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Factsheet

Alcohol Concern's information and statistical digest

ALCOHOL, CRIME AND DISORDER IN THE NIGHT-TIME ECONOMY

Dr Phil Hadfield and Dr Andrew Newton

Introduction

Since the early-1990s, the night-time economy (NTE) has emerged as a key focus for urban public policy, reflecting the changing character of towns and cities, particularly the economic importance of leisure, tourism and service economies, together with the higher education sector. Nightlife is now a serious matter, both in terms of place marketing and the encouragement of cultural life and attractions and also in relation to current debates on urban violence, anti-social behaviour, and sustainable city living. The transformation of many urban centres has been remarkable. Such areas are easily identifiable for their youth-orientation and focus upon alcohol consumption as the key social activity, economic driver, and cultural motif. The rise of national pub and bar chains since the early-1990s has introduced the era of the 'night-time high street' with many town and city centres resembling each other in terms of the brands and attractions on offer. In relation to alcohol, the NTE raises numerous, often interlocking, crime and public health issues (both chronic and acute) that are too wide to discuss within the constraints of a single factsheet, but prominently include: poly-drug use, transport and road safety, emergency health care, sexual health and abuse, violence by door staff, public nuisance, street fouling and neighbourhood disturbance.

The target audience for this factsheet is public sector and third sector professionals working in the field, such as police and local authority licensing teams, police officers involved in street policing and their managers, licensing enforcement officers, town and city centre managers, regional alcohol managers (with a public health remit) and alcohol leads within local Crime and Disorder Reduction Partnerships (CDRPs)/Community Safety Partnerships. The factsheet may also be of interest to licensed alcohol retailers engaged in partnership activity and licensing lawyers.

To this end, the factsheet will discuss national trends in alcohol consumption, drinking practices and crime, particularly as they relate to the NTE in the years following the introduction of the Licensing Act 2003, which came

into force in November 2005. In so doing, we draw upon national data and compare this with the results of street-based surveys of users of the NTE which are suggestive of important variations, both in relation to the drinking patterns of the wider community and in relation to differences recorded across regions and local social scenes. We will suggest that there is often insufficient attention paid to the implementation and enforcement of new policy initiatives around alcohol, key examples being the increased range of powers and sanctions open to the police, courts, and local authorities. Our focus then turns to an evaluation of the Licensing Act 2003 and dilemmas which face local authorities, police and their partner agencies in developing Statements of Licensing Policy and planning local alcohol strategies to achieve safer, more sustainable and welcoming NTEs. Finally, we consider how local partnerships might improve their data collection and evaluation in relation to alcohol-related crime and disorder and how this might feed into better local decision-making.

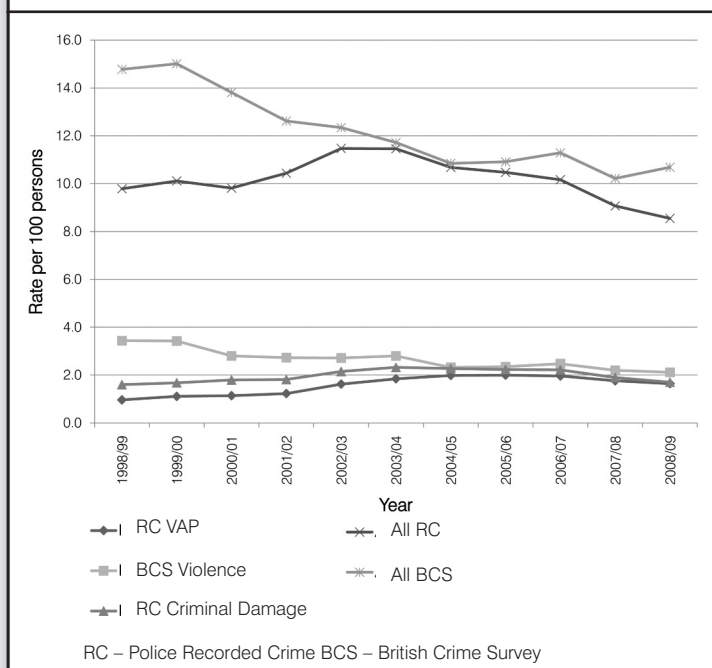
National Trends and the Night-Time Economy

For England and Wales perhaps the most appropriate sources of data for examining crime and disorder trends over time are police "recorded crime" statistics and the British Crime Survey (BCS). Both of these are published annually (with quarterly updates of the former) by the Home Office. Police recorded crime statistics include "notifiable" offences as recorded by each police force and reported to the Home Office. They differ from incidents reported to the police (which may or may not be classified as a crime). The recorded crime figures are now based on the national crime recording standards (NCRS) introduced in 2002¹. Recorded crime figures are known to be subject to under-reporting², creating the so-called 'dark figure' of crime, wherein approximately 59% of all crimes are thought to go unrecorded; although this figure varies by crime type (for example, Home Office estimates suggest that 65% of "assaults without injury" and 67% of "vandalism" cases may go unreported³. A further limitation of the recorded crime data is that it is influenced by changes to the rules governing the recording of data, the systems in place, and operational decisions on the allocation of resources⁴.

The BCS is a national survey the results of which are included in Home Office national statistics. Interviews are conducted by an independent research company



Figure 1: Trends in violence and criminal damage (1999-2009)¹³



recorded crime data as comparisons can only be drawn from comparable subsets which are limited to those offences covered by both exercises⁶.

There are well documented difficulties in drawing direct links between police crime statistics and alcohol consumption^{7, 8, 9, 10, 11}, however “violence against the person” (VAP) and “criminal damage” are two nationally recognised classifications of recorded crime often examined in this context. National crime trends for these offences over a 10-year period, and in comparison to all crime types (based on both recorded crime and BCS data), are shown in Figure 1. Since 2002, there has been an overall downward trend in police and BCS recorded crime (with slight increases in all BCS crime in 2006/2007 and 2008/2009). The 1999-2005 period shows increases in recorded crime for both “criminal damage” and “violence against the person”, subsequently reducing each year from 2005 onwards. Since 1999 there have been reductions in BCS violence which have continued through to 2009, although slight increases were recorded in 2005 and 2006. Since implementation of the Licensing Act in 2005 an overall reduction in crimes of violence and criminal damage can be detected. However, it is not possible to say with certainty that the new legislation has contributed to these reductions as a number of other factors such as falling levels of alcohol consumption, economic recession and police activity may be at play¹².

Figure 2: Trends in violence (1999-2009)¹⁴

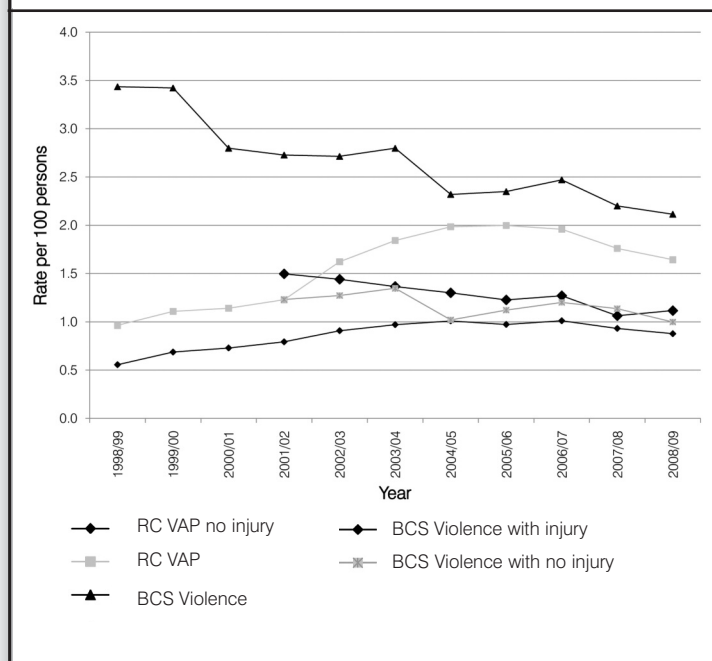


Figure 2 breaks the trends down further by examining different types of violence. Here VAP (recorded crime) is shown to increase in the period 1999-2005, having decreased since, with similar patterns recorded for VAP resulting in “injury” and VAP where “no injury” occurred. BCS violence shows a sustained reduction over the ten-year period 1999-2009, albeit with small increases between 2004 and 2006. From 2002 onwards, figures for BCS “violence with injury” and “without injury” follow those of BCS violence in general, with reductions overall. However, there were increases in BCS “violence with injury” in 2006 and 2009. When violence patterns are observed by severity of injury, sustained reductions can be observed since 2005, although again, this may reflect a continuing overall downward trend, and/or other extraneous factors, rather than any positive impacts of the Licensing Act 2003.

Table 1 compares the percentage of recorded VAP and criminal damage against the total of all recorded crime over time. From this it is evident that both offences constitute around one-fifth of all police recorded crime. However, for VAP this figure has doubled from 1/10 in 1999 to 1/5 in 2009. As BCS figures and recorded crime figures for violence against the person (both with injury and no injury) have reduced over this time period, this suggests this doubling relates to changes in police activity and or recording practices, rather than an increase in actual levels of VAP itself. Notwithstanding this, what is apparent is that VAP offences and criminal damage combined now represent 2/5 of all police recorded crime, and a significant proportion of police activity.

(currently BMRB Social Research) to collect data on crimes not reported to, or recorded by, the police. BCS data is therefore unaffected by changes to police recording practices and offers perhaps the best guide to long-term trends in crime and estimated levels of under-reporting in police recorded crime data⁵. There are, however, some difficulties in comparing BCS and

The BCS also asks the victims of violence if they believe their assailants to have been under the influence of alcohol at the time the crime took place. Table 2 shows that since 2001 this figure has reduced from 48% of all violent incidents to 45%, although this figure increased to 51% in 2003/4. Again, there is no evidence of an increase in the proportion of offenders believed to be under the influence of alcohol since the introduction of the Licensing Act.

In addition to collating the recorded crime statistics, the police also record all incidents (from 999 and other calls and reports to the police), and this includes disorder incidents and a flag for alcohol-related offences. Since 2007, this information has been collected through a standardised system known as the National Standard for Incident Recording (NSIR)¹⁷. However, whilst NSIR data is available on a force-by-force basis, thus proving a useful local source of disorder trend data, it is not yet published on a national basis.

Hospital admissions and Accident and Emergency Department (AED) data provide a further source for analysing long-term trends. The National Violence Surveillance Network (NVSN) compiles statistics based on a sample of (currently) 44 AEDs¹⁸ whilst the North West Public Health Observatory collates data on National Indicator 39: Hospital Admissions for Alcohol-Related Harm as part of their Local Area Profiling exercise for England¹⁹. Figure 3 shows how the NVSN figures for alcohol-related violence map onto those of the BCS, with sustained reductions from 2002 through to 2009 - apart from a slight increase in 2007; despite overall alcohol-related hospital admissions increasing steadily over the same period.

There are a number of additional measures that may be useful when examining alcohol-related crime and disorder over time, for example, those that relate to lifestyle choices and the wider economic climate, which should be factored into any discussion of long-term trends. Such factors include:

- number of licensed premises (for example, closures during a recession)
- affordability of alcoholic drinks (off and on-licence costs relative to individuals)
- levels of alcohol consumption²¹.

The British Beer & Pub Association (BBPA) Statistical Handbooks²² provide a valuable source of relevant information here including production, consumption, exports, volume, and price information collated by the industry. The Department for Culture, Media and Sport (DCMS) also compiles information on national and local licensing trends²³. Figure 4, which draws upon this DCMS data, shows the number of on and off-licensed premises from 1999 to 2009, charting an overall increase in both on and off-premises of approximately 4% over this period, with a reduction of 1% in on-licence premises and an increase of 2% in off-licenses recorded from 2008 to 2009.

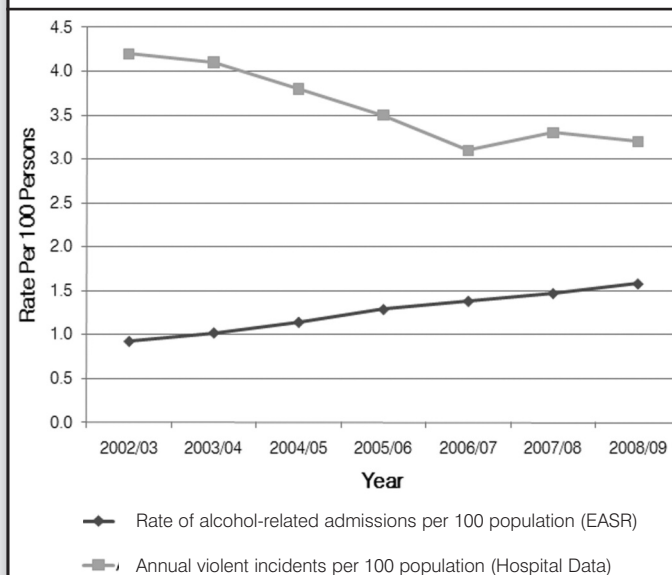
Table 1: Violence and criminal damage as proportion of all recorded crime (1999-2000)¹⁵

Year	Total VAP	Total Criminal Damage	All Crime	% VAP	% Criminal Damage
1999/00	581,034	879,586	5,301,187	11.0	16.6
2000/01	600,913	945,682	5,170,843	11.6	18.3
2001/02	650,326	960,087	5,52,5024	11.8	17.4
2002/03	845,078	1,120,610	5,974,960	14.1	18.8
2003/04	967,228	1,218,524	6,013,759	16.1	20.3
2004/05	1,048,095	1,197,543	5,637,511	18.6	21.2
2005/06	1,059,585	1,184,349	5,555,172	19.1	21.3
2006/07	1,046,437	1,185,040	5,427,558	19.3	21.8
2007/08	960,910	1,036,183	4,951,173	19.4	20.9
2008/09	903,997	936,351	4,702,468	19.2	19.9

Table 2: Violent incidents where the victim believed the offender(s) to be under the influence of alcohol 2001 to 2007/08¹⁶

Offender(s) perceived to be under the influence of alcohol	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08
Percentage	48	45	51	49	45	46	45

Figure 3: Alcohol-related admission and violence trends (2002-2009) based on hospital data²⁰



The General Lifestyle Survey (GLS), formally known as the General Household Survey, is a multi-purpose annual study carried out by the Social Survey Division of the Office for National Statistics (ONS) and including information on alcohol consumption in Britain²⁴. Figures 5 and 6, which draw data from the latest sweep of the GLS show how alcohol consumption amongst the general population increased slightly between the years 1998-2002 and



Factsheet: Alcohol, Crime and Disorder in the Night-Time Economy

then decreased until 2006. Changes in measurement from 2006 onwards make trends from then on up to 2008 difficult to interpret, whilst indicating a reduction from 2006 to 2008. This change in methodology was an alteration to the assumptions made about the size of a given measure (eg. a glass of wine) and the alcohol content of the type of drink (ie. the percentage of alcohol by volume or ABV), and mainly impacted on wine consumption. At a national level, levels of "heavy drinking" (defined by the ONS as consuming alcohol on more than five days per week) remain similar, or reduced, for both men and women over the 1998-2008 period²⁵. However, it should be noted that these general national trends obscure important divergences from the 'norm' in relation to users of the NTE.

Figure 4: Number of on and off-licence premises in England and Wales (1999–2009)²⁶

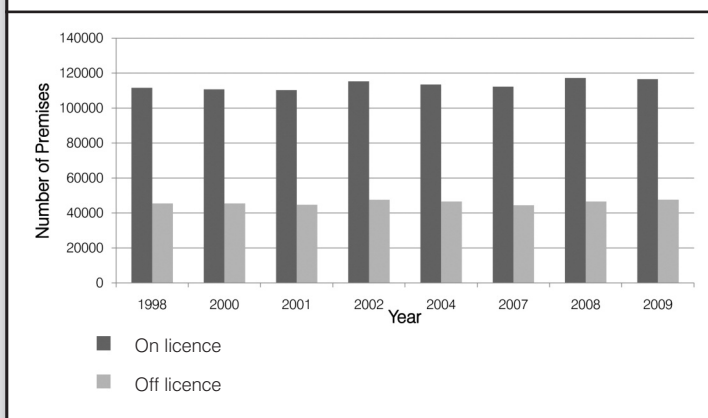
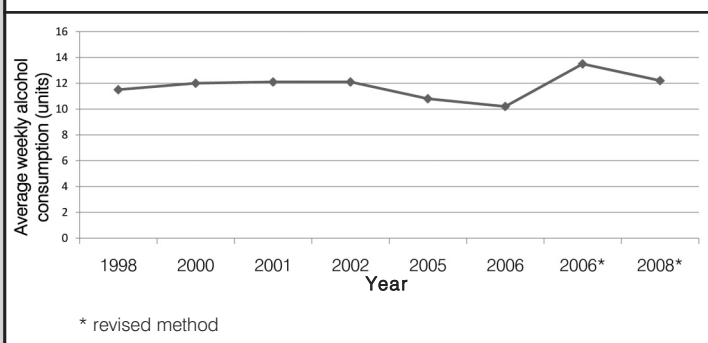


Figure 5: Average weekly alcohol consumption (units), 1992-2008²⁷



Hughes et al.'s (2007) survey of 380 nightlife users (aged 18-35 years) in a city in north-west England²⁹ found that more than 90% of both males and females typically binged on a night out (drinking more than double the recommended daily amount of two to three units for women and three to four units for men). The average (mean) alcohol consumption recorded was 23.7 units for men and 16.3 units for

women. In a follow-up study, data was derived from on-street surveys in three cities (Manchester, Liverpool and Chester). In this case, the total mean (average) alcohol consumption that respondents reported they intended to consume over the course of their night out was higher, at 27.2 units for males and 16.5 units for females³⁰. As a point of comparison, the typical bottle of wine contains nine units of alcohol. A similar on-street survey of nightlife users in the London Borough of Camden conducted by Hadfield et al. (2010)³¹ found a mean consumption for females of 10 units and a mean consumption by males of 14 units. 12% of individuals (both sexes collated) consumed 22 units, or more, on their night out. Although lower than the levels recorded in the north-west studies, this is well above recommended daily levels of three to four units per day for men and two to three units per day for women. Furthermore, 14% of respondents reported visiting Camden to drink three nights a week or more and 53% said that they intended to continue drinking after completion of the survey indicating that total alcohol consumption was likely to increase. This may be significant given government health recommendations for "at least 48 hours with no alcohol" following any heavy drinking session in order to "give your body a chance to recover"³² and suggests the need for further survey work with NTE users to derive information about consumption patterns across the week.

In sum, these targeted street-based studies suggest that participants in the night-time economy drink more than the national average and more significantly, drink at levels which are above average for their age group. Information regarding this sub-group of heavy drinkers is not identifiable by reference to routine national data collection exercises such as the General Lifestyle Survey which select participants from the general population using random sampling methods. Whilst research has pointed to more general under-reporting of alcohol consumption in such surveys³³, nightlife users undoubtedly represent a 'hidden population' whose drinking habits need to be studied in isolation from those of the wider community if targeted evidence-based policies for nightlife are to be devised. For example, in both the Hughes et al. (2009) and the Hadfield et al. (2010) studies, the prolonged presence of visitors who are frequenting licensed premises that have later drinking hours corresponded with higher levels of reported consumption. These outcomes run contrary to the aims of the Licensing Act 2003, which was regarded as ushering in an era in which people drank the same amount as before over a longer period of time, and suggest support for the argument that increasing the availability of alcohol gives rise to increased levels of consumption.

Pre-loading

The practice of drinking at home or in a public place before attending nightlife is widely regarded as an embedded aspect of the UK drinking culture, especially for young people in a time of recession³⁴. It has also been noted as an international phenomenon, receiving attention from leading researchers in

Canada³⁵. In the Hughes et al. (2007) study mentioned above, those night-time economy customers who pre-load on alcohol before going out in the evening were more likely to be involved in alcohol-related violence, disorder and other problems³⁶. Individuals who drank before going out were four times more likely to report drinking over 20 units on a usual night out and 2.5 times more likely to have been involved in a fight in the city's nightlife during the previous 12 months. The practice of pre-loading on alcohol before a night out therefore has quite specific policy implications which go above and beyond the issue of what overall quantities of alcohol have been consumed. The critical aspect of pre-loading is that it involves the rapid consumption of alcohol done with the intention of reaching a sufficient level of intoxication to carry one through the main event of the evening (visiting a pub, bar, or club) with minimal further spending on alcohol ('alcohol banking'). Pre-loading has been associated with high levels of intoxication, and greater risk of crime and victimisation when out 'on the town', as well as greater control and duty of care burdens for licensed premises, the police, and emergency health-care services³⁷.

Despite the above, data concerning the prevalence of pre-loading is not consistently collected in the UK. Research studies that have looked at the issue in detail relate to local case study areas only^{38, 39, 40} and taken together their findings suggest a high degree of variability between cities and regions. Learning more about the pre-loading phenomena has helped researchers illustrate how some nightlife users plan and structure their drinking with the intention of getting drunk; that is to study the mechanics of what is sometimes referred to as "determined drunkenness"⁴¹. Yet, pre-loading is but one element of the drinking practices of nightlife users, which like other elements, has a tendency to vary between local social scenes. Further case studies are needed to measure the extent to which pre-loading presents a particular problem or challenge for local crime reduction partnerships, as well as to help devise policy responses that are appropriate to local needs.

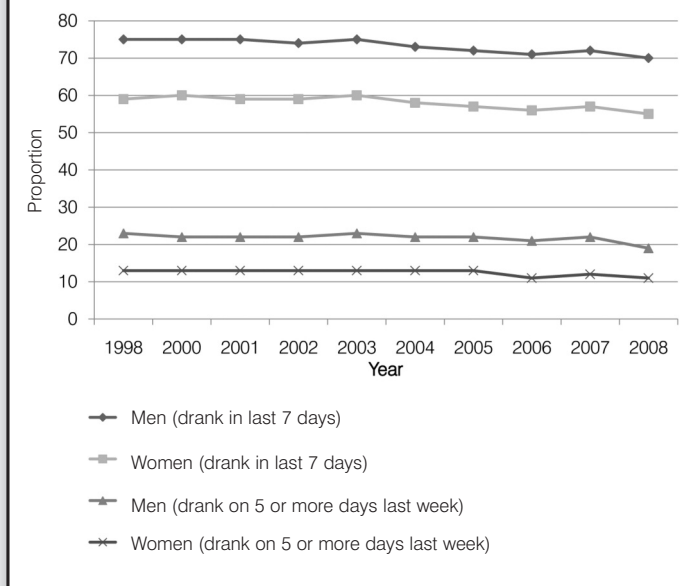
Proportionate Regulation and the Licensing Act

As well as transferring responsibility for licensing to local authorities, the Licensing Act 2003 (implemented November 2005) introduced four statutory licensing objectives:

- preventing crime and disorder
- securing public safety
- preventing public nuisance
- protecting children from harm.

In meeting these aims, the Act contained sections relating to various offences including the sale of alcohol to a person who is drunk, or to a child. However, reform of the legislation was also intended to support a number of other key aims and purposes which the government statutory guidance states should be of principle concern to all involved in licensing work. These include: "the introduction of better and more proportionate regulation to give

Figure 6: 'Heavy drinking' (1998-2008)²⁸



business greater freedom and flexibility to meet customers' expectations; (and) greater choice for consumers, including tourists, about where, when and how they spend their leisure time"⁴². In her Foreword to the Guidance, Tessa Jowell MP (then) Minister for Culture, Media and Sport makes specific mention of the need for "proportionate regulation" and "help for areas in need of economic regeneration"⁴³.

In introducing the Licensing Bill in 2002 this "proportionate regulation" had been linked to the efficacy of two key and mutually dependant mechanisms: "flexible opening hours - the potential for up to 24-hour opening seven days a week - this will help minimise public disorder resulting from artificially fixed closing times, encouraging a more civilised culture in pubs, bars and restaurants", and in Jowell's words: "*tougher powers for the courts and police, (which) will help bring this peace of mind to both those that do and don't choose to take part in our nation's rich nightlife*"⁴⁴. Deregulation of opening hours therefore would go hand-in-hand with the creation of new alcohol-related regulations and offences, drawing together a web of regulators and the regulated and deploying various levers of control and compliance. The large number of new or enhanced powers (listed in Table 3) - all introduced since 1997 - have undoubtedly intensified and re-oriented state control over the sale and consumption of alcohol. However, questions have been raised as to the extent to which central government has focused upon the introduction of new legislation at the expense of ensuring that sufficient attention and funding is directed toward the enforcement of existing laws⁴⁵. The Department for Culture, Media and Sport (DCMS) *Evaluation of the impact of the Licensing Act 2003* published in 2008 drew attention to this deficit:

"Our main conclusion is that people are using the freedoms but people are not sufficiently using the



Table 3: Legislative powers and sanctions applied to the consumers and suppliers of alcohol (July 2010)

Nature	Type	Enabling legislation	Power / Sanction
Person-based	Anti-Social Behaviour Orders	Crime and Disorder Act 1998, s.1	Civil orders widely used to exclude persons from public space, including night-time drinking areas.
	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.
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 a new 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 rebuttable presumption against the granting of new Premises Licences, or variations to licences, eg. so as to extend opening hours, within a given area
	Alcohol-Disorder Zones	Violent Crime Reduction Act 2006 s.15-20	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.
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	Phase 1 (from 6 April 2010) bans certain types of drinks promotion. Licensed premises must offer free tap water. Phase 2 (from 1 October 2010) licensed premises must offer small measures (125ml of wine, 25ml or 35ml spirits) and 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.
	Licensing Enforcement Powers	Licensing Act 2003 Pt. 7	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.
		Policing and Crime Act 2009	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.

considerable powers granted by the Act to tackle problems, and that there is a need to rebalance action towards enforcement and crack down on irresponsible behaviour"⁴⁶.

In recent years enforcement activity has tended to focus on short-term, high-profile campaigns by the

Home Office, targeting alcohol sales by licensed premises, such as the Tackling Underage Sales of Alcohol Campaign, during which 2,683 premises were visited by police and trading standards officers between 4 May and 13 July 2007 and the Responsible Alcohol Sales Campaign (RASC) of December 2007. RASC saw police officers from 30

forces visiting “1,741 poorly managed premises known to be associated with alcohol-related violence, crime and disorder to check compliance with the law”⁴⁷.

Evidence would suggest that enforcement action in combination with drinks retailers’ initiatives such as ‘Challenge 21’ has had some impact in relation to the offence of sales, or allowing sales, of alcohol to a person under-18 (Licensing Act 2003 s146/7). Under the Penalty Notice for Disorder (PND) scheme introduced in November 2004, fixed penalty notices of £80 may be issued by the police for the offence of “sale of alcohol to those aged under-18”. The number of PNDs issued for the offence in England and Wales was 113 in 2004, 2,058 in 2005, 3,195 in 2006, 3,583 in 2007, and falling to 2,824 in 2008⁴⁸. The latest available figures from 1997 to 2008 suggest that the number of defendants proceeded against at magistrates’ courts has fallen year-on-year from a high of 1,199 in 2006 to 459 in 2008, with the number of convictions falling from a peak of 854 in the same year to 366 in 2008⁴⁹. It appears that the sustained nature of the enforcement in this instance, often involving test purchase operations, may have succeeded in bringing about increased levels of compliance.

To knowingly “sell or attempt to sell alcohol to a person who is drunk” is an offence under s141 of the Licensing Act 2003 - punishable on conviction by a fine of up to £1,000, although more often involving a PND fine of up to £80 imposed on bar staff; whilst “knowingly...obtaining alcohol for a person who is drunk” is an offence under s142 of the same legislation. The latest Home Office figures available record only two convictions in 2006 and one conviction in 2007 for s141 offences⁵⁰, whilst The Wine and Spirit Trade Association (WSTA) report that between the Licensing Act 2003 coming into force in 2005 and 2008 no-one has been found guilty, or even proceeded against, for an offence under s142⁵¹. PNDs are the most prominent response to breaches of s141 offences (£80 upper tier offence), with 81 issued in 2007. However, this represents a very small proportion of the 55,000 PNDs issued that year for all alcohol-related offences⁵². 53 of the 81 PNDs for selling to people who were drunk in 2007 were issued during the RASC⁵³. An initial awareness raising period of several weeks saw ‘think before they drink’ posters and leaflets distributed to licensed premises to raise awareness of the relevant offences. This was followed by evidence gathering and enforcement phases which resulted in action on a number of alcohol-related offences.

Sections 141 and 142 have been identified by Home Office and senior police spokespersons as particularly difficult to enforce due to the intentional component of the offences, i.e. the requirement for such actions to be made “knowingly”, that is, in full knowledge of the drunkenness of the final consumer of the alcohol^{54, 55}. This means that in order to gather sufficient evidence for prosecution, police officers need to be present when the sale is made⁵⁶, thus requiring a significant commitment of police resources.

As part of a wider government strategy to tackle underage drinking and associated crime and disorder set out in the *Youth Alcohol Action Plan (2008)*⁵⁷, a follow-up campaign to RASC on underage public drinking was conducted, timed to coincide with the school half-term holidays 8-24 February 2008. During this exercise, police in 165 areas across 39 forces in England and Wales reportedly seized 20,945 litres of alcoholic drinks (44,265 pints) from underage drinkers. As a Home Office press release describes it:

*“Acting on public tip-offs and local intelligence, police officers and police community support officers (PCSOs) approached groups of youngsters in underage drinking hotspots and confiscated alcohol wherever they found it. At the same time they asked how old the children were and from where they had obtained alcohol...If they thought crime and disorder was likely to occur, officers also used Directions to Leave powers (Section 27 of the Violent Crime Reduction Act 2006) to disperse threatening groups”*⁵⁸.

However, whilst pursuing the confiscation of alcohol from young people (the Crime and Policing Act 2009 strengthens powers in this respect), comparatively little attention has been paid to the prosecution of those 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). The latest figures available indicate that in 2007, 158 PNDs were issued to young people for s149 offences (lower tier £50 fines), falling to 114 in 2008. The figures for PNDs issued for the offence of “purchasing alcohol for a person under-18” in these years were 555 and 524 respectively⁵⁹. When compared with the figures for the “sale of alcohol to a person under 18” of 3,583 PNDs (2007) and 2,824 (2008), mentioned above, one sees that enforcement of the laws governing the sale and consumption of alcohol by young people has tended to focus on supply more so than demand. However, a different picture emerges when one considers wider issues of enforcement, including action on public drinking.

In 2008, approximately 25% of the 176,164 PNDs issued in that year (across all offence categories, including those not related to alcohol) were for “Drunk and Disorderly” (s91 Criminal Justice Act 1967) offences⁶⁰. Under s5 (Public Order Act 1986) an offence is committed where a person is judged by a police officer to act with “intent to cause a person harassment, alarm or distress...(and) a) uses threatening, abusive or insulting words or behaviour, or disorderly behaviour, or b) displays any writing, sign or other visible representation that is threatening, abusive or insulting”. Drunk and Disorderly and s5 together account for much of the street policing response in the NTE and associated fines are imposed for frequently observed incivilities such as public urination. Police statistics do not record how many of the 57,773 PNDs issued under s5 were related to alcohol (nor the proportion of the 13,427 issued for causing “Criminal Damage under £500”). However, when one combines these offences with



Factsheet: Alcohol, Crime and Disorder in the Night-Time Economy

“Consumption of alcohol in a designated public place” (higher tier fine) which rose from 1,544 notices in 2007 to 1,761 in 2008 and “Drunk in a Public Highway” offences (2,066 in 2007 and 1,438 in 2008) one begins to understand the amount of police time devoted to the issue of public drinking and drunkenness, both in the context of the NTE and that of congregations of young people in public places.

Research on the application of alcohol policy for the Alcohol Education Research Council (AERC) has found that the type of person-directed and spatially targeted approaches listed in Table 3 are not without their critics amongst criminal justice, youth work and health practitioners. Concerns were raised, for example, in relation to the duty of care afforded to the target groups who, as a result of their intoxication and hence mental incapacity/vulnerability, may not be best served by simply being ordered by police to leave an area and possibly their friends. Likewise, the recidivist nature of much street drinking raises the concern that powers such as “Directions to Leave”, “Dispersal Orders” and “Designated Public Place Orders” (Controlled Drinking Zones) may simply displace problems rather than resolve them. As the authors suggest:

“Concerns over the failure of such interventions to address the underlying causes of alcohol-related crime and disorder were aggravated by a lack of data-sharing associated with discretionary and summary disposals which prevented offenders’ details from being matched against those held by partner agencies. This constraint was regarded as unhelpful in preventing the identification of patterns of offending and the engagement of support and treatment services”⁶¹.

Similarly, although PNDs were initially introduced to reduce police bureaucracy by providing summary ‘on-the-spot’ (and out of court) disposals, official guidance issued to the police states that “a penalty notice will not be appropriate where the suspect is unable to understand what is being offered to them, for example...where the suspect is drunk or under the influence of drugs”⁶². Thus PNDs are commonly used as a case disposal option for the custody suite following arrest, and often only after the individual has spent a night in the cells to sober up⁶³. Moreover, their use is at least partially constrained by other concurrent demands on street policing in the NTE not least of which being the staffing demands and time constraints associated with policing large crowds of often intoxicated people - which often means that in the case of minor infractions, the police are unable to respond, or issue only verbal warnings⁶⁴.

Social Responsibility Standards

To coincide with the implementation of the Licensing Act 2003, a set of voluntary Social Responsibility Standards were published by 16 trade associations and organisations in the alcohol industry. The Standards document⁶⁵ was intended to provide a comprehensive statement of the rules, regulations and additional commitments to which various parts of the alcoholic drinks industry had agreed in relation

to matters of production, distribution, marketing and retailing, including the promotion of responsible drinking and “the avoidance of any actions that encourage or condone illegal, irresponsible or immoderate drinking, such as drunkenness, drink-driving or drinking in inappropriate circumstances”⁶⁶. In January 2008, the Home Office commissioned KPMG (assisted by an observation team lead by Dr Fiona Measham of Lancaster University, together with the first author of this factsheet), to undertake a review of the extent to which on and off-trade vendors adhered to the standards, and whether the standards contributed to a reduction in alcohol-related harm. The KPMG report⁶⁷ concluded that although some excellent self-regulatory activity occurs, especially in the case of alcohol producers, poor practices were also apparent, especially in the on-trade and in the context of the NTE. As their report notes:

“In the current trading climate the commercial imperative generally overrides adherence. Inducements to people to drink more and faster, to allow under-age people entry to restricted premises, and blatantly serving intoxicated people are evidence of this conclusion...In driving responsible practice they (the Standards) are ineffective because of a lack of consistent monitoring and enforcement” (p.10)... “there is sufficient evidence on the ground to show that both the Social Responsibility Standards and related legislation are being flouted on a scale that suggests corrective action and government intervention is required” (p. 67)⁶⁸.

Following these recommendations the Department of Health issued its *Safe, Sensible, Social - Consultation on Further Action* document⁶⁹ which sought views on whether aspects of the existing voluntary codes should be replaced by a system of mandatory requirements. Following this the first stages of a mandatory code took effect on 6 April 2010 under the auspices of the Policing and Crime Act 2009. These involved the banning of “irresponsible” drinks promotions such as “all you can drink for £10” offers, women drink free deals, speed drinking competitions, and “dentist’s chairs” where drink is poured directly into the mouths of customers. From this date, licensed premises were also required to ensure that free tap water be available for customers. Further conditions come into effect on 1 October 2010 requiring all alcohol retailers to have an age verification policy in place to check the ID of anyone who looks under 18; and to ensure the availability of small measures of spirits and wine. Much of the mandatory code is intended to ensure that customers have more choice and opportunity to monitor and control their drinking when visiting on-licensed premises.

The research conducted by Hadfield et al. for the Alcohol Education and Research Council (AERC), referred to above, found evidence of a widespread reluctance on the part of local regulators to apply a heavy handed approach to the enforcement of licensing laws and imposition of regulations on licensed premises, preferring instead to foster a spirit of partnership and cooperation. This preference for replacing the carrot with the stick only in circumstances

of last resort was generally in keeping with the 'small print' of central government guidance, whilst equally in tension with the headline messages conveyed by politicians in their eagerness to assure the public of their credentials as 'tough' on crime and anti-social behaviour⁷⁰. Two important examples of this disjuncture can be seen in the case of Licence Review proceedings and Alcohol Disorder Zones (ADZs).

Statistics from the DCMS indicate that approximately 200,000 Premises Licences and Club Premises Certificates are in force across England and Wales⁷¹. The latest figures (1 April 2008 to 31 March 2009) record 1,125 completed Reviews in which Conditions on the licence were "added or modified" on 738 occasions; other outcomes included "Operating hours modified" (190), Licensable activity partially restricted (121) and Licence revoked (154). In the majority of cases, Reviews were instigated by the police on the grounds of "crime and disorder". Expedited Review, a fast track process to Review a Premises Licence where the police consider the premises to be associated with serious crime or serious disorder (or both) and where an immediate response is felt necessary⁷², was used on 75 occasions, on six of which no action was taken.

In dealing with the licensed trade the low uptake of enforcement options has been framed by central government as an indicator of the success rather than the failure of the licensing regime. Thus, in relation to Review powers one DCMS document states:

*"There is also evidence that the review power is acting as a useful deterrent...While the review process appears more responsive than the old liquor licensing regime, only a small proportion of the 200,000 licences and certificates in force have been reviewed. This may point to the success of the legislation and the ability of enforcement agencies to rectify problems through discussion and agreement and the preventative nature of the licensing regime"*⁷³.

Similarly, ADZs (Violent Crime Reduction Act 2006 s.15-20) aim to generate "improvements" on an area-wide basis through the placing of a mandatory levy on licensed operators by local authorities for the costs of CDRP-initiated crime control measures. Levies are calculated individually for each premise within the designated zone in accordance with their rateable value and hours of operation. At the time of writing no local authority has yet sought to invoke these powers despite their being available as a strategic option for almost two years. This outcome may well have been fostered by the fear of unwelcome publicity and damage to place marketing associated with the labelling of areas as "disorder zones", but is also likely to have been influenced by the complex nature of the official guidance which frames the use of such powers as an action of 'last resort'⁷⁴.

Evaluating the Licensing Act 2003

A number of evaluation studies have attempted to examine the impact of the Licensing Act 2003 on crime and disorder^{75, 76, 77, 78, 79, 80, 81}. However, as indicated above in our review of national statistical

trends, a definitive statement as to the impact of the Act has remained elusive as the studies have produced mixed findings. Bellis et al. (2006)⁸² found significant decreases in the first few months after the Act, using a case study approach based on AED (Accident and Emergency Department) attendances in Merseyside. A series of studies then examined trends over the first year, post-Act. Babb (2007)⁸³, using national police recorded crime data, found reductions in "serious violent crime", "less serious wounding", "assault without injury", and "criminal damage" during the first year, although increases for these crime types were found in the early hours of the morning. Newton et al. (2007)⁸⁴ found significant increases in attendances, assaults and injury based on AED data for their case study area of central London. Newton et al. (2008)⁸⁵ examined recorded crime, incident, and either AED or ambulance data, across five case-study areas. Although VAP fell overall across the five locations, no consistent changes to VAP, criminal damage, and disorder patterns could be identified, whilst the temporal patterning of offending was also inconsistent. Pike et al. (2008)⁸⁶ applied a case-study approach to study six market towns and again found mixed results across areas.

There have been several reasons for the difficulties in examining crime and disorder patterns since the introduction of the Licensing Act 2003 and many of these limitations are acknowledged in the evaluations described above. However, perhaps four fundamental challenges can be identified:

1. how to design a robust evaluation?
2. how to collect suitable alcohol-related crime and disorder data?
3. how to obtain accurate policy data concerning licensing hours?
4. how to obtain accurate policy data concerning policies operating concurrently to changes in the licensing landscape?

The key point to be emphasised is that measurement of policy outcomes (that is the extent to which policies bring about real changes) needs to be brought together with data on the effects of such changes. These assessments of impact need to be performed in a manner that is coherent and systematic, with close attention paid to the detailed examination of trends and patterns occurring within small-scale geographically identifiable drinking areas, rather than simply at a broad city, or borough-wide, level. The following provides pointers as to how this might be achieved.

1. Designing a robust evaluation

When conducting an evaluation, it is necessary to account for what would have happened in the absence of the scheme or intervention in question – this is commonly referred to as the counterfactual⁸⁷. The most robust designs would involve randomised control trials (RCTs) wherein licensed premises falling within the sample would be allocated at random and then allocated to either an intervention/policy group, or to a control group.



Following this, the two groups are then treated differently, either receiving the relevant intervention/policy or being treated in the usual way. An alternative to this would involve 'matched pairs' whereby the premises exposed to an intervention would be matched with premises given no intervention, or an intervention of some other kind⁸⁸. However, neither of these approaches was viable when examining the Licensing Act as the legislation affected the entire jurisdiction (all licensing areas in England and Wales) and occurred across all areas at the same time, making the allocation of control groups/areas impossible. A third potential approach, and one adopted by Newton and Hirschfield, involves "longitudinal status comparisons" which involves monitoring change in an action and control area over time (before and after)⁸⁹.

2. Collecting suitable alcohol-related crime and disorder data

Given the difficulties inherent in any attempts to directly link alcohol consumption patterns to crime and disorder data such that definitive causal relationships may be drawn, it is usual practice to adopt an indirect approach to the measurement of alcohol-related crime and disorder^{90,91}. As discussed earlier in this factsheet, key sources of indicative data are police recorded crime and incident (disorder) data, AED and ambulance data, and (at a national level) the BCS. Cross-referencing of these data sets is helpful in overcoming the deficiencies of each individual source. As we shall go on to discuss, some additional local datasets may be available to further enhance the analysis.

3. Obtaining accurate policy data (change to licensing hours)

Newton and Hirschfield⁹² draw attention to the need for systematic and standardised data collection to inform and evaluate crime prevention initiatives for the NTE and the paucity of current data. A similar statement holds for the introduction of the Licensing Act and the lack of consistent data on the licensing changes that were introduced as a result of this. The majority of evaluation studies discussed above adopted a 'black box' approach of comparing change before and after the legislative reforms. Those that attempted to establish accurate data on changes to trading hours pre and post-Act at an individual premise level then encountered major obstacles. Yet, Humphreys and Eisner⁹³ identify the importance of determining whether, and to what extent, actual changes in the licensing landscape occurred. Clearly, an account of these key variables is essential if one is to answer important questions such as whether the Act really did extend the duration of alcohol availability, whether staggered closing times were introduced (the key crime prevention mechanism envisaged in the White Paper) and the extent of variation between areas, both within and between different towns and cities⁹⁴. Evidence produced by the DCMS in 2008 suggested that, at a national level, the trading hours of all on-licensed premises in England and Wales had only extended by an average of 21 minutes in the first 16

months following implementation of the Act. Furthermore, "56% of all premises still closed at 11pm (68% under old regime), 7% closed at 11.30pm (4% under old regime), 17% closed at midnight (9% under old regime) (with) ...1% more closing at 1am and 3am"⁹⁵. Whilst it has been suggested that such statistics may explain the various reports of largely neutral impacts following the legislative changes, the national agglomeration of licensing statistics, involving, as it does, a conflation of data from contexts as diverse as isolated rural areas and inner cities, tells us little about what is occurring in the key crime 'hotspots' of the NTE. It is information on licensing changes within these specific - and difficult to manage drinking areas - which is of real use to Crime and Disorder Reduction Partnerships (CDRPs)/Community Safety Partnerships."

To further complicate matters, Newton and Hirschfield⁹⁶ highlight how analyses based upon the trading hours that premises have been granted will produce different outcomes from analyses which first use detailed local fieldwork to establish the actual hours to which licensed premises in any given area choose to trade. The Newton et al. (2008) study⁹⁷ also attempted to analyse change at different geographical levels (the 'micro', 'meso' and 'macro' levels; around individual premises, around clusters of premises, and across whole case-study areas, respectively). They found that when change was observed it was more pronounced in areas close to licensed premises. Furthermore, their analyses found more evidence of temporal shifts in crime and disorder change at weekends in comparison with weekdays. This highlights the need for both spatial and temporal analyses of change linked to the actual implementation of policy (changes in the supply of alcohol/trading hours), together with seasonal changes in the popularity and use of nightlife areas by the public⁹⁸.

Despite these requirements, licensing data is not currently collected in a consistent format and licensing hours are difficult to monitor, for example, when factoring in the influence of temporary events and fluctuations in the actual closing times of premises which may differ from those permitted on their licence. Furthermore, the capacity of on-licensed premises is no longer recorded as part of the standard licensing conditions as had previously been the case for venues holding a Public Entertainment Licence for "music and dancing". Licensing data alone therefore provides an imprecise resource for researchers and evaluators seeking, for example, to analyse the effects of closing times within areas with clusters of high capacity premises.

4. Obtaining accurate policy data (concurrent policies)

Licensing approaches are not the only forms of crime prevention policy for which there is a lack of standardised data collection from which to analyse their effectiveness. This has made it extremely difficult to identify what, if any, additional preventative mechanisms were operating concurrent to the

introduction of the Licensing Act that may have had some effect on levels of crime and disorder in the NTE. Extra police deployment or changes in police shifts, for example, may well have influenced levels of recorded crime, whilst broader national strategies such as the Alcohol Misuse Enforcement Campaign (AMEC), the Tackling Violent Crime Programme (TVCP), and other local initiatives within the early years of the Act may well have played some (incalculable) role in influencing crime and disorder outcomes.

Improving Local Datasets: Improving Local Decision-making

At present, local partnerships have not devised centralised systems for collating and sharing comprehensive and consistent information on crime and disorder in the NTE, or alcohol-related harm in general⁹⁹. The Licensing Toolkit produced by Alcohol Concern with funding from the Alcohol Education Research Council (AERC) has acknowledged that there is "a very limited range of quantitative data which links local alcohol-related harm to specific licensed premises" and that it is difficult to access such data¹⁰⁰. This suggests that the granting, variation, and denial of licenses and the targeting of appropriate crime and harm reduction measures occurs in the absence of a robust evidence base. There are particular deficiencies that need to be addressed in order to improve the quality of information available to decision-makers at the local level. These include: better data collection; increased sharing of data between partner agencies; better standards of analysis which can provide an evidence base for guiding policy enforcement, implementing prevention strategies, and the deployment of resources; and in improving techniques of monitoring and evaluation.

Data Sources

Table 4 lists a range of data that local partnerships could and perhaps should collect on a regular basis in order to better inform their decisions when developing and implementing strategies aimed at reducing alcohol-related crime and disorder in the NTE.

Data Sharing and Partnership Working

A recent report¹⁰² has suggested that, despite big efforts towards multi-partnership working, data collection and intelligence sharing to tackle alcohol-related crime and disorder in the NTE remains fragmented. Intelligence gathering, for example, usually occurs in isolation except for sporadic multi-agency enforcement visits to premises. This continues to impair attempts to gain a strategic overview of the timing and location of the availability of alcohol, the proximity of the various outlets to each other (pubs, corner shops, restaurants, etc) and how these relate to land use and demographics (eg. transport routes, deprived areas), to crime and disorder, and to the appropriate implementation of prevention strategies at the local level.

There is a need for consistent and reliable data to be shared amongst relevant organisations and it is suggested that local areas identify an intelligence system that suits their needs. This may be in the

form of a single database. However any system developed should be simple, user-friendly, relevant, and also be of added value to any systems that currently exist. One major advantage of developing a shared information system is that it removes the over-reliance on relationships between key individuals within organisations for sharing information that is evident in much partnership working. If individuals leave such organisations these links are often lost and not maintained.

Partners should be identified locally, but are likely to include Local Authority Licensing, all Responsible Authorities, including those who may make representations to licensing authorities (the Police; the Fire Service; the Health and Safety Agency; the Environmental Health Department; the Planning Department; and the Social Services Department). Additional representation should include health and treatment services, and other interested parties (for example local residents' organisations and businesses). Using improved analysis and monitoring techniques (see below) an appropriate partnership working forum may then be developed to include:

- identification of nature and type of problems
- corroboration of intelligence
- identification of appropriate solutions
- targeting of individuals/premises/or areas for multi-agency responses
- responses to be led by the agency considered to have most impact, or to be the most relevant to a particular challenge
- ongoing monitoring of the strategies implemented.

Suggested core information to inform the above would include the following:

- geo-referenced licensed premises database (location, opening and trading hours, capacity, type of premise, licence conditions)
- crime and disorder data that is referenced by location and time
 - from police recorded crime; police incident; police intelligence; hospital AED and ambulance data; and other sources as suggested in Table 4. In relation to hospital AED data it is recommended that admissions data be supplemented by consistently recorded attendance data.
- local contextual data
 - for example, location of late-night taxi ranks, public transport interchanges, land use, socio-demographic characteristics of areas.
- local policy responses
 - for example, police deployment, education awareness schemes, general conditions imposed on licensed premises, trading standards test purchases, cumulative impact zones, and other relevant policy.



Factsheet: Alcohol, Crime and Disorder in the Night-Time Economy

Table 4: Data Sources: Alcohol-related crime and disorder in the NTE

Table 4 has been compiled from data derived from references 7, 96 and 97

Source	Description	Essential / Very Desirable/ Desirable
Licensed Premise Data (Local Authority)	Contains information on the location of each licensed premise, its permitted trading hours for alcohol sales, permitted opening hours, the conditions on its licence, number of temporary events permitted, type of premises/establishment (supermarket, off-licence, pub, bar, nightclub, restaurant, hotel), licensing fee/band, and capacity limit where this has been recorded.	Essential
Police Recorded Crime Data (Police)	Times and locations of crime, especially violent crime and criminal damage. Also information on theft from shops (alcohol) and domestic violence related to alcohol. May contain markers or flags such as alcohol-related, public place, and licensed premise (these should be used with caution due to inconsistencies in the completion of these fields).	Essential
Police Incident Data (Police)	Times and locations of incidents, especially disorder. May contain markers or flags such as alcohol (these should be used with caution due to inconsistencies in the completion of these fields).	Essential
Accident and Emergency Data (PCT/NHS/ Public Health Observatories)	Hospital admissions data on alcohol-related harm; admissions for injuries, including those sustained from domestic incidents Case notes may provide indicators of alcohol use, involvement in crime and disorder, or both. Alcohol-related AED admissions data (ICD10) Hospital Episode Statistics, National Indicator 39: Hospital Admissions for Alcohol-related harm In the North West of England, many hospitals supply data to The Trauma and Injury Intelligence Group (TIIG) (101) who operate an Injury Surveillance System (ISS) Physical Assault Report Form (PARS) administered by the NHS Security Management Service identifies assaults on staff	Essential
Ambulance Data (Local Ambulance Trusts)	Incident Response Records Patient Record Forms Key data fields may enable data relating to types and severity of injuries to be identified by spatial location and temporal data. Physical Assault Report Form (PARS) administered by NHS Security Management Service identifies assaults on staff	Essential
Trading Standards Data (Local Authority)	Collects data on test purchases for under-age sales in licensed premises.	Essential
Fire Service	Should hold records on the capacity of licensed premises.	Essential
CCTV incident log (Police/Local Authority/ Private/Local business)	The logged times and locations of incidents provide indicators of alcohol-related crime and disorder.	Highly Desirable
British Transport Police	Times and locations of crime, especially violent crime and criminal damage. May contain markers or flags such as alcohol-related (these should be used with caution due to inconsistencies in the completion of these fields)	Highly Desirable
Local Public Transport Services	Local bus/train/tram services or PTEs may collate records of incidents of crime and disorder (which should contain location and temporal indicators). They make reference to alcohol if relevant (but care should be taken with use of subjective flags)	Highly Desirable
Other Police Data (Custody, Police Intelligence, Police National Computer (PNC))	Custody records provide information on an arrestee's condition, including signs of intoxication, although this may introduce a degree of subjectivity based upon police officers' appraisals. Other police data sources such as the PNC and intelligence data may contain information on alcohol-related offences or incidents.	Highly Desirable
Social Services / Care	Assessment files may contain (where relevant and disclosed), information relating to alcohol misuse and either victimisation or offending.	Desirable
Housing Departments	May provide information on homelessness case records (alcohol may be disclosed as being a relevant), may also contain information on domestic violence and its links to alcohol	Desirable
Local authorities/ Police/ Registered Social Landlords (RSLs)	Anti-social Behaviour Orders (ASBOs); Acceptable Behaviour Contracts (ABCs) Information relevant to ASBOs or ABCs may include reference to whether alcohol was recorded as a relevant factor.	Desirable
Local Intelligence (Licensees Forums/ Pub Watch)	May contain local sources of information such as the identities of persistent offenders and information on the time and location of incidents	Desirable
Voluntary organisations:	For example, Domestic Violence Support and Sexual Assault Referral Centre Case files. These may record whether the victim or perpetrator (according to the victim) was intoxicated at the time of an alleged offence.	Desirable
Consultation/ Surveys/ Local Research Facilities	Commissioned surveys by consultants (eg., the Big Drinks Surveys), CDRP surveys, and commissioned observational studies may contain relevant information on perceptions of alcohol-related crime and disorder in the local area.	Desirable
Other sources	Services which also may hold local information include: Planning; Town Centre Management; Education	Desirable

Analysing by Location and Time

Attempting to identify crime and disorder incidents in the NTE that are directly correlated with drinking alcohol purchased from licensed premises can present difficulties. These challenges arise in attempting to establish that crime and disorder would either not have occurred, or would not have reached the same level of seriousness, had the offender and/or the victim been sober. Very often there is reliance upon subjective views of the levels of intoxication involved and this combines with the difficulties inherent in assuming a direct causal relationship between alcohol and violence. Most experts agree that the pharmacological effects of ingesting alcohol can only be viewed as one of a range of contributory factors – including situational, personal, inter-personal, and cultural variables - which may influence any given outcome.

Maguire and Hopkins¹⁰³ suggest efforts to identify alcohol-related violence in the NTE should not focus on causality (attempting to distinguish between cases which were or which were not due to the intoxication of the offender or the victim, although it is known that consumption is almost certainly a contributory factor), and should instead focus on the location and timing of offences. As noted above, this is supported by Tierney and Hobbs who advocate indirect measures of alcohol-related crime and disorder in the NTE based on the timing and location of offences (near to licensed premises, or the homeward routes and gathering points of revellers). This allows opportunities for practical measurement, given that from a local crime reduction perspective:

*"what proportion of offences are 'caused' by alcohol is of secondary importance compared with the fact that in most town and city centres, the majority of hotspots for violence and public disorder are located in the areas containing concentrations of licensed premises"*¹⁰⁴.

Thus, it is suggested here that:

- the analysis of incidents correlated with the drinking of alcohol purchased from licensed premises in nightlife areas (and associated pre-loading) need not be based on clear establishment of causality
- the analysis of such incidents should be based on the time and location of the offence
- prevention measures should focus on reducing crime, disorder and public nuisance occurring in and around licensed premises, and at other places closely associated with the night-time economy.

The approach outlined above has particular relevance to implementation of the Licensing Act 2003, local enforcement strategies, the development of cumulative impact policies, and the need for analysis and monitoring of crime and disorder at both the 'micro' level (inside, or at licensed premises) and the 'meso' scale (when looking at areas with large concentrations of licensed premises). Previous research has shown that large-scale monitoring and evaluation (across entire towns or cities) may mask more localised trends in individual premises or in areas with high densities of premises. Data gathering in specific areas may then be compared with local (city-wide),

regional, or even national, trends to enable partnerships to develop meaningful performance-related indicators.

Evidence-based decision making at the local level

If an appropriate information system/partnership working forum is established at the local level, this may have a number of functions. These could be classified as short-term operations responses, mid to longer-term strategic policy decision making, and research functions. Some potential functions include:

- to administer licensing applications
- to monitor individual premises and areas with clusters (high concentrations) of premises
 - to monitor if premises adhere to their licensing conditions
 - to identify problematic 'premises' (for example, the top 10 premises for violence/disorder), introducing a red/amber/green system/"3 strikes and you're out" etc., over an agreed time period
 - monitoring the status of particular premises (are the premises currently of interest to a particular organisation? If so, this would operate in a similar fashion to a flagging system), or monitoring the number of inspection visits/amount of enforcement action over a specified period.
- to provide representation at hearings
 - to compile evidence for licensing Reviews and Appeal hearings.
- to identify, prioritise and carry out targeted enforcement activity
 - to carry out targeted test purchases (under-age sales)
 - to co-ordinate multi-agency responses
 - education, formal warning, prosecution, Review.
- to corroborate and share knowledge
- to remove duplication of effort (for example avoiding dual visits by different agencies).

Potential Obstacles

There are a range of potential obstacles to developing a local information system/partnership working forum for targeting crime and disorder in the NTE. These include that:

- despite sharing protocols it can be difficult to share data
- analysis of different datasets may produce inconsistencies (for example, errors in analysing location or attributing crime incidents to individual premises)
- agencies have different objectives, thus collect data for different purposes
- pre-analysed data in aggregated form is not always useful to enhance intelligence



Factsheet: Alcohol, Crime and Disorder in the Night-Time Economy

- capacity data is not collected as a requirement of licensing applications
- not all local authorities will support the development of cumulative impact policies and gathering the necessary evidence to establish such policies is resource intensive
- there is often heavy reliance on working relationships between particular individuals in partner agencies rather than the establishment of wider and more formal links.

Further obstacles may exist for those seeking to develop a single information system. These might include: cost (who will pay for the system? can existing/corporate systems be adapted?); maintenance (by whom and how will information be maintained? who will update the system, as input may be required on a daily/weekly basis?); training (specialised training may be required for analysts); and security (any system will need to adhere to the requirements of the Data Protection Act and European EU Personal Data Protection and Privacy Laws).

Conclusions

There is an urgent need to understand the range of barriers currently preventing stronger enforcement from being factored into everyday policing practice as an integral part of the partnership response to problem drinking across the range of offences and issues categorised as Person-based, Place-based and Venue-based in Table 3. Figures across a five year period from 2004-8 show measurable enforcement action peaking in 2007 which coincides with the short-term Home Office campaigns and adds weight to the truism that the more crime one looks for the more one will find, whilst more importantly being suggestive of an unrecorded 'dark figure' of alcohol-related offences. Some powers, such as those to impose an Alcohol Disorder Zone (Violent Crime Reduction Act 2006 s.15-20) and s142 of the Licensing Act (as discussed above) have never been fully invoked. Enforcement action appears to most prominently target the sale of alcohol to under-18s and offences relating to public drinking. These may be conceived as the 'easiest pickings' but also as actions which address the symptoms rather than the causes of the various interlocking problems which give rise to crime and disorder in the night-time economy and that associated with young people's drinking in public places. Both pre-loading and street drinking are encouraged by the price differential between alcohol bought in off and on-licensed premises and as such provide further evidence in support of calls for national minimum pricing.

The experience of the KPMG *Review of the Social Responsibility Standards for the Production and Sale of Alcoholic Drinks* and that of similar exercises assessing the efficacy of voluntary codes and mechanisms in other countries¹⁰⁵ suggests that self-regulation alone is not sufficient to ensure compliance with the law. As with other legislation and sanctions concerning the supply and consumption of alcohol, the success or failure of the new national mandatory code seems likely to be determined by

the extent of political will, effort and funding applied to its enforcement at local, regional and national levels. It seems not so much that the current laws around alcohol are not 'fit for purpose', but rather that insufficient attention has been paid to ensuring their effective implementation, with greater emphasis being placed on political concerns with being seen to be constantly doing something 'new' in relation to alcohol, crime and anti-social behaviour. 'Tough new powers for the police', for example, have been frequently touted, whilst insufficient attention has been paid to the development of strong partnership working between the police and their partner agencies in licensing authorities, fire authorities, public health, and youth services (including NGOs). Youth services are undoubtedly an important and under-utilised resource as they are able to provide support for young people who experience problems with alcohol. At the same time, it is important to acknowledge that enforcement action is often particularly lacking in relation to those offences committed by young people themselves when purchasing, or attempting to purchase, alcohol illegally. More research is needed to explore the opportunities for and barriers against greater enforcement action across different local and regional contexts and a range of relevant offences to ensure that scarce resources are used as effectively as possible. Implementation and subsequent evaluation of the range of measures currently available to partnerships, together with data collection and data sharing on local crime and disorder trends is essential if partnerships are to devise effective responses to the on-going challenges posed by nightlife and crime.

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