

RESTRICTIONS ON ALCOHOL SALES DURING NIGHTTIME HOURS AND PROTECTION OF HEALTH AND SAFETY OF CHILDREN FROM ALCOHOLIC FAMILIES - A COMPARATIVE LEGAL PERSPECTIVE

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Abstract Children growing up in families with alcohol problems often struggle with many problems in the area of physical and mental health, as well as insecurity. One of the priorities for states to conduct anti-alcohol policies should be to ensure them safety. The tool that can be used to reduce the availability of alcohol is to restrict the sales of alcoholic beverages in the area of specific local government units or the country as a whole. The analysis of the regulations of Poland, England, Wales and Lithuania shows that each of them presents a different approach to alcohol policy. All the selected countries have introduced solutions into the legal system that make it possible to limit or prevent the sale of alcoholic beverages at nighttime. Still, the rules for their application are different. Effective application of such solutions in practice can, therefore, lead to a decrease in the amount of alcoholic beverages consumed in the area, which can consequently improve the situation of children in families with alcohol problems.

Keywords

alcohol policy,
legal solutions,
local government tasks,
children protection

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1 Introduction

The consumption of alcoholic beverages does not have a positive effect on the health and life of the person consuming them, nor does it affect the person's family and social environment. Alcohol abuse can not only lead to the development of many diseases, such as cancer and cardiovascular diseases, respiratory diseases, diabetes, or mental health disorders (Bednarski, 2012, p. 143-144; Slattery, 2021), but also directly negatively affect the lives and health of family members, especially children. Consequently, it should be concluded that excessive alcohol consumption is one of the biggest threats to public health. In many European countries, the abuse of alcoholic beverages is a severe social problem.

As an example, it can be pointed out that a 2019/2020 survey in Spain found that 77.2 per cent of the population had consumed alcohol in the past 12 months, 63.0 per cent in the past 30 days, and 8.8 per cent daily in the past 30 days.¹ Polish estimates indicated that approx. 2 - 3 million Poles belong to the group of individuals who abuse alcohol, and about 600-800 thousand people in Poland are addicted to it². Translating this into economic data, it is worth pointing out that in 2019 Poles spent 36.7 billion zlotys on alcoholic beverages alone, and in comparison, 198.4 billion zlotys on food and non-alcoholic drinks (Obląkowska & Bartoszewicz, 2021, p. 11).

Alcohol abuse significantly affects family life. The literature indicates that a family with an alcohol problem is a type of dysfunctional family. This means that it is unable to properly fulfill its tasks, including responsibilities to children (Rys, 2011, p. 51-52). People growing up in such a family experience many problems of a health and socialisation nature. A large percentage of children from alcoholic families also experience violence. In the UK, alcohol plays a role in 25 to 33 per cent of known

¹ Alcohol, Tobacco and Illegal Drugs in Spain. Annual Report of the Spanish Observatory On Drugs and Addictions Executive Summary (2021), retrieved from https://pnsd.sanidad.gob.es/profesionales/sistemasInformacion/informesEstadisticas/pdf/2021_Summary_report__Informe_OEDA.pdf (20 August 2024).

² Estimates presented by the Polish Agency for the Solution of Alcohol Problems existing until December 31, 2021, retrieved from, <https://www.parpa.pl/index.php/33-analizy-badania-raporty> (20 August 2024).

cases of child abuse.³ Polish statistics and estimates also show frequent co-occurrence of both problems.⁴

As dependent beings, children are particularly vulnerable to all the negative consequences of living in an alcoholic family. Given the high scale of alcohol consumption in many European countries, special attention should be paid to their safety and health protection needs. As an example, it is worth pointing out that in Poland, as many as 23 per cent of children under the age of 20 have one or both parents abusing alcohol (European Monitoring Center, 2008, p. 20), and nearly half a million children from alcoholic families function in a situation that threatens their health and life (Obląkowska & Bartoszewicz, 2021, p. 38).

One of the tools that can be used to reduce the availability of alcohol is to restrict the sales of alcoholic beverages in the area of specific local government units or the country as a whole. It should be noted that restrictions on the availability of alcohol can be imposed at the level of the entire population - e.g., establishing hours of sale or at the individual level - e.g., imposing age or court-ordered restrictions (Babor, et al., 2023, p. 129). The World Health Organization indicates that reducing the availability of alcoholic beverages by reducing the hours of sale has the effect of decreasing incidents of violence, and similarly, increasing the availability of outlets results in higher rates of violent incidents.⁵

The purpose of this article, therefore, will be to analyse and evaluate the current legal regulations in selected European countries on the introduction of restrictions on the sale of alcohol at night in the context of ensuring the safety of children from alcoholic families. The article pays special attention to the impact of reducing the availability of alcoholic beverages on the situation of children because there is a lack of publications in the literature indicating that carrying out an effective alcohol policy

³ Harmful drinking and alcohol dependence UK, retrieved from, <https://www.gov.uk/government/publications/health-matters-harmful-drinking-and-alcohol-dependence/health-matters-harmful-drinking-and-alcohol-dependence> (20 August 2024).

⁴ According to published estimations, in Poland about 2 million people are victims of domestic violence in families with alcohol problems, <http://www.papa.pl/index.php/akty-prawne/33-analizy-badania-raporty> (20 August 2024); Statistics collected by the Police show that in 2022 about 51% of those suspected of using domestic violence act while under the influence of alcohol, <https://statystyka.policja.pl/st/wybrane-statystyki/przemoc-w-rodzynie/201373,Przemoc-w-rodzynie-dane-od-2012-roku.html> (20 August 2024).

⁵ WHO Series of briefings on violence prevention. Preventing violence by reducing the availability and harmful use of alcohol, 2009, https://apps.who.int/iris/bitstream/handle/10665/44173/9789241598408_eng.pdf (March 3, 2024), p. 3.

can have a huge impact on protecting children from many of the risks associated with functioning in an alcoholic family, as well as reducing the number of negative consequences they have to face in adulthood. The selected countries were Poland, Lithuania and the United Kingdom because of the large scale of the amount of alcohol consumed in each country and the differences in the established alcohol policies - especially concerning the solutions used to reduce the availability of alcohol during nighttime hours. To illustrate the momentousness of the analysed issue in the background of the considerations, the characteristics of an alcoholic family and the impact of growing up in a family with an alcohol problem on the safety and health of children will also be presented.

2 Characteristics of a Family With an Alcohol Problem

The literature indicates that a family with an alcohol problem occurs when at least one of its members abuses alcohol in an excessive, destructive and uncontrolled manner (Ryś, 2011, p. 52). Members of this type of family make all their needs and the family's activities dependent on the situation of the addict. Due to the fact that the behavior of each individual functioning in the family is subordinated to alcohol - the whole system becomes an alcoholic system (Gaś, 1994, p. 28).

Family members are often codependents. This means that they adopt a specific attitude of constantly controlling the addict and looking for solutions that if only for a short time, will stop this person from abusing alcohol (Bykowska, 2008, p. 57-58). In addition, they usually step into the roles required of the addict, take over the addict's responsibilities and become overly responsible and sometimes also overprotective (Miturka, 2017, p. 185). Family members of an addict are often reluctant to broach the subject of addiction with others, which also makes it difficult for them to seek help from both loved ones and state authorities. Researchers also note that codependents often experience "emotional swings," which include despair, loss of hope, disappointment and delusion on the one hand, and, on the other, an abiding faith in the promises of improvement given by the alcoholic and an associated sense of being wronged (Mellibruda, 1996, p. 36-37).

As emphasized in the literature, alcoholism is a disease of the whole family that affects all its members, and interactions can reinforce the "alcoholic lifestyle". Due to the difficulty of functioning in an alcoholic family, its members experience many

physical and mental health problems. They struggle with such traits as a sense of shame in front of others, social isolation, helplessness, insecurity, a sense of anxiety, terror of alcoholic brawls and acts of violence, guilt, or anger (Sztander, 1993, p. 31-38). Functioning in this type of family contributes to serious problems in the children's further life. Throughout their adult lives, they suffer the multifaceted consequences of growing up in an alcoholic family.

3 Impact of Growing up in an Alcoholic Family on Children's Safety and Health

The family should be considered the primary environment that determines the proper growing up of children. Whether family members develop properly will, therefore, depend on the family's functionality and ability to carry out its responsibilities correctly. Relationships existing in the family contribute to the adoption by the child of certain attitudes and behaviours toward other individuals in further life (Roostin, 2018, p. 5). In a family that is dysfunctional in the first place, the emotional needs of children are not met, which affect their proper development and further life (Bednarski, 2012, p. 141).

Children in families with alcohol problems often adopt certain roles that facilitate their functioning in a dysfunctional environment (read more: Miturska, 2017, p. 189-192; Bykowska, 2008, p. 61-62; Gaś, 1994, p. 37-38). It should be pointed out, however, that acting them out forces the children to give up their individuality, needs and desires in favor of preserving the integrity of the family.

The literature mentions personality features that children of alcoholics acquire and must contend with in later life. It is pointed out, among others, low self-esteem, fear of abandonment, hiding feelings, susceptibility to injury, excessive loyalty or inability to enjoy life, fear of experiencing conflict situations, sense of difference, and fear of losing control (Sztander, 1993, p. 56-57). Children from alcoholic families are often diagnosed with problems such as anxiety disorders, depressive disorders, addictions, eating disorders and urges. In the literature, the specific set of characteristics and dysfunctions that stand out in children from alcoholic families in adulthood is called the ACoA syndrome (more: Kaldon, 2015, p. 95-106; Miturska, 2017, p. 193-196; Dolata, 2019, p. 127-160).

The number of negative consequences experienced by children from alcoholic families increases when there is also a problem of violence in the family. Experiencing physical, psychological or sexual violence dramatically affects his further development and ability to fulfill certain roles required by society. Protecting the health and safety of children from alcoholic families should therefore be treated as a legislative and social priority, especially because, as Bykowska points out, they do not have the knowledge needed to make certain references and comparisons, with the result that they often accept without protest the deviant behavior of adults, in the belief that this is the way the world is arranged (Bykowska, 2008, p. 60).

In conclusion, it should be emphasized that growing up in a family with an alcohol problem negatively affects a child's development, sense of security and health. Functioning in a dysfunctional family results in many problems in the area of both physical health mental health.⁶ It is also worth mentioning that a large percentage of children from alcoholic families attempt suicide.⁷

4 Analysis and Evaluation of Legal Regulations on Limiting the Availability of Alcohol During the Nighttime

The protection of everyone's health, as well as the right to life, are rights and at the same time basic values (Zdyb, 2018, p. 1). The state should also guarantee them to children. This is because they are also subjects of the law. Given the fact that children are dependent on life, public authorities should be obliged to take special care to ensure that their freedoms and rights are respected. Especially when they function in a dysfunctional family and the environment, which is supposed to be concerned with their protection, destructively affects their development and daily life.

As already mentioned, given the multifaceted consequences of children in alcoholic families, ensuring comprehensive and effective protection of their safety should be considered by the legislature as one of its legislative priorities. One of the solutions that can be used for this purpose is to restrict the sale of alcohol during nighttime

⁶ WHO Facts on child maltreatment and alcohol, 2006
https://www.who.int/violence_injury_prevention/violence/world_report/factsheets/fs_child.pdf (August 20, 2024).

⁷ See Robinson & Rhoden, Pomoc psychologiczna dzieciom z rodzin alkoholowych. Praktyczny przewodnik, https://www.parpa.pl/phocadownloadpap/Profilaktyka_zachowan/Pomoc%20psychologiczna%20dzieciom%20z%20rodzin%20alkoholowych.%20Praktyczny%20przewodnik.pdf (August 20, 2024).

hours. Researchers indicate that the introduction of restrictions on the availability of alcohol in the country is an effective solution for reducing the scale of consumption of alcoholic beverages, alcohol abuse in society, as well as its social consequences (Gruenewald, 2018, p. 248; Pulliainen & Valtonen, 2017, p. 2; Zhu, Gorman & Horel, 2004, p. 369).⁸ It is also noted that an increase in the number of outlets such as liquor stores in an area is associated with an increase in the number of cases in foster care institutions (Freisthler, et al., 2007, p. 114-124).

Establishing restrictions on the hours of alcohol sales usually focuses on reducing the availability of alcoholic beverages during late-night hours. This may include off-premises sales, where the goal is to reduce purchases by people who are already into alcohol or on-premises sales, where the goal is to reduce problems associated with alcohol consumption in entertainment districts at later hours (Babor, et al., 2023, p. 137). Many European countries have introduced such restrictions.

Finally, it is worth noting that their implementation should be preceded by an analysis of the regulations on freedom of conducting business and the rules on the possibility of its limitation in a given legal system. It seems that such arrangements should be created in a way that does not impose unreasonable harm on individuals and companies involved in the production and sale of alcoholic beverages but makes it possible to achieve the goals of aiming to reduce the negative consequences of alcohol consumption. It should be noted that the World Health Organization drew attention to this aspect and called on alcohol operators to focus on implementing measures that can contribute to reducing harmful alcohol consumption and refrain from actions that could prevent, delay or stop the development of alcohol policy, as well as to refrain from interfering with alcohol policy and refrain from actions that could prevent, delay or stop the development of alcohol policies aimed at implementing and enforcing effective strategies to reduce harmful alcohol consumption (WHO Global Action Plan, 2024, p. 13).

⁸ WHO Evidence for the effectiveness and cost-effectiveness of interventions to reduce alcohol-related harm, s. 93, https://www.euro.who.int/data/assets/pdf_file/0020/43319/E92823.pdf (August 20, 2024).

3.1 Solutions Established in the Polish Legal System

In Poland, a specific legal act in the field of state policy against alcohol abuse by society is the Act on Upbringing in Sobriety and Counteracting Alcoholism.⁹ Under Article 1 of the U.S.C.A., government and local government administrative bodies have been obliged by the legislature to carry out activities related to reducing the consumption of alcoholic beverages and changing the structure of their consumption, initiating and supporting projects aimed at changing customs in the way these beverages are consumed, preventing the emergence and removing the consequences of alcohol abuse, and supporting the activities of social organizations and workplaces in this regard. The content of this provision, therefore, defines the values, goals and directions of the administrative bodies when performing the public tasks entrusted to them by the U.S.C.A. (Niżnik-Dobosz & Koszowski, 2020, p. 43). Actions taken for the benefit of children from alcoholic families will belong, therefore, mainly to this direction of action of the Polish public administration, which is defined by the category of prevention and elimination of the consequences of alcohol abuse. Indirectly, their situation may be affected by, however, the implementation by the public administration of other tasks, namely those related to reducing the consumption of alcoholic beverages.

As indicated in Article 2 of the U.S.C.A., the tasks in the field of counteracting alcoholism are carried out through the proper formation of social policy, including limiting the availability of alcohol. The Polish legislator has thus recognized the not-insignificant role of limiting the amount of alcohol on the market in the context of combating the growing scale of addicts in the country. As Obląkowska & Bartoszewicz note, the state in the field of alcohol policy can take on various roles - from “uninvolved observer” to the role of a regulator, an obstetrician, a partner and a demiurge. At the same time, the authors point out that due to the increase in the scale of alcohol consumption in recent years in Poland, it is possible to speak of the abandonment of the country's activity in this area (Obląkowska & Bartoszewicz, 2022, p. 6).

⁹ Polish Act of 26 October 1982 on Upbringing in Sobriety and Counteracting Alcoholism, consolidated text in Journal of Law of 2019, item 2277 as amended, hereinafter referred to as: “U.S.C.A.”.

In the context of this article, the key issue is the power of the resolution-making bodies of Polish municipalities, resulting directly from Article 12 section 4 of the U.S.C.A. This provision creates the power to establish restrictions on the hours of night-time sales of alcoholic beverages intended for consumption outside the place of sale on the territory of the municipality or the designated auxiliary units of the municipality. Restrictions on sales may be introduced between 10 pm and 6 am. Importantly, under Article 12 Section 5 of the U.S.C.A., the municipal council must obligatorily consult with the municipality's auxiliary unit before adopting a resolution in this regard. It should further be noted that the indicated regulation does not apply to alcoholic beverages consumed at the point of sale (e.g., in a restaurant). It is also important that it does not mandate the introduction of these restrictions at strictly defined hours. Municipalities can decide independently at what times between 10 pm and 6 am they introduce restrictions. These restrictions can therefore be in effect for as little as one or two hours in the indicated time frame.

It is worth noting that the provisions of the U.S.C.A. statute are the competence of the municipal council to restrict the sale of alcohol, and not to prohibit its consumption. Polish law regulating the prevention of alcoholism does not, after all, create obligations on the part of public administration bodies aimed at bringing about a total prohibition of alcoholic beverages (Koszowski, 2016, p. 256).

According to a statistical statement published by the National Center for Prevention of Addictions titled "Prevention and Solving of alcohol problems in Poland in Municipal Governments in 2021". 29 municipalities have adopted a resolution to limit the sale of alcoholic beverages for consumption outside the place of sale during nighttime hours. Restrictions on the sale of alcoholic beverages at night have been introduced in Krakow, Zakopane and Poznan, among others.¹⁰

In Krakow, the resolution became effective on 1 July 2023. The municipality has established a ban on the sale of alcohol between 12 pm and 5:30 am in the area of all Krakow neighbourhoods.¹¹ The Zakopane City Council also passed a resolution to restrict the sale of alcoholic beverages. Prohibition is in force there between 11

¹⁰ Statistical Summary. Prevention and Solving of Alcohol Problems in Municipal Governments, 2021, https://parpa.pl/images/file/PARPA_G1_2021.pdf (20 August 2024).

¹¹ Resolution No. CX/2970/23 of the Krakow City Council of May 17, 2023, on the introduction of restrictions on the sale of alcoholic beverages for consumption outside the place of sale at night in the Municipality of Krakow, Official Journal of the Malopolska Voivodship, position 3781.

pm and 6 am.¹² The authority council functioning in Poznan passed a resolution limiting the sale of alcoholic beverages between 10 pm and 6 am on part of the territory of the municipality.¹³ It should be emphasized that violation of the introduced ban constitutes a criminal offence.

The director of the Polish National Center for Prevention of Addiction pointed out that a survey of local government officials and representatives of the Police in Poland shows that after the introduction of restrictions on the sale of alcohol at night, there was a noticeable decrease in crime, primarily concerning incidents of hooliganism¹⁴. This is also confirmed by information provided by the local governments of Wroclaw, Poznan Pulawy and Olsztyn.¹⁵

3.2 Legal Scope for Reducing Alcohol Sales in England and Wales

Businesses and individuals wanting to sell alcoholic beverages in England and Wales must have a special license or other authorization from a competent authority, which is usually a council functioning in a local government, as stipulated by Section 3 of the Licensing Act 2003.¹⁶ As specified in Section 4 of the L.A., the purpose of licensing is also to protect children from harm. In England and Wales, most supermarkets can sell alcoholic beverages during opening hours without restriction. The only exception is for buying alcohol on Sundays. All stores over 280 square meters can only be open for a maximum of six hours on Sundays. This rule is established in Schedule 1, paragraph 2 of the Sunday Trading Act.¹⁷ In the case of the sale of alcohol in the area of the premises, it follows from Section 172F of the

¹² Resolution No. XL/566/2022 of the Zakopane City Council of September 15, 2022, on the introduction of restrictions on the sale of alcoholic beverages intended for consumption outside the place of sale at night in the Zakopane municipality, Official Journal of the Malopolska Voivodship, position 6102.

¹³ Resolution No. LXXXIV/1592/VIII/2023 of the Poznan City Council of 06-06-2023 on establishing on the territory of the St. Lazarus housing estate in Poznan restrictions on the sale of alcoholic beverages intended for consumption outside the place of sale at night, Official Journal of the Wielkopolska Voivodship, position 6139; Resolution No. LXXXVII/1667/VIII/2023 of the Poznan City Council of 30-06-2023 on the establishment of restrictions on the sale of alcoholic beverages intended for consumption outside the place of sale at night on the territory of the Wilda housing estate in Poznan, Official Journal of the Wielkopolska Voivodship, position 6826.

¹⁴ Press release provided by the National Center for Prevention of Addictions to the Polish Press Agency, retrieved from, <https://samorzad.pap.pl/kategoria/aktualnosci/krajowe-centrum-przeciwdzialania-uzaleznieniom-nocna-prohibicja-w-co> (August 20, 2024).

¹⁵ Press release provided by the Polish portal gazetaprawna.pl, retrieved from, <https://www.gazetaprawna.pl/wiadomosci/kraj/artykuly/8692358,nocna-prohibicja-zakaz-sprzedazy-alkoholu-gminy.html> (August 20, 2024).

¹⁶ Licensing Act 2003, UK Public General Acts, 2003, c. 17 with changes.

¹⁷ Sunday Trading Act 1994, UK Public General Acts, 1994 c. 20 with changes.

L.A. that alcohol can be both purchased and consumed there until 11:00 pm. It should be emphasized, however, that under Section 41A of the L.A., it is also possible to apply for an extension of the time during which alcohol can be sold.

An interesting solution operating in these countries is also the possibility for local governments to ask authorities such as the police, the local environmental health authority, the local fire and rescue service or the local public health authority to review a premises license because of its possible adverse impact on licensing objectives such as crime and disorder prevention, public safety or protecting children from harm. In the year ending March 31, 2022, 347 premises license reviews were conducted. As a result of the review, 48 per cent of licenses were revoked or withdrawn.¹⁸

It is worth noting that in 2012, local government authorities in England and Wales were given the power to introduce a late-night alcoholic beverage supply charge under sections 125-139 of the Police Reform and Social Responsibility Act of 2011¹⁹. The fees must apply to the territory of all or part of the local government unit and apply during a specified period between 12 pm and 6 am. The licensing authority may also decide that different fees are to apply in different parts of its area for the use of the permits at nighttime. As of 31 March 2022 nine local authorities were using such a legal solution.²⁰

Most significantly, the provisions of Section 172A-172E of the L.A. also allow licensing authorities to issue an order in an area or part thereof to restrict the sale of alcohol in the early morning hours, and, therefore between 12 pm and 6 am. Such an order is issued when the competent authority deems it important in the context of promoting the goals of licensing alcohol sales. However, it should be pointed out that authorities are reluctant to use this power. As the Institute of Alcohol Studies

¹⁸ Alcohol and late-night refreshment licensing England and Wales, year ending 31 March 2022, retrieved from, <https://www.gov.uk/government/statistics/alcohol-and-late-night-refreshment-licensing-england-and-wales-31-march-2022/alcohol-and-late-night-refreshment-licensing-england-and-wales-year-ending-31-march-2022> (August 15, 2024).

¹⁹ Police Reform and Social Responsibility Act 2011, UK Public General Acts, 2011 c. 13 with changes.

²⁰ Alcohol and late night refreshment licensing England and Wales, year ending 31 March 2022, retrieved from, <https://www.gov.uk/government/statistics/alcohol-and-late-night-refreshment-licensing-england-and-wales-31-march-2022/alcohol-and-late-night-refreshment-licensing-england-and-wales-year-ending-31-march-2022> (August 15, 2024).

UK points out, by 2020 no such order had been approved²¹. Moreover, it is important to mention that the number of establishments with 24-hour alcohol licenses has increased by 31 per cent from 8,100 in 2018 to 10,600 in 2022.²² Increasing the availability of alcohol, therefore, may increase the scale of negative consequences associated with alcohol consumption. In the context of this article, it is relevant that data made available by UK public authorities shows that alcohol abuse is a factor in 25 to 33 per cent of known child abuse cases.²³

3.3 Solutions Applied in Lithuania Law System

The scale of alcohol consumption, as well as the experience of domestic violence, remains very high in the Baltic States. Research indicates that 42 per cent of children in Lithuania experience at least one type of domestic violence, and alcohol abuse by a parent is directly linked to the use of emotional and physical violence (Sebre, et al., 2004). Ongoing analyses show that a child seemed twice as likely to witness violence when the mother or biological father was a problem drinker and eight times as likely when the mother's partner was a problem drinker (Tamutienė, 2018, p. 17-19).

In Lithuania, the availability of alcohol itself and the rules for its sale are regulated by the Law on Alcohol Control.²⁴ The very first article of this law indicates that the goals of its functioning in law are to reduce the overall consumption of alcohol and its availability, its abuse, damage to health and the economy, and to establish a legal basis for granting business entities the right to produce, sell, import and export alcohol products. According to Article 18 Section 3 point 11 of the Law, in Lithuania, the sale of alcohol at retail outlets is prohibited before 10 am and after 8 pm on Mondays through Saturdays and before 10 am and after 3 pm on Sundays (except for restrictions imposed by municipal councils). However, the law contains exemptions to this rule. The indicated prohibition does not apply to alcoholic beverages sold on board international trains, boats, planes carrying passengers on international routes, minibars in hotel rooms, duty-free stores and special outlets. As

²¹ Institute of Alcohol Studies Briefing, Licensing in practice: the availability of alcohol in UK society, 2020, <https://www.ias.org.uk/wp-content/uploads/2020/12/Licensing-in-practice-%E2%80%93-the-availability-of-alcohol-in-UK-society.pdf> (August 20, 2024).

²² Institute of Alcohol Factsheet – Availability, <https://www.ias.org.uk/factsheet/availability/> (20 August 2024).

²³ Harmful drinking and alcohol dependence UK, retrieved from, <https://www.gov.uk/government/publications/health-matters-harmful-drinking-and-alcohol-dependence/health-matters-harmful-drinking-and-alcohol-dependence> (August 20, 2024).

²⁴ Lietuvos Respublikos alkoholio kontrolės įstatymas, Valstybės žinios, 1995-05-26, Nr. 44-1073 with changes.

a rule, the purchase of alcoholic beverages during nighttime hours is not permitted in Lithuania. At the same time, it should be emphasized that under Article 17 section 4 of the Act, individuals are not allowed to take alcoholic beverages outside the sales area during the same hours. It seems that the establishment of such a prohibition in the act is also aimed at not allowing situations where alcoholic beverages are taken out of places such as pubs or bars.

Lithuania has been introducing restrictive legal tools on alcohol policy in recent years due to the high scale of the amount of alcohol consumed. Indeed, between 2010 and 2015, Lithuania was among the world's top alcohol-consuming countries (Miščikienė, et al., 2020, p. 11). It should be noted that the solutions established since 2018 have proven to be effective and have led to a reduction in the amount of consumed alcoholic beverages (OECD/European Observatory on Health Systems and Policies, 2021, 13). It should also be noted that Lithuanian citizens strongly support the current effective model of alcohol policy, which protects youth and children from harm.²⁵

4 Summary and Conclusions

The introduction of solutions aimed at reducing the consumption of alcoholic beverages in the country is extremely important for social, economic and health reasons. It should be noted that the elimination of the effects of alcohol abuse and addiction is very costly for the state (Zbroszczyk, 2019, p. 174-175). It is necessary to note here not only the economic costs associated with, among others, the costs of the justice system, the health care system, or social welfare, but also social costs such as an increase in the number of families with alcohol problems, codependency and trauma, neglected children, ACoA syndrome, accidents or deaths (Obląkowska & Bartoszewicz, 2021, p. 3). According to Obląkowska & Bartoszewicz, in Poland, these costs far exceed the state budget revenues from excise taxes. This is because it is estimated that in this country the value of all economic and social costs associated with alcohol consumption is 93.3 billion zlotys, and the value of revenue to the budget is only 13.4 billion zlotys (Obląkowska & Bartoszewicz, 2021, p. 78).

²⁵ Policy News. Lithuania Alcohol Policy, retrieved from <https://movendi.ngo/news/2021/06/03/lithuania-alcohol-policy-success-as-growing-number-of-youth-stays-alcohol-free-longer/> (August 20, 2024).

It is difficult, therefore, not to agree with the view, which indicates that the state should use the instruments of alcohol market regulation in a way that minimizes the cost of alcohol consumption and promotes a healthy lifestyle at the same time (Wetoszka, 2016, p. 224). Indeed, alcohol policy must be shaped in two ways, introducing legal instruments of a preventive and intervention nature. Prevention should be understood here as promoting appropriate attitudes to the use of alcoholic beverages, as well as educating the public about the negative effects of their consumption on the individual, family, society and the state. Intervention activities, on the other hand, should be aimed at eliminating the damage that has already occurred both in the area of health and safety of the individual consuming alcohol and family members of the person abusing or addicted to alcohol, as well as social damage that affects the functioning of the state itself.

Introducing restrictions on the sale of alcohol during nighttime hours seems to be a solution that fulfils influencing both of the above-mentioned spheres of alcoholism control. This is because tools of this nature can be used both for informational and educational purposes, as well as to reduce the harm of alcohol consumption and functioning in the alcoholic's environment.

The analysis of the regulations of selected European countries carried out in this article shows that each of them presents a different approach to alcohol policy. The solutions operating in England and Wales are by far the most liberal, while in Lithuania, they are the most restrictive. It should be emphasized at the same time that in Lithuania, the legislation prohibits the sale of alcoholic beverages at night, while in Poland and England or Wales, it provides the possibility to use solutions allowing local government units to decide on the restriction of alcohol sales. Significantly, though, in Poland, municipal resolution bodies often use such a possibility in practice, while in England and Wales, such a solution has not been applied yet.

According to the project "Evaluation of the impact of alcohol control policies on morbidity and mortality in Lithuania and other Baltic states," each of the key tax increases and reductions in trading hours in the Baltic states and Poland resulted in an average decrease of 0.9 litres (L) of pure alcohol per capita during the year in which the policy was implemented (Lessons from the Baltic Alcohol Control Policy Project, 2023, p. 1). The existence of restrictive legal solutions in a given area can

therefore realistically cause not only an increase in the interest of a given community in the issue of alcohol abuse, but also have a real effect on reducing the scale of alcohol consumption, and consequently lead to a reduction in health and social problems associated with drinking (Rossow & McCambridge, 2019, p. 1). It should therefore be emphasized that the activities of the public administration of a rationing nature can affect the effectiveness of protecting the safety of children from alcoholic families. Limiting the availability of alcohol should be considered an important solution for ensuring the protection of their life, health and dignity.

The above indicates the legitimacy of the introduction of restrictions on the sale of alcohol in individual countries and their real use in practice as in the case of Poland and Lithuania. The rationale for the enactment and application of legislation in this area is not only practical circumstances affecting the reduction of the scale of crime in a given area and the impact of alcohol abuse on the finances of a given country, but primarily axiological considerations such as the protection of the life and health of the person abusing alcohol and members of his immediate environment, including, above all, children at risk of harm.

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Povzetek v slovenskem jeziku

Otroci, ki odraščajo v družinah, kjer so prisotne težave z alkoholom, se pogosto spopadajo s številnimi težavami na področju telesnega in duševnega zdravja kot tudi z negotovostjo. Ena od prednostnih nalog držav pri izvajanju protialkoholne politike bi morala biti zagotavljanje njihove varnosti. Ukrep, ki ga je mogoče uporabiti za zmanjšanje dostopnosti alkohola, je omejitev prodaje alkoholnih pijač na območju določenih enot lokalne samouprave ali države kot celote. Analiza predpisov Poljske, Anglije, Walesa in Litve kaže, da ima vsaka od njih drugačen pristop k alkoholni politiki. Vse izbrane države so v pravnem sistem, uvedle rešitve, ki omogočajo omejevanje ali preprečevanje prodaje alkoholnih pijač v nočnem času. Kljub temu so pravila za njihovo uporabo različna. Učinkovita uporaba takšnih rešitev lahko zato v praksi privede do zmanjšanja količine alkoholnih pijač, ki se uživajo na tem območju, kar lahko posledično izboljša položaj otrok v družinah, v katerih se pojavljajo težave z alkoholom.