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Outlet density and alcohol-related harm

Introduction

It is now well established that there are two key mechanisms to reduce alcohol-related harm: increasing the price of alcohol, and restricting its physical availability.¹ Availability refers to the ease or convenience of obtaining alcohol. The more widely available and easily obtainable alcohol is, the greater amounts of it can be consumed, and consequently the more normal and acceptable frequent and excessive consumption tends to become within society. This then exacerbates alcohol-related problems.²

High outlet density – the clustering of a large number of premises selling alcohol within a small geographical area – is increasingly common in town and city centres across the UK, meaning alcohol is more easily and widely available to consumers within these areas than elsewhere. For this reason, discussions about outlet density generally focus on the impact of concentrations of premises selling alcohol in central urban areas. This paper examines this issue of outlet density in more detail and asks whether reducing density will lessen alcohol-related harms.

Increased density

“The tension visible through the history of liquor licensing has been in balancing the freedom to sell and consume alcohol with the concern to limit the harmful social effects of alcohol consumption.”

Professor Roy Light,
University of the West of England³

In 1953, there were around 61,000 on-licence premises (pubs and bars) in England and Wales. By 2003 this figure had increased to an estimated 78,500.⁴ Moreover, the number of off-licence premises has nearly doubled, from 24,000 in 1953 to more than 45,000 today. In 2010, the number of premises with on-sales only alcohol licences, and both on and off-sales alcohol licences, was at the highest level in over 100 years.⁵

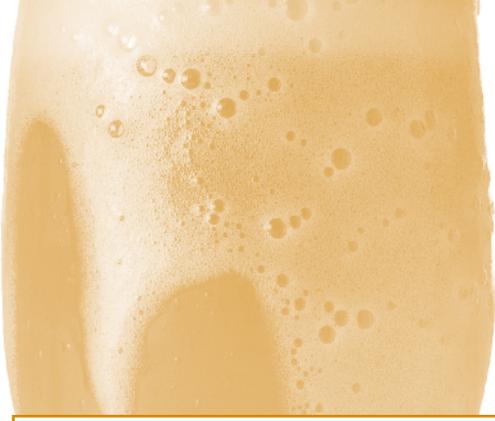
Crucially, many of these new premises are located in towns and city centres, where there is a higher concentration of people, and in close proximity to each other. Recent years have also seen the rise of the ‘superpub’ – modern drinking establishments with up to twenty times the capacity of a traditional pub; and ‘chameleon bars’, so called because their function changes from cafe-bars by day to dance bars by night.⁶ One obvious result of this is that



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many town centres are able to accommodate much larger number of drinkers at any one time. In Manchester, for example, the capacity of licensed premises in the city centre – i.e. the number of people who could fit into all the pubs and clubs – expanded by 240% between 1997 and 2001.⁷ *

These changes are largely a result of a relaxation in licensing regulations. In particular, the Magistrates' Association and the Justices' Clerks' Society's Good Practice Guide, published in 1999 following a Home Office Review in 1998, removed licensing authorities' previous discretion to assess licensing applications based around the issue of 'need'. This was a consequence of decades of liberalising pressure for reform, where it was argued that it should not be part of licensing justices' functions to assess whether market demand existed for new licenses, nor to protect existing licence holders against new competition.⁸

The Licensing Act 2003 further liberalised licensing law, transferring responsibility for licensing from justices sitting in magistrates' courts to licensing committees of local authorities. The Act set out four objectives for licensing authorities:

- prevention of crime and disorder
- prevention of public nuisance
- public safety
- protection of children from harm.

* Counting the number of alcohol licences in force does not differentiate between types and sizes of establishment. Evaluating the licensing 'capacity' gives a better indication of the number of drinkers that may be accommodated at any one time.

Local authorities were expected to automatically grant licenses unless doing so would be contrary to one or more of these. This remains the position today, although recent changes have been introduced via the Police Reform and Social Responsibility Act 2011, including a late night levy, enforced at the discretion of local authorities, on premises open after midnight to contribute to the costs of policing late night disorder.

Increased consumption

Findings from research linking high outlet density to increased rates of alcohol consumption are mixed. Studies in the US focusing on college students, for example, found clear links between outlet densities around colleges and rates of binge drinking and related problems.^{9, 10, 11} A separate study, however, found no relationship between outlet density and consumption in 82 Californian neighbourhoods.¹²

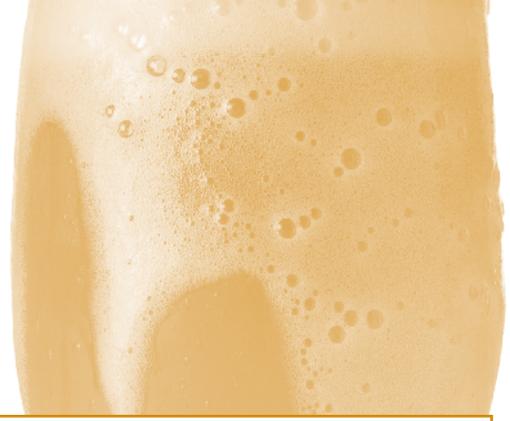
One factor that is likely to heighten the risk of increased consumption is the relationship between density and price. Where there are high numbers of outlets bunched in a small geographical area, there is a greater likelihood of the discounting of alcohol products as means of outlets competing with one another. Lower prices increase demand for alcohol and thereby facilitate heavier consumption.¹³ Bunching also increases the convenience for the potential customer, who is less likely to require any transport or planning to purchase alcohol, both factors that might otherwise act as a deterrent.¹⁴

Increased violence

Whilst there is some evidence supporting an association between outlet density and

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consumption, there is much stronger evidence of a link with alcohol-related violence.¹⁵ Several international studies have identified a link between density and physical violence.^{16, 17, 18, 19, 20, 21}

One explanation is that outlets clustered in close proximity to one another bring together larger numbers of people – often intoxicated young males moving between outlets, who can fulfil the roles of both victim and aggressor.²² High outlet density typically means high crowd density, and crowded spaces often trigger aggression, especially where a significant

number of people are intoxicated. Areas with a high density of outlets may also attract individuals prone to violent behaviour.²³

Another study from California found that outlet density influences incidences of violence not only in the immediate geographical area, but also in the surrounding localities. The authors estimated that an average reduction of one outlet in each of the 581 post code areas included in the study would translate to 290 fewer assaults over the six year period of analysis.²⁴

Case study: Cardiff

Central Cardiff has more licensing capacity per square metre any other city centre in the UK.²⁵ The city's night-time economy is estimated to be worth £413m a year, employing over 11,000 people.²⁶ Despite the undoubted economic value of this trade, in recent years the city centre has become regarded by some as an unattractive area at night, reserved for heavy drinking.²⁷

Under statutory guidance accompanying the 2003 Licensing Act, licensing authorities are able to implement a cumulative impact or 'saturation' policy for geographical areas suffering alcohol-related problems. This policy is based on the idea that certain areas have reached licensing saturation, and creates a presumption that any licence applications for the area will be rejected. (This presumption, however, is open to challenges in the courts).

Cardiff Council has categorised two small saturation areas in the city, one of which is St. Mary Street and High Street, one of the most popular late night drinking areas in the city centre, and one with a large number of licensed premises. Alcohol Concern undertook a snapshot survey in 2011 of premises where alcohol is available to purchase in these streets, and found that a total of 40% of all business premises in the area had a licence to sell alcohol. 10% of these licensed premises were off-licence premises, and particular concerns have been expressed that these shops may facilitate preloading by drinkers going on later to pubs and clubs, and also that some are open late enough to actually become part of the late night drinking scene themselves. Professor Jonathan Shepherd, Director of Cardiff University's Violence and Society Research Group, described a recent decision to allow Sainsbury's to sell alcohol until 9pm on St. Mary Street as a "disaster"²⁸ expressing dismay at the ease with which the supermarket was able to have the licensing authority's original decision to prevent sales after 6pm overturned.²⁹



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Discussion

A range of studies clearly indicate that limiting outlet density within a community may be an effective means of reducing alcohol-related problems, by:

- increasing the time and inconvenience that a typical drinker encounters in obtaining alcohol
- limiting competition between retailers and thereby reducing the likelihood of price-cut promotions and under-age sales
- avoiding high crowd density that frequently accompanies the bunching of outlets and leads to higher incidences of violence.³⁰

How a reduction in outlet density can be achieved practically, however, is more difficult. Refusing licences based on need for the premises has proven to be problematic in the past, attracting criticisms of infringing legitimate competition, whereby those retailers with an existing alcohol licence are given an unfair advantage over other potential alcohol retailers seeking to enter the market,³¹ as well as failing to support growth in the night-time economy. Local saturation policies or Cumulative Impact Policies (CIPs), which are arguably the nearest measure that we have to restrictions based on need, are open to the same criticisms, and decisions rejecting awards of licenses are also frequently overturned on appeal, particularly off-trade applications. Moreover, as such policies cannot be used retrospectively, it can be argued that they fail to address areas that are already saturated. In its Alcohol Strategy, published in March 2012, the UK Government sought to address some of these issues by pledging to amend the statutory guidance

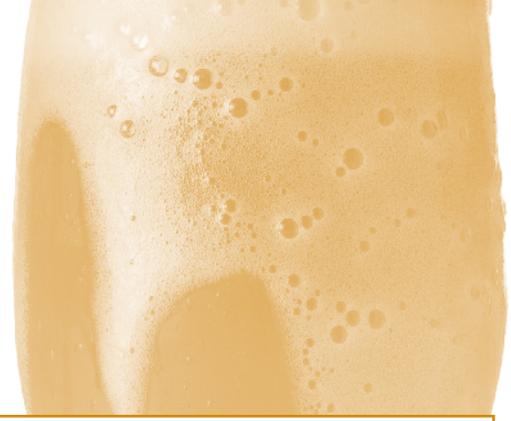
accompanying the Licensing Act 2003 to make clear that CIPs apply to both the on-trade and the off-trade, and making it easier for local authorities to introduce CIPs by reducing the burden of evidence required for one.³²

The licensing legislation in Scotland has taken a more direct approach by making density issues a key and explicit feature of licensing decisions. Licensing boards have been given the power to refuse an application for a new licence if this would result in ‘overprovision’, according to evidence relating to the licensing objectives. The boards must be pro-active in identifying existing and impending overprovision with regard to both the number and capacity of licensing premises in localities, thereby giving them flexibility to restrict one type of premise (for example, nightclubs) where there is evidence of overprovision, but allowing another type of premise (for example, licensed restaurants) where there is not. Edinburgh City Council has been recently reported to be considering capping the number of off-licenses in the city on this basis of overprovision.³³ Guidance accompanying the legislation states such measures are “not intended to restrict trade but may be required to preserve public order, protect the amenity of local communities, and mitigate the adverse health effects of increased alcohol consumption resulting from growing outlet density.”³⁴

Despite new measures in England and Wales introduced under the Police Reform and Social Responsibility Act 2011, which enable a wider range of people to oppose new or extended licences, there remains a need to provide all sections of the community with a greater voice in licensing decisions that impact on their

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lives. Concerns have been expressed regularly about the negative effects of large numbers of licensed premises in our urban areas. A survey by YouGov in 2009 found that 45% of adults in Wales regarded their town centre as a ‘no-go’ area because of alcohol-related problems.³⁵

Moreover, licensing decisions frequently fail to take into account the risks posed to public health. Recent legislative changes have provided Health Boards in Wales and Primary Care Trusts in England with powers to object to licenses in the same way that bodies like the police and fire brigades are able to. As part of its commitment to give stronger powers to control the density of licensed premises, the UK Government’s Alcohol Strategy has proposed to make health a criterion for licensing decisions.³⁶ In Scotland, the protection and improvement of public health has already been made an explicit licensing objective since 2009, and licenses can be refused or revoked where they fail to satisfy this objective.

It is clear that town planners and licensing authorities are under increasing pressure to get the balance right between an attractive and vibrant night-time environment, and one that is not dominated by the sale and consumption of alcohol. To support them in this, Alcohol Concern makes the following recommendations:

Recommendations

1. England and Wales should follow the example set in Scotland’s licensing legislation, which specifically requires licensing authorities to have regard to the number and capacity of licensed premises in localities when making their licensing decisions. As in Scotland, the protection of public health should be a fifth objective of the Licensing Act in England and Wales. This would allow licensing bodies to consider the public health impact of on- and off-trade licences, basing their decisions on robust local health data.
2. Licensing authorities and police should continue to investigate and adopt local interventions that may mitigate the effects of high outlet density in urban areas. Such interventions are wide ranging, and could include:
 - encouraging premises to participate in local ‘pubwatch’ and equivalent schemes
 - encouraging the use of toughened glass and polycarbonate glasses to reduce injuries, and litter picking schemes to remove potential weapons from the street
 - enhanced provision of CCTV in trouble hotspots and targeted street patrols
 - increasing provision of services such as medical triage centres and temporary toilet facilities during busy periods, for example during Christmas
 - making use of Early Morning Restriction Orders to prevent sale of alcohol after a certain time
 - consideration of staggered closing times to manage dispersal of customers from licensed premises



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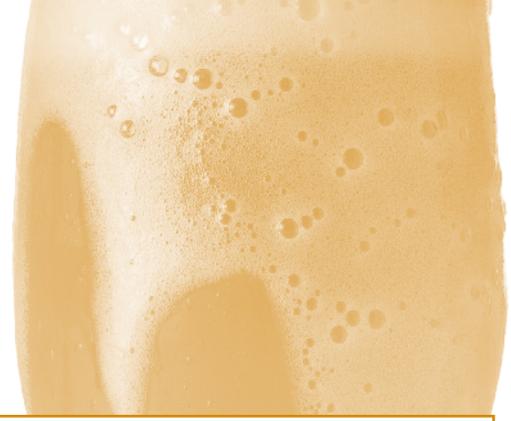
- temporary/permanent pedestrianisation of entertainment areas to ease crowd flow and prevent road traffic accidents.
3. Local residents must be able to voice their views about outlet density and have a greater say in licensing decisions made in their locality. This can be achieved by encouraging all local authorities to set aside a proportion of their licensing budget to fund a local residents' licensing forum, and/or consider the addition of lay members to licensing committees drawn from the local community.

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Alcohol Concern is the national charity on alcohol misuse campaigning for effective alcohol policy and improved services for people whose lives are affected by alcohol-related problems. We are working at a national level to influence alcohol policy and champion best practice locally. We support professionals and organisations by providing expertise, information and guidance. We are a challenging voice to the drinks industry and promote public awareness of alcohol issues.

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