

Redland & Cotham Amenities Society  
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RCAS website : [www. rcas.org.uk](http://www.rcas.org.uk)

*Roger Mortimer*  
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### **National Alcohol Harm Reduction Strategy**

Redland & Cotham Amenities Society, Bristol, (RCAS) welcome the opportunity to respond to the consultation. This response is by Roger Mortimer, Committee member since 1990 and Chair of RCAS Planning and Licensing Group.

The aims of RCAS are to protect and enhance our area for the benefit of present and future residents. The Redland and Cotham areas are located approximately 1 mile from the city centre proper of Bristol. RCAS was started in 1973, is a Registered Charity and affiliated to the Civic Trust. It has a growing membership, currently 1200 members - approximately 10% of the electorate in its area. This population is mixed in age from students, through families with young children to the elderly. Tenure is a mixture of owner occupation and renting, including social housing

### **Introduction**

We greatly regret that this study was not carried out before the drafting and publication of the Licensing Reform Bill.

As we see it the harm caused by excessive drinking affects two classes of people. The drinkers themselves, their families, friends and employers, and of course the services provided by the state. The other class is effectively a third party - the public, particularly those who are harmed by the behaviour of those who have drunk too much.

Many of our members live in areas affected by the fall out from excessive drinking. They are typical of many others in Bristol, and other towns and cities, where the provision of drinking facilities focussed on the evening economy has grown massively over the last 10 years or so.

We therefore deal mainly with page 8 of the paper -

Crime, disorder and antisocial behaviour; the effects on our surroundings and community.

The visible effects noted are correct but not the complete story. Much of the damage is only or mainly apparent to those who live in or near the affected areas. This community of residents know that damage is often on their property and more critically, invisible. Noise, sleep deprivation, alarm and a general feeling of living in a threatening and unpredictable environment is harm caused very largely by alcohol. Residents, particularly the elderly and those with children often feel trapped by the hostile environment outside and at the very least their social life is affected. Those who have to rise early for work are particularly badly affected by late night opening of licensed premises.

The attached **Appendix A - Impact of evening and night time economy on urban residents**, indicates the range of harm experienced.

### **Page 8 Questions**

23. We are very surprised at this question as our work in relation to licensing has revealed many studies and reports establishing a strong link between alcohol and anti social behaviour, many reported in the press. In Bristol violence by drunk casualties and their minders has led to hospital casualty staff being protected by security staff trained by police in restraining the violent.

Our observation and experience confirms this a clear link between alcohol and disorder. Ten years ago our local shopping street had a few licensed premises – it was not 'the peace of the countryside' and there was occasional anti social behaviour.

There are now many licensed premises. The total customer capacity has grown from approximately 1500 customers in 1992 to over 4000 by 998. Much of this growth has been in large theme bars and pubs operated by national chains with a substantial shift to youth mono culture. Much of the new floor space is used for the profitable Mass Volume Vertical Drinking. There are now queues to enter some premises at times and hundreds of customers on the pavement at busy times. This has resulted in the sort of living environment described in Appendix A . This is clearly harm caused by alcohol.

24 and 25. Again we are surprised at these questions. Surely our Courts show every day that alcohol is a major factor in violent crime and in re-offending. The description 'drunk and disorderly' does not describe an imaginary condition. A third of arrests in metropolitan areas are drink related.

26. We agree that shortage of transport is a cause of disorder – particularly because public transport is less available at the late hours that licensed premises and clubs close. We believe that late opening premises should be required to contribute to the cost of night buses etc.

More taxis would also be helpful, together with more supervision of private hire/mini cabs. These are often badly driven and cause obstruction, also noise pollution through constant sounding of horns at night. Much more policing is critical to dampen down the hot spots of taxi queues and takeaways.

27. The density of buildings and population makes alcohol fuelled behaviour more harmful in towns/cities. Cities like Bristol and Bath are extensively visited by young people from surrounding towns and villages

because this is 'where it is happening'. These visitors can be alcohol tourists – who might behave differently in their home towns and villages.

28. The design of the public realm can have some limited impact, for example by making supervision easier but this is difficult to achieve except in major new development. Closed circuit TV is helpful for crime but of little value to deter disorder – many drunken people enjoy performing to camera.

With regard to licensed premises themselves open frontages are a major source of noise and should be required to be closed by say 10pm. External drinking areas are also serious noise generators.

A significant reduction in speed of drinking and overall consumption would be possible if the practice of serving drinks, including cocktails in jugs (pitchers) was banned. The banning of glasses bigger than half litre, restriction on drinking from bottles and use of plastic glasses would have a dramatic effect.

The 'Happy Hour', which often can last all evening, is a major encouragement to excess. Similarly, all inclusive offers to 'Drink as much as you want for £10', often targeted at special groups such as students, are a major aid to alcohol abuse. Such sales promotions should be forbidden.

29. This must be an important approach. We have no particular expertise.

30. Yes.

31. See later comments on Licensing reform.

32. Banning drinking in the public domain is a valuable power, as injury is easily caused by the carrying of open bottles and cans. Many authorities are reluctant to use the power as they fear 'loss of trade' or 'a fuddy duddy reputation.' Also because they do not have the resources to design, implement and then manage a scheme. However, when implemented and managed jointly by Police and LA the systems can settle down quite quickly to be the 'normal' scene and a safer one. More encouragement and financial resources should be provided.

33. See Licensing Reform

34. Drink driving policies have shown that a combination of information, education and serious penalties and enforcement can change public attitudes. This is an example of a cultural change in behaviour.

However, this would not have worked without the 'stick' of penalties

See Comments on Licensing Reform for a mistaken policy to reduce alcohol harm.

35. No particular expertise.

Additional point – not referred to in consultation. The role and responsibility of the alcohol industry

It is essential that the providers of the source of alcohol harm are made to act more responsibly. They pay only lip service to the problems that their businesses create. They set out to stimulate demand with products targeted at groups such as the young. Increasingly they control large estates of outlets for their products. Their businesses should be subject to a tax towards the cost of the harm it causes – the polluter pays principle.

All alcohol products should be treated as tobacco and subject similar advertising controls.

Licensing Reform

The Licensing Bill, with its Explanatory Notes and Guidance, unless very substantially amended, will result in increased harm from alcohol.

The basic assumption is that if people are allowed to drink when they like they will not drink more, drink more sensibly and behave better. (On the basis of this assumption about public behaviour are we to expect an end to speed limits – because people would then drive at a sensible speed?)

Many other factors besides fixed terminal hours contribute to the binge drinking culture and our experience suggests that the claim that flexible hours would reduce the amount drunk is very optimistic.

We believe that at least the same amount will be drunk but often starting later. In any case competition will dictate that pubs etc will opt to close at the same time as each other – closing time will simply be much later.

The assumption about longer, flexible opening hours is unsupported by serious evidence. The limited 'evidence' quoted in the White Paper on Licensing Reform does not stand up to scrutiny. We attach as **Appendix B** a paper, 'Crime and Disorder, Binge Drinking and the Licensing Bill' by the IAS which summarises independent evidence about the circumstances that encourage excessive drinking. It also gives references to various papers very relevant to this NAHRS consultation.

The above paper is an example of serious evidence by respected academics, police and other non industry bodies. In contrast the White Paper can only quote a 1992 paper by the Portman Group (funded by the industry). The whole alcohol harm and disorder situation has got very much worse in the last ten years – as much of indicated by much of the research that has been ignored in the Bill.

Our experience bears out all the points made in the IAS paper. There will be additional consumption – why else should the Bill be so enthusiastically supported by the alcohol industry? We have already been told by local licensees that they plan to open much later – 2am is often quoted. They would not be incurring these extra costs if they did not expect to increase turnover.

It is absolutely clear that urban residents' health will be further harmed by alcohol as a result of extended hours of opening. This late night drinking is to be permitted everywhere – not just in city centres. Many

additional areas and their residents will therefore be subject to the noise and disorder that is created when patrons leave pubs, bars and clubs, at whatever time this is.

This harm is to physical, mental and emotional health, including that of children. It must be realised that many residents, including those in social housing, did not choose to live in areas of alcohol fuelled noise and disorder – the have had this ‘vibrant night time economy’ thrust upon them.

The Licensing Bill does contain some additional sanctions on premises that breach licensing conditions. However it places no additional responsibility on licensees for the noise and disorder that their patrons inflict on the local community once they have left the premises. Further, there is no funding for the significant extra work for police and local authority that would be required to enforce sanctions for the longer hours that are favoured by the bill. More alcohol harm to urban residents is inevitable.

We feel sure that this consultation will show that many aspects of the Licensing Bill are completely contrary to an appropriate NAHRS. Also that it will not be possible to make appropriate changes or regulations to the licensing regime once it is law.

We therefore ask that progress on the Bill should be halted until the needs of NAHRS are incorporated.

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## Appendix A

### IMPACT OF EVENING AND NIGHT TIME ECONOMY

on those living roads near to or on access routes to a concentration of licensed premises.

The ‘menu’ of problems experienced and their sources. Very few events are reported to the authorities as it is impossible to get swift response except for serious crime, and it is difficult to identify perpetrators.

**NOISE POLLUTION** Noise in homes is particularly intrusive at night, also in summer when increased outside drinking and street activity coincides with need to open windows.

From premises, especially from open frontages and outside drinking areas at night.

From bottle and refuse disposal and service vehicles.

On the street, from customers, often in large numbers and groups.

Shouting, chanting, singing and sometimes screaming.

From loud conversations and farewells, particularly in nearby roads on the way home.

From arguments and scuffles. Throwing cans and missiles.

From vehicles. Car alarms, slamming of doors, speeding and revving up.

Tooting of horns, particularly drivers of mini cabs.

From car stereo systems played at high volume with windows open.

**DAMAGE and VANDALISM.** Rarely reported as police response ineffective and no witnesses.

To parked vehicles, by kicking, scratching and running along car roofs. Smashing car windows. Breaking off aerials and wing mirrors.

To gates, hedges, gardens and private forecourts. Smashing milk bottles. Overturning dustbins and arson of wheelie bins.

**FOULING and LITTER** Health and hygiene hazards. No patrols at night by Local Council.

Cans, bottles and food wrappers and remains, including vomit, in street and gardens.

Urination (and occasionally defecation) in streets, gardens and doorways.

**OBSTRUCTION** No traffic wardens at night and police involved in other duties.

Parking across entrances. Parking on corners and pavements. Double parking. Parking on double yellow lines (routinely). Parking that would obstruct emergency vehicles and causes accidental damage.

**THREATS to PERSONAL SAFETY, and ABUSE**

Pavements crowded with (sometimes threatening) groups obstruct and sometimes force pedestrians into road/traffic. Abusive behaviour if requested to remove obstruction or otherwise moderate behaviour.

Jeering and swearing at passers by.

### FEAR OF CRIME

The drink fuelled antisocial behaviour referred to above has made residents reluctant to leave their homes in the evening, particularly on Thursday, Friday and Saturday. This is a particular problem for women, families with children, older people and those with some physical disability. Others who live some distance away say that they avoid this type of area in the evening.

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## Appendix B

### **Crime and Disorder, Binge Drinking and the Licensing Bill**

#### **1 The Government’s Claims**

**1.1** A principal aim of the Bill, and virtually its sole non-commercial objective, is a reduction in crime and disorder. The White Paper ‘Time for Reform’ insisted that one of the main problems with the current licensing arrangements is their actually causing public disorder “through standard closing hours which mean that large numbers of drinkers come out onto the streets late at night at the same time.”

**1.2** It also made the suggestion, one supported enthusiastically by the trade, politicians and

many in the media, that the present "artificial" closing times are an important cause of binge drinking as people try to 'beat the clock'.

**1.3** For example, Labour MP Jane Griffiths, chairwoman of the All Party Parliamentary Group for Beer, writes:

*"The effect of (the) compulsory closure has been for people to drink 'against the clock', with whole generations of young people learning to drink as much as possible in a short space of time.....Most of these young people are drunker than they would be if they drank at their own pace."* <sup>1</sup>

**1.4** The White Paper stated that "research indicates" that de-regulated closing times, by spreading the period during which customers leave should produce the following key outcomes:

A more gradual and orderly pattern of dispersal of peak densities between the hours of 11pm-12 midnight, and 2am and 3am in urban centres

Significant reductions in reports of drink-related offences and in arrests for such offences

Reductions in binge drinking and drunkenness on the streets

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These claims are repeated in the Regulatory Impact Assessment

**1.5** The Government also puts forward a third reason why its proposals will have these beneficial effects in addition to ending the problems of the mass evacuation and reducing binge drinking. This is that by ending the present requirement that late night drinking must be ancillary to other activities, normally music and dancing, the reforms will encourage greater diversity of provision leading to the night time economy being less youth dominated.

## **2 Binge Drinking**

**2.1** From an historical and international perspective, the claim that licensing reform will transform the drinking culture by putting an end to binge drinking must rank as one of the most unlikely attempt at social engineering any Government has attempted in recent years.

**2.2** Contrary to Jane Griffiths' highly unhistorical assertions, what is now referred to as binge drinking has been a recognised feature of British drinking culture since before the Vikings, and thus for centuries before the present closing times were introduced.<sup>2</sup> Indeed, far from ushering in a pattern of excessive consumption, as Jane Griffiths claims, the introduction of the present closing times interrupted that pattern, and was in fact followed by the period of lowest consumption in our history, particularly among young men. The contemporary trend of binge drinking did not really begin to take hold until the late 1980s – a phenomenon rather difficult to explain on the basis of measures introduced during the First World War.<sup>3</sup>

**2.3** It is hardly unexpected for binge drinking to be a feature of a drinking style characterised by 'vertical drinking' and the long-established practice of buying in rounds, which by encouraging members of a group to drink at the speed of the fastest results in a heavier sessional intake than would otherwise occur.

**2.4** Internationally, binge drinking has been a defining feature of Northern European drinking cultures also for generations, and one which with the emergence of an international youth culture has now begun to spread to parts of southern Europe.

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**2.5** Common features of youth drinking styles over much of Europe<sup>4</sup> include increasingly:

The importance of the 'buzz' or getting high. Drinking to intoxication is a central part of socialising for substantial proportions of adolescents and young adults. For substantial numbers of young people, the main purpose of drinking is getting drunk.

Drinking as 'time out' from normal rules and expectations. Young people expect and indeed plan in advance to behave differently when drunk or high than when sober

Repertoire drinking – an expression of the more hedonistic and experimental approach, drinkers not remaining loyal to one type of drink but consuming a wide range of products according to the occasion

Drinking and getting drunk are typically group rather than individual activities

**2.6** Moreover, an array of modern alcohol products and marketing strategies are designed especially to service and exploit the binge drinking culture. A large segment of the pub sector appears to operate on the basis of "pack them in, get them drunk, chuck them out". An article in the trade press describing 'shots 'n shooters – the fastest growing drinks category in the UK begins:<sup>5</sup>

*There are few drinks currently going down better in the UK's pubs and bars than shooters and shots.*

*On a Friday or Saturday night, when many people are looking to unwind – and unwind quickly – there is, as those marketing people say, a "recognised drinking occasion".*

*These occasions arise when people are not interested in sipping a glass of chardonnay or savouring a pint of Old Peculiar, but want to let their hair down, release their inhibitions and, as those marketing people rarely say, "get very drunk with their mates".*

A specific prompt to these developments is of course that with the growth in the market for illegal drugs, alcohol now has to compete for market share against an array of psychoactive products. Hence developments such as:

Inventing a new range of designer drinks to appeal specifically to young people

Increasing the strength of alcohol products targeted at the young

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Marketing alcohol to young people on the basis of its psychoactive properties and hedonistic appeal

Opening a new range of outlets targeting young people, with drinking places becoming increasingly segregated in terms of age.

**2.7** There is nothing here to justify regarding the abolition of fixed closing times as a key mechanism for reducing binge drinking. On the other hand,, later drinking hours could well give a binge drinking pattern of consumption more scope and encouragement. As the British Entertainment and Dance Association<sup>6</sup> explain, opening up the highly competitive but inadequately regulated late night market as the Government proposes can attract poor operators who enter the market with the provision of cheap alcohol their main trading point.

***"This drags down standards across the town or city centre and leads to a climate in which price promotions and discounting becomes all important. Binge drinking results – principally during early evening happy hours – and the standard of conduct amongst drinkers declines."***

### **3 The Evidence in Support of the Claims**

**3.1** In the face of representations such as BEDA's above, the Government still insists that the elements of the Licensing Bill that bear on the questions of binge drinking and crime and disorder, with de-regulation of closing times having pride of place, are major components of the national alcohol harm reduction strategy. The Prime Minister himself chose to present the Bill, in advance of the Queen's Speech, in these terms as a main plank in the Government's campaign against crime, disorder and anti-social behaviour, and he referred specifically to the alleged evils of fixed closing times. The very first sentence of the Secretary of State's letter to constituency MPs regarding the bill is:

***As part of our strategy to reduce anti-social behaviour, we are today introducing a Bill to reform and modernise the archaic and unwieldy licensing regimes in England and Wales.***

**3.2** These considerations greatly add to the importance of the question of the nature of the evidence that underpins the Government's claims, particularly as the Government also states that one of the basic requirements of the national harm reduction strategy is that it be evidence-based. It

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should be noted that these claims are completely unqualified. The Government does not say that de-regulation may in some circumstances have these beneficial effects. It does not concede that there will be any exceptions. It says that in every urban centre of England and Wales, whatever the circumstances, de-regulation of closing times will of itself produce significant reductions in binge drinking, in crime and disorder and in arrests.

**3.3** For these claims to be rationally justified would require a substantial body of evidence from, preferably, a variety of places showing that with all other possible causal factors held constant, de-regulation of closing times has of itself consistently produced these beneficial outcomes and that these benefits have been maintained over a significant period of time.

**3.4** Nothing resembling such evidence has ever been produced. The "research" to which the White Paper referred was not an objective, scientific study but a report produced for the alcohol industry which was already campaigning for licensing liberalisation.<sup>7</sup>

**3.5** Scotland, which began to liberalise its licensing laws in 1976, might have been expected to be the principal source of evidence to demonstrate the benefits of de-regulation. In fact, Scotland is seldom referred to by Government spokesmen, presumably because the facts of the Scottish experience so obviously fail to live up to the Government's promises. Only recently, the head of the Scottish licensed victuallers described the situation in the main urban centres in terms of

`drunken anarchy' and recommended a number of measures more or less the exact opposite of those contained in the Licensing Bill.<sup>8</sup> (See below)

3.6 Commenting that on Saturdays, license-liberated Sauchiehall Street resembles the Somme, another Scottish commentator explains that:

***"Since liberalisation Scotland has experienced a steady rise in alcohol-related injuries, psychiatric conditions, cirrhosis, cancer and brain disease. Binge drinking by young women has reached crisis point. A culture warped by macho images of the hard-drinking industrial labourer has become more drink-sodden, not less....The problem for Mr Blair's new crusade is that the modernisation of Scotland's drinking laws made things worse, not better."***<sup>9</sup>

3.7 The Government having presumably decided that the best policy for managing the obviously inconvenient realities of Scotland is to ignore them, spokesmen prefer to hold up the examples

of normally unspecified `other European countries'. There have however been references to the alleged success of de-regulation in the Isle of Man, Government spokesmen stating that deregulation of closing times there was followed by a 40 per cent reduction in crime and disorder.<sup>10</sup> And in discussions with the Licensing Minister it was explained that the basis of the Government's claims was the experience gained in England and Wales itself during recent New Years Eves, in which continuous 36 hour opening had been permitted.<sup>11</sup>

3.8 These three lines of argument are all equally untenable:

Clearly, the benefits of de-regulation cannot in fact be posited on the basis of the experience of `other European countries' which have drinking cultures and regulatory systems very different from our own, such as the Mediterranean countries. This is because there is no justification for arbitrarily attributing lower levels of binge drinking or alcohol-related crime and disorder to the one factor of different or no fixed closing times. Moreover, common sense would suggest that in these places, it is the different drinking culture that explains the different closing times rather than the other way round.<sup>12</sup>

Equally clearly, the Government's claims cannot be actually be based solely on experience of de-regulation on a limited number of one-off special occasions such as New Years Eves, for, by definition, these cannot provide a guide to what will happen when de-regulation is the norm. For example, on these occasions any beneficial effects could be attributable not to longer hours per se but to the presence of extra policing and transport resources, which presumably will not be available day in, day out on a permanent basis. In any case, it has not been established that New Years Eves deregulation did produce any improvement.

It is doubtful whether the situation of the Isle of Man can be usefully compared with that in the major cities of England and Wales, as like is hardly being compared with like. The whole of the Isle of Man has around a quarter of the number of licensed premises normally found in a single major English or Welsh city. But in any case, it is simply untrue that there was 40 per cent reduction in crime and disorder following de-regulation. In fact, while the old closing times peaks did diminish, the overall level of crime remained constant but occurred over a longer period of the night, with

consequent implications for police resources and, presumably, greater disturbance to local residents. The number of assaults actually increased.<sup>13</sup>

3.9 A difficulty in evaluating the Government's claims is that apart from the Isle of Man, there have been few cases of complete de-regulation to provide comparisons. In this sense, the Government is proposing to take a very large step into the unknown. However, the British Entertainment and Dance Association representing Britain's nightclub owners has not seen any evidence to suggest that the system of staggered departures from premises that the Government seeks to engineer is either achievable without the direct regulatory intervention that the Government wishes to prevent, or is even desirable.<sup>6</sup> This is because:

1. Late night venues thrive on the atmosphere of a crowd. Whatever the system, people will still tend to arrive and leave *en masse*.
2. Licensees will not stay open beyond the point at which it becomes economically unviable, eg. Operators of 2000-capacity venues will not remain open indefinitely solely to accommodate a couple of hundred people.
3. Similarly, fast food restaurants, taxi drivers and bus operators are unlikely to continue trading once the majority of customers have left the city centre. This makes it even less likely than at present that the 'hard core' of drinkers who remain out until the bitter end will be able to find food or transport.

4. Managers, particularly owner/operators, need their sleep as much as anyone else. They will not serve indefinitely to satisfy the demands of a minority of customers.

5. It will be nearly impossible to avoid the creation of a set terminal hour in any one location, as commercial imperative will ensure all venues seek to maximize their trading hours.

6. It is the view of BEDA's members that any condition placed on the premises licence seeking to limit operating hours to a time earlier than a competitor would be instantly appealed. BEDA's legal advisors believe such an appeal would be successful.

**3.10** If BEDA's arguments are valid, then the result of the reforms will not be the abolition of fixed closing times as the Government believes but rather the local setting of fixed closing times by the market rather than by Parliament.

**3.11** There is more evidence concerning the effects of extending drinking hours by delaying closing

8 times (see below), and generally these tend to result in more problems or to delay their occurrence to a time when they are more disruptive and there are fewer resources available to deal with them.

**3.12** One reason for the inconclusive nature of the available evidence is that it can be difficult to isolate the effects of longer drinking hours when, as is often the case, these occur in the context of a growth in the number of outlets and hence in the numbers of people on the street.

**3.13** However, that much can be said with certainty. All our experience in the main urban centres of England, Wales and Scotland is that a growth in the numbers of licensed premises combined with longer drinking hours has resulted in a major growth in problems of crime, disorder and public nuisance which is greatly impairing the liveability of our urban centres and placing public services under intense pressure.

**3.14** Internationally, there is good evidence that the density of licensed outlets in a locality affects levels of crime and disorder, higher densities being associated with higher levels of problems.<sup>14</sup>

The Scottish Licensed Trade Association shares this view. The SLTA, which represents the majority of licensees in Scotland, is pressing for a halt to the granting of new licences because *'over-provision is leading to harmful levels of binge drinking among young customers...'*<sup>15</sup> It is ironic that what is being presented as anti crime and disorder legislation expressly forbids the new licensing authorities from addressing this aspect. The Guidance to be issued by the Secretary of State will state that the licensing authorities must not adopt 'arbitrary quotas' on the numbers of licensed premises.

#### **4 Who Will Make Use of the Extra Hours?**

**4.1** Probably most people would agree that it would be very desirable for the night time economy to become less youth dominated and more diverse. The problem is that the Government's plans go far beyond what it would be helpful to do to give a boost to greater diversity ( such as increasing pub hours sufficiently to allow theatre goers to have a drink after the performance), and also that it is simply unreal to suppose that there is a viable market for ordinary, social drinking 40 somethings to have a quiet drink and a chat at 3 in the morning.

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**4.2** The survey evidence suggests fairly strongly that extended drinking hours will appeal only to a relatively small segment of the population – probably around 20 per cent and very late hours to a smaller proportion still. Late night drinkers are likely to be drawn disproportionately from the young and heavy drinkers. A survey reported in *The Publican* found 18 –24 year olds the age group most likely to say that they will buy more drink when hours are extended.<sup>16</sup> The NOP survey found that those exceeding the "sensible limits" were twice as likely as 'sensible drinkers' to say they would make use of extra drinking hours.<sup>17</sup>

**4.3** BEDA suggests<sup>6</sup> that compared with daytime and early evening drinkers, late night drinkers, on whom the viability of late night premises will depend, tend to:

- consume more alcohol;
- be younger and less experienced drinkers;
- be targeted by drugs dealers attempting to operate in licensed venues;
- behave more noisily and in a disruptive manner;
- move between venues in larger and more boisterous numbers;
- engage in acts of vandalism and public disorder;
- compete, sometimes aggressively, for the attentions of the opposite sex;
- be more likely to exhibit aggressive and violent behaviour.

#### **5 The Evidence from Other Jurisdictions**

**5.1** The White Paper ignores completely the authentic scientific literature on the subject.

Generally, this finds that while increased hours of trading may not increase the overall level of

alcohol consumption (at least where alcohol is already widely available), they do increase the problems associated with consumption. A recent publication summarised the international research evidence as follows:<sup>18</sup>

- Increases in hours of sale are consistently related to increases in alcohol-related harm, including traffic injury, street disorder and violence.
- Later and longer hours for alcohol sales contribute disproportionately to heavier drinking and drunken behaviour.

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These findings are, of course, the exact opposite of what the Government is claiming.

## **6 Scotland**

**6.1** Even the alcohol industry's Portman Group report concluded that the Scottish evidence was "too ambiguous" to draw definite conclusions in regard to the effects of changes in permitted hours. Judged by the criteria selected by the Government itself for the Bill in England and Wales de-regulation has of course failed in Scotland.

**6.2** It is of interest that the only other reference cited in the White Paper, the Home Office report Alcohol and Crime: Taking Stock, states: "The Scottish experience of more liberal drinking hours appears to have worked well, changing the masculine binge drinking culture to a slower drinking, female-friendly environment."

**6.3** However, no evidence in support of this bizarre claim is given, and it is not explained why or in what way late drinking hours are necessary to make pubs more female-friendly.

**6.4** These highly unlikely and self-serving claims need to be seen in relation to the reality of the Scottish National Strategy on Alcohol Misuse which focuses on what is clearly an epidemic of binge drinking, especially among women.

**6.5** In Edinburgh, the Safer Edinburgh project team concluded that the liberalisation of the licensing law had gone too far, "meeting the interests of the licensed trade and a small section of the drinking public at the expense of the wider community". Part of the problem was that lack of a uniform closing time resulted in considerable numbers of people wandering homewards through the city centre throughout the night. The random incidents that occurred in consequence led to police resources being over-stretched.<sup>18</sup>

**6.6** A reduction in late night drink-related violence and disorder emerged as one of the main priorities of the Safer Edinburgh Project. Statistics provided by Lothian Police<sup>19</sup> show that substantial improvements resulted from the re-imposition of restrictions on late night opening and the reintroduction of zone closing, ie set closing times in a specified geographical district.

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## **7 Ireland**

**7.1** In Ireland, A & E consultants and the Garda have both expressed their dismay at an epidemic of late night street violence, and extra Garda have been allocated to deal with it. The rise in late night disorder and violence is being attributed to the extension of licensing hours that was introduced in 2000. A recent newspaper report comments: "When pubs closed at 11pm in winter and 11.30pm in summer, gardai and A&E staff would have a lull between 2 and 6am. Now the violence continues all night." We are informed by a source in the Irish Government that this increase in disorder and violence has ruled out any possibility of 24 hour licensing being introduced in the Republic for the foreseeable future.

## **8 The Netherlands**

**8.1** Disappointed by the failure of the Scottish evidence to prove the benefits of de-regulation, the authors of the Portman Group report asserted that "the Dutch experience with 'free closing' [provides] a more realistic basis for assessing the potential effects of changes to the licensing law in England and Wales." These experiments in 'free closing', it is claimed, "had, with only a few exceptions, been very encouraging and had now, in most towns, become common practice."<sup>7</sup>

**8.2** This statement is untrue. The actual case is that around 4 out of 5 Dutch towns retain a system of permitted hours, and other controls on licensed premises are rather tougher in the Netherlands than the Government plans for England and Wales. No hard evidence is available to show whether or not free closing has improved the situation as the necessary figures have not been collected or recorded.<sup>20</sup>

## **9 New Zealand**

**9.1** The 1989 Liquor Act greatly liberalised the licensing law and allowed 24-hour opening. The main effects of the reform were the exact opposite of those expected on the basis of the claims of the British Government.

It was found that later drinking hours caused **increased** alcohol problems, especially in town centres. The police argued that staffing levels were no longer sufficient to police the late hours, and that alcohol problems were taking them away from other work especially between 12 am -

4 am when they were having to deal with town centre drunks instead of dealing with a spate of burglaries.<sup>21</sup>

**9.2** The evaluation of the Act sums up the main elements of the picture:

- Late closing and last closing premises were those most likely to require policing, and problems have subsequently been reduced by cutting back their hours of trading.
- Premises that opened later than others in an area attracted 'migrating' drinkers, with increased street disorder.
- Licensing liberalization was identified as one of the factors explaining a rise in binge drinking by teenagers.

**9.3** In view of the standpoint of the Chief Police Officers in England and Wales, there is some irony in the fact that, in the evaluation of the Act, it was the police who expressed the greatest dissatisfaction with 24 hour drinking hours.

**9.4** A police officer is quoted as saying:

*"We don't have staffing numbers to cope with the amount of disorder. We did some statistics for the first six months of this year and between midnight and 4.00 am 50% of the offending was by persons affected by alcohol ... We're having a lot of burglaries in those early hours of the morning and we cannot devote staff to protecting property whilst dealing with intoxicated persons in the central town."*

Also:

*"The increased drinking hours do bring with them increased problems within our central city in particular and I think it's something that's happening in a lot of major centres... street disorder and that type of behaviour that alcohol abuse induces... people smashing plate glass windows and urinating in doorways and vomiting in doorways and that type of thing."*

**9.5** Police respondents also reported more arrests of drink drivers in early daylight hours following later drinking hours.

**9.6** There was considerable opposition by local residents to very late drinking hours because of anticipation of an increase in street disorder and vandalism in the early hours of the morning. This was expressed through attempts to oppose individual licences and renewals and to establish early closing times through planning permits, Council policy or establishing the sale of liquor as a conditional land use in District Plans.

**9.7** The Liquor Licensing Authority now appears to have moved away from granting 24 hour drinking hours towards a standard closing time of 3pm in urban areas. A closing time of 11pm in residential areas is usually set in District Plans, under which planning consents are obtained prior to licence applications.

## **10 Australia**

**10.1** Australia is also some way ahead of England and Wales in regard to late trading and the deregulation

of closing times. By the mid 1990s, very late hours of on-licence trading were causing concern in New South Wales and Queensland, and 24 hour licensing was being cut back in the Australian Capital Territory (ACT).<sup>22</sup>

**10.2** Ironically, the change of policy in ACT occurred because of increases in the very problems that the British Government insists that de-regulation will prevent – increased drunkenness, disorder and violence in the inner cities.

**10.3** In Perth, the results were similar:

- violent and sexual assaults more than doubled in and near late night trading hotels and clubs, compared to violence levels at liquor outlets trading normally,
- drivers leaving hotels trading normally were 31% less likely to have a serious car accident than drivers leaving hotels trading beyond midnight,
- sales of alcohol increased significantly in premises where late night trading was allowed,

- late night trading postponed or delayed alcohol related violence, road crashes and other accidents until after midnight when police and emergency services were more expensive and less able to cope with the increased demand.

**10.4** In releasing the findings, Professor Tim Stockwell said:

*"This research clearly demonstrates that late night trading costs the community through increased crime, injury and increased use of expensive emergency services. Not only is this finding consistent with other research conducted in Australia, it also explains why most Australians are opposed to extended trading hours."*

**Andrew McNeill**

## **December 2002**

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