



Crime & Disorder;  
binge drinking and  
the Licensing Act

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## IAS Occasional Paper

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## Introduction

This paper provides a critique of the assumptions underlying the Licensing Act 2003 and the claims made for the allegedly beneficial effects of the Act in regard to reducing the problems of binge drinking.

Contrary to the Government's claims, there is no convincing evidence that extended drinking hours or staggered closing will reduce binge drinking or drunkenness. The evidence gathered by the Home Office does not support the claim that the present system of permitted hours is even a minor, let alone the principal cause of binge drinking. Evidence from other jurisdictions suggests that drunkenness may be increased by later trading hours.

Staggered closing may sometimes reduce the problems of the mass evacuation - of crowds of people all leaving licensed premises at the same time,- but the Licensing Act contains no mechanism for bringing it about. Indeed, the Guidance issued by the Secretary of State on the operation of the Act explicitly forbids policies to ensure staggered closing. As the Association of Chief Police Officers have stated:

*'Extending hours will not normally stagger hours and has the potential to lead to increased anti-social behaviour and costs for the Police service and Local Authorities. Local Authorities and the Police must have the final say in opening hours of licensed premises in their locality.'*

As time has gone on, opposition to the new Licensing Act, due to come fully into force some time in late 2005, has grown rather than lessened. Presumably, this is partly due to the kind of evidence presented in this paper becoming better known, evidence which the Government has so far failed totally to rebut.

On 28 December 2004, speaking on the BBC's Today programme on Radio 4, Sir John Stevens, the retiring Metropolitan Police Commissioner, said that the move to 24 hour drinking should be slowed down, as longer hours would stretch police resources and encourage binge drinking. Sir John said that he and others in the police would be petitioning the Home Office about the issue.<sup>1</sup>

At the turn of the year, the Royal College of Physicians warned that 24 hour licensing would increase violence and alcohol-related health problems.<sup>2</sup>

### 1 The Government's Claims

- 1.1 A principal aim of the Act, and virtually its sole non-commercial objective, is a reduction in crime and disorder. The White Paper 'Time for Reform' which announced the changes, 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 No evidence in relation to the speed or volume of consumption in the period before closing time compared with other periods has ever been presented. However, Labour MP Jane Griffiths, chairwoman of the All Party Parliamentary Group for Beer, wrote:

***"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>3</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

These claims are repeated in the Regulatory Impact Assessment, and the Guidance to be issued by the Secretary of State in regard to the operation of the Act.

1.5 The Government also puts forward a third reason why its reforms 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.

1.6 It should be noted that these claims are being made in the context of the huge expansion of the night-time economy, and increasingly extended drinking hours, that has occurred under the old licensing regime, and which is causing so many problems that even some of the original advocates of the 24-hour city are now having second thoughts.

1.7 For example, it is reported that Manchester City Council is to review its all-night entertainment strategy "amid fears revellers are costing the taxpayer millions in health care and policing."

1.8 The move is being led by Councillor Pat Karney who played a major role in promoting the 24 hour concept, but who now believes the experiment has failed "because British attitudes towards drinking are too immature." He claims drink companies have preyed on youngsters and that licensees have encouraged binge drinking by ripping out seats and packing in customers. He said:<sup>4</sup>

"I want to re-examine the 24 hour city concept. I dreamed it up years ago but the fact is we do not have mature attitudes towards alcohol. To see young people completely hammered when there are still four hours before the clubs close shows things have gone wrong."

1.9 In an editorial<sup>5</sup> the Manchester Evening News asks "Has this city completely lost the plot?" and comments:

"The promotion of Manchester as an English equivalent of Barcelona or Milan was brimful of good intentions.....But there are times when it's depressingly apparent that we've not become Barcelona or Milan – neither regularly sees 120,000 youngsters flock to the city centre with the express purpose of getting hammered - but some grotesque, contemporary version of a drunken wild West Town."

1.10 The most conspicuous feature of these comments is their total inconsistency with the

simplistic idea favoured by the Government that fixed closing times are the cause of all the problems.

## 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 attempts 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 at least the time of the Vikings, and thus for centuries before the present closing times were introduced.<sup>6</sup> Indeed, far from ushering in a pattern of excessive consumption, as Jane Griffiths claims, the introduction of the present closing times in fact interrupted that pattern, and was followed by the period of lowest consumption and drunkenness in our history, particularly among young men. The contemporary fashion of binge drinking did not really begin to take hold until the late 1980s – a phenomenon rather difficult to explain as being the result of measures introduced during the First World War.<sup>7</sup>

2.3 It is hardly unexpected for binge drinking to be a feature of a drinking style characterised by consumption as an end in itself and separate from food, '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. For example, it is reported that the growth of an 'Anglo-Saxon' drinking culture among Italian youth is resulting in increasing levels of binge drinking and associated disorder. The phenomenon is being attributed to the growth in the number of pubs and late-night drinking establishments. In consequence, in parts of Rome off-licence sales of alcohol have been banned after 10pm. In Padua, the authorities are applying pressure on bar owners to close early at weekends.<sup>8</sup> These responses are of course the exact opposite of those proposed by the British Government which appears to remain convinced that abolishing the system of permitted drinking hours will transform the drinking culture, do away with binge drinking and result in the British adopting Italian-style drinking habits.

2.5 Common features of youth drinking styles over much of Europe<sup>9</sup> include increasingly:

The importance of the 'buzz' or getting high. Drinking to intoxication is a central part of socialising for many 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 encourage 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>10</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”.*

- 2.7 A current innovation is the ‘speed drinking bar’, drink-as-much as you like drinking clubs offering unlimited alcohol for around £15. A specific prompt to such 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

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

- 2.8 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 explain,<sup>11</sup> 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 Act 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 Act, in advance of the Queen’s Speech, 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 Act was:

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

- 3.2 Similarly, the Home Office White Paper 'Respect and Responsibility – Taking a Stand Against Anti-Social Behaviour' contains the assertion:

***“There is evidence that flexible licensing hours lead to less binge drinking....”***

- 3.3 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 should be noted that the Government's claims are completely unqualified. The Government does not say that abolishing permitted hours may in some circumstances have beneficial effects. It does not concede that there will be any exceptions. It says that everywhere in England and Wales, irrespective of the circumstances, abolishing permitted hours will of itself produce significant reductions in binge drinking and drunkenness, in crime and disorder and in arrests.
- 3.4 For these claims to be convincing 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.
- 3.5 Nothing resembling such evidence has ever been produced. There was one moment when it looked as if some might appear. In his evidence to the ODPM Inquiry on the Evening Economy, then Home Office Minister John Denham referred to evidence gathered for the National Harm Reduction Strategy and based on focus groups with young people showing "that not having the closing time will affect the speed of drinking towards the end of the evening..."<sup>12</sup> Alas, this evidence does not in fact show anything of the sort.
- 3.6 Firstly, the focus group research simply elicited the opinions of 123 young binge drinkers, and their opinions do not provide the evidence required. It may be that carefully primed, a majority of the focus groups expressed the view that longer hours would reduce beat the clock drinking – although a minority is reported as suggesting that longer hours might actually encourage it – but the question is whether there is any evidence to say that this opinion is likely to be correct
- 3.7 Secondly, these comments about closing times are given as afterthoughts in reports, the principal conclusions of which are that "Young binge drinkers enjoy drinking alcohol and being drunk....Episodes of risk and disorder are often viewed as part of the excitement of getting drunk with friends...Getting drunk is an integral part of the social scene for these young people.."
- 3.8 In a similar vein, the evaluation of the project in Cardiff aimed at reducing alcohol-related violence and disorder, also published by the Home Office,<sup>13</sup> showed that some measures were effective but these had nothing to do with closing times. The evaluation makes the point that 'revellers typically begin drinking in the early evening in pubs and then move on to the larger clubs holding extended licences, staying into the early hours...'
- 3.9 Given that the Home Office reports describe how young binge drinkers go out with the intention of getting drunk, using various strategies such as beginning to drink at home before leaving, deliberately mixing drinks and drinking quickly in order to accelerate the process, the references to the evils of closing times are patently insincere, presumably being added as a bit of political correctness designed to please

the Home Office researchers. It is particularly noteworthy that in the earlier sections of the reports examining the causes of binge drinking, closing times do not warrant a<sup>12</sup> mention.

- 3.10 It is a remarkable feature of the Home Office Strategic Plan 2004-08<sup>14</sup>, that the section on reducing alcohol abuse states that Licensing Act 2003, when fully implemented in 2005, will include new powers to clampdown on crime and disorder, such as 'powers to reduce (pub) trading hours, temporarily or permanently'. However, there is no reference to the main feature of the Act, the abolition of 'permitted hours,' and the extension of trading hours up to 24 hours a day. This might be considered a somewhat odd omission coming as it does from a Government which argued ad nauseam that it was 'artificially early' closing times that were the cause of the crime and disorder problems, and that it was increased trading hours that were the solution. Presumably, the Home Office is not quite as confident that this will prove to be the case as the Department of Culture, Media and Sport. The element of the environment that is identified as contributing to binge drinking is, as BEDA suggested, "the array of available pubs, bars and nightclubs in a small space and the common pattern of going on a 'crawl' on a big night out." These factors were identified as contributing to those episodes of binge drinking that were not planned in advance. Closing times have nothing to do with it.
- 3.11 It is hardly surprising, therefore, that the reports show binge drinkers as being more rather than less likely than non-binge drinkers to patronise late opening venues. ie not to be constrained by the 'artificially early' 11pm closing time. If the Government's argument were correct it would, of course, be the other way round.
- 3.12 The "research" to which the White Paper referred was not an independent scientific study but a report produced for the alcohol industry which was already campaigning for licensing liberalisation.<sup>15</sup> Moreover, the report was published in 1992, before the major developments that have taken place in the alcohol market over the last decade. These include greatly increased licensed capacity in many city centres, the advent of the 'superpub' and the growth of 'theme bars' aimed at young drinkers.
- 3.13 It is not surprising that the Government has to rely for 'evidence' on an out-dated and biased report, as both the authentic scientific evidence and the experience of those actually involved in managing the late-night economy tends to suggest very different conclusions. For example, in his evidence to a licensing hearing, Chief Inspector N Wood of West End Central Police Station (London) states how the problems of drunkenness, crime and disorder have increased in the West End of London as hours of trading have been extended. *'The police concern is that there are already too many people leaving licensed premises, particularly after 1.00am, and any more will place an additional burden on the area and simply add to the existing crime and disorder ....there are grave concerns regarding the number of premises already open and the continued movement towards more and more premises remaining open until the early hours of the morning.'*
- 3.14 Similarly, an analysis of the criminal offences in relation to licensed premises in West End Central found that in 2000 the peak time for violent offences was 1.00am, and the report concludes *'crime in, and in the direct vicinity of, licensed premises is occurring at later hours due to extended licensing hours.'*<sup>16</sup>
- 3.15 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. However, there are exceptions. In January 2003 the then Licensing Minister, Kim Howells in a story ludicrously headed 'Extended hours could end binge drinking' was reported as saying that since liberalisation *"Scotland has seen a marked decrease in violent behaviour and binge drinking has reduced."*<sup>17</sup>



- 3.16 In February 2005, Health Minister Melanie Johnson stated: “The Department (of Health) supported the policy in the Licensing Bill to give more flexible powers to local authorities on licensing hours, in order to address the increasing problems of binge drinking and drunkenness. This advice was based in part on the positive experience of similar powers in Scotland since 1976.”<sup>18</sup>
- 3.17 Mr Howells’ and Ms Johnson’s conviction that thanks to extended drinking hours Scotland is now a much more sober and peaceful country than previously may however come as a bit of a surprise to its inhabitants.
- 3.18 In the absence of any indication by the Ministers themselves it is of course only possible to speculate on the nature of the evidence to which they would appeal in support of these assertions. However, there are two sorts of evidence available, in relation to the prevalence of binge drinking and trends in crime.

**Binge drinking:** The available data show that binge drinking is higher in Scotland than in England. In Scotland, 46% of men consume more than the maximum daily recommended amount compared to 38% in England. The equivalent figures for women are Scotland 30%, England 22%. Of course, these data derive from a snapshot at a particular time and do not provide evidence of trends.<sup>19</sup>

**Alcohol consumption by sex and region, 2000, Great Britain**<sup>19</sup>

Maximum daily alcohol consumption (units)

	Drank nothing last week	Up to four	Five to eight	More than eight
<b>MEN</b>				
England	25	37	17	21
Scotland	25	29	17	29
Great Britain	25	36	17	21
	Drank nothing last week	Up to three	Four to six	More than six
<b>WOMEN</b>				
England	40	38	13	
Scotland	41	29	18	
Great Britain	40	37	13	

*Notes: Adults aged 16 and above. Alcohol consumption levels are based on the number of units of alcohol consumed on the heaviest drinking day during the previous week, the ‘maximum daily amount. Data are weighted for non-response.*

**Crime:** In 1976, the year when Scottish licensing liberalisation began, there were 17 convictions for being drunk and attempting to enter licensed premises. In 1999, the number of convictions for this offence was 101. Over the same period the number of convictions for being disorderly on licensed premises or refusing to quit rose from 164 to 244.<sup>19</sup>

In regard to violent offences, during the period 1994-2003, offences of serious assault

rose from 6,705 to 7,549 and petty assault from 41,339 to 54,726 and breach of the peace from 65,514 to 76,663.<sup>20</sup>

- 3.19 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 Act.<sup>21</sup> (See below) In 2002, the Scottish Executive launched its strategy against alcohol misuse.<sup>22</sup> The strategy states that the main priorities are to reverse the current upward trends in regard to:

binge drinking  
harmful drinking by children and young people  
alcohol-related deaths, which increased by 180% between 1980 and 1999

- 3.20 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>23</sup>

- 3.21 Melanie Johnson's assertion quoted above regarding the (alleged) benefits of Scottish licensing liberalisation in tackling binge drinking contrasts rather strikingly with the statements made in the Policy Memorandum on the Licensing (Scotland) Bill introduced in the Scottish Parliament on 28 February 2005. This states that the trend of alcohol misuse has been rising over a number of years, with alcohol-fuelled violence and anti-social behaviour being *"a real and visible problem across Scotland"*. It also explains that the existing legislation - that Melanie Johnson thinks has been so successful in tackling these problems - *"does not have the capacity to address the current issues facing society today, such as our drinking culture, binge drinking, under-age drinking and the associated problems that these issues cause."*
- 3.22 It is a notable feature of the Scottish Bill that it includes some the main elements for which critics of the English and Welsh legislation, such as police and local authorities, lobbied intensively, but which are explicitly excluded from the Licensing Act 2003. These include empowering the licensing authorities to prevent overprovision of licensed outlets in an area, and to regulate closing times on the basis of the capacity of the local infrastructure to cope and the requirements of the local licensing policy.
- 3.23 Normally Government spokesmen prefer to hold up the examples of normally unspecified 'other European countries'. There have however been references to the alleged success of deregulation in the Isle of Man, Government spokesmen stating that de-regulation of closing times there was followed by a 40 per cent reduction in crime and disorder.<sup>24</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>25</sup>

- 3.24 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>26</sup>

- 3.25 Equally clearly, the Government's claims cannot 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.
- 3.26 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>27</sup>
- 3.27 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>11</sup> This is because:
- 3.28 Late night venues thrive on the atmosphere of a crowd. Whatever the system, people will still tend to arrive and leave *en masse*.
- 3.29 Licensees will not stay open beyond the point at which it becomes economically unviable, e.g. Operators of 2000-capacity venues will not remain open indefinitely solely to accommodate a couple of hundred people. 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.
- 3.30 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.
- 3.31 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.
- 3.32 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.
- 3.33 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.
- 3.34 There is more evidence concerning the effects of extending drinking hours by

delaying closing 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.

- 3.35 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.
- 3.36 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.
- 3.37 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>28</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>29</sup> It is ironic that what is being presented as anti binge drinking and anti crime and disorder legislation has little to say about the factor which, arguably, is the main cause of these problems.

#### **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.
- 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>30</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>31</sup>
- 4.3 BEDA suggests<sup>8</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.

- 4.4 Some support for BEDA's claims is provided by a Home Office study of drug use of clubbers.<sup>32</sup> This found that despite illegal drug use being an integral part of the clubber's lifestyle, at some clubs excessive alcohol use is a more pressing issue than illegal drug use. The survey found that most of the club-goers had drunk alcohol on the night of the interview and two-thirds of these met the criteria of hazardous consumption. A quarter of those who were drinking alcohol had consumed or expected to consume more than the weekly recommended limit for 'sensible drinking' in just the one night. There is no suggestion in the report that fixed closing times are in any way responsible for the heavy drinking characterising many clubbers.

## **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>33</sup> Increases in hours of sale are consistently related to increases in alcohol-related harm, including traffic injury, street disorder and violence.
- 5.2 Later and longer hours for alcohol sales contribute disproportionately to heavier drinking and drunken behaviour.

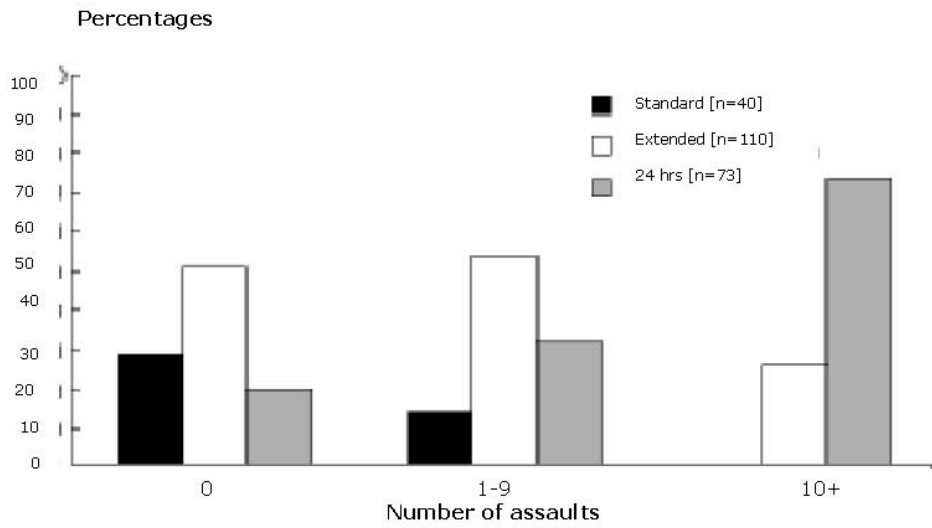
These findings are, of course, the exact opposite of what the Government claims.

## **6 Australia**

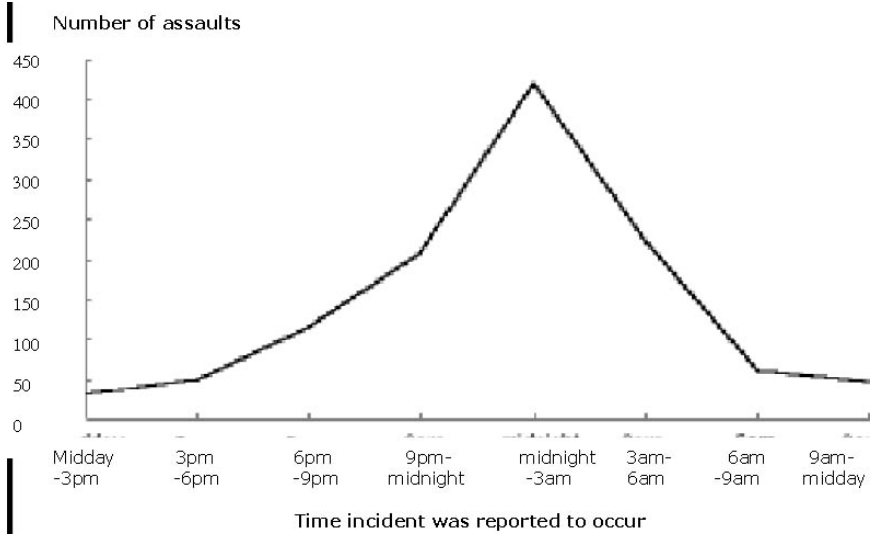
- 6.1 Australia is also some way ahead of England and Wales in regard to late trading and the deregulation of closing times. By the mid 1990s, very late hours of on-licence trading were causing concern in New South Wales and Queensland, and 24 hour licensing was being cut back in the Australian Capital Territory (ACT).<sup>35</sup>
- 6.2 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.
- 6.3 In inner Sydney, as well as other cities in Australia, it has been found that violent incidents occur disproportionately in premises with 24 hour licences.<sup>34</sup>
- 6.4 In inner Sydney, between July 1998 and June 2000 the number of incidents of assault on licensed premises increased markedly from 6pm onwards, peaking between midnight and 3am. Slightly more assaults on licensed premises occurred between 3am and 6am than between 9pm and midnight. This was despite the fact that fewer premises were operating after 3am, and thus presumably there were fewer people present. The increased levels of intoxication of patrons in premises with extended drinking hours is proposed as the likely explanation of this pattern.<sup>41</sup>

Percentage of hotels with extended trading hours by number of assault incidents on premises, inner Sydney.

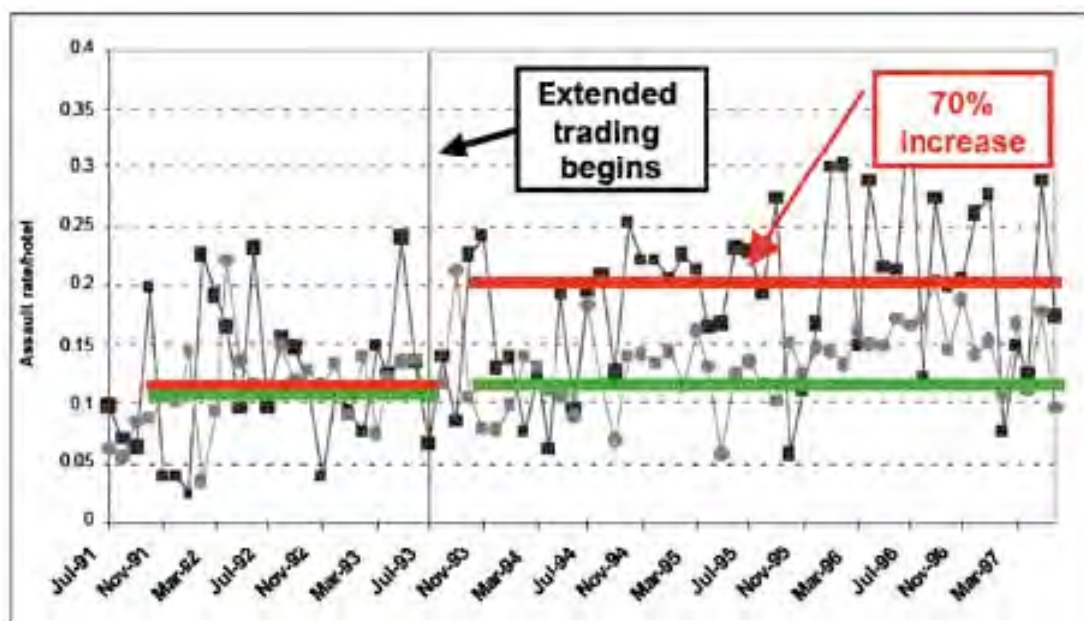
July 1998-June 2000



Number of assault incidents on licensed premises in inner Sydney by time, July 1998-June 2000



6.5 In Perth, the results were similar:<sup>35</sup>



Perth, WA: Assault rates for hotels that closed at 1.00am and those that closed at midnight

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.

6.6 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."*

6.7 In 2007, demands have been made for an end to 24 hour licensing. Professor Wayne Hall commented "Instead of acting on recommendations supported by independent research, state governments have adopted the paradoxical idea promoted by the (alcohol) industry that allowing drinking for up to 24 hours a day, seven days a week, will reduce binge drinking and public disorder."

6.8 Professor Hall was among those arguing for restrictions on hours of trading to cope with a 10-year increase in violent crime in New South Wales caused, it was claimed, by an increase in alcohol-related domestic assaults and fights at late-trading hotels.<sup>36</sup>

- 6.9 In October 2008, the premier of New South Wales, Nathan Rees, announced a raft of measures to combat the rise in alcohol-related crime and disorder. Mr Rees said the Government would introduce legislation to implement a freeze on all new twenty-four hour licenses. "New licensees will be limited to eighteen hour trading and existing licensees will have their conditions reviewed to improve safety at twenty-four hour venues."<sup>37</sup>

## **7 Iceland**

- 7.1 Between 1999 and 2000, the permitted hours for selling alcohol were experimentally abolished in the centre of the capital city, Reykjavik. The idea behind the experiment was to reduce the problems of the mass evacuation from licensed premises - the peaks of congestion and disturbance around fixed closing times - and it was also hoped to reduce problem drinking.

- 7.2 The results of the experiment were mixed but in the main adverse. On the positive side, the experiment did appear to succeed in reducing the numbers of people on the streets between 3am and 5am, to that extent easing the work of the police, and the workload at the local accident and emergency ward was also more evenly distributed through the night.

- 7.3 However, all other measured outcomes were negative:

Although the streets were less crowded between 3am and 5am, there were more people about at 6am when police manpower was at its lowest

Although admissions to the accident and emergency unit did not peak at the old closing time, there were an increased number of admissions overall, with increases of 23% for alcohol-related accidents and 34% for alcohol-related violence.

Overall the number of police call-outs increased 14%

The number of suspected drink-driving cases increased by 80%.

- 7.4 Nevertheless, the city council of Reykjavik decided to prolong the experiment for another year, until July 2001. However, towards the end of the period, the council abandoned the experiment and re-introduced fixed closing times. This change was made at the request of the police and the city centre steering group in response to reports of growing night-time problems in the city centre.<sup>38</sup>

## **8 Ireland**

- 8.1 In Ireland, A & E consultants and the Garda both expressed their dismay at an epidemic of late night street violence, and extra Garda were allocated to deal with it. The rise in late night disorder and violence was 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."

- 8.2 The crime statistics bear out that there has been an increase in public order offences since drinking hours have been extended.

- 8.3 The Irish Government has now rejected the idea of 24-hour drinking and the deregulation of closing times as 'unlikely to assist in combating alcohol-related harm' and as 'not in the public interest'. Indeed, in view of the increase in problems trading hours have now been reduced by one hour on Thursday nights.<sup>39</sup>



	2000	2001
<b>Section 4: Intoxication an a Public Place</b>	<b>14,687</b>	<b>17,805</b>
<b>Section 5: Disorderly Conduct in a Public Place</b>	<b>2,341</b>	<b>2,924</b>
<b>Section 6: Threatening, Abusive or Insulting Behaviour</b>	<b>14,251</b>	<b>15,718</b>

## 9 Latvia

- 9.1 In Valmiera in Latvia, starting in February 2000, permitted hours were introduced and it became illegal to sell alcohol between midnight and 7am. It is reported that despite some increase in the number of premises trading illegally, the overall crime situation improved and there were fewer problems involving young drinkers.<sup>40</sup>

## 10 The Netherlands

- 10.1 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,<sup>13</sup> been very encouraging and had now, in most towns, become common practice.”
- 10.2 The actual case is that around 4 out of 5 Dutch towns retain a system of permitted hours, and that 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 in the minority of towns that have it as the necessary figures have not been collected or recorded.<sup>41</sup>

## 11 New Zealand

- 11.1 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>42</sup>
- 11.2 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.

11.3 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."*

- 11.4 Police respondents also reported more arrests of drink drivers in early daylight hours following later drinking hours.
- 11.5 There was considerable opposition by local residents to very late drinking hours because or in 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.
- 11.6 The Liquor Licensing Authority now appears to have moved away from granting 24 hour drinking hours towards a standard closing time of 3am 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.

## **12 Russia**

- 12.1 Levels of both alcohol consumption and homicide in Russia are among the highest in the world, the binge drinking of vodka providing much of the explanation of the link. A recent study concluded that, especially in relation to young males, one of the causal factors was the fact that "nearly round-the-clock availability of alcohol became common in the years following the dissolution of the USSR....". It is suggested therefore that restrictions on the availability of alcohol are an obvious means of reducing the problems, "begin(ning) with enforcement of closing times (or at least halting alcohol sales at a specific time) on stores that sell alcohol round the clock and on the omnipresent kiosks, especially at weekends."<sup>43</sup>

## **13 Scotland**

- 13.1 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 Act in England and Wales, de-regulation has of course failed in Scotland.

- 13.2 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."
- 13.3 However, no evidence in support of this bizarre claim is given, and it is not explained why it is necessary to extend drinking hours in order to make pubs more female-friendly. Presumably Scottish women only visit pubs after 11pm.
- 13.4 These claims need to be seen in relation to the reality of the Scottish National Strategy on Alcohol Misuse, which, as reported above, focuses on what is clearly an epidemic of binge drinking, especially among women.
- 13.5 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 overstretched.<sup>44</sup>
- 13.6 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>45</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.

## **14 Conclusion**

- 14.1 There is probably a consensus that the existing licensing regime needs to be brought up to date and that in modern circumstances there is a case for allowing more flexible trading hours. However, there is a difference between reasonable reform and rollicking irresponsibility.
- 14.2 In the absence of compelling supporting evidence, the complete de-regulation of closing times in the way the Government proposes constitutes a huge gamble which could have highly adverse consequences. There does not appear to be any fall-back position: if the abolition of permitted hours proves not to be as benign as the Government claims it will, what will the new licensing authorities be able to do to put matters right?
- 14.3 The question becomes more pressing as even former Licensing Minister Kim Howells appeared to become more cautious about the likely consequences of his reforms. In his evidence to the ODPM Inquiry into the Evening Economy, Dr. Howells conceded that "there is no absolute guarantee that the problems are suddenly going to evaporate and go away. Personally, I think it will take some years..."<sup>46</sup> The problem, as someone observed in another context, is that in the long run we are all dead.
- 14.4 A way forward, which would meet the needs of the great majority of the population would be, as the chief police officers recommend, to empower the licensing authorities and the local police to have the final say on trading hours on the basis of local needs and circumstances, including the wishes of the local population.

- 14.5 Another element of a reform package less reckless than that the Government proposes would be the retention of a system of permitted hours in the sense of a notional threshold, perhaps midnight, with special late trading licences being required for trading after that threshold.

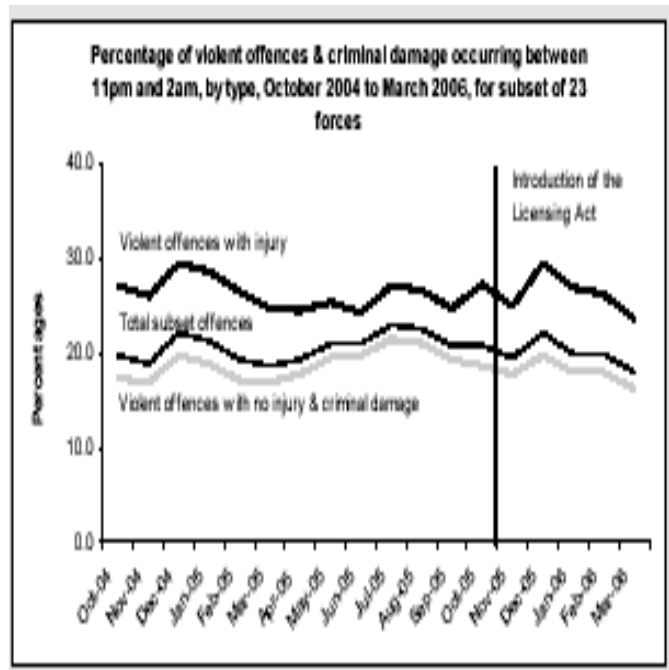
**Andrew McNeill 2 March 2005**

## Post Script

### 15 Licensing Act 2003 – the picture begins to emerge

- 15.1 As the Licensing Act proceeded through Parliament it became more and more controversial, with police and public health advocates among others expressing strong misgivings about its likely impact. The Conservative opposition attacked the new legislation as irresponsibly undermining the battle against crime and disorder. Some of the media also adopted a hostile stance towards the legislation, and forecast dire consequences following from its implementation.
- 15.2 The Government was thus forced into a defensive posture in regard to the Act, with ministers repeatedly having to rebut the allegation that the Act would exacerbate rather than diminish the acknowledged problems of 'binge drinking' and disorder on the streets. The first anniversary of the Act coming fully into force was therefore an occasion of considerable interest, with claim and counter-claim being made about whether the Act had been a success or a failure.
- 15.3 In fact, first impressions were that the impact of the Act was mixed: some police forces and local authorities reported an apparent increase in alcohol related crime and disorder, but probably more reported either no significant change, or a reduction.
- 15.4 Some Government spokesmen and spokesmen for the alcohol industry immediately hailed the new Act a great success on the basis that it had not unleashed the great increase in alcohol-related crime and disorder that had been feared or predicted by substantial bodies of opinion in the media, politics and public health. The argument that the Act had succeeded because it did not cause a huge increase in crime was of course rather different from the argument employed prior to the Act coming into force, which was that the abolition of fixed closing times would bring about a substantial reduction in crime.
- 15.5 The British Beer and Pub Association (BBPA), one of the alcohol industry bodies most closely involved in pressing for the new legislation, issued a press release entitled 'Whoops no apocalypse', stating that *"in contrast to the apocalyptic predictions of the doom and gloom merchants, the change in our licensing laws has not unleashed a free for all. Just as the pub trade has responded responsibly to reform, so people are behaving reasonably and rationally as it beds down. There has been no dramatic upswing in the amount we go out or how long we spend out"*.<sup>47</sup>
- 15.6 Predictably, the BBPA attributed what it claimed was an improved situation in regard to crime and disorder to the growth of more civilised and responsible drinking habits. It also pointed out that for the first time in six years national alcohol consumption had actually fallen since the Act came into force.
- 15.7 The Department for Culture, Media and Sport<sup>48</sup> concluded that while it was too early to draw any firm conclusions about the impact on crime, recent figures had showed encouraging signs, including:
- British Crime Survey interviews in the 12 months to June 2006 showed levels of violent crime to be stable.
  - Overall, the level of violence against the person recorded by the police showed no change in April to June 2006, compared with the same period in the previous year.
  - Within this category, more serious violence against the person recorded by the police from April to June 2006 fell by 13 per cent compared with the same period in 2005.

- 15.8 The Home Office also produced<sup>49</sup> the graph below, which is described as showing no indication of a rise in the overall level of offences or a shift in the timing of offences as a result of the change in the opening hours of licensed premises.



Source : Home Office

Later, Home Office Minister Rosie Cooper confirmed that the Government was undertaking a full evaluation of the impact of the Licensing Act 2003 on crime and disorder, to be published towards the end of 2007, and that interim results showed there had been no change in the overall volume or timing of offences following the introduction of the Act!<sup>50</sup> However, later information suggested that this statement was not altogether correct (see below).

- 15.9 Other data appeared to support the claim that the new Act was either neutral in impact or beneficial. For example, an analysis of admissions to Accident and Emergency departments in the Wirral found a significant reduction in admissions for assault coinciding with the introduction of the Licensing Act<sup>51</sup>.
- 15.10 However, the data were not consistent. The British Association of Emergency Medicine reported that Friday and Saturday night alcohol related Accident & Emergency attendances had simply been displaced later into the night as a result of longer hours<sup>52</sup>. The London Ambulance Service (LAS) reported that alcohol-related call-outs actually increased by 3 per cent in the year following the introduction of the Licensing Act, and that there was no indication of any change to the number of alcohol-related incidents occurring during the period 11pm to 2am, despite the Government's hope that the new Act would reduce the 'alcohol flashpoints' around the old closing times.<sup>53</sup>
- 15.11 The LAS reported in November 2007<sup>54</sup> that Alcohol-related 999 calls to the London Ambulance Service rose by 12 per cent in the capital in the previous two years. LAS figures showed that in the ten months between 24 November 2006 and 30 September 2007 the Service responded to 38,849 alcohol-related incidents, compared to 34,707 over the same period two years ago. Over the same period the overall number of incidents attended increased by three per cent. According to the figures, there was a two per cent increase in alcohol-related calls in the ten months following the introduction of the new licensing laws. However, calls then increased by

a further 10 per cent between 24 November 2006 and the end of September this year compared to that same period in the previous year (and against a two per cent increase in overall workload). This means that alcohol-related calls to the Service since the introduction of licensing laws rose at four times the rate of total demand. They now make up nearly five per cent of all 999 calls, a rise of nearly half a per cent on two years ago.

- 15.12 A study of accident and emergency admissions at St Thomas' Hospital, London found that there was a sharp increase in overnight alcohol-related admissions following the coming into force of the Licensing Act 2003. Comparing March 2005, before the introduction of the Act, with March 2006, after its introduction, the number of alcohol-related admissions increased from 79 to 250. The authors stated that the emergency department at St Thomas' was one of the largest in the UK, and is located close to the city centre where there were many licensed premises. They suggested that if the St Thomas' experience were reproduced in other inner city hospitals, the additional burden on emergency facilities would be very substantial.<sup>55</sup>
- 15.13 However, a comprehensive review of A & E admissions for violence-related injuries over the whole of England and Wales found a decrease of 2% in overall attendances in 2006 compared with 2005. This continued the downward trend in violence beginning around the year 2000. However, in 2006 there were variations by age and sex. There was an 8% reduction affecting females, but no change in violence affecting males. There were falls in violence affecting those aged 0 to 10 (21%) and those aged 31 to 50 (7%), but no other age-specific reductions. The researchers interpreted their data as providing little evidence that the Act had any significant effect on violence-related injuries. Thus, while, as they pointed out, their findings were not consistent with the hypothesis that the Licensing Act 2003 would increase violence, equally, they were not consistent with the government's claim that the Act would reduce violence.
- 15.14 In regard to other aspects of the issue, it may be significant that in 2005/6, following the introduction of the Act, there was a significant rise in the number of people reporting problems with people being drunk or rowdy in public places.<sup>56</sup>
- 15.15 As suggested above there is of course evidence that staggering closing times may indeed be helpful in reducing the problems of the mass evacuation, large numbers of people being ejected onto the streets all at the same time, with all the potential for conflict that that creates. To that extent, it is by no means impossible that the Licensing Act may indeed have had some beneficial consequences.
- 15.16 A Home Office study published in July 2007 reviewed the evidence in regard to trends in violent crime, disorder and criminal damage in 30 police force areas in England and Wales since the introduction of the Licensing Act 2003. The study, the first full evaluation of the impact of the Act, paid particular attention to the timing of offences during the day and night. The main findings of the report were as follows:
- The numbers of more serious violent crimes fell in the year after the introduction of the Licensing Act in November 2005 compared with the previous year, with the decreases occurring particularly in the evening hours before midnight. However, there was a non-statistically significant increase in serious crimes of violence between the hours of 3 am and 6 am.
  - A fall also occurred in less serious wounding offences in the year after the Act. The number of these offences had been rising prior to the Act.
  - There was an indication of some increase between the hours of 3am and 6am for each offence group, but the total offences in this time period account for only a very small proportion of the 24-hour total (four per cent in the year to November 2006).

- The rise from 3am and up to 6am was likely to partly reflect the change to opening hours of licensed premises and the increased numbers of people in a public place at these times, including the police, with greater resources being placed on the streets to deal with disorder.
- There was no overall percentage change in the number of assault without injury offences occurring in the night-time period in the year following the introduction of the Act for the 30 forces, though in this instance the overall figure for England and Wales indicated an estimated increase of five per cent. While the levels fell in the early evening, there was a rise in the early hours of the morning. This pattern of assault with no injury recording may have been influenced by the widening of the powers of arrest in January 2006.
- The numbers of harassment offences showed a rise in the year preceding the introduction of the Act, in part driven by the increased use of penalty notices for disorder. The increase continued after the Act came in and was greater for offences occurring in the night-time period than during the day.
- In the police force areas covered by this study, there was a small (two per cent) increase in criminal damage offences occurring after 9pm in the year following the introduction of the Act, even though overall criminal damage fell slightly (One per cent).<sup>57</sup>

15.17 As suggested above, the picture remains confused, though the Home Office evaluation of the Act does clearly suggest a displacement of crime and anti-social behaviour to later in the night. Moreover, to the extent that there has been some benefit, it is not at all clear that it is attributable to extending drinking hours, or indeed to the Act at all.

- In public debate about the Licensing Act, the difference it would make to trading hours tended to be exaggerated, the impression being fostered that the country would move from a situation in which almost everything closed at 11pm to one in which almost everything would trade up to 24 hours a day. This was however a wholly distorted picture. Extended hours of trading existed under the old licensing law, and relatively few premises, mainly supermarkets, opted for 24 hour trading under the new law. The actual difference in trading hours introduced by the new Act has therefore been rather more limited than the publicity preceding the Act implied.
- The Act did more than allow increased trading hours. As a result of intense pressure from local authorities and others, the Government amended the Act to allow local authorities to draw up local licensing policies and also to institute 'cumulative impact zones' – essentially designated areas of town centres where crime and disorder problems related to the night time economy were particularly pronounced and therefore requiring special powers to control licensed outlets. To the extent that there has been an improvement in regard to crime and disorder, longer term impact assessments of the Licensing Act may conclude that the improvement is attributable to these cumulative impact zones as much or more than to extended drinking hours.
- Just because the Government was alarmed at the prospect of the Act being seen to cause an upsurge in crime and disorder, it arranged for additional police resources to be made available. Two 'Alcohol Misuse Enforcement Campaigns' (AMEC) were launched to coincide with the introduction of the Licensing Act 2003 each costing £2.5 million, and the Government claimed that these were successful in reducing crime and disorder associated with alcohol and the night-time economy.<sup>58</sup> The authors of the Wirral research report were unable to distinguish between the effects of the AMECs and of the Licensing Act itself in reducing A&E admissions. The questions, of course, are what would have happened had these additional police resources been made available under the old licensing regime, and what will happen under the new Act now that they have ceased?



- It is reported that independently of the AMECs, some police forces have put in extra resources into policing the night-time economy since the new Act came into force. In Brighton, for example, it is reported that since the introduction of longer drinking hours double the number of officers patrol the city centre at night at an additional cost of £170,000, resources which have been diverted from other uses.<sup>59</sup>
  - The introduction of the Licensing Act prompted a wide range of policy initiatives at local authority level designed specifically to reduce alcohol related crime and disorder. In Enfield, for example, an alcohol strategy was implemented in April 2006, and there have already been significant improvements and achievements. These include a successful partnership activity for the football World Cup campaign that saw very few problems, and the reduction in alcohol-related crime in Enfield Town<sup>60</sup>. Again, the question is what, if anything, did deregulated closing times contribute to this improvement?
  - The introduction of the Licensing Act 2003 may have coincided with economic changes which might be expected to have significant impact on drinking behaviour, and thus on alcohol related crime and disorder. There is little warrant for attributing reduced alcohol consumption to the Licensing Act or to the growth in more responsible drinking habits as implied by the BBPA. The explanation of these changes is more likely to be found in a decline in disposable income resulting in alcohol becoming less affordable. While the precise figures remain to be calculated, in November 2005, the very month the Licensing Act came fully into force, Mervyn King, governor of the Bank of the England, explained that higher taxes, mortgages, rents and utility bills had reduced consumers' ability to spend on 'fun' items such as entertaining, food and drink.<sup>61</sup> There is considerable evidence to show that affordability is one of if not the principal influence on drinking behaviour. For example, it has been shown that reduced affordability of alcohol reduces binge drinking and alcohol-related violence.<sup>62</sup>
- 15.18 Finally, given the stated objectives of the Licensing Act in regard to reducing the binge drinking, particularly that allegedly associated with fixed closing times, and crime and disorder, future evaluations of the success or failure of the Act will need to take into account the perhaps rather surprising feature that on the main measures employed by the Government both binge drinking and violent crime were already declining before the new Licensing Act came into force. Figures from the British Crime Survey and Accident and Emergency admissions data suggest that violent offences peaked in 1995 and then declined. It may be of significance that this decline appears to have halted in 2005/6, the year the Licensing Act came into force<sup>63</sup> and to have increased in 2006/2007.<sup>57</sup>
- 15.19 Similarly, according to Government figures, the prevalence of binge drinking, having reached a peak around 2002, began to decline from 2003. It remains to be seen whether this decline will continue.<sup>64</sup>
- 15.20 The picture after the first two years of operation of the new legislation is thus somewhat confused and inconclusive. It seems that the cataclysm forecast in some of the more lurid newspaper headlines did not take place. On the other hand, there is little evidence to suggest that the Act is achieving its stated objectives of bringing about reduced 'binge drinking', crime and disorder. There is evidence that some types of crime may have increased since the Act came into force, and there is also evidence of crime and anti-social behaviour being displaced to later in the night. What improvements there may have been are probably attributable less to the deregulation of closing times per se than to the range of measures that accompanied the new Act, combined with substantially increased police resources, and to changes in the economy.
- 15.21 At the end of 2007 the media reported that Prime Minister Gordon Brown was minded to repeal some of the Licensing Act 2003 as part of his campaign against the binge

drinking culture. However, in January 2008 it is reported that Mr Brown 'will be forced to keep' the controversial Act as the review of its impact being conducted by the Department for Culture, Media and Sport, the Department which introduced the Act, is expected to conclude that the Act 'has not radically exacerbated' problems of binge drinking and associated crime and disorder, or indeed had any major impact at all in these areas.<sup>65</sup> This, however, is a rather different claim from that made originally, which was that extended drinking hours would have a major impact by bringing about significant reductions in binge drinking, drink-related offences and drunkenness.

**A McNeill January 2008**

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