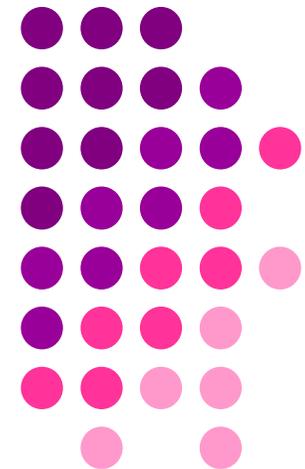


Alcohol Law Enforcement: What Works? What's Promising? What Doesn't Work?

Dr Phil Hadfield

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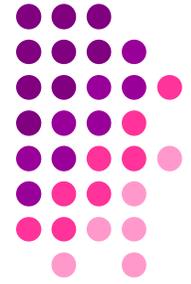


Overview of the International Research Evidence

1. What are the main approaches to alcohol law enforcement?:
2. What Works?
3. What's Promising?
4. What Doesn't Work?



Alcohol Law Enforcement: Proactive and Reactive Elements



The Policy Mix

- Influencing supply and demand (legal framework to control availability-times and places, pricing and advertising); attempts to influence social norms and drinking practices – Per Capita Consumption and drinking styles.
- Achieving compliance – Self-regulation, formal sanction, ‘partnership’ with industry

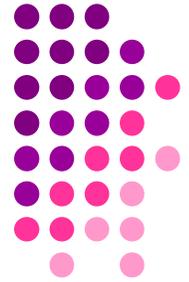
What Works?

- Increasing the cost of alcohol
- Restrictions on outlet density
- Restrictions on hours of sale
- Lower legal blood alcohol levels for driving
- Identification and Brief Advice programmes

These approaches are supported by a convincing body of research and evaluation internationally



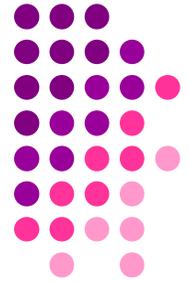
What's Promising?



- Sustained **regulatory action** on server / management responsibility, backed by flexible, graduated sanctions.
- **Infrastructure** to support the Night-time economy – effective and secure public transport, cultural events programmes to activate street life and increase social mix.
- **Third-party policing** / outreach work/ emergency health care (increases presence of capable guardians).

These approaches show promise in the ‘grey’ literature but require systematic evaluation

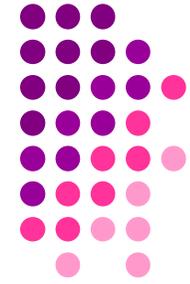
What Doesn't Work?



- **Voluntary** 'Codes of Practice' for licensed premises and place-marketing for nightlife areas.
- **Single-issue** initiatives (eg police dispersal powers / summary fines can see displacement and repetitive action against the same individuals)
- **Short-term** initiatives (for example, on server responsibility, or low-level street disorder)
- Educative campaigns targeting at young adult revellers

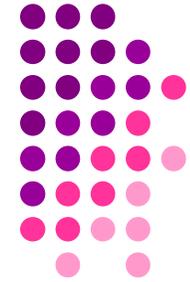
These approaches show very limited or negative outcomes in the research literature

Barriers to the Effective Enforcement of Alcohol Laws



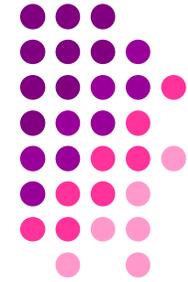
- **Legal wording** of the legislation (eg. in England server must ‘knowingly’ serve to drunks)
- **Lack of resources** / political will / ‘champions’
- Concerns that enforcement will **damage relationships** with industry ‘partners’-often on-going, one-to-one relationships.
- **Sympathy** for low wage bar staff
- A belief that **self-regulation** can be effective – ‘if only it can be done properly’
- Fear of expensive, complex **litigation** – is the licence/permit regarded as the property of the business?

Conclusion: The Need for Well-Informed Local Pragmatism



- The importance of **local** flexibility and sustained action within a wider national/regional legal framework
- Lack of evaluation to a ‘scientific standard’ need not impede local-level innovation
- **But**, Local data gathering/monitoring and intelligence is essential – substance choices, social scenes/norms, outlet densities, support structures etc. vary widely between and within cities.

Multi-Component Community-based Programmes



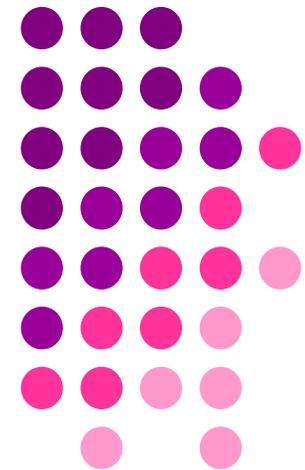
- **A strategic framework and theoretical basis for action;**
- **The identification of problems defined at local levels;**
- **A programme of coordinated action (projects) to address the issue based on an integrative programme design where individual interventions run in combination with each other and/or are sequenced together over time;**
- **Identification, mobilization and co-ordination of appropriate agencies, stakeholders and local communities;**
- **Clearly defined aims, objectives, indicators and measures of effectiveness for the programme as a whole (although individual projects or activities will also have specified aims, objectives and outcome measures);**
- **Evaluation as an integral part of the programme from the start;**
- **Sustained commitment, implementation, and development of the programme over a period of several years.**

Recent Research on Alcohol Enforcement in the UK / Some Successful Initiatives

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Overview

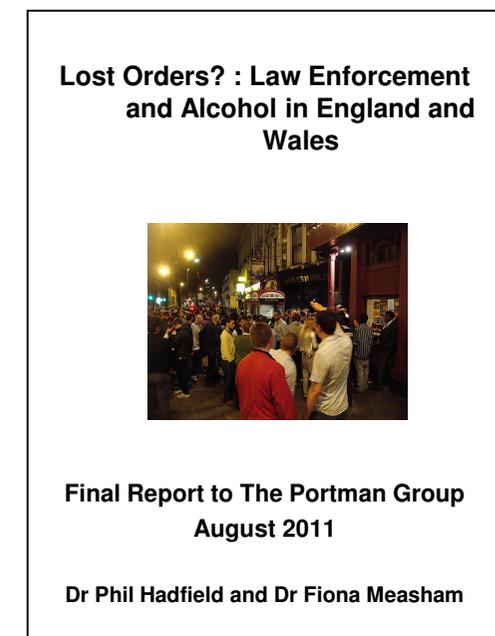
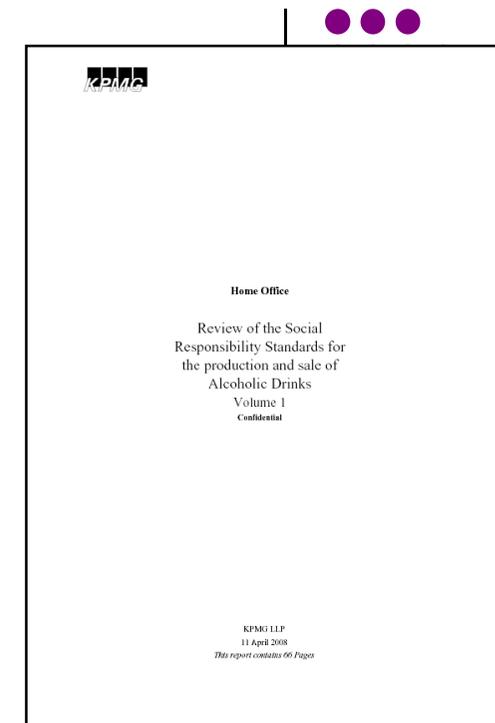
Drinking Trends (England and Wales)

Recent research

- Home Office/KPMG review of Social Responsibility Standards (2008)
- Portman Group study of enforcement of existing alcohol-related legislation (2011)

Successful Initiatives

- Licence Review (Westminster)
- 'Traffic light warning system' (Cardiff)



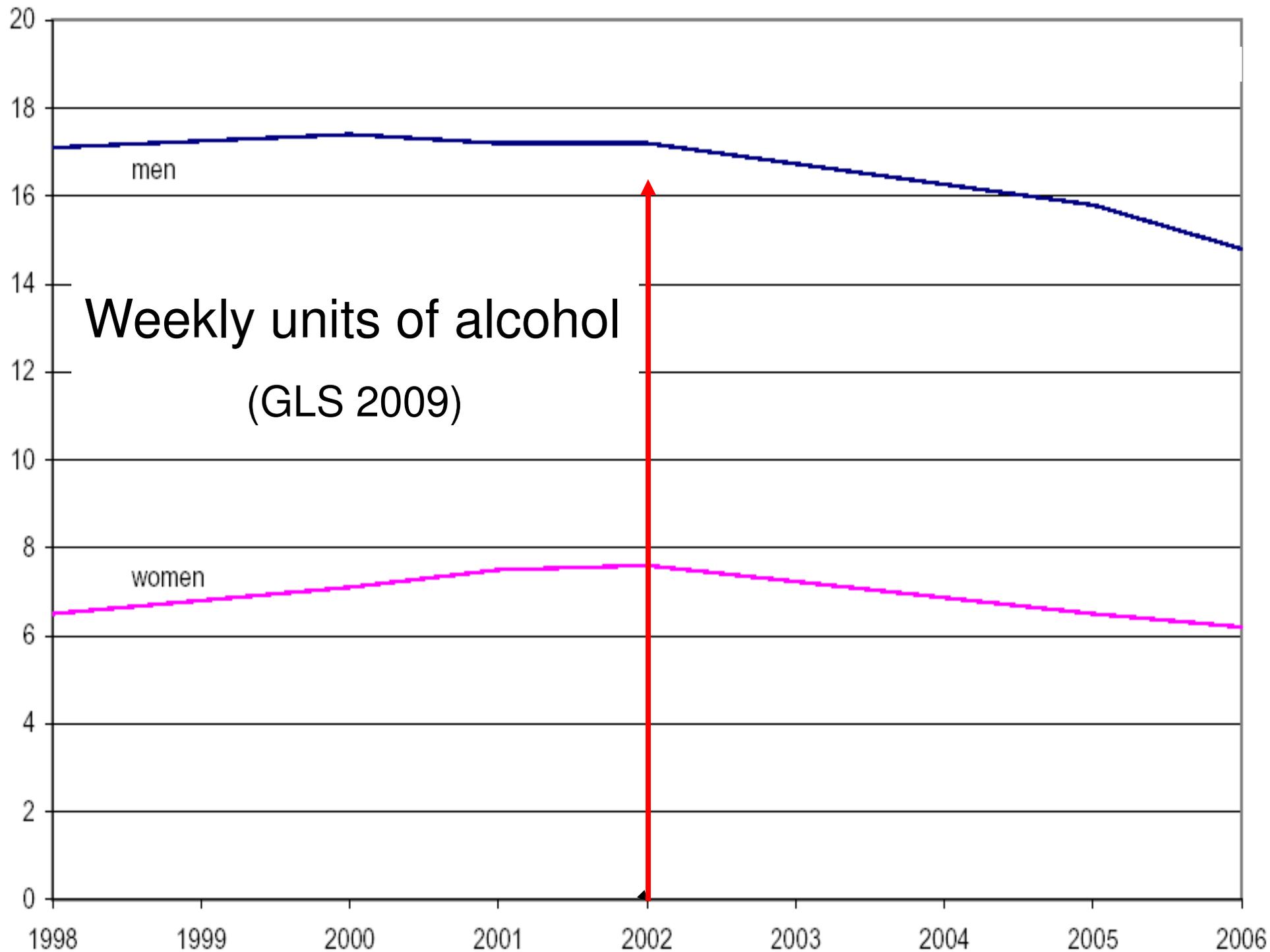
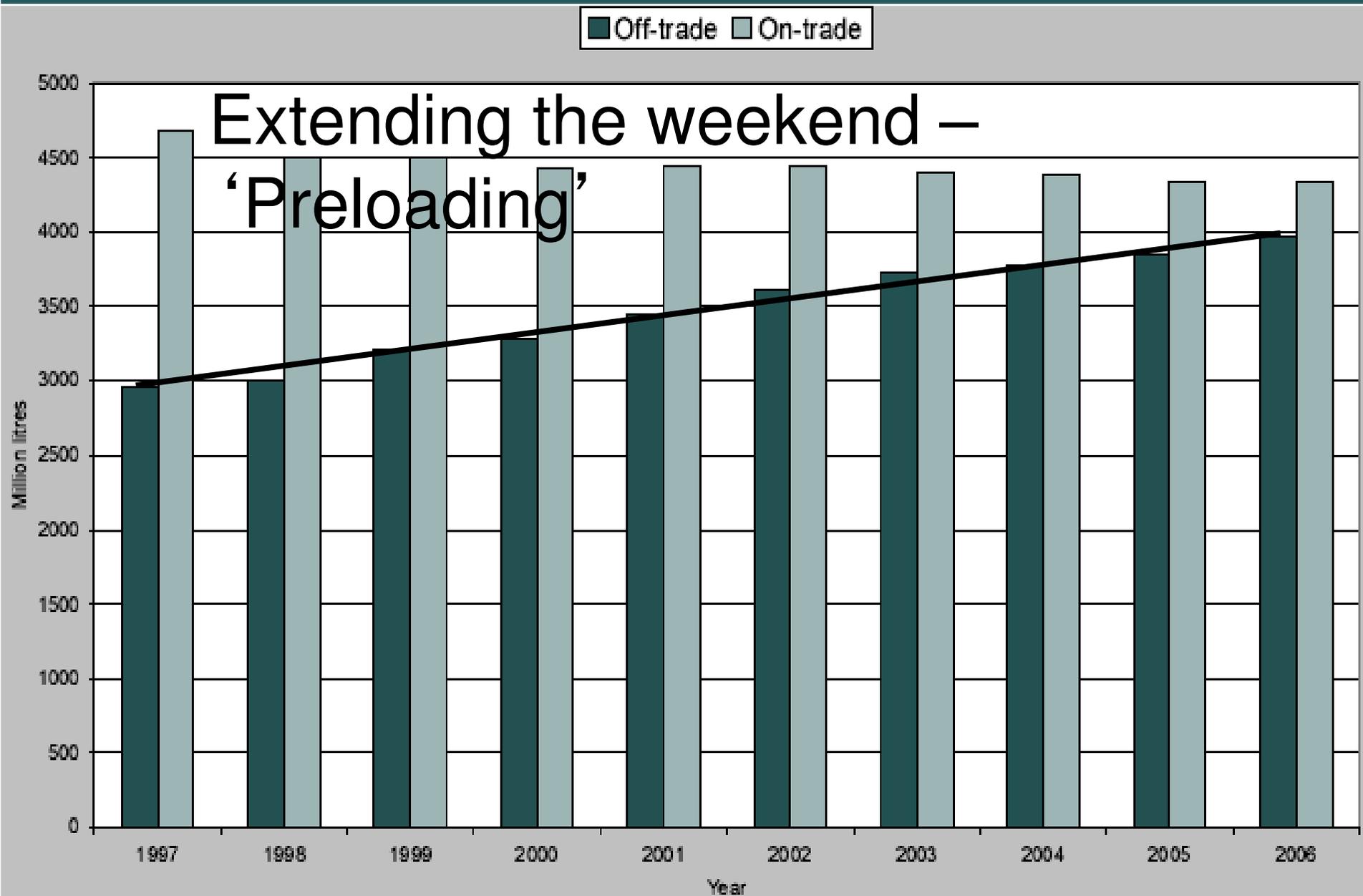
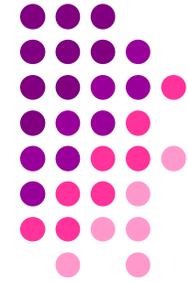


Figure 3: Sales of alcoholic drinks in the UK by volume

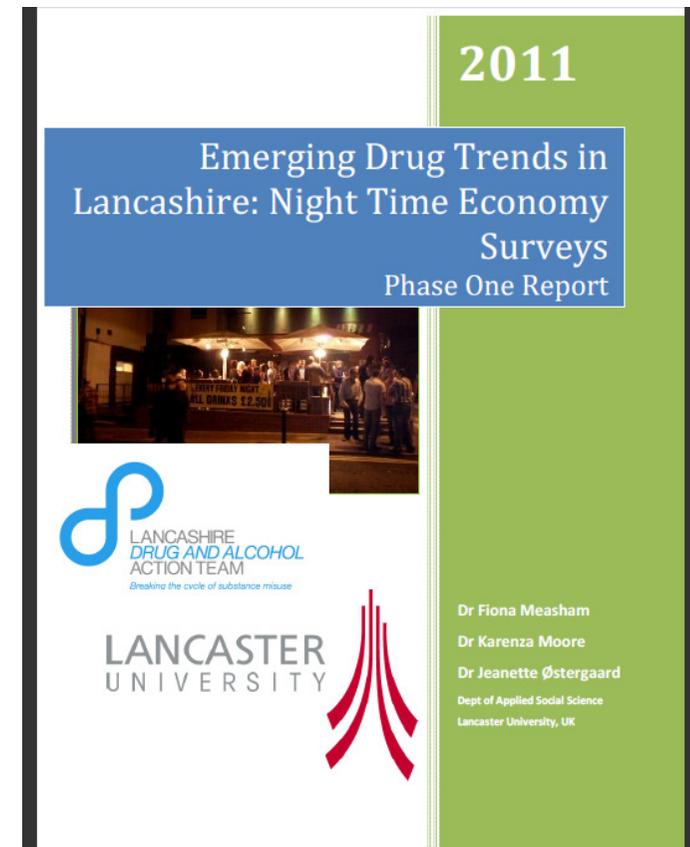


Pre-loading in Lancashire, UK (Measham et al., 2010)



- 58% had drink at home/friend's house before coming out
- Consumed an average of 8.1 units alcohol (by women & men) in 2.0 hours before coming out – about a bottle of white wine
- Pre-loading occurs more amongst women & younger drinkers

Also studies in London (Hadfield, et al., 2010) and Glasgow (Forsyth, 2010)



Home Office/KPMG (2008)



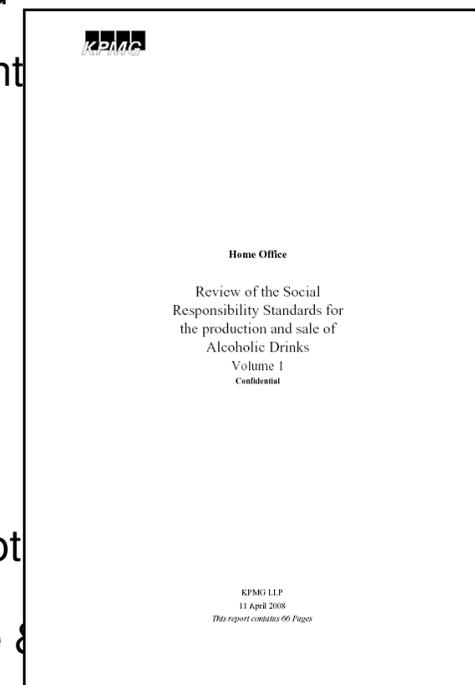
- Social Responsibility Standards launched Nov 2005 in conjunction with implementation of LA2003
- Team of 28 researchers conducted covert observations in nearly 600 premises in 8 locations across a 5 day period, to see if SRS adhered to & fit for purpose
- Negative: poor practices, re. promotions, serving intoxicated customers, glass & litter, particularly in on-trade town centre 18-25s ‘vertical drinking’ establishments
- Positive: age restrictions increasingly effectively enforced in on & off-trade; community pubs with inter-generational drinking & pub games
- → Mandatory conditions at national level (2010), with local government-led implementation



Home Office/KPMG (2008)



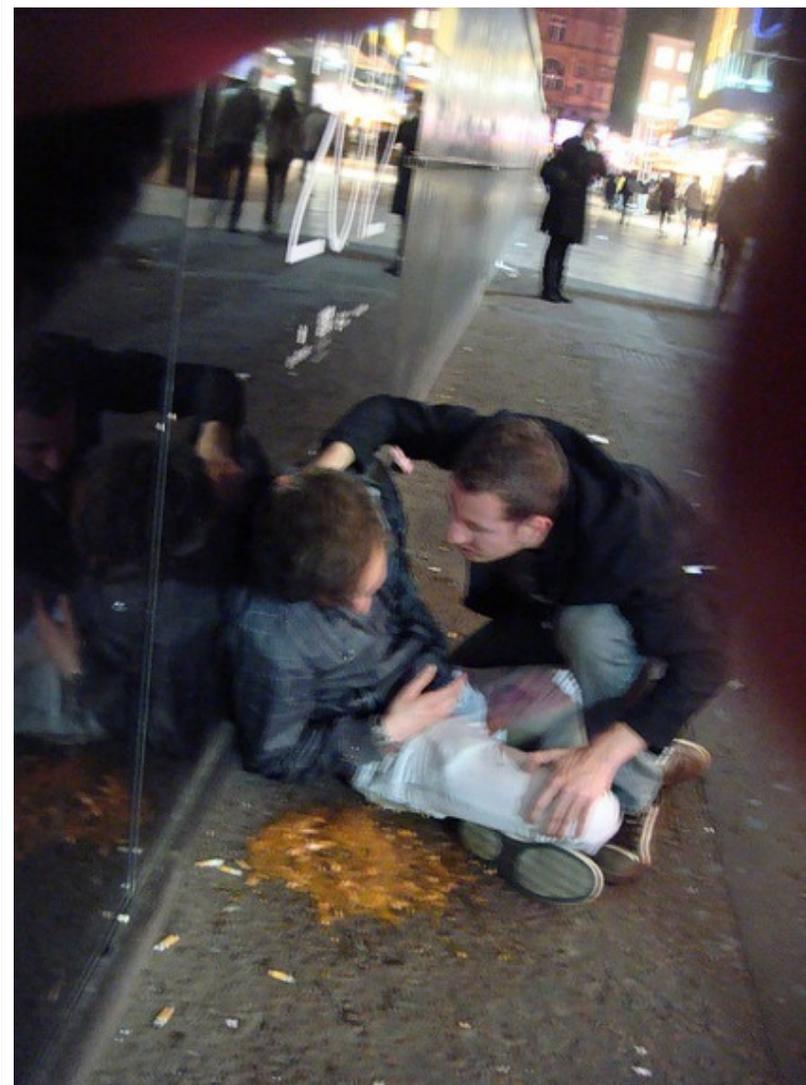
- SRS not consistently adopted. The commercial imperative generally overrode adherence eg. inducements to drink more & faster, allow under-age people entry to premises & serve intoxicated people;
- SRS had negligible impact in reducing bad practice or promoting good practice, lacked focus, confusing mix of regulatory & voluntary provisions, not cross referenced to LA2003 & inconsistent enforcement
- No evidence could be found of a direct causal link between SRS & a reduction in alcohol-related harm;
- In considering the way forward the following criteria are important:
 1. A new model should enhance the partnership approach between industry and non-industry stakeholders at national & local level;
 2. Industry requirements should be consistently nationally & locally enforceable & capable of independent external monitoring;
 3. Any non-statutory requirements on industry should have clear links to the legal framework for the industry;
 4. Any change to SRS should encompass all parts of the industry and not be limited to signatory members;
 5. Any future initiative should seek to put consumers in a knowledgeable & influential position to support responsible drinking;
- Suggested model based on local government approach working to national standards & conditions laid down by central government.



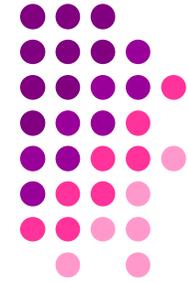
Legislative Powers and Sanctions Applied to the Consumers and Suppliers of Alcohol in England and Wales (November, 2012)



Nature	Type	Enabling legislation	Power / Sanction
Person-based	'Crime Prevention Injunction' (CPI) and 'Criminal Behaviour Order'	Legislation will be introduced in the form of a draft Bill and will be subject to pre-legislative scrutiny.	Civil orders used to exclude persons from public space, including night-time drinking areas. Soon to replace the widely used Anti-Social Behaviour Order (ASBO).
	Penalty Notices for Disorder	Criminal Justice and Police Act 2001 s.1	Summary fines which police and accredited persons can issue for a range of low-level disorder offences, often associated with the offence of causing 'harassment, alarm or distress' (Section 5 of the Public Order Act 1986)
	Drinking Banning Orders	Violent Crime Reduction Act 2006 s.1-14	A civil order excluding 'risky' individuals from licensed premises within a defined geographical area.
	Police confiscation of alcohol from under 18s	Policing and Crime Act 2009	From 29 January 2010 police no longer need to prove that an individual 'intended' to consume the alcohol being confiscated.
	Illegal alcohol purchases	Licensing Act 2003	To 'knowingly...obtain alcohol for a person who is drunk' is an offence under s142 of the LA2003. Prosecution of under-18s who have purchased alcohol and adults who have purchased alcohol on their behalf ('proxy sales') (offence of the 'purchase of alcohol by or on behalf of children' - s149 Licensing Act 2003.
	Directions to Leave a Locality	Violent Crime Reduction Act 2006 s.27	Police can require persons to leave a specified locality if that person is judged likely to contribute to alcohol-related crime and disorder.
		Policing and Crime Act 2009	Directions can now be issued to people aged 10-15 years



Place-based	Directions to Leave a Locality	Violent Crime Reduction Act 2006 s.27 Policing and Crime Act 2009	Police can require persons to leave a specified locality if that person is judged likely to contribute to alcohol-related crime and disorder. Directions can now be issued to people aged 10-15 years
	Underage Drinking in public	Policing and Crime Act 2009	Creates an offence for under-18s of persistently possessing alcohol in a public place and strengthens police powers in relation to the confiscation of alcohol.
	Dispersal Orders	Anti-Social Behaviour Act 2003 s.30-36	Police can exclude groups of two or more persons from a designated area, where their behaviour or presence is likely to be perceived by others as anti-social
	Designated Public Places Orders	Criminal Justice and Police Act 2001 s.13	Allows councils to identify public places in which the consumption of alcohol is prohibited and alcohol can be confiscated by the police
	Cumulative Impact Policies	Guidance to the Licensing Act 2003	Allows for a refutable presumption against the granting of new Premises Licences, or variations to licences, eg. so as to extend opening hours, within a given area
	Late-Night Levies	Police Reform and Social Responsibility Act 2012	Allows licensing authorities to design an action plan to remedy alcohol-related problems within a specified area with the potential for mandatory financial levies to be imposed upon licensed premises to pay for additional policing. This power replaces the un-utilised Alcohol Disorder Zone.
	Early Morning Restriction Orders (EMROs)	Police Reform and Social Responsibility Act 2012	An EMRO enables a licensing authority to prohibit the supply of alcohol from premises (including the supplies authorised by a temporary event notice) between midnight and 06.00 in the whole or part of its area. The order can apply every day or on specified days, and for a limited or unlimited period
	Licensing Conditions	Licensing Act 2003	Allows licensing authorities to specify how premises will be run, including the required introduction of various crime prevention measures
	National Mandatory Licensing Conditions	Policing and Crime Act 2009	Bans certain types of drinks promotion Licensed premises must offer free tap water Licensed premises must offer small measures (125ml of wine, 25ml or 35ml spirits)



Slide 18

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Philip Hadfield, 03/11/2012

Venue-based	Licensing Conditions	Licensing Act 2003	Allows licensing authorities to specify how premises will be run, including the required introduction of various crime prevention measures
	National Mandatory Licensing Conditions	Policing and Crime Act 2009	Bans certain types of drinks promotion Licensed premises must offer free tap water Licensed premises must offer small measures (125ml of wine, 25ml or 35ml spirits) Licensed Premises must have an age-check system in place.
	Licence Review	Licensing Act 2003 s.51 Policing and Crime Act 2009 s33	Allows a responsible authority or an 'interested party' to request a review of the licence conditions Amends the definition of "interested parties". s13(3) Licensing Act 2003 to include all members of local authorities that are also licensing authorities, so that elected councillors of the licensing authority can now make representations or seek a review in their own right.
	Expedited/ Summary Licence Review	s53A of the Licensing Act 200, as amended by the Violent Crime Reduction Act 2006	Allows a quick process for attaching interim conditions to a licence and a fast track licence review when the police consider that the premises concerned is associated with serious crime or serious disorder (or both), in particular (but not exclusively) the use of guns and knives. The licensing authority to respond by taking interim steps quickly, where appropriate, pending a full review
	Licensing Enforcement Powers	Licensing Act 2003 Pt. 7 Policing and Crime Act 2009	Section 147A restates the offences of supplying alcohol to an under-18. To 'knowingly sell or attempt to sell alcohol to a person who is drunk' is an offence under s141 of the Licensing Act 2003. Part 7 of the LA2003 allows authorities to check compliance by test-purchases. A premises licence holder is guilty of an offence if on 2 or more different occasions within a period of 3 consecutive months alcohol is unlawfully sold on the same licensed premises to an individual aged under 18

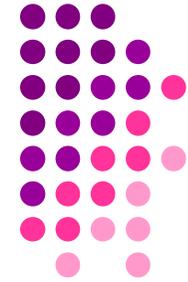




Closure Powers	Licensing Act 2003 Pt 8	Allows police to close temporarily certain premises, or all premises in a specific area, where there is actual or anticipated disorder, or to abate noise-related nuisance.
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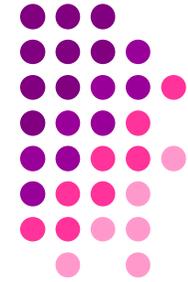
Portman Research 2010



- Legal compliance & corporate social responsibility, enforcement activities in E&W are directed at symptoms of *some* aspects of drinking culture & retail practice. Enforcement is necessary, but not sufficient, in that it is unable to address causes of unlawful or excessive demand;
- Law enforcement & regulation works best when embedded in community focused multi-component programmes that encompass broader approaches to harm reduction;
- Our research underlines the importance of allowing space within this framework for local innovation, with bespoke initiatives to provide ‘local solutions to local problems’ ;
- Effective community focused programmes involve partnership working between agencies, organisations & individuals, including formal statutory partnerships;
- The licensed trade had a clear interest in helping reduce alcohol-related harms because the side effects of excessive drinking could have a direct effect on working environments of staff, sustainability of businesses & relations with regulatory authorities;
- It is important that partners ‘buy in to the programme by making a sufficient investment of time, personnel & financial resources, requiring a clear understanding of symptoms & causes of alcohol-related harm locally & the necessary division of labour;
- Although some national multiple retailers bemoaned the variety of local interpretations of the licensing laws our data points to the inevitability and desirability of ‘local cultures of regulation’ .



Portman 2



- The necessity for regulatory and enforcement decisions to be made on the basis of evidence emerged as one of the strongest lessons from this research. Individual initiatives around alcohol enforcement at local & national level is rarely subject to formal scientific measurement & evaluation;
- In relation to certain offences, eg. underage drinking, proxy sales & serving of alcohol to intoxicated persons, we found a clear propensity amongst enforcement agencies to target alcohol suppliers rather than the consumers. Confusion was expressed about test purchase operations guidelines published by LACORS & HO;
- Our interviewees regarded the prosecution of *members of the public* for breaches of LA2003 to be too expensive & time consuming. Courts were seen as unsupportive of such prosecutions, fines would be minimal & resources required to obtain the necessary evidence for conviction were seen as disproportionately great;
- The issue of imposing ‘banishment’ from licensed premises on identified consumers revealed differences in experience & context when comparing metropolitan, tourist, small town & rural areas;
- Overarching area-based regulations & powers, eg. Dispersal Zones or Cumulative Impact Areas, were more important and relevant in large urban areas. In smaller towns, enforcement activity was more often focused around the establishment of personal relationships between regulator & regulated (in the case of licensed premises) and the police & policed (in the case of alcohol-related offenders).

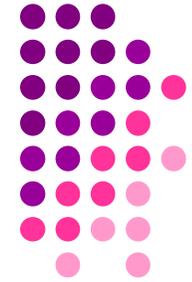


Portman 3



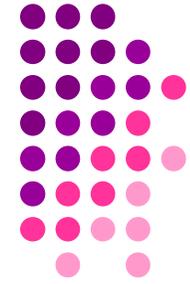
- Re police powers for drinking in public places, some interviewees were concerned about displacement, tendency to recidivism & general inability of area- and person-specific powers to address underlying causes of drink-related crime & disorder;
- HO consultation on ‘rebalancing’ LA2003 seen as symptomatic of continued (over) focus on public manifestations of UK alcohol-related problems;
- Community-based, multi-component programmes integrating regulatory & enforcement activity with local efforts to influence drinking culture, social norms, diversity of local facilities & urban design and services, were seen as more progressive and potentially effective;
- Local partnerships were taking the lead in such approaches despite daunting centrally imposed budgetary constraints. A key obstacle for proactive partnerships was ensuring programmes were sustainable. A lack of continuous funding & political commitment were 2 key obstacles to achieving objectives, but such interventions gathered momentum only over longer periods of time;
- Many interviewees were acutely aware of need to influence drinking cultures within local social scenes. But off-the-shelf national promotional materials & brief intervention programmes were not considered to be designed in ways which most effectively engage local target audiences.

Licence Review (Westminster City Council)



- Reviews of a licence can be called by police, environmental health service, or by local residents
- This is usually on the basis of crime and disorder or public nuisance
- Reviews involve the licensing authority looking at the licence 'afresh' – a large number of 'conditions' can be placed upon the licence, including restriction of hours.
- Licence holders can appeal – the case is then heard in a magistrates' court.
- Conditions are enforceable. The threat of Review is a deterrent that encourages compliance.

'Traffic Light' Warning System (Cardiff Police)



Key Principles:

Data-driven

Transparent and accountable

Equity of treatment

Punishment and reward built-in

Graduated range of sanctions

Targeted use of police / partner
resources

Cost – effective

