activities
Category J Residential Licence	<ul style="list-style-type: none"> • Permit must be supported by a valid boarding permit as issued by the Commerce and Employment Department • Number of visitor beds must not be less than 50% of total number of beds as registered with the Commerce and Employment Department • No restrictions on serving alcohol to residents over 18 years • Bone fide guests of residents allowed to drink when in company of the resident

² A person under 18s must be accompanied by and remain in the company of a person over 18 years whilst on licence premises.

Exemptions regarding the requirements for under 18's will be necessary for private functions.

5. Licence Conditions

The conditions listed above would be standard conditions attaching to each licence of the category indicated. However, the Department believes that there is merit in extending the current limited powers of the Royal Court to attach additional conditions to a licence. Such additional conditions can prove to be a valuable tool to the Courts, the Police and Fire Services, the Parish Constables and the licensees themselves to ensure that licensed premises are run in an orderly and safe manner. The Department therefore recommends that the Court should have wide powers, under a new Liquor Licensing Ordinance, to grant liquor licences subject to such special conditions as it thinks fit in the circumstances of any particular application, provided that those conditions are not inconsistent with any applicable standard conditions. Those powers, it is suggested, should include powers to impose special conditions relating to individual licence holders or the particular premises to which the licence relates.

Examples of the types of special conditions that might be imposed by the Court under such powers include:

- Restriction on the number of people in the premises at any time
- Requirement to provide door and/or security staff
- Requirement to provide CCTV-based security system inside and/or immediately outside the premises
- Restrictions on drinks promotions where there is evidence that such promotions are likely to contribute to binge drinking or alcohol-related disorder or nuisance
- Requirements in respect of the disposal of refuse from the premises
- Restrictions on the type and duration of sound equipment
- Fire safety requirements.

The above list of additional conditions is not exhaustive but provides an indication of the type of activities which could be addressed by an additional condition. For example, the Environmental Health Department may make suggestions regarding remedial work to kitchens, which is relatively minor, and the Court may agree to grant the licence on condition that the remedial work is satisfactorily completed within a specified period.

The Department would provide the Court with a reasoned report where it sought such additional conditions. Further, the other parties providing reports would also be able to recommend additional conditions and again would include reasons and appropriate

evidence in its report. The Department would indicate to the Court whether it did or did not support the request for additional conditions and provide reasons for its decision.

In all cases the Court would have to be satisfied that the conditions were necessary, fair and proportionate in respect of their purpose. The Court would have powers to revoke or vary conditions and to revoke or suspend licences for breach of conditions. Applicants would have the opportunity to challenge applications for the imposition or variation of special conditions.

6. Application Process

The Department recognises that its recommendations in respect of licence categories and conditions represent a major change in approach. Indeed its recommendations go further than those approved in March 2003. Therefore, it also undertook a careful review of the application process for all licences.

The Department believes that the current application process should be re-structured with the following objectives in mind :

- (a) To ensure that all parties have sufficient time to prepare and consider the various reports; and
- (b) To afford the applicant an opportunity to prepare any objection to a request for additional conditions.

However, it recognises that the process should not become overly bureaucratic or prolonged. It believes that by increasing the lead time for the hearing of applications by seven days it should be possible to balance these needs and also reduce the likelihood of a matter being adjourned at the eleventh hour because of the need to further research a report received late. The proposed application procedure prior to the Court hearing is detailed in Appendix 2.

The Department hopes that the good working relationship, which exists between its Licensing Department and licensees and their advocates, will continue and that this will facilitate pre-application hearing discussions regarding any request for additional conditions. It believes that such an approach would minimise any delays in processing applications.

7. Appeals Process

Following consultation with the Royal Court and Her Majesty's Procureur, the Department recommends that applications for liquor licences should continue to be considered by the Royal Court. The Ordinary Division would consider the majority of applications, as it does now, but continue to have the facility to refer an application to the Full Court if it is particularly complex or contentious.

There is currently no appeal from the Royal Court against a liquor licensing decision. The Department proposes that under a new Ordinance there would be a right of appeal

(for an applicant and, in certain circumstances, the Department) to the Court of Appeal, with leave, on a point of law

8. Other specific matters to be covered by new Ordinance

As indicated earlier in this report, the Department proposes that the Liquor Licensing Ordinance 1993, as amended is repealed and replaced by a new Ordinance in order to reflect the significance of the changes in policy proposed in this report, and to assist with ease of reference to the legislation (the 1993 Ordinance has already been amended on 2 previous occasions). Whilst a new Ordinance would re-enact many provisions of the 1993 Ordinance, it would include provision to implement proposals set out earlier in the report and provisions relating to the following particular matters:

(a) Named Premises Supervisor

The Department recognises that the sale of alcohol, because of its impact on the wider community, carries with it a great responsibility. It is considered necessary that at all times there should be a trained, responsible person in charge of the licensed activities, namely for the sale of alcohol.

While it is acknowledged that a licensee may have been assessed as being a suitably responsible person, staff may not always be similarly aware of the obligations of the licence. It is also acknowledged that it may not always be practical for the licensee to be on the premises at all times and the Department recognises that it is reasonable that other staff be left in charge of the premises at times. However, it is proposed that where the licensee is absent from the premises, while the sale of alcohol is taking place, it is both reasonable and necessary that an identifiable and competent individual oversees the operation of the premises in the licensee's absence.

Further the need for Police to be able to quickly identify the person who is in charge of the premises was recognised so that they can quickly and effectively deal with any concerns that they may have.

The Department proposes that when the Licensee is not on the premises it will be a requirement that a trained "Named Premises Supervisor" is left in charge of the premises. It is proposed that all licensees and senior bar staff have sufficient training to recognise issues relating to:

- excessive alcohol consumption;
- identifying children and young people at risk;
- fire safety procedures; and
- the impact of drugs and violence on licensed premises.

It should be emphasised that the responsibility for adhering to the licence conditions can never be delegated by the Licensee who remains ultimately responsible for the premises at all times.

(b) Temporary Closure of Licensed Premises

The Department believes that there is some merit in creating a power enabling a member of the judiciary or, in cases of emergency when not reasonably possible to obtain a judge's order, the Chief Officer of Police, to order the temporary closure of any licensed premises. The power would only become exercisable in the event that temporary closure was in the "interests of public safety" - for example, in circumstances where serious violent or disorderly behaviour was taking place or likely to take place on the licensed premises concerned.

This power is not intended as a penalty for licensees, but underlines their social responsibilities, placing pressure on them to minimise anti-social behaviour on their premises which often occurs as the result of the excessive consumption of alcohol.

The Department noted that the Isle of Man has had a similar power for a number of years but that the Police had not had occasion to use it, as the power appears to have a significant deterrent effect and ensures full co-operation between the Police and licensees to address disorder on licensed premises.

The decision to close licensed premises under this proposed power would rest with a member of the judiciary. However, in circumstances of urgency, when it was not possible to contact a member of the judiciary or there was an overriding operational need to act immediately to prevent serious physical harm or disorder, the Chief Officer of Police would have the power to issue such an order. The Chief Officer would have the ability to delegate the power to an officer of the rank of Chief Inspector or above.

The duration of such closure orders and the circumstances under which they could be used would be prescribed by Regulation of the Department. It is envisaged that such an order would only apply for the remaining period of any particular licensing period. For example if an order was made at 9.30 pm the licensee would be free to re-open his premises at 10.00am the following morning (or 12 noon if the following day was a Sunday, Christmas Day or Good Friday). If it were desired for any reason to extend the period of closure the police would have to apply to the Royal Court (comprised for this purpose of the Bailiff sitting alone) for continuation of the closure order for a period of up to 14 days. It would rest with the Royal Court, on the application of the Department, to determine, having regard to all the circumstances, whether the liquor licence should be revoked or suspended, or conditions attached framed to prevent reoccurrence of the events leading closure.

The Police would seek the co-operation of the licensee to voluntarily close the premises in such circumstances before issuing a closure order. A closure order would only be issued in the unlikely event that the licensee refused to co-operate. The licensee would be issued with a written notice of the closure at the time or as soon as practicable after the closure. The notice would include details of the circumstances for the closure, efforts to reach a voluntary agreement to close the premises and the officer or officers directly involved in the incident.

Further, where the Police were concerned that similar problems were likely to reoccur when the premises reopened they would be able to seek an extension of the order by presenting sworn evidence before the Bailiff.

(c) States Gauger

Section 36(2) of the 1993 Ordinance relates to powers of entry of Police Officers and the States Gauger.

The Department recommends that for clarity and consistency references to the “States Gauger” in the existing Ordinance should be replaced in any new Ordinance by the expression “Chief Customs Officer” to reflect the terms used in the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law 1972 as amended.

Further, under the new Ordinance, it is recommended that the Chief Customs Officer, and any other person authorised by him, should have powers to seize spirits, which are believed to have been adulterated, and any equipment or paraphernalia associated with the adulterated spirits or their adulteration. A power should also be included for the Court to order forfeiture of adulterated spirits and equipment and paraphernalia seized, upon conviction for an offence.

(d) Alterations and Additions

Section 16 of the 1993 Ordinance prescribes the circumstances in which the approval of the Royal Court is required to make alterations to licensed premises. The circumstances are limited and, to some extent, unclear. In summary, approval is required -

- (i) to increase the floor space available for the use of persons consuming intoxicating liquor on the premises,
- (ii) where an alteration will result in concealment from observation of any part of the premises used for the sale, supply or consumption of intoxicating liquor, or
- (iii) where an alteration affects communications between the licensed premises and any other premises or a public place.

The Department recommends that under a new Ordinance, in addition to the circumstances when approval is required under the existing Ordinance, all structural alterations to licensed premises would need to be approved by the Royal Court.

It would also be necessary to obtain the approval of the Court for certain other additions and alterations to licensed premises not falling within the categories of alterations described in this part of the report. This is because of the effect of standard conditions, referred to in part 4 of this report, relating to changes in access arrangements and customer sanitary facilities.

(e) Definition of “Live entertainment and dancing”

The Department notes the request from the Royal Court for some guidance as to what arrangements for live entertainment and dancing upon licensed premises are such as to merit the grant of a nightclub permit. Under the provisions of the current Ordinance, there are no criteria identifying the circumstances in which it is appropriate for a permit to be granted. The Department proposes that under the provisions of the new Ordinance, it should have power by regulation to prescribe the criteria and considerations, which must be satisfied by an applicant for a night club category licence, or taken into account by the Court, when the Court is asked to issue such a licence.

In this regard, the Department does not consider that the transmission of live sporting fixtures or concerts should justify the issue of a nightclub category licence, unless there is also provision for dancing. Other criteria which the Department would intend to prescribe include a requirement that any dance floor area should amount to at least 35 per cent of the total area of the licensed premises to which customers have access.

The Department believes that the new Ordinance must provide for unequivocal compliance with a requirement for the provision of live entertainment and dancing such that, for example, where facilities for dancing are provided, those facilities should be provided continuously during extended hours save for the 15 minutes prior to closing. It is intended that “live entertainment” should not include any entertainment which is indecent or lascivious in nature.

9. Applications for alfresco licences and licence fees

On the basis that the States approve the proposals for liquor licensing reform put forward by the Department, it is suggested that the opportunity is taken to make a minor amendment to the Public Highways (Temporary Closure) Ordinance, 1999, which provides for the grant of alfresco licences. Under the Ordinance, applications for alfresco licences must be made to the Royal Court sitting as a Full Court: now that liquor licence applications are made to the Royal Court sitting as an Ordinary Court, it would seem appropriate that alfresco licence application are also made to the Court sitting as an Ordinary Court. The Court takes the view that such an amendment would be appropriate and assist with the efficient disposal of court business.

It is further proposed that fees for alfresco licences (which have remained unchanged since 1999) should be increased as indicated in Table 3 below -

(Table 3) Alfresco licence fees

Application	Current fee £	Proposed fee £
For grant of licence		
Court	100	250
Constables	20	50
For application to renew	100	250

10. Fees for Licences and Permits

The Department understands that the costs (estimated to be in the region of £160,000 per annum) of implementation of the Bailiwick Alcohol Strategy should be met from licensing fees. The Treasury and Resources Department have clearly indicated that 'new money' for such projects will not be forthcoming. It has therefore looked to alternative ways for funding implementation of the Strategy and noted that the level of liquor licence fees has not been increased for a number of years and currently the maximum fee is £100. It recommends that current fees are increased as indicated in Tables 4 and 5 below in order to provide the funding as proposed in the Bailiwick Alcohol Strategy. The Department does not consider the the proposed increases are unreasonable - a £500 annual fee is still less than £10 per week per establishment within that category. Similarly for a nightclub the proposed fees are equivalent to less than £50 per week but this needs to be considered against a typical admission charge of £6.

(Table 4) Licence/Permit Fee

Category	Type of Licence / Permit	Current Fees £	Proposed Fees £
A (1)	Standard Licensed Premises	100	500
A (2)	Enhanced Licensed Premises	150	750
B	Cafés	150	500
C	Restaurant	150	500
D	General Off (see Table 6)	100	200 to 1,000
E	Port	150	750
F (1)	Standard Club (Members')	100	500
F (2)	Enhanced Club (Members')	150	750
G	Nightclub	200	2,500
H	Passenger Vessel	20	500
I	Casino	--	5,000
J	Residential	100	400

(Table 5) Fee to Vary Licence/Permit

Application to Amend or Vary an Existing Licence or Permit	Current Fees £	Proposed Fees £
Change of Designated Official	100	200
Extension to Licence Category	150	250
Extension to Family Permit	150	N/A
Alteration to Club hours	30	60
Alteration to Licensed Premises	100	200
Alteration to Family Permit	50	N/A
Alteration to Night Club Licence	100	N/A
Extend hours	10	50

Short term extension to other premises	10	50
Occasional Permit (<i>charitable / not-for-profit bodies</i>)	--	--
Request for variation of Licence Conditions	N/A	250
Change of Licence Category	N/A	250 plus any difference in fees

The Department proposes the following schedule of fees with the system of banding applying to off licenses.

(Table 6) *Off Licence Fees*

Band	Sales Area³ Sq Ft	Fee £
A	Under 300	200
B	300 to 749	350
C	750 to 999	450
D	1,000 to 1,999	550
E	2,000 to 2,999	750
F	Over 3,000	1,000

The above proposals would raise between £238,780 and £260,680 per annum based on the current number of licences. That is between £168,750 and £190,650 additional revenue which could be used to fund the Alcohol Strategy which requires approximately £160,000 per annum to achieve all its proposals.

Further, the Department noted the representations made by the Constables for St. Peter Port regarding the fee payable to them for preparing reports for the Royal Court. It accepted that the fees did not reflect the considerable time taken by all Parish Constables when preparing liquor licence reports. It therefore recommends that the scale of fees set out in Schedule 4 should be amended as follows:

(Table 7) *Fees for Constables Reports*

Type of Report	Current Fee £	Proposed Fee £
Licence application	20	100
Licence renewal	Nil	50 <i>(Where application is opposed or additional licence conditions sought)</i>
Application for change to existing licence	20	100

³ Sales Area in sq ft relates to the entire sales area of the premises and not limited to the area which is reserved for the sale of alcohol.

11. Transitional Arrangements

Under the 1993 Ordinance, all liquor licences are valid until 31 December of each year. If the States approve the proposals set out in this report, it is intended that any new Ordinance would be available for the States to approve and enact at the meeting due to be held on 26 October 2005. On that basis, it is intended that the provisions of that new Ordinance dealing with licence applications and licence grants would come into force on 26 October 2005, in order that prospective holders of 2006 licences would have sufficient time within which to make application for licences under the new Ordinance in time for them to become effective on 1 January 2006, provided that the applications can be processed by that time. It is, however, acknowledged by the Department, following consultation with the Royal Court, that it will almost certainly not be possible to deal with all applications under any new system in time for all new licences to be in force on 1 January 2006. There are several reasons for this, not least being the fact that it will be necessary, effectively, to convert over 200 existing general licences under the current licensing regime into category A(1), A(2), C, B or J licences as indicated in Table 2 above. Although some movement between licence categories will occur in subsequent years, it will not be necessary to repeat the mass reclassification process required in the first year of any new regime.

In the circumstances, it is proposed that any new Ordinance will contain special transitional provisions which will, amongst other things, -

- (a) convert all existing liquor licences (other than general licences) into licences of the appropriate category granted under any new Ordinance, upon payment of the appropriate fee, before such date as regulations of the Department may prescribe, and provided that no formal objections are raised, for example, by the police,
- (b) enable the Home Department to make regulations requiring applicants for specific categories of licence to submit preliminary and substantive licence applications before specific dates,
- (c) extend the validity of existing licences until 30 April 2006 (or grant of new licence, if earlier) where applications have been received within time-limits prescribed by the Department, and
- (d) enable the Court to extend the validity of existing general licences beyond 30 April 2006 on a case by case basis.

It is the intention of the Department, working in conjunction with the Court, to publicise details of transitional provisions and to inform individual licensees of the necessity to submit applications for new licences before deadlines fixed by the Department if they wish to benefit from the proposed transitional provisions.

12. Statement of Licensing Policy

The Department believes that the introduction of a Statement of Licensing Policy will assist the Courts when considering any licensing application to ensure that decisions remain consistent and fair. Further, the policy should assist those preparing reports for the Courts by directing them towards the key issues which ought to be addressed when making such an application.

The Department recommends that any new Liquor Licensing Ordinance should include provision enabling the Department formally to issue a Statement of Licensing Policy and requiring the Court to have regard to that Policy when exercising its licensing powers under the Ordinance.

13. New Legislation

The superintendence by the Royal Court of the liquor trade is of ancient origin. In 1607 a Royal Commission, appointed to investigate various complaints of Guernsey's inhabitants, directed that the sale of wine, beer and cider "of ancient and immemorable time hath belongeth to the Bailiff and Jurats, and therefore we leave the same by them to be ordered, as in all former times hath been accustomed". For the most part, legislation regulating the retail sale of intoxicating liquor has been effected by Ordinance, although the creation and operation of the 'Black List' was under a *Projet de Loi*, the Intoxication Liquor (Prohibition Orders) (Guernsey) Law, 1960, and in Victorian times, Laws were enacted to regulate off-sales of beer and cider, to bring their regulation into line with that concerning the sales of wines and spirits.

Historically, the Royal Court has been engaged not only in legislating (as it did before 1949) in respect of the liquor trade, but also in licensing retail liquor establishments, this latter function in succession to the Constables whose involvement in the inspection of taverns is of very ancient origin.

There is, however, a limit to the States' powers in legislating by Ordinance, and whilst it is difficult to be precise in identifying the point at which a Law rather than an Ordinance is required, HM Procureur is of the opinion that increasing regulation of the retail sale and consumption of liquor, and the control of conduct in and around licensed premises, render it desirable that an enabling *Projet de Loi* be enacted. He advises that such a *Projet* should create specific power for the States by Ordinance to legislate and regulate extensively in respect of all aspects of the liquor trade, and associated matters, including consumption of alcohol in public places. Further, in this respect, it is of interest to note that in both Jersey and the Isle of Man, primary legislation, i.e. legislation equivalent to a *Projet de Loi*, has been enacted.

HM Procureur also recommends that the legislation be drafted so as to extend not only to cover the matters identified below in respect of which the Department proposes specific legislation, but also to enable the States by Ordinance, if thought fit, to create a licensing authority distinct from the Royal Court, though perhaps comprising or

including the Jurats, in order that appeals from licensing decisions may be heard by the Bailiff sitting as the Royal Court rather than by the Court of Appeal, as is proposed above. The transfer of the jurisdiction of the Royal Court in the grant of liquor licences and the regulation of licensed premises to a new licensing authority not being the Royal Court would, in his opinion, require a *Projet de Loi*, or an Ordinance made pursuant to an enabling *Projet de Loi*.

In recent years the growing incidence of nuisance – including rowdy behaviour and vandalism – associated with consumption of liquor in public places, is well known to Members of the States. The Department are of the firm opinion that legislation should be enacted to allow the Department to designate certain public places as areas in which, during specified periods, it would be illegal to consume intoxicating liquor. These designated areas would be places in which consumption of liquor, particularly if associated with rowdy behaviour and in the presence of children, is considered inappropriate and anti-social – for example the streets, steps and squares of the Town at certain times of day. It is, of course, not the Department's intention to prevent or restrict the ordinary and pleasurable consumption of liquor as part of a picnic, or at recreational or sporting events, but generally speaking, the Department believes that Guernsey's streets should not be used as places for the habitual and unrestrained consumption of intoxicating liquor.

Within such areas (during specified periods in certain cases) the consumption of alcohol would be prohibited and the Police would have powers, *inter alia*, to confiscate and dispose of any alcohol being, or being about to be, consumed, and, where appropriate, proceed by way of prosecution. The Department does not propose a comprehensive ban on drinking in the open air recognising that such a proposal would be disproportionate to the intended purpose, namely that of minimising alcohol related antisocial behaviour and nuisance in areas where there is a history of such problems. The Police already have powers to deal with persons who are drunk or violent or rowdy or vandalising property, but the power now sought is intended to restrict, and where appropriate to prevent, the public consumption of liquor, which is often the precursor to such behaviour, and so is proposed as a preventative as well as a curative measure.

The Department also believes that any new *Projet de Loi* should include provisions enabling the courts in certain circumstances to make orders ("exclusion orders") excluding individuals, convicted of offences where consumption of alcohol has featured, from licensed premises generally or any particular licensed premises specified by the court. Breach of the terms of any such orders would constitute a criminal offence.

In relation to this proposal, the Department shares concerns expressed by the Royal Court that despite the robust approach taken by the courts, in particular the Magistrate's Court, large fines appear to be having less of a deterrent affect on offenders. By contrast it notes that in motoring offences drivers will very often ask the court to impose a large fine to avoid a licence suspension which suggests that

curtailment of the driver's freedom to use his car is more of a deterrent than a fine. The Department therefore has looked at options for providing a similar deterrent in the sentencing powers for public order offences where alcohol features and other drink-related offences. It believes that the introduction of a sentencing power, which would allow the courts (both Magistrates' and Royal) to impose an exclusion order on certain offenders for a specified period of at least 3 months but not more than 2 years, would be beneficial in addressing alcohol-related crime and disorder.

A similar power may be exercised by courts in Jersey and appears to be effective in addressing alcohol-related disorder. The Department believes that such exclusion orders would serve to support the current Pub Watch Scheme and prove more effective than the "Black List".

The proposals are supported by the licensed trade which believes that they would enhance the effectiveness of the current Pub Watch Scheme. The licensed trade has indicated that it would encourage licensees to 'ban' anybody subject of such an order from their premises regardless of whether it was specified within the order.

Further, the Department will investigate (and report further) on the use of curfew orders which could be imposed to prevent such offenders from being able to leave their homes or other places which may be designated for the purpose of preventing the person from being free to go out and about socialising on say Friday or Saturday evenings. Such orders would have resource implications and, at this stage, the Department is unable to provide an indication of the costs. It also believes that there may be merit in extending such orders to include young first-time offenders and in such cases believes that such an order should be akin to a binding over order, that is, if the young person does not re-offend for two years no conviction is recorded against him.

14. Resources

The Department doubts whether the proposed amendments will require permanent additional staff, although it may be necessary to employ an additional person on a temporary basis to support the Licensing Department during the transitional period, that is, for approximately six months.

The potential additional revenue from the increased licence fees is estimated at between approximately £168,750 and £190,650 per annum based on the current number of licences. The Department understands that initially some £160,000 of this sum would be required to fund the Alcohol Strategy. The additional revenue would be used to offset any additional administrative or operational costs which may arise as a consequence of the proposed legislative changes, for example signage for designated "No Alcohol" zones, temporary staff within the Licensing Department and dissemination of the impact of the proposals to the licensing trade, parochial officials etc.

15. Recommendations

The Department recommends the States -

1. To approve the proposals for reform of Guernsey's liquor licensing regime, including the repeal of the Liquor Licensing Ordinance, 1993, as amended and its replacement with a new Ordinance implementing the proposals set out in this report (see paragraphs 2 to 8 and 10 to 12),
2. To approve the proposal relating to amendment of the Public Highways (Temporary Closure) Ordinance, 1999 in order -
 - (a) to enable the Royal Court sitting as an Ordinary Court to deal with applications for alfresco licences (see paragraph 9), and
 - (b) to increase fees for alfresco licences (see paragraph 9),
3. To approve the proposal to introduce new legislation by way of Projet de Loi giving the Department power to designate certain public places as areas in which intoxicating liquor may not lawfully be consumed (see paragraph 13),
4. To approve the proposals in relation to "exclusion orders" (paragraph 13),
5. To approve the proposal to prepare a Projet de Loi to regulate all aspects of the sale, supply and consumption of intoxicating liquor, including the creation of a licensing authority (see paragraph 13), and
6. To direct the preparation of such legislation as may be necessary to give effect to the foregoing.

I should be grateful if you would lay this matter before the States with an appropriate proposition.

Yours faithfully

M W Torode
Minister

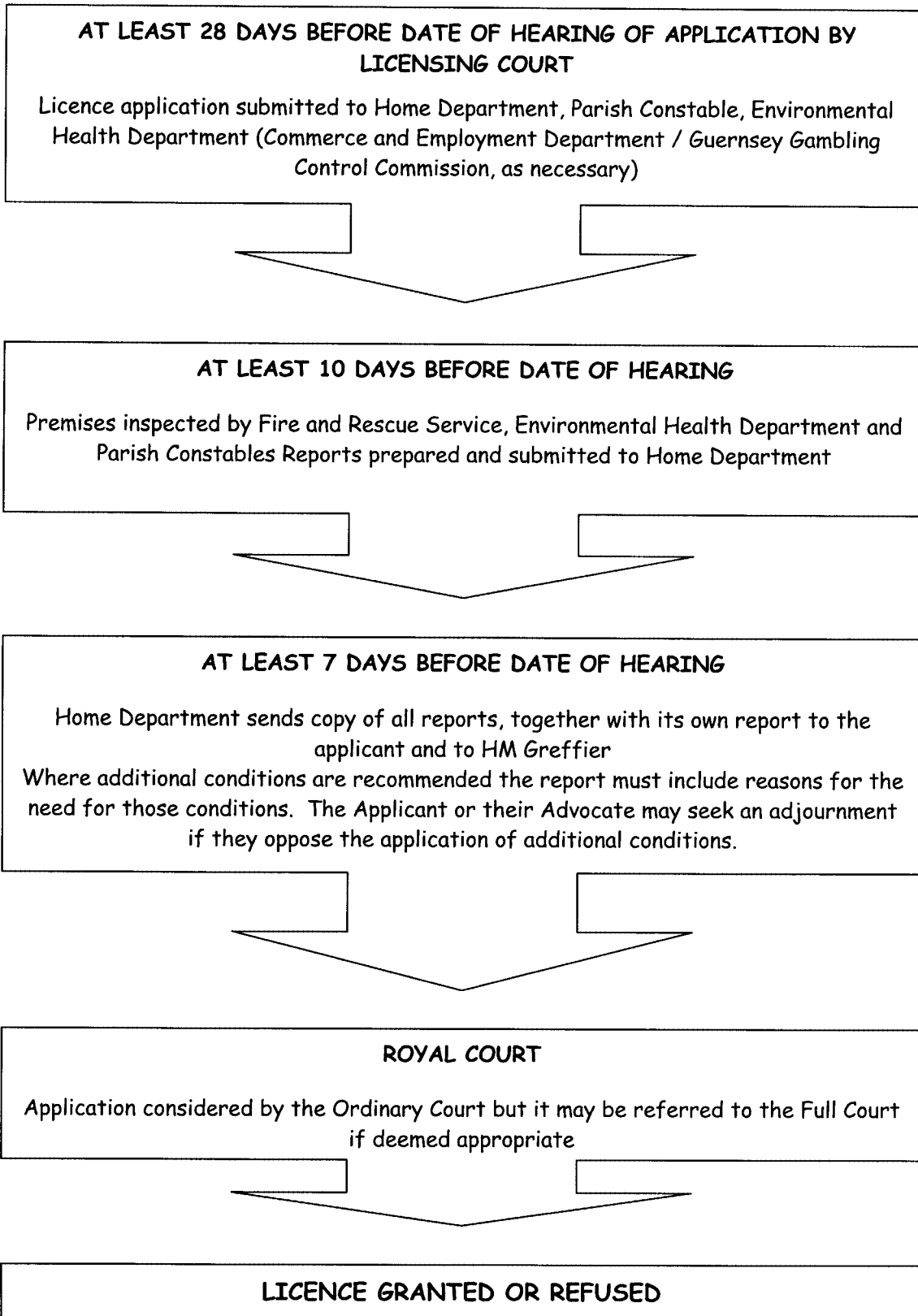
APPENDIX 1

Organisations/Individuals Consulted

Organisation/Individual

Bailiff
 HM Greffier
 Deputy Bailiff
 HM Procureur
 Magistrates
 Jurats
 Guernsey Licensed Victuallers Association
 Bucktrout Ltd
 Guernsey Brewery
 Guernsey Night Club Association
 Guernsey Hotel & Tourism Association
 Crime Prevention Panel
 St Peter Port Constables
 St Andrews Constables
 St Martin Constables
 Forest Constables
 Torteval Constables
 St Pierre du Bois Constables
 St Saviours Constables
 St Sampson Constables
 Castel Constables
 Vale Constables
 Environmental Health Services
 Chamber of Commerce
 Commerce and Employment Department
 Culture and Leisure Department
 Environment Department
 Education Department
 Treasury and Resources
 Health and Social Services
 Social Security Department
 Housing Department

The Department also received representations from various other individuals and organisations

APPENDIX 2**LIQUOR LICENSING APPLICATION PROCESS**

(NB The Policy Council supports the proposals)

(NB The Treasury and Resources Department supports the proposals)

The States are asked to decide:-

1.- Whether, after consideration of the Report dated 6th May, 2005, of the Home Department , they are of the opinion:-

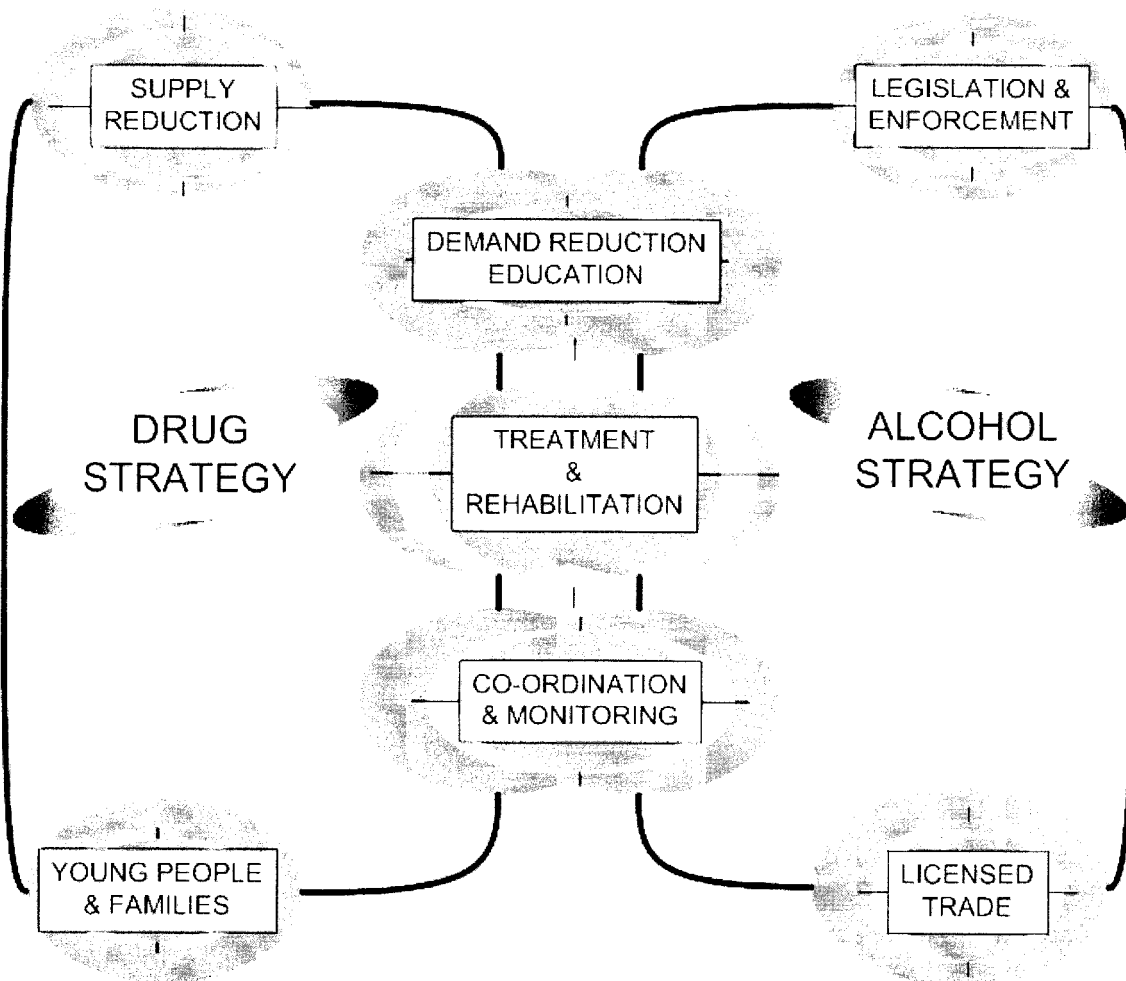
1. To approve the proposals for reform of Guernsey's liquor licensing regime as set out in paragraphs 2 to 8 and 10 to 12 of that Report, including the repeal of the Liquor Licensing Ordinance, 1993, as amended and its replacement with a new Ordinance implementing the proposals.
2. To approve the proposal set out in paragraph 9 of that Report relating to amendment of the Public Highways (Temporary Closure) Ordinance, 1999 in order -
 - (a) to enable the Royal Court sitting as an Ordinary Court to deal with applications for alfresco licences; and
 - (b) to increase fees for alfresco licences.
3. To approve the proposal as set out in paragraph 13 of that Report to introduce new legislation by way of Projet de Loi giving the Department power to designate certain public places as areas in which intoxicating liquor may not lawfully be consumed.
4. To approve the proposals as set out in paragraph 13 of that Report in relation to "exclusion orders".
5. To approve the proposal as set out in paragraph 13 of that Report to prepare a Projet de Loi to regulate all aspects of the sale, supply and consumption of intoxicating liquor, including the creation of a licensing authority.
6. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

POLICY COUNCIL

BAILIWICK ALCOHOL STRATEGY

CHAPTER 1: EXECUTIVE SUMMARY

- 1.1 Anti-social behaviour has come under much public focus both locally and in the UK, and is a cause for concern. It is important to stress that the Bailiwick Alcohol Strategy is not about stopping people from enjoying an alcoholic drink; it is more about sensible drinking and reducing or preventing the anti-social behaviour, health risks and harm to the family that often goes with excessive drinking.
- 1.2 The Bailiwick Alcohol Strategy is developed from an original document entitled “The Need for A Guernsey Alcohol Strategy” produced by the former Board of Health (now Health and Social Services Department), Department of Public Health. There was wide ranging consultation and a steering group comprising key professionals who met together and directed the research.
- 1.3 In order for robust initiatives to take place, there needs to be a foundation on which to build them. The recommendations contained within this document represent such a foundation which can be developed over an 18-month period.
- 1.4 There are some areas of overlap with drug-related initiatives - particularly in the areas of treatment and education, and these are indicated within this document. It is proposed that the Alcohol Strategy would run in parallel with the Drug Strategy until the end of 2006, following which the two strategies would be amalgamated to form a Bailiwick Drug and Alcohol Strategy from 2007 onwards.



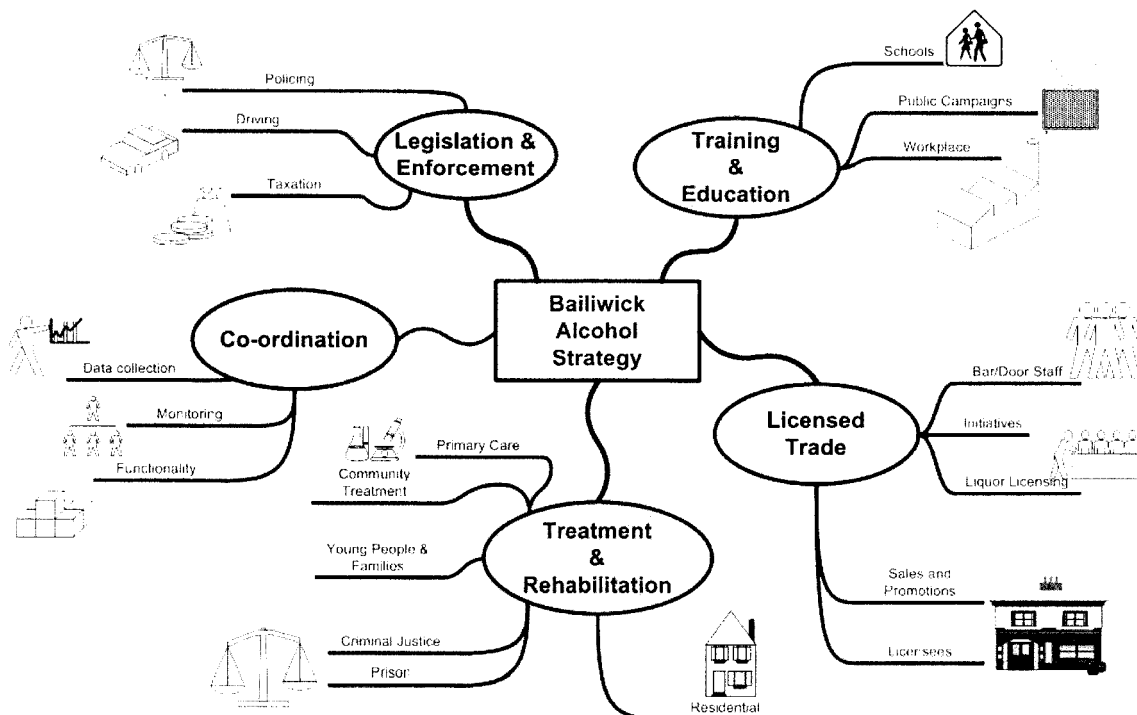
1.5 The aims of the Alcohol Strategy are “*To change attitudes towards alcohol by promoting sensible drinking and to reduce alcohol-related harm*”, with the following early objectives:

- The reduction of alcohol-related ill-health.
- The reduction of alcohol-related crime and disorder.
- The reduction of alcohol-related road accidents.
- The reduction of alcohol-related economic loss in the workplace.
- The reduction of the adverse effects of alcohol on social well-being.

1.6 There are five focus areas for the Alcohol Strategy:

- **LEGISLATION AND ENFORCEMENT** (comprising Taxation and Pricing, Driving and Policing).
- **TRAINING AND EDUCATION** (comprising Public, Schools and Workplace).
- **LICENSED TRADE** (comprising Bar/Door Staff, Sales and Promotions, Initiatives, Licensees, Liquor Licensing).
- **TREATMENT AND REHABILITATION** (comprising Primary Care, Community Treatment, Residential Facilities, Support for Non-changing 'Recidivist' Drinkers, Young People and Families, Criminal Justice, Prison, and GADAC).
- **CO-ORDINATION** (comprising Functionality, Monitoring and Data Collection).

1.7 Each of these focus areas contains a range of initiatives, legislative recommendations or in some cases, further research, designed to meet the objectives of the Strategy. The multi-agency working model of the Bailiwick Drug Strategy has enabled strong partnerships to develop, and as with the Drug Strategy, much of the work of the Alcohol Strategy is multi-agency, using the skills of a diverse workforce – both States and non-States - working together to achieve the aims.



- 1.8 It is necessary that those who supply alcohol take some responsibility for ensuring that they are not contributing to exacerbating alcohol fuelled anti-social behaviour. The Home Department Liquor Licensing Working Group and the Alcohol Strategy can work closely together to ensure that liquor licensing conditions reflect the needs of society, whilst enabling licensees to carry out their legitimate business, and for members of the public to enjoy a safe night out.
- 1.9 There are areas requiring further research, including the issues of late night transport initiatives and the introduction of alcohol consumption free zones, this overall aim being to make the Town area safer and trouble free for all.
- 1.10 It is also necessary to address the treatment needs of both problem drinkers who want to reduce or stop drinking, and the needs of recidivist drinkers who are caught in a recurring cycle of prison sentences. One area needing further investigation is in the development of addiction services for young people. Currently the situation can be confusing for young people in crisis, and frequently 16 – 18 year olds who need help find they are moved from one service to another. A service which covers both alcohol and drugs and caters specifically for the needs of young people is a priority need.
- 1.11 Targeted public information and awareness raising campaigns need to take place throughout the year to maintain focus on alcohol-related issues. Specific issues could be addressed – for example, drink driving, drinking in pregnancy, links with domestic violence and abuse etc. It is also worth reminding people that due to the disinhibiting effect of alcohol sexual behaviour may change, and unwise and unsafe sexual practices may occur – leading to potential exposure to sexually transmitted infections and unplanned pregnancy.
- 1.12 As so many of the key participants in the Alcohol Strategy hold a similar role in the Drug Strategy, it would make sense to have both strategies co-ordinated by the Drug Strategy Co-ordinator – with a title change to reflect this role. New partners would be included and welcomed in the delivery of the Alcohol Strategy.
- 1.13 There are approximately 310 licensed premises in Guernsey. An increase in the cost of a Liquor Licence sufficient to fully fund the Alcohol Strategy would mean that the significant profits made from the sale of alcohol would make a realistic contribution to addressing the issue of responsible drinking locally.
- 1.14 A list of the proposals, recommendations and costs are contained in Chapter 7.

Contents

Chapter 1	Executive Summary
Chapter 2	Legislation and Enforcement
Chapter 3	Training and Education
Chapter 4	Licensed Trade
Chapter 5	Treatment and Rehabilitation
Chapter 6	Co-ordination
Chapter 7	Summary of Proposals and Recommendations
Chapter 8	Appendices

CHAPTER 2: LEGISLATION AND ENFORCEMENT

2.1 Taxation and Pricing

2.1.1 Duty

The States of Guernsey can influence the price of alcohol through the level of Excise duty on alcohol products. The effect of price changes on overall alcohol consumption and individual drinking patterns has been extensively investigated, and while evidence consistently suggests that an increase in price may reduce consumption, estimates of the size of the effect and the effects on different population groups vary considerably.¹

For example, some have suggested that young people are more sensitive to price changes than the population as a whole², whilst others argue that an increase in price reduces cirrhosis mortality among dependent drinkers³.

An important scientific review of this issue concludes:

“Taxation of alcohol is an effective mechanism for reducing alcohol problems...the notion that heavy or dependent drinkers are immune to the influence of price is demonstrably incorrect. Put simply, but with entire scientific accuracy, alcohol taxation is a readily available instrument which can be applied to save lives and avert alcohol-related suffering.”⁴

A number of medical bodies recommend that alcohol tax is an important means of controlling alcohol problems. For example, the Royal College of Psychiatrists assert:

“Government taxation policies should be intentionally employed in the interests of health, to ensure that per capita consumption (of alcohol) does not increase beyond the present level and is by stages brought back to an agreed lower level.”⁵

In the context of Guernsey, it must be recognised that the Island is relatively wealthy, unemployment is low, and disposable income relatively high. Hence, it seems that increasing the price of alcohol as a means of reducing consumption may have little *immediate* effect.

An increase in Excise duty would be supported by research evidence, and the Social Policy Steering Group recommends Treasury and Resources to consider raising the rates of alcohol excise duty.

¹ Scottish Executive Health Department 2001.

² Zhang and Casswell, 1999

³ Cook, 1981

⁴ G Edwards et al: Alcohol Policy and the Public Good, Oxford Medical Publications/WHO Europe 1994

⁵ Alcohol – our favourite drug. Royal College of Psychiatrists 1986

RECOMMENDATION:

- **It is recommended that the Treasury & Resources Department be directed to take into account the aims and objectives of the Bailiwick Alcohol Strategy when making recommendations to the States on the rates of duty on alcohol.**

It can be helpful to look at excise duty rates on alcohol in other areas. For example, the excise duty on small brewery beer is 21p per litre in Guernsey and Alderney and 34.36p per litre in Jersey. On spirits, the duty is £4.57 per litre in Guernsey and Alderney and £7.96p per litre in Jersey.

For a comparative list of Excise duty rates in Guernsey, Alderney, Sark, Jersey and the UK, see Appendix 1.

It had been considered that an increase in alcohol duty could be a way of financing the Alcohol Strategy. However, in light of the probable need to increase the duty on alcohol for fiscal reasons, an alternative funding strategy has been identified and is set out later in this report.

2.2 Drink Driving

2.2.1 Blood alcohol level and driving ability

Research has consistently shown a relationship between blood alcohol level and the deterioration of driving skills, with significant impairment occurring from as little as 20mg/100ml⁶. Furthermore, when comparing drivers involved in accidents with matched non-accident drivers, it is clear that as the blood alcohol level rises so does the possibility of having a road accident⁷.

2.2.2 Young Drivers

Even when sober, young drivers are more accident prone than older, more experienced drivers⁸. Their lower tolerance to alcohol further increases their accident risk. The vulnerability of a young person to the effects of alcohol is shown by the lower average blood alcohol levels of young drink driving offenders compared with older offenders. The same pattern is found in drivers who are killed. For young people, accident risk increases after one drink; after two it doubles and after five it can have increased tenfold.

Local evidence shows that drivers aged 15 -24 committed more drink-driving related offences than any other age group. (See Appendix 1 for graph.)

The Strategy consultation revealed that the majority of participants felt that ideally people should not drink any alcohol when driving, and would have preferred a reduction in the permissible level from 80mg/100ml to 20mg/100ml.

⁶ Cohen et al., 1958; Goldberg and Havard , 1968; Pauwels and Helsen, 1992

⁷ Borkenstein, 1974; Kruger et al., 1995, cited in Denny, 1997

⁸ Institute of Alcohol Studies: "Drinking and Driving" (www.ias.org.uk)

However, it was generally felt that the evidence suggests that a reduction to 50mg/100ml, in line with many European countries and Australia, would significantly reduce the risk of accidents and be more realistically achievable.

See Appendix 2 for blood alcohol levels across Europe and a recent ruling in the Royal Court in Guernsey.

RECOMMENDATION:

- **It is recommended to introduce legislation to reduce the permissible blood alcohol levels for drivers from 80mg/100ml to 50mg/100ml.**

2.2.3 Enforcement of drink-driving laws

In Guernsey (as well as the UK), the enforcement of drink-driving laws is reactive in that a driver may only be breath tested if s/he is involved in an accident, commits a moving traffic offence or the police have reasonable grounds for suspecting drink-driving (either prior to stopping a vehicle or having stopped it for another reason).

Roadside breath testing is currently taking place locally. Other proactive enforcement includes random breath testing (RBT), which evidence suggests can reduce overall and specifically alcohol-related fatalities, injuries and crashes⁹. This is because RBT works through deterrence as well as detection.

RECOMMENDATION:

- **It is recommended to continue to support and encourage police roadside breath testing initiatives.**

2.3 Late night public transport

The Bailiwick Alcohol Strategy consultation revealed widespread agreement that an improvement in late night public transport (both buses and taxis) could reduce the incidence of drink-driving (as well as improve community safety).

Further research needs to be undertaken to investigate the viability of developing late night transport initiatives. Early consultations have shown some support for such measures.

The Social Policy Steering Group believes that any late night transport initiatives should provide a safe means of transport. However, it shouldn't be seen to be a means of encouraging people to get overly intoxicated and then using subsidised transport home. However, they agree that further research should take place.

⁹ Peek-Asa, 1999; Clayton, 1997

RECOMMENDATION:

- It is recommended to undertake further research into late-night transport initiatives, including costs.

2.4 Driver Education

Evidence from the UK suggests that drink-drivers with blood alcohol levels exceeding 150mg are likely to have serious alcohol problems and that half re-offend within 10 years: Indeed 12% of all those convicted re-offend¹⁰. This highlights the need for educational and rehabilitation courses for drink-drivers, particularly those with blood alcohol levels over 150mg or those who are repeat offenders. This was strongly and consistently advocated in the Bailiwick Alcohol Strategy consultation. Provision of such a course would mean that anyone who is banned from driving following a prosecution for drink driving would have to complete the course prior to having their driving licence reinstated.

One hundred and seventy-five of these schemes were piloted in the UK, offenders pay to attend the course and, on successful completion, have up to a quarter of their disqualification deducted. Results suggested a significant reduction in re-offending¹¹ and therefore the Drink-Drive Rehabilitation Scheme became permanent throughout the UK in January 2000. Evidence suggests that, on average, such programmes reduce recidivism and alcohol-related accidents by 7-9% compared to no rehabilitation¹².

In 1999, GADAC published a document outlining a rehabilitation course for drink-drive offenders, based on a DETR-approved course run by Bromley Alcohol Advisory Service. This course could be delivered if the Courts had the legislative power and will refer offenders on the course.

The Environment Department has recommended developing a High Risk Offenders (HRO) scheme such as has been operating in the UK since 1990. A drink-drive offender who meets the criteria of the HRO scheme would have to reapply for their driving licence after disqualification and would only be granted it on successfully re-taking their driving test and having a positive medical examination. The independent medical advisor to the Environment Department has expressed concern that little consideration is currently given to the possibility that an individual may have an ongoing alcohol problem and therefore be a higher risk of re-offending. This measure would address that issue.

Such an initiative would tie in well with Drink Drive Education Orders and would be supported by the Social Policy Steering Group.

¹⁰ DETR 1998

¹¹ Alcohol Concern 1999

¹² Wells-Parker et al., 1995

For new drivers qualifying for a driving licence, alcohol awareness is currently included as part of the theory test in order to reinforce the drink-driving message.

RECOMMENDATIONS:

It is recommended to:

- **Initiate legislation that enables the Courts to impose Drink-Drive Education Orders on anyone who is banned from driving following a prosecution for drink driving.**
- **Endorse the development of a High Risk Offenders scheme by the Environment Department.**

2.5. Policing

Alcohol Consumption-Free Zones and Confiscation of Alcohol

Alcohol consumption-free zones can be a useful tool in reducing anti-social behaviour associated with chaotic street drinking and reduce violence associated with the use of glasses and bottles as weapons. Such zones require that alcohol is not consumed in certain designated areas, and to surrender any alcohol to Police Officers. Such schemes have shown to be successful in many parts of the world.

In order to consider a similar scheme for Guernsey, there is a need to investigate further the need for a law to designate alcohol consumption-free zones in certain areas of the Island, with police powers to confiscate alcohol after a caution.

The Social Policy Steering Group did not reach a consensus on this subject, but were aware of ongoing research within the Home Department Liquor Licensing sub-group and were willing for further investigations to take place.

RECOMMENDATION:

- **It is recommended to investigate the introduction of alcohol consumption-free zones and police powers to confiscate alcohol following a caution.**

2.6 Test purchasing initiatives

Concerns were expressed during the consultation process about the ability of young people under 18 to purchase alcohol. Test purchasing involves an under 18 volunteer (under Police guidance) attempting to buy alcohol. Such operations have been carried out for the sale and purchase of tobacco, and some of those consulted believe that a similar initiative could be undertaken for alcohol and consistently offending retailers could have their licence revoked.

RECOMMENDATION:

- **It is recommended to consider introducing test-purchasing initiatives to highlight traders supplying to under age drinkers.**

Costs for Legislation and Enforcement Pillar.

Although there may be costs relating to recommendations developed from investigations recommended, these costs will be reflected in the next Bailiwick Drug and Alcohol Strategy.

CHAPTER 3: TRAINING AND EDUCATION

3.1 Public

Mass media campaigns may affect attitudes and behaviour as well as knowledge if undertaken in combination with other social controls and social action¹³. For example, the increasing social unacceptability and reduction in incidents of drink-driving in the UK can be attributed to a combination of high profile mass media campaigns with tighter enforcement of permissible drinking limits. Research also suggests that campaigns are more successful when they target specific situations such as drink-driving¹⁴ and pregnancy¹⁵ rather than general consumption levels.

RECOMMENDATION:

- **It is recommended to run ongoing campaigns involving local media, posters and leaflets, targeting particular high risk groups and situations, highlighting sensible drinking levels and the consequences of misuse, and to seek out free promotion and sponsorship where appropriate.**

3.2 Schools

Research into the efficacy of alcohol education in schools has proved inconclusive when attempting to demonstrate reduced consumption in young people. However, evidence suggests improvements in knowledge about alcohol, decision-making skills and self-esteem through personal and social skills¹⁶ can affect young people's choices. In this way, alcohol education for young people in schools is a useful means of providing individuals with the ability to make informed choices.

GADAC currently employs an Alcohol Education Worker. This post has been funded by Lloyds TSB for the last three years – the funding will expire at the end of 2004.

The Fourth Guernsey Healthy Lifestyle survey (2003) shows that 47% of 18-24 year olds questioned drink alcohol on two or three days a week, and 32% of the same age group consume amounts above the recommended safe limits - see graphs at Appendix 1b.

Evidence from the Drug Strategy database shows that young people tend to take up drinking alcohol generally from the age of 13 (although some are younger). Concerns have been repeatedly expressed within the Drug Strategy Action Group about the need to engage and work with young drinkers outside formal education establishments. Also see 5.6.

¹³ Holder, 1994

¹⁴ Murray et al., 1993

¹⁵ Casiro et al., 1994

¹⁶ Alcohol Concern/DrugScope, 2001)

A Youth Alcohol Worker could be appointed via a non-States agency to provide a combination of education and youth work roles which would provide targeted support for young people. The postholder would continue to deliver education sessions in schools and to develop informal work with young people out of school. Such a post could be put out for tender to interested parties.

The Social Policy Steering Group believes that evidence suggests that a full time post is required, and supports the recommendation. However, when a combined Bailiwick Drug and Alcohol Strategy is developed in 2007, all the education and youth work posts relating to both drugs and alcohol could be amalgamated allowing a more streamlined service with workers being able to deliver both drugs and alcohol interventions.

RECOMMENDATION:

- **It is recommended to provide funding for a Youth Alcohol Worker, appointed by a non-States agency to deliver targeted support and education for young people aged 14-25 years.**

3.3 Workplace

Education can also be achieved in the workplace. Currently, GADAC may provide alcohol workplace policies when approached by a local company or organisation, but this tends to occur as a reaction to alcohol problems in the workplace rather than a proactive initiative. The Strategy consultation revealed widespread agreement that workplace policies may have the potential to prevent alcohol problems from developing, in that sensible drinking messages can be communicated to a large audience, and misuse may be identified in the early stages.

Furthermore, alcohol policies benefit the employer because alcohol misuse can cost a company a great deal financially: The Alcohol Concern and DrugScope workplace service reports that alcohol caused 14 million working days to be lost each year in the UK, amounting to 3-5% of all absences and costing employers £3 billion a year. The figures provided by the Social Security Department suggest that Guernsey employers also suffer costs from alcohol misuse in the workplace.

RECOMMENDATION:

- **It is recommended to increase the numbers of employers with effective alcohol workplace policies.**

Projected costs for Training and Education Pillar

	2005 (six months only)	2006	TOTAL
Youth Worker for Alcohol	●14,500	●29,000	●43,500
Public Campaigns	15,650	29,300	44,950
Total for T&E pillar	30,150	58,300	88,450

- Salaries element costed at April 2005 rates.

CHAPTER 4: LICENSED TRADE

4.1 Bar/Door Staff

Increasing staff understanding about alcohol-related issues has shown to be of benefit in other areas (See Appendix 3).

A brief training course for bar staff which provides information and skills in managing conflict, alcohol education, safety and licensing law could be run from the College of Further Education. Issue of a licence to serve alcohol would be conditional on at least one member of bar staff on duty having successfully completed the training, and for such a person to be on the premises at any given time.

Further benefit would be gained by the GLVA (Guernsey Licensed Victuallers Association) sharing their experiences and skills at their monthly meetings, and to relay this information to bar staff.

The door staff registration scheme should be extended to include staff in pubs as well as clubs.

It needs to be highlighted and acknowledged that there is a staffing implication for the Police Service in extending existing training and registration schemes.

RECOMMENDATIONS:

It is recommended to:

- **Introduce a 1-day course for bar staff. (Estimated cost £15 per person – to be met by the Licensee), and to ensure that a trained staff member is on the premises at any given time.**
- **Encourage GLVA members to share experience and practice.**
- **Extend the door staff registration scheme.**

4.2 Sales and Promotions

High prices for low alcohol and soft drinks (on licensed premises) were a recurrent area of concern during the consultation process. A reduction in the price of these drinks could contribute to the social acceptability of alcohol-free choices, as well as reducing overall alcohol consumption.

Discounts such as “happy hours” and cheap drinks promotions were also highlighted as encouraging fast, heavy drinking. Licensees should focus on improving service standards to increase custom rather than cutting prices. Licensing conditions preventing excessive discounting and responsible pricing could reduce the incidence of binge drinking and the associated physical and social harms.

Participants in the consultation suggested that awards could be given to bars that sold lower priced soft drinks, delivered high quality service and ceased cheap drinks promotions and “happy hours”.

RECOMMENDATIONS:

It is recommended to:

- **Introduce an award system for those licensed premises that deliver a high quality service, serve lower priced soft drinks and cease promotions that encourage binge drinking.**
- **Encourage bars and clubs to display information about safer drinking at the points of sale.**
- **Support the Liquor Licensing Working Group in introducing licensing conditions that ensure that promotions are responsible and do not encourage binge drinking.**

4.3 Initiatives

All licensees should be encouraged to promote their commitment to the Guernsey Pubwatch scheme, taking advantage of the communication network between all licensees (a ‘round robin’ system) and police (increased visits to licensed premises), and to be involved in decisions concerning banning orders (and their cessation) against individuals who regularly create disorder.

Investigate further the possibility of utilising the “Prove It!” voluntary identification scheme for adults aged 18-25, introduced by the Portman Group in 1990 – or similar initiative, and encourage active promotion and rigorous enforcement by licensees.

In an attempt to reduce the number of “glassings” taking place in various parts of the UK, local councils have introduced the requirement that licensed premises use toughened glass as part of the licensing requirement – a similar scheme could be introduced locally.

For examples of these initiatives, see Appendix 3.

4.4 Licensees

It is important that Licensees take responsibility for ensuring that their establishments support sensible drinking – this could be linked in with licensing conditions. Licensees could demonstrate how they would address issues such as the provision of facilities for children, proof of age, the provision and use of shatterproof vessels, bottle bans, CCTV and responsible drinks promotions. Also to ensure that trained, named individuals are on the premises at all times. A number of initiatives and recommendations have been made by the Liquor

Licensing Working Group, this group and the Alcohol Strategy plan to work closely together.

4.5 **Liquor Licensing Working Group**

The Liquor Licensing Working Group would have an important role to play in monitoring and approving responsible Licensees, and where necessary making recommendations for legislation which will support the strategy, and so assist in the reduction of anti-social alcohol-related behaviour. A further role for this working group would be to monitor the impact of licensing hours on drinking patterns.

RECOMMENDATION:

- **It is recommended to continue to work with the Liquor Licensing Working Group in developing appropriate licensing conditions.**

4.6. **Licence Costs**

At present, the cost of both an application and a renewal of a Liquor Licence is £100. There are approximately 310 licensed premises in Guernsey. An increase in the cost of a Liquor Licence sufficient to fully fund the Alcohol Strategy would mean that those who make significant profits from the sale of alcohol would make a realistic contribution to addressing the issue of responsible drinking locally.

Given that Treasury and Resources have taken the view that no new money can be made available to fund the Alcohol Strategy, the fees for Liquor Licensing are seen as a realistic alternative. To fully fund the Strategy would take up to 500% increase in fees. While this sounds excessive, the Social Policy Steering Group takes the view that applied to a licence for a supermarket, a busy pub or a restaurant, it does not represent an unreasonable contribution from the Licensed Trade towards the costs of dealing with the problems of alcohol abuse.

At the other end of the scale however, there may be small businesses/charities whose operations could be put in jeopardy if the cost of Licences rose to even a few hundred pounds. Therefore, instead of a blanket percentage increase, we believe the Home Department needs to restructure the fee scale in order to ensure that those making most out of the alcohol trade contribute proportionally to meeting the cost to the community of alcohol-related problems.

Unfortunately, because no new money is forthcoming from central sources, those recommendations contained in the Strategy which have revenue implications cannot be brought in immediately. Instead, they will have to wait until 2006 when the next tranche of Liquor Licensing receipts is available.

RECOMMENDATION:

- It is recommended to support the recommendations put forward by the Home Department to increase licensing fees to cover the cost of the Bailiwick Alcohol Strategy.

Projected costs for recommendations in Licensed Trade Pillar

	2005 (six months only)	2006	TOTAL
"Good Bar Award"	2,500	5,000	7,500
Initiatives to deter binge drinking	2,500	5,000	7,500
Total for Licensed Trade pillar	5,000	10,000	15,000

CHAPTER 5: TREATMENT AND REHABILITATION

5.1 Guernsey currently provides the following:

- Many Guernsey GP's collect and record information on alcohol consumption and new patients are offered a screening appointment with the practice nurse, which covers advice on alcohol consumption.
- In-patients are treated in the psychiatric admission ward at the Castel Hospital (35% of all discharged patients): Detoxification and counselling are provided.
- Out-patients may also attend the Castel Hospital: home detoxification and a weekly support group are provided.
- Day patients attend the Day Centre and Occupational Therapy departments at the Castel Hospital: Medication, individual and group therapy, family therapy, occupational therapy and social skills training are provided.
- The Silkworth Lodge Treatment Centre in Jersey provides an off-island treatment programme of 10-12 weeks.
- The Guernsey Alcohol and Drug Abuse Council (GADAC) is a non-statutory organisation that provides individual and group counselling and also a 6-bed rehabilitation dry house (Brockside).
- St Julian's House and Annex is funded by the Health & Social Services Department and offers care and residence to homeless individuals, a significant proportion of who are alcoholic but willing to stay dry.
- Alcoholics Anonymous and Alanon are voluntary support groups that encourage abstinence and provide support to people with alcohol problems and their families.

5.2 **Primary Care**

There are no consistent procedures of screening patients for alcohol problems nor of performing brief interventions in the primary care and hospital settings. There is a large gap in support services for those individuals who cannot or will not stop drinking. Finally, there is also room to improve support within the workplace, particularly in terms of maximising access to treatment.

Minimal interventions are short sessions that may be given by primary health care staff (usually involving assessment, information and advice). The advantages of the primary health care setting for this response include avoiding the stigma of specialist alcohol mental health services, and the fact that excessive drinkers suffer more ill health than others and hence are more likely to make more than average use of health facilities. Brief treatments refer to one or a few specialist counselling sessions.

There is now extensive research evidence that minimal interventions and brief treatments targeted at excessive drinkers identified by screening in primary care and hospital settings can significantly reduce consumption (by over 20%) over extended periods (e.g. 12 months) at a low cost.

RECOMMENDATIONS:

It is recommended to:

- **Encourage consistent screening procedures and minimal interventions in the primary care and hospital setting.**
- **Provide training to primary care and hospital workers to enable them to use screening tools and provide minimal interventions.**

5.3 Community Treatment

There are currently some gaps in the provision of treatment and support locally – particularly for under-18's who have alcohol problems or who are the children of problem drinkers.

Early identification, intervention and referral are required for this group of young people in order to prevent longer term problems developing. This could be addressed in training courses for key staff.

In relation to longer term specialist treatment, there is no specialist alcohol unit. Similarly to the drugs issue, concerns were expressed about the appropriateness of treating those with alcohol problems in a mental health setting alongside people with mental health problems. A community based treatment service is in the process of being set up for drugs, which could incorporate alcohol. However, there is no full time Consultant Psychiatrist dedicated to addiction services, as is the case in Jersey and the Isle of Man. This results in a somewhat piecemeal service as the current psychiatrist has many areas of responsibility and is unable to give the time required for the development of addiction services. A full-time Psychiatrist with specialist training could be designated for having responsibility for addictions services as part of their general psychiatric role.

The needs of the under-18's, and the needs of the children of problem drinkers should also be addressed. A specialist service could be run in conjunction with the adult service, but at separate times and with specialist sessional staff who are skilled and qualified to work with this age group.

RECOMMENDATIONS:

It is recommended to:

- **Designate a Consultant Psychiatrist with specialist knowledge to deliver addictions services – part of a full time post for general psychiatry.**
- **Amalgamate drug and alcohol community based treatment services for adults to form a Community Drug and Alcohol Team (CDAT).**
- **Develop addiction services for young people, to include those with multiple needs (e.g. dual diagnosis of alcohol dependence and mental health problems/drug problems).**
- **Ensure that early identification, referral and intervention occurs in the case of young people who have problems with alcohol or are the children of problem drinkers.**

5.4 Residential Facilities

Since early 2004, the residential service at Silkworth Lodge in Jersey has been used, with protocols developed for referral and placement. However, local professionals continue to express concern that no local facility exists – and with the increasing demand for places for both drug and alcohol residential placements it may be more cost-effective and beneficial in the long term to have such a facility locally. This would enable residents to continue their recovery on discharge back to the community more easily than at present. Further research needs to be undertaken to ascertain the cost-effectiveness and social benefits of such a measure.

Treatment costs:

From 2002 to June 2004 a total of 27 clients have attended out of island treatment at Marchwood Priory or Silkworth Lodge.

A total of 2650 treatment days occurred at a cost of £418,908 (£15,515 per person).

For those people who go off-Island for residential rehabilitation, problems frequently occur when they return to Guernsey. An individual who may have been able to remain alcohol or drug free whilst in a closed and supportive environment generally finds it difficult to maintain this on their return home, where the environment, friends and temptations remain the same as before. Providing recovering users with ongoing support, treatment and coping skills in their own environment offers a greater chance of success in remaining drug and/or alcohol free.

RECOMMENDATION:

- **It is recommended to carry out further research to ascertain the cost-effectiveness and social benefits of developing a local residential rehabilitation facility.**

5.5 **Support for non-changing “recidivist” drinkers**

The strategy consultation demonstrated a strong and consistent concern over the lack of support for the relatively small group of chronic, non-changing recidivist drinkers or “habitual drunkenness offenders” who present an on-going unresolved problem to the criminal justice system.

The need to provide support for these types of individuals has received increasing recognition in many places over recent years in the UK and Jersey – see Appendix 4 for a solution offered in Jersey. The various options need to be researched and explored in order to find the best solution for Guernsey.

RECOMMENDATION:

- **It is recommended to research and develop interventions and services specifically aimed at recidivist drinkers.**

5.6 **Young People and Families**

It is important to acknowledge the need to reach young people outside the formal educational context, and in particular those who have been excluded and may be at high risk of alcohol misuse.

The recommendation in 3.2 (Training and Education) to provide funding for a youth worker to carry out youth work and educational work would support this area of work.

Support for families of problem drinkers is another important area where developments are required. Encouragement should be given for setting up family-led self-help groups as well as more formal initiatives through Health & Social Services Family Centres.

RECOMMENDATION:

- **It is recommended to consider the development of self-help and other supportive initiatives through community groups and the Health and Social Services Department.**

5.7 **Criminal Justice**

The consultation revealed widespread agreement that there is a need to expand access to alcohol services in the Guernsey criminal justice system. The Police, Courts, Probation Service, Prison, Social Services and alcohol services can all

join in partnership to help individuals to address their alcohol problems and modify their offending behaviour.

These interventions to divert alcohol-related offenders into treatment and support rather than repeatedly into the criminal justice system aim to minimise harm to both the individual and the community as a whole, by reducing the number of alcohol-related crimes.

5.7.1 Arrest Referral/Early Intervention

An individual arrested for an alcohol-related offence can be offered either written information about alcohol services while in police custody or access to an advice worker. See Appendix 5 “Get it While You Can”. In the UK, it has been found that those offenders who are arrested for violence are likely to be younger and not dependent on alcohol – thus not in need of extensive alcohol treatment. This group does have issues which need to be addressed, and this can be carried out using brief interventions and onward referrals to other agencies.¹⁷

The Drug Strategy is developing an arrest referral scheme in a partnership between the Police Service and the Criminal Justice Drugs Service. Alcohol-using offenders who meet specific criteria could be incorporated into this scheme, thus saving on staffing costs and making the service less fragmented.

5.7.2 Courts

Participants in the consultation tended to agree that the Royal, Magistrates and Juvenile Courts could consider the value of non-custodial sentencing options, involving education and treatment orders possibly with reduced fines, more frequently than they currently do. Where bail is granted, a condition of bail can be that the offender’s drinking is assessed and a course of action drawn up.

5.7.3 Probation Service

As well as intervention at the point of arrest or Court appearance, offenders with alcohol problems may be targeted when in contact with the Probation Service. The Guernsey Probation Service has contact with individuals appearing in Court (particularly those who have been held in custody overnight), individuals for whom the Court has requested a Social Enquiry Report¹⁸, individuals under statutory supervision, and all offenders in Prison. During this contact, each individual’s problems and needs (which may be alcohol-related) are assessed and objectives are set to modify their behaviour, which may include addressing their alcohol problems.

Probation Officers may also use their links with GADAC, AA and the mental health services. These services can assess an offender on behalf of the Probation Service and suggest an action plan, which may be included in the Social Enquiry Report. The Probation Officer can recommend that the Court includes, as a

¹⁷ “Alcohol Harm Reduction Strategy for England” – Cabinet Office

¹⁸ Social Enquiry Report - A document designed to assist the Court with sentencing

condition of a Probation Order, that the offender must attend group or individual alcohol counselling for a number of weeks.

5.7.4 Criminal Justice Drugs Service

The Criminal Justice Drugs Service is a Drug Strategy funded partnership between the Probation Service and Drug Concern and has been running since October 2002. This service offers a more seamless approach with agencies working together with the service user to provide an individually tailored package of interventions.

Alcohol using offenders who meet specific criteria could benefit from the intensive interventions that are carried out as part of the Criminal Justice Drugs Service. A pilot project could be initiated to ascertain the feasibility of whether such an intervention would work with alcohol using offenders.

It would make sense from both financial and cohesion viewpoints to amalgamate the service for both drug and alcohol users, and to integrate this with Arrest Referral. Extra funding would need to be allocated to allow for the increase in workload and management, but most of the costs could be absorbed through existing Drug Strategy funding.

RECOMMENDATION:

- **It is recommended to carry out a pilot project with alcohol using offenders using similar methods as the Criminal Justice Drugs Service and to continue to develop an Arrest Referral Scheme for drug and alcohol users.**

5.7.5 Prison

Currently, individuals in prison for alcohol-related offences may be offered assessment, alcohol education, individual/group counselling and after care by GADAC; they can also be referred to AA.

Drug Concern also carries out a range of work in the Prison offering similar initiatives for drug offenders.

This is another area which could be amalgamated with drugs work.

A Drug and Alcohol Worker could be available to work in the prison to carry out assessments and offer a range of interventions for prisoners with drug and alcohol problems. Interventions should include group and individual counselling, support and motivational work, anger management and other coping skills and drug and alcohol education. This post should also ensure that effective ongoing care and service access is available on release from prison. This initiative would be partly funded through the Drug Strategy budget.

Discussions with the Prison and Probation Service show that this initiative would be encouraged and would be seen as a valuable addition to ongoing work with offenders.

The worker could be managed by a non-States agency, but with clearly defined links with the Probation Service and Prison healthcare. The full-time post would replace existing sessional work carried out by Drug Concern and GADAC.

RECOMMENDATION:

- **It is recommended to provide funding for a full-time Drug and Alcohol Worker to deliver a range of interventions based in the Prison, and to liaise with Probation, Health and other relevant agencies. (This will be an outsourced post, and would be partly funded from the Drug Strategy.)**

5.8 **GADAC**

The Guernsey Alcohol and Drug Abuse Council is a voluntary organisation providing support, advice and counselling for people who are experiencing problems with either their own or a significant other's alcohol problem.

The service has a 6 bedded Rehabilitation Dry House, Counselling Rooms, Offices and is situated in a building at the top of The Grange.

It is funded from three major sources; a grant from the States, which is administered by Health & Social Services Department, the rents from the Rehabilitation Dry House and partnership with various organisations on the Island, including fund raising and charitable donations.

GADAC has a number of staff working for it; a full time Director, a full time Alcohol Education Worker, a part time Secretary, a sessional Bereavement Counsellor and Volunteer Counsellors.

GADAC has an average bed occupancy in Brockside Rehabilitation Dry House of 3 to 4 residents at any one time and sees over 100 new clients every year. This figure has remained constant for the last 5 years.

GADAC will see approximately 30-40 people a week for either advice or one to one counselling sessions. It also provides assessment and counselling in the States Prison, which at the moment is being provided by the Director.

In order to develop the service more fully, and to ensure that its staff are paid at a level commensurate with their duties and responsibilities, an increase in core funding would be required.

RECOMMENDATION:

- It is recommended to increase the core funding for GADAC to enable the development of the counselling and advice service and appropriate administrative support.

Projected costs for recommendations in Treatment and Rehabilitation Pillar

	2005 (six months only)	2006	TOTAL
Training for professionals	With Drug Strategy budget	With Drug Strategy budget	
Integrated Community Treatment	With Drug Strategy budget	With Drug Strategy budget	
Funding for GADAC	●2,850	●58,700 (10,200 req'd) (reduce H&SS budget by 48,500)	●61,550 (13,050 additional)
Development of family support networks	2,500	5,000	7,500
Substance misuse worker in Prison	●16,500 (7,500 req'd) (includes 9,000 from existing Drug Strategy funding)	●33,000 (15,000 req'd) (includes 18,000 from existing Drug Strategy funding)	●49,500 (22,500 additional)
Amalgamate Criminal Justice Drugs and Alcohol Services	21,500 (5,000 req'd) (includes 16,500 from existing Drug Strategy funding)	43,000 (10,000 req'd) (includes 33,000 from existing Drug Strategy funding)	64,500 (15,000 additional)
Develop specialist treatment services for under 18's	18,000	38,000	56,000
Treatment and Rehabilitation – Cost Net Funding required	●61,350 35,850	●177,700 78,200	●239,050 114,050

- Salaries element costed at April 2005 rates.

CHAPTER 6: CO-ORDINATION

6.1 Functionality

Much of the work of the Alcohol Strategy can be combined with existing Drug Strategy work. The Chief Officers and Action Groups already have key participants in their membership.

It would make sense from both a financial and co-ordination viewpoint to have both strategies co-ordinated by the Drug Strategy Co-ordinator – with a title change to Bailiwick Drug and Alcohol Strategy Co-ordinator.

RECOMMENDATIONS:

It is recommended to:

- **Have the Drug and Alcohol Strategies co-ordinated by the Drug Strategy Co-ordinator.**
- **Allocate responsibility for the strategy delivery to the Chief Officers Drugs Strategy Group – increasing membership if needed.**
- **Include alcohol as part of the work of the Action Group – including extra members as required.**
- **Develop the work of the Action Group to include research and steering sub-groups.**
- **Amend the names of the groups and job titles to reflect the inclusion of alcohol.**

6.2 Monitoring the Progress of the Bailiwick Alcohol Strategy

The progress of the Alcohol Strategy will be monitored in terms of the extent of the reduction in alcohol-related harm and the improvements to alcohol treatment and support services. There are currently effective pockets of data collection that must continue to effectively measure aspects of alcohol-related harm, but there are also areas of data collection that need to be improved, detailed below.

6.2.1 Health & Treatment Data

- Annual alcohol-related deaths to continue to be recorded.
- Potential years of life lost from alcohol-related disease continue to be calculated.
- GADAC to improve data collection, including reporting to the existing drug misuse database (which will be amended to include alcohol).

- Health & Social Services Department to continue to collect data on inpatients, outpatients and day patients.
- Off-Island placements to be recorded and a measure of success to be established.
- Primary care workers (G.Ps and in a hospital setting) to be encouraged to undertake consistent screening procedures and record the resultant data.

6.2.2 Criminal Justice Data

- Police to continue recording incidents (as in the statistical digest) and to improve recording of crimes where alcohol is a contributory factor.
- Police to continue recording drink-drive convictions, and details of the offenders.
- Police to increase visits to licensed premises and to improve the recording of visits.
- Probation Service to consistently record data on arrests, convictions and alcohol education of supervised clients.
- Prison to collect data on prisoners with alcohol problems (e.g. demographic information, education, treatment, referrals).
- Youth Justice Team to continue collecting data on juvenile offences involving alcohol.
- The Courts to improve data collection of alcohol-related convictions.

6.2.3 Workplace Data

- Monitor the number of employers with alcohol policies.
- The Social Security Department to continue to record days paid in Invalidity Benefit and Sickness Benefit, and to continue recordings of Benefits received where alcohol is openly declared by the certifying medical practitioner to be a contributory factor.

6.2.4 Population Data

- Continue regular surveys measuring awareness of sensible drinking guidelines and campaigns.
- Continue use of existing surveys that measure self-reported patterns of alcohol consumption.

- Guernsey Customs to continue to estimate per capita alcohol consumption.

All the resultant data from these information sources needs to be collated into an alcohol use database. The Co-ordinator will be responsible for updating and monitoring the database, which will enable comparisons of data within and between data sources. This can be used for monitoring the progress of the Alcohol Strategy in annual progress reports.

6.3 **Quality**

It is vital that our alcohol services are of an appropriate standard for a community this size. It is recommended, therefore that all new and existing alcohol services adhere to an appropriate standards framework – such as QuADS (Quality in Alcohol and Drug Services) – which is viewed as the benchmark in quality service delivery.

Quality can also be monitored by the Commissioning Officer and through the use of external service audit provision – as currently used for the drug strategy.

RECOMMENDATIONS

It is recommended to:

- **Continue to collect and develop information gathering initiatives.**
- **Ensure that alcohol services are monitored and evaluated to show that they are operating in line with best practice.**

Projected costs for recommendations in the Co-ordination Pillar

	2005 (six months only)	2006	TOTAL
Employ QuADS standards for alcohol services	Existing Drug Strategy budget	Existing Drug Strategy budget	
Integrate alcohol information into drugs misuse database	4,000	4,000	8,000
Research and development within the Action Group	1,000	3,000	4,000
Total for Co-ordination Pillar	5,000	7,000	12,000

CHAPTER 7: SUMMARY OF PROPOSALS AND RECOMMENDATIONS

Pillar	Proposal/Recommendation	Lead Department
LEGISLATION & ENFORCEMENT	Treasury & Resources Department to be directed to take into account the aims and objectives of the Bailiwick Alcohol Strategy when making recommendations to the States on the rates of duty on alcohol.	Treasury & Resources/Home
	Legislation to lower permissible blood alcohol levels for drivers from 80 mg/100 ml to 50mg/100ml.	Home
	Continue to support and encourage police roadside breath testing initiatives.	Home
	Undertake further research and encourage late-night transport initiatives, including costs.	Home/ Drug & Alcohol Strategy Environment
	Initiate legislation that enables the Courts to impose Drink-Drive Education Orders on anyone who is banned from driving following a prosecution for drink driving.	Home
	Endorse the development of a High Risk Offenders scheme by the Environment Department	Environment
	Investigate the introduction of alcohol consumption-free zones and for police powers to confiscate alcohol following a caution.	Home
	Consider introducing test-purchasing initiatives to highlight traders supplying to under age drinkers.	Home
TRAINING & EDUCATION	Run ongoing campaigns involving local media, posters and leaflets, targeting particular high risk groups and situations, highlighting sensible drinking levels and the consequences of misuse, and to seek out free promotion and sponsorship where appropriate.	Home/Drug & Alcohol Strategy

	Provide funding for a Youth Alcohol Worker, appointed by a non-States agency to deliver targeted support and education for young people aged 14-25 years.	Home/Drug & Alcohol Strategy Outsourced post
	Increase the numbers of employers with effective alcohol workplace policies.	Home/Drug & Alcohol Strategy H&SSD/Health Promotion Unit
LICENSED TRADE	Introduce a 1-day course for bar staff. (Estimated cost £15 per person – to be met by the Licensee), and to ensure that a trained staff member is on the premises at any given time.	Home
	Encourage GLVA members to share experience and practice.	Home/ Drug & Alcohol Strategy
	Extend the door staff registration scheme.	Home
	Introduce an award system for those licensed premises that deliver a high quality service, serve lower priced soft drinks and cease promotions that encourage binge drinking.	Home/Drug & Alcohol Strategy H&SSD
	Encourage bars and clubs to display information about safer drinking at the points of sale.	Home/Drug & Alcohol Strategy
	Support the Liquor Licensing Working Group in introducing licensing conditions that ensure that promotions are responsible and do not encourage binge drinking.	Home
	Continue to work with the Liquor Licensing Working Group in developing appropriate licensing conditions.	Drug & Alcohol Strategy/Home
	Support the recommendations put forward by the Home Department to increase licensing costs to cover the cost of the Alcohol Strategy.	Home

TREATMENT & REHABILITATION	Encourage consistent screening procedures and minimal interventions in the primary care and hospital setting.	H&SSD
	Provide training to primary care and hospital workers to enable them to use screening tools and provide minimal interventions.	H&SSD
	Designate a Consultant Psychiatrist with specialist knowledge to deliver addictions services – part of a full time post for general psychiatry.	H&SSD
	Amalgamate drug and alcohol community based treatment services for adults to form a Community Drug and Alcohol Team (CDAT).	H&SSD
	Develop addiction services for young people, to include those with multiple needs (e.g. dual diagnosis of alcohol dependence and mental health problems/drug problems).	H&SSD
	Ensure that early identification, referral and intervention occurs in the case of young people who have problems with alcohol or are the children of problem drinkers.	H&SSD
	Carry out further research to ascertain the cost-effectiveness of developing a local residential rehabilitation facility.	H&SSD
	Research and develop interventions and services specifically aimed at recidivist drinkers.	Home (Drug & Alcohol Strategy) H&SSD
	Consider the development of self-help and other supportive initiatives through community groups and Health and the Social Services Department.	Home (Drug & Alcohol Strategy) H&SSD

	Carry out a pilot project with alcohol using offenders using similar methods as the Criminal Justice Drugs Service and to continue to develop an Arrest Referral Scheme for drug and alcohol users.	Home/Drug & Alcohol Strategy (Outsourced post)
	Provide funding for a full-time Drug and Alcohol Worker to deliver a range of interventions in the Prison, and to liaise with Probation, Health and other relevant agencies. (This will be an outsourced post, and would be partly funded from the Drug Strategy.)	Home/Drug & Alcohol Strategy (Outsourced post)
	Increase the core funding for GADAC to enable the development of the counselling and advice service and appropriate administrative support.	Home/Drug & Alcohol Strategy (Outsourced posts)
CO-ORDINATION	Have the Drug and Alcohol Strategies co-ordinated by the Drug Strategy Co-ordinator.	Home/Drug & Alcohol Strategy
	Allocate responsibility for the strategy delivery to the Chief Officers Drug Strategy Group – increasing membership if needed.	Home/Drug & Alcohol Strategy
	Include alcohol as part of the work of the Action Group – including extra members as required.	Home/Drug & Alcohol Strategy
	Develop the work of the Action Group to include research and steering sub-groups.	Home/Drug & Alcohol Strategy
	Amend the names of the groups and job titles to reflect the inclusion of alcohol.	Home/Drug & Alcohol Strategy
	To continue to collect and develop information gathering initiatives.	Home/Drug & Alcohol Strategy
	To ensure that alcohol services are monitored and evaluated to show that they are operating in line with best practice.	Home/Drug & Alcohol Strategy

Overall Projected Costs for the Bailiwick Alcohol Strategy – figures in brackets show actual funding required, as the excess would be met via the Drug Strategy and a reduction in H&SSD budget *see asterisk).

Pillar	2005 (six months only)	2006	Total
Legislation & Enforcement	No anticipated extra costs		
Training & Education	30,150	58,300	88,450
Licensed Trade	5,000	10,000	15,000
Treatment & Rehabilitation – Cost	61,350*	177,700*	239,050*
Net Funding required	35,850	78,200	114,050
Co-ordination	5,000	7,000	12,000
Total Cost	101,500*	253,000*	354,500*
Total Required Funding	76,000	153,500	229,500

* Includes £76,500 from Drug Strategy budget (£25,500 in 2005; £51,000 in 2006) and £48,500 grant to GADAC from HSSD budget - £125,000 in total.

NB: Salary costs included in the Training & Education and Treatment & Rehabilitation Pillars have been costed throughout using April 2005 rates.

The 2005 figures above represent a full year. In reality only six months funding will be required i.e. £76,000 – and this sum will be provided from the Policy Council's Strategic & Corporate Measures Budget.

The 2006 figures relate to a full year – and are based on the funding being raised from an increase in Liquor Licensing Fees (w.e.f. 1st January 2006) as described earlier in this Report, and in the States Report from the Home Department which is being considered at the same States Meeting as the Bailiwick Alcohol Strategy.

RECOMMENDATIONS:

- 1) To affirm the commitment of the States of Guernsey to changing attitudes towards alcohol by promoting sensible drinking and to reduce alcohol-related harm, in a cohesive, multi-agency approach, through the adoption of the five focus areas contained in this Report;
- 2) To endorse the aims of the Bailiwick Alcohol Strategy which are to **reduce**:-
 - alcohol-related ill-health;
 - alcohol-related crime and disorder;
 - alcohol-related road accidents;

- alcohol-related economic loss in the workplace; and
 - the adverse effects of alcohol on social well-being.
- 3) To approve the proposals and recommendations of the Bailiwick Alcohol Strategy, as set out in Chapter 7 of this Report;
 - 4) To delegate responsibility for the implementation of the Bailiwick Alcohol Strategy to the Policy Council's Social Policy Steering Group and the Chief Officers' Bailiwick Drug & Alcohol Strategy Group;
 - 5) To direct the Treasury & Resources Department to take into account the financial resources required for the implementation of the Bailiwick Alcohol Strategy when recommending to the States the revenue allocations for 2006 and subsequent years; and
 - 6) To direct the Treasury & Resources Department to take into account the aims and objectives of the Bailiwick Alcohol Strategy when making recommendations to the States on the rates of duty on alcohol.

L C Morgan
Chief Minister

26th April 2005

CHAPTER 8: APPENDICES

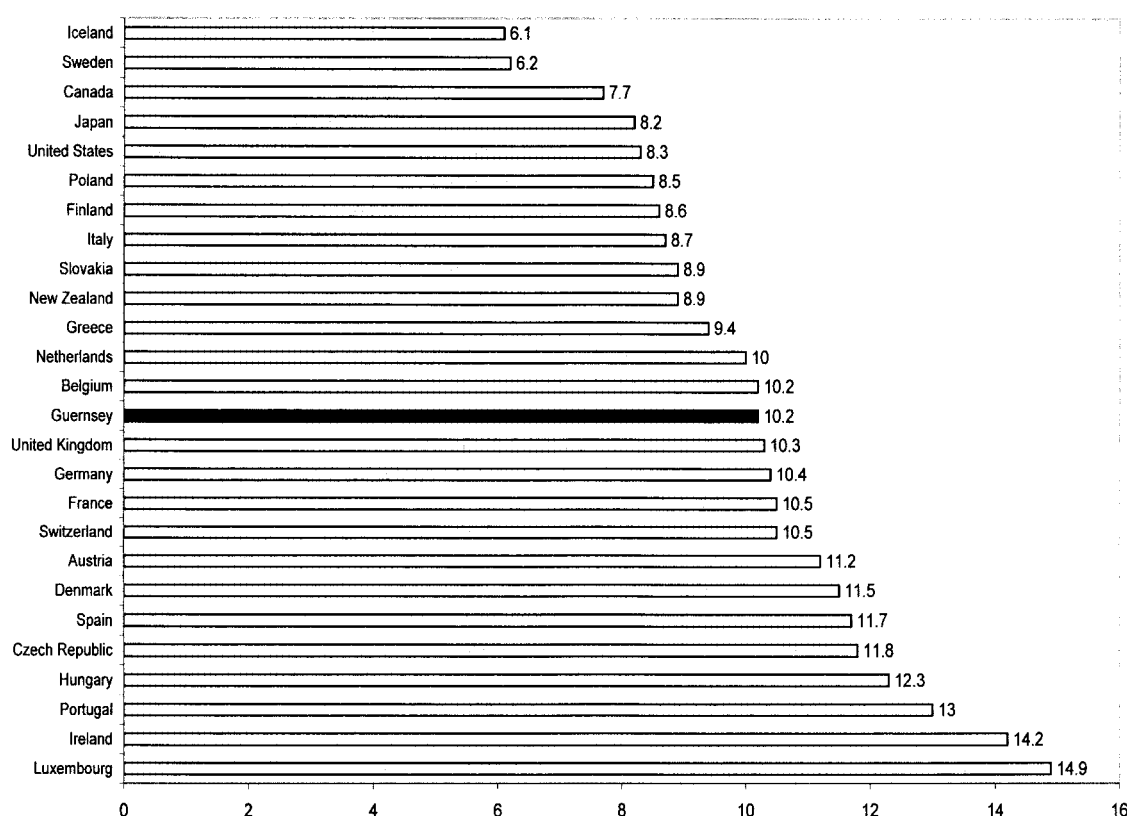
Appendix 1

Local Statistical information

1a. Alcohol Consumption

Guernsey appears to have an average per capita consumption of alcohol (9.9 Pure Alcohol Equivalent – PAE) compared with many other places. Annual consumption does appear to be decreasing over time, alongside most other Western European countries.

Fig.1 : Adult per capita alcohol consumption 1999/2003 ¹⁹



These figures are supported by self-reported measures of alcohol consumption in the Fourth Guernsey Healthy Lifestyle Survey (2003). ²⁰

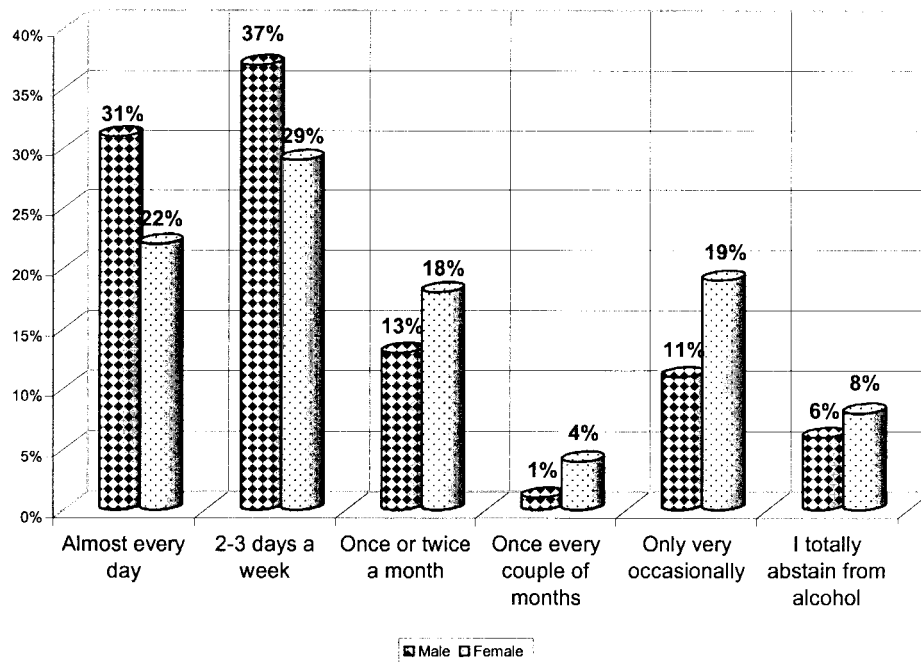
¹⁹ Sources: www.nationmaster.com – information compiled from a range of sources including the World Health Organisation, UNESCO, UNICEF and OECD. Guernsey Public Health Dept (Guernsey statistics are discounted 8% for visitor consumption)

²⁰ Guernsey HSSD & University of Southampton. “The Fourth Guernsey Healthy Lifestyle Survey 2003”

“Over time there has been a fall in men reporting drinking outside ‘safe and sensible’ limits (as defined by the UK Health Education Authority) from 53% (1988) to 47% (1993) to 26% (1998) but an increase to 30% in 2003. Amongst women the figures have been 24% in 1988 to 20% (1993), 13% (1998) and a similar small rise to 16% in 2003”.²¹

1b. **Information from the 4th Guernsey Lifestyle survey (2003)**

Fig.2 : Drinking Habit by gender (n=692)



²¹ Dr David Jeffs – see above report p.11

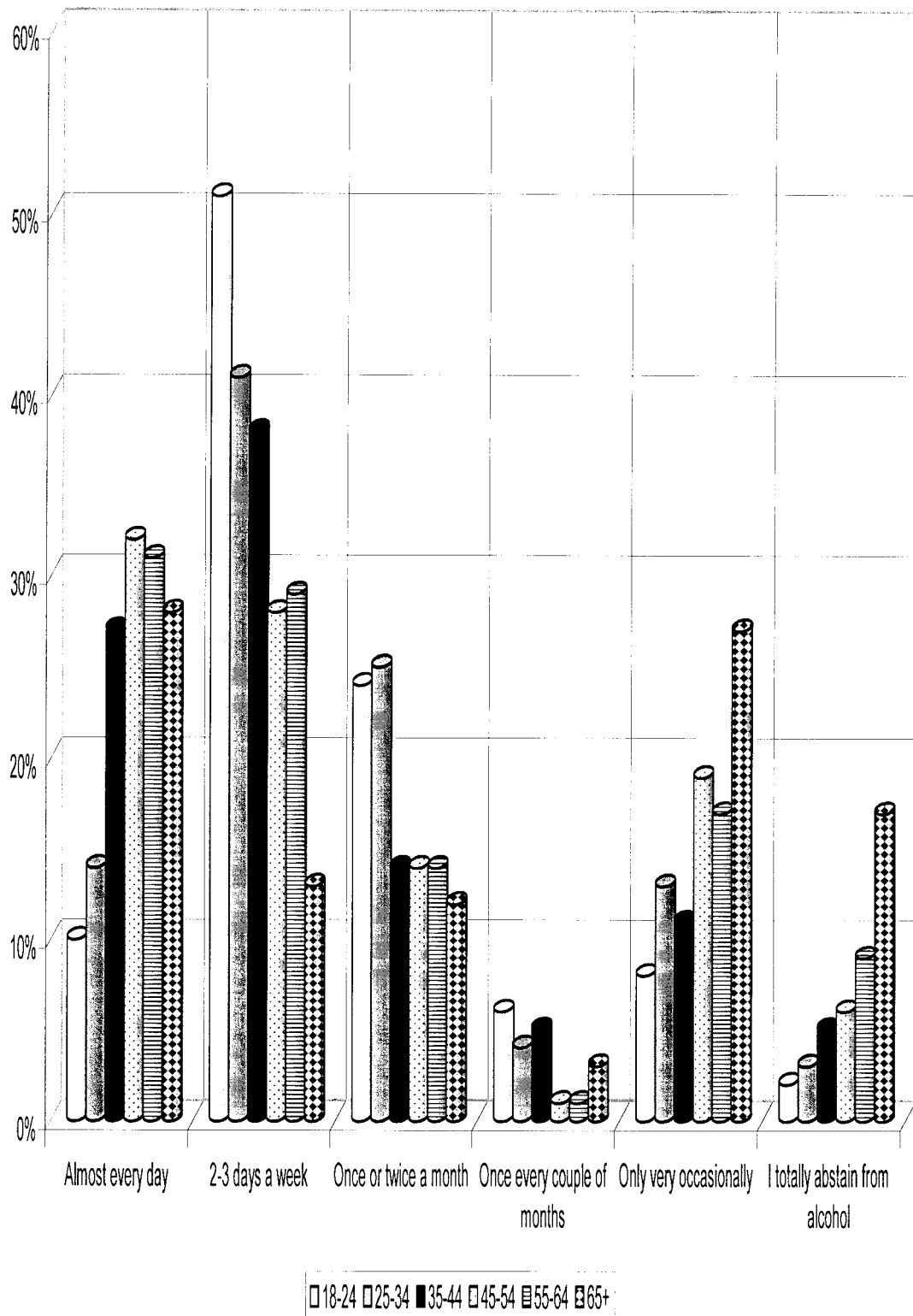
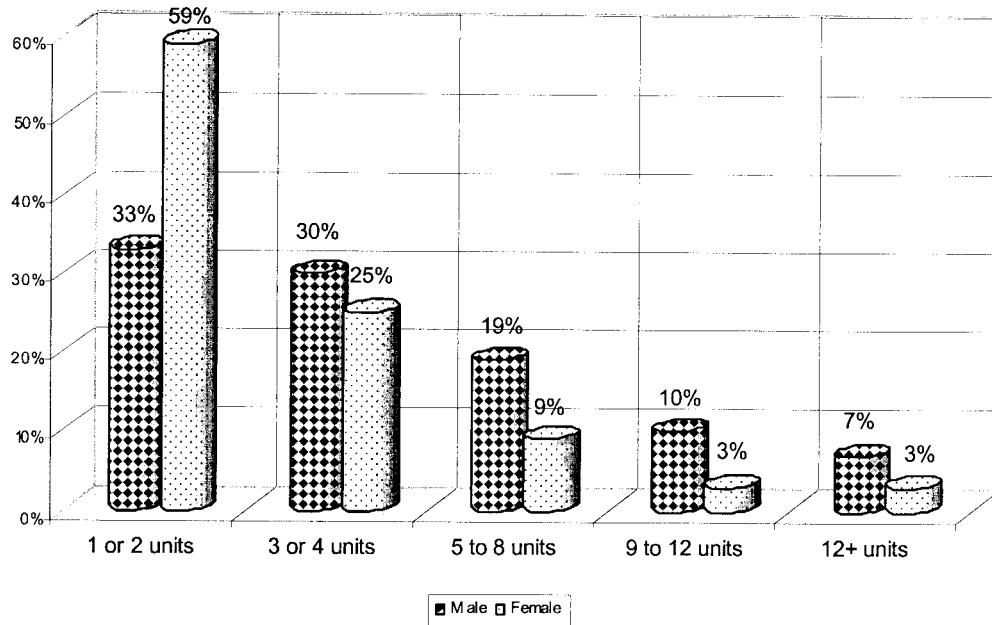
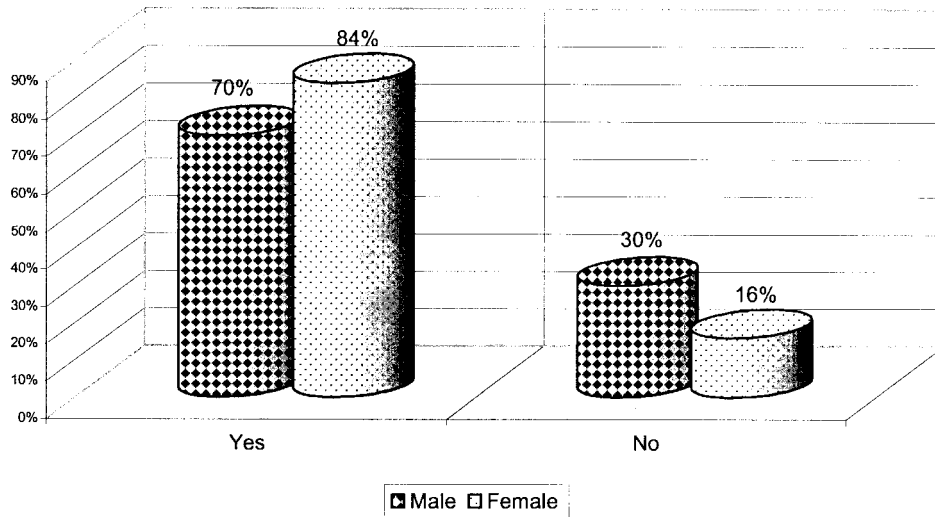
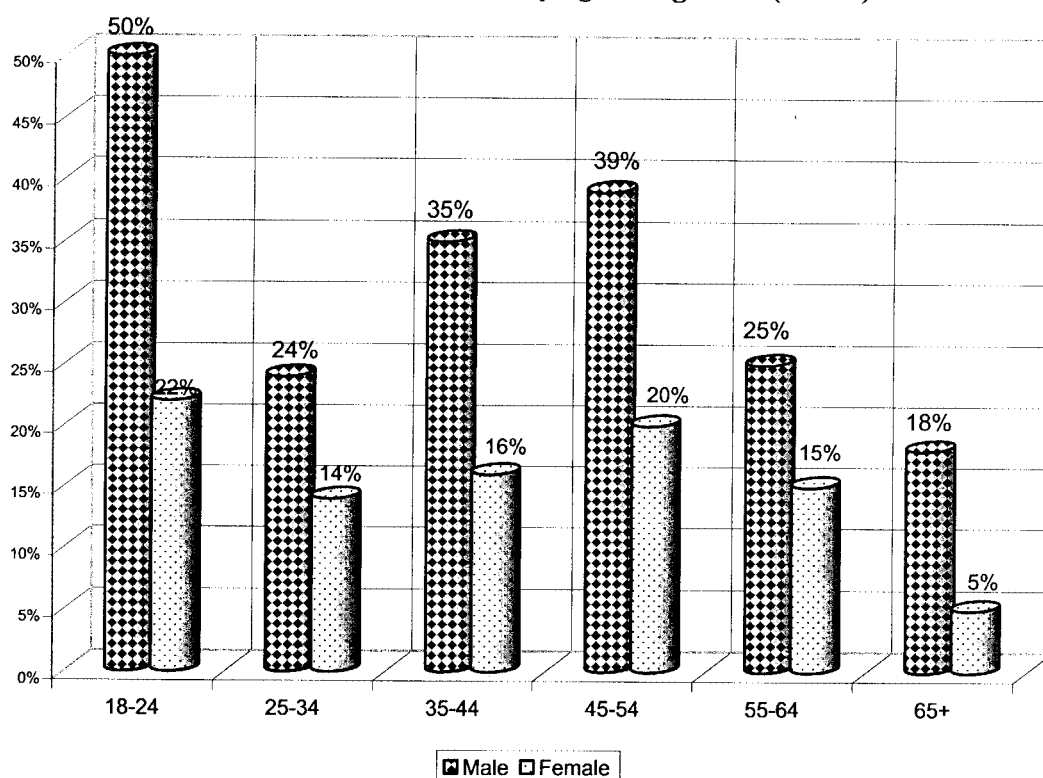
Fig.3 : Drinking Habit by age (n=714)

Fig.4 : How Many Drinks Throughout the Day? (n=630)**Fig.5 : Safe Drinking Limits (n=674)**

Shows the percentage of people who believe they drink within safe limits – and those who don't.

Fig.6 : Percentage outside safe limits by age and gender (n=410)**1c. Guernsey alcohol consumption 1999 to 2003²²**

	WINES		SPIRITS		BEER		CIDER	
	LT	£	LT	£	LT	£	LT	£
1999	1924205	1806872	377698	1692967	5539831	1646348	675911	216256
2000	2112589	1874272	374010	1671722	5403427	1619986	683488	218716
2001	2163520	1860960	372604	1654372	5451724	1658918	707556	226054
2002	2211731	1948829	346563	1542200	5447864	1696471	627591	200756
2003	2229032	2004333	390267	1738028	5922898	1846596	661144	211568

1d. Health

The French social demographer, Sully Ledermann, published much evidence suggesting that levels of alcohol-related harm are directly related to average per capita consumption. This is congruent with evidence demonstrating that Guernsey also has a relatively high rate of alcohol-related deaths compared to many other places.

²² Source: Guernsey Customs & Excise

Although alcohol consumption has been decreasing over time, alcohol-related deaths have been on the increase. This rise probably pre-dates the recent fall in consumption, and relates to people whose chronic heavy drinking has continued over a number of years.

More specifically, it seems that 10-12 individuals die from alcohol-related illnesses every year: 4-7 males and 2-5 females²³. Furthermore, alcohol-related disease is the seventh most common cause of potential years of life lost (PYLL) amongst Guernsey men, and the ninth most common cause amongst Guernsey women, being responsible for 62 and 21 PYLL respectively every year between 1994 and 1998.

1e. Albecq Ward-Castel Hospital

Between 1998 and 2003 there were 541 alcohol-related discharges (34% of all discharged patients) from Albecq Ward at the Castel hospital, consisting of individuals diagnosed with mental or behavioural disorders due to the use of alcohol.²⁴

1f. Out of Island treatment²⁵

Clients receiving out of Island treatment for alcohol addiction incur costs for the placement, their travel to and from the placement and social worker travel for assessments.

The Social Security Department picks up travel costs for the client – this cost is not reflected in the following information. Health and Social Services pays for the placement.

From 2002 to June 2004 a total of 27 clients have attended out of Island treatment at Marchwood Priory or Silkworth Lodge.

A total of 2650 treatment days occurred at a cost of £418,908.

A number of other Island residents attend similar programmes by paying for their own treatment privately.

1g. GADAC

The Guernsey Alcohol and Drug Abuse Council (GADAC) is a non-States organisation that has provided counselling and support to approximately 600 individuals in the years 1994 to 2002, the majority of whom have been self-referred.

²³ Jeffs 2000, p 101

²⁴ Source – Health & Social Services Dept.

²⁵ Source – Health & Social Services Dept.

1h. Crime

Police²⁶

Guernsey Police statistics for 2003 (Figures for 2000 are shown in parenthesis), show that the total number of people brought into custody under arrest was **2024** (1643), of which **1177** - 58% (908 - 55%) were alcohol-related incidents, to the extent that the individual was readily identified as being under the influence of alcohol.

In 2003, there were **10119** (8197) 'Occurrence Book' entries of which **1245** - 12% (971 - 12%) were recorded as alcohol-related. However, many more may have involved alcohol but not been specifically recorded as such, e.g. domestic, racial or violent incidents. The OB or 'Occurrence Book' is an official record of all incidents attended by police.

In 2003, **262** (243) individuals were arrested for drink-driving offences. The level of drink-drive offences committed has remained relatively constant over the last few years.

1i. Youth Justice²⁷

From January 2003 to August 2004, there were approximately 450 offences, with approximately 45 specific offences related to alcohol. Therefore 10% of offences were directly attributable to alcohol. There were however a number of other offences committed under the influence of alcohol, where the alcohol use was not reported.

Other offences, for example, stealing alcohol or money to buy it, or breaking into property to steal alcohol are not recorded, but deemed to be a serious issue.

Drunk in a public place / found drunk - c3%

Consume / possess / purchase / supply alcohol to under 18s - c6%

Drunk and Disorderly - c1%

Drink Driving - less than 1%

The age range of young people seen by Youth Justice is school age to 15, and those aged 15 - 17 already known to the service. The Probation Service will also have a number of this age group that would not necessarily be counted by Youth Justice.

1j. Alcohol and Young Adults

The Guernsey "Alcohol and Young Adults" Survey (1996) involved 300 18-25 year olds randomly selected in Guernsey pubs, clubs, sporting venues and other

²⁶ Source – Guernsey Police

²⁷ Source – Youth Justice Team

places where young adults are likely to meet. This research shows that alcohol plays a central role in the lives of many young Guernsey residents, and that many are indeed drinking at harmful levels:

72% of young women and 63% of young men stated they always or frequently went out expecting to get drunk.

53% of young women reported that they would normally expect to drink 10 or more units of alcohol when they went out, and 53% of young men reported that they would normally expect to drink 15 units or more when they went out.

82% of young women and 86% of young men stated that they would still choose their usual drink if prices increased by 20%.

16% of young women reported drinking over 30 units a week and 9.8% of young men reported drinking over 50 units a week (thus at harmful levels).

1k. Alcohol and Youth

The most recent Guernsey Health Related Behaviour Survey was carried out in Autumn 2002. Results were collected from a sample of primary pupils aged 12 to 13 and secondary pupils aged 14 to 15 years. A total of 1861 pupils took part in 10 secondary schools and 17 of their feeder primary schools.

Primary Pupils:

20% of the boys and 9% of the girls had at least one alcoholic drink (more than just a sip) in the last week.

Of those that had a drink, 16% said they drank on three or more days.

4% of the sample reported that they did sometimes drink alcohol without their parents knowing.

Secondary Pupils:

30% of pupils had at least one alcoholic drink in the last week.

2% of secondary pupils were able to buy alcohol from an off-licence which should only sell to over-18's.

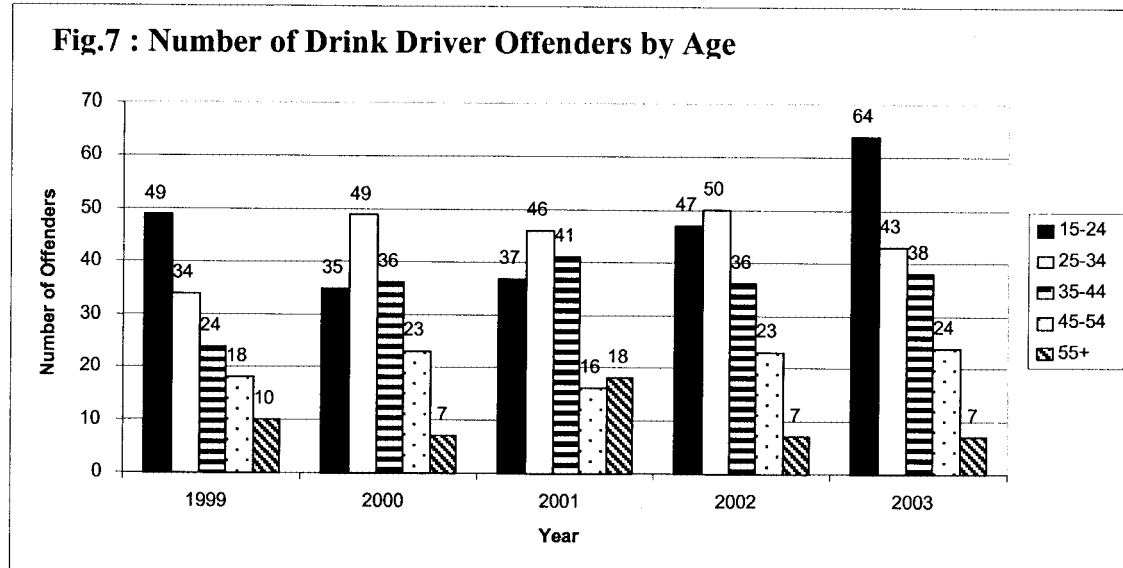
19% of pupils drank alcohol at home, 13% at friends or relations and 10% outside in a public place.

Pre-mixed spirits, spirits, and wine were the most popular drinks.²⁸

²⁸ Source – Health Promotion Unit: Health & Social Services Department.

11. TABLE: DRINK DRIVING OFFENCES 1999-2003²⁹

Out of the 790 people convicted of drink-drive offences in Guernsey, 29 people reoffended on one or more occasions.



²⁹ Source – Criminal Justice Database – Home Department.

1m. TABLE: Comparative Excise Rates³⁰

DESCRIPTION OF GOODS	GUERNSEY/ ALDERNEY AS AT 01.10.04	SARK AS AT 7.10.04	COMPARATIVE JERSEY AS AT 01.01.04	COMPARATIVE UK AS AT 21.03.04 (NOT INC VAT)
Beer		17p per litre	1.2% - 4.9% per ltr Sta. Rate 39.13p Small brew. 34.36p over 4.9% Sta. rate 58.86p Small brew. 52.96p	At 5% ABV Small Brewery: 30.55p per litre Medium Brewery: 30.6p to 56.05p per litre Other Brewery: 62.95p per litre
Small Brewery	21p per litre			
Other Beer	32p per litre			
Spirits - exceeding 25.7% vol but not exceeding 50% vol	£4.57 per litre	£3.98 per litre	£7.96 per litre at 40% vol	£7.86 per litre at 40%
exceeding 50% vol	In the extra proportion to 50% vol	In the extra proportion to 51.4% vol		
Cider	32p per litre	17p per litre	39.13p per litre Over 4.9% 58.86p per litre	25.6p per litre. Sparkling £1.67 (5.5 - 8.5%)
Wines – a) light wines exceeding 5.5% vol but N/E 15% vol (inc sparkling wines)	97p per litre	60p per litre	127.17p per litre	N/E 15% vol £1.63 per litre. Sparkling £2.20 (over 8.5%)
b) other wines	£1.55 per litre	93p per litre	155.84p per litre	15% - 22% vol £2.18 per litre
c) light wines N/E 5.5% vol	24p per litre 60p per litre (N/E 26.4°)	24p per litre	Wine exceeding 1.2% but not exceeding 5.5% alc by vol 48.45p per litre	N/E 4% 50.38p per litre 4% - 5.5% 69.27p per litre

PLEASE NOTE: Excise rates for Sark are set by the Chief Pleas

³⁰ Source: Guernsey Customs & Excise

Appendix 2.**Drink drive limits and penalties in the European Union³¹**

Country	Blood Alcohol Level Limit mg%	Disqualification (maximum)	Prison sentence (maximum)
Austria	50mg	1 month	Up to 3 months/3 years if fatal
Belgium	50mg	8 days -5 years	15 days -3 months
Denmark	50mg	24-30 months	-
Germany	50mg	6 months-5 years	5 years (if fatal)
Greece	50mg	3-6 months	1-12 months
Guernsey ³²	80mg	At the discretion of the Magistrate but norm is 1 st offence – 3 years 2 nd offence – 3+2 years For high readings	3 months
Finland	50mg	3 months-2 years	Up to 3 months
France	50mg	1 month-1 year	2 months-2 years
Ireland	80mg	1 year	6 months
Italy	50mg	15 days -1 year	1-6 months
Luxembourg	80mg	3 months-15 years	1 day-3 years
Netherlands	50mg	6 months-10 years	3 months-3 years
Portugal	50mg	15 days-1 year	-
Spain	50mg (car drivers) 30mg (HGV and PSV drivers)	3 months-5 years	1-6 months
Sweden	20mg	3 months-3 years	1 month-2 years
United Kingdom	80mg	1 year-18 months	6 months

Note:

A ruling in the Royal Court on 8th June 2004 regarding heavy, problem drink-drivers directed that first offenders with over 110mcg breath alcohol reading (approx 240mg blood alcohol) should be given a custodial sentence. Re-offenders with over 70mcg breath alcohol reading (approx 160mg blood alcohol) should be given a custodial sentence. It was also ruled that custodial rather than suspended sentences be given.

³¹ Source: Institute of Alcohol Studies (UK) 2004.

³² Source: The Greffe.

Appendix 3

Initiatives to address the causes and effects of alcohol-related disorder

Bradford Inner City Licensees Association

In 1988, the Bradford Inner City Licensees' Association (BICLA) was formed, which involves monthly meetings of all licensees, owners and managers of licensed premises and police and magistrate representatives. Initiatives include (majority-voted) banning from member premises, free proof of age cards, licensee training by police (e.g. Drug seminars after BICLA meetings) and a door staff training and registration (with BICLA) scheme as a condition of all City Centre Entertainment Licenses.

Since 1988, alcohol-related violence in Bradford has declined by 80%³³.

Manchester City Centre Safe Campaign

The Manchester City Centre Safe campaign consists of over 20 partnership initiatives including a byelaw prohibiting the consumption and carrying of alcohol in public, the provision of late night transport, bar server training, a referral worker for alcohol offenders in police custody, marketing campaigns, data collection (for example where drunk A&E patients have been drinking) and a "best bar" award scheme.

Since the campaigns launch in 1999, there has been an 8% reduction in alcohol-related assaults (following an increase of 225% between 1997 and 1999) and an increase in visitors to the city. It has also been identified as best practice by the UK Home Office³⁴. This campaign highlights the importance of forming a high profile holistic partnership approach to tackle alcohol-related disorder and improve community safety.

Cardiff Violence Prevention Group

Cardiff has a multi-agency Violence Prevention Group (police, A&E, Licensees' Forum, County Council) involved in the implementation of a Crime Reduction Programme, which includes the Tackling Alcohol-Related Street Crime (TASC) project. The interventions include regular dialogue between the police and the Licensees' Forum, improved standards of door staff (through a door staff registration scheme involving compulsory training and a 'penalty' points system), increasing public awareness of alcohol-related disorder (including a 'naming and shaming' of licensed premises involved in disorder), co-ordinated interventions at 'hotspots' (such as high profile policing and CCTV), and victim support and monitoring (using a nurse at A&E).

This project has so far resulted in a considerable reduction in alcohol-related violent crimes and disorder around 2 large night clubs targeted by the scheme.

³³ Source: The Portman Group 1998

³⁴ Greater Manchester Police, December 2001

Coventry Byelaw

In 1988, seven local authorities including Coventry participated in a two-year experiment to test the effectiveness of a by-law prohibiting street drinking in the central area. By 1997, 42 local authorities had introduced the by-law.

The Portman Group carried out a survey of the effectiveness of this byelaw: They concluded that public fear of crime and reports of rowdy and antisocial behaviour decreased, although there was no evident reduction in the number of alcohol-related offences. The byelaw tended to be most successful when implemented in conjunction with other initiatives³⁵. An interesting caveat related to this intervention is that to avoid contributing to social exclusion, the provision of facilities for street drinkers (e.g. a “wet house” or night shelter) must accompany this type of law.

Westminster door supervisor registration scheme

Evidence of a need to improve standards of door supervision led Westminster Council and police to set up a registration scheme with the approval of entertainments licensees. The 2-day training course is compulsory and includes first aid and other emergencies, criminal law, licensing law, equal opportunities and personal and social conduct.

Within two years of the scheme being launched, the police reported a 60% decrease in the number of incidents involving door supervisors³⁶.

Server Intervention Programme Scotland (SIPS)

The Server Intervention Programme Scotland is designed primarily for servers of alcohol, and is supported by licensing boards, police and licensed trade associations. It covers licensing laws, information about alcohol (e.g units, percentage alcohol by volume, effects) and people skills (e.g quality service and preventing conflict), and every participant receives a copy of the Servers Handbook³⁷.

Toughened Glass in Torbay

In an attempt to reduce the number of “glassings” taking place in late night licensed premises, Torbay Borough Council introduced more stringent licensing requirements:

“...all drinking glasses or vessels in use within the premises shall be of a design whereby, in the event of breakage, the glass will fragment and no sharp edge shall be left”.

The restriction was introduced in 1993 and by 1995 the number of “glassings” had reduced from 35 (in 1992) to only 2 such incidents.

³⁵ The Portman Group 1998

³⁶ The Portman Group 1998

³⁷ The Portman Group 1998

Locally

With the current method of data collection in Guernsey's A&E department, it is not possible to specify the exact regularity of these incidents in the island. However, consultation with senior staff from the A&E department indicated that "glassings" were a rare occurrence. Guernsey Police report that, since January 2003, 2 cases of "glassings" have been referred to the Royal Court and 1 to the Magistrates Court.

Appendix 4**Initiatives in Jersey**

The States of Jersey set up the Shelter Trust 20 years ago to administer hostels for homeless people, provided by the Housing Committee. The Shelter Trust is a non-profit making charity funded by the states of Jersey and donations from Lloyds TSB Foundation, individuals and business. The annual grant from the states of Jersey was £498,220 in 2002 (just over half the required running costs of £873,000).

The Shelter Trust in Jersey provides a range of services for homeless people, some of whom are problem drinkers:

D&I Unit (Drunk and Incapable Unit)

This is an emergency night unit that contains a 'drunk and incapable' unit. The police can therefore utilise this safe and secure facility to avoid having to arrest and detain non-violent drunks for their own safety. The unit has a capacity for four people – with dedicated toilet, shower and laundry facilities. It also provides information, advice and literature on alcohol issues. This unit was used 107 times in 2002, and hence all these cases avoided entering the criminal justice system (in line with the 'Court Diversion Scheme'), and were offered information, advice and referral into alcohol treatment and support services.

Appendix 5

Arrest Referral Schemes

An individual arrested for an alcohol-related offence can be offered written information about alcohol services while in police custody. The “Get it While You Can” project, run by the Sussex Association for the Rehabilitation of Offenders, has workers who access police custody cells. Project workers offer information, advice and practical help (e.g making an appointment with the counselling services, joining a self-help group or applying to a local treatment centre), while being careful not to become involved in the legal aspects of a client’s case. Project workers are also available to anyone appearing before the Magistrates’ Court. In 1998, a published evaluation reported:

“... the project breaks even without difficulty, against the criteria of savings to the police and the criminal justice system. The evidence is overwhelming that the project can prove cost-effective”³⁸.

³⁸ The Portman Group 1998, p54

(NB The comments of the Treasury and Resources Department are set out below)

The Chief Minister
Policy Council
Sir Charles Frossard House
La Charroterie
St Peter Port

10th May 2005

Dear Sir

BAILIWICK ALCOHOL STRATEGY

The Treasury and Resources Department recognises and supports the need for a Bailiwick Alcohol Strategy.

The Department recognises that, to a certain extent, the level of excise duty has a part to play in the overall alcohol strategy and that, at present, the excise duty rates in Guernsey are low compared to other nearby jurisdictions and have decreased in real terms in the past decade.

As set out in the Policy Council's Report, the costs of implementing the strategy are to be met by an increase in Liquor Licensing costs. The proposals are therefore self-funding.

On that basis, the Treasury and Resources Department supports the resource implications of the Report.

Yours faithfully

L S Trott
Minister

The States are asked to decide:-

II.- Whether, after consideration of the Report dated 26th April, 2005, of the Policy Council, they are of the opinion

1. To affirm the commitment of the States of Guernsey to changing attitudes towards alcohol by promoting sensible drinking and to reduce alcohol-related harm, in a cohesive, multi-agency approach, through the adoption of the five focus areas contained in that Report.
2. To endorse the aims of the Bailiwick Alcohol Strategy which are to reduce
 - (a) alcohol-related ill-health;
 - (b) alcohol-related crime and disorder;
 - (c) alcohol-related road accidents;
 - (d) alcohol-related economic loss in the workplace; and
 - (e) the adverse effects of alcohol on social well-being.
3. To approve the proposals and recommendations of the Bailiwick Alcohol Strategy, as set out in Chapter 7 of that Report.
4. To delegate responsibility for the implementation of the Bailiwick Alcohol Strategy to the Policy Council's Social Policy Steering Group and the Chief Officers' Bailiwick Drug & Alcohol Strategy Group.
5. To direct the Treasury and Resources Department to take into account the financial resources required for the implementation of the Bailiwick Alcohol Strategy when recommending to the States the revenue allocations for 2006 and subsequent years.
6. To direct the Treasury and Resources Department to take into account the aims and objectives of the Bailiwick Alcohol Strategy when making recommendations to the States on the rates of duty on alcohol.

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 29th DAY OF JUNE 2005

The States resolved as follows concerning Billet d'État No VIII
dated 10th June, 2005

HOME DEPARTMENT

REVIEW OF LIQUOR LICENSING LEGISLATION

I.- On the application of the Minister for the Home Department, leave was granted to withdraw this Article.

POLICY COUNCIL

BAILIWICK ALCOHOL STRATEGY

II.- On the application of the Chief Minister, leave was granted to withdraw this Article.

K. H. TOUGH
HER MAJESTY'S GREFFIER