

New Year's Eve Licensing Hours

Liquor Licensing Deregulation: Consultation on New Year's Eve Licensing Hours

A Response by the Institute of Alcohol Studies

1.0 Introduction

- 1.1 The Institute of Alcohol Studies is concerned with the prevention of alcohol-related problems and it is from this perspective that we approach the issue of New Year's Eve licensing hours.
- 1.2 In summary, we have no objection to extended drinking hours on the eve of the Millennium and subsequent New Year's Eves, provided civic disruption can be avoided and public services maintained. However, we believe that no convincing case has been made out for the present proposals, and that it is unwise to impose all night extensions of drinking hours on local communities. We also doubt that the system of restriction orders proposed will prove to be adequate.
- 1.3 We thus regard the Government's proposals as being against the public interest in their present form and in the absence of certain assurances in regard to public order and to the operation of public services over the New Year period.

2.0 The Need for the Measure

- 2.1 The Consultation Paper states that tens of thousands of licensees seek extensions to permitted hours for New Year's Eves, and that for the eve of the new Millennium virtually all licensed outlets will apply for extended hours. The Consultation Paper also states that processing such a large number of applications would place a significant burden on the courts and the police as well as on the licensed trade. We doubt both of these claims.
- 2.2 In regard to the supposed burden on the courts etc., our information is that licensing committees can decide policy on late night extensions for Christmas and New Year at the annual licensing meeting. There is nothing to stop them granting all night relaxations if they consider them appropriate. It is true that individual applications for extensions must be made, but we understand that where these conform to an already agreed general policy, processing them is a formality which does not amount to an undue burden. Applications can be made at any time after the policy has been decided at the annual licensing meeting: there is no need for all applications to be made at the last minute (1). Any burden on the licensed trade is presumably small compared with the benefits of being granted extended hours.
- 2.3 As the reasons for the measure given in the Consultation Paper are clearly bogus, we conclude, therefore, that in reality the Government is motivated not by a wish to ease an administrative burden but, rather, to deny local licensing committees discretion in the granting of all night relaxations. Presumably, this is out of fear that some committees at least may not consider them desirable. In our view, it would be greatly preferable for the Government to be honest about this and to give their reasons for wishing to deny discretion to licensing committees.

2.4 Secondly, and ironically in view of the above, it is by no means certain that virtually all licensed outlets will seek all night extensions for Millennium Eve. There are reports that 'crippling staff costs and the threat of damage by drunken revellers' may mean that some large brewers and other retailers intend to keep their premises closed on 31 December/1 January, while other premises will close before midnight. (2) Moreover, as the closure of a significant proportion of licensed premises would probably put extra pressures (crowding, for example) on those that are open and to cause additional problems on the streets, it is even more important, in our view, that through licensing committees, local communities retain control of the situation, greater control than will be allowed by a system of restriction orders.

1. Information supplied by clerks and justices for a number of petty sessional divisions

2. Cheers! The Millennium's Off. The Observer 10/1/99

3.0 The Main Issues

3.1 We are concerned that the Government's proposals, particularly its preferred option of a 36 hour drinking binge from 11 am 31 December, may have significant adverse effects on public order and on public services which are unlikely to be adequately controlled by a system of restriction orders.

3.2 Contrary to the mythology presently being constructed by the media, vested interests and some politicians, there is much evidence to suggest that extended or de-regulated nighttime drinking hours are by no means wholly benign but, rather, that they tend to increase crime, disorder and related problems, or at least to increase the difficulties of dealing with such problems at times when police and other public services' resources are at their most scarce. These problems can be considerably more serious than the 'noise and nuisance' referred to in the Consultation paper.

3.3 In New Zealand, de-regulated closing times resulted in increased alcohol problems, especially in town and city centres. In the evaluation report, police reported more arrests of drink drivers in early daylight hours following later drinking hours, and they complained that staffing levels were no longer sufficient to police the late hours, alcohol problems 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. (1)

3.4 In Perth, Australia, extending nighttime drinking hours was followed by violent and sexual assaults more than doubling in and near late night trading hotels and clubs, compared to outlets keeping normal hours, and 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. (2)

3.5 It was similar patterns of social disturbance in Scotland, following de facto de-regulation of closing times, that prompted the Scottish Office to demand better control of extended drinking hours in the late 1980's. The circular sent to the licensing boards stated (3):

"From recent representations to the Secretary of State it is clear that, in a number of licensing board areas, the proliferation of regular late night extensions is causing difficulty and distress to local residents and to police in the maintenance of order in the early hours of the morning out of all proportion to any benefit the community may derive from the grant of such extensions."

- 3.6 We are concerned that, barring the inadequate references to 'noise and nuisance' and restriction orders, this whole aspect of the issue is completely ignored in the Consultation Paper. Certainly, no grounds whatever are provided for believing that previous experience in the UK and elsewhere will not be repeated, and that 36 hours continuous drinking hours will not have adverse effects.

1. L Hill and L Stewart: The Sale of Liquor Act 1989: Local Perspectives. Alcohol and Public Health Research Unit. Auckland, New Zealand 1996.

2. T Chikritzls and T Stockwell. Evaluation of the Public Health and Safety Impact of Extended Trading permits for Perth Hotels and Night-clubs. The National Centre for Research into the Prevention of Drug Abuse. Curtin University of Technology.

3. Circular Number SHHD20/1988. Licensing (Scotland) Act 1976 Section 64(3) Regular Extension of Permitted Hours.

4.0 The Impact on Public Services

- 4.1 A particular cause of concern is the absence of any discussion in the Consultation Paper of the likely impact of extended drinking hours on public services. Indeed, the Consultation Paper only mentions one public service, the police, in relation to which it implies that the effects of the proposed changes will be wholly beneficial in regard to staff time and other resources.
- 4.2 Yet it seems inevitable that police resources are going to be stretched to the limit on the Eve of the Millennium. The Home Secretary himself has stated that 'All the problems of policing a typical New Year's Eve are likely to be multiplied several times' and that 'New Year's Eve 1999 will test police forces to the full'. He continued: 'Not only will police have to fully prepare to cope with official and unofficial celebrations taking place over the Millennium, but (in view of the 'Millennium Bug') the police have an important challenge to make sure their own computer systems and telecommunications systems continue to work normally.' (1)
- 4.3 In regard to police resources, it is reported that the Millennium Eve overtime bill for the Metropolitan Police alone is expected to be £12 million (2). This, presumably, is hugely more than the financial savings derived from not having to deal individually with each application for extended drinking hours.
- 4.4 Similar considerations apply to the hospital service, accident and emergency departments in particular. The burden of alcohol (and other drug) abuse on A & E departments is already large and disruptive in normal circumstances, especially at nights and at weekends. Concern has already been expressed by the NHS Executive that any problems caused by the Millennium Bug will occur when the NHS is also struggling to cope with staff shortages, these problems being 'compounded by the fact that managers believe the NHS will face unprecedented pressures and demand over the (Millennium Eve) holiday period'. (3)
- 4.5 There is also the matter of public transport. This, too, may experience problems caused by the Millennium Bug and staff shortages, and to the extent that it does, hundreds or thousands of revellers celebrating Millennium Eve will, presumably, be left either wandering the streets on foot or getting into their cars: either eventuality could have serious implications for law and order and road safety.

4.6 We make no claims to be able to forecast the future. We can only comment that the dangers of public services being stretched to breaking point are obvious and we are astonished that the Consultation Paper ignores them totally.

1. Police must be ready for the Millennium. Home Secretary. Home Office Press Release. 005/99 8th January 1999.

2. Cheers! The Millennium's Off. The Observer 10/1/99

3. Millennium Bug Bites NHS Staff BBC News 7th January 1999

5.0 Restriction Orders

5.1 The nearest the Consultation Paper gets to discussing these issues is in the section 'Necessary protection', which includes the proposal to provide a system of restriction orders.

5.2 Unfortunately, the social ills against which restriction orders are seen as a protection are defined far too narrowly in terms of noise and disturbance to local residents living in the immediate vicinity of individual licensed premises. It is possible that restriction orders may help to prevent problems of that kind, but it is difficult to see how they would provide a solution to the broader problems of civic disruption, possibly involving thousands of people milling around town and city centres, including non-residential areas. The precise locations of any social disturbances arising in such circumstances are unlikely to be wholly predictable in advance and also unlikely to be related exclusively to one individual licensed outlet.

5.3 Clearly, therefore, what is required is that the licensing justices be encouraged to operate a policy in relation to late night opening for whole areas such as town centres and the access routes to them. We do not see any great force in the objection that this could result in varying closing times in different parts of the country. In the first place, different areas do have different needs. Secondly, retailers' decisions and the operation of market forces mean that there will be some variations in any case, irrespective of how the law is changed.

6.0 Conclusions and Recommendations

6.1 Our view is that there is a perfectly good case for extended drinking hours on Millennium Eve and subsequent New Year's Eves. We are concerned, however, that there is considerable evidence that greatly extended drinking hours can jeopardise public order, public safety and public services, and that social protection needs therefore to be maintained.

6.2 For this reason, we believe that it is preferable that extended drinking hours continue to be seen as a privilege rather than a right, and are granted by those with direct knowledge of local needs and circumstances. In view of the fact that the Government is now seeking to impose 36 hours continuous drinking hours we believe, that the Government is under an obligation to provide assurances that these dangers will not in the event be realised.

6.3 Presumably, the Government is convinced that its proposals will not result, for example, in additional disturbances on the streets or seriously ill people not being cared for properly in Accident and Emergency Departments because of intoxicated (and often abusive) revellers putting undue strain on the system. It would clearly be helpful for the Government to publish the information, evidence and advice on which it has arrived at these confident conclusions. In view of the possible impact on the health service, this should be done by means of statements by the Secretary of State for health as well as the Home Secretary.

- 6.4 Even with such assurances, however, we do not believe that the proposed system of restriction orders will be adequate to control the potential problems. For the reasons given above, we believe that the licensing justices should be enabled to take a 'zonal' approach to late night extensions, and should not be wholly dependent on local residents anticipating noise and disturbance from individual pubs and clubs. We believe a stake holder approach should be employed. Helping to make proper arrangements for extended drinking hours on New Year's Eves should be one of the tasks of the local partnerships against crime that the Government is commendably promoting, but which are ignored totally in the present proposals. We also believe that NHS Health Trusts should be able to have their views taken into account by the licensing justices.
- 6.5 For these reasons, we believe that the present arrangements (Option 1) are the most appropriate, perhaps with some modification to facilitate the local community-based approach recommended above.

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