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# Consultation on Police Powers to Search Children and Young People for Alcohol: Analysis of Responses



CRIME AND JUSTICE



# **Consultation on Police Powers to Search Children and Young People for Alcohol: Analysis of Responses**

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# Executive summary

1. Between 21 March and 15 July 2016, the Scottish Government undertook a public consultation on whether the police should have legal powers to stop and search children and young people for alcohol, or people suspected of supplying children with alcohol.<sup>1</sup> The consultation received 130 responses from a range of individuals and organisations. This included 11 reports of consultation activities held with children and young people in different parts of Scotland.

## Background

2. Currently in Scotland there are two types of stop and search: statutory and non-statutory (or consensual). There are a number of laws – such as the Misuse of Drugs Act 1971 – which give the police the power to search a person in specific situations. This is known as statutory stop and search. In addition, a person can be searched with their consent in circumstances not covered by a specific law. This is known as non-statutory, or consensual, stop and search, and provides the current basis for searching children and young people for alcohol.

3. In March 2015 the Scottish Government invited an Independent Advisory Group, chaired by John Scott QC, to consider long-term policy and practice on stop and search. The group included experts from the fields of policing, law enforcement and children's rights. The Advisory Group recommended an end to consensual stop and search, and produced a draft Code of Practice which would underpin the continuing use of statutory stop and search. The Advisory Group had, however, been unable to reach a consensus on whether there should be a new statutory power to stop and search children for alcohol, and recommended further consultation on this matter.

4. The consultation issued by the Scottish Government, thus, follows on from the work carried out by the Advisory Group, and sought views on the option of introducing statutory powers to stop and search children for alcohol, or those suspected of supplying children with alcohol. A separate concurrent consultation sought views on the draft Code of Practice produced by the Advisory Group

5. The consultation paper contained four questions – three closed (tick-box) questions and one open question – on whether new police powers would safeguard children and young people from risks associated with alcohol consumption and whether such powers might have negative effects. Respondents were invited to provide any evidence, information and views relevant to the issue.

6. The Government was keen to hear the views of children and young people on this issue and an 'easy-read' summary of the consultation paper was also produced.

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<sup>1</sup> <https://consult.scotland.gov.uk/organised-crime-and-police-powers-unit/under18search>.

They also met with relevant organisations and encouraged organisations to carry out their own consultation work with children and young people.

7. Analysis of responses to the consultation are summarised below. Comments indicated that respondents often recognised the complexity of the dealing with under-age drinking, and – regardless of whether they supported the new powers or not – they often saw advantages and disadvantages to legislation in this area.

8. Respondents – particularly those opposed to the new powers – drew on a range of existing research evidence and statistics in answering the consultation questions.

### **A power to search children and young people for alcohol (Q1)**

9. Respondents were split on whether a new power to stop and search children for alcohol should be introduced – with 52% answering ‘Yes’ and 43% answering ‘No’. Views were similarly mixed amongst children and young people.

10. National children and young people’s organisations were unanimously opposed to the new power. There were, however, divergent views amongst other types of organisations including policing bodies, with one policing body favouring delaying a decision until the new stop and search legislative arrangements and Code of Practice had bedded in.

11. Those expressing support for the new power generally thought it would deter children and young people from purchasing alcohol and carrying alcohol in public places and would reduce under-age drinking. Respondents saw public drinking by young people as a problem, and thought that the police should have powers to deal with this. Some respondents did, however, emphasise that this would not be sufficient on its own to tackle under-age drinking and other preventative and educational measures would also be needed.

12. Those who did **not** support the introduction of a new power recognised alcohol use and misuse by children and young people as a problem but, in most cases, were firmly of the view that the introduction of a statutory stop and search power was not an appropriate or helpful response to this situation. Respondents highlighted the following:

- The power would have a negative impact on police relations with individuals, young people in general and communities at large.
- Existing data did not indicate a ‘legislative gap’, and the current power to seize alcohol – which accounted for most alcohol recovered by the police – was sufficient for dealing with alcohol consumption by young people in public.
- A new power would (i) contravene the rights of children and young people (as set out in the UN Convention on the Rights of the Child) and (ii) conflict

with recommendations on the use of stop and search made by the UN Committee on the Rights of the Child.

- Any new power might be misused by the police.
- Under-age drinking (in public and more generally) was a social and cultural rather than a criminal justice issue, and should be addressed in this context.

13. Respondents stressed the importance of adopting an evidence-based approach to tackling under-age drinking. They questioned the merits of stop and search in this respect, and suggested alternative measures which might be pursued, including:

- Alcohol price controls, and regulation of advertising and marketing
- Promoting age-ID schemes, and working with retailers to prevent (and report) under-age sales
- Taking action against retailers selling to those under the age of 18
- Using local licensing decisions to influence supply
- Targeted police patrols, and positive and supportive policing.

### **Negative effects of a new power (Q2)**

14. Almost two-thirds of respondents (64%) thought a power to stop and search young people could have negative effects. Respondents highlighted concerns about possible negative effects on relationships between young people and the police; on the wellbeing and safety of children and young people; and on the human rights of children and young people. They cited a range of evidence to support their views.

15. Less often, respondents suggested there could also be negative impacts on relationships between parents and the police, and (in the longer term) on communities and the police.

16. Those identifying possible negative effects included some respondents who supported the introduction of a new power. These respondents thought that, on balance, the 'benefits outweighed the costs'. Some did, though, suggest that steps would need to be taken to ensure good practice and protect the rights of children and young people – some referred to the role of the forthcoming stop and search Code of Practice in this.

### **A power to search adults suspected of supplying alcohol (Q3)**

17. A majority of respondents (59%) indicated support for a new power to search adults suspected of supplying children with alcohol.

18. Respondents who supported this measure generally offered only brief comments to explain their views, often simply stating that the power would protect children and young people and promote community safety, and reduce drinking amongst this demographic. Those offering fuller comments noted the following:

- Adults are a major source of alcohol for children and young people, and this measure would therefore tackle the *supply* of alcohol to those under 18.

- The new power would be a deterrent to adults who might purchase alcohol for children and young people.
- Supply of alcohol by adults was a more serious issue than possession by children and young people and a new power to search potential suppliers (i.e. adults) would be a proportionate measure.
- Adults were aware of their responsibilities not to supply alcohol to those under the age of 18, and it was appropriate that the law in this area was enforced.
- The new power would reinforce the messages that alcohol is a dangerous substance for children and young people and that there are repercussions for breaking the law (e.g. by purchasing alcohol for under-age drinkers).

19. Respondents who opposed the introduction of this new power recognised the supply of alcohol to children and young people by adults as a significant issue, but did not think a new statutory search power was the right way to tackle this. Respondents – mainly organisations – highlighted: the low use and success rates of current stop and search operations; the availability of other existing legislative options; the potential for targeting particular (disadvantaged) communities; and the possible negative impact on relations between the police and individuals and communities.

20. Respondents also favoured other ways of tackling the issue of supply by adults – e.g. education, support, and working with retailers to address the problem.

21. In addition, some respondents in this group queried how such a new power would operate. Firstly, they queried how any legislation might be worded in order to provide clear guidance on what constituted ‘reasonable grounds for suspicion’. Secondly, they queried how the power would be interpreted, and how easy it would be to establish ‘intent’ to supply.

# 1 Introduction and policy context

1.1 Between 21 March and 15 July 2016, the Scottish Government undertook a public consultation on whether the police should have legal powers to stop and search children and young people for alcohol, or people suspected of supplying children with alcohol.<sup>2</sup> This report presents findings from the analysis of the responses to the consultation.

## Policy context

1.2 The use of stop and search in Scotland has been the subject of some debate over recent years. Currently in Scotland there are two types of stop and search: statutory and non-statutory (or consensual). There are a number of laws – such as the Misuse of Drugs Act 1971 – which give the police the power to search a person in specific situations. This is known as statutory stop and search. In addition, a person can be searched with their consent in circumstances not covered by a specific law. This is known as non-statutory, or consensual, stop and search.

1.3 There is currently no statutory police power to search children and young people for alcohol, but they can be searched under the current arrangements for consensual stop and search.

1.4 Although stop and search is recognised as a useful tool for the police in carrying out their work, it is also a sensitive issue and it is important to strike an appropriate balance between protecting the public, detecting and preventing crime, and protecting the rights of individuals subject to stop and search procedures.

1.5 There have been a number of reviews of the use of stop and search in Scotland in recent years (undertaken by Police Scotland, Her Majesty's Inspectorate of Constabulary, and the Scottish Police Authority), and Police Scotland have taken action to address the concerns raised. Steps taken have included carrying out a pilot exercise in Fife in 2014 focusing on improving stop and search data, and enhancing accountability and public confidence, and publishing a Police Scotland improvement plan in 2015 which takes forward the recommendations emerging from the work undertaken so far.<sup>3</sup>

1.6 In March 2015 the Scottish Government invited an Independent Advisory Group, chaired by John Scott QC and involving experts (practitioners, policy makers and academics) from the fields of policing, law enforcement and children's rights, to consider long-term policy and practice on stop and search. The Advisory Group had

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<sup>2</sup> <https://consult.scotland.gov.uk/organised-crime-and-police-powers-unit/under18search>.

<sup>3</sup> <http://www.scotland.police.uk/about-us/police-scotland/stop-and-search/stop-and-search-improvement-plan>.



a particular focus on (i) consensual stop and search and (ii) the development of a Code of Practice to underpin the use of stop and search by the police in Scotland.

1.7 The Advisory Group recommended an end to consensual stop and search, and produced a draft Code of Practice which would underpin the continuing use of statutory stop and search. The report issued by the Advisory Group, however, highlighted the absence of an existing statutory power to search children and young people for alcohol as a potential legislative gap once consensual stop and search comes to end. The Advisory Group spent time considering the possible implications of this, and the option of introducing a new *statutory* power for the police to stop and search young people for alcohol. They identified a range of arguments for and against such a new power, but were unable to reach a consensus on this issue and recommended further consultation on the matter.<sup>4</sup>

1.8 Subsequent to the work of the Advisory Group, the Criminal Justice (Scotland) Act 2016 made several changes to the law regarding stop and search in line with the recommendations made. The Act introduced a statutory requirement for a Code of Practice; it also made provision for bringing an end to the use of non-statutory stop and search in Scotland, once the Code of Practice is in place (anticipated to be in 2017). This would mean that it was no longer possible to stop and search a child or young person for alcohol unless a new statutory power is introduced.

1.9 The consultation issued by the Scottish Government in March 2016, thus, follows on from the work carried out by the Advisory Group, and sought views on the option of introducing a statutory power to stop and search children for alcohol, or those suspected of supplying children with alcohol. The consultation is one of two consultations arising from the work of the Advisory Group. The draft Code of Practice produced by the Advisory Group has been the focus of a separate consultation which has run concurrently with the consultation on a statutory power for searching children and young people for alcohol.<sup>5</sup>

## About the consultation

1.10 The consultation paper included a description of the work of the Advisory Group and provided an overview of information and evidence on the links between alcohol and violent and criminal behaviour, the Scottish Government's approach to addressing alcohol misuse, current police powers relevant to this issue, and the powers actually used to recover alcohol. It also presented a summary of the arguments for and against new powers to stop and search children and young people for alcohol. The relevant section from the Advisory Group's report was included as an annex to the consultation paper.

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<sup>4</sup> See the consultation paper for a summary of the arguments for and against a new power.

<sup>5</sup> <https://consult.scotland.gov.uk/organised-crime-and-police-powers-unit/stop-and-search>.

1.11 The consultation paper contained four questions – three closed (tick-box) questions and one open question inviting further relevant information. The questions asked for views on whether new police powers would safeguard children and young people from risks associated with alcohol consumption, and whether such powers might have negative effects. The consultation invited respondents to provide any evidence, information and views relevant to the issue.

1.12 The Government was keen to hear the views of children and young people on this issue and an ‘easy-read’ summary of the consultation paper was included.

1.13 The consultation was available on the Scottish Government website and consultation hub, from 21 March to 15 July 2016. The consultation paper invited people to contact the Scottish Government if they wanted someone from the Government to visit their organisation to talk about the consultation and to hear their views and / or the views of young people who they work with. Several organisations took up this offer. A list of the organisations that Scottish Government officials met with during the course of the consultation is included at Annex 1.

1.14 In addition, the Scottish Government encouraged stakeholder organisations to carry out their own consultations with children and young people, and a number of such meetings and activities took place.

## **About the analysis**

1.15 Both quantitative and qualitative analysis was undertaken in relation to the responses received, with the emphasis on exploring the views of respondents as presented in the comments submitted to the consultation.

1.16 The results of the frequency analysis of the responses to the three tick-box questions included in the consultation is shown in tables in each of the main chapters (Chapters 3 to 5). The tables include a small number of imputed responses (i.e. responses derived from comments provided by respondents who did not provide an answer to the tick-box question itself).

1.17 The tick-box questions provided the framework for the qualitative analysis of the comments provided in response to Question 4. There is no separate reporting of the analysis of material submitted in response to Question 4, as all the comments made and evidence submitted were relevant to one or more of the three tick-box questions (Questions 1 to 3).

1.18 The analysis is based on the responses submitted to the consultation. Given the self-selected nature of the respondents, it is important to note that the views presented here should not be seen as representative of the views of the wider population.

## **Structure of the report**

1.19 The remainder of the report is structured as follows:

- Chapter 2 presents information on the respondents and responses to the consultation.
- Chapters 3 to 5 present the results of the analysis of the responses to the consultation questions.
- Annexes 1 to 4 present a summary of meetings held as part of the consultation (Annex 1), the response rates for individual questions (Annex 2), a full list of organisational respondents (Annex 3), and a list of published evidence cited by respondents (Annex 4).

## 2 About the respondents

2.1 This section provides information about the respondents to the consultation.

### Number of responses received

2.2 The consultation received 134 submissions. However, two responses were removed – one duplicate response (sent by email and also submitted via the online response facility), and one email message which did not constitute a response were both excluded. In addition two respondents had submitted multiple different responses – these were combined into two single responses. Thus, the analysis presented in this report is based on a total of **130** responses.

2.3 Two-thirds of the responses (67%; 87 out of 130 responses), were from individuals, while the remaining third (33%; 43 responses) were submitted by organisations. This included 11 responses from organisations which took the form of reports of consultation activities carried out with children and young people. These responses give the views of the children and young people who participated in the consultation activities rather than of the organisation facilitating the activity and submitting the response. As such, these responses are shown separately in Table 2.1.

**Table 2.1: Number of responses**

Respondent type	n	%
Individuals	87	67%
Organisations	32	25%
Organisations – reports of consultation activities	11	8%
<b>Total</b>	<b>130</b>	<b>100%</b>

2.4 Most responses (66%; 86 out of 130 responses) were submitted through the Scottish Government’s online consultation hub. The remaining responses were submitted by email.

2.5 This consultation consisted of just four questions – three tick-box questions and one open question inviting respondents to provide any relevant views or evidence. The three tick-box questions were each answered by 88% of respondents,<sup>6</sup> while 77% of respondents provided additional comments or evidence either at Question 4 or, in the case of those submitting offline responses, alongside their responses to each of the initial closed questions. See Annex 2.

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<sup>6</sup> Note that these figures exclude reports of consultation activities.

## The respondents

2.6 Table 2.2 below shows that the largest group of organisational respondents were third sector bodies, accounting for almost a third (31%; 10 out of 32) of organisations. Across all sectors, organisational respondents included those with a focus on children and young people, those operating in the community safety and justice fields (this includes academic and research organisations), and those with a wider community-based remit.

**Table 2.2: Organisational respondents**

Respondent type	n	%
Third sector organisations	10	31%
Local authorities / partnership bodies	8	25%
Public sector bodies	6	19%
Other organisations	8	25%
<b>Total</b>	<b>32</b>	<b>100%</b>

2.7 The 11 reports of consultation activities were all submitted by public sector bodies and third sector organisations working with children and young people in a range of different capacities.

2.8 A complete list of the organisational respondents is included at Annex 3.

## Capturing the views of children and young people

2.9 The topic under consideration in this consultation is highly relevant to children and young people as any new police power will have a direct impact on them. Chapter 1 of this report provided brief details of the effort made by the Scottish Government to ensure that the views of children and young people were heard in the consultation process (see paragraphs 1.13 and 1.14). Table 2.1 above shows that 11 reports of consultation activities involving children and young people were submitted to the consultation. The views of children and young people are, however, also included in other types of response too:

- The 86 responses from private individuals include 24 completed by children / young people and submitted on their behalf by a youth worker.
- A range of organisations indicated that their responses were *informed by* discussion with children and young people.

2.10 The consultation questionnaire did not ask respondents to identify themselves by age, and it was not, therefore, possible to systematically identify other individual respondents who may have been children or young people.

2.11 It should be noted that the views expressed in the reports of consultation activities with children and young people are not taken into account in the quantitative analysis presented in the tables in Chapters 3 to 5 below. Not all these reports included responses to the closed questions, and those that did, did so in a

range of different and not necessarily comparable ways. The views associated with children and young people are included in the qualitative analysis presented in each chapter.

## **Evidence submitted by respondents**

2.12 A range of organisations and individuals cited existing evidence in their responses. In four cases respondents submitted published reports or articles to the consultation; in two of these cases the respondents did not provide any additional comments in response to the individual consultation questions. A list of published evidence submitted or cited in the responses received is included for reference at Annex 4.

2.13 This evidence is noted as appropriate in the report, but cannot be considered in any detail in the analysis. It will, though, be taken into account by the Scottish Government in taking forward policy in this area.

## 3 Views on a new police power to search children and young people for alcohol (Q1)

3.1 This chapter presents the views of respondents on a possible new power for the police to stop and search a child or young person for alcohol. The chapter presents the analysis of Question 1, a tick-box question:

**Question 1:** Do you think that a new power for the police to search a child or young person for alcohol as outlined in Part 1 of this consultation paper is an appropriate way to reduce risks to safety and wellbeing caused by possessing and consuming alcohol in public? (Yes / No)

3.2 The chapter also presents an analysis of comments on reasons for supporting or opposing such a new measure. The possible negative effects of such a new power for the police were the subject of a separate question (Question 2) and this issue is explored in more depth in Chapter 4.

### Views on a new power to search children and young people

3.3 Altogether 115 respondents (87 individuals and 28 organisations) answered Question 1. Table 3.1 shows that, across respondents as a whole, views were mixed on whether a new power for the police to search a child or young person for alcohol was an appropriate way to reduce risks to safety and wellbeing caused by possessing and consuming alcohol in public – with 52% of respondents (60 out of 115 respondents) answering ‘Yes’, 43% answering ‘No’ and 4% answering ‘Don’t know’. A majority of third sector organisations, public sector bodies and ‘other’ organisations (75% or more), however, answered ‘No’ indicating that that they did not see such a new power as an appropriate way to reduce risks to children and young people.

**Table 3.1: Q1 – Do you think that a new power for the police to search a child or young person for alcohol as outlined in Part 1 of this consultation paper is an appropriate way to reduce risks to safety and wellbeing caused by possessing and consuming alcohol in public?**

Respondent type	Yes		No		Don't Know		Total	
	n	%	n	%	n	%	n	%
Individuals	51	59%	32	37%	4	5%	87	100%
Third sector organisations	2	20%	8	80%	0	0%	10	100%
Local authorities / partnership bodies	5	63%	2	25%	1	13%	8	100%
Public sector bodies	1	25%	3	75%	0	0%	4	100%
Other organisations	1	17%	5	83%	0	0%	6	100%
<i>All organisations</i>	9	32%	18	64%	1	4%	28	100%
<b>All respondents</b>	<b>60</b>	<b>52%</b>	<b>50</b>	<b>43%</b>	<b>5</b>	<b>4%</b>	<b>115</b>	<b>100%</b>

Percentages do not all total 100% due of rounding.

3.4 Alongside the responses to the closed question, an analysis of the qualitative comments indicated that there were similarly mixed views amongst the children and young people who took part in the consultation.<sup>7</sup>

3.5 Almost all of the respondents provided comments on this question. In addition, all of the reports of consultation activities with children and young people also included feedback relevant to this issue.<sup>8</sup>

3.6 In discussing their views, respondents generally did so in terms of support for or opposition to the possible new power – they did not focus specifically on whether such a new power represented ‘an appropriate way to reduce risks to safety and wellbeing caused by possessing and consuming alcohol in public’ as asked by Question 1. The chapter reflects this, and presents arguments in favour of a new police power, and arguments against.

3.7 It should be noted that respondents often indicated that this was a complex issue with valid arguments for and against, and support for or opposition to the power often rested on the weight attached to the different arguments.

## Views of children and young people’s organisations

3.8 Organisations with a particular focus on children and young people were, in the main, opposed to a new police power to stop and search for alcohol. **National organisations with a children and young person remit were unanimously opposed to a new search power.** In line with other respondents who opposed the power (see paragraphs 3.17 to 3.25 below), they emphasised: the lack of evidence to support the need for the new power, and the adequacy of existing police powers; the implications for children’s rights; concern about how the power might be used; and the potential negative impact on relations between the police and young people. They generally favoured responding to under-age drinking as a wellbeing concern, and using a combination of preventative initiatives such as education and support, and measures to tackle retailing and purchasing issues. In contrast, smaller, locally based organisations offered support for the possible new power, but did not offer specific explanations for their views.

## Views of organisations involved in policing

3.9 Those organisations with a direct interest or involvement in the delivery of policing and community safety made a number of points which reflected their particular perspective (i.e. their knowledge and experience of operational practices). They recognised that responding to under-age drinking in public places was a

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<sup>7</sup> Although no systematic classification of respondents was carried out based on age, some respondents were nevertheless identifiable as children or young people (see Chapter 2, paragraphs 2.9 to 2.11).

<sup>8</sup> In one case the group had provided a Yes / No answer but did not add any additional comment.



complex issue, and attached great importance to good practice and maintaining and building good relations with children and young people, but also noted the following in their comments:

- That there were varying demands and expectations on the police in dealing with children and young people, and protecting them from harm
- That the police needed a way of responding to under-age drinking and that the removal of consensual stop and search would represent a significant change in the options available
- That the end of consensual stop and search could, potentially, change the dynamics in the relationship between the police and children and young people and result in more instances in which alcohol was not removed from children and young people
- That there was a need to consider the impact that the absence of any stop and search power might have on wider community confidence in the police
- That any requirements attached to any new power (e.g. a requirement for parents / carers to be informed of, or present at, a search) might impact on the effectiveness of the new power.

3.10 There were, though, divergent views amongst this group with regard to the overall question of support for a new power, with one organisation, for example, favouring the introduction of a new power, while another argued that any decision be delayed until after the new legislative framework for stop and search and associated Code of Practice had been introduced – a six-month bedding-in period was suggested.

### **Arguments in support of the introduction of a new power**

3.11 Those expressing support for the new power generally thought it would deter children and young people from purchasing alcohol and carrying alcohol in public places, and would reduce under-age alcohol consumption. In so doing, it would reduce the risk of alcohol-related harm – poor health outcomes, poor personal choices, violence and anti-social behaviour, criminal activity, etc. Children and young people were amongst those offering such comments. Respondents saw public drinking – and drinking more generally – by young people as a problem, and thought that the police should have powers to deal with this. One individual said that this would allow the police ‘to do their job properly’.

3.12 Respondents also thought a new power of stop and search would bring benefits for communities as a whole by reducing incidences of public drinking involving young people and of associated anti-social behaviour.

3.13 Less often, respondents also argued that such a power might usefully be extended to cover other substances or other environments (i.e. not just public places), or to other professions (teachers).

3.14 Some respondents who supported the introduction of a new power acknowledged that this would not be sufficient on its own to tackle under-age drinking. They did, though, think it could be part of the solution, or could help in reinforcing a message about the harm of under-age drinking. It was suggested that the police could use stop and search situations to provide advice and support on alcohol misuse to young people, or that there should be appropriate follow up with other agencies. A few respondents went further in suggesting that, if approached in the right way, a new stop and search power could have a *positive* impact on relations between the police and young people.

3.15 Respondents further argued that such a power:

- Would be more effective than one based on consent
- Would be required for operational reasons following removal of consensual stop and search
- Would avoid reliance on police powers to seize alcohol, which left children and young people vulnerable to arrest should they refuse to cooperate
- Was necessary in order to allow proper enforcement of laws relating to age-restriction on purchasing alcohol
- Was logical, given existing powers to stop and search for other reasons.

3.16 A few respondents argued that such a power was needed in order to respond to public expectations that the police should take action in relation to under-age drinking and / or alcohol-related anti-social behaviour.

### **Arguments against the introduction of a new power**

3.17 Those who did not support the introduction of a new power to stop and search children and young people for alcohol offered a wide range of often overlapping reasons for their views. As with those who supported the possible new power, respondents in this group recognised alcohol use and misuse by children and young people as a problem, and recognised the complexity of the issue but, in most cases, were firmly of the view that the introduction of a statutory stop and search power was not an appropriate or helpful response to this situation.

3.18 There were also, however, some respondents who saw both advantages and disadvantages to such a power but who, on balance, thought the 'risks would...outweigh the benefits for our young people'.

3.19 In explaining their views, respondents opposed to the new power – particularly organisations – often gave detailed responses to this question, drawing on statistical data, research and other evidence. Respondents commonly referred to Police Scotland and SALSUS (Scottish Schools Adolescent Lifestyle and Substance Use Survey) data, research carried out by academics (e.g. Deuchar and Miller; Lightowler et al.; Murray; Murray and McVie), and work undertaken by the World Health

Organisation and the UN Committee on the Rights of the Child. (See Annex 4 for full details of cited evidence.)

3.20 The main themes identified in the responses are discussed in the following paragraphs.

3.21 There was a widespread view across all types of respondents that a new power to stop and search children and young people for alcohol would have a **negative impact on police relations with individuals, young people in general and communities at large**. Respondents were concerned that this would represent a backwards step, given recent (and reportedly successful) efforts to improve relations with young people. These respondents prioritised long-term trust and positive relations between the police and the community and thought this was more important than any minimal short-term gains which might be achieved. It was noted that the introduction of such a power into legislation to confiscate alcohol in England and Wales had previously been resisted for these reasons.

3.22 Views on the potential negative effects accruing from a new power of stop and search are discussed in more detail in Chapter 4. This was a key issue for individuals, including young people, but was also an argument that was put forward by organisational respondents.

3.23 Other main arguments put forward by those opposed to a new power – largely but not exclusively by organisational respondents – are summarised below:

3.24 Respondents argued that **existing data did not indicate a ‘legislative gap’** which would need to be filled once consensual stop and search was removed as an option. Respondents cited Police Scotland data<sup>9</sup> on the use of existing consensual stop and search powers, and powers to seize alcohol from young people which showed that:

- Most alcohol recovered by the police was surrendered rather than secured through stop and search
- There was little evidence of children and young people not complying with requests to surrender alcohol
- Alcohol was found in only around 10% of stop and search cases
- The use of consensual stop and search varied significantly across the country.

3.25 It was pointed out that an accurate picture of the use of stop and search had not been available at the time the Advisory Group had been conducting its work. The

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<sup>9</sup> See Police Scotland’s *Management Information: National Stop and Search Database: Quarterly Report*, April 2015 onwards (<http://www.scotland.police.uk/about-us/police-scotland/stop-and-search/stop-and-search-data-publication/>).

disaggregated data now available (publication had commenced in mid-2015) indicated a somewhat different situation regarding police practice than had previously been thought to be the case. Respondents argued that the current low use of consensual stop and search, and the limited success of the tactic in recovering alcohol, meant that a new statutory power was not required, would not be useful, and would be a disproportionate response to the current situation.

3.26 Related to the above point, respondents also argued that **the current power to seize alcohol – which accounted for most alcohol recovered by the police – was sufficient** for dealing with alcohol consumption by young people in public places. Some did, however, query the need for an option of arrest if the young person involved did not cooperate with the request to surrender alcohol. Respondents also pointed out that there were other safeguarding options available to the police if they were concerned about the health and wellbeing of a young person drinking alcohol (see below, paragraph 3.30), and other criminal justice options (such as breach of the peace) should they be required.

3.27 In addition, respondents drew attention to data on trends in under-age drinking. They argued that the recent decrease in drinking amongst school-age children had occurred without such a power being available and that a new power was thus unnecessary.<sup>10</sup>

3.28 The issue of the **rights of children and young people** was another common theme in the responses. There were concerns that any new power to stop and search children and young people for alcohol would (i) contravene the rights of children and young people (as set out in the UN Convention on the Rights of the Child) and (ii) would conflict with the UN Committee on the Rights of the Child's recent recommendations regarding the use of stop and search against children and young people. A new power would thus be open to international criticism, and would be contrary to other efforts of the Scottish Government regarding the promotion of children's wellbeing. There was a suggestion that a 'children's rights impact assessment' should be carried out.

3.29 There were also concerns about how any new power might be **used or misused** by the police. Respondents felt that the power might be open to abuse, with the targeting of particular individuals, types of individuals or communities, and inconsistent interpretations of what constituted 'reasonable grounds for suspicion'. There was a concern that a new power might lead to an increase in the use of stop and search, with respondents also drawing attention to (i) how use of the tactic might

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<sup>10</sup> Scottish Schools Adolescent Lifestyle and Substance Use Survey:  
<http://www.gov.scot/Topics/Research/by-topic/health-community-care/social-research/SALSUS>.

be driven by performance targets, and (ii) the lack of detail currently available regarding monitoring and reporting requirements.

3.30 A range of respondents argued that **under-age drinking** (in public places or more generally) **was a social and cultural rather than a criminal justice issue**, and should be addressed in this context. Organisations and individuals commonly highlighted the importance of measures such as education on alcohol use (aimed at parents and carers as well as children and young people) and support for those affected by alcohol misuse, and of providing social opportunities and safe environments to keep children and young people away from alcohol. Organisations also called for a strategic multi-agency or multi-stranded response, and for GIRFEC<sup>11</sup> and the Scottish Government's alcohol strategy<sup>12</sup> to provide the framework for dealing with under-age drinking.

3.31 Further, organisational respondents emphasised the importance of adopting **an evidence-based approach** to tackling under-age drinking. They questioned the merits of stop and search in this respect, particularly in relation to deterrence and prevention, and suggested a range of **alternative measures** which might be pursued more effectively. These included:

- Alcohol price controls
- Regulation of advertising and marketing
- Working with retailers to prevent (and report) under-age sales
- Promoting age-ID schemes
- Making greater use of test purchase schemes, and taking action against retailers selling to those under the age of 18
- Using local licensing decisions to influence supply
- Targeted police patrols, and positive and supportive policing, based on good relationships and trust.

3.32 A few respondents also made the point that a new stop and search power would not be effective in safeguarding children and young people as it did not take account of the **reality of under-age drinking**. Most under-age drinking takes place indoors, at home or in the homes of friends (as indicated by evidence from research such as SALSUS), rather than in public places. Further, it was also argued – by

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<sup>11</sup> GIRFEC – *Getting it Right for Every Child* – is the Scottish Government's framework for all policy dealing children and young people – the Children and Young People (Scotland) Act 2014 puts GIRFEC on a statutory footing.

<sup>12</sup> Scotland's alcohol strategy is a whole population approach to tackling alcohol misuse incorporating both legislative and policy measures. The strategy comprises *Changing Scotland's Relationship with Alcohol: A Framework for Action* (<http://www.gov.scot/Resource/Doc/262905/0078610.pdf>), Licensing (Scotland) Act (2005), Alcohol etc. (Scotland) Act (2010) and the Alcohol Minimum Pricing (Scotland) Act 2012 (still to be implemented).

young people amongst others – that young people would always find ways of getting access to alcohol, and that a new stop and search measure could potentially have the effect of driving those who that did drink outdoors to less safe, less public locations.

## **Other comments**

3.33 There was a small number of additional issues raised, each mentioned by just one or two respondents. These included the following:

- That the possession of alcohol by young people was not an offence, and that this raised questions about the legitimacy of a stop and search power
- That there may be practical issues regarding implementation of a new stop and search policy in rural areas
- That the manner in which any police tactic was implemented, at individual officer level, was key to short and long-term success
- That an improved power of consensual stop and search might be preferable to either having no stop and search option or introducing a new statutory stop and search power
- That consideration might be given to making it an offence for young people to be in possession of alcohol in public.

3.34 Finally, a few respondents indicated a belief that the police already had the power to stop and search young people for alcohol.

## 4 Possible negative effects of a new police power to search children and young people (Q2)

4.1 This chapter focuses on views relating to possible negative effects of a new police power to search a child or young person for alcohol. The chapter presents the analysis of Question 2, a closed tick-box question, together with an analysis of respondents' relevant comments.

**Question 2:** Do you think that any negative effects could result from a new power to search a child or young person for alcohol as outlined in Part 1 of this consultation paper? (Yes / No)

4.2 A total of 114 respondents replied to Question 2. Of these nearly two-thirds (64%; 73 out of 114 respondents) thought that negative effects could result from a new power to search a child or young person for alcohol, and a third (32%; 36 out of 114) did not think that negative effects would arise. See Table 4.1. While this general pattern was repeated across all respondent types, individuals were less likely than organisational respondents to believe that negative effects would result (57% and 85% respectively). Those answering 'Yes' at Question 2 included respondents who indicated support for a new power at Question 1 (just less than half of those indicating support for a new power nevertheless thought it could have negative effects).

**Table 4.1: Q2 – Do you think that any negative effects could result from a new power to search a child or young person for alcohol as outlined in Part 1 of this consultation paper?**

Respondent type	Yes		No		Don't Know		Total	
	n	%	n	%	n	%	n	%
Individuals	50	57%	33	38%	4	5%	87	100%
Third sector organisations	8	80%	2	20%	0	0%	10	100%
Local authorities / partnership bodies	6	86%	0	0%	1	13%	7	100%
Public sector bodies	4	100%	0	0%	0	0%	4	100%
Other organisations	5	83%	1	17%	0	0%	6	100%
<i>All organisations</i>	23	85%	3	11%	1	4%	27	100%
<b>All respondents</b>	<b>73</b>	<b>64%</b>	<b>36</b>	<b>32%</b>	<b>5</b>	<b>4%</b>	<b>114</b>	<b>100%</b>

Percentages do not all total 100% due to rounding.

4.3 Respondents who offered comments about the possible negative effects of a new power to search a child or young person for alcohol were almost entirely those who answered 'Yes' to Question 2.

4.4 Few respondents (just six) who answered 'No' or 'Don't know' to this question made any further comments to explain their views. Those who said 'No' (four

respondents, of whom three were young people) saw the new power as a means to stop young people from drinking, with one individual highlighting a positive impact: 'Because it will help their health instead of ruining it'. The view was also expressed by this group that police officers can be trusted in their exercise of this new power and that any aggrieved individuals would have the right to complain. Those who said 'Don't know' (two respondents) either highlighted possible unintended consequences ('It could damage relationships between the young people and the police when they are only trying to keep people safe') or they discussed both positive and possible negative effects.

4.5 Respondents who answered 'Yes' to Question 2 identified a number of possible negative effects from the exercise of this new power. The main ones were:

- Effects on relationships between young people and the police
- Effects on the wellbeing and safety of young people
- Effects on the human rights of young people.

4.6 Each of these issues was noted by respondents discussing their reasons for opposing the new power (see Chapter 3) and is explored further in the section below. A final section in the chapter summarises other less frequently identified potentially negative effects.

## **Effects on relationships between young people and the police**

4.7 Respondents thought that a new power for police to search children and young people for alcohol could have a potentially negative effect on relationships between young people and the police. This was the main negative effect identified. This point was made by a range of respondents, but poor experiences of stop and search and other interactions with the police, and the impact this had on perceptions of the police were also important themes in the discussions involving children and young people.

4.8 Respondents thought that such a power could lead to young people losing trust or confidence in the police, and could affect young people's willingness to ask the police for help when they need it. Different respondents suggested that such a power could result in young people feeling 'picked on' or intimidated (seeing the police as more of a threat, rather than a help), and feeling alienated – both from the police and from their own communities. In addition, one respondent cited research which suggested that, on some occasions where stop and search is used as a deterrent to crime in relation to young people, outcomes can be worse than if no intervention took place at all (McAra and McVie, 2010).

4.9 Some respondents suggested that young people could respond to such feelings of intimidation through violence – thus putting at risk the safety of officers or other members of the public. There was a view that this would ultimately lead to a more combative relationship between young people and the police.



4.10 Respondents also cited large-scale statistical research from America which suggested that, in communities where trust in the police or the justice system is low, levels of violence and anti-social behaviour are high (Kirk and Papachristos, 2011, cited in Deuchar and Miller, 2016).

4.11 As mentioned in Chapter 3 (paragraph 3.21), there was a view that building and maintaining children and young people's trust in the police was more important than any possible benefits that might be achieved in searching children and young people for alcohol.

## **Effects on wellbeing and safety of young people**

4.12 Respondents also commonly identified possible negative effects on the wellbeing and safety of children and young people from the introduction of a new power to search them for alcohol.

4.13 Respondents commented (based on focus group discussions and their own experience) that young people can feel very 'embarrassed', 'demoralised', 'threatened' and 'discriminated against' when they are searched by the police – often, in their view, for no apparent reason. Some suggested that this can have a significant negative impact on a child or young person's self-esteem or self-image, and it simply reinforces a negative perception of children and young people in communities.

4.14 Respondents argued that there was a risk of criminalising children and young people. One respondent cited research which suggests that stop and search brings young people into contact with the criminal justice system when that might not otherwise have happened, and once a young person is in contact with the justice system, they are more likely to continue offending (McAra and McVie, 2010, cited by Murray and McVie, 2016). Other evidence was also cited which suggests that where stop and search is used as a deterrent to reduce crime or minimise risk, young people are more likely to feel criminalised, whereas if stop and search powers are used only for detection, these feelings typically do not occur (Deuchar and Miller, 2016).

4.15 There was also concern that the exercise of a power to stop and search young people for alcohol would not prevent them from accessing alcohol at all, but might in fact put their safety at greater risk as they would choose to gather in more secluded areas to drink.

4.16 Particular concerns were also voiced about the possible effects of searching a young person who may have a learning disability or mental health issue. One respondent commented that her child had Asperger's Syndrome and could react very badly to a search carried out by a police officer.

## Effects on the human rights of young people

4.17 Respondents also frequently highlighted the impact on the rights of children and young people as a potential negative effect of stop and search powers.

4.18 Respondents considered that the exercise of such powers would constitute an invasion of the privacy of young people – citing data from the consultation paper which indicated that nine out of ten searches of children and young people carried out by the police to look for alcohol did not find any alcohol.

4.19 Respondents expressed doubts about whether a young person as young as 12 or 13 would have the confidence, maturity and capacity to exercise their rights in such a situation.

4.20 Respondents were concerned that stop and search activity was often carried out in discriminatory ways, which led to young people in disadvantaged communities being most likely to be subject to the tactic. They highlighted research from Scotland on stop and search involving young people which showed that most searches involved white working-class males, suggesting that these powers are being exercised in a discriminatory way and may be contributing to the further marginalisation of disadvantaged young people (Deuchar and Miller 2016; Murray 2014; O'Neill et al. 2015). Research by Deuchar and Miller (2016) also found that, among young people in the west of Scotland, stop and search was the **main** encounter that young people had with the police and that these encounters were perceived by young people as mostly negative – they believed that police use of stop and search showed a lack of respect, emphasised power differentials, and resulted in feelings of intimidation, discrimination and stigmatisation.

4.21 Finally, it was also noted that the UN Committee on the Rights of the Child has raised concerns about the use of stop and search on children and young people. This Committee has recommended that the exercise of non-statutory powers should be prohibited, and that the use of statutory stop and search powers should be proportionate, 'taking into consideration the age and maturity of the child', and non-discriminatory.

## Other possible effects

4.22 Less often, respondents identified other possible negative effects in relation to:

- **Relationships between parents and police:** Respondents suggested that the exercise of stop and search powers in relation to children could result in possible allegations of assault or 'planting' of alcohol by parents / guardians who were not present at the time of the search.
- **Possible (longer term) effects on communities:** It was argued that a mistrust between young people and the police would ultimately lead to mistrust between police and communities in the longer term.

## Views of those who supported a new police power

4.23 Respondents who supported the introduction of a new police power (see Chapter 3, paragraphs 3.11 to 3.16) nevertheless often also acknowledged that there were risks that it could have a negative impact on individual children and young people, and on police relations with young people and communities in general (as discussed above – see paragraphs 4.7 to 4.21). While some in this group simply thought the ‘benefits outweighed the costs’, others suggested that steps would need to be taken to minimise any negative impacts. They noted that robust procedures would need to be in place, along with adequate police training, in order to ensure good practice and protect the rights of children and young people – some referred to the role that the forthcoming stop and search Code of Practice (see Chapter 1, paragraph 1.6 to 1.9) might play in this. More specific comments included the following:

- The tactic should only be used as a last resort when the use of seizure of alcohol has not been effective, or when a young person is at risk.
- There should be no increase in the use of stop and search as a result of a new power being introduced.
- Search activity should be informed by local circumstances (e.g. the presence of by-laws).
- The wellbeing of children and community safety should always be the priorities.
- A search should only take place if grounds for suspicion are properly met.
- The police should take account of the fact that children might be coerced into concealing alcohol.
- Parental permission should be sought (by phone) prior to a search being carried out.
- An appropriate adult / parent / carer should be informed or in attendance.
- The search should be carried out in private.
- The search should be carried out by an officer of the same gender as the child being searched.
- All searches of children and young people should be logged.
- Any new power should be accompanied by communication and public education regarding the rights of those who might be subject to stop and search.

4.24 Some respondents who were generally opposed to the new police power also expressed conditions similar to those listed above which they believed should be in place should a new power be introduced.

## 5 Views on a new police power to search those suspected of supplying a child with alcohol (Q3)

5.1 The police currently have powers to require an individual to surrender alcohol if they are suspected of supplying or intending to supply it to a person under the age of 18 for consumption in a public place. Refusal to cooperate with such a request is an arrestable offence. The consultation sought views on the option of introducing anew statutory power to stop and search individuals suspected of supplying alcohol to those under 18 years of age in such circumstances:

**Question 3:** Do you think that a new power for the police to search a person suspected of supplying a child with alcohol as outlined in Part 1 of this consultation paper is an appropriate method to reduce risk to safety and wellbeing caused by possessing and consuming alcohol in public? (Yes / No)

5.2 The chapter presents analysis of responses to Question 3 and an analysis of comments related to this question.

5.3 A total of 113 respondents (86 individuals and 27 organisations) answered Question 3. Table 5.1 shows that a majority of respondents (59%; 67 out of 113 respondents) answered 'Yes' indicating that they thought the power would be an appropriate method of reducing risk to safety and wellbeing caused by possessing and consuming alcohol in public. Individuals were somewhat more likely than organisations to agree (62% compared to 52%).

**Table 5.1: Q3 – Do you think that a new power for the police to search a person suspected of supplying a child with alcohol as outlined in Part 1 of this consultation paper is an appropriate method to reduce risk to safety and wellbeing caused by possessing and consuming alcohol in public?**

Respondent type	Yes		No		Don't Know		Total	
	n	%	n	%	n	%	n	%
Individuals	53	62%	23	27%	10	12%	86	100%
Third sector organisations	4	40%	6	60%	0	0%	10	100%
Local authorities / partnership bodies	4	57%	2	29%	1	14%	7	100%
Public sector bodies	3	75%	1	25%	0	0%	4	100%
Other organisations	3	50%	3	50%	0	0%	6	100%
<i>All organisations</i>	14	52%	12	44%	1	4%	27	100%
<b>All respondents</b>	<b>67</b>	<b>59%</b>	<b>35</b>	<b>31%</b>	<b>11</b>	<b>10%</b>	<b>113</b>	<b>100%</b>

Percentages do not all total 100% due to rounding.

One respondent answered 'Yes' and 'No' – this response has been excluded from the analysis.

5.4 As with a power to stop and search children and young people, the comments indicate that respondents often recognised advantages and disadvantages with a

power to stop and search adults suspected of supplying alcohol, regardless of whether they answered 'Yes' or 'No' at Question 3. For many there was an issue of the balance to be struck in achieving benefits and avoiding possible negative effects. The points made by those who answered 'Don't know' were similar to those made by other respondents and are not addressed separately.

5.5 The overall level of agreement at Question 3 was higher than at Question 1, and respondents' comments also suggested a different degree of concern about this option.

## **Support for the new power**

5.6 Respondents who supported this measure generally offered only brief comments to explain their views, often simply stating that the power would protect children and young people and promote community safety, and reduce drinking amongst this demographic. Those offering fuller comments noted the following:

- Adults are a major source of alcohol for children and young people (as evidenced by SALSUS data), and this measure – unlike the option of a power to search children and young people – would tackle the *supply* of alcohol to those under the age of 18.
- The new power would be a deterrent to adults who might purchase alcohol for children and young people.
- Supply of alcohol was a more serious crime than possession (by children and young people) and a new power to search potential suppliers (i.e. adults) would be a proportionate measure.
- Adults were aware of their responsibilities not to supply alcohol to those under the age of 18, and it was appropriate that the law in this area was enforced.
- The new power would reinforce the messages that alcohol is a dangerous substance for children and young people and that there are repercussions for breaking the law (e.g. by purchasing alcohol for under-age drinkers).

5.7 One individual argued that searching adults was more 'acceptable' than searching children as they had a 'better understanding of the situation'. (The comments overall in response to this question suggested that respondents felt there were fewer sensitivities about this issue.)

## **Caveats and qualifications**

5.8 Respondents who agreed with the proposed new power nevertheless offered a range of caveats and qualifications to their overall views, including the following:

- That this measure should not be seen as the only approach to tackling under-age drinking and should not operate in isolation

- That searches that recovered alcohol might provide an opportunity to offer information and advice to the adult concerned about the dangers of alcohol consumption by young people
- That the consultation did not make it clear how this power would be provided for in legislation.

## Opposition to the new power

5.9 Respondents who opposed the introduction of this new power recognised the supply of alcohol to children and young people by adults as a significant issue, but nevertheless did not think a new statutory search power was the right way to tackle this. In many cases the arguments put forward were similar to those put forward in opposing a statutory power to search children and young people, with respondents – mainly organisations – highlighting the following:

- The low success rate of current stop and search operations
- The availability of other existing legislative options – e.g. powers of seizure and the offence of purchasing alcohol for a minor. One respondent highlighted new provisions in the Air Weapons and Licensing (Scotland) Act 2015 (section 53) making it an offence to buy alcohol for a child or young person to consume in public which were yet to be enacted, and suggested that the impact of this should be assessed before any additional powers were considered
- The potential for abuse and targeting of particular (disadvantaged) communities
- The possible negative impact on relations between the police and individuals and communities.

5.10 Respondents also favoured other ways of tackling the issue of supply by adults – e.g. education, support, working with retailers to improve sales practices related to sales, etc.

5.11 Those focusing on issues specific to searching adults suspecting of supplying alcohol commented on two main (linked) issues: (i) the formulation of the legislation; and (ii) the challenges of using the power.

- Respondents queried how any legislation might be worded in order to provide clear guidance on what constituted ‘reasonable grounds for suspicion’ and avoid inconsistency in the way the power was used.
- Respondents queried how the power would be interpreted and used in practice and how easy it would be to establish ‘intent’ to supply. They stressed the importance of having strong evidence for a search to take place.

5.12 Respondents opposed to the introduction of a new power also made a number of other points. These included the following:

- That children and young people would find alternative ways of acquiring alcohol if supply from adults was reduced as a result of a new power to search
- That supply of alcohol by adults to children can be part of a wider pattern of behaviour linked to grooming and child exploitation and that any legislation and enforcement activity needed to be alert to this
- That a new power would be a waste of police time and resources.

### Other comments

5.13 As with Question 1, one policing respondent argued for delaying a decision until after the withdrawal of consensual stop and search and the introduction of the new Code of Practice. Should a new power be deemed necessary at that point, this respondent favoured a power that might be used **only** if a person refused to surrender alcohol upon request.

# Annex 1: Consultation activities

The following is a list of organisations / individuals that Scottish Government officials met with in the course of conducting this consultation. Not all these organisations went on to submit a formal response to the consultation. The Scottish Government will, however, take account of the comments raised at meetings with organisations / individuals as it continues its policy development work in this area.

## People/organisations that Scottish Government officials met

- Action for Children
- Active Life Club, Glasgow (included workshop with young people)
- Army Youth Advantage Outreach (included workshops with young people)
- Association of Scottish Police Superintendents
- Barnardo's Scotland
- Children and Young People's Commissioner Scotland
- Children in Scotland (included workshop with young people)
- Coalition for Racial Equality and Rights
- Durham Constabulary
- Granton Youth Centre
- Inverclyde Youth Council (included workshop with young people)
- Mental Welfare Commission for Scotland
- Police Scotland
- Possibilities for Each and Every Kid, Glasgow
- Professor Ross Deuchar, University of the West of Scotland
- Regen:FX Youth Trust, South Lanarkshire (included workshop with young people)
- Children's Parliament
- Scottish Prison Service, HM Young Offender's Institution, Polmont
- Scottish Youth Parliament
- Scottish Violence Reduction Unit
- Unite Scotland
- Up-2-Us
- Who Cares? Scotland
- Young Scot
- Youth Scotland
- Youthlink Scotland (included a presentation and discussion with youth workers)



## Annex 2: Response rates to individual questions

Consultation question		Number	% of total responses (130)
Q1	Do you think that a new power for the police to search a child or young person for alcohol as outlined in Part 1 of this consultation paper is an appropriate way to reduce risks to safety and wellbeing caused by possessing and consuming alcohol in public? (Yes / No)	115	88%
Q2	Do you think that any negative effects could result from a new power to search a child or young person for alcohol as outlined in Part 1 of this consultation paper? (Yes / No)	114	88%
Q3	Do you think that a new power for the police to search a person suspected of supplying a child with alcohol as outlined in Part 1 of this consultation paper is an appropriate method to reduce risk to safety and wellbeing caused by possessing and consuming alcohol in public? (Yes / No)	114	88%
Q4	The Scottish Government would also welcome any wider evidence, information or views that are relevant to the purpose of this consultation that respondents would wish to bring to our attention in our further consideration of this issue.	100	77%

The response rate shown against Question 4 includes respondents who submitted 'offline' responses and provided comments alongside their answers to the three individual tick-box questions.

The 'non-response' rate at Questions 1 to 3 is largely accounted for by the 'reports of consultation activities' submitted in various formats to the consultation.

## Annex 3: Organisational respondents

### *Local authorities and partnership bodies (8)*

- The Aberdeen City Alcohol & Drug Partnership
- Aberdeenshire Alcohol & Drugs Partnership – JELCS Group
- COSLA (categorised in line with local authorities)
- Falkirk Council
- Highland Council
- North Aberdeenshire Divisional Licensing Board
- Perth and Kinross Council
- Scottish Borders Children & Young People's Leadership Group

### *Public sector bodies (6)*

- British Transport Police
- Children and Young People's Commissioner Scotland
- Police Scotland
- Scottish Violence Reduction Unit (Police Scotland)
- Scottish Children's Reporter Administration
- Scottish Police Authority\*

### *Third sector (10)*

- Alcohol Focus Scotland
- Barnardo's Scotland
- Befriending Networks
- Children in Scotland
- Crossroads
- Mentor Scotland
- Musselburgh Windsor FC
- Together (Scottish Alliance for Children's Rights)
- Who Cares? Scotland
- Youthlink Scotland

### *Other (8)*

- Cults Bieldside and Milltimber Community Council, Aberdeen
- Dyce Academy
- MAEDT – Mayfield and Easthouses Development Trust
- Mastrick, Sheddocksley & Summerhill Community Council
- Scottish Centre for Criminal Justice Research\*
- Scottish Health Action on Alcohol Problems (SHAAP)
- Scottish Police Federation
- The Law Society of Scotland

\*Respondents submitting responses consisting solely of pieces of published evidence (i.e. the respondents did not also answer the consultation questions).

***Respondents providing submissions giving the view of groups of children / young people***

This consultation received 11 submissions giving the views of groups of children and young people. These came from:

- Barnardo's
- Children's Parliament
- Good Shepherd Centre
- Police Scotland Volunteers Fife
- Police Scotland Youth Volunteers
- Police Scotland Youth Volunteers – Glasgow East
- Police Scotland Youth Volunteers – Glasgow North
- Police Scotland Youth Volunteers Dundee
- Scottish Youth Parliament
- Up-2-Us
- Who Cares? Scotland

## Annex 4: Evidence / information submitted or cited by respondents

- Barnardo's Scotland response to the Independent Advisory Group on Stop and Search (July 2015) [http://www.barnardos.org.uk/stop\\_and\\_search\\_response.pdf](http://www.barnardos.org.uk/stop_and_search_response.pdf).
- Blake Stevenson Ltd (2016) *A Qualitative Study of the Impact of Stop and Search on Individuals and Communities in Scotland*, Blake Stevenson.
- Brinkman, W. et al. (2014) 'Association of Attention Deficit / Hyper-activity Disorder and Conduct Disorder with Early Tobacco and Alcohol Use' in *Drug and Alcohol Dependence*, 147: 183–189
- Community Alcohol Partnerships website: <http://www.communityalcoholpartnerships.co.uk/what-we-do/enforcement>.
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