

## **IAS Response to Drinking Responsibly: The Government's Proposals**

1 The IAS seeks to promote public policies to reduce the harm associated with alcohol products, and it is from this perspective that we approach this consultation document.

1.1 In summary, we regard the document as an unsatisfactory basis of policy. The principal proposal it contains is misconceived, confused and impractical. Taken as a whole, the proposals are attempts to answer the wrong questions, the explanation of this being, presumably, that the document was drawn up in haste as a panic reaction to the wave of criticism of the Licensing Act 2003 from the police, the medical profession and others that reached a peak at the start of the year. So far as we know, this is the first time any British government has been forced to seek advice on how to mitigate the worst effects of a piece of legislation before it has even come into force.

### **2 The Basic Idea**

2.1 The essential purposes of the proposals are stated to be a substantial reduction in the public disorder associated with excessive (“binge”) drinking<sup>1</sup>, and to change the drinking culture such that bingeing and ‘alcohol misuse’ become socially unacceptable.

2.2 These are of course precisely the changes that the Government has promised will be brought about by the Licensing Act 2003. The White Paper ‘Time for Reform’, the Regulatory Impact Assessment and many other Government documents all state that the abolition of the system of permitted hours will of itself bring about:

- *Significant reductions in reports of drink-related offences and in arrests for such offences*
- *Reductions in binge drinking and drunkenness on the streets*

2.3 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....*”

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<sup>1</sup> The document actually uses the word ‘eradicate’, but presumably this is not meant to be taken literally.

2.4 Ministers have repeatedly assured Parliament and the public that the abolition of fixed closing times will, over time, substantially reduce binge drinking and civilise the drinking culture. Out of a multitude of similar statements:

- Lord Davies of Oldham:

*“We believe the abolition of permitted hours will decrease binge drinking...”*

- Kim Howells: 18.11.02 written questions:

*“The (Bill) will discourage the culture of binge drinking before last orders, stimulate a more mature attitude towards alcohol consumption and help reduce public disorder...”*

- Richard Caborn 8.07.03 (BBC Newsnight):

*“All the evidence shows that the culture of binge drinking before closing time would actually go.”*

- Tessa. Jowell: PQ Oral Question. (Julie Kirkbride. 28.06.04)

*“Let me give her the endorsements that we have received of the case for flexible opening and its benefits as a way of tackling the increasing culture of binge drinking, especially among young people.....There are many reasons for moving to flexible opening hours, one of which is the advice of the police that that is one of the ways in which we can deal with disorder in our city centres. It is also one of the ways in which we can tackle binge drinking.”*

2.5 The contention that substantially increasing drinking hours will reduce rather than exacerbate the problems of binge drinking and associated disorder is, of course, highly controversial, not surprisingly as it is largely unsupported by evidence.<sup>2</sup>

2.6 The Government’s problem is that so few people believe that extending hours will produce the benefits claimed, the sceptics clearly including some of its own senior members. It is known that former Home Secretary, David Blunkett, warned the Prime Minister that “the plans for round-the-clock drinking were ‘a leap in the dark’ that risked ‘worsening the situation’ of violent crime and yobbish behaviour.”<sup>3</sup>

2.7 It seems that the present Home Secretary agrees with his predecessor about the likely consequences of the new Act. Speaking on BBC Radio<sup>4</sup>, Mr Clarke insisted that the problems caused by binge drinking were in fact unrelated to the extension of licensing laws.

*‘Whether pubs were or were not open 24 hours a day would not have an impact by itself - and this is not what the police think either - on the binge drinking issue.’*

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<sup>2</sup> Crime and Disorder, Binge Drinking and the Licensing Act 2003. IAS 2005

<sup>3</sup> Sunday Times 16.01.05

<sup>4</sup> BBC Today 13 January 2005

- 2.8 This statement flatly contradicts that of Tessa Jowell quoted above, as well, of course, as the statement contained in the Home Office White Paper, and perhaps this conflict of opinion has contributed to the ill thought-out proposals contained in the consultation document.

### **3 The Proposals**

#### **3.1 Alcohol Disorder Zones**

- 3.1.1 We can see no merit in the concept of the Alcohol Disorder Zone, which essentially represents a wholly misconceived way of applying the 'polluter pays' principle. Many people have proposed, in our view rightly, that the hospitality industry should pay a levy to help cover the extra costs its activities impose on public services such as policing. The problem with this proposal is that the levy is being defined as, in effect, a fine for bad behaviour on the part of rogue operators.
- 3.1.2 This necessarily raises a whole series of questions, some of them presented in the consultation document, concerning how such a system of fines could be equitably and justly managed, given varying degrees of guilt and innocence.
- 3.1.3 But if the problem is to do with rogue operators, then it should be addressed as such through the procedures laid down in the Licensing Act. The levy should be seen as not as some kind of penalty but as akin to the payments made by professional football clubs to offset the costs of policing on match days. On this basis, the questions raised in the consultation document become otiose.

#### **3.2 Under-Age Sales**

- 3.2.1 We agree with these proposals.

#### **3.3 Changing the Culture**

- 3.3.1 We have no particular comments to make on this section other than that it is devoid of any proposals for changing the drinking culture, and that the questions posed both relate to situations in which individual drinkers are dealt with in isolation by the criminal justice system, precisely the response that paragraph 1.6 of the consultation document points out is inadequate.

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February 2005**