

NATIONAL HARM REDUCTION STRATEGY – CONSULTATION DOCUMENT

I am submitting this response on behalf of the Licensing Working Party of the Westminster Police Community Consultative Group which I chair. This working party was set up in March 1996 at the request of the police because of the increased number of complaints about the adverse impacts of late night licensing in central Westminster.

The working party is made up of licensees, council officers, police from three divisions, residential amenity groups and individual residents. It also took evidence from a range of experts and specialists. It produced two reports 'A Good Night Out' in October 1998 and 'After – A Good Night Out – the Hangover' in July 2002. Both these reports analysed the problems, principally in the West End of London, associated with the growth in the late night alcohol and entertainment related economy. They both then made many recommendations to the City of Westminster, the police and Government Departments for measures to improve the position. I have not included these with this response as they are background material but both are available from Julie Etheridge at jetheridge@westminster.gov.uk should you like to consult them.

We most strongly deplore the lack of joined up Government that is displayed on alcohol and licensing in that this consultation is following not preceding any legislation on licensing deregulation. We also believe that it is an issue that cuts across Government departments and that an interdepartmental approach also including DEFRA (noise), ODPM (planning) Transport (late night transport) and the Home Office (crime and disorder) should have preceded not followed a Licensing Bill from the DCMS which has none of the responsibilities and which will not be held accountable if parts of the legislation are shown to have very adverse consequences for those departments and society at large. We suspect that the Government as a whole will have long cause to regret this premature and ill thought through Bill but sadly no one has the courage to admit it.

Where we feel we have relevant information I record it below against the numbered questions set out in the consultation paper.

1. The Government has a duty to protect citizens from harm both to themselves and to others. This is the basis of a whole army of laws rules and regulations. Near examples are smoking, drinking and driving and drug misuse. Intervention becomes justified where it can be shown, as the statistics do show, that there is a significant risk to substantial numbers of people. This is true in relation to self harm (illness and addiction) and in harm to others (crime, disorder and nuisance).
2. Yes it is a matter of individual responsibility but the Government should intervene as it does in other areas e.g. warnings on cigarettes, laws about drinking and driving, setting speed limits, controlling different classes of drugs. All these are actions to try to prevent or reduce self harm and harm to others.

3. Individual rights are strongest where they are exercised in private, for example the home and weakest where they are exercised in public, for example the street, and affect others. Even so the individual rights are not paramount so that drinking which causes harm or neglect to children or partners is widely condemned and in many instances is an offence. In the middle are a whole range of licensed premises where alcohol is consumed from an occasional unit of alcohol consumed with a meal to many units consumed alone, for example at a race meeting like the Derby. The balance comes in how such 'on' and 'off' licensed premises are regulated and how alcohol is advertised.
4. Consumers have the role of consuming. They have responsibility for themselves but also those for whom they are responsible such as children, relatives or even other work or community colleagues where they are exercising a leadership role. Where they act responsibly alcohol can add pleasure and relaxation to people's lives. Where they do not exercise that responsibility they may lay themselves open to harm, others to harm and to a range of offences.

We have no specific generic comment to make about voluntary groups as the circumstances and role of each will be diverse.

In relation to commercial interests they have role of producing and selling alcohol to make a profit. They have the responsibility to recognise that their product has the potential to cause harm if taken to excess and that repeated use can lead to addiction. This should inform the way they approach the manufacture, marketing and sale of alcohol. There should be a clear and counterbalancing range of sanctions when they do not carry out these responsibilities. These do not exist at present.

5. There should be a clear recognition by Government of the power of alcohol as an enjoyable but addictive drug and that it is primarily produced for profit. The mere fact that Government raises a large proportion of its taxes by duties on alcohol should not compromise the Government's stance or be a justification in itself for allowing or even encouraging the sale of more and more alcohol as it has done to date. The principle of the strategy should be 'the polluter pays'. In other words the alcohol industry should meet in full the monetary and other costs to society of producing and marketing an addictive drug. The role of Government strategy should be to ensure as far a practically possible that where they can be clearly proven these external costs to wider society are met by the industry so that it does not trade at the expense of creating net personal and social harm.
6. Others have more expertise.
7. Addictive personal drinking AND social drinking which by the quantity, rapidity and drinking environment causes individuals or groups to create social harm. Put simply 'drunken yob culture'.
8. We have no specific evidence other than to observe that public attitudes to self restraint have changed in recent years. For example in the West End the number of people, mainly but not exclusively male, who routinely urinate in public or otherwise foul the streets without any sense of shame or embarrassment has risen in the writer's 35 years living in Soho.
9. Others have more knowledge.

10. Before answering it should be noted that parts of our culture might also change for the better if we did not have alcohol. Alcohol provides a culturally important role in celebration, relaxation, socialising and is seen perhaps erroneously as counteracting stress. For relatively short periods it increases for many their positive view of the world, a number feel they are more creative and it probably helps to overcome shyness. If it were not available we might all be more isolated and withdrawn and find it more difficult to express certain sides of our character. There are some limited positive medicinal effects of moderate use to set against the many adverse health effects.
11. Climate has had a big part to play. It has influenced the type of alcohol produced in that local alcohol is not based on the grape which has not (between Roman times and now) grown well this far north. Rather it is based on things like hops, grain and potatoes. Secondly because it is cold outside for large parts of the year alcohol is drunk inside where the temperature is warmer. Before effective forms of heating heat from the body was important so crowded hostelrys and pubs created warmth as well as atmosphere. Internal space is relatively more expensive to provide and popular places therefore become crowded so the tradition was and still is largely to drink standing up. This is very different from southern or Mediterranean Europe. In terms of age because much of UK drinking related to volume and therefore strength of the bladder as well as the head, young people have the greater physical capacity in general terms to drink more than older people as most bladders and digestive systems weaken with age. Many young people also see alcohol as a rite of passage and perhaps mistakenly feel that their capacity to consume large amounts of alcohol is some form of a proof of adulthood. As for regional variations others have more knowledge.
12. The primary factor is the marketing and PR used by alcohol producers to influence consumer trends. Very set traditions as to the types of drinks consumed have changed quickly with the growth of television and TV advertising as well as other aspects of global culture. Government could set codes and standards in relation to such advertising if it had the will. This might be beneficial on grounds of sustainability if not other as there does not seem anything very sustainable in creating demands for Australian lager which has to cross the globe when many are made in Britain or close by in Europe. Advertising of alcopops, shooters and shots and other products directed at the young who are just starting to drink demonstrates the need for an advertising code for alcohol.
13. Marginally. In some it may inhibit in others it may encourage extra consumption to demonstrate the ability to overcome the risk.
14. Others have greater medical and social knowledge.
15. I believe that the Scottish Executive Health Department commissioned a study by Catalyst Health Economic Consultants Ltd to analyse trends and costs.
16. Others have more knowledge.
17. Others have more knowledge.
18. Others have more knowledge.
19. Others have more knowledge.
20. Others have more knowledge.
21. Others have more knowledge.
22. Others have more knowledge.

23. Our subjective and anecdotal experience as a working party is that alcohol is closely linked to late night anti-social behaviour. Please also see the report of the Open All Hours? working party sponsored by the Civic Trust (published November 2002) for more detailed arguments.
24. Others have more knowledge.
25. What fuels people's perceptions is the evidence of their eyes in many town or city centre in the evenings, on public transport used by people going to and from football matches and other supporting events. Increasingly as well more people travel abroad and can see that in some other cultures there is less disorderly behaviour as a result of drunkenness so they can infer that it doesn't have to be like this. It is not innate to man.
26. This does not necessarily follow. Logically it seems clear that sober people who are delayed by the late arrival of or non-existence of public transport are less likely than those who are inebriated to be disorderly.
27. Urination and fouling in rural areas will be less, the density of populations will usually be less and so there is a greater chance of noise being diffused without causing annoyance. In urban areas the built form of the streetscape may funnel and intensify noise, vehicular traffic and late night activity associated with licensed premises. There are less quiet spots in urban areas for individuals to quietly try and sober up in without notice.
28. Only minimally. Approx 90% of most town and city centres is unlikely to change materially. This is especially true in historic centres or conservation areas. Design can only play a marginal part and minimise some impacts. As for plastic drinking glasses they can still cause injuries and the root cause is why people wish to use glasses as weapons and why the people in whose company they drink condone or allow them to do so. A Century ago such action would have been that of a coward not a big man. For an informative cross cultural study looking at Berlin, Copenhagen, Dublin and London please see the report of the Central Cities Institute at the University of Westminster entitled Licensing Reform and published November 2002.
29. Others have more knowledge.
30. Yes, the evidence in the West End of London is that the majority of people out late at night and inebriated are below middle age.
31. Yes. Less vertical drinking and more drinking seated at tables with waiter/ess service would be beneficial.
32. The proposed powers are unlikely to work. The police have a range of very heavy responsibilities. Controlling drinking and anti-social behaviour will seldom be at the top of that list. As a result the powers to close licensed premises are likely to be used only in the most extreme circumstances. No attempt has been made to define acceptable behaviour in licensed premises and so most low level disorderly activity will continue to be ignored by the police. The power to issue penalty notices to individuals again is not likely to be a high priority and so will only be used occasionally or in blitzes in response to community complaint. In any event, issuing a fixed penalty notice to someone inebriated could quite possibly aggravate the problem and create more noise, nuisance and danger to the police in the views of our police representatives. So again most low level nuisance, drunkenness, fouling and vandalism are likely to go untackled.
33. In a sane world i.e. outside the warped logic of the Department of Culture Media and Sport (DCMS) there would be a recognition of the inherent tension

in an area between those who want to party and those who want to sleep. A sensible policy of a licensing authority would seek to manage the balance taking account of the area and the day of the week seek to ensure a window of reasonably quiet of somewhere between 7 to 9 hours for residents to sleep while with the onus being on those who wish to trade in this quiet time to show that their operation will not disturb that quiet and to demonstrate to the license granting authority the adequacy of the measures that they intend to take and are taking to prevent or mitigate any adverse impacts. Longer hours opening hours would be appropriate in areas which are not close to residents. Unfortunately the DCMS has cleverly crafted a Bill that despite saying that it will encourage local authorities to tackle such anti-social behaviour actually specifically prevents a local licensing authority to take any action of its own volition to ensure that general principles to mitigate nuisance can apply and says in Clause 18 of that Bill that each licence must be granted in accordance with the operating proposals proposed by the applicant.

34. Others have more knowledge.
35. Others have more knowledge.
36. Others have more knowledge.
37. If we wish to make the 'Urban Renaissance' a reality and have more people living in the centres of towns and cities to reduce the use of Greenfield land, cut commuting and cut pollution then such centres must be perceived to be safe, accessible and welcoming places for all in the community. At present there is evidence that older people (see the views of the Society of West End Theatre) women, the disabled and children are all put off using central areas particularly at night for fear of crime and disorder and perceptions of drunkenness and nuisance.
38. Others have more knowledge.
39. Others have more knowledge.
40. Others have more knowledge.
41. The objective should be to demonstrate that adult behaviour involves responsible not irresponsible drinking. The simple aim is to show that it is not cool to be drunk.
42. Others have more knowledge.
43. Others have more knowledge.
44. Others have more knowledge.
45. Others have more knowledge.
46. Others have more knowledge.
47. Others have more knowledge.
48. Others have more knowledge.
49. Others have more knowledge.
50. Yes, they are so weak as to be completely ineffectual and advertising often links alcohol to sex, violence, the irresponsible use of vehicles and destructive behaviour in a way that demonstrates that those responsible for such marketing and advertising are not acting responsibly in many cases.
51. It depends on the economic cycle and it may be that in planning terms the use of many premises for shopping (Use Class A1) now show a lower rent than food and drink (Use Class A3). As a result property landlords favour A3 uses and have at the height of the last cycle achieved high rent levels often on an 'upward only' review basis. i.e. the rent under that lease can never fall. In an adverse economic cycle those rents will not be sustainable. It is hard to

imagine even more profitable uses and operators to whom the tenants can assign their leases. Therefore it is possible that on the one hand there may be a number of bankruptcies (some have already occurred) and on the other hand those surviving will need to go downmarket to try and increase turnover so they may be more discounting and aggressive marketing. In addition it is quite possible that landlords will seek still higher rents once the Licensing bill becomes law by referring to legislation that specifically gives every licensed premises the right to apply for a 24 hour licence unless they opt out. The landlords could logically take the view that a particular operator is prejudicing the maximisation of the landlord's income stream by not operating the premises in a way that allows the maximum hours trading and therefore seek to set a rent based on much longer trading hours than are currently the norm. External factors such as wars, terrorism, changes in other economies, congestion charges and other factors may also cause the leisure industry to contract and sales of alcohol to increasingly be purchased in shops and supermarkets. On the other hand trading could stay much as now with changes in fashion in cuisine and normal market forces regulating the market. We do not foresee allowing children to enter licensed premises either with adults or unaccompanied having a significantly moderating experience in town and city centres and may well provide future tabloid newspaper headlines on child harm. In the suburbs and in rural areas this change may be more beneficial.

52. Others have more knowledge.
53. Others have more knowledge.
54. To be fair you should also look at the approaches elsewhere that have not worked and analyse why.
55. Others have more knowledge.
56. See response to 15.
57. Others have more knowledge.
58. The polluter should pay. Where it is the industry they should pay both locally and nationally. Where an individual then they should make restitution for harm caused whenever possible.
59. Ask HM Treasury. They are one of the chief beneficiaries.
60. Others have more knowledge.
61. Others have more knowledge.