# ust say no sir

Drinking in pubs and clubs is associated with much of the preventable harm related to alcohol, but preventing this harm is no simple matter. The key is to engineer laws and social structures which generate and sustain enough motivation to overcome commercial incentives.



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he 'Responsible Beverage Service' movement began in North America<sup>1,2</sup> with programmes to prevent drinking and driving, mainly by training bar staff to limit customers' intoxication levels. One stimulus was research suggesting that half of all alcohol-related crashes followed drinking on licensed premises.<sup>3</sup> Another was the rapid rise in civil actions against licensees whose customers had drunk to intoxication before driving and seriously injuring a third party, some of whom were awarded millions of dollars on the basis that the establishment had broken existing law by serving a patron until they achieved obvious intoxication.<sup>4</sup>

Civil cases also established a legal principle of negligence in such cases and 'vicarious liability' for the actions of customers, even after they have left the premises. Model 'Dram Shop' laws clarified this liability and were another trigger for responsible serving programmes; initiatives such as staff training are a major way of satisfying the defence provided in these laws that everything possible had been done to prevent untoward incidents. 5

Elsewhere in English-speaking developed countries, legal liability for licensees has been far more limited.<sup>6</sup> Arguably, in these jurisdictions interest in responsible serving has been stimulated by deregulation of licensed premises in terms of trading hours, outlet density, and drinking age.<sup>7</sup> In this environment, responsible serving and allied initiatives are among the few ways left to control local alcohol-related problems.

To be fully effective, responsible serving must be treated as part of a comprehensive set of local measures. Among those considered here are policing strategies to limit public disorder, in particular alcohol-related violence. Studies around the world have documented a strong link between public violence and drinking on licensed premises<sup>89</sup> due to intoxication aggravating the risk of violence in social situations already conducive to conflict.<sup>1011</sup> This review also looks at more informal strategies intended to facilitate self-regulation by licensees.

### Training programmes can work

Early studies sought to establish whether responsible serving programmes *could* limit intoxication under optimal conditions, rather than whether they *would* do so in normal practice.

A classic example published in 1987 compared two similar US navy social clubs, one of which

acted as the intervention site, the other as control.<sup>1</sup> The project enjoyed high-level support, the intervention club manager introduced a number of policy changes, and serving staff were trained for 18 hours in practical skills including detecting intoxication and slowing down or refusing service. Policy changes included ceasing to serve beer in large 'pitchers', making food more available, and systematically monitoring alcohol consumption in every area of the bar. Self-reports and observation were used to estimate that the proportion of patrons who had drunk enough to reach a blood level of 0.10% was halved at the intervention site (from 33% to 15%) but changed little at the control site.

A different method was used to evaluate a server training programme in two fully cooperative US commercial bars. <sup>12</sup> In both about half the staff attended and passed a six-hour training course with similar aims to that in the navy study. Researchers posing as customers tried to buy a drink every 20 minutes for two hours. On average trained staff intervened to slow or stop consumption over three times per drinking episode compared to 0.75 times for untrained staff, and the blood level attained by their customers was significantly lower (0.06%) than for those served by untrained staff (0.10%).

Later a Canadian study extended server training to four commercial establishments. Compared to four control sites, these evidenced a modest but significant improvement in server behaviour.<sup>2</sup>

### But do they work in practice?

From these promising beginnings, server training programmes progressed to real-world trials involving many more sites and hundreds of bar staff. Sadly, the early promise was not fulfilled.

One of the largest studies trained 1079 managers (for six hours) and bar staff (for three hours) at 100 premises in eight US cities and compared their performance against 135 control establishments.<sup>13</sup> Pseudo patrons feigned signs of intoxication on entry and recorded whether they were refused service – a demanding criterion. Server interventions short of refusal (offering non-alcoholic alternatives, slowing service) increased from 14% to 27% but refusal remained very low at 5%.

A community-wide intervention in the Australian port city of Fremantle trained over 130 bar staff working in seven of the larger licensed premises which accounted for over 70% of the assaults and



drink driving offences associated with local premises. 14 Their managers were also encouraged to develop responsible house policies covering key issues such as serving under-age and intoxicated patrons, safe transport home, preventing violence, and providing non-alcoholic alternatives. Police and a trainer selected by the local retail trade association delivered the intervention. Seven matched establishments in a neighbouring entertainment area acted as controls.

Trained bar staff significantly improved their knowledge of responsible service and there was a significant drop in the number of patrons exiting premises with blood alcohol levels over 0.08%. However, service refusal to 'drunk' pseudo-patrons and appropriate age-ID checking were unaffected, and there were only minimal changes in the implementation of responsible house policies. One notable exception was a large, high profile venue which introduced a range of new policies, refused service to drunk pseudopatrons, had no patrons exiting with blood levels over 0.15% – and increased its profits.

Important conclusions from these experiences start from the observation that when training is community-wide, the impact seen in demonstration projects is diluted. This may partly be due to less enthusiastic establishments being drawn in to the larger studies or to shorter courses, but part of the reason seems to have been a failure to whole-heartedly implement responsible serving. Training works well where there is strong management back-up, but in purely voluntary schemes this cannot be guaranteed.

### **Enforcement stiffens resolve**

Another approach to encouraging responsible serving is for police or civilian inspectors to more rigorously enforce existing liquor laws. Often these clearly ban serving alcohol to under-age or drunk patrons. Generally the latter provision is barely enforced, partly because of the difficulty of defining intoxication, and partly because enforcement is a low priority for police and/or licensing authorities.<sup>15</sup>

Some documented attempts have been made to see what happens when this neglect is replaced by an active enforcement programme which formalises the role of police in relation to responsible serving. Two classic examples permit a direct comparison between law enforcement and a voluntary approach based on staff training.

The first was initiated in the late 1980s when the President of the US National Public Services Research Institute approached police chiefs from over 100 US areas seeking interest in evaluating an enforcement approach to responsible alcohol service. Eight were willing to participate. Michigan was selected as a demonstration site, enabling a comparison with a server training study there a few years earlier.

The programme involved plain clothes police checking premises for intoxicated customers and observing serving practices. <sup>16</sup> Beforehand all licensees in the intervention area had been directly notified of the programme, messages reinforced by local media coverage. Licensees were given a training video plus table-top cards showing the signs of intoxication and advising about the penalties for serving intoxicated patrons. Following the police visits, feedback was given to licensees ranging from praise for good practice, through suggestions for improvement, to warnings, and, ultimately, a fine.

Refusal of service to intoxicated patrons substantially increased, most sharply around the programme's launch, when as yet only warnings of pending enforcement had been given: 54% of purchase attempts were refused compared to only 16% after the earlier training programme.<sup>13</sup> The number of alcohol-related road crashes after drinking on licensed premises also fell significantly, creating savings estimated at \$90 to \$280 for every dollar spent on the programme.

A more direct and well-controlled comparison of training versus enforcement was reported<sup>17</sup> as part of a multi-site community project to reduce alcohol-related harm in California.<sup>18</sup> The report focused on one strand of this major project – access to

alcohol in liquor stores by under-age drinkers. Over 479 stores in three intervention and three control communities were studied.

Three interventions were trialed: store staff training; a police enforcement programme; and both together. Enforcement involved letters advising store owners of the initiative followed by a 'decoy' operation in which under-age drinkers tried to buy alcohol. Stores selling to the decoys were fined. Beforehand about 50% of purchase attempts had been successful. After the intervention this proportion fell significantly; where police enforcement operated, the purchase rate dropped below 20%. Training made no significant extra impact.

These studies tell a similar and, perhaps, unsurprising story: at a community-wide level, determined law enforcement involving penalties on offending licensees has a far greater impact on responsible service than training alone. The implication is that failure to serve responsibly is more a matter of motivation than of knowledge and skills, and that training programmes targeting the latter are unlikely to modify serving practices across the range of licensed premises or across whole communities.

But before training is dismissed, a study with a more hopeful outcome should be mentioned. Twelve years of US road crash data were used to benchmark the impact of the introduction of mandatory server training in Oregon in 1986. 19 Single-vehicle night-time crashes (up to 80% of which occur after drinking<sup>20</sup>) were used as a surrogate for alcohol-related crashes. Though training

was phased in over two years, after the law was passed there was an immediate and significant reduction in such crashes in Oregon compared with the rest of the USA, a reduction sustained for the 18 months of the study.

Why should passing a law requiring compulsory training succeed where

He can serve you with a smile, but can he learn how to say no?



### Practice points from this article

- Programmes which train managers and bar staff in the skills needed to limit customers' levels of intoxication and to prevent drink driving can work, but only with high level management support.
- To achieve community-wide responsible serving, rectifying serving skills deficits is less important than generating motivation to exercise these skills.
- Motivation can be generated by determined and well-publicised law enforcement actions involving penalties on licensees breaking the law.
- Local 'accords' involving licensees in an agreement to trade responsibly can work, at least in the short term and when allied with energetic monitoring.
- Benefits from training and community action projects are often short-lived and support is hard to generate and sustain.
- The major task is to institutionalise the legal and regulatory procedures which impact most on licensed premises and the structures which can sustain support for putting these in to practice.

#### **Legal structures**

- Well-drafted legislation with clear harmminimisation objectives
- Mandatory server training
- Banning of irresponsible promotions
- Local controls over trading hours and conditions
- 'Dram Shop' laws stipulating the legal responsibilities of licensees for the behaviour of patrons after they leave the premises

### **Regulatory structures**

- Harm minimisation as the major corporate goal of licensing authorities
- Plain clothes licensing inspectors
- Uniformed police presence
- Comprehensive training of police and licensing officers
- Graded system of penalties leading to temporary suspension of licence
- Incentives for good practice by licensees

## Promoting a supportive socio-political environment

- Public health advocacy on alcohol and licensing
- Publicly disseminated information on alcoholrelated harm and licensed premises
- Media campaigns promoting licensing laws
- Local licensing forums with community participation

other large-scale training programmes have not? And how can the effect have been immediate, even before the training? A plausible explanation is that enforcement methods succeed to the extent that they deter law-breaking by publicising the penalties. Similarly with drinking and driving, an optimal outcome is not achieved by enforcement alone unless it is highly visible and well publicised.21 Random breath-testing, for example, is most effective when large, highly visible testing units are backed by a vigorous media campaign. In the liquor service area, alcohol-related crashes have fallen following highly publicised cases in which licensees have been successfully sued for millions of dollars after a drunk patron has injured or killed a third party in a road crash.<sup>22</sup>

In conclusion, to offset the commercial imperative to sell alcohol on demand, legal disincentives to serve drunk and under-age customers can be created which are more effective than using training to exhort staff and managers to serve alcohol responsibly. Such disincentives are most effective when they combine targeted enforcement with generalised deterrence created by direct warnings and broader publicity.

### A visible police presence deters

Two other law enforcement approaches have involved uniformed police patrols of premises at high-risk times, and the negotiation of local 'accords' between police, licensees and the community. The first has been studied in Britain and in Australia.

Torquay hosted the classic study of community policing of pubs.<sup>23</sup> In summer this English seaside resort was a popular

destination for young people. A public order problem was apparent around the local entertainment area with its many clubs and pubs. The study involved pairs of uniformed police officers visiting all licensed premises two or three times a week, initiating friendly contact with the managers, and being seen to conduct a thorough check for under-age and/or drunk customers. The result was a 20% reduction in public order offences which reverted to baseline when the intervention ended. No such reduction was seen in a similar sized seaside resort which acted as the control site.

A second study in Sydney documented the impact of uniformed police who made over 1200 visits to licensed premises in a popular entertainment area at high-risk times. <sup>24</sup> Unlike the English study, no specific instructions were given to check for underage or intoxicated customers. Rather, the strategy seems to have been to prevent trouble escalating by creating a more visible police presence. At face value, results were disappointing; there was actually a significant *increase* in reported violent incidents, though a slight decrease in local emergency department admissions. Server behaviour and patron intoxication were not measured.

These findings are usefully seen in conjunction with a study in Rhode Island, USA, which incorporated liquor law enforcement within a broad-spectrum community intervention to reduce alcohol-related injuries.<sup>25</sup> At the intervention site, arrests for assaults increased by 20%, yet the local emergency room saw 25% fewer assault injuries - not as paradoxical as might appear at first sight. Only a small proportion of assaults in public places are reported to the police,11 leaving plenty of scope for an increased police presence to result in more assaults being observed and recorded. This need not be inconsistent with the same presence causing a real decline in alcohol-related violence.

### 'Accords' curtail competitive pressures

In the 1990s a new model for regulating licensed premises emerged in Australia that came to be known as the alcohol or licensing 'accord'. The idea emerged from pioneering work in the prime tourist area of Surfers Paradise and the earlier work of the West End Forum in Melbourne.<sup>27</sup> Since then it has been applied to innumerable neighbourhoods in Australia, taking different forms according to local priorities and the preparedness of police to tackle difficult issues such as service to intoxication.

The Surfers Safety Action Project in Surfers Paradise was a response to adverse media coverage of public drunkenness and alcohol-related violence in an entertainment area packed with over 20 nightclubs. A partnership between licensees, police, council officers and community representatives aimed to create a safer environment with a less tarnished reputation. Its main tool was a code of practice signed by all licensees which committed them to limit high-risk promotional and sales practices such as discounting drinks, gimmicks to encourage fast or excessive intake, and serving under-age or intoxicated customers. Also, security staff were trained in the non-violent handling of conflict and bar staff in responsible serving, and licensees were encouraged to develop policies to avoid intoxication and disorderly behaviour.

Maintaining the agreement was in the participants' commercial interests – the discounting ban was in effect a price-fixing agreement. Venues which broke rank were 'grassed on' to the project's committee and shamed into falling in line. An energetic evaluation team also monitored compliance and gave ongoing feedback to the committee. Within six months there were significant improvements in house policies and serving practices and a halving in the frequency of violent incidents observed by researchers.<sup>28</sup> Unfortunately, at a two-year follow-up these measures had reverted to baseline.

Two later Australian evaluations have shown variously mixed and weak outcomes. In Geelong assault offences were halved but there was no control area, nor any differentiation between assaults in public versus private locations, in the day-time versus the night-time, or in/around licensed premises versus elsewhere, making it difficult to assess the outcome.<sup>29</sup> One interesting feature was the reported preparedness of police to get tough on non-compliant licensees by visiting them more often and issuing fines for minor infringements such as not clearly displaying their name at the entrance. In Fremantle an increase in reported assault offences in public places probably reflected the greater probability of detection due to the enhanced police presence as well as police sometimes themselves being involved in assaults.30

These studies leave no doubt that the accord approach can be an effective harm reduction strategy, at least in the short term and when allied with energetic monitoring. Interesting issues are raised regarding the legality of what are effectively price-fixing agreements, and the extent to which an accord encourages police and licensing authorities to focus on the 'difficult' matters of service to intoxication and to under-age drinkers, or becomes a 'gentlemen's agreement' to turn a blind eye.

### The trick is to make it stick

Research cited above shows that we already have strategies which can promote responsible service of alcohol and have a demonstrable impact on public health, safety and order. Where these have failed, this has been due to less than wholehearted implementation or to a failure to sustain the implementation effort. In the USA it proved difficult to recruit



police departments to participate in licensing law enforcement. <sup>16</sup> Enhanced policing in Torquay<sup>23</sup> (UK) and the Surfers Paradise accord<sup>28</sup> (Australia) substantially reduced alcohol-related violence, but the benefits were short-lived. Server training in the USA and Australia was effective when managements were totally supportive, but the impacts dissipated when training was provided to a wide cross-section of premises.

The energy needed to implement and sustain such interventions can come from many sources: research interest, local community concerns, rival licensees, police, managers of venues, and adverse media coverage. How can these forces be harnessed and then institutionalised to sustain consistent and concerted prevention efforts, rather than fire-fighting measures introduced only when things get really bad? Some suggestions are summarised in the panel on page 6.

Many governmental and non-governmental agencies and businesses have an interest in how licensed premises perform. Community projects generally seek to orchestrate their support through negotiation, agreement and cooperation. When they succeed, well and good, but even a well-documented failure can create an opportunity to make progress by persuading community leaders to consider more formal changes in how local premises are regulated and in local liquor laws.

Such was the experience of the Fremantle Respects You project when the steering committee was presented with a report showing that their server training programme had made little impact, coupled with recommendations for regulatory and legal reform. <sup>1428</sup> The committee was made up of senior health, licensing and police officials as well as the head of the state alcohol retailers' association. Their support for the recom-

### OFFCUTS

A compilation of drinking outcomes among untreated controls groups in randomised alcohol treatment trials shows that at follow up on average about a fifth have become abstinent and that consumption has fallen by a statistically significant 14%.1 A straight read-over to everyday settings is not possible and the figures conflate at-risk drinkers with alcoholics. However, the study does provide a rough reference point regarding the level of success that can be expected without active treatment. The implication is that post-treatment abstinence in a minority of clients and small but significant drinking reductions are not enough to prove that providing a service is better than doing nothing.

1 Moyer A. et al. "Outcomes for untreated individuals involved in randomized trials of alcohol treatment." Journal of Substance Abuse Treatment: 2002, 23, p. 247–252. Copies: apply Alcohol Concern.

mendations created an unstoppable momentum which after years of energetic lobbying led to major reforms of the Western Australian Liquor Act. These included: a statement that one of its primary aims was the minimisation of alcohol-related harm; a practical definition of 'intoxication'; and compulsory responsible service training for licensees and managers. Beyond the Act, initiatives included a public education campaign to support licensees and party hosts in their attempts to implement responsible serving.

A licensing act which promotes responsible serving, and which empowers police, licensing authorities and communities to take effective action, is one thing; getting that act utilised and enforced is another. The panel opposite identifies the importance of aligning the corporate objectives of relevant authorities with responsible serving principles, and of thoroughly training their staff in a range of monitoring and enforcement strategies. It is also important to create regulatory structures capable of being used to effect genuine deterrence against irresponsible practices. 15 31 For example, graded sanctions ranging from warnings, to modest fines, to temporary licence suspensions of differing lengths, to outright loss of licence, are more likely to be applied than when the only alternative to doing nothing is to lay criminal charges leading to large fines and loss of licence.

Even a well-drafted liquor act with ample harm-minimisation provisions, backed by a well-organised regulatory system, may be inadequate if the community is unsupportive. Support can never be taken for granted. A number of strategies are desirable to generate an appropriate level of concern about high-risk drinking and to maintain support for effective enforcement. Local alcohol advocacy groups are an important way to maintain public pressure for alcohol prevention, with liquor licensing law enforcement as a principal lever.<sup>7</sup>

Another helpful strategy is to maintain a regular flow of data on local levels of alcohol-related harm, ideally related specifically to licensed premises. This should be made available to liquor licensing decision-makers and, where possible, to the general public. Prevention activity on the ground is maximally effective when supported by relevant and hard-hitting media campaigns.<sup>21</sup> These strategies can combine to create and maintain a social and political climate supportive of effective regulation and enforcement.

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