

DRAFT

Regulatory Impact Assessment:

1. Title of proposal

VIOLENT CRIME REDUCTION BILL - DRINKING BANNING ORDER AND DIRECTIONS TO INDIVIDUALS TO LEAVE A LOCALITY

The proposed new tools are as follows:

- A new civil Drinking Banning Order which could be made against an individual who has engaged in criminal or disorderly conduct whilst under the influence of alcohol, and where such an order is necessary to protect other people from further harm.
- A new power to enable the police to issue directions to leave an area (to those over the age of 16) which will prohibit persons from certain areas for up to 48 hours. A direction could be given if the presence of the individual in the locality is likely to cause or contribute to alcohol-related crime and disorder, or its continuation or repetition.

2. Purpose and intended effect

i) The objective -

- The objective of the proposal is to introduce new tools to assist in tackling the problems of alcohol-related crime and disorder.

ii) Background

The Government's overall aim is to reduce the harm caused by alcohol in respect of health, crime and disorder as set out in the Prime Minister's Strategy Unit "Alcohol Harm Reduction Strategy for England" published in March 2004. This is supported by the Government's Public Health White Paper published in November 2004. Both documents make clear the responsibility for tackling alcohol misuse cannot rest with Government alone and requires partnership working at both national and local level between Government, the drinks industry, health and Police services, individuals and communities. For example the Health White Paper commits to work with industry around responsible drinking reminders and refusals to sell alcohol to Under 18s, and also specifically states it is for individuals to make the healthy choice. The responsibility for ending the binge drinking culture lies in part with the individual. Individuals need to understand that if as a result of irresponsible drinking they commit offences these will not be treated as somehow of only minor importance because they were under the influence of alcohol.

Rights and responsibilities are at the heart of the Government's approach to alcohol. Most people drink responsibly but there is general agreement that the scale of alcohol-fuelled disorder is much too high (refer to figures below). The Government has already brought forward a wide range of measures to tackle the problem and the new Licensing Act 2003 will give more scope to address some concerns. However, evidence from the Alcohol Misuse Enforcement Campaign that ran in the summer 2004 and again over the Christmas/New Year 2004-05 period (which was led by the Association of Chief Police Officers and the Home Office and involved many other local authority and alcohol industry partners) demonstrated that this is still not enough. There needs to be a fundamental change in attitude, so that binge and underage drinking are no longer regarded as socially acceptable because of the problems which can follow in their wake. So we can no longer focus simply on containing or managing the disorder so often associated with excessive

drinking but need to take measures to significantly reduce it including through targeted deterrence of those responsible.

The recommendations set out in this RIA are part of a wider programme of work outlined in the Alcohol Harm Reduction Strategy for England aimed at tackling alcohol misuse including alcohol-related crime and disorder.

iii) Rationale for Government Intervention

In March 2004 the Prime Minister's Strategy Unit published an "Alcohol Harm Reduction Strategy for England". This along with the Strategy Unit's "Alcohol Misuse: Interim Analytical Report" (published September 2003) drew attention to how alcohol misuse is causing particular anti-social behaviour problems in town and city centres. As the Strategy Unit reports note, it has been calculated that overall the costs of alcohol misuse amount to up to £20bn per year of which £7.3bn are the costs related to crime and anti-social behaviour and these were identified as follows:

- £1.8bn cost to Criminal Justice System
- £3.5bn cost to services as consequence of alcohol-related crime
- £1.5bn cost to services in anticipation of alcohol-related crime
- £0.5bn cost of drink driving

The Strategy Unit reports along with the British Crime Survey provides extensive evidence of the nature of the alcohol misuse problems especially around alcohol related crime and disorder, including:

- City and town centre night-time economy has grown over recent years—in some cases, explosively. This has had a many positive effects. However, alcohol-related violence and disorder are a highly visible part of the night-time economy.
- The British Crime Survey 2002-03 shows that 33% of stranger and 25% of acquaintance alcohol-related assaults happen on weekday evenings/nights. Over half of alcohol-related violence between strangers and acquaintances occurs in or around pubs, clubs or discos and 70% of these incidents take place on weekend evenings.
- Alcohol misuse shows strong links to violence. Some 1.2 million incidents (around 44% of all violent crime – British Crime Survey 2002-03) and 360,000 incidents of domestic violence are linked to alcohol misuse. Many victims of alcohol related violence may also have been drinking, and often share similar profiles to offenders. Particularly worrying is the rise of more serious violence associated with alcohol use and/or licensed premises.
- 1 in 5 violent incidents take place in or around licensed premises. This proportion has remained stable since 1996.

However, a number of other crime types also display close association with alcohol use. For example,

- More than half of those arrested for breach of the peace and nearly half of those arrested for criminal damage have been drinking.
- Much of this crime and disorder is highly concentrated in town and city centres.
- Alcohol misuse is linked to disorder and contributes to driving people's fear of crime. Sixty-one per cent of the population think that alcohol-related violence on the streets is increasing whilst 43% of women and 38% of men see drinking on the street as a problem and may find it intimidating (Alcohol Misuse: Interim Analytical Report).

- This is compounded by the impact on urban infrastructure associated with alcohol misuse and licensed establishments (damage, noise, litter, human waste etc.).

As reported in the Alcohol Harm Reduction Strategy for England, under-age drinking on the streets is also widely seen as a serious type of problem drinking: 57% of those who were asked about problem drinking in their area identified under-18s as the biggest issue. Information from a joint Association of Chief Police Officers and Home Office Alcohol Misuse Enforcement Campaign run over the summer of 2004 demonstrated the ease with which those who are underage have been able to purchase alcohol from both on and off licensed premises. When considered alongside the strong links to violence, alcohol misuse by or around underage drinkers poses particularly worrying risks.

In summary, the growth of the night-time economy, whilst bringing significant benefits, is also placing increasing costs (as noted above) on statutory services including police services, criminal justice system costs, the costs of tidying up city centres and accident and emergency costs. It is true that the vast majority of the people enjoy alcohol without causing harm to themselves or to others. But for others, alcohol misuse is a very real problem and for many towns and cities the problems of alcohol-related crime and disorder are a visible consequence of alcohol misuse. The work of the Prime Minister's Strategy Unit clearly demonstrates the need for action and the need to tackle individuals' behaviour. Individuals need to understand that there are consequences resulting from irresponsible drinking when they commit offences and that these will no longer be treated as somehow of only minor importance because they were under the influence of alcohol.

3. Consultation

(i) Within government

The publication of the Government's joint Home Office, Office of the Deputy Prime Minister and the Department of Culture Media and Sport consultation document "Drinking Responsibly" on 21 January 2005 first announced the proposal for Drinking Banning Orders (DBOs). The consultation document described the (DBO) as follows:

"We propose to create a new civil order – a "Drinking Banning Order" – which will allow for the exclusion from the area concerned of individuals aged 16 years or older who are responsible for alcohol-related disorder. The order could be triggered in respect of an individual via a number of possible routes. These could include mandatory consideration by a court following a third or subsequent alcohol and disorder related criminal conviction, or through application to the court by either the Police or a Local Authority following the issuing of third or subsequent alcohol related fixed penalty notice."

The following Departments have been consulted in more detail on the development of the policy in preparation of this part of the Violent Crime Reduction Bill:

- The Home Office
- Department of Culture Media and Sport
- Department of Health
- Office of the Deputy Prime Minister
- The Treasury
- The Department of Constitutional Affairs

Proposals for the police to have powers to exclude jobs from town centres for "24 hours" when they issue a fixed penalty notice for disorder were first proposed in the Labour Party document "Tackling Crime – forward not back". The document proposed the following: "Police will also have the power to issue 24 hour bans from designated areas to those whom they issue a Fixed Penalty Notice for Disorder." This was also proposed in the Labour

Manifesto as follows “*Police will be able to exclude jobs from town centres for 24 hours when they issue a Penalty Notice for Disorder.*”

The above Departments have also been consulted on these proposals.

(ii) Public consultation

The public along with the police, local authorities and the alcohol industry were consulted on proposals for DBOs through the “Drinking Responsibly” consultation document referred to above (as noted above proposals for 24 hour bans were proposed in the Labour party documents). Over 150 responses were received to the “Drinking Responsibly” consultation paper. These included responses for example from:

- Association of Chief Police Officers
- Alcohol Concern
- Local Government Association and LACORS
- Police Federation
- Various responses from the alcohol industry

There was general support for the principle of DBOs from the enforcement authorities, the alcohol industry and other organisations. There were concerns however that a three strikes approach (as proposed in the Drinking Responsibly consultation paper – referred to in this RIA - see paragraph 3(i) above) was sending out the wrong message in that a certain level of alcohol-related crime and disorder is somehow acceptable before an individual is punished. It was therefore believed that a three strikes approach should not be proposed for DBOs. A number of responses questioned why the Government were proposing to introduce DBOs when authorities were already using Anti-Social Behaviour Orders (ASBOs). However, it has been noted that ASBOs are effective for a minimum of two years and they generally contain more prohibitions than just exclusion zones relating to alcohol. What was needed was a tool with a more flexible, shorter time span that could be particularly used to tackle alcohol misuse.

Broad proposals for DBOs and short time-limited exclusions have been discussed with ACPO, LGA, LACORS and other stakeholders, including the alcohol industry, since the General Election. They were broadly supportive and points of detail are being picked up in policy development.

4. Options

Option one: Do nothing

Under this option the police and their partners would continue to use the existing tactics and powers they have to tackle the problems of alcohol-related crime and disorder on the streets and in relation to premises. These for example include:

- Structured multi-agency visits to licensed premises
- Fixed Penalty Notices for disorder
- Closure powers for disorder
- Dispersal orders
- Confiscation of alcohol in designated areas
- Under age test purchasing

There are also powers that can be used by the courts to ban those individuals from specific licensed premises where those individuals have been involved in violence on licensed premises. However, while powers exist to tackle the problems of crime and disorder inside licensed premises the existing legislative routes provide limited powers to tackle alcohol-related crime and disorder on the streets. Conditions can be applied to Anti Social Behaviour

Orders which have been used to prohibit individuals from entering specific areas and/or licensed premises. However, as noted above, the use of ASBOs has particular drawbacks for dealing with alcohol fuelled behaviour.

This option is therefore unlikely to enable the police to effectively tackle the problems of alcohol-related crime and disorder on the streets and effectively target those who are responsible for the behaviour.

Option two: Promote proactive use of existing tools

The responsibility of ending the binge drinking culture must lie in part with the individual. However, individuals need to understand that if as a result of irresponsible drinking they commit offences these will not be treated as somehow of only minor importance. We therefore need to target those individuals whose abuse of alcohol results in problems of disorder in our towns and cities. We could promote further the use of tools such as Anti-Social Behaviour Orders, Fixed Penalty Notices and other measures to deal with this problem. This has effectively been undertaken through campaigns such as the Alcohol Misuse Enforcement Campaign as noted earlier in this RIA. However, the level of the problem (44% of all violence being alcohol-related, and 1 in 5 incidents take place in or around licensed premises as noted above) especially during the Night-Time Economy indicates that further tools are needed to effectively address the problem.

Option three: Introduce Drinking Banning Orders (DBOs) and Directions to individuals to leave a locality

This option includes proposals for introducing DBOs and also new powers so the police can exclude individuals from town centres for up to 48 hours as noted in the beginning of this RIA. This option therefore proposes:

- A new civil Drinking Banning Order which could be made against an individual who has engaged in criminal or disorderly conduct whilst under the influence of alcohol, and where such an order is necessary to protect other people from further harm.
- A new power to enable the police to issue directions to leave an area (to those over the age of 16) which will prohibit persons from certain areas for up to 48 hours. A direction could be given if the presence of the individual in the locality is likely to cause or contribute to alcohol-related crime and disorder, or its continuation or repetition.

A DBO is not an ASBO. However, it would be similar to an ASBO in terms of the procedural route through which a DBO is obtained. A DBO will only be available when alcohol contributed to the underlying behaviour (the constraints in using an ASBO have been noted earlier in the RIA). A DBO could be made on an individual aged at least 16 and made against such an individual if he has engaged in criminal or disorderly conduct while under the influence of alcohol and such an order is necessary to protect persons from further conduct by him of that kind. The order would be available on application by way of complaint to the magistrates' court, in county court proceedings and on conviction in the Crown Court. The order would not prevent the individual from attending their place of employment, education or home.

The proposed new power of direction that the police would be able to use in England and Wales could be used, if the presence of that individual in the locality, is likely to cause or contribute to alcohol-related crime or disorder, or to its continuation or repetition. A direction could be given to a person involved in any offence or disorder if alcohol is involved and is not limited to just those offences relating specifically to drunk and disorderly behaviour. The direction would provide that he must leave a specified geographical area/public place, either immediately or within a set period of time, and not return for up to 48 hours. The direction

would not prevent the individual from attending their place of employment, education or home. The direction could be given in parallel to a Fixed Penalty Notice for Disorder or on its own.

As noted earlier in this RIA, the Manifesto commitment was for a 24 hour ban with a Fixed Penalty Notice. This was therefore the starting point from which we considered this proposal. We considered that, if such a direction was given, for example, early on a Friday evening, that could mean that an individual was back in the same area early Saturday evening and getting drunk again, and therefore presenting a continued risk to disorder. We considered the case for the direction to apply for up to 36 hours, which would have given extended flexibility, but believed that, given the scope for extended license operating hours under the Licensing Act 2003, more flexibility would be required from a direction to leave that would apply “up to 48 hours”. This provides the flexibility needed to tackle individuals who represent a risk to disorder as well as increasing the scope for enforcement and to provide a short sharp punishment.

It will be important that the new powers are used proportionately and with discretion and therefore do not impact on human rights.

5. **Costs and benefits**

i) Sectors and groups affected

Those affected by option three, the creation of a new civil DBO and powers to issue up to 48 hour directions to leave include:

- Police
- Prisons and courts
- Licensed premises
- Local communities and Local Authorities
- NHS
- Individuals who get a DBO or a 48 hour direction to leave

ii) Benefits and risks

The benefits and risks of option three above are as follows:

Police

The benefits for the police include:

- Increase in the tools to tackle alcohol-related crime and disorder on the streets.
- Improved ease of enforcing the law through use of the additional tools - and where individuals become aware that alcohol misuse behaviour can be more easily punished.
- Support for aims in tackling alcohol fuelled violence
- Reduction in alcohol-related crime and disorder from the deterrent effect.

The risks include

- Possible increase in bureaucracy from dealing with recording, enforcing and issuing 48-hour directions. Practical guidance would be provided on use of the new powers, with the aim of overcoming this.
- Possible increase in use of custody from breaches of DBOs.

Prisons and courts

The benefits for courts include:

- Greater scope for dealing with individuals involved in alcohol misuse.

The risks include

- Potential increase in prison population from breaches to DBOs
- Potential increase in court costs in dealing with DBOs and breaches of the up to 48-hour direction to leave.

Licensed premises

The benefits include

- Safer environment in which to operate
- Support for the industry's efforts to promote social responsibility.
- Support for aims in tackling alcohol fuelled violence

The risks include

- Small loss of potential customers.

Local communities and Local Authorities

The benefits include

- Social benefit by making safer entertainment environment and reduced risk from potential trouble makers.

The risks include

- Dispersal of the problem individuals to other areas, though this risk can be taken into account in setting the boundaries of the relevant area.

NHS

The benefits include

- Reduced call on A&E

The risks include

- None identified.

Individuals who get a DBO or a 48-hour direction to leave

The benefits include

- Less opportunity for alcohol-related crime and disorder
- Reduced risk of offending.
- Positive impact on behaviour

The risks include

- None identified.

Quantified Benefits of DBOs

The benefits of DBOs are estimated by making some broad assumptions about how they will change behaviour. It is very difficult to quantify these benefits robustly as it requires speculation about the average amount of undesirable behaviour that recipients might carry out and how much of that activity will be prevented by the order. The annex discusses these assumptions in more detail. To reflect the speculative nature of these estimates a range has been used, and given the uncertainties this range is wide.

- The offenders targeted by the order are assumed to commit between 6 and 16 offences per year with an associated economic and social cost of £13,000 to £21,000. This is primarily the cost of the impact of the offences on the victims, the anticipatory costs such as security and defensive expenditure and the costs of the response to crime such as criminal justice system costs.
- Offenders are assumed to breach the order at a rate of between 2.5% and 5% per month. This is based on the breach rate observed for 1,892 ASBOs which was 51% over 24 months, implying a monthly breach rate of around 2%. This may overestimate the breach rate as ASBOs are longer and are likely to have more conditions, and therefore may be easier to breach.
- Some offenders will continue offending but may not be picked up in the breach process. This is assumed to be the same number of offenders as above. i.e. the effective breach rate is doubled assuming we only catch 50% of those who continue offending.
- Some offenders are assumed to stop offending due to other factors. For simplicity, 1% of offenders are assumed to give up offending after each offence they commit.

The crude estimates of benefit per ASBO are based on averages. In practice, some offenders may be persistent or prolific offenders, in which case the averages here are unlikely to represent the true benefits for some cases.

It is difficult to estimate the total number of DBOs that are likely to be given. A lower estimate is based upon the number of ASBOs that are awarded: 2,181 ASBOs were issued in the year to September 2004¹. An upper estimate is considered to be the number of people convicted of being drunk and disorderly: 12,156.

Benefits of option 2

Option 2 assumes that ASBOs are used instead of DBOs. The ASBO is assumed to last 2 years and over this period some offenders are prevented from re-offending. Over the course of 2 years it is assumed that 30% would have given up offending through other means so their offending is not counted towards the benefit. According to these assumptions this amounts to average benefits of between £11,424 and £2,000 per ASBO.

The use of the 2 year option is less beneficial because of the higher assumed breach rate and because of assumed desistance from offending through other causes.

Based on the possible range of people awarded DBOs the total benefits would be in the range of £4m to £140m.

Benefits of option 3

Option 3 allows for shorter DBOs to be given. The table below summarises the estimated benefits for 2, 6 and 12 month DBOs.

¹ <http://www.crimereduction.gov.uk/asbos2.xls>

Length of order	Proportion affected	Proportion assumed to have given up due to other factors	Estimated benefit per Order
2 months	90%-80%	3%-1%	£3,000-£1,700
6 months	74%-53%	8%-3%	£7,600-£3,400
12 months	46%-28%	16%-6%	£10,200-£2,900
24 months = option 2	29%-8%	30%-12%	£11,400-£2,000

Based on the possible range of total number of DBOs, the total benefit of option 3 would be £6m - £84m. This assumes an equal number of 2, 6 and 12 month DBOs.

The pessimistic case for the longer order shows decreasing benefits due to the pessimistic assumptions that lead to high numbers of estimated breaches for the longer orders.

Benefits of Directions to individuals to leave a locality

The benefits of the direction to leave a locality are based upon the assumption that at the time the direction is given, the recipient is at high risk of committing some offence as a result of their continued consumption of alcohol in that area. The assumed benefit per direction to leave is based on an assumption that the recipient is at a 10% risk of committing the offence. The cost of the offence to society is assumed to be £1,000. This is based on the average cost of alcohol related vehicle crime, common assault and criminal damage. These are the most frequent low end offences estimated in the Alcohol Harm Reduction Strategy².

Benefit of option 1:

Fixed penalty notices will provide some reduction in the risk posed by offenders. However, they will not entirely prevent the offence.

Benefit of option 2:

Since the FPN is the only real existing measure that can be used in these situations, option 2 does not lead to additional benefits over option 1.

Benefit of option 3:

Option 3 allows for a direction to leave to be given instead of an FPN or as an additional measure.

The benefit per direction to leave can be estimated by multiplying the expected cost of the offence by the reduction in risk of the offence assumed as a consequence of the direction to leave.

Assuming that the risk reduction is 10% this would imply benefits of £100 per direction to leave. In the other 90% of cases it is assumed that the recipient would either not have committed the offence, or an FPN (as used in option 2) would have been sufficient to prevent the offence, or the offence is committed in spite of the direction.

The total number of directions to leave is difficult to estimate. It is likely that the number of fixed penalty notices for disorder will be a rough proxy for the number who may receive a direction to leave. Currently there are around 55,000 FPNs for disorder issued per annum. On this basis the maximum total benefit of the directions to leave is £5.5m. However, the true figure would be likely to be smaller than that as the direction to leave is unlikely to be used in all of those cases. In the final cost benefit table this benefit has not been included.

Costs

² This uses the Annex to the economic costs, http://www.strategy.gov.uk/work_areas/alcohol_misuse/background.asp, the figures have been adjusted to exclude physical and emotional impacts in line with the estimates used in the interim analytical report.

DBO are modelled on Anti-Social Behaviour Orders (ASBOs). The results of the 2004 ASBO cost survey (published by the Home Office in March 2005) provide an estimate average cost of staffing and legal costs associated with obtaining an ASBO of £2,500. ASBOs have been running for six years which has meant that the police/local authorities and the CPS are well up to speed on the procedure to obtain these civil orders. Authorities are therefore likely to benefit from this experience when obtaining a DBO, and this could keep any costs at a low level. Both the staff and legal costs of obtaining DBOs and for the police to give up to 48 hour directions to leave will depend on how often and when the powers are used. We expect the costs of the directions to leave to be minimal.

Licensed premises are likely to lose some income from those who are banned through DBOs and through up to 48-hour exclusions. However, income loss would depend on how often the powers were used. In addition, the loss of income could be replaced with income coming from an increase in the number of customers because areas have become safer.

Quantifiable Costs of DBOs

Three of the major costs of DBOs are quantifiable:

- Admin, Staffing and Legal costs of issuing DBOs
- Custodial costs resulting from breaches of DBOs

Option 1.

There are no additional costs

Option 2.

- The administrative costs of issuing ASBOs have been estimated at £2,500 per order.³ This amounts to total costs of between £5m and £30m when scaled up to the possible range of DBO volume (2,186-12,156).
- The custodial costs of ASBOs add up to £2m - £10m. This is based on the assumption that breach rates are similar to those for ASBOs and custody rates are also similar. This estimate is based on a custody rate of 16% for ASBOs. This is the custody rate where the ASBO is the only offence. In other cases custody is likely to be the result of other offences that may have been committed. [If these offenders could not be accommodated in the existing prison estate additional construction costs would need to be incurred this would push the custodial cost up to £7m - £37m.]

This implies total costs of option 2 in the range of £7m to £40m. These estimates do not take into account the costs of the directions to leave or the possible impacts on the profits of businesses who may lose revenue from banned drinkers.

Option 3

- The administrative costs of DBOs are assumed to be equivalent to those of an ASBO, £5m-£30m.
- The custodial costs of DBOs are lower since the shorter DBOs are assumed to have fewer breaches. This is estimated to be £0.5m – £2.5m or £2m to £10m if the increased number requires new prison places to be constructed. This assumes an equal mix of 2, 6 and 12 month DBOs. The additional construction costs are not expected to be necessary as the total impact is expected to be less than 100 prison places. Even this scenario allows for 6 times more DBOs than there are currently ASBOs.

³ [The Costs of ASBOs: Report from ASBU/HomeOffice, March 2005](http://www.together.gov.uk/article.asp?aid=3077&c=408) ,
<http://www.together.gov.uk/article.asp?aid=3077&c=408>

This implies total costs of option 3 in the range of £5.5m-£32.5m. These estimates do not take into account the costs of the directions to leave or the possible impacts on the profits of businesses who may lose revenue from banned drinkers.

6. Small Firms Impact Test

As noted above, some licensed premises may see a decline in income from those potential customers who are banned from premises. However, the decline is likely to be marginal as any loss would likely be covered by other customers as they are attracted out into the night-time economy as areas become safer. In addition, the new powers target trouble makers who might otherwise cause problems inside licensed premises so there are potential benefits to the licensed premises themselves and their customers.

7. Competition assessment

DBOs and up to 48-hour exclusions apply to individuals and are aimed at tackling their alcohol misuse behaviour. The proposals will not have any effect on markets, market shares, the setting up of new firms, costs for existing firms, technological impact on firms or the range or location of their products etc.

8. Enforcement, sanctions and monitoring

Police would have discretion on enforcing these new powers and that enforcement would be proportionate to the likelihood of non-compliance. Any individual who refuses to comply with a 48 hour direction to leave would be liable upon summary conviction to a fine not exceeding level 4. The same penalty would apply to a breach of a direction. As with ASBOs, a breach of DBO would be a criminal offence, punishable on summary conviction with a fine up to level 4 on and/or three months in custody. We are considering the scope of community sentencing options. Monitoring arrangements on the use of the powers will be considered and where appropriate these will build on existing systems.

9. Implementation and delivery plan

We will consult stakeholders about the details of secondary legislation and implementation timing.

10. Post-implementation review

The Home Office will carry out a review of this legislation within three years to determine whether it is effective, economic and efficient.

11. Summary and recommendation

The overall aim of these new powers is to seek to achieve a culture change in binge drinking, to discourage unacceptable alcohol-fuelled behaviour, to punish such behaviour appropriately when it occurs and protect persons from harm from alcohol-related behaviour. It is also to minimise the potential immediate risks of alcohol-related crime and disorder. We consider Option 3 represents the greatest likelihood of a successful impact on reducing alcohol fuelled violence and disorder and this is therefore the Government's preferred option.

Summary costs and benefits table

Option	Total benefit per annum: economic, environmental, social	Total cost per annum: - economic, environmental, social
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		- policy and administrative
1	-	-
2	£4m-£140m	£7m-£40m
3	£6m-£85m	£5.5m-£32.5m
4		

ANNEX

The estimated range of benefits and rate of offending assumed per drink related offender is presented in the following table

Assumptions	Optimistic	Source	Cautious	Source
Total number of alcohol related offences	5.4m	Prime Minister's Strategy Unit (2004), Alcohol Harm reduction strategy, http://www.strategy.gov.uk/work_areas/alcohol_misuse/index.asp	3m	Revised calculations that reapply the Methodology used in the Alcohol Harm Reduction Strategy, using instead the alcohol attribution estimated from the Crime and Justice Survey (reference below), and revised estimates of the economic and social costs of crime and recorded crime data for 2003/04 from Home Office Statistical Bulletin 10/04 (2004) Crime in England and Wales 2003/04, http://www.homeoffice.gov.uk/rds/bcs1.html
Cost of offences	7.3m	As above	6.4m	As above.
Total number of offenders	3.4m	Home Office Research Study 275 (2004). First Results from the 2003 Crime and Justice survey, http://www.homeoffice.gov.uk/rds/horspubs1.html	4.1m	Home Office Research Study 275
Proportion of offences in which offender had taken alcohol.	10%	Home Office Research Study 275	12%	Home Office Research Study 275
Number of alcohol related offenders	340,000		490,000	

Crimes per offender per year	16		6	
Cost of crimes per offender per year	£21,000		£13,000	

There are many theories of offending behaviour and how and why offenders desist from offending. Some focus on involvement with the criminal justice system, or some other formal sanctioning process; others discuss age, others focus on lifestyle and environmental factors. The 1% per offence assumption here is derived assuming that offenders desist as a consequence of some formal sanctioning process.

Here the mix of offences is assumed to be primarily vehicle theft, common assault and criminal damage. Home Office Statistical bulletin 10/04 gives detection rates and recording rates for these offences. These are given in the table below. This has been combined with an assumption that 20% of offenders desist at every conviction to arrive at the 1% per offence assumption.

Crime type	% recorded	% detected	Overall
Common Assault	38%	20%	8%
Vandalism	13%	23%	3%
Vehicle Theft	15%	44%	7%
Overall (weighted average)			5%
Source: Home Office Statistical bulletin 10/04 (2004) Crime in England and Wales 2003/04. http://www.homeoffice.gov.uk/rds/bcs1.html , Tables 3.01 and 7.01			