



Dorset Police

ROBBED BY THE POLICE: ALCOHOL CONFISCATION AND THE HYPERREGULATION OF PUBLIC SPACE



Merseyside Police

[Manifesto Club report](#)
[Josie Appleton](#)

www.manifestoclub.com

Contents

Robbed by the Police: Alcohol confiscation
and the hyperregulation of public space

- 1 Executive summary
- 3 Alcohol confiscation zones
- 4 Robbed by the Police: Overstepping confiscation powers
- 8 Open-ended powers
- 10 Arrests/fines for the crime of 'drinking alcohol in a public place'
- 11 Yet more police confiscation powers to come
- 12 Manifesto Club Campaign Against Booze Bans
- 14 About the Campaign Against the Booze Bans



Derbyshire Police



BBC News

Executive summary

- There are now 712 alcohol control zones – called ‘designated public place orders’, DPPOs – where the police can confiscate alcohol from members of the public.¹ These zones cover large areas of cities and town centres, beaches and parks – and they are increasing at a rate of around 100 per year.² It is not illegal to drink in these zones – but it is a criminal offence to continue drinking, when a police officer asks you to stop.
- Home Office guidance states that police should only use their power to confiscate alcohol ‘explicitly for addressing nuisance or annoyance associated with the consumption of alcohol in a public place’ – and that ‘it is not appropriate to challenge an individual consuming alcohol where that individual is not causing a problem.’³
- However, across the country, police officers and community support officers (CSOs) have been confiscating alcohol from members of the public who are doing absolutely nothing wrong. Between 2004–6, 3802 people received on-the-spot fines for drinking in public. Overall, we estimate that there will be 20,000 confiscations in July and August this year.
- This report includes incidents reported to us from Brighton, where some of the worst violations are occurring. People have had alcohol confiscated:
 - › sitting talking on the beach or in a park;
 - › walking quietly through town with friends;
 - › when they have not yet opened their alcohol;
 - › when they are about to return home to drink their alcohol.
- Some councils have put up ‘no-alcohol zone’ signs, and told the public that drinking is banned in the designated area. Confiscating police officers have also told their victims that it is ‘illegal to drink in public’. This is not the case – there is no law banning public drinking. These cases indicate an abuse of police powers, and widespread public misinformation.
- There is also evidence of biased alcohol confiscation, with officers targeting groups including: homeless people; people on their own who seem to be an

1 www.crimereduction.homeoffice.gov.uk/alcoholorders/alcoholorders09.htm

2 Jacqui Smith, in Hansard written answers, 20 April 2009

3 www.crimereduction.homeoffice.gov.uk/alcoholorders/alcoholorders016.htm

'easy target'; and groups of younger adults thought to be 'up to no good'. Members of the public are being victimised for no good reason, and are effectively at the whim of police officers and community support officers.

- Police and community support officers are infringing on people's right to share a summer's drink in their local park or on the beach. Police forces are releasing photos of officers posing with confiscated alcohol. We have reproduced the photos in this report, since we think they embody the current gung-ho attitude towards taking away people's drink.
- These powers have been brought through with little public debate or justification. Many 'consultations' about a DPPO received only a handful of responses. In our street interviews in London, Birmingham and Brighton, we found that the majority of people are against or ambivalent about these zones. There should be a thorough and open public debate. We call for gung-ho officers to be reined in, and for a review of the police's alcohol confiscation powers.



Yorkshire Police



Yorkshire Police



South Wales Police

1 Alcohol confiscation zones

There are now 712 alcohol control zones in the UK, where the police can confiscate alcohol from members of the public.⁴ These are called 'Designated Public Place Orders' (DPPOs), and were created under the Criminal Justice and Police Act 2001. These zones cover large areas of cities and town centres, beaches and parks – and they are increasing at a rate of around 100 per year.⁵ It is not illegal to drink in a DPPO, but it is a criminal offence to continue drinking after a police officer has asked you to stop.

The Home Office's guidance on alcohol confiscation - which it sent to local authorities and police in December 2008 – states that:

- 'These powers are not intended to disrupt peaceful activities, for example families having a picnic in a park or on the beach with a glass of wine. [O]ur advice is that it is not appropriate to challenge an individual consuming alcohol where that individual is not causing a problem. Bodies responsible for introducing and enforcing DPPOs must keep in mind section 13 of the Criminal Justice and Police Act 2001 which makes it clear that this power is to be used explicitly for addressing nuisance or annoyance associated with the consumption of alcohol in a public place. It is important to note that these powers do not make it a criminal offence to consume alcohol within a designated area Those enforcing these powers must take care that they do not state (either verbally or via signage) that the consumption of alcohol in a designated area, in itself, constitutes a criminal offence.'⁶

Our surveys with Brighton residents, and case studies collected by the Manifesto Club's Campaign Against Booze Bans, have revealed many cases of police officers overstepping their powers of alcohol confiscation.



South Wales Police

4 www.crimereduction.homeoffice.gov.uk/alcoholorders/alcoholorders09.htm

5 Jacqui Smith, in Hansard written answers, 20 April 2009

6 www.crimereduction.homeoffice.gov.uk/alcoholorders/alcoholorders016.htm

2 Robbed by the Police: Overstepping confiscation powers

Police have confiscated alcohol from people doing nothing wrong

Of the people we surveyed, a number had had alcohol confiscated when they were just sitting quietly on the beach or a bench, or walking through town.

John Morrell, Woking *'I was in the centre of Woking, going to see a gig, and having a drink on a park bench beforehand. Police drove up and said "you shouldn't be doing it", and made us pour our alcohol away. The police shouldn't have the right to take it off you if you are not doing anything wrong.'*

Tom Taylor, Brighton *'I was on the promenade, just talking with some friends, in the dead of night with some drinks. They stopped us and made us pour them away'.*

Young Woman, Brighton *'We were sitting on the beach – we were going to go out later. The police said "you shouldn't be drinking here" and made us pour it away. From what they said, I thought it was banned to drink in public'.*

Megan Hamber, Brighton *'I was walking along the seafront, having a can of cider. A CSO stopped me and said "you're not allowed to do that", and made me pour it away.'*

Other cases of confiscation occurred where people are celebrating or enjoying themselves in public space – but in a way that could hardly be classified as criminal or 'anti-social'.

David McMinn, Brighton *'A group of us were hanging out in a pedestrianised street in Brighton celebrating a birthday with a few drinks The community police officers came round, and emptied everyone's drinks into the drains. None of us were causing a disturbance or hassling anyone - indeed there were a couple of excellent buskers on the street and a few people dancing Latin-style.'*⁷

Officers have frequently focused on the places where people go to relax in summer, such as beaches and parks, and on hot weekends.

- More than 20 people were fined £60 for drinking in public as police launched a crackdown on drinking alcohol in Glasgow streets and parks in April 2009. As temperatures soared, the city's parks were full of people trying to make the most of the sunshine. Police issued a total of 46 fixed penalties on Sunday across the city, with 24 in relation to alcohol.⁸

7 Posted on the Manifesto Club Facebook Group, 'Against the Bans on Booze', www.new.facebook.com/group.php?gid=21809963189

8 '24 fined in police purge on boozing in parks', Glasgow Evening News, 21 April 2009

- As part of the Merseyside police's Operation Beach Safe, officers confiscated booze at the entrances of Formby/Southport beaches in June 2008. Richard Clarke, acting sergeant of Operation Beach Safe, welcomed visitors: 'If you're coming to the beach to drink don't bother, go and drink in your gardens or somewhere else'.⁹

Daniel Stamp, Colchester *'I had just received my A-Level results along with several of my friends, and we wanted to spend the rest of our day enjoying some cold beer in Colchester's Castle Park. A park-keeper employed by the local council intervened, and poured our drinks away. He apparently has the power to confiscate drink from anyone found consuming alcohol in the park grounds.'*¹⁰

Some parks – eg, Pavilion Gardens in Brighton – are swept every few hours in the summer, and anyone drinking alcohol has it confiscated. When Manifesto Club campaigners were interviewing people in the park on a sunny afternoon, we witnessed two alcohol 'sweeps' of members of the public. It appeared that the council had employed a warden solely for this purpose.

Individuals are being unfairly targeted

There are a number of cases of biased application of confiscation powers, with the police focusing on individuals who are easy targets, or who are considered less 'respectable'.

Tim Black, Brighton *'I was at a street festival event with my girlfriend; I had a few cans of lager with me, and was drinking one as we were walking. There were lots of other people, mostly in large groups, also enjoying the early summer evening with a few drinks. Perhaps because there was only two of us, a couple of police officers felt empowered to approach and order me to empty the can's contents into the grass. They both stood over me while I did this. As the police set off to harass other smaller groups or individuals, all around larger groups continued to drink freely and peacefully.'*¹¹

Lawrence England, Brighton *'The booze ban is targeted particularly at the homeless. Community Support Officers (CSOs) generally do not take drink off you on the beach if you look well-to-do. One homeless man I met the other day says he had his unopened can of cider in his pocket taken from him by CSOs because they "thought" he was "about to" or had "reason to believe" he would drink it in a public place. He was on his way to drink it at his hostel!'*¹²

Confiscation of unopened drinks

Other people report the confiscation of unopened drinks, or drinks that they were planning to drink at home:

9 Champion Newsletter, 5 June 2008

10 Email to Manifesto Club

11 Email to Manifesto Club

12 Posted on the Manifesto Club Facebook Group, 'Against the Bans on Booze'

Ben Canning, 19 *'I came out of the off licence next to Brighton beach, with around £20 worth of drink. I had just sat down on the beach when a CSO came up to me – they must have followed me out of the off licence. I hadn't opened a drink – I was just sitting there with my bag. They opened all my drink and poured it away. What gives them the right to take off me something that is mine?'*

Rupert, 28, Brighton *'I was in St James' Street, two minutes from my house. I had just opened a bottle of Stella and was going back to watch a video. A police officer took it off me and poured it away'.*

Merseyside Police report that in one month – May 2009 – they confiscated 197 unopened bottles and cans of lager from members of the public on West Kirby Beach.¹³

Councils and police are illegally promoting DPPOs as 'no-alcohol zones'

Local news coverage of DPPOs often describe the measure as an alcohol 'ban'; and council signs announce an 'alcohol-free zone' or 'no alcohol zone', or show an image of beer cans slashed with a red line.

There is no legal basis for this. It is not a crime to drink in a designated area; it is only a crime to continue drinking if a police officer asks you to stop. And police should only ask you to stop if you are causing a problem.

- In the centre of Chesterfield, Derbyshire, police wrongly claim: 'it is illegal to drink alcohol in public anywhere other than on licensed premises within the town centre.... Anyone caught drinking alcohol in the exclusion zone will have their drink confiscated and poured away. They could also face a fine of up to £500.'¹⁴
- A Merseyside police statement claimed that 'West Kirby beach is an alcohol free zone', and local Sergeant Andy Carter said: 'We want to ensure this area remains safe and vibrant by heavily enforcing the alcohol-free zone. If you are caught with alcohol it will be confiscated and you could face a very heavy fine.'¹⁵

Members of the public who have had their drink confiscated, report that the confiscating officers told them that they are 'banned from drinking in public'.¹⁶

Ben Canning, 19, Brighton *'The CSO said that drinking was banned on the beach. I pointed out that there weren't any signs up. They said that they were going to put up signs soon'.*

Wai, Brighton *'I had one bottle of wine and some cans confiscated at the Level in central Brighton. The CSO told me that drinking in public wasn't permitted.'*

13 'West Kirby beach is an alcohol free zone', Merseyside Police, 11 June 2009

14 Police crackdown on town centre drinking ban, Derbyshire Constabulary

15 'West Kirby beach is an alcohol free zone', Merseyside Police, 11 June 2009

16 Interviews, Pavilion Gardens, Brighton, 4 June 2009

- Glen, Brighton* 'I was stopped by the police in the Lanes, Brighton, and told to pour the half can of bitter that I had down the drain. I was told that there is "no drinking in the city because it's anti-social behaviour".'
- Michele, Brighton* 'I was stopped in May on my way to a party by two CSOs. They told me that they had to take my drink because of the laws concerning "anti-social behaviour" – which is strange seeing as they are the ones being anti-social.'
- Bryony, Brighton* 'I had my alcohol confiscated on the beach and was not happy. I had one bottle of wine taken by a community support officer and was told it was illegal to drink in public.'
- Chris, Brighton* 'We had our drink confiscated on Rottingdean beach - 1 litre of Vodka and about 8 cans - by a community support officer who poured it away. They said we were not allowed to drink in public.'

The Home Office is aware that many councils and police forces are overstepping their powers - yet it has not sought to rein them in. When we told the Home Office about the abuse of powers, a spokesperson said that 'This is not something that we're looking into at the moment'.¹⁷

Central Scotland Police



Derbyshire police



Fife Police



17 Telephone interview, Joanne French, 18 June 2009

3 Open-ended powers

Although police are overtly going against Home Office advice, the government has given police open-ended powers of alcohol confiscation. The police do not have to justify, or even record, alcohol confiscation incidents.

Police officers have 'absolute discretion' to confiscate alcohol

In order to gain a Designated Public Place Order (DPPO), local authorities first have to demonstrate that the area has experienced 'alcohol-related disorder'. However, once an area is accredited with a DPPO, police officers have a right to confiscate alcohol in any circumstance, regardless of a person's behaviour.

The Home Office states: 'Once an area has been designated as a DPPO area then the police do have absolute discretion to request that any person (regardless of behaviour) desists from consuming alcohol.'¹⁸

Most police powers are rightly curtailed, and can only be used in particular circumstances. By contrast, drinking control powers are open-ended, with no legal limitation on when and how they can be used. Any law that gives 'absolute discretion' to police officers, to enforce a law however they see fit, has serious implications for civil liberties.

There will be an estimated 20,000 alcohol confiscations in July and August

The Home Office does not possess any current data on the total number of alcohol confiscations. However, separate incident reports indicate that large amounts of alcohol are being confiscated.

- National statistics exist for only two months, July and August 2004, when 6,395 adults and 3,301 under-18s had alcohol confiscated in designated drinking control areas.¹⁹ In Newquay alone there were 1811 alcohol confiscations.²⁰ Currently, there are more than double the number of DPPOs (258 at end 2004, compared to 712 now), which suggests that alcohol confiscation levels are likely to be at least double this figure. This would mean an estimate of at least 20,000 alcohol confiscations, in July and August this year.
- Local reports from across the UK suggest that many small towns have relatively large amounts of alcohol confiscation:
 - › In July 2008, police in the small town of Driffield, East Yorkshire (population 11,000), reported that they had seized alcohol from 117 separate people.²¹

18 Home Office response to Manifesto Club, September 2008, ref T18127/8

19 Alcohol Blitz, Durham Constabulary

20 Devon and Cornwall Police, September 2004

21 Driffield Times, 5 September 2008

- › Brighton and Hove police say that their 45 community support officers (CSOs) alone are returning 25 confiscations a week.²²
- › Stratford police confiscated approximately 150 cans and bottles of alcohol from drinkers over two evenings, at the Annual Mop Fair in October 2007.²³
- › Over seven weeks in summer 2007, police seized alcohol from 254 people in the high street of the Kent town of Chatham.²⁴

Yet it is only possible to gain a partial picture of the level of alcohol confiscation across the UK, since most police forces do not currently record these as incidents.

Alcohol confiscation is a 'hidden confiscation'

When police confiscate other items of property, the confiscation must be justified and recorded in police files. By contrast, alcohol confiscation is unusual in being a hidden incident: it generally does not enter the record books.

- When asked about levels of alcohol confiscation, a spokesperson for Devon and Cornwall police said: 'Most liquor that is confiscated is tipped down the drain, and not recorded. If police do confiscate a can of alcohol, it will be recorded at a particular station – but not recorded centrally. We cannot say how much liquor is confiscated.'²⁵

Similar statements have been received from other police forces.

This means that the application of drinking control zones goes unscrutinised and unmonitored, without the most basic record keeping on how laws are being enforced. This lack of record keeping and basic accountability also has extremely worrying implications for civil liberties.

Fife Police



Yorkshire Police



22 www.crimereduction.homeoffice.gov.uk/alcoholorders/alcoholorders07b.htm

23 Alcohol Confiscated from Drinkers at Mop, Warwickshire Police, October 2007

24 Crime Crackdown, Kent Police, 3 July 2007

25 Interview, 23 September 2008

4 Arrests/fines for the crime of 'drinking alcohol in a public place'

Compared to the large numbers of confiscations, a relatively small number of people have been arrested for refusing to hand over their alcohol.

324 people have been taken to court for refusing to surrender alcohol

In the three years of available statistics, between 2004 and 2006, 324 people were proceeded against in a magistrate's court on the offence of 'failure to comply with a requirement by a constable re: the consumption of alcohol in a designated public place'. 245 were found guilty on some count. The year-by-year statistics are as follows:²⁶

Year	Proceeded against	Found guilty
2004	122	96
2005	101	76
2006	101	73

3802 people received on-the-spot fines for drinking in public

More people have received a fixed penalty notice (£50 fine), for the offence of consumption of alcohol in a designated public place. This shows the police's preference for mobile, flexible powers – which can be issued on the spot – without the burdensome business of proving a case in a court of law. The police use of fixed penalty notices for drinking in public is increasing by several hundred a year.²⁷

Year	Fixed Penalty Notices
2004	485
2005	712
2006	1061
2007	1544

Derbyshire police



Merseyside Police



26 Home Office response to Manifesto Club, September 2008, ref T18127/8

27 Data obtained from Hansard, 20 Mar 2008 Column 1275W; and 2 Jun 2009 Column 310W

5 Yet more police confiscation powers to come

The government plans to further expand police powers to confiscate alcohol, including:

- › to raise the maximum fine for anyone not obeying an instruction to stop drinking, from £500 to £2500;²⁸
- › to make it easier for the police to disperse groups of 'antisocial drinkers';²⁹
- › to introduce a new offence of 'persistent underage possession' of alcohol.



Kent Police



BBC News



Lincoln Police



Hampshire Police

28 Hansard, 25 Mar 2009: Column 387W

29 Hansard, 25 Mar 2009: Column 387W

6 Manifesto Club Campaign Against Booze Bans

At the Manifesto Club, we argue that alcohol confiscation is an infringement on public freedoms, and the public's right to regulate public space for ourselves. There are laws enough to tackle disorder in public. Drinking control laws are not being used to tackle crime or disorder – instead, they are being used to control people's everyday behaviour in public spaces.

- If someone is causing a problem in public space, police officers have a number of different possible offences of which to convict them:
 - › Drunk and disorderly
 - › Breach of the peace
 - › Public indecency
 - › Littering

Police are using alcohol confiscation much more broadly than their powers of prosecution and arrest. At the 2007 Stratford Fair, for example, there was only one arrest for drunk and disorderly behaviour, yet there were 150 incidents of alcohol confiscations – a large disparity.³⁰ Whereas most police powers must be justified and tightly controlled, the power of alcohol confiscation can be used freely without justification.

Police officers are using alcohol confiscation powers against people sitting and chatting in public space, and enjoying parks and beaches in the summer. It is these people who are being sociable, and playing a genuine part in public life. It is the CSOs and other officials who sweep down on them who are being anti-social. The police have become spoilers, ruining picnics and summer afternoons across the country.

At present, people who have their alcohol confiscated experience it as a personal annoyance. With this campaign, we want to make it a political issue. This is a question of personal liberties – and it is also a vision of public space as a place for informal sociability, with members of the public setting the rules for appropriate behaviour.

There has been little public discussion about alcohol confiscation zones. In several days interviewing people on the streets of Brighton, we have yet to find one person who agrees with the confiscation of alcohol from people who are not doing anything wrong. There needs to be a public debate, before yet more alcohol control zones are introduced, and the police are given even more powers.

We need to defend summer picnics from the arbitrary whim of officials. If members of the public are causing no trouble, confiscation of their alcohol is little more than daylight robbery.

30 Alcohol Confiscated from Drinkers at Mop, Warwickshire Police, October 2007



Merseyside Police



Wiltshire police



Central Scotland Police



Durham Police



Blackpool Police

Campaign Against the Booze Bans



The Manifesto Club launched the 'Campaign Against Booze Bans – and the Hyperregulation of Public Space' in August 2008, at a protest picnic in Hyde Park. More than 1500 people have joined our Facebook Group against the regulation of public space.

FREEDOM
SUMMER

This summer we are focusing the campaign on Brighton – after receiving several complaints about alcohol confiscations in the city. Our Brighton programme includes: a debate on booze bans on 25 June, and a protest picnic on the beach on 27 June.

For a record of campaign activities, see:
www.manifestoclub.com/boozebancampaign

About the author



Josie Appleton is convenor of the Manifesto Club. She has coordinated many of the club's campaigns, against CRB checks, booze bans and other forms of state hyperregulation of everyday life; written many of the club's reports and documents; and edits Manifesto Club publications. As a journalist and writer, she comments frequently on contemporary freedom issues.