

# On the road

Alcohol and driving



Alcohol Concern  
Making Sense of Alcohol



## **Alcohol Concern**

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.

## **Our work in Wales**

Alcohol Concern opened its office in Cardiff in August 2009. Alcohol Concern Cymru is focusing on policy and public health in Wales, acting as a champion for alcohol harm reduction.

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Road Safety Wales

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# Executive summary

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The dangers of driving when under the influence of alcohol are well understood. Alcohol produces a range of well-known effects on the human brain and body, including slower reactions and poor co-ordination, all of which can lead to greatly increased risk of injury and death on the roads. In recognition of this danger, a variety of blood alcohol limits for driving have been set around the world. The UK has one of the highest limits in the world at 80mg of alcohol per 100ml of blood. In 2010, the North Review recommended that the UK's blood alcohol limit be reduced to 50mg, bringing it in line with much of the rest of Europe. This will shortly be implemented in Scotland, although not elsewhere in the UK.

Public understanding of the legal limits for alcohol in the body when driving remains low, and many drivers measure how much alcohol they can safely drink by the unreliable method of counting number of drinks they have had. Encouragingly, however, more than half of drivers in Wales say they would never have any alcohol prior to driving. There also appears to be little evidence in Wales to support the belief that driving under the influence of alcohol is more accepted in rural areas.

The introduction of roadside breath testing in 1967 – backed up by severe penalties for driving under the influence of alcohol – has undoubtedly had a massive impact on drinking and driving in the UK. Concerns remain, however, that some drivers continue to drink before getting behind the wheel, in the belief that they are unlikely to be caught. Senior police officers have also expressed concern that their powers to check drivers for their fitness to drive are less than their powers to check the roadworthiness of vehicles. Alongside this, recent Department of Transport estimates suggest that the number of people killed in drink drive accidents actually rose by around 25% between 2011 and 2012, after many years of decline, making up 17% of all reported road deaths in 2012.<sup>1</sup>

Whilst most attention has quite correctly been focussed on the person who makes a decision to drive or not drive under the influence of alcohol, questions have been raised about the potential role of those selling alcohol in reducing alcohol-related harm on our roads. Awareness campaigns about drinking and driving have proven effective, particularly when backed up by firm enforcement of relevant laws, but there are big questions to be addressed about the role of alcohol companies in promoting safety on the roads.

There is a widespread belief, to some extent encouraged by the drinks industry, that “drunk drivers” are an aberrant group beyond the pale of normal drinking society. Conversely, Alcohol Concern argues that we as a drinking society need to have an open and honest debate about how much, when and why we drink and about how this impacts on our lives.

In order to push down levels of drink driving, and to promote an alcohol-free driving environment, Alcohol Concern makes the following recommendations:

## Recommendation 1

As recommended by the North Review,<sup>2</sup> and in line with common practice in most of the European Union, the blood alcohol limit for driving in England and Wales should be reduced from 80mg to 50mg per 100ml of blood. If this reform is not taken forward by the UK Government, the necessary powers should be devolved to the National Assembly for Wales. Any change to the blood alcohol limit will need to be accompanied by national publicity explaining the change and its implications.

### Recommendation 2

At whatever level the blood alcohol limit is set, all messages relating to drinking and driving should emphasise that even small amounts of alcohol will impair a driver's ability to control a vehicle, and make clear that avoiding alcohol entirely before driving is the safest option. Emphasis should also be placed on the dangers of driving the morning after an evening's drinking, and on the potential legal penalties for driving over the limit.

### Recommendation 3

Given the obvious conflict of interest between the commercial imperative to promote both the sale of particular alcoholic products and the use of alcohol in general, and the aim of promoting moderate alcohol use and appropriate abstinence, the alcohol industry should have no role in devising and presenting education and information about sensible drinking, including anti drink driving campaigns.

### Recommendation 4

In order to increase the perceived likelihood of being apprehended when driving under the influence of alcohol, police in England and Wales should be given powers to stop and test drivers for alcohol at any time, even where there is no evidence of a specific offence – so called “random breath testing”. As noted in the North Review, “it is only sensible and appropriate for the police to use this extended power in a targeted and intelligence led way”.<sup>3</sup>

### Recommendation 5

Given the clear dangers of making alcohol available for consumption by motorists who are likely to be travelling at or above the national speed limit, the current prohibition on the sale of alcohol at motorway service stations should remain in place.

### Recommendation 6

Comprehensive research should be undertaken into the relevance and applicability to the UK of:

- “Open container” laws, looking in particular at police records of the presence and importance of open containers of alcoholic drinks in vehicles involved in collisions
- Ignition interlocks, particularly for public service and commercial vehicles

# Introduction

This report examines the social, cultural, legislative and policy context of alcohol and driving in Wales and the UK as a whole. It looks in particular at the issue of driving under the influence of alcohol, but also more broadly at the place of alcohol on our roads.

The stigma attached to driving under the influence of alcohol has increased massively in the last 50 years, and the percentage of drivers found by police to be over the legal blood alcohol limit has dropped: in 1984 17% of breath tests in Wales found drivers over the limit; by 2011 that figure had dropped to 3%.<sup>4</sup> Alongside this, there has been a sharp decline in alcohol-related deaths on the roads across the UK, from a total of 1,640 in 1979 to a low-point of 230 in 2011.<sup>5</sup> However, the latest Department of Transport figures suggest that the number of people killed in drink drive accidents in the UK rose by around 25% between 2011 and 2012 up to a provisional total of 290, making up 17% of all reported road deaths in 2012.<sup>6</sup>

The decline, up until 2011, in both positive breath tests and alcohol-related road deaths, has been accompanied by a widespread and often deeply held belief that drink driving is a kind of aberration largely unrelated to our general drinking behaviour. Whilst it was previously common to think of those brought before the courts for it as unlucky and much like the rest of us,<sup>7</sup> they are now more frequently seen as examples of people who fail to conform to our society's drinking norms – the so called “mindless minority [that] does not understand how to drink sensibly”.<sup>8</sup> In this way, alcohol use on the road is removed from its proper context as part of our overall relationship with alcohol as a socially acceptable but potentially dangerous substance. This report aims to look at alcohol use on the road in that very context.

In order to gather the view of ordinary drivers, Alcohol Concern commissioned the research company RMG to carry out a survey of 500 people in Wales who had driven a vehicle on the public highway in the previous 12 months and who had also had an alcoholic drink within that period. The survey was conducted in April and May 2013, and the results have been incorporated into this report.

# Alcohol and society

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## Alcohol – its uses and effects

*“What we are seeing here is the capacity of a simple molecule to interfere with, or in some way hijack, the functioning of very complex brain systems.”*

Griffith Edwards, 2000<sup>9</sup>

Alcohol has been quite appropriately described as “the ambiguous molecule”.<sup>10</sup> This simple compound is a feature of almost all human societies, and been produced and drunk in Wales for around 4,000 years.<sup>11</sup> The use of alcohol is widespread and generally acceptable in our society: 87% of adults in Wales say they drink alcohol, and 43% report drinking more than the recommended maximum.<sup>12</sup> The true figures are likely to be even higher, given our persistent tendency to underestimate our drinking.<sup>13</sup> Alcohol is widely used to socialise, celebrate, commiserate and relax, and has been described as Britain’s “favourite coping mechanism”.<sup>14</sup> It is, on the other hand, a potentially deadly poison.<sup>15</sup>


The long term effects on our health of excessive alcohol consumption – in terms of liver disease, heart disease, and a wide range of other conditions – are often well hidden.<sup>16</sup> The immediate effects – such as nausea, confusion, vomiting, dehydration, and increased risk of accident and injury – are much more apparent and are familiar to most of us (at second hand at least). Although commonly used to enhance mood and liven up social gatherings, alcohol is in fact a depressant that slows our mental and physical reactions, and reduces co-ordination and cognitive function.<sup>17</sup> Alcohol acts upon the chemical messaging systems within the brain, producing on the one hand sensations of pleasure, and on the other a sedative effect.<sup>18</sup> Immediate symptoms of intoxication may include reduced inhibitions, talkativeness, impaired judgement and slurred speech.<sup>19</sup> The loss of brain to muscle co-ordination is often accompanied by a euphoric sense of overconfidence – a potentially deadly combination in any road user.

## Alcohol on the road

*“We paused there for a moment  
At that delightful inn,  
Some called out for beer  
Others called for gin.”*

Didymys Glangwili, *O Gaerfyrddin i Aberteifi ar ben y Mêl (From Carmarthen to Cardigan on top of the Mail coach)*, 1898<sup>20</sup>

From the time of the 18th century stagecoach, travelling between roadside pubs and coaching inns, road travel in the UK and many other countries has been traditionally associated with alcohol, with occasional drunken incidents part and parcel of the general dangers of travel.<sup>21</sup> Traces of this traditional pattern of alcohol supply remain to some extent, with many pubs still located on the main roads between towns. An additional factor since the 1960s has been the growth of off-licence alcohol sales from grocery stores<sup>22</sup> and other roadside venues such as garages and petrol stations.<sup>23</sup> In England and Wales, the Licensing Act 1988 prohibited motorway service stations and premises “used primarily as a garage” from selling alcohol.<sup>24</sup> This situation was maintained by the Licensing Act 2003, although alcoholic drinks can generally be bought in service stations that sell groceries on other roads, including on those where the national speed limit applies (i.e. where traffic may move as quickly as on the motorway).<sup>25</sup> The Welsh Government has called for the banning of alcohol sales at all petrol stations.<sup>26</sup> Conversely, the Home Office consulted at the end of 2012 on the possibility of removing the blanket ban on alcohol sales on motorways, and making such sales a matter for local authority discretion.<sup>27</sup> This has already led to JD Wetherspoon’s gaining a license for a motorway pub on the M40 at Beaconsfield, Buckinghamshire, whilst a Harvester restaurant serving alcohol is open on the M1 at Donington Park in Leicestershire.<sup>28</sup>



*“[We] ensure that, at all times, the customer is reminded of the need to drink responsibly.”*

JD Wetherspoon website, 2013<sup>29</sup>

*“If an individual comes in and orders a whisky or pint of beer, we are not going to ask whether they are driving. You wouldn’t do that in a village pub and we won’t be doing that here. We expect people to act responsibly. We don’t see this as any different to a pub that you may drive to that is just off the motorway network.”*

Tim Martin, chair of JD Wetherspoon, 2013<sup>30</sup>



# Drinking and driving

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## What's your limit?

*"We believe the current limit has had its day. The time is right for a change that will bring Scotland in line with the vast majority of Europe...Our European neighbours have not lowered the drink drive limit on a whim; they have taken this action to address problems with drink drivers on their roads."*

Kenny MacAskill MSP, 2012<sup>31</sup>

*"British Institute of Innkeeping members feel that any reduction in the Blood Alcohol Concentration limit will make no impact on those who habitually drink and drive...The current limit is bedded-in and respected. Lowering it could cause that respect to be diminished and cause confusion."*

British Institute of Innkeeping, 2010<sup>32</sup>

With the rise of the motor car in the 20th century, and increasing levels of road traffic and crashes, many countries took steps both to limit speeds on the roads and to limit the amount of alcohol drivers were allowed to consume. In 1926 Norway introduced legal penalties for drunk drivers, although at the time there was no method of clearly determining was constituted driving drunk.<sup>33</sup> In 1936 the country became the first in the world to legislate for a blood alcohol concentration for driving,<sup>34</sup> setting the level at 50mg of alcohol per 100ml of blood, later reduced to 20mg. In 1941 Sweden introduced a limit of 80mg, reduced to 50mg in 1956 and later to 20mg.<sup>35</sup>

A variety of acceptable levels of alcohol in the body when driving exist today around the world. The United Kingdom,<sup>36</sup> Malta<sup>37</sup> and the USA<sup>38</sup> have one of the highest limits, allowing drivers to have up to 80mg of alcohol in 100ml of blood. Most other European countries have set their limit at 50mg, and a smaller number at 20mg,

whilst some eastern European countries have opted for a zero limit.<sup>39</sup> For many years, the Republic of Ireland adhered to the same 80mg limit as the UK, but in 2011 this was reduced to 50mg, with a lower limit of 20mg for learners and new drivers and for professional drivers such as bus and lorry drivers.<sup>40</sup> Northern Ireland is also considering a lower limit of 20mg for learner and novice drivers.<sup>41</sup> In May 2013, America's federal National Transportation Safety Board strongly recommended reducing the blood alcohol limit in all US states from 80mg to 50mg.<sup>42</sup>

*"This recommendation is ludicrous. Moving from 80mg to 50mg would criminalize perfectly responsible behaviour."*

Sarah Longwell, American Beverage Institute<sup>43</sup>

In 2010, the independent review of the law on drink and drug driving in England and Wales, led by Sir Peter North,<sup>44</sup> recommended a reduced limit of 50mg. The same recommendation was also made by the RAC Foundation in 2013.<sup>45</sup> Control over the limit in England and Wales currently rests with Westminster, but elsewhere is devolved to the Scottish Parliament and the Northern Ireland Assembly. In 2012, the Scottish Government consulted on their plans for a 50mg limit for Scotland.<sup>46</sup> 74% of respondents said that the blood alcohol limit should be lowered, with 87% of these backing the Scottish Government's proposal to bring it down to 50mg; and in March 2013 the Scottish Government announced that they would take the necessary steps to bring in a 50mg drink drive limit in Scotland.<sup>47</sup> In 2006, the European Commission called for a harmonised limit at this lower level across the European Union (the only proposed exceptions being for countries whose limit was already even lower than this).<sup>48</sup> However, in July 2013 the Parliamentary Under-Secretary of State for Transport, Stephen Hammond clearly reiterated that "the [UK] Government has no plans to lower the drink drive limit in England and Wales".<sup>49</sup>

In 2008, the Welsh Government called for a reduction of the drink drive limit,<sup>50</sup> and in its 2013 submission to the Silk Commission it called for the devolution of powers to set drink driving limits to “enable reforms to enhance road safety in Wales”.<sup>51</sup> In Alcohol Concern’s survey of 500 drivers in Wales in 2013, 51% agreed that the drink drive limit should be lowered in Wales, and only 12% strongly disagreed. However, only 35% agreed that powers over drink drive limits should be devolved to Wales.<sup>52</sup>

The Royal Society for the Prevention of Accidents (RoSPA) advocates reducing the limit in the UK to 50mg,<sup>53</sup> whilst the road safety campaign group Brake have called for a limit of 20mg, effectively bringing in a zero tolerance approach to drinking before driving, but avoiding penalising anyone with only small traces of alcohol in their bloodstream.<sup>54</sup> The Scottish Government has concluded similarly that a zero blood alcohol limit would be impractical and could lead to “criminalising drivers who may have the remnants of alcohol in their system even though it is quite some time since they had a drink and very little alcohol actually remains in their system”.<sup>55</sup> Of respondents to Alcohol Concern’s survey of drivers in Wales, 80% agreed that people should not be allowed to drink any alcohol at all before driving, with 41% strongly agreeing with this position.<sup>56</sup>

The effectiveness of reducing blood alcohol limits for driving is a topic of considerable debate, but there is international evidence that such reductions have been accompanied by major falls in road fatalities.<sup>57</sup> The introduction of a national limit of 80mg across the USA produced a 15% reduction in fatal collisions on the roads. In Australia, the limit was reduced from 80mg to 50mg, with an 8% reduction in fatal crashes and an 11% reduction in crashes resulting in hospital admission. Similar findings were reported in Sweden, where the limit was lowered from 50mg to 20mg, resulting in a 9% reduction in alcohol-related fatal crashes. Estimates made by the National Institute for Health and Clinical Excellence

(NICE) and quoted in the North Review, suggest that around 7% of current UK road deaths could be avoided in the first year of 50mg limit.<sup>58</sup>

There have also been suggestions that lowering the drink driving limit will have a positive effect on overall drinking patterns. Very low limits might be expected to deter drinking in general (for example, to avoid persistent illegal levels of blood alcohol the next day). However, reviews of international evidence have found that this is not necessarily the case.<sup>59</sup>

### Too much too young?

*“Young drivers remain a major danger on the road, to themselves, their passengers and other road users, with study after study showing that young people are far more likely to be involved in a crash than older drivers.”*

Association of British Insurers, 2012<sup>60</sup>

Given the large number of young drivers involved in serious crashes, one common conclusion has been that the situation will be improved by tighter restrictions on young drivers’ use of alcohol. As noted previously, when the Republic of Ireland reduced its drink driving limit to 50mg in 2011 it also brought a lower limit of 20mg for learners and new drivers,<sup>61</sup> and an equivalent measure is under consideration in Northern Ireland.<sup>62</sup> In the Canadian province of Ontario, all drivers aged 21 or younger are required to have a blood alcohol level of zero when driving,<sup>63</sup> and the Association of British Insurers has proposed that the same rule should apply to all new drivers under 25 in the UK.<sup>64</sup> In July 2013, Public Health Wales recommended that the Welsh Government lobby for the introduction of Graduated Driver Licensing for young people, including elements such as restrictions on driving after dark, and a lower blood alcohol limit for driving,<sup>65</sup> possibly even as low as zero.<sup>66</sup> A separate report by the RAC Foundation in the same month made very similar recommendations.<sup>67</sup>

Research in the USA found that lowering the blood alcohol limit from 80mg to 20mg for young and inexperienced drivers produced a 13% reduction in fatal crashes.<sup>68</sup> RoSPA, however, has expressed concern that a specific blood alcohol limit for young and/or novice drivers in the UK could be problematic for two reasons:

- Enforcement would depend on police being able to verify a driver's age, which may be difficult as drivers are not obliged to carry their driving licence or any other form of identification when driving in the UK
- Young drivers who are subject to a lower drink drive limit may be more likely to drink and drive when they reach the higher limit due to a mistaken belief that they can now drink more and still drive safely (or at least legally) – so called “cliff edge effect”.<sup>69</sup> A similar point was made by the North Review, which noted that “the ‘do not drink and drive’ message is arguably diluted by the suggestion that, once a driver reaches a particular age, they are permitted to drink considerably more before driving”.<sup>70</sup>

Perhaps even more significantly, the North Review concluded that “immoderate drink drivers are not concentrated, as some earlier work has assumed, among young males”.<sup>71</sup> Department of Transport statistics for 2010 show that 25 to 29 years olds had the highest proportion of drivers killed over the legal alcohol limit, followed by 35 to 39 year olds.<sup>72</sup> Similarly, Scottish Government research found that men of all ages, people aged 30 to 59, and people in higher social classes were more likely to have driven after drinking alcohol. Although fewer people in older age groups reported driving after drinking alcohol, those that did, did so more often than those in other age groups.<sup>73</sup> Research published in October 2013 by the insurance company Swiftcover found that the number of people over the age of 75 caught drink driving in the UK had increased by 20% since 2010.<sup>74</sup>

## How many drinks is too many?

*“The responsible driver who wishes to enjoy a drink to accompany their pub meal or have a glass of wine or a pint of beer could do so without being in danger of breaking the law. Whether that would be wise, given the evidence of impairment at even low levels of blood alcohol, is another matter.”*

North Review, 2010<sup>75</sup>

*“Many people have no idea what the limit is. They underestimate the amount of alcohol in their blood and they think that eating food, and so on, will help them, but it does not.”*

Julie James AM, 2012<sup>76</sup>

Alcohol Concern's survey of drivers in Wales in 2013 showed that very few people know what the permitted level of blood alcohol for driving is in the UK. A majority of respondents (61%) thought that the limit was 30mg; 23% did not know what the limit was; and 8% thought it was 50mg. Just 9% were able to give the correct limit of 80mg.<sup>77</sup> This lack of awareness is perhaps not surprising, given that the concept of measuring milligrams of alcohol in millilitres of blood is unlikely to be particularly familiar or relevant to non-scientists. In much the same way that few drinkers fully understand the concept of units of alcohol and instead counts how many pints of beer or glasses of wine they are having,<sup>78</sup> many drivers calculate the amount of alcohol they can safely consume in terms of the number of drinks.

The amount of alcohol that can be drunk before reaching the UK's current 80mg blood alcohol limit varies from person to person,<sup>79</sup> but is often said to be equivalent to an average sized man drinking around two pints of normal strength beer. Although a number of organisations, including Alcohol Concern<sup>80</sup> and Drinkaware<sup>81</sup> strongly recommend avoiding alcohol completely prior to driving, it is not illegal to consume a certain

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amount before getting behind the wheel, and a significant number of people do still attempt to drink within the legally acceptable level before driving. Indeed, a study by the Scottish Government in 2007 noted that one reason that people gave for driving after drinking was that it was legal to do so up to a point.<sup>82</sup>

There is, however, a significant difficulty when attempting to drink and drive within the legal limits, in that it is more or less impossible to judge when we have drunk too much, especially when not drinking standard pub measure (such as when drinking at home). Scottish Government research found considerable confusion about what the legal limit was and how it related to the number of drinks consumed. Most people who drank before driving said they applied a crude rule of having no more than two alcoholic drinks, although this generally didn't take into account the type, strength or size of drink.<sup>83</sup> In Alcohol Concern's survey of drivers in Wales, 16% of respondents said they allow themselves one drink before driving and 4% set their own limit at two drinks. It is worth noting, however, that 48% of respondents said they would never have any alcohol before driving and a further 7% said they would not take their car if they were drinking. Only 1% said that they relied on common sense or intuitively knowing their own safe limit.<sup>84</sup>

*"It has been recognised for some years that, for most drivers, impairment begins (and hence accident risk increases) at much lower levels than 80mg...Drinking by drivers in the 50-80mg range is a significant and largely hidden cause of accidents."*

Department for Transport, 1998<sup>85</sup>

The report of the North Review noted suggestions at the time that bringing the limit down to 50mg would mean that drivers would be able to drink less than one pint of beer or one glass of wine,<sup>86</sup> but concluded that, in fact, "the responsible driver who wishes to enjoy...a glass of wine or a pint

of beer could do so without being in danger of breaking the law". The report cautioned, however that "whether that would be wise, given the evidence of impairment at even low levels of blood alcohol, is another matter".<sup>87</sup> Indeed, the evidence suggests that drivers with a blood alcohol level between 50mg and 80mg are 2 to 2½ times more likely to crash than those with no alcohol in their blood, and up to 6 times more likely to be involved in a fatal collision.<sup>88</sup> Department of Transport statistics on the numbers of car drivers and motorcyclists killed on Britain's roads in 2010 indicate that 75% of the 708 who died had between 0mg and 9mg of alcohol per 100ml of blood (officially classified as zero alcohol); 8% had between 10mg and 80mg (i.e. had been drinking but were below the legal limit); and 17% had 81mg or more, within which 11% were at 161mg or more (i.e. more than twice the legal limit).<sup>89</sup>

### Self-testing

*"Personal breathalysers divide opinion. Some believe they encourage drivers to drink as much as possible while staying just within the limit, whereas others see them as a safety device that ensures you don't drive if you've had one too many, or if you're still not clear-headed the morning after."*

What Car?, 2011<sup>90</sup>

Given the more or less impossibility of a driver making any kind of accurate judgement as to whether they have consumed too much alcohol to drive, one issue that arises from time to time is the value and validity of self breath testing by drivers who believe they may be over the limit. A wide range of self-breathalysers are on sale in the UK,<sup>91</sup> and coin operated machines selling these devices can be found in some pubs and clubs.<sup>92</sup> New rules introduced in France in 2012 mean that all drivers (including foreign visitors driving in the country) must have two single-use self-breathalysers in their car at all times,<sup>93</sup> although they are not legally obliged to use them. The

French Government's hope is that drivers who suspect they are over the limit will test themselves, and avoid driving if the result is positive. The AA have, however, warned that since blood alcohol levels do not reach their peak until 45 minutes after drinking, a driver may appear to be under the limit but later go above it after starting driving. The organisation's Head of Road Safety, Andrew Howard, has stated: "You could pass a test in the car park after an agreeable lunch and then fail when stopped by the police three quarters of an hour later. The only sensible advice remains if you drink don't drive, and if you drive, don't drink."<sup>94</sup> RoSPA have also expressed concerns that self-breathalysers may be inaccurate and may encourage people to try to drink up to the legal limit and still drive, rather than either avoiding alcohol or making another arrangement to get home such as a taxi or a designated driver.<sup>95</sup>

### The morning after the night before

*"Many people don't realise they can still be over the limit the morning after, a drinking session. We would urge everyone to think twice before getting behind the wheel the morning after and consider making alternative arrangements to get to work."*

Chief Inspector Darren Wareing,  
North Wales Police, 2012<sup>96</sup>

Whilst the prime focus of drink driving enforcement has historically been on those who are driving shortly after drinking, there has been more attention in recent years to the dangers of driving the morning after a night's heavy drinking, and a number of police forces have recently targeted much of their breath testing during the early morning.<sup>97 98</sup> Motorists setting off in the morning after an evening's drinking may not feel intoxicated. They may often believe that they have slept off the effects of their alcohol, or that they can revive themselves with caffeine, exercise or a shower.<sup>99</sup> However, given that it takes the body an average of 1 hour to metabolise each unit (10ml) of alcohol, it is perfectly possible to be

well over the legal driving limit the morning after, particularly if drinking has continued late into the night. Given this, RoSPA have gone as far as to conclude that "there needs to be a recognition that for those who drive on a daily basis regular heavy drinking is no longer a practicable option, if they are to comply with the law," adding that "given the very large proportion of the population in this category, this will mean a major change in the nation's drinking habits".<sup>100</sup> It is positive to note that in Alcohol Concern's survey of Welsh motorists only 3% believed it was always OK to drive the morning after an evening's drinking.<sup>101</sup>

### Town and country

*"There is a perception out there that drivers in rural areas believe they have less chance of getting caught drunk behind the wheel, which we are going to change. People should be aware that we will continue to patrol rural roads in targeted operations to catch drink/drug drivers."*

Chief Inspector Darren Wareing, North Wales Police, 2012<sup>102</sup>

There is a common perception that attitudes to drink driving are more lax in rural areas. This was highlighted in early 2013 by the bizarre proposal by Kerry County Council in the Irish Republic that driving licences should be issued allowing people in the countryside to drive home from their nearest pub "after having two or three drinks on little-used roads driving at very low speeds".<sup>103</sup> Whilst there is much such anecdotal evidence of this mindset, it is worth noting that a Scottish Government study in 2007 found no differences in drink driving habits between drivers in rural and urban areas.<sup>104</sup> Data for Wales for 2010 and 2011 also shows no clear pattern of differing levels of positive breath tests between rural and urban counties,<sup>105</sup> and Alcohol Concern's own survey of drivers in Wales in 2013 found no significant difference in attitudes between town and country.<sup>106</sup> Interestingly, a 2010 review for the Department of Transport in England<sup>107</sup> found that among the journeys

considered low-risk by drivers as regards safety when driving after drinking were:

- Quiet roads
- Familiar roads

But also:

- Well-lit roads
- Roads without too many twists and turns
- Urban rather than rural roads

There does, however, appear to be some evidence that rural drivers believe they are less likely to be caught when driving over the limit. In 2012, Essex Police reported that they had “stepped up road checks in...rural areas where some drivers believe they have less chance of getting caught drunk behind the wheel”<sup>108</sup> and similar statements have been made by North Wales Police.<sup>109</sup> The reduced probability of being caught when driving under the influence of alcohol, due in part to the difficulty and expense of policing the roads in large and sparsely populated areas, has also been cited by one study in rural Australia.<sup>110</sup>

*“Lowering the Blood Alcohol Content limit will have significant impact on footfall in rural food-led pubs resulting in loss of sales across all areas, but especially food.”*

British Beer and Pub Association, 2010<sup>111</sup>

There also appears to be a belief that a certain tolerance of driving after consuming alcohol is important to the rural economy. In its evidence to the North Review, the British Beer and Pub Association (BBPA) expressed particular concern about the impact a reduction in the drink driving limit could have on rural pubs. The Association argued that fewer people would go out to pubs that could only be reached by driving, and also that people would be reluctant to go for meals in groups if the driver could not drink, although it is not clear what evidence they have for this given the widespread acceptability by now of the concept of a “designated driver”. Similarly to the BBPA, the British Institute of Innkeeping (BII) argued: “The question is not that [rural] pubs rely on drinking and driving customers, but the reality that most people have one drink with a meal and pose little risk...Any changes [to the blood alcohol limit] could confuse customers and make them unwilling to make a journey”.<sup>112</sup>

The BBPA and BII’s arguments echo the concerns expressed in the 1960s that the introduction of the breathalyser would undermine the pub trade.<sup>113</sup> These arguments have, however, been disputed by others, who have argued that pubs should seek to actively promote soft drinks to designated drivers, and could even increase their takings in this way.<sup>114</sup> Alcohol Concern has previously recommended that pubs should be encouraged to “compete on the basis of criteria such as facilities, entertainment and atmosphere” rather than the promotion of alcohol.<sup>115</sup>

# Enforcing the law

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## Policing alcohol on the road

*“There is evidence that increasing the rigour with which existing legislation is enforced can have an impact on drinking behaviour. Conversely, failure to enforce legislation is associated with higher levels of consumption in the target population.”*

John Bailey et al. 2011<sup>116</sup>

*“Effective enforcement of the drink drive laws is essential, and should be high profile and highly visible in order to enhance its deterrent effect. Drivers should perceive that if they choose to drink and drive there is a strong chance that they will be detected and prosecuted and that the penalties will be severe.”*

RoSPA, 2012<sup>117</sup>

The effectiveness of drink driving laws has been found to be significantly increased where drivers believe they stand a good chance of being caught and of facing severe penalties.<sup>118</sup> Indeed, in 2011 the UK Government rejected the recommendation of the North Review<sup>119</sup> that the blood alcohol limit be reduced on the grounds that “improving enforcement is likely to have more impact... [than] lower[ing] the prescribed alcohol limit for driving”.<sup>120</sup> Conversely, a belief that driving under the influence of alcohol will not bring adverse consequences is unsurprisingly common amongst those who do drink and drive.<sup>121</sup>

*“Breathalyser legislation is probably one of the most useful and successful pieces of legislation to create a shift in behaviour that has ever been passed.”*

Dr Tim Brain, 2013<sup>123</sup>

Undoubtedly the most significant development in the enforcement of drink driving laws in the UK occurred in 1967 with the introduction of blood alcohol limits and the roadside breathalyser

test, developed by Anglesey scientist Tom Parry Jones<sup>124</sup> and produced by his company Lion<sup>125</sup> in Cardiff and later Barry. The new test was described by the then Transport Minister Barbara Castle as a “social revolution”<sup>126</sup> that caused “a stir throughout the land”.<sup>127</sup> Whilst ultimately accepted, the breathalyser was initially strongly criticised as an attack on drinkers and a threat to the pub trade.<sup>128</sup> According to one historian, the takings of rural pubs dropped by a third after the introduction of the test, and by more at weekends, although Barbara Castle responded characteristically sharply by stating that this simply proved that many rural drivers had previously been drinking far too much.<sup>129</sup> The test was also criticised as a violation of a traditional principle of English law that a suspect should not be obliged to provide evidence against himself.<sup>130</sup> Concerns about the intrusiveness of the new measure meant that initial plans for random roadside breath testing were shelved in favour of testing only motorists who had committed a “moving traffic offence” such as failing to obey a red light, and those who had already been stopped by the police and appeared drunk.<sup>131</sup>

*“An ambulance driver...told me that before the breathalyser their night's work had a regular pattern. As soon as the pubs closed the accident figures shot up and they were operating at full stretch. Now, he said, they spent the night playing cards.”*

Barbara Castle, 1993<sup>122</sup>

The impact of the test was felt very quickly, with road deaths in October 1967 down 12% compared with the same month in 1966, and a 22% decrease on the previous year's figures during the first 5 months following the introduction of the test.<sup>132</sup> However, Castle herself later expressed concerns that the initial shock effect of the new test had worn off over time, with drivers slipping back into previous bad habits.<sup>133</sup> One major factor in this seems to have been that drivers began to realise that they were far from

certain of being apprehended, partly as a result of inconsistent enforcement.

Recent statistics indicate that a pattern of inconsistent roadside breath testing continues to be an issue. Home Office figures for 2011 showed the following number of breath tests per 1,000 head of population for the four Welsh police forces:

- Dyfed-Powys 35
- Gwent 15
- North Wales 38
- South Wales 21

This produced an average rate of testing in Wales as a whole of 26 per 1,000, compared with just 11 per 1,000 in England, meaning that drivers in Wales are considerably more likely to be tested than those across the border. Indeed, the North Wales figure of 38 per 1,000 was the highest across England and Wales (disregarding the exceptional figure of 241 per 1,000 in the City of London – the result of extremely heavy traffic flow in an area with a very small population).<sup>134</sup> North Wales police have keen to point out the effectiveness of more frequent testing, citing a total absence of alcohol-related collisions in the region during Christmas 2012.<sup>135</sup>

Overall, police in England and Wales carried out 685,992 breath tests in 2011 compared to 736,846 in 2010. This 7% decrease follows the 10% decrease in the previous year, down from a peak of 815,290 breath tests in 2009.<sup>136</sup> The UK overall has particularly low levels of breath testing compared with other countries. A study in 2004 showed that 3% of drivers in the UK had been stopped and tested in the previous 3 years. This was well below the European average of 16%.<sup>137</sup> A 2007 European Transport Safety Council (ETSC) review of drink driving laws and levels of enforcement noted 3 distinct levels of testing across Europe: high (around 30% of drivers checked each year); medium (around

11-25% of drivers checked each year) and low (less than 10% of drivers checked in a year). The UK fell into the lowest category,<sup>138</sup> a fact noted by the UK Government in 2010<sup>139</sup> when it rejected a European Commission recommendation<sup>140</sup> that there should be an aim to test all drivers once every 3 years. According to UK Government calculations, this would require more than 10 million tests per year in the UK compared with less than one tenth of that number being conducted at the time.

In 2012, 19 European countries provided the European Transport Safety Council with figures on roadside alcohol testing carried out by their police forces in 2010. Finland, Norway and Sweden topped the table with 429, 367 and 287 tests per 1,000 people respectively. These three countries also had some of the lowest percentage of drivers tested found to be above the legal limit (0.9%, 0.25 and 0.6%) whereas higher rates of positive testing tended to occur in countries where testing was less frequent. Figures were not available for the UK for 2010, but 2009 figures showed a total of 14 drivers tested per 1,000 people, with 11.6% of tests positive.<sup>141</sup>

*“Putting conditions on when a breath test can be required simply supports the view that you can drink, drive and avoid prosecution by playing within the rules. Police have unrestricted powers to stop vehicles to check tyres, condition and the documents of a driver but are restricted when they can check for drink or drugs.”*

Association of Chief Police Officers (ACPO),  
2010<sup>142</sup>



*“It is very desirable that an unambiguous message can be given to the public about the risks of being breath tested and the law should be broadened to achieve this. That said, it is only sensible and appropriate for the police to use this extended power in a targeted and intelligence led way.”*

North Review, 2010<sup>143</sup>

As noted previously, initial plans to introduce random breath testing in the UK in 1967 were not implemented as they were felt to be heavy handed and intrusive.<sup>144</sup> This concern remains in some quarters, and in 2010 the UK Government concluded that “a power to conduct random tests could be seen as oppressive”.<sup>145</sup> The lack of this power has, however, been a source of some frustration for those seeking to reduce alcohol-related harm on the roads, and the North Review concluded that allowing police to stop and test drivers without having to prove a reason would increase the effectiveness of drink driving law enforcement.<sup>146</sup> As the law stands at present, police have no power to carry out random alcohol testing on drivers, but are able to randomly stop vehicles to see if they are roadworthy and being driven legally. Having stopped a vehicle, police officers may ask any driver voluntarily to be breath tested, and if alcohol use is suspected a test can be required compulsorily.

The term “random breath testing” is something of a misnomer in any case, in that it is rarely used entirely randomly, as this would be unlikely to be a cost-effective use of staff and resources. The Association of Chief Police Officers (ACPO) has advocated a power to undertake breath testing without suspicion of an offence as it would:

- Allow targeted testing of drivers at specific places without the current requirement for consent
- Increase the belief of drivers that if they do drink and drive they are likely to be caught.<sup>147</sup>

Looking outside of the UK, random breath testing has been widely used in Australia. In accordance with the ACPO position that increasing drivers’ expectation of being caught is crucial, such testing has been accompanied in Australia by large scale publicity campaigns. Research there has found that random testing has helped reduce drink driving, but its implementation can be expensive.<sup>148</sup> In the State of Victoria, the proportion of fatally injured drivers over the legal blood alcohol limit fell from 49% in 1977 to 21% in 1992 following the introduction of random testing. Surveys have indicated that once stopped, drivers believe it is unlikely that they will be stopped again, and there is also some evidence of drivers becoming familiar with the location of testing sites and taking alternative routes.<sup>149</sup> However, overall, researchers have concluded that random breath testing is “an effective strategy to reduce alcohol-related traffic crashes”.<sup>150</sup>

A similar tactic has been used by police in some parts of the USA in the form of Sobriety Checkpoints where drivers can be stopped without reason and breathalysed. These appear to increase drivers’ perceptions of their likelihood of being caught after drinking, and in one study in areas where weekly checkpoints were conducted there were 70% fewer drivers over the legal blood alcohol limit than in adjacent areas without checkpoints.<sup>151</sup> Overall, RoSPA have concluded that “coupled with the power to implement intelligence-led breath testing, random breath tests would be a powerful deterrent tool”.<sup>152</sup>

### The price you pay

Although rates of detection of drink driving offences vary in the UK, the penalties for those caught and convicted are substantial. Since 1967, driving above the legal blood alcohol limit in the UK has brought an automatic 12 month driving ban, a penalty that has a particular impact on those who rely on their licence for their livelihood. All alcohol-related driving offences also carry the possibility of a fine and/or imprisonment,

particularly if other road users are injured or killed.<sup>153</sup> Convicted drivers will often also face large hikes in their insurance premiums and may be refused motor insurance by some companies.

There does, however, appear to be a problem of low levels of awareness in some quarters of the penalties for drink driving, which will inevitably reduce their deterrent effect. Scottish Government research in 2007<sup>154</sup> found that many people lacked knowledge of the penalties and consequences of drink driving. Around half drivers knew they could lose their licence for 12 months for driving under the influence, but were unaware that this happened in more or less all cases. Similarly, few knew that drink driving led to a criminal record and to the conviction being recorded on their licence. The report concluded that “this lack of knowledge undoubtedly leads some who drink drive to underestimate the penalties”.

### Under lock and key

Various approaches have been trialled to deter those caught driving over the limit from reoffending. All 50 American states have some form of ignition interlock law, by which judges can require convicted drink drivers to install a device in their car that analyses the driver’s breath and prevents the engine from starting if alcohol is detected. 17 states have made ignition interlocks more or less mandatory for all convicted drunk drivers, including first-time offenders.<sup>155</sup> There is some evidence that these devices are effective in reducing reoffending by people convicted of driving drunk, although this effect is not maintained once the device is removed.<sup>156</sup>

In a small trial of interlocks in Britain in 2008, 43% of convicted drink drivers taking part failed to complete the 12 month trial. The devices did, however, prevent participants from driving under the influence of alcohol many times, including 328 attempts to drive over the 80mg limit. The main problems reported by participants included:

- Being over the interlock limit the morning after drinking
- Delays in starting the car due to the time taken for the interlock to warm-up
- Difficulties with retesting during journeys

Many of the participants did say, however that using the interlock at least made them think seriously about their drinking, even if it did not change their drinking patterns completely.<sup>156</sup>

*“Acceptance of alcolocks has increased among drivers and haulage companies. Several of our customers now regard the alcolock as an important quality tool.”*

Volvo Trucks, 2013<sup>158</sup>

Alcohol locks have proved acceptable to professional drivers, their employers and passengers in preventive trials carried out in Sweden.<sup>159</sup> Since 2005, Volvo Trucks has offered a factory-fitted alcolock to all customers.<sup>160</sup> In 2006, the company also started offering to install breath test equipment free of charge on ferries carrying lorries to Sweden, so that overseas truckers could test themselves to see if they were under the country’s 20mg blood alcohol limit.<sup>161</sup>

The RAC Foundation has noted potential benefits from the use of interlocks in fleets of commercial vehicles,<sup>162</sup> and the National Express coach company installed interlocks on all of their 500 vehicles<sup>163</sup> following an alcohol-related crash in 2008.<sup>164</sup> If a coach driver is over the limit, the device prevents the coach from being moved, and also informs the company’s head office. A retest can be conducted after 20 minutes, and the coach remains immobilised in the meantime.

## Mending our ways

*“We need to have not only a zero tolerance approach to drink-driving, but re-education programmes for those offenders to get them out of the habit of drink-driving.”*

Peter Black AM, 2012<sup>165</sup>

Since 2000, courts throughout England, Wales and Scotland have been able to offer people convicted of driving under the influence of alcohol an option to attend a 3 day rehabilitation course. Offenders who have lost their driving licence for 12 months receive it back 3 months earlier if they successfully complete the course, whilst the courts have discretion to decide on the size of any reduction for disqualifications longer than a year.<sup>166</sup> Similar courses are run either mandatorily or voluntarily in a number of other countries, including several American states.<sup>167 168</sup> In Wales, courses are provided by AA DriveTech, Institute of Advanced Motorists, NewLink Wales, Ogwr DASH, and TTC2000.<sup>168</sup>

The rehabilitation course looks at:

- Alcohol and its effects on the body
- How alcohol affects driving performance and behaviour
- The blood alcohol limit for driving, what it means, how it is enforced, and the punishments for driving over the limit
- The effects of drink driving on victims and their families, and the consequences for the offenders, such as loss of employment and more expensive insurance
- Examination of offenders’ drinking and driving behaviour
- Alternatives to drink driving, strategies to avoid reoffending, and sources of help.<sup>170</sup>

The results of courses in the UK have been positive, with one study finding that those who attended were half as likely to be convicted of a subsequent drink driving offence as those who do not, and were less likely to commit any other kind of motoring offence – around 10% of course attendees were convicted of motoring offences within a 2 year period, compared with 17% of those who did not attend.<sup>171</sup> However, since course attendees self-select, it is not clear to what extent the course is modifying their behaviour and how much they were already less likely to reoffend – drivers who do not wish to change their behaviour may simply not attend the course.

## Ogwr DASH drink drive rehabilitation scheme

Local substance misuse charity Ogwr DASH has been running the Driving Standards Agency's drink drive rehabilitation scheme since 1993, covering south east Wales from Abergavenny to Bridgend, and including the Gwent and Glamorgan Valleys.

Statistics from the last few years show the completion rate for the course gradually increasing from 46% to 61%:

- **2009** – 1844 referrals from the courts, with 856 completing
- **2010** – 1454 referrals from the courts, with 741 completing
- **2011** – 1500 referrals from the courts, with 741 completing
- **2012** – 1253 referrals from the courts, with 765 completing

Comments from participants highlight the value of the course to them, including one person who thought such a course could benefit all drivers:

*"I have learned so much. I have more awareness of the effects of alcohol and how these impact on my driving. I will never drink and drive again."*

*"It has brought home to me the very real danger of drink and driving, and the devastating effect that it can have, not only on my life but the lives of other people as well."*

*"The course should be available to everyone before they are convicted of a drink driving offence. Learning how long alcohol stays in the system could have prevented me losing my licence."<sup>172</sup>*

## Alcohol at the wheel

*"For the first time since buggies became horseless, it's illegal to drink and ride."*

Dallas Morning News, 2001<sup>173</sup>

In an attempt to make a very clear separation between alcohol and motor transport, for both drivers and passengers, many states in the USA have introduced so called "open container laws".<sup>174</sup> These prohibit the possession of any open bottle or can of alcoholic drink in the passenger areas of the vehicle.<sup>175</sup> These laws generally apply to all vehicles on any public highway or on the hard shoulder, although passengers in buses, taxis, limousines, and motor homes may have alcohol with them, and alcohol can generally be carried in the boot or luggage compartment provided it cannot be reached while the car is moving. Police in most states have the authority to stop vehicles to enforce the law without having to show a reason for believing an offence has occurred.<sup>176</sup> At least one study has shown that states without open container laws experience significantly greater numbers of fatal crashes in which alcohol plays a part,<sup>177</sup> and the Texas Department of Public Safety has observed that in the majority of alcohol-related crashes an open container of alcohol is found.<sup>178</sup>

# Whose responsibility?

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## At the point of supply

*"We want people to be able to enjoy the festivities but stay safe, so we're rewarding drivers who are being responsible and not drinking before they get behind the wheel."*

Councillor Chris Penberthy, 2012

Whilst most attention has quite correctly been focussed on the person who makes a decision to drive or not drive under the influence of alcohol, questions have been raised about the potential role of those selling alcohol in reducing alcohol-related harm on our roads (and, indeed, in reducing excessive consumption and alcohol-related harm in general).

For over 100 years, it has been illegal in the UK to sell alcohol to someone who is drunk.<sup>179</sup> This provision was restated in the Licensing Act 2003, with a potential £1,000 fine and forfeiture of licence,<sup>180</sup> but it is widely recognised that this law is often not enforced. In the USA, and to a limited extent Australia and Canada, bar owners and their staff have been found to have a civil liability for serving alcohol to an intoxicated customer who has gone on to cause injury or fatality through driving.<sup>181</sup>

In 2010, the North Review argued that the hospitality industry could do more to prevent drink driving, for example by promoting the "designated driver" schemes, and by reducing the disproportionately high cost of non-alcoholic drinks.<sup>182</sup> (Alcohol Concern research in 2009 found that soft drinks were rarely discounted or promoted in pubs, and that alcohol was often cheaper to buy than the cheapest soft drinks).<sup>183</sup> The North Review recommended specifically: "The drinks, hospitality and night-time entertainment industries should promote and operate measures and best practice across Great Britain that encourage and facilitate situations where the person who is driving abstains from drinking".<sup>184</sup>

There have been some positive initiatives in this direction, such as the free Christmas soft drinks

campaign for drivers promoted by Coca-Cola across the UK<sup>185</sup> and Ireland<sup>186</sup> in 2012, and similar local schemes such as the one promoted by Plymouth City Council.<sup>188</sup> It is worth noting, however, a number of quite serious problems that have arisen with designated driver schemes, including:

- Lack of incentives to be the sober driver
- The tedium of having to escort increasingly drunk companions during their night out
- Pressure to drink despite being the driver
- The fact that in some groups a person may become the designated driver simply by virtue of having drunk less alcohol than everyone else, or less alcohol than usual.<sup>188</sup> A study by the University of Florida of 1,000 bar patrons, published in 2013, found that 35% of designated drivers had drunk alcohol, and 18% had a blood alcohol level of greater than 50mg per 100ml of blood, i.e. more than the drink driving limit in most countries.<sup>189</sup>

*"If you look at how people choose their designated drivers, oftentimes they're chosen by who is least drunk or who has successfully driven intoxicated in the past — successful meaning got home in one piece."*

Professor Adam Barry, University of Florida<sup>190</sup>

Whilst other studies of designated driver schemes have shown a positive effect on the rate of driving when intoxicated, they have also shown a pattern of increased consumption amongst passengers who are not the designated driver.<sup>191</sup> As researchers at Bangor and Glyndŵr Universities noted, "perhaps the most problematic aspect of these messages is the fact that they encourage the drinker to shift responsibility to others... Designating a driver turn[s] people into [supposed] responsible drinkers, [since they] are free to consume as much as possible without worry about the consequences".<sup>192</sup>

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Training programmes for servers and bartenders which are aimed at preventing customers from driving while impaired by alcohol have been found to have some positive effects in discouraging excessive drinking and encouraging the consumption of non-alcoholic beverages. The effect such is enhanced if they are combined with licensing conditions as part of a wider community campaign.<sup>193</sup>

### Getting the message

Over the years, there has been a series of publicity campaigns aimed at raising our awareness of the dangers of drink driving, from “Don’t take your car for a drink” in 1976<sup>194</sup> to “THINK! Don’t drink and drive” in 2012.<sup>195</sup> Although, overall, there is little evidence that alcohol education campaigns on their own are effective in influencing the population’s drinking behaviour, there is good international evidence that publicity campaigns aimed in particular at reducing drink driving can have a significant impact, particularly when publicity is backed up by firm enforcement.<sup>196</sup> One review of mass media campaigns to reduce alcohol impaired driving found that well-planned and executed campaigns which achieve adequate audience exposure reduce alcohol impaired driving by a median of 13%. One major issue that remains to be solved, however, is to what extent the alcohol industry should be involved in such campaigns.

*“We are pleased to continue this campaign to educate drivers to accept responsibility, particularly over the Christmas season. This fifth phase of our partnership focuses on education as the most effective way to tackle consumption of alcohol. Although the numbers risking drink driving have dropped dramatically over the last 20 years, new and experienced drivers still need to be reminded of the risk. One drink driver is still one too many.”*

Denis O’Flynn, Pernod Ricard UK, 2012<sup>197</sup>

*“By utilizing imprecise slogans and other advertising tactics, the alcohol industry has cleverly turned this former prevention message into a marketing tactic that appeases critics and consumers yet does not influence public health”*

Adam E. Barry and Patricia Goodson, 2010<sup>198</sup>

In 2003, the Welsh Government argued that “the contribution of the drinks industry (in particular the Portman Group) should be sought to target anti-drink driving messages at particular market segments”.<sup>199</sup> More recently, however, evidence has been gathered that drinks industry sponsored campaigns to promote sensible drinking actually promote drinking in general.<sup>200</sup> One clear reason for this is that the industry’s messages about sensible use of its products are often presented in the context of materials promoting the positive benefits of normal alcohol consumption. As researchers at Bangor and Glyndŵr Universities noted in 2011, “whilst the campaigns identify specific undesirable behaviours such a drink driving, they serve to normalise and promote drinking in general”.<sup>201</sup> In reality, one cannot expect things to be otherwise, given that the drinks industry cannot make too much of the inherent dangers of alcohol without undermining its own trade. This does, therefore, raise serious questions about how effective drink driving awareness campaigns which are effectively alcohol marketing campaigns will be in promoting sensible drinking by drivers or anyone else. Indeed, it has even been suggested that alcohol education campaigns funded by the alcohol industry can increase the risk of harm.<sup>202</sup> Given this, it is hard to see any real role for alcoholic drinks producers as partners in any sensible drinking campaign – including campaigns on drink driving – although there is perhaps more scope for a role for some alcohol retailers, particularly those shops and pubs that can actively promote alcohol-free alternatives.

# Discussion and recommendations

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## Discussion

*“Forty years ago, most people saw it as largely comic. Now we take it seriously. If we know someone who has injured somebody while driving drunk, we think much the worse of him...We share a culture of disapproval.”*

Charles Moore, 2007<sup>203</sup>

In 1967, facing opposition to her clampdown on drink driving, the then Transport Minister Barbara Castle castigated magistrates for being “notoriously lenient towards driving offences on the principle of ‘There but for the grace of God go I.’”<sup>204</sup> One thing that is clear is that over the last few decades this attitude has to a large extent disappeared. Even those who do drink and drive seem to be aware that they are violating a strong social taboo. To a large extent, drunk drivers have become the ultimate example of the alleged “mindless minority [that] does not understand how to drink sensibly” referred to by the Wine and Spirit Trade Association Chief Executive Jeremy Beadles in 2010 and contrasted with “the silent majority” who deserve “the continued freedom to enjoy alcohol without being penalised”.<sup>205</sup>

*“The reason we haven’t been able to solve the drunk-driving problem in this country is because groups like the National Transportation Safety Board insist on targeting moderate and responsible social drinkers instead of the hard-core drunk-driving population that causes the majority of drunk-driving fatalities.”*

Sarah Longwell, American Beverage Institute, 2013<sup>206</sup>

We need to be very wary, however, of mentally sectioning off anyone who drinks and drives in the same way as we often section off other “problem drinkers” as being wholly separate from the general drinking population.<sup>207</sup> In 2010, the North Review concluded that “the stereotype of the drink driver is no longer a helpful mirror... Immoderate drink drivers are not concentrated, as some earlier work has assumed, among young males; nor are they necessarily clinically alcohol dependent. They do not all reject the social norms on this issue but fail to comply with them in practice”.<sup>208</sup> The Review did highlight certain problematic groups whose attitudes to drinking and driving were fundamentally anti-social, although these were very much in the minority:

- “Outlaws” – who get drunk and drive without regard for legal limits and guidelines
- “Ostriches” – who drive over the limit much more than they think but blame circumstances and other people<sup>209</sup>

*“[We have] a general reluctance to recognise that alcohol misuse is a spectrum and that the boundary between healthy alcohol use and alcohol misuse is not always clear. Many of us will alternate between healthy and unhealthy patterns of use over time, and for this reason it is not helpful or honest to attribute problematic drinking to a discrete group of ‘problem drinkers’.”*

Alcohol Concern, 2012<sup>210</sup>

*“Drunk-driving offences are tightly linked to the over-consumption of alcohol and to binge drinking in general, which is a major public health problem in modern society.”*

Alan Wayne Jones, 2010<sup>211</sup>

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Current views about drink driving are very much a reflection of the dichotomy of models<sup>212</sup> which frame the way alcohol is viewed in our society:

- The **responsible decision-making model**, which regards alcohol as a neutral substance which is problematic only when users make poor decisions
- The **lifestyle risk reduction model**, which holds that alcohol is a problematic substance in itself that causes impairment for those at risk.

The responsible decision-making model blames the user for alcohol abuse, whereas the lifestyle risk reduction model recognises the role of the product (be that alcohol, tobacco, or other potentially addictive products such as gambling). The latter theory is now generally used in the field of health promotion for addressing alcohol problems in society. However, it is the former view which is presented by the alcohol industry in its responsible drinking advertisements. As researchers at Bangor and Glyndŵr Universities noted in 2011, the problem of drunk driving is often seen in the context of messages which imply that drinking excessively can be done responsibly as long as no driving is involved.<sup>213</sup> In this way, alcohol use on the road is removed from its proper context as part of our overall relationship with alcohol as a socially acceptable but potentially dangerous substance. Alcohol Concern believes that we have to move away from this false dichotomy and have honest and open adult conversations about the role alcohol plays in our society and our social lives.

## Recommendations

In order to push down levels of drink driving, and to promote an alcohol-free driving environment, Alcohol Concern makes the following recommendations:

### Recommendation 1

As recommended by the North Review,<sup>214</sup> and in line with common practice in most of the European Union, the blood alcohol limit for driving in England and Wales should be reduced from 80mg to 50mg per 100ml of blood. If this reform is not taken forward by the UK Government, the necessary powers should be devolved to the National Assembly for Wales. Any change to the blood alcohol limit will need to be accompanied by national publicity explaining the change and its implications.

### Recommendation 2

At whatever level the blood alcohol limit is set, all messages relating to drinking and driving should emphasise that even small amounts of alcohol will impair a driver's ability to control a vehicle, and make clear that avoiding alcohol entirely before driving is the safest option. Emphasis should also be placed on the dangers of driving the morning after an evening's drinking, and on the potential legal penalties for driving over the limit.





### Recommendation 3

Given the obvious conflict of interest between the commercial imperative to promote both the sale of particular alcoholic products and the use of alcohol in general, and the aim of promoting moderate alcohol use and appropriate abstinence, the alcohol industry should have no role in devising and presenting education and information about sensible drinking, including anti drink driving campaigns.

### Recommendation 4

In order increase the perceived likelihood of being apprehended when driving under the influence of alcohol, police in England and Wales should be given powers to stop and test drivers for alcohol at any time, even where there is no evidence of a specific offence – so called “random breath testing”. As noted in the North Review, “it is only sensible and appropriate for the police to use this extended power in a targeted and intelligence led way”.<sup>215</sup>

### Recommendation 5

Given the clear dangers of making alcohol available for consumption by motorists who are likely to be travelling at or above the national speed limit, the current prohibition on the sale of alcohol at motorway service stations should remain in place.

### Recommendation 6

Comprehensive research should be undertaken into the relevance and applicability to the UK of:

- “Open container” laws, looking in particular at police records of the presence and importance of open containers of alcoholic drinks in vehicles involved in collisions
- Ignition interlocks, particularly for public service and commercial vehicles

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# On the road

## Alcohol and driving

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Alcohol Concern  
Making Sense of Alcohol