

Alcohol Confiscation - Advice

What is happening?

Alcohol is being confiscated indiscriminately by the police.

Brighton and Hove Council have adopted a policy of targeting street drinkers, in the belief that drinking in the street constitutes nuisance behaviour. This means that the police and Police Community Support Officers (PCSOs) are confiscating alcohol from people who are drinking in public places. This is a city-wide restriction and can happen anywhere, including the beach.

If you are stopped, ALL alcohol on your person will be confiscated, including unopened cans or bottles. The unopened cans will be opened, and poured down the drain or onto the beach. Often you will be forced to pour it away yourself, as a form of 'punishment'. This may sound like something out of the Taliban but is happening right here, right now in 21st century Brighton!

We believe that this policy is unfair, because it presupposes that the only way of tackling nuisance behaviour is to treat everyone with suspicion. Furthermore, we believe that the police and the council are overstepping their powers by targeting people indiscriminately, because the powers are explicitly given to tackle nuisance behaviour rather than drinking in itself. We believe that Brighton and Hove council have misinterpreted the rules and acted over-zealously in targeting all drinkers regardless of their behaviour.

There are no signs stating or clarifying this policy, and the council refuse to engage with us on this issue.

General Advice

If you are causing a nuisance, the police have the right to stop you and confiscate your alcohol.

However, if you are minding your own business, you should not be stopped because drinking in the street is not, in itself, illegal. The police or PCSOs should not tell you that it is illegal.

What to do if you are stopped

If you are behaving responsibly and are not causing a nuisance to anybody else, then the police should not stop you. Produce this leaflet and point out the paragraph below:

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.'

Unfortunately, if the police persist in telling you to stop drinking, then you must comply or risk arrest and a fine.

Feel free to photocopy this leaflet and give a copy to your friends to carry with you, in case you are stopped by the police for drinking.

For further information, visit <http://www.manifestoclub.com/boozereport>