

An examination of the effect of the changes introduced
by the Licensing Law (Scotland) Act of 1976

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Following the report of the so-called Clayson Committee⁽¹⁾, the Licensing law in Scotland became more liberal. This process began in December 1976 when licensed premises were permitted an extra hour, and continued in late 1977 with the advent of new licensing courts and the introduction of Sunday opening of public houses, and the gradual, but now extensive granting of 'all day' licenses. There has subsequently developed a widespread belief that these changes have contributed to a more relaxed, sophisticated and civilized style of drinking and the media has been fulsome in its praise of the new legislation (e.g. see the Glasgow Evening Times 14.3.79, and the Sunday Standard 4.4.82).

In the light of this support for the legislation it is relevant to examine the evidence from research and the available statistics to determine whether the changes have been good for the nation's drinking health. There are three research reports available to date (2, 3, and 4) which are relevant in this examination. The first was by Bruce⁽²⁾ who summarised survey data, collected by OPCS staff from some 1,700 Scottish adults who were interviewed in late 1976, (i.e. before the first changes in the law) and again in March 1977, some three months after the 'extra hour' had been permitted. Bruce found that there had been little change in respondent's overall consumption, but there was an indication that the rate of ingestion per hour may have slowed very slightly. In addition to the survey data he also reported on sales data collected from some forty bars which had taken advantage of the 'extra hour'. It was found that whereas prior to the change in the law the last hour of opening time was characterised by a marked acceleration in drinking - the notorious 10 o'clock swill - this type of drinking was not so evident in the bars which remained open until 11 p.m. Bruce duly concluded his report by noting:

"The survey of licensed premises showed a significant reduction in pattern of acceleration in drinking towards the end of the evening. Thus although the 'beat the clock' attitude to drinking has not disappeared it has at least diminished."

This overall favourable report was followed by a publication by Knight and Wilson⁽³⁾ who more fully reported on the OPCS data cited by Bruce. They also included in their report the findings of a third wave of interviews undertaken in October to November 1978; some two years after the extension of permitted hours. Although this third set of interviews was primarily intended to assess the effects of Sunday opening, it did allow further examination of the impact of the extra hour. The results of this two-years-after survey confirmed, in the main, the findings reported by Bruce. Self-reported overall consumption had not increased, and the small drop in per hour consumption noted by Bruce appeared to have been maintained. There were also indications that some drinkers were actually starting to drink at a later time and thus the extra hour was allowing them to partake in other activities before rounding the evening off with a pint. Knight and Wilson found that the extra hour was popular with respondents, with just over half the sample expressing approval for the change.

As far as Sunday opening was concerned it was found to be generally popular, but a substantial minority (about 35%) disapproved of the measure and this was especially true of older people. Knight and Wilson also found that taken as a whole the sample had not increased their weekly consumption of alcohol but that there were subgroups within the sample who had altered their drinking behaviour. This was especially true of those young males who had in the earlier interviews reported high levels of consumption. Their intake had significantly increased. Thus the impact of Sunday opening appears to have been one of facilitating the drinking of 'heavy drinkers' but does not seem to have altered the drinking habits of more moderate males or their female counterparts. In the overall context of the Clayson recommendations, this is an important finding and one which is more fully considered below.

Owing to the timing (October - November 1978) of the third wave of interviews in the Knight and Wilson study little information was available about the impact of 'all day' licensing since the granting of such licences has only become widespread over the past three years. Evidence about all day licensing is therefore only available from one study, that by Davies and Fisher⁽⁴⁾. This study involved the observation of drinking behaviour in public houses in Glasgow with 'all day'

licenses. The sample of public houses was small - 19 out of Scotland's 4,350 odd public houses, and the difficulties of reliably observing behaviour in busy places are well documented. Notwithstanding these limitations the report is an insight, at least, into the broad workings of the all day licensing arrangement. The overall impression gained from reading the report is that afternoon drinking is not a species apart from lunchtime or evening drinking - but is in fact just more of the same. Different public houses have different types of customers who patronise their favoured establishment at different times and consume varying amounts of alcohol of different types. This is not a facetious comment but one which is made to highlight what appears to be an essential criticism of the current 'all day' licensing legislation.

The Clayson Committee recommendations were based on what is known as the social-integrationist approach to alcohol consumption. Simply stated this philosophy suggests that by removing restrictions on the availability of alcohol one diminishes the taboos and myths that exist about alcohol. Greater freedom of use, it is argued, should gradually lead to more responsible use, with the integration of alcohol into the broad fabric of everyday life, - alcohol as an unremarkable and unemotive product. Controls on the misuse of alcohol are shifted from the law to more informal social controls. The classic example of this type of drinking is that of the French or the Italians, who consume 2-3 times more alcohol than do the Scots, but little overt drunkenness is exhibited.

Yet what has happened with 'all day' licensing and as noted above with the Sunday opening of public houses, is that the informal social controls have not been built in with the liberalising of the law. From the evidence available to date all that has happened is that traditional styles of drinking have been extended over a longer period. For example, Davies and Fisher give no indication that the patron of the 'all day' licensed premises is a new breed of moderate drinker or, more importantly, that he/she is accompanied by the potential social controls of spouse or children.

As a further comment on the failure of the legislation to build in social controls alongside the more permissive measures is the fact that by 1979 only 47 out of the 15,800 licensed premises in Scotland (just 0.3%) were of the refreshment type of facility that allows fami-

lies to utilise licensed premises. Statistics from Strathclyde Region⁽⁵⁾ show that in 1980, 99.2% of all regular extensions were granted to ordinary licensed premises in which children under 14 were not permitted. This is hardly the breeding ground for a revolution, minor or otherwise, in the nation's drinking habits.

However, the main areas of contention about the putative success of the legislation concerns official statistics relating to alcohol related offences. Clayson⁽⁶⁾ has recently claimed that following the introduction of the legislation the "whole totality of drink related offences have diminished." Yet this claim which is also perpetuated by the licensed trade warrants close scrutiny. As figure 1 shows, there was a marked reduction in drink/driving and drunkenness convictions in 1977 the year after the introduction of the extra hour, but it should be noted that the convictions for drunkenness and drink/driving were already going down prior to the introduction of the more permissive legislation. Thus it is possible to surmise that factors outwith the licensing law may have influenced the level of convictions. Indeed it is relevant to note that whilst crimes made known to the police rose by 12% for the period 1976-1977, there was a drop by over 5% in convictions for all crimes and offences.

Convictions for any offence are strongly influenced by the level of police activity and a number of factors combined to make 1977 a 'poor' year for convictions of all types. Firstly, police manpower in Scotland in 1977 was 10% below establishment strength, and within the Strathclyde police region a ban on overtime working was in force. This is important because the sheer size of the Strathclyde Police Region means that any alteration in policing practice in the region can affect the national statistics. For example in 1979 Strathclyde accounted for 84% of all the convictions for drunkenness in Scotland. The restriction on overtime working was especially important because overtime is used to cover shift changes. Obviously all police officers cannot be withdrawn from the streets as a shift changes and a continued police presence is maintained by some officers working overtime. This is very relevant to the level of drunkenness offences since within the Strathclyde Region, shifts change at 7 a.m., 3 p.m., and 11 p.m. Thus, just as the extra hour was introduced, then so, there were less

police officers actually on the streets to cope with the casual roisters who had enjoyed their extra hour. As a further curtailment on convictions, industrial action by Court Staff in Glasgow in 1977 meant that many minor offences led to police admonition rather than conviction. In support of these conjectures, it can be noted that as normal working was resumed and police manpower improved (up by 10% - some 1,200 more police officers in 1979 as in 1977) then so convictions for all offences have risen. For example, drunk driving convictions in 1979 being 10,594 as against 8,460 in 1977.

Finally, as the data from figure 1 show, any decrease in alcohol related offences has been shortlived, but more worrying is the international evidence that links alcohol related harm with per capita consumption⁽⁷⁾. As the latter increases, then so the indices of alcohol related harm tend to increase. Legislation which makes alcohol more available and encourages wider and more prolonged consumption may therefore contribute to more, not less damage. In this regard, the recent increases in deaths from liver cirrhosis, the most valid indicator of physical damage from alcohol use, which have in the past four years increased by 27%, does not augur well for the future. It is pertinent to note that one of the recommendations made by the Central Policy Review Staff in their report on alcohol problems⁽⁸⁾ was that Scotland should reconsider its 'all day' legislation, and that there should be no adoption of such liberal practices south of the border.

In sum therefore it can be argued that there is little substance to the claims that the new licensing law has made the Scots into a nation of controlled drinkers. Although the 'extra hour' does appear popular and may have reduced the 'ten o'clock swill', this is the only part of the changes in the law that is above suspicion, and there is a real need to monitor closely the liberalization of our drinking law.

REFERENCES

1. Report of the Departmental Committee on Scottish Licensing Law, Cmnd 5354 H.M.S.O. (1973).
2. Bruce D., Changes in Scottish Drinking Habits and Behaviour Following the Extension of Permitted Evening Opening Hours Health Bulle-

tin 37, 133-137 (1978).

3. Knight I. and Wilson P., Scottish Licensing Law OPCS H.M.S.O. London (1980)
4. Davies J. and Fisher S., All Day Licenses: Interviews and Observations. A paper prepared for the Department of Social Work, Strathclyde Regional Council (July 1980).
5. Report of the Chief Constable of Strathclyde Strathclyde Regional Council (May 1981).
6. Clayson C. - Comments made on - "Into the Eighties" - S.T.V. 2.5.82
7. Office of Health Economics Alcohol - Reducing the Harm O.H.E. London (1980)
8. Alcohol Policies in United Kingdom Studier i Svensk Alkoholpolitik (1982) (Sociologiska Institutionen, Stokholms Universitet, S106 91 Stockholm).

