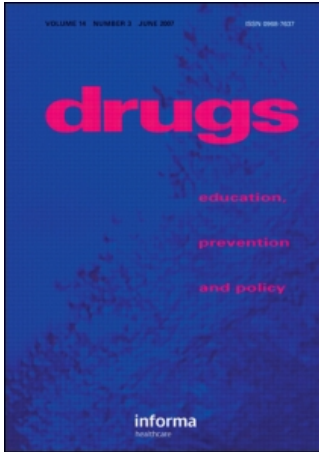


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Local responses to the Alcohol Licensing Act 2003: The case of Greater London

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Abstract

This paper describes a preliminary study of local implementation of the Licensing Act 2003 in Greater London. The study investigated variability in local policies, perceptions of the opportunities afforded by the changes in the licensing system and perceptions of barriers and problems arising in the initial implementation process during 2005. The research was conducted in two stages: an analysis of the licensing policies of the 33 London boroughs and open discussion, in-depth interviews conducted in five London boroughs with licensing officers and chairs of licensing committees (elected councillors). From the policy analysis and interviews it was evident that licensing authorities varied in their level of engagement in licensing matters. Although there were reservations, the majority of respondents welcomed the changes in the administration and procedures, in particular the opportunity to have more control of licensing in their locality. Overall respondents did not report major problems or difficulties arising from the new arrangements and the extension of hours. However, it was recognized that it was still too early in the process to draw firm conclusions.

Introduction

The Licensing Act 2003 (The Stationery Office, 2003) came into force in England and Wales in November 2005, replacing law that had evolved over time into a 'model of labyrinthine complexity' (Light, 2005, p. 282). Key changes

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included transferring responsibility for licensing decisions from committees of magistrates to local authorities and establishing a single integrated licensing system based on four fundamental principles:

1. the prevention of crime and disorder;
2. the prevention of public nuisance;
3. public safety; and
4. the protection of children from harm.

Although the Licensing Act 2003 covers all forms of licensing, this paper is specifically concerned with licensing as it relates to the sale, distribution and consumption of alcohol. The Act allows for more flexible opening hours for both on-licence and off-licence premises and looks towards the creation of a more cosmopolitan, 'café style' of drinking with the expectation that changes will contribute to a reduction in alcohol-related harm.

However, claims that the new system can help to tackle alcohol-related harms have been hotly contested. Critics have focused on the perceived conflict of interest between the alcohol industry and groups representing health and crime and safety priorities. Much of the debate revolves around the rationale and evidence for permitting 24-hour licensing. On the one hand, it is argued that extended licensing hours will result in a reduction in rapid drinking near closing time, a more orderly and staggered dispersal of the public leaving licensed premises, and a decrease in the peaks of crime and disturbance around licensed premises caused by binge drinking. On the other hand, health and criminal justice critics have rejected the notion that the new regulations will result in changes in drinking patterns and drinking behaviours. They emphasize the resistance to change of the culture of 'binge' drinking and point to the problems of implementation and the use of scarce resources in policing city centres and other areas where the 'the night time' economy is growing; they dispute the research evidence for extending licensing hours and accuse the government of allowing the alcohol industry to exert undue pressure in the decision-making process leading up to the Act (e.g. Babor, 2004; Drummond, 2004; Foster, 2003; Jayatilaka, 2004; Plant & Plant, 2005; Room, 2004; Stockwell, 2004). Until recently, media coverage tended to support the latter views with numerous newspaper articles and TV items focusing on problems related to binge drinking (especially among young people) and the potential rise in costs to the community, to the National Health Service and to the police (e.g. Green, 2004; Rayner, 2004).

It is within this context of debate and contention that local authorities were given the responsibility for developing alcohol licensing policies for their localities. All local authorities had to publish a local licensing policy by February 2005 and were required to review their policy every three years. The initial stages of the process were marked by uncertainty regarding whether the Act would come into force (given the controversy it had raised) and by concerns that the time scale was too short to allow local authorities and the licensed trade to prepare for implementation. However, soon after the implementation date, reports began to

indicate a more complex picture of how the Act was being implemented in local areas and of the possible variability in its effects on local drinking cultures and alcohol-related harm (Batty, 2006; Rorher, 2006).

This paper presents the results of preliminary research on the initial implementation phase of the Licensing Act in Greater London. The study examined variability in local policies and investigated perceptions of the opportunities afforded by changes in the licensing system as well as barriers and problems arising in the early implementation process. Although a primary concern was to allow issues and themes to emerge from the research, one main focus was on the exploration of local decision making around establishing 'cumulative impact' zones—areas where restrictions were placed on opening new drinking venues or extending licensing hours. It was felt that this issue might provide a useful window into a second important area for research—the interaction of different stakeholders in the implementation process. We were particularly interested in perceptions of local decision making and power sharing. There has been considerable discussion and research around these issues at the level of national policy formation but relatively little that has examined local implementation. As MacGregor (1998, p. 134) has commented, 'In the policy process, real long term power lies (as ever) in the detail of implementation rather than in the writing of grand "mission" or policy statements'.

Methods

A qualitative approach was adopted, using content analysis of policy documents and in-depth interviews with key informants. The research was conducted in two stages.

The analysis of the licensing policies of the 33 London boroughs (undertaken in Autumn 2005) considered three key questions: (1) the extent to which local policies narrowly reflected or expanded on national guidelines for implementation; (2) the extent to which local data was used to evidence the identification and description of current alcohol-related harm; and (3) the extent to which borough-specific discussions of the concept of 'cumulative impact'—the problems attributed to density of drinking venues, especially late-night venues, within a defined area—was reported in the policy statement. A sample of London boroughs was then chosen for further investigation. This included a mix of inner and outer London boroughs all of which had areas (in some cases named) where there were concerns about the possibility of increasing alcohol-related harm and which were recognized in the local policy as requiring on-going review. None of these boroughs had established a cumulative impact zone but the licensing policies all include detailed discussions of the concept and some indication of the criteria used in decision making.

In-depth interviews were conducted in five London boroughs with licensing officers and chairs of licensing committees. Licensing officers are employees of the local authority and the chairs of licensing committees are elected councillors.

In total eleven interviews were conducted (five licensing team managers, two licensing officers from the same borough and four chairs). The interviews focused on the development and early implementation of the local licensing policy and the challenges faced. Interviews were partially transcribed and thematic analysis undertaken, which involved searching for categories and patterns in the data (Fielding, 2004; Mason, 2002). Findings from the analyses of both policy document and interviews were combined to give a narrative account of respondents' perceptions of the research issues. The five research boroughs are referred to as inner London A, inner London B, outer London A, outer London B and outer London C.

From policy statement to policy implementation

Local policy statements

The licensing policies were prepared using guidance issued by central government (Department of Culture Media and Sport, 2004).¹ The London boroughs' licensing policies ranged widely in length (16–114 pages), presentation (from glossy brochure to simple statement) and from those that simply repeated the national guidance through to those that set out a detailed, nuanced licensing policy for the locality. Although only London policies were considered within this study, nationally a similar picture has emerged, with Kolvin (2005, p. 31) stating that on a national basis the first policies have covered a broad spectrum from:

- 'a faithful rendition of the NATIONAL GUIDANCE; to
- statements of the specific standards expected of operators;
- the articulation of a clear vision for the night-time economy, covering the type, mix, pattern, location and target clientele of licensed premises to promote both the licensing objectives themselves and the wider cultural and economic strategies of the town'.

Even within a tightly prescribed framework, we found that some London authorities found room for manoeuvre. For example, although the term 'vicinity' is not defined within the Act, definitions have been provided within local licensing policies.

Comments from those interviewed, indicated some of the reasons for variability in policy documents. The tendency to produce a basic policy statement adhering closely to the national guidance arose in some cases from lack of time or relevant expertise to prepare the policy to the government's deadline. Issues such as the availability of adequate data for decision making and the need to balance the interests of different stakeholder groups were also considerations. However, the interview material threw further light on a more fundamental reason for caution.

Safe policies: Fear of litigation and the role of the legal profession

A strong theme running through the interviews was the tendency to be 'safe' and produce policies that would not attract legal challenge or that could stand

up to legal scrutiny. This desire to produce uncontroversial policies combined with the prescriptive nature of the guidance led to many of the first licensing policies being rather bland and strikingly similar. As one licensing manager said, he had set out to write: 'What I thought was an uncontroversial safe policy that didn't threaten to get the council into trouble'. (outer London, A). Another explained:

We have not gone out of our way to bring lots of controls within the policy at the initial stage to prevent the act from working. So there isn't a lot that is contentious or lead us to the appeal courts. We have not got a lot of money. We are not Westminster backed by big businesses—we cannot afford to spend lots of time fighting issues in the appeal courts. (Licensing manager, inner London B)

Clearly, a key motivation was to prevent the high costs of litigation as well as to avoid adverse publicity.

Similar reasons influenced decisions on whether to nominate some areas as 'cumulative impact' zones—areas where the extension of licensing hours or granting additional licences would be restricted. In particular, respondents commented on the need for a sound evidence base if decisions concerning cumulative impact zones were to be upheld against potential challenges.

Cumulative impact zones (CIZ)

At the time when the policy analysis was conducted (2005), it was possible to identify three broad categories of local authority areas in greater London; those with:

- cumulative impact areas ($n = 8/9$);²
- areas, named or not, which have possible problems with increasing harm and which are recognized as requiring on-going review ($n = 10$); and
- no mention of specific areas that might require review ($n = 14$).

A potential fourth category could be distinguished—areas adjoining cumulative impact zones, which might suffer from 'migration' or displacement activity; but it was decided that identification of this category would require exploration beyond the examination of policy statements.

In part, the differences reflected the licensing scene within the borough prior to the introduction of the 2003 Licensing Act, particularly the existence of a night-time economy, which appeared to have influenced the extent to which the local authority had engaged with licensing issues. For boroughs with a highly developed night-time economy (e.g. Westminster, Camden) licensing was already a key policy issue, local initiatives had been introduced (e.g. extra street cleansing, portable urinals) to manage the night-time economy and they had established teams with a specific licensing remit. In some of these areas (e.g. Camden) data-gathering exercises had been conducted and there was extensive local knowledge about the licensing scene (Mayor of London/London Borough of Camden, 2004). In contrast, there were other boroughs where licensing appeared to have a much lower profile and, again, this reflected the 'nature' of the licensing

context—local pubs and restaurants—rather than night clubs and large capacity vertical drinking establishments. In turn the nature of the licensing scene reflects the demographic profile of the local borough, the ethnicity of the resident population, the level of poverty and deprivation within the borough, the number of visitors (e.g. tourists, workers), transport links and the extent to which the local authority has actively promoted the development of the night-time economy.

Establishing an evidence base

Under New Labour, the rhetoric of evidence-based policy and practice has been prominent across policy domains although the reality of providing adequate baseline and evaluation data often falls far short of the ideal. This is certainly the case with regard to the new licensing regime, which emphasizes the need for local licensing policy to be evidence based and also that any complaints or objections ('representations') from responsible authorities or interested parties (e.g. residents) have to be supported by evidence. The challenges of collecting and collating evidence and also of deciding what counted as evidence were raised repeatedly within the interviews, particularly in relation to 'special policies' such as cumulative impact zones and representations, especially from residents.

Interview respondents were all drawn from councils that had considered the possibility of establishing a cumulative impact zone(s). However, these councils had concluded that they either had insufficient reliable evidence to support a CIZ—inner London, B, outer London A and outer London C—or that the evidence they had suggested that they did not require one—outer London B and inner London A. One Licensing Manager reported that the question had been explored closely by the local authority, police and partners and although they had the data 'the evidence was not in the data' (inner London A). General concerns about the quality of available evidence were mentioned, for example:

The big issue on information gaps is the ability to rely on statistical information, it comes up time and time again. You talk to the police and the various violent crime groups that are being held by the Home Office; it is the problem with statistical evidence, because essentially when the police receive a call about a crime at the Queens Head, it may be that those people have nothing to do with the Queens Head it just so happens the incident is outside... the blue light services need to know where the problem is to deal with it as quickly as they can, whether it's the police or ambulance. (Licensing manager, inner London A)

Licensed premises are often simply used as landmarks and thus care has to be taken not to wrongly attribute 'trouble', which may have originated elsewhere or may not even be alcohol-related. In one borough the police had been keen to have CIZs and had presented such routine police data, without any analysis and no other evidence in support (e.g. hospital data). In this case, the licensing manager felt it was not robust enough to support a CIZ: 'neither right nor sustainable and if we got a challenge the police statistics would not stand up' (outer London, A). This last point reflects the concern to avoid legal challenge that was also raised by other respondents.

A related issue is how a council goes about collecting evidence and the cost of such an exercise:

We would have to work hard corporately to collect the information to justify a decision to create a saturation area.... When the original consultation process took place it was not collated in such a way that could support a saturation policy—and this is crucial to such a decision. (Licensing manager, inner London B)

In outer London C there was agreement amongst the key partners that historical data and police and hospitals statistics are not reliable, that core data needs to be collected and that without a robust evidence base policy could be open to challenge. At the time of the interview (spring 2006) there was an on-going discussion about what a core data set should consist of and who should collect it.³ One licensing manager felt that councils could find themselves in a difficult position, given the cost of collecting the necessary data to make an informed decision one way or the other. For instance, they may have to spend a significant sum to demonstrate that they do not need a CIZ.

Part of the problem is the difficulty of accessing data, especially hospital data, which most respondents felt were crucial in gaining a good picture of alcohol-related harm in the borough. In one borough the licensing team had been unable to access hospital statistics and in another, as far as the licensing manager was aware, data were not routinely collected by A&E:

We had problems getting the data (A&E) but I have a feeling it is something we are working on at the moment.... I know our analyst has been doing some work with A&E data. (Licensing manager, inner London A)

Some boroughs were drawing on multiple sources of data, for example in using crime statistics, data on antisocial behaviour, CCTV, and noise complaints. For example, inner London A have tracked over time the top ten premises in terms of crime and disorder and compared them with other boroughs of similar size in central London. They had found crime and disorder in their top ten 'significantly lower than other areas' (Licensing manager, inner London A).

There was a recognition that under the previous licensing arrangements there had been a lack of local knowledge about the licensing scene and impact on community, with councils reliant on information from magistrates—a 'guessing game' according to one licensing manager. Respondents felt that under the new regime this was changing, with local authorities developing a much greater understanding of the local scene. It was recognized that the need for good evidence to inform decision making was crucial, not only in identifying areas that might be nominated for cumulative impact status but also in ensuring that the claims and challenges of different stakeholders could be appropriately assessed. This issue lies at the heart of the implementation process.

Where does power lie?

From the interviews, three dimensions of power sharing emerged as important for examining the process of policy implementation: (1) the interface between

nationally set requirements and recommendations and the transfer of power to local authorities; (2) the exercise of power by elected councillors; and (3) the balancing of power to influence decisions between different stakeholder groups.

Transfer of power to local authorities

The Licensing Act 2003 transferred responsibility for licensing from magistrates to local authorities and thus increased local authority power. Kolvin (2005) argued that the transfer of powers to local authorities was one of the more contentious aspects of the Licensing Act, with the leisure sector questioning the ability of local authorities, officers and councillors to cope. Moreover, the degree of continuing central control over local decision making and the ability of local authorities to work within national constraints raises questions regarding the devolution of *responsibility* compared to the devolution of *power* and decision making (Newman, 2001). These issues could be discerned in respondents' comments.

On the whole, respondents welcomed the transfer of power, which according to one chair potentially represented the biggest devolvement of power from central government to local government. However, respondents recognized that this devolvement of power had taken place within a centralist framework. For example, in relation to drawing up the local licensing policy:

... some aspects of the policy have been dictated by central government and despite the fact they say they are local policies, there was no issue, it was flexible licensing, it was extended hours, whether you believed in it or not. The idea of having staggered closing times was going to help our antisocial behaviour, alcohol related crime issue, that was the directive, so it doesn't really matter what individual LA views were, that was the approach we were supposed to deal with. (Licensing manager, inner London A)

Actually we did not go beyond the Act and looked at the guidance provided by the DCMS. The content of the policies was actually quite tightly controlled... There were a number of areas where councils could look at issues but as a starting point it was there for you in black and white. (Licensing manager, inner London B)

Nonetheless the change was viewed as significant. Within a context in which the powers of councils have been eroded by central government licensing was seen as an area where councils have a say:

As central government has actually restricted their (councillors') ability to make any real decisions, I think that it is what they would say, licensing is one of the few areas where they actually feel they can make decisions that impact on local people's lives. (Licensing manager, outer London B)

We have more control over what happens. Before that we were at the mercy of the courts. (Chair, inner London B)

Respondents felt that local authorities had more leverage, for example in relation to 'rogue' traders and could now take action decisively and swiftly.

The powers in the Act are strong enough to deal with problem premises. Under the old system you would go through a court system before you could act ultimately and that could be a nine month process. (Licensing manager, inner London B)

These findings are supported by the experiences of the ten Scrutiny Councils⁴ (Department of Culture, Media and Sport, 2006a, 2006b) that are being monitored by the Department of Culture, Media and Sport.

The exercise of power: Elected councillors

The exercise of influence within the local context raised another set of considerations. Under the Licensing Act 2003 it is councillors on licensing committees and subcommittees that are making decisions. In addition, councillors more generally make the decisions about the level of funding licensing receives and this impacts on areas such as staffing and the amount of enforcement work that can be undertaken. This places them in a powerful position and three key issues emerged: (1) councillors' knowledge of licensing matters and training; (2) the extent of their interest and engagement in licensing matters; and (3) their level of support (perhaps even opposition) for the changes enshrined in the 2003 Act.

Knowledge and training. Two chairs admitted limited knowledge of the area and all felt they had learnt 'on the job'. The training given appears to have been limited (e.g. a few hours) and although delivered by licensing specialists, one questioned the usefulness of the training as it was steeped in case law from the 'old system'. Chairs reported that they had occasionally struggled because of a lack of knowledge of the law and had to draw on the boroughs' legal team. The House of Commons Select Committee that examines the working and policies of the Office of the Deputy Prime Minister (ODPM)—ODPM: Housing, Planning, Local Government and Regions Committee (from now on the Select Committee)—considered the implementation of the Licensing Act (House of Commons, 2006). The Select Committee felt that central government had issued regulations and guidance too late and that they were often confusing and contradictory and this meant it had been difficult to train staff (House of Commons, 2006). Some respondents—chairs and officers—were concerned about where councillors were learning about the new licensing laws; in particular, for many councillors their primary source of information was the media. One licensing manager argued that although the borough had provided technical training to councillors most of their wider views were gleaned from 'places like the *Daily Mail*'.

Interest and engagement. Councillors seemed to put themselves forward to be chair of the licensing committee for a mixture of pragmatic and political reasons. For example, the work commitments of one chair meant that he was in a position to deal with the large number of committees required to manage the implementation in August 2005, although he had no specific interest in the area. Another chair had recognized the potential political value of the post, having identified licensing as a key policy area under the new laws and thus a way of securing a place on the council executive.

Levels of support within the council. Respondents reported that the level of support for the changes varied greatly amongst the councillors—both on and beyond the licensing committee—with some supporting the changes, others lukewarm and some actively opposed. One licensing manager voiced some disquiet about the implications of having decisions made by councillors who were not ‘signed up to the Act’ and may well be opposed to the Act but are given the task of implementing it. Furthermore, respondents felt that members were pulling in different directions and one posed a pertinent question: ‘Is it an issue that some members think it is a good thing and others that it is rubbish?’ Given that committees have to reach decisions it undoubtedly is an issue and raises questions as to how they make decisions.

The licensing manager in one borough believed that the commitment and engagement of the council leader and chief executive were an important element in devising and delivering a successful local licensing policy that was integrated into broader council strategies:

[The borough] has been very fortunate in that everybody in the council has been involved, right from the chief executive and leader downwards to you know all the staff actually dealing with applications on the ground so it has been one of the successes of the borough the commitment from the top all the way through . . . what we are doing in terms of licensing fits into their [leader and chief executives] key policy areas . . . and fits in nicely into what they are trying to do for the whole of the borough. (Licensing manager, inner London A)

The exercise of power: Local stakeholders

Local stakeholders include councillors, police, residents, local businesses and the licensed trade and the legal profession. The study revealed a complex interplay between the different interest groups, which warrants further investigation of the impact of interest groups and networks on the process and outcome of implementation.

Internal council politics. Although most licensing team respondents felt that they had sufficient support from councillors, in one borough the licensing officers felt that there was little political support at the local level for their work. Licensing managers were worried that such indifference (and potentially opposition in some boroughs) could impact negatively, in particular if insufficient funds were allocated to enable them to carry out effective enforcement work. The interviews were conducted in the period before the local elections (held in May 2006) and there was speculation and uncertainty about what might happen if there was a change of council. In addition there were practical issues about managing the licence application process during election campaigns as no licensing committees would be held. Licensing is thus subject to and shaped by the local political process.

The police. Within this study the police were seen by some respondents—both chairs and licensing managers—as being very powerful and a potential ‘diluter’ of council power. Respondents reported that police tactics meant that the council

was sometimes cut out of the 'loop', e.g. police and the applicants come to an agreement just before or in the midst of a hearing, thus preventing the council from deciding the case. One licensing manager explained that applicants are encouraged to discuss applications with responsible authorities:

In theory should be a good thing but the consequence is the police then have quite a strong position, in some ways good and in some ways not so good. (Licensing manager, outer London A)

In practice this can lead to police saying we are going to fight this (i.e. lean on applicants) and the applicants back down and amend the application. This manager was concerned that 'in effect it can make the police the licensing authority' and thought that this was quite a common occurrence.

This issue links into broader issues about formal and informal power, the spaces in which power is exercised within local government—informal meetings (in corridors, over lunch, etc.) as well as through more formal mechanisms—and the importance of networks in local governance (e.g. Woods, 1998).

Residents. Respondents argued that, in relation to the role of residents in the new licensing regime, both councils and residents were engaged in a learning process. Representations have to be accompanied by solid evidence and must relate to one of the four licensing objectives. This raises questions as to what is admissible as evidence and some councils (e.g. Camden) give advice on what evidence to collect. There are also organizations (e.g. Open All Hours) that provide advice and support to residents about making representations. One respondent noted that most representations from residents are not properly evidenced so are dismissed, but recalled a case where the resident had very good evidence—photos, witness statements, etc.—and the applicant did not get the requested licence variation. It was generally thought that over time the new regime would give residents a stronger voice, principally because the new licensing system is much simpler, with clearer regulations and mechanisms for making complaints. Only time will prove whether such optimism is well founded or not and the role of residents within the licensing process is an area that warrants further research.

Business and area regeneration. A key challenge faced by councils is balancing the needs of local businesses, area regeneration and local residents; it is particularly an issue when commercial areas abut residential ones. Local authorities want to encourage a sustained economically prosperous and vibrant locality, which is attractive to businesses and people (as consumers, workers and residents) alike and licensed premises are often an important element particularly in the evening and night when shops and other businesses are closed. Respondents recognized that thriving night-time economies can bring economic and social benefits to an area but that there are potential disadvantages (noise, street fouling, crime and disorder), which have service implications (e.g. increased street cleansing, additional policing) and can generate complaints from residents

and other businesses. In 2002 a survey of London boroughs found that the vast majority (74%) encouraged the development of the evening and night economy (Greater London Authority, 2002) and within this study, the emphasis was on the *management* of the night-time economy rather than its curtailment. The transfer of responsibility for licensing to local authorities was seen as an important tool (alongside other measures, e.g. dispersal zones) for managing, regulating and shaping the night-time economy. However, there were concerns about the costs of the necessary enforcement activity.

Legal profession. Another issue raised by respondents was that the Licensing Act had created a profitable strand of work for the legal profession. Moreover, it was thought that some lawyers were making a lot of money out of small businesses, representing and advising them at hearings when in fact the applicant could have done it with help from professional organizations and at a much lower cost. This may be in part a product of the implementation process with licensees struggling to find their way through the new procedures with inadequate guidance (House of Commons, 2006). Another point made by both respondents and the Select Committee was that many small businesses are run by people who do not have English as a first language and the Select Committee described it as 'reprehensible' that material in other languages was only made available late in the transition period (House of Commons, 2006, p. 19). Thus these businesses may have turned to the legal profession for assistance.

Conclusion

From both the policy analysis and the interviews it is clear that London boroughs differ in their level of engagement in relation to licensing matters and that at the appointed day in November 2005 the boroughs did not start at the same point. The picture emerging from this preliminary study is one of local diversity, so there is a need for local profiles to assess the variable impact of the licensing changes. This local diversity—in both the nature of the licensing scene and the differential engagement of councils—is not well reflected in professional and policy debates or in media coverage of the issues, which tend to paint a picture of relative uniformity and, particularly initially, of potential chaos. This study indicates a need for more detailed ethnographic examination of the implementation process. In a similar vein, such local variation led Hadfield (2006, p. 178) to argue against taking an 'all-encompassing nationwide approach' to evaluation and monitoring, and for carefully selected local case studies. Given the limits of this study (a small-scale study of London) care has to be taken not to over generalize, however it does give pointers to areas for further research and indicates the value of including more diverse locations (i.e. rural areas, other metropolitan areas, deprived areas, more affluent areas) in order to identify similarities and differences.

From this study it appears that new partnerships working specifically in licensing are emerging and this in an area that would benefit from further exploration in order to establish how these partnerships are established, who the key players are and how they 'work' or otherwise (i.e. relationships between players, decision making, etc.). The findings from this study suggest that the role of the legal profession warrants attention in future research on partnerships and power, especially where there are likely to be competing interests and power struggles between stakeholders.

Within the wider debate in the run up to implementation, the Licensing Act 2003 was generally presented in a negative light by the media, health groups and groups that represent residents' interests; the new regime, it was argued, would impact badly on the quality of life of local residents and there would be little that residents could do to prevent or rectify the situation. However, what emerges from this study is a view that once the system has 'bedded' down, residents may be in a stronger rather than a weaker position and that the anticipated increase in public disorder and nuisance may affect fewer areas than predicted. At the same time, the problem of gathering adequate and appropriate data to monitor trends in alcohol-related harm at local level needs to be addressed given the central importance of 'evidence' in the decision-making process; in addition, there are likely to be differing perspectives and interpretations of what constitutes 'good enough evidence' for action to grant or refuse licensing requests. Again, these are issues which invite further exploration.

Licensing authorities have to formally review their policies every three years, although some have already conducted 'mini' reviews. From this study and the report of the Select Committee it is clear that the first policies were drawn up in difficult circumstances; with guidance and regulations that were not only late but confusing and contradictory and in a highly charged atmosphere in which there were fundamental doubts that the Licensing Act would even be implemented. Furthermore, it is evident that licensing authorities were often starting with a comparatively low knowledge base about their local licensing scene and were keen to avoid controversy or legal challenge; the results were bland and similar policies. It will be interesting to examine the reviewed policies in 2008 and compare them with the first; are they more nuanced and locally distinctive or are they still a faithful rendition of the national guidance?

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Notes

- [1] It has subsequently been revised in June 2006.
- [2] The Royal Borough of Kensington and Chelsea does not have a specific CIZ but its licensing policy in effect renders the whole borough a CIZ.
- [3] In November 2004 Alcohol Concern produced *Measuring the Impact: Licensing Toolkit*, to assist local authorities in assessing how the licensing changes are affecting local communities. The toolkit highlights sources of information, e.g. police statistics, A&E data, which can be used to measure the impact of the Act. The toolkit is available at www.licensingtoolkit.org.uk.
- [4] Birmingham, Blackpool, Brighton and Hove, Bristol, Cardiff, Havering, Manchester, Newcastle, Nottingham and Taunton Deane.

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