

# [Alcohol problems and law in the uk criminology essay](https://assignbuster.com/alcohol-problems-and-law-in-the-uk-criminology-essay/)

‘ Alcohol has been associated with numerous health and social problems for centuries but it is only in recent years that the extent of such problems has been quantified’. ‘ According to World Health Organisation it is estimated that alcohol is the fourth leading risk factor for death and disability globally, almost at par with tobacco’. ‘ The UK has one of the biggest alcohol problems in Europe’. ‘ New and significant changes in drinking patterns have developed in Britain over the last twenty years, leading to growing concerns that we are placing our health and well being at greater risk of harm from alcohol’. ‘ The creation of a culture of drinking to get drunk or binge drinking is seen as the most significant causal factor of alcohol dependency and alcohol fuelled crimes’[5]. Crime committed by drunken individuals is an ongoing serious problem for not only the police, but for the public and victims who have to deal with the sometimes terrible consequences of offenders who commit crimes whilst under the influence of alcohol. For a number of years it has been a well known belief that alcohol is a major trigger in a lot of crimes that have been committed in England and Wales. ‘ Nevertheless it cannot be said that every person who drinks alcohol in an irresponsible manner will go on to commit a criminal offence as latest figures have proven that alcohol related crime is committed by a small minority of those people who consume alcohol irresponsibly’[6].

‘ The link between alcohol and crime has been greatly documented over the years’[7]. ‘ Many believe that the potential consequences of intoxication such as heightened levels of aggression, and impaired cognitive functioning, may be risk factors in experiences of crime and disorder, whether in relation to being a victim or a perpetrator’[8]. ‘ Alcohol dependant people are over represented in prison populations all over England and Wales compared with the general population’[9]. ‘ There are also a growing proportion of alcohol dependant offenders who have committed crime whilst under the influence of alcohol, which in turn leads to numerous reports that alcohol clearly seems to be a strong causative factor in a huge number of crimes committed against the person’[10].

The Criminal Justice System in England and Wales is very much burdened with alcohol related crime. ‘ It is estimated that these crimes cost the UK between £8 and 13 billion pound per year’[11]. ‘ The costs include

Cost to the Criminal Justice System £1. 8 billion

Costs to services as consequence of alcohol related crime £3. 5 billion

Costs to services in anticipation of alcohol related crime £1. 5 billion

Human costs of alcohol related crime £4. 7 billion’[12].

‘ The Licensing Act 2003 which came into force at the end of November 2005 abolished set licensing hours in England and Wales’[13]. ‘ The overall aim of the Licensing Act 2003 was to liberalise a rigid system whilst reducing the problems of drinking and disorder associated with a standard closing time’[14]. ‘ It was also hoped that the Licensing Act 2003 coupled with other government initiatives would help to bring about a more benign drinking culture’[15].

‘ The Licensing Act 2003 has been the subject of much controversy’[16]. ‘ Although its aim was specifically to address problems associated with late night drinking, in the run up to implementation it was presented by some of the media drunkard’s charter, whereby alcohol would be on sale 24 hours a day’[17]. ‘ The major concern by the public and the police was that it would have a major effect on crime and disorder’[18]. ‘ The Licensing Act 2003 passed on more responsibilities to the local authorities, also replacing the statutory licensing hours with opening hours set locally through the conditions of individual licenses’[19]. ‘ The new licensing authorities were expected to grant the licenses requested by licensees; unless it was proven that the Acts four objectives were not being promoted’[20]. ‘ The four objectives are

The prevention of crime and disorder

Public safety

The prevention of public nuisance

The protection of children from harm’[21].

It became obvious and understandable that most of the general public were not in favour of the new licensing hour, and were fearful of the impact it would have not just on themselves, but on their communities and towns. ‘ During the first year after the Act[22]came into force, they seemed to be hardly any change in alcohol related offences, ‘ Murder, manslaughter, and serious wounding had fallen by 5 percent over the evening and night time periods in the twelve months after the Licensing Act 2003 came into force’[23]. ‘ However there was an increase in the small numbers of these crimes happening between 3am and 6am’[24]. ‘ The category of offences which included less serious offences of wounding and assaults with no injury rose from November 2004 until November 2005’[25]. ‘ Offences of harassment showed a steady increase from November 2004 until November 2005 and then plateaued’[26]. ‘ Criminal damage offences fell by 1 percent in the year after the change’[27]. ‘ However whilst there was larger falls in the number of offences during the daytime, there was a 2 percent increase during the evening and night time periods which amounted to a 14 percent increase’[28].

However there was another report by The Home Office compared the data from 30 different police forces between November 2005 to December 2006 to see again how the Licensing Act 2003 had affected crime and disorder’[29]. ‘ The results were;

A 1% rise in the overall number of violent crimes, disorder and criminal damage incidents occurring between 6pm and 6am

A 22% rise between 3am and 6am in the 3 month period after the law had changed

A 25% increase in serious violent crimes committed between 3am and 6am’[30].

‘ There were many qualitative interviews conducted by Home Office researchers of licensing authority staff and those from responsible authorities were fairly consistent: most respondents described problems of crime and disorder associated with the night time economy as stable or declining’[31]. ‘ However most reported that this was nothing to do with the changes brought about by the Licensing Act 2003’[32]. Unless every police station completed a report on the exact alcohol related crime figures since the Licensing Act 2003 came into force then the impact remains vague.

Since the Act[33]came into force, the pressure of many police officers has increased, mainly because people are getting drunk at all different times of the day and night, therefore the police are dealing with drunk people and alcohol related crimes for longer periods of time, due to bars and clubs being open for longer hours. ‘ The Licensing Act 2003 was intended to make it easier for responsible authorities and local residents to call for the local authority to review a licence’[34]. ‘ Between April 2006 and March 2007 ninety two licences were revoked’[35]. ‘ In 2007 the government introduced some strategies and guidance; safe, sensible and social, for help in trying to reduce alcohol related crime’[36]. ‘ The strategy endeavoured to deliver three important points;

To ensure that the laws and licensing powers in the UK help to protect young people and bear down on irresponsibly run premises, and are being used widely and effectively (Enforcement)

To promote an environment which encourages sensible drinking through investment in better information and communications (Education and Prevention)

To ensure that there is a greater focus on the minority of drinkers who cause or experience most harm to themselves, their communities and their families (Treatment and Aftercare)’[37].

‘ Although other legislation has been introduced to help assist the police in their aim to reduce alcohol related crime, for example; penalty notices for disorder, drinking banning orders, directions to leave and licensed premises closure orders, it is more resources that are needed to help reduce alcohol fuelled crime’[38]. ‘ Although the police have had increased powers to deal with drunken offenders, they still cannot seem to decrease the amount of alcohol related crime’[39]. ‘ In 2006 the Violent Crime Reduction Act was introduced, which introduced new measures to ensure that police and local communities have the powers they need to tackle violent crimes including alcohol related crime’[40]. However this did not seem to have a positive effect on crime reduction either.

‘ Many offenders of alcohol related crime do not seem to be habitual offenders; many will have only one encounter with the criminal justice system’[41]. ‘ However some offenders are arrested repeatedly for alcohol related offences. Mechanisms for identifying why they reoffend and referring them for help are haphazard, meaning that they continue offending to their own detriment and that of society, whilst also taking up criminal justice resources’[42]. With pubs and bars open for longer hours during the day and night then this cannot be helpful in any way to help reduce the crime rate fuelled by alcohol. ‘ Many have argued that the alcohol industry has a vital role in helping to prevent and tackle the harms caused by alcohol misuse’[43]. However many would also agree with the fact that the alcohol industry do not do enough to try and help reduce alcohol related crime. Many different organisations can be classed as being responsible for reducing crime, including the offender himself and his family, however the alcohol industry are in control of how they advertise their alcohol, how it is packaged and how it is promoted. The alcohol industry should be working hard to help and if this means going beyond their statutory responsibilities then so be it. ‘ Since 2006 the challenge 21 scheme has been fairly successful in raising awareness among publicans and their staff of the need to be vigilant in preventing underage sales’[44]. ‘ Pubs are now turning away over one million underage customers each month who, when challenged were unable to provide acceptable proof of their age, this clearly indicates that the trade is making a bigger effort to enforce the law and prevent under age sales of alcohol’[45]. Challenge 25 gives more staff a wider margin of protection, as if the customer looks under 25 then the staff can ask for proof that they are over 18. ‘ In 2009 Britain’s drink industry announced a one million social marketing campaign aimed at encouraging more responsible drinking amongst young adults and shifting attitudes towards drunkenness’[46]. Supermarkets are also a contributing factor towards alcohol related crime due to their ability to sell alcohol at hugely reduced costs. Bars and clubs have to sell alcohol at a certain price, however supermarkets can afford to lower the price of alcohol, and nearly every supermarket has numerous offers on their alcohol, for example, 3 bottles of wine for £10 and numerous cans of lager for a low price. Therefore many people are drinking more at home, and many people are also drinking more before going out due to the low prices in supermarkets.

‘ Statistics in 2010 show that;

7, 800 premises have 24 hour licenses, of which;

4, 400 are hotel bars

1, 700 are supermarkets or shops

1, 000 are pubs, bars and nightclubs

800 are other premises’[47].

The above statistics have been a concern for the police and the general public. ‘ Previous to the Licensing Act 2003 most of the above establishments shut at 11pm, this in fact meant that there was a rise in assaults and antisocial behaviour because people were fighting and arguing as they were leaving the bars and clubs’[48]. However with 24 hour licenses in place, brawls and fighting are not just happening at 11pm, they are happening at all hours of the day and night. Therefore alcohol consumption seems to have risen since the introduction of the Licensing Act 2003.

The government claimed that the Licensing Act 2003 would help to reduce binge drinking as well as alcohol related crime. This seemed quite an absurd and unlikely claim, due to the face that for people that want to binge drink, bars and clubs will be open longer. ‘ With bars and clubs staying open for longer periods of time, then people are no less likely to binge drink than before the Licensing Act 2003 came into force’. ‘ An array of modern alcohol products and marketing strategies are especially designed to encourage and exploit the binge drinking culture’[49]. ‘ A large segment of the pub sector appears to operate on the basis of “ pack them in, get them drunk, and chuck them out”‘[50]. ‘ Speed drinking bars have also become very popular with binge drinkers, with a lot of bars now charging only £15. 00 for unlimited alcohol all night’[51]. ‘ However in 2009 there were strict conditions included in a new mandatory code on alcohol sales launched for consultation by Home Secretary at the time Jacqui Smith’[52]. Therefore these drink all you want promotions were banned. More and more young people are being targeted to drink alcohol every year. ‘ Alcohol industries have even admitted that they have to now compete with any other psychoactive products, hence the developments such as;

Inventing a new range of designer drinks to appeal specifically to young people

Increasing the strength of alcohol products targeted at the young

Marketing alcohol to young people on the basis of its psychoactive properties and hedonistic appeal’[53].

There seems to be nothing whatsoever in the above to justify regarding the abolition of fixed closing times as a key mechanism for reducing binge drinking’[54]. ‘ Longer drinking hours has in fact given the binge drinking pattern of consumption more scope and encouragement’[55]. However the government have been known to disagree with the above statement. The government have claimed that since the Licensing Act 2003 came into force, binge drinking has reduced considerably. ‘ The government’s claims are completely unqualified’[56]. ‘ There is no evidence to prove their claim, and is ironic for the government to claim such things with no evidence, especially as they state that one of the basic requirements for of the national harm reduction strategy is that it will be evidence based’[57]. Recent surveys of young adults aged between 18 and 24 concluded that a big percentage of them had committed a crime in the twelve months previous due to having been binge drinking at the time of the offence. ‘ The survey also found that young adults who got very drunk at least once a week were almost seven times as likely to admit to criminal damage, five times as likely to admit to fighting, and four times as likely to become involved in an argument than those who got drunk less than once a month’[58].

Prevention of alcohol related crime over the past decade has been somewhat confusing and misguided as to the actual help and effect on the overall decrease in the problem that it has. People drink alcohol for many different reasons; clinical professionals have often been in disagreement with each other of how to tackle alcohol related crimes. For many individuals there are underlying problems that lead someone to alcohol, and that leads someone to be alcohol dependant. The government seem to be very quick at placing the blame on others apart from themselves. Since the Licensing Act 2003 the NHS has seen a lot more admissions of patients with serious problems from drinking too much alcohol whether it is from assaults or from liver disease and other physical illnesses from alcohol. The government have done absolutely nothing over the past few years to make alcohol drinks less affordable. ‘ Alcohol is more widely available and cheaper than it has been since the 1970’s’[59]. ‘ The purchase of alcoholic drinks by UK households has risen ten percent in a year. ‘ In the last decade there has been a fifty percent increase of people drinking at home; this is an awful lot of drinking for children to be witnessing’[60]. ‘ Alcohol is now even stronger than it used to be. Surely one would ascertain that if the price of alcohol rose then this would help in decreasing alcohol related offences. Alcohol companies could actually do extra in helping the government to control and decrease the problems when dealing with alcohol and its ever growing increase in younger people seeing alcohol as escapism but not realising the risks and consequences that alcohol can have on their body, mind and life. ‘ The alcohol firms did come to some kind of agreement with the government a few years ago in which they said that by the end of 2008 they would label the majority of alcohol drinks with information about the number of units contained in the drink, the recommended sensible drinking guidelines for men and women, and the website address for the drinkaware trust’[61]. ‘ However very few companies complied with this, and just 50 percent of all drinks actually carry any warnings’[62]. However it has to be recognised that more and more adverts are appearing on our television screens each year regarding the dangers of drinking too much alcohol. Nearly every advert that advertiser’s alcohol has a warning and the name of the drinkaware website on the screen; this is a good improvement over the last few years.

Preventing alcohol related crime is also an ongoing problem for the police. ‘ Whilst alcohol related health and social problems amongst youths are increasing internationally, both consumption and associated harms are particularly high in British youths’[63]. Alcohol related crime is also taking the police away from dealing with more serious crimes. The British youths of today are consuming alcohol more frequently than any other generation. Binge drinking and peer group pressure are amongst the main concerns for schoolchildren. Most youths and unfortunately children are drinking in public places, for example, street corners and parks, outside youth clubs and even in their own homes. ‘ With habits and pressures like these there is a high rise in the amount of acute violence and long term alcohol dependence’[64]. ‘ In a statement made by a chief inspector of a police station in London, it was stated that “ the police concern is that there are already too many people leaving licensed premises, particularly after 1. 00am, and any more will place a burden on the area and add to the existing crime and disorder”‘[65]. ‘ Since this statement was made it appears that problems of drunkenness, crime and disorder have increased in the West end of London as hours of trading have been extended’[66]. ‘ An analysis of the criminal offences in relation to licensed premises in West End Central found that in 2000 the peak time for violent offences was 1. 00am, and the report concluded that the crime in and around the direct vicinity of licensed premises is occurring at later hours due to the extended licensing hours’[67].

‘ The evaluation of the Home Office report clearly indicates that the impact of the Act in its first year of operation brought fewer problems than were feared by pessimists, and fewer benefits than expected by optimists’[68]. ‘ There are three explanations for the findings; one is that the new licensing regime has not significantly changed patterns of drinking; the second is that there have been significant changes to drinking patterns, but that these changes have not led to more crime and disorder; the third is that extraneous factors have had a bigger impact than the changes to licensing hours’[69].

The UK has witnessed significant alcohol cultural changes over the last decade. Young women are especially drinking more, and binge drinking seems to be a popular pastime for the youngsters of today. It is a major fear when teenagers are beginning their drinking careers at increasingly younger ages. Ten years ago it was the age range of 15 to 16 year olds that were drinking alcohol frequently, now figures have shown that children as young as 9 and 10 are being introduced to alcohol, and are also drinking twice the amount that younger people drank ten years ago. ‘ Alcohol fuelled domestic violence seems to have been overlooked by the crime statistics in every year since the Licensing Act 2003 came into force because when domestic violence through alcohol is reported, it is not classed as a alcohol related crime’[70]. Alcohol is one of the main factors that contribute to domestic violence. It is extremely obvious that more needs to be done to achieve a vast reduction in alcohol related crime. The government have set out various conditions and legislation but it seems that the alcohol industry and supermarkets are not one hundred percent in favour of making our streets much safer by helping to reduce alcohol fuelled crime. Therefore if we as a country are sincere in wanting to reduce alcohol related crimes then perhaps a more tactical effect would be best achieved by starting with the businesses that are accountable for supplying alcohol to the public. Many bars and nightclubs sell soft drinks, water and non alcoholic beverages; however it is normally the case that soft drinks are more expensive than the alcoholic drinks. People who commit crimes whilst drunk are more often than not in need of help or counselling for their excessive drinking. This kind of help is never easy to achieve, and with most perpetrators of crime leaving the police station with just a warning then is it any wonder that they are most likely going to commit another crime once they have had some more alcohol. Harsher penalties should be given. In recent years numerous young adults have been interviewed about what their view is on how alcohol related crime can be decreased. ‘ The majority of the individuals stated that more should be done to try and moderate consumption of alcohol; however nobody can force someone to stop drinking. Many suggestions centred on licensed premises and what could be done within them to discourage excessive drinking and promote more moderate drinking’[71]. Bar staff should perhaps be trained more effectively so that they know when someone has had enough alcohol therefore discouraging the person to not drink anymore. With more and more premises every year opening for longer hours it seems that people are being tempted to drink more. Non-alcoholic drinks should certainly cost less than alcoholic drinks. It seems that every year bars and clubs are offering new promotions to encourage people to drink more, alcoholic drinks such as ‘ shots’ are the new craze at the moment, and are normally fairly cheap to buy if not free with your first drink.. With information such as this then there is nothing to suggest that the Licensing Act 2003 has had any positive impact on helping to reduce the crimes that are committed whilst people are under the influence of alcohol. ‘ Prevention is paramount; therefore educating children in secondary schools of the dangers of consuming alcohol should be of major importance’[72]. ‘ Many schools educate youngsters about the dangers of taking drugs, so why doesn’t educating children of the risks caused by drinking alcohol taking place in our schools’[73]. Alcohol did not seem to be a major problem regarding crime over ten years ago. The odd fight or criminal damage was sometimes fuelled by alcohol but there was not as near the problems our country has today. ‘ Many people are still of the opinion that the Licensing Act 2003 was completely non affective and that the government really need to readdress certain issues regarding the alcohol industry, so that maybe our drinks culture would not be so appealing’[74]. Not every individual who consumes alcohol can be convinced to drink less, however if tougher sentences were given for the perpetrators of alcohol related crime then maybe this would make the offender think twice before having that next drink.

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