



Seizure of Alcohol and Tobacco from Young People

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Compliance with Legislation	<input checked="" type="checkbox"/>
Equality Impact Assessment	<input checked="" type="checkbox"/>
Freedom of Information issues	<input checked="" type="checkbox"/>
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Health and Safety	<input checked="" type="checkbox"/>
Risk Management	<input checked="" type="checkbox"/>

1. Policy statement

Cleveland Police will apply the powers under the Confiscation of Alcohol (Young Persons) Act 1997 and the allied duty under S.7, Children and Young Persons Act 1933.

This document has been drafted in accordance with the Human Rights Act and the key principles of Human Rights Legislation.

The procedures set out in this document apply to all Police Officers, Police Staff; including those employed by the Police and Crime Commissioner and partner agencies where appropriate, Special Constables and Volunteers.

This policy must be applied fairly, equally, and consistently by and to all Police Officers and employees irrespective of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation or any other unjustifiable grounds.

2. Purpose

The purpose of exercising the powers contained within this legislation is to reduce the effects of young people drinking alcohol in public places as well as to protect children's health and well being from the harmful effects of alcohol and tobacco.

Strong links with increased levels of anti-social behaviour affecting the whole community are evident where such drinking happens.

Similar powers exist in "designated public places" (designated by the Local Authority for this purpose) under S.12, Criminal Justice and Police Act 2001 (as amended by S.199 and Sch.7, Licensing Act 2003).

Cleveland Police have also implemented the Community Safety Accreditation Scheme (CSAS) which bestows some policing powers on to local council enforcement officers. Included in these powers are the powers to confiscate alcohol from young persons and to confiscate cigarettes and tobacco products from young persons (Sch 5 of The Police Reform Act 2002).

3. Underpinning procedures

Police Powers – Confiscation of Alcohol

S.1(1) Confiscation of Alcohol (Young Persons) Act 1997 provides a power to a constable (in or out of uniform) or a uniformed PCSO (who has been authorised). This is to require a person, in a relevant place, to:

- a) surrender anything which is, or the constable reasonably believes to be, intoxicating liquor or a container for such liquor, that is in their possession, and

b) state their name and address.

The requirement can be made:

- a) of a person under 18 years old;
- b) of any person who intends that any of the liquor should be consumed by an under 18 year old in that or any other relevant place;
- c) of any person where a person under 18 year old is, or has recently been, with him/her has recently consumed intoxicating liquor in that or any other relevant place.

The requirement to surrender a sealed container can only be used if the constable or PCSO reasonably believes the person is, or has been consuming, or intends to consume, alcohol in any relevant place.

It should be noted that the requirement does not always have to be made of persons under 18 years old.

When dealing with a young person if the circumstances give rise to particular concern, such as the young person's state of drunkenness or other reasons that may make them at risk of significant harm, steps must be taken to safeguard their welfare. Where necessary powers to take that young person into police protection (S.46, Children Act 1989) should be considered.

The contents of all containers, opened or unopened, shall be poured away in the presence of the person (if practicable) and it will be the responsibility of the officer or PCSO to ensure that the container is safely discarded. (If not practicable it should be taken to the police station and entered in the seized property register – as described below).

A constable or PCSO must inform the person they are making the requirement to:

- a) of their suspicion that led to the requirement and
- b) that failing without reasonable excuse to comply with a requirement is an offence.

No particular form of words is specified but both elements must be included. Awareness should be exercised that other means of assisting communication may be required. (A suggested form of words is contained in PNLD D2315).

Where any seized alcohol and/or tobacco is recovered to the police station, Officers **must** enter details of the property in the Seized Property Register, complete a seized property label, attach it to the property and hand it in to the property store. Supervisors authorizing retention of seized property will endorse the rear of the seized property label.

If the property store is closed, officers should place the property in the overnight store.

A comprehensive pocket note book entry must describe all actions taken under this power, and will include a full description (including quantity) of the items seized and where applicable, disposed of.

Enforcement / Power of Arrest

It is an offence for a person to fail to comply with a requirement to surrender suspected alcohol or container for alcohol, or to provide their name and address.

A constable (not PCSO) may arrest without warrant a person who fails to comply with a requirement to surrender suspected liquor or to give his name and address (general arrest conditions could also be applied).

Meanings

"Relevant place" means any public place, other than licensed premises, or any place, other than a public place, to which the person has unlawfully gained access.

"Possession" includes on the person or in the immediate vicinity.

The following, allied, duty should be noted:

Police Duty – Seizure Of Tobacco (Under 16 Years)

S.7, Children and Young Persons Act 1933 makes it an offence to sell tobacco products to persons under 18, it also places a duty on constables and authorised PCSOs, in uniform, to seize tobacco or cigarette papers in the possession of a person apparently under the age of sixteen found smoking in any street or public place.

Tobacco, products and papers will be destroyed and safely discarded in the presence of the person from whom they were seized, if practicable.

Some exceptions are made to young people delivering tobacco on behalf of an employer (S.7(4)).

Tobacco is defined as any product containing tobacco, including cigarettes, and tobacco substitute smoking mixtures. Cigarette includes tobacco rolled in paper or any other material (e.g. cigars) capable of immediate use for smoking.

Roles and Responsibilities

First line supervisors are responsible for ensuring that officers comply with this procedure, and ensure that reports submitted comply with data quality and recording principles and are in the appropriate format. Regular dip samples should be carried out and feedback given to staff as appropriate.

All Cleveland Police PCSOs are authorised to exercise their powers under all of these pieces of legislation.

Each District will maintain a system of informing parents/guardians when alcohol or tobacco has been seized from a young person they are responsible for. In most cases this may be by means of a letter, with direct contact being made when required.

To facilitate this, a form 'ASBO 13' will be submitted through the appropriate District Community Affairs Department.

Each District is responsible for monitoring the individuals and places highlighted by use of these powers and will undertake work to reduce such drinking in identified areas, steps will be taken to assist individual young people considered as being at risk as a result and action will be taken to identify the sources of such alcohol and prevent its supply, in conjunction with Trading Standards (if applicable).

Administration

Any contact made in using these powers shall be recorded as a Street Encounter using Form SE1 (this is not a S.1, Police and Criminal Evidence Act search power) and a copy of this form will be given to the person subject of the encounter.

In any case where it is considered a young person has been at risk a Form G 02-51 will be submitted to the Child Abuse Investigation Unit. This form does not have to be submitted as a matter of course, the level of risk must be assessed by the officer or PCSO dealing with the incident.

No receipt will be issued but a record of what appears has been disposed of will be made on Form SE1 (within the intelligence report). Police Officers who have made arrests for offences under this Section should, where practicable, retain the containers and present them to the Custody Officer who will make a record of this on the Custody Record.

The top copy of the Form SE1 will be submitted to the Local Intelligence Office in the usual way.

Any offences which are prosecuted under this policy must be conducted in accordance with the Police & Criminal Evidence Act, The Criminal Procedure & Investigations Act and associated Codes of Practice.

4. Appendices

There are no appendices linked to this policy.

5. Compliance and monitoring

The Head of Neighbourhood and Partnership Policing is responsible for the accuracy and integrity of this document. This policy will be continuously monitored, and updated when appropriate, to ensure full compliance with legislation.

The Head of Neighbourhood and Partnership Policing will review this process to ensure that all aspects are being adhered to in accordance with the framework of this policy.

6. Version control

This policy will be reviewed and updated at least every three years by the owner, and more frequently if necessary.

The Corporate Services Department will ensure this document is available on the Force intranet, including any interim updates.

The following identifies all version changes.

Version	Date	Reason for update	Author
0.1	Jan 2012	Policy Review	██████████
1.0	Feb 2012	Approved at SDG	██████████
1.1	Nov 2012	Policy amended to reflect introduction of PCC, statement only	██████████
1.2	Mar 2018	Document Review, no significant changes	██████████
1.3	Nov 2020	Review completed	██████████