



Expecting ‘Great Things’? The Impact of the Licensing Act 2003 on Democratic Involvement, Dispersal and Drinking Cultures

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EXECUTIVE SUMMARY

The Licensing Act (2003) received royal assent in July 2003. It was designed as a means to combat crime and disorder, encourage more freedom for licensees and consumers, and replace what was often referred to as an archaic, restrictive and overly bureaucratic licensing system. Despite ongoing concern about 'binge Britain' and the seeming contradiction between extending hours while remaining tough on crime, the Act came into force on 24th of November 2005. Predictions of 24 hour drinking and rising alcohol abuse dominated headlines throughout the transition period. A substantial body of scholarship now exists pertaining to these issues; particularly the relationship between crime and disorder, health and the evening economy. This report takes as its subject three strands of licensing reform that have received less attention. The three themes are democratisation, diversity, and dispersal. Each is significant for the urban environment and each was promised, at different times, as an anticipated benefit of licensing reform.

Taking these themes as a starting point, the discussion that follows is based upon four case studies and interviews with some of Britain's leading late-night operators. Initially, the views of 18 operators and representatives from the police and licensed industry were sourced over a 4 month period. A national review of media output, research and policy also informed the review. Thirty-six interviews were then conducted with residents, licensing officers, senior councillors, community safety officers, planners and the police across four contrasting locations. The case studies included site visits and policy scrutiny. The case study towns were the eastern city fringe in London, Norwich, Chelmsford and Newmarket.

The research found some significant degrees of variation in relation to key issues, nationally and locally. The study presents these together with areas of lingering debate, and sets out broad trends for the night-time economy.

Democracy:

The role of local councils and residents has been a contentious issue that has dogged the new regime. While some national operators sought a nationwide approach whereby the Act could be applied irrespective of location, other campaigners fought for, and to a degree won, the right for residents and councils to play an active role in determining their local night-time economy.

The role of residents in the licensing process was not something the Government initially had emphasised. Findings presented here, however, suggest that democratisation has been a success. Particularly in terms of working with residents, operators felt that neighbours now had a greater role to play in the entire licensing process, be that in terms of the initial applications, to ensuring compliance with licensing conditions. The local case studies confirmed this.

Tensions have been identified in three authorities about licensing and planning operating as separate, but parallel, regulatory systems. This is also the case with Temporary Event Notices (TENS), where it was found in areas with a particularly active night-time economy councils, residents and police face difficulties planning for and managing TENs. In these high intensity neighbourhoods TENs have become a way of circumnavigating licensing and planning restrictions.

Diversity:

By removing terminal hours, it was anticipated consumers would adopt a more European and leisurely approach to alcohol consumption. Equally, it was anticipated that the new regime would allow for a wider variety of premises to open at night. Despite the Government and the media's ongoing discussion of café culture, this study found no evidence of greater diversity in the night-time economy.

Evidence exists of a trend towards more food provision, a greater number of aspirational venues, and café-culture during the day. These trends were not, however, felt to be a result of the Act. The ensuing smoking ban, and what effect it would have in terms of food and families, was being watched with as much interest as the Licensing Act had been. However, pre-existing drinking patterns have continued and the change is that they are happening later, and outside the town centre. This expansion, referred to here as decentralisation, concerns the emergence of suburban and regional venues. However, it is not clear whether the growing trend towards local pubs has occurred at the expense of city centres.

Dispersal:

A major benefit of the Act was anticipated to be a staggering of the hours at which licensed premises closed, thereby evening out the flow of customers leaving licensed venues. Many operators felt this had been the case. Staggered hours had allowed consumers to leave on their own accord, thus reducing the rush for late-night transport. Others disputed this and suggested that drinking hours had merely shifted one to two hours later.

The variation in opinion may reflect findings from the local areas. In terms of dispersal, the Act is having quite different impacts dependent on local circumstances. Where venues are clustered close to dwellings the situation remains difficult. Similarly if streets are narrow this situation is exacerbated. In other circumstances, where entertainment and residential uses are further apart and traffic management and other measures have been put into place, the 'peaks' of dispersal are evened out. Public transport provision and the availability of taxis are dependent on demand, so the impact of staggered hours is also complex.

In conclusion the impacts of the Licensing Act 2003 have been limited, but it has provided benefits in terms of local accountability.

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1.0 Background to the Report

Reforms to the system of licensing for alcohol and entertainment in England and Wales have proved controversial. Media attention has focused on ‘24 hour drinking’ and the rise of ‘binge Britain’. Academic scrutiny has considered in depth issues of violence and youth culture, governance, control and public health. This report takes as its subject three strands of licensing reform that have received less attention. Each is significant for the urban environment and each was promised, at different times, as an anticipated benefit of licensing reform.

1.1 The Emergence of the Licensing Act 2003:

The Licensing Act (2003) came into force on 24th of November 2005. Intended as ‘a single integrated scheme for licensing premises’, the Act covered an array of activities including the sale of alcohol, the provision of entertainment, and the provision of refreshment between 11pm and 5am. It had four objectives:

- To prevent crime and disorder
- To ensure public safety
- To protect children from harm
- To prevent public nuisance

In July 2003, just after the Act received Royal Assent, the Department of Culture Media and Sport (DCMS) released a statement highlighting the key features of the new regime. These included:

1. Flexible opening hours
2. Tough measures to tackle alcohol-related crime and disorder
3. A greater say for the public
4. Strengthened protection for children, and
5. Less red tape

The origins of the Act lay in a review of licensing legislation produced by the Better Regulation Task Force.² This review took as its chief objectives preventing the public from noise and disorder and protecting ‘citizens’, and in particular children and young people, from harming themselves. The review recommended primary legislation that would simplify the law and relieve magistrates of the responsibility for the determination of liquor licensing applications. Local authorities, who already had responsibility for Public Entertainment Licenses and Special Hours certificates that permitted later opening, would become the Licensing Authority. The Taskforce recommended greater flexibility for later and earlier closing, but this was to be decided on the basis of criteria that ‘focus on the need to prevent nuisance and disorder and to protect young people’³. The report noted the potential for noise and disorder when significant numbers of customers come together outside licensed premises, particularly in town centres and in residential areas. The report made many observations about the administration of licensing but the main thrust of its proposals was to transfer

responsibility to local authorities in order to promote greater transparency, accessibility and accountability within the system.

Subsequently the Home Office produced the first draft of the primary legislation in a White Paper, *Time for Reform*, in 2000.⁴ The Home Secretary's foreword succinctly summed up the underlying tensions between allowing greater flexibility in the sale of alcohol, reducing crime and disorder and protecting residents and children. In addition, it noted;

*...the decisions we make on these issues will in turn help to shape the future of our villages, towns and cities.*⁵

The White Paper took forward the proposals of the Better Regulation Taskforce for an integrated and flexible system of licensing in which the local authority acted as the Licensing Authority. The paper expanded and gave justification for specific aspects of the modernisation of the legislation. In particular it noted that prior arrangements did not recognise the way in which operators were increasingly trying to develop different types of venues that blurred the 'traditional distinctions between pubs, clubs and restaurants'⁶. Nor did an 11pm terminal hour allow customers who wanted to eat and drink after attending a cultural event to do so.

The Regulatory Impact Assessment that accompanied the Paper set out the benefits of the new system, which would do away with 'permitted hours' in which alcohol could be sold and institute a new system of personal and premises licenses covering a range of activities. The benefits for residents included greater accountability in terms of decision making and better planned town and city centres. An associated risk of increased disturbance late at night with later closing times was also noted. For customers, the benefits of having more flexible hours would be greater choice and with new arrangements for permitting children access to licensed premises, it was anticipated that there would be more facilities for family entertainment. The retail hospitality and leisure industries would, the assessment argued, be given more flexibility to respond to consumer demand. A number of risks were listed, including fear of local authority involvement. Amongst the measurable outputs suggested once the legislation was implemented, one would be:

*...increased availability of refreshment and transportation facilities due to more evenly spread demand...*⁷

An argument elaborated earlier in the Paper proposed that licensing hours should be longer, so that customers would disperse gradually from premises. This would not only have benefits for transport demand but, more critically, would reduce crime and disorder, noise and disturbance. The argument was based on Marsh and Kibby's research some eight years earlier and Home Office research.⁸ Marsh

and Kibby's study had been carried out before the emergence of the 'superpub' and warehouse style bars.

The White Paper therefore anticipated that reform would support a greater diversification of types and styles of licensed premises, an evening out of dispersal patterns from those premises, and a greater accountability to local residents in licensing decisions. These aspects of licensing reform, which may be categorised as diversity, dispersal and democracy have received less attention in academia and the media than the underlying tensions that were alluded to in the Forward to the White Paper. The tension between allowing greater freedoms in the sale of alcohol and more controls to prevent crime and disorder came to the fore in the five year period between the White Paper and the implementation of the Licensing Act.

The DCMS took over responsibility in 2001 for writing the legislation and taking the Bill through Parliament. The transfer between Government departments led to a shift in emphasis in the legislation towards allowing the licensed trade greater freedoms, and emphasising the importance of alcohol related entertainment in tourism and regeneration.⁹ This change in balance coincided almost exactly with the first public expressions of concern about the impacts of deregulation on the part of the police, local residents' groups and academics.^{10 11}

Whilst both the Taskforce Report and White Paper had alluded to various changes in licensing, neither document fully acknowledged the impact that a deregulation in terminal hours, the removal of the concept of 'need'¹² and a restructuring of the drinks industry had already wrought on town and city centres. By the millennium, magistrates and local authorities in most major metropolitan centres were allowing the late night opening of clubs, pubs and bars through the medium of Public Entertainment Licences and Special Hours Certificates. The industry responded to the market provided by a newly defined youth market with large venues, 'superpubs' and nightclubs that drew their inspiration from rave culture.¹³ The associated crime, disorder and anti-social behaviour was causing increasing alarm and in certain city centres had provoked a backlash to restrict further expansion.¹⁴

The Licensing Bill, when published in 2002, removed much of the previous notion of local accountability, allegedly in response to complaints from the licensed trade about the newly restrictive attitudes of certain local authorities.¹⁵ Section 18 of the Bill stated that local authorities 'must' determine licences in the favour of the applicant, unless representations were made by a 'responsible body' such as the police or 'interested party', for example a local resident or businesses 'in the vicinity'. Local resident groups were to be consulted too when the local authority determined its Statement of Licensing Policy.

The Act was accompanied by national Guidance to local authorities. The first and second drafts of the Guidance restricted the discretion of local authorities and the

influence of local residents and businesses. Local authorities were given a firm steer that their licensing policy was not intended to be a mechanism for the control of anti-social behaviour. The Guidance made it clear that longer hours were to be recommended:

...to ensure that concentrations of customers leaving simultaneously are avoided. This is necessary to reduce friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance.¹⁶

Fixed and ‘artificially early’ closing times were to be avoided as customers would transit from one zone to another, thus causing disturbance to residents. ‘Engineered’ staggering of hours, by allocating terminal hours of say 1am, 2am etc. to particular premises was also not recommended, because it would create smaller peaks of dispersal. Instead a gradual ‘natural’ dispersal through longer hours was to be encouraged.

The Guidance to the Act made clear that representations about licensing conditions should always be related to the four licensing objectives. It stated as a fundamental principle:

...local residents should be free to raise reasonable and relevant representations about the proposals.¹⁷

The explanation of ‘reasonable and relevant’ was that objections should only relate to the premises and that they were not ‘frivolous or vexatious’. More amplification was given in the statement that any conditions that local authorities attached to a license were to be ‘necessary’ and could not be ‘aspirational’.¹⁸ This left residents in the difficult position of making representations against a hypothetical situation with regard to an extension of hours unless noise and disturbance could be proved under current conditions.

Further difficulties for residents in producing evidence lay in the provisions for restricting ‘cumulative’ impact. ‘Cumulative impact’ is a term coined from planning guidance and refers to the negative impacts that an agglomeration of disturbance producing premises might have. The draft legislation did not recognise this condition at all and instead focused on the individual licensed premise. Representations made by a range of bodies, including the sponsors of this report, to the National Guidance Sub-Group of the Bill Advisory Group, combined with debate in the Lords, gave rise to a somewhat ‘grudging accommodation’¹⁹ in a revised version of the Guidance.

The new clauses allowed local authorities to declare a limited area in their jurisdiction as a ‘special policy’ area, providing that there was statistical evidence that a concentration of licensed premises was having an adverse effect on crime and disorder. Local residents were to be consulted on the possibility of such a

declaration in formulation of the Statement of Licensing Policy. For residents who might be seeking to have their neighbourhood declared a Special Policy Area, the demand for statistical evidence would be a barrier, unless the police and/or the Crime and Disorder Reduction Partnership had already carried out a detailed study. Accordingly the ODPM: Housing, Planning, Local Government and the Regions Committee, as a result of its Inquiry into the impacts of the night-time economy,²⁰ requested that residents' sworn objections of nuisance be allowed as evidence. The Government rejected this recommendation arguing that:

...the Government believes that hearing sworn evidence from residents, or another party, at a regulatory hearing would lead to an overly adversarial contest.²¹

The same report also noted that the Bill was attempting to strike a balance between the need to protect residents and the 'desirability of creating jobs and improving our leisure culture', thereby suggesting a possible clash between economic regeneration, increased diversification of the night-time economy and residents' control over the areas in which they lived.

The Government made a further and more far-reaching response to the problems posed by cumulative impact in an announcement to change planning regulations on 3rd March 2003. Many of the difficulties experienced by local authorities and residents had arisen from a 'migration' in uses whereby a restaurant could become a café bar and then a late night bar/club without the need to apply for planning permission. The changes to the use class orders made a special category for pubs and bars. At the time, any potential conflicts that might, in the future, be thrown up between the finer distinctions available in planning law and the 'blurring' of categories permitted under the Licensing Bill went unremarked.

The Bill also permitted residents another area of influence. This was in the power to call for a review of license conditions, or of a license if it transpired that the licensing objectives were not being met, or that the conditions specified in the license were not being adhered to. Whereas a review of a license previously had serious implications for a license holder, because the only remedy was complete revocation, the new Bill allowed the Licensing Authority to make lesser penalties, such as cutting back on licensed activities or hours, or a temporary revocation of a license while a new operating plan was drawn up.

There had been little media interest in the Licensing Bill as it progressed through Parliament. This situation was almost entirely reversed once the Bill became an Act in July 2003. In response to a heightening of anxiety about alcohol abuse and late-night disorder, staggered hours, 'tough measures' and local controls rose in prominence as anticipated benefits of the Act.

Peter Hetherington, writing for the *Guardian*, nonetheless questioned the new legislation by drawing attention to what was to become a commonly perceived contradiction within the new Act; increasing police control powers while extending licensing hours.²² On the basis of a Commons Select Committee report, alcohol reduction groups and the police, word reached government ‘that law and order throughout the country is breaking down at weekends on the back of binge drinking’.²³ This tension, liberalisation on the one hand and ‘tough measures’ on the other, came to be a dominant factor in arguments against the new regime.

Being tough on crime, however, was only part of the Act’s justification. As Roy Light has argued, ‘great things’ were expected to occur as a result of the Act, ranging from reducing crime and disorder and combating binge drinking, to easing dispersal.²⁴ Inherent to these claims was creating an alternative drinking and late-night model. In this case it was the image of a sedate, family friendly Europe which was held up as the ideal. Tourism, culture, Europe and ‘modernisation’ were terms that circulated around the Act, both by the Government and by the mainstream media. While always present in explaining the Act, changing cultural practice became the catch-all justification for the new regime. In their ‘Licensing Act explained’, for instance, the DCMS suggested:

The hospitality and leisure industry is a major part of the tourism sector and the Act will contribute towards a significant boost for tourism.

It represents a radical modernisation of an archaic licensing system which has made our cities and towns less attractive to visitors and hinders efforts to compete with European cities.

It provides much greater scope for the further development of our rich culture of live music, dancing and theatre, both in rural areas and in our towns and cities.

Local Authorities will be able to recognise and supplement their role in promoting these cultural benefits through their direct involvement in the new regime.²⁵

Each of these claims were drawn out in the *Regulatory Impact Assessment* (RIA), put to Parliament on 13th of January 2005.²⁶ The regulations came into effect February the 7th, the day Licensing Authorities began processing applications.

The RIA formed the basis of the Licensing Act 2003 and set out wide-ranging claims for its anticipated benefits. These benefits have been grouped together here under two main themes of this study: diversity and dispersal.

The third theme, providing residents and local business owners with increased rights of representation in licensing rose in prominence as a projected benefit highlighted by Ministers. Following Royal Assent, the Secretary of State for Culture, Media and Sport explained that the Act would be 'responsive to the society it serves' and that:

It balances liberalisation and deregulation with new levels of protection for local residents and communities.²⁷

A key point of the Act was listed as:

A greater say for the public – Licenses will be granted by electorally accountable licensing authorities, instead of magistrates, and local residents can make representations and have them taken into account in deciding applications. Local residents will be able to appeal to Magistrates' Courts about licensing decisions if their representations have not been taken properly into account.²⁸

In the 'Licensing Act Explained', the DCMS suggested the following as a change from the previous system:

It creates a licensing system that affords a voice to local residents living and businesses operating near premises where licensable activities are carried on.²⁹

This theme will form the third strand of this research investigation.

The study will focus on the impacts that the Act has had since its implementation in November 2005 on these three anticipated benefits: democratisation (residents' involvement), diversity (types of licensed premises, activities and styles of drinking) and dispersal (movement and transport). The Prime Minister, Gordon Brown, has announced that the Government has commissioned its own study of the impact of the Act from the Home Office³⁰ that, presumably, although comprehensive, will focus on crime and disorder.³¹ Consequently crime and disorder will not be considered, save with passing references that are associated with discussion of dispersal. Before proceeding to a discussion of the empirical work carried out, the recent developments with regard to the three themes will be considered in more depth.

As background to this discussion two further processes need to be described. Between Royal Assent and full implementation of the Act each local authority was required to make a statement of licensing policy for their area and to consult on this policy by November 2004. Following this, all licensees were obliged to apply for a new license between February 2005 and to have it approved by the implementation date of the Act in November 2005. This period, the 'transitional' period, revealed some of the difficulties in interpreting the legislation. In response

to representations by the Local Government Association (LGA) and the Local Authorities Co-ordinators of Regulatory Services (LACORS) the Government agreed to review the Guidance that accompanies the Act and to set up a scrutiny group of councils to monitor delivery and the impact on the Act's four main objectives.³² A revision to the 2004 Guidance appeared in June 2006 and the Guidance was revised and re-issued in totality on 28th June 2007.

The somewhat belated media campaign against the Act cannot go without comment as it too forms a background to the study. From mid 2004 media interest in what came to be known as 'binge Britain' increased. Speculatively, a letter from the Home Officer to the Prime Minister leaked to a Sunday newspaper that warned of problems in town centres on the eve of the Government's announcement of its Alcohol Harm Reduction Strategy may have aroused more interest than was intended.³³ Certainly the number of stories about drunkenness and disorder in British town centres increased throughout the rest of that year and reached a crescendo with a *Daily Mail* 'campaign' launched in January 2005. There was much speculation that liberalisation of the licensing laws would lead to '24 hour drinking' and this catch-phrase dominated comment about the Act until its implementation ten months later.

1.2 Democratisation

Guidance issued with the Act in 2004 required local authorities to favour longer hours unless representations were made that could provide evidence that any of the four licensing objectives would be challenged. Representations were made pointing out the difficulties with this requirement and, in September 2005, the Culture Secretary sent out a letter to local authorities informing them that a review of the Guidance would be made. The review would remove the presumption for longer hours that would override the objections of residents.³⁴ The new 2007 Guidance does indeed remove the presumption but seems to narrow this specific power over licensing hours to:

*...town and city centre areas where the number, type and density of premises selling alcohol for consumption on the premises are unusual.*³⁵

The 2005 letter also clarified that residents were entitled to comment on their local authority's statement of licensing policy. The extent to which different council's had undertaken consultation, however, varied considerably.³⁶

Further controversy was recorded over the interpretation of 'in the vicinity', that is, which residents were entitled to object. Differing interpretations were made of how near to a licensed premise residents and businesses had to live or operate in order to make representations. The 2007 Guidance clarifies that the test of 'vicinity' is whether a home or business is likely to be 'directly affected by disorder and disturbance occurring or potentially occurring on those premises or

immediately outside the premises.³⁷ Where local authorities use a fixed distance to make the definition, then they should only ever use it as a guideline and state in their licensing policy that they will consider representations from any who are directly affected outside that distance.

The DCMS Scrutiny Council report commented on increased resident engagement in the transitional period. The Scrutiny Council also raised the question of whether councillors should have an automatic right to make representations on licensing applications in wards that they represent, whether or not residents had complained. Until the most recent version of the Guidance, released on 29th of June 2007 (after completion of this study), ward councillors could only make a representation at a licensing sub-committee hearing if asked to act by a residents' group on their behalf. If the ward councillor themselves lived 'in the vicinity' they could exercise their right as a directly affected resident to make a representation. Otherwise, ward councillors had no role as local community representatives in influencing licensing decisions.

1.3 Dispersal

As stated, the Act was introduced amidst much debate about late-night disorder, violence, and increasing levels of alcohol consumption. While certain sections of the mainstream press, such as the *Daily Mail*, felt the Act would exacerbate these problems, others took the view that, through staggered hours, crowds waiting for taxis and fast-food would be eased thus leading to a reduction in fights for services.

The RIA was relatively silent on the issue of transport, noting only that there would be 'increased availability of transport facilities due to more evenly spread demand'.³⁸ This anticipated that the removal of terminal hours for licensed premises would prevent the crime and disorder associated with queues for taxis and late night buses and would favour a more even dispersal. Although easier dispersal had consistently been cited as one of the anticipated benefits of the Act, how staggered hours would impact upon transport was never elaborated in detail. Speculatively, this may be because reasoning behind the proposal for staggered hours the Bill, and then the Act, permitted was based on a research report produced by Marsh and Kibby,³⁹ which focused on crime and disorder. The recommendations made by their report included the provision of extra bus services on Friday and Saturday nights, clubs providing customers with transport and a relaxation of the operating restrictions imposed on private minicab companies.⁴⁰

Certainly pedestrian movement between late night premises had been given some consideration, because the Guidance to the Act was drafted to prevent local authorities from designating one micro-area having a specific blanket terminal hour from another. Experience in Edinburgh had shown that customers

then migrated to the later one when the earlier one closed, causing noise and disturbance on the way.

Arrangements for provision of late night transport had not been considered in any depth in any of the impact assessments for the legislation. There are constraints on the two main modes of late night transport: taxis and buses. To be more specific, the principal demand for public transport services late night/early morning is met by private hire vehicles (PHVs) and licensed taxis. Both categories are combined in the data collected in the National Travel Survey (a continuous, nationwide sample of travel, in which a detailed seven-day travel diary is kept by each respondent). The time at which each trip commenced is recorded, usually aggregated into hourly groups.

This shows, for example, that in 1999-2001 taxi and PHV use peaked sharply around 10pm to 1am at weekends, and around 10 to 11pm on other days.⁴¹ Fridays and Saturdays are also busiest in the week for total taxi/PHV use. Overall usage has remained at a similar level since then, approximately 12 trips per person per year (for all time periods and purposes combined), averaged over the whole population.⁴² There will be scope for before and after assessment of taxi use when the 2006 NTS results are available later in 2007, after which 2006 could be compared with earlier calendar years to see whether a time-shift is evident.

The number of taxis (vehicles with meters) is still limited in some areas, but local authorities do not have power to limit the number of PHVs (vehicles without meters). There is evidence that in some cases a low number of licensed taxis per 1,000 population may be offset by a higher-than-average number of PHVs, to give about the same combined number of taxis and PHVs per 1,000 population as the national average as happens for example, in the typical county town of Maidstone. However, problems may still remain in serving designated ranks at peak periods due to their different legal roles. In addition, it should be noted that increasing the number of licensed taxis does not automatically increase the number on the streets at specific times – it is up to the driver when to work, and the licensing authority cannot compel a particular level of service to be offered.

In terms of bus operation, many areas outside London only have limited services after about 6pm, and these generally finish around 10.30 to 11pm. All-night bus service provision in London has grown very rapidly in recent years, for example in 2003/04 there were 27 million night bus passenger trips, an increase of 82 per cent on 2000/01⁴³. Elsewhere provision remains limited. In smaller towns a number of innovative services have been short-lived.

The economies of late-night or all-night bus operation will be affected by feasibility of driver shift working. For example, if services from 6pm are operated by a separate 'late' shift it is possible to extend this to 2am with little difficulty,

provided that drivers' meal breaks are scheduled. For 'all night' services a separate shift may operate from approximately 11pm to 6am.

A 'peak' in demand from 11pm to midnight could be quite useful for commercial viability of bus services, in that sufficient loadings might be attracted to justify commercial operation. However, a more evenly-spread demand between midnight and 3am might be less attractive to buses. Conversely, for taxi and PHV operators, this could provide an opportunity for several return trips to be undertaken during this period. The least attractive option for buses would be a peak around 2am to 4am, since drivers would have to be scheduled for this short period.

1.4 Diversity

We are trying to modernize the system and the industry is with us. We want to be more European.

- Richard Cabon, Minister for Sport⁴⁴

I don't know whether we'll ever get to be in a European drinking culture, where you go out and have a single glass of wine. Maybe it's our Anglo-Saxon mentality...We actually enjoy getting drunk. I think there is a bit about risk-taking — people want to push the limits of danger. So as a politician I don't think there are any easy answers.

- Hazel Blears

Ministerial statements made at the Act's inception, and increasingly in response to critics, suggested that a more 'continental style' of drinking would be encouraged with family friendly venues and opening and closing at times that would not 'confuse tourists'. The ideal of a European style drinking culture has thus been implicit to the Act since its inception. How this has manifested, however, has tended to shift. *Time for Reform* claimed the old regime was inconvenient 'for those who want to eat and drink after seeing a film, attending the theatre or an evening concert'. Tony Blair's later comments about 'inconvenienced theatre goers' unable to secure a drink after a night out helped to frame the Act in terms of high cultural pursuits.⁴⁵ This was later condemned by the *Telegraph* as 'fatuous and feeble'.⁴⁶

When the Act gained Royal Assent earlier claims about increasing consumer choice and introducing a more relaxed European style of drinking were subsumed in favour of statements highlighting the features of the Act that would provide 'a greater say for local residents' and increased powers to combat crime and disorder. The rhetoric subsequently shifted from asserting that town centres would become more akin to mainland Europe to suggesting that 'a more civilised culture' would be experienced inside existing venues, presumably as overcrowding caused by fixed terminal hours disappeared.⁴⁷ Despite this change

of emphasis, the press continues to mock the earlier claims. For example, Sam Alexandroni, writing for the *New Statesmen*, has argued that since ‘the licensing laws were changed...it’s hard to imagine a scene more at odds with the continental café culture ministers hoped would flourish once drinking hours were extended’.⁴⁸

The basis to the claims the Act would lead to a more ‘European’ evening economy rested on the assumption that by deregulating licensing hours in Britain, in line with a supposedly ‘continental’ model, the British night-time economy would follow suit. It has yet to be acknowledged that this assumption was based on erroneous ideas about terminal hours in mainland Europe, and a lack of understanding about the greater planning, licensing, building and environmental controls operational in cities such as Berlin and Copenhagen.⁴⁹

Moreover, the assumption that the new Act would lead to a more continental model rested on the equally dubious claim that extending hours would lead to greater diversity. Diversity, borrowing from Tierney, is understood here to refer to both a greater cross section of participants in the evening economy, and a greater array of leisure facilities and activities.⁵⁰ Specifically the RIA’s proposed benefits included ‘a greater diversity and choice within the late night economy providing wider attractions for wider age groups’.⁵¹ This would be achieved through increased competition from restaurants and wine bars competing with late night clubs and bars. ‘More facilities for family entertainment’ were also anticipated, presumably during the daytime and early evening, with the retail, leisure and hospitality industry having ‘greater flexibility to deliver what the public wants and when the public wants it’.⁵²

Between 2004 and 2005, the authors of this report interviewed corporate providers about the possible impact of the Licensing Act.⁵³ To a degree, findings from the earlier report echoed this by suggesting the high street was ‘saturated’ with warehouse style bars and clubs and operators anticipated opening new venues in urban sub-centres and out-of-town developments. This expansion of activity, referred to here as decentralisation, would shift current concentrations in town centres with their associated disorder into outlying areas.

In all, however, these terms – modernisation, European, continental – have never been adequately explained. Since the Act came into effect, the DCMS have distanced themselves from this articulation of extended hours and café culture. Tessa Jowell has spoken of the Act as part of ‘broader efforts to create safer and more civilised evening and night-time economies’, and not as an instant solution to the image of town centres blighted by late-night disorder.⁵⁴

1.5 Response

When the Act finally came into affect on 24th of November 2005 predictions of its impact ranged from little or no effect, to nothing short of disaster. Presented below is the industry response.

A view that characterised criticism of the Act was that it was driven by the political will of the drinks conglomerates and national corporate providers of alcohol related premises (operators). Certainly these groups were given greater representation on the advisory committees that framed the legislation than other interested parties, such as the alcohol charities. Yet, neither in this study nor in a previous study carried out by the authors of national operators were they found to be entirely positive about the Act. For the nightclub sector in particular, who already managed venues that opened past 11pm, the Act was expected to make very little difference to the day-to-day running of their business. It was not nightclub operators alone, however, who had reservations about the Act. One of the largest pub operators in the country pointed out that many of their premises already had extended hours, and the Act had subsequently meant little other than cost and paperwork. Findings from 2005, confirmed for this study, found many national operators viewed the Act as a significant administrative and bureaucratic nightmare.

It was just the most colossal piece of work...We had our own internal team to process the applications and it killed off half the Brazilian rainforest.
- pub and restaurant operator.

Equally, and again contrary to the view that the legislation was uniformly welcomed by licensees, some operators were concerned about the Act in terms of late-night disorder. Anxious about rising levels of alcohol consumption and late-night disorder, one operator remains unconvinced by the legislation:

What the hell were they doing liberalising a set of government acts when society wanted them to be restricted?
- pub operator

Equally questionable was the view operators would line up to apply for 24 hour licenses. The earlier *Survey of Corporate Operators and National Providers* had found that few operators were intending to apply for 24 hour licensing, citing staff costs and an expected lack of custom as the main reasons. This has proven to be largely correct. Of 200,000 premises in England and Wales, 3,000 now have 24 hour licenses. Of these, 25% are supermarkets and 20% are pubs, bars and clubs. Convenience stores make up 20%, and the remaining 35% are all other premises including hotels.

In terms of hours, under the old regime 80% of licensed bars, clubs and pubs closed at 11pm. Nightclubs closed at 2pm out of London, 3pm in London. Since the Act, the majority of operators interviewed had extended their licenses one to two hours, mostly on weekends. This is supported by the DCMS who found that, on weekends, only 20% of venues now close at 11pm. Outside of the nightclub sector, 4 out of 5 venues now close by 1am, which represents an average two hour extension on weekends for 80% of premises.

The spectre of '24 hour' drinking proved misleading. The investigation that follows will be examining the impacts of a modest extension of hours and the more significant transfer of responsibilities to local authority. Section 2.0 will set out the methods employed in the study and issues raised and will set out the context for the case study areas. Sections 3, 4 & 5 will set out an analysis of the findings. Section 6 will draw conclusions and make some recommendations.

2.0 METHODS, ISSUES & CONTEXT FOR CASE STUDY AREAS

2.1 Methods

The study was conducted between December 2006 and June 2007 in three stages.

Stage one consisted of a desktop study. The purpose was to examine existing reports, newspaper and journal articles, and government and industry press releases relating to the three areas of investigation; democracy, diversity and dispersal. Stage one was conducted throughout the duration of the study.

Stage two was based upon semi-structured interviews with national late-night operators. Twenty four of the country's largest bar, nightclub, restaurant, leisure and retail operators were approached, of which fifteen agreed to take part. The operators were selected on the basis of their geographical reach across the United Kingdom, having a mix of central city and suburban outlets, and as representing a diverse combination of venues. For instance, the operators selected manage venues ranging from inner-city chameleon bars and vertical drinking establishments to rural pubs and up market café bars. Aside from one national operator, all had previously contributed to the author's earlier *Survey of Corporate Operators* conducted for the Civic Trust. In this previous study, respondents were asked their view on the impending Act. As well as following up on this theme and examining their current attitudes towards the new regime, the operators' views on diversification, dispersal, and democratisation were sought.

Two further representatives from the police as well as one community pub advocate were also interviewed. As they did not speak on behalf of an actual location, they were included in the national review.

The final component of the study, stage three, examined how the Act had impacted on the evening and night-time economy in four locations in the eastern parts of England. Four different sizes of urban centre were selected in order to investigate the impact of the Act in different circumstances. The locations were initially selected on the classification used in a report commissioned by Government, *State of the English Cities*.⁵⁵ The selection was made from one region that bordered on London so that some catchment areas would be shared. The London portion of the study excluded the West End, which in many ways occupies a unique position in the urban hierarchy. A spectrum of population sizes was therefore selected, within budget constraints. These were: large city (population in excess of 275,000), small city (125,000-275,000), large town (50,000-125,000) and small town (under 50,000).

Further variables were then taken into account in the selection process; most particularly a geographical spread between case studies so that they represented a spectrum from urban to rural. Towns with a particularly unique or in any way

remarkable history or streetscape, for example a New Town, were then discounted and whether there was an adequate degree of variation between chosen areas was considered. All cases except the small market town had a student population within their immediate catchment, as is typical of Britain today. The four cases eventually selected represent a contrasting picture of late-night England. Whilst each case study is unique, it nevertheless contains elements that are representative of other towns and cities in England and Wales.

Table 1: Case Studies: Population, Urban Typologies and Licensed Premises

Name	Population ⁵⁶ Authority area	Population City/Town Centre	Licensed Premises ⁵⁷ (Authority)	Urban Type
Eastern City Fringe	398,830	18,749**	1566 ⁵⁸ (73 in SPA)	Former industrial buildings, regenerated
Norwich	121, 550	7,600	612	Medieval centre, Victorian outskirts, new development
Chelmsford	157, 072	2,600	500 approx, with 110 in the town centre.	County town, pedestrianised centre
Newmarket (Forest Heath)	55,510	16,000	245 approx. ⁵⁹	Market town, Georgian and Victorian buildings

Source: drawn from National Statistics (neighbourhood.statistics.gov.uk) & information provided by respondents

** Haggerston and Spitalfields & Banglatown Wards

Each town or city had an established night time economy. Whether or not problems had been reported post Licensing Act was also a factor in the selection and care was taken to ensure that whilst two of the cases had reported problems, the other two did not. With regard to licensing policies, one case study had a Special Policy Area, which again is typical of England and Wales.

The Eastern City Fringe comprises two adjoining neighbourhoods in different boroughs. They are each located on either side of the historical arterial route leading north from the City of London, to Bishopsgate and then into Shoreditch High Street. At the inception of this study it was intended to pursue a detailed investigation of the South Shoreditch and Hoxton area, which has been designated as a Special Policy Area (SPA). It soon became apparent that a significant expansion of the night-time economy was occurring in the

neighbouring streets that happened to be under the jurisdiction of a different council. South Shoreditch is in the London Borough of Hackney and the Brick Lane/Commercial Street area in the London Borough of Tower Hamlets. It was decided then to include this extra area because it could provide an insight into how two different authorities were responding to similar problems in comparable situations. The planning and licensing authorities for Chelmsford and Norwich are Chelmsford Borough Council and Norwich City Council respectively. The licensing and planning authority for Newmarket is Forest Heath District Council.

Table 2: Violence Against the Person 2005-2006: Comparison across Case Studies

Authority	Month	Offences per 1000 population		Offences per 1000 England/Wales population
		TH	H	
Eastern City Fringe	April-Jun 2005	41.3	44.3	26.4
	July-Sep 2005	40.9	45.1	25.9
	Oct-Dec 2005	40.4	40.1	25.9
	Jan-Mar 2006	38.6	37.7	24.9
Norwich	April-Jun 2005		40.9	26.4
	July-Sep 2005		40.4	25.9
	Oct-Dec 2005		45.3	25.9
	Jan-Mar 2006		36.8	24.9
Chelmsford	April-Jun 2005		18.9	26.4
	July-Sep 2005		19.1	25.9
	Oct-Dec 2005		18.2	25.9
	Jan-Mar 2006		15.4	24.9
Newmarket (Forest Heath)	April-Jun 2005		18.3	26.4
	July-Sep 2005		19.8	25.9
	Oct-Dec 2005		18.9	25.9
	Jan-Mar 2006		19.3	24.9

H – Hackney TH- Tower Hamlets

Source: Violence Against the person figures from National Statistics (neighbourhood.statistics.gov.uk) & Home Office (www.crimestatistics.org)

Comparative figures for violence against the person are given for each of the four case study areas in Table 2. As might be expected the Eastern City Fringe is highest in terms of offences per person, but is closely followed by Norwich. Both are above the national average for England and Wales. The figures for Forest

Heath and Chelmsford are approximately half as much and are well below the national average.

Once the case study locations had been selected, a list of key stakeholders was compiled. For each location, it was intended that interviews would be conducted with the licensing officer, the councillor responsible for licensing, a representative from a local residents' group, the town centre police officer as well as police licensing officer, a transport, leisure and enforcement officer, a transport provider, community safety officer, and pubwatch or night-time economy representative. These were chosen as they represent the key players in the night-time economy and would be able to comment on the key themes of the research: democracy, dispersal, and diversity.

The interviews were designed to also track opinion of the Act prior to implementation and during the transition period. As such, where possible, interviews were conducted with individuals who had been in their position for at least two years.

All interviewees were granted anonymity. The exact role of those interviewed thus remains confidential. However, the number of interviewees is listed in the table below.

Eastern City Fringe	Norwich	Newmarket	Chelmsford
8	10	8	8

Interviews were conducted over a half-hour period using one question format for Operators, and one for the local case studies [see appendix I]. Once transcribed, responses were compared and contrasted based on the three central themes of the study. Having already completed some initial observation of the locations and a review of local policy and news reports, interviewees' answers were also compared with existing material. Once all interviews had been completed, figures or data from each location was cross-checked, where possible. This did, however, pose some problems as health, crime and policing figures were not always accessible, or available in comparable form.

While, on the whole, response to the research was positive some parties were reluctant to take part. One police officer, due to confidentiality reasons, did not wish to be cited in the study. In some councils, interview requests were passed on to the Licensing Officer. A town centre management group in one area did not wish to take part though this was due to internal politics.

In addition to interviews, site visits were made to each case study location. Here key features of the location that had been referred to in the interviews were observed and a photographic record made. Local licensing and planning policies were scrutinised.

At the start of the investigation, it was thought that Licensing Sub-committee minutes would reveal much fascinating data. This proved not to be the case and the accessibility of such minutes on the internet varied between authorities, to the extent that any thorough investigation would have found little of interest. While Forest Heath and Hackney have all premises' licenses listed on their website, Chelmsford, Tower Hamlets and Norwich do not. For further details about access to each council's public register, see appendix 2. Due to this variation in accessible data, interview material provided a richer source of information. Local planning authorities have now evolved a sophisticated approach to public access to planning decisions and use was made of this where particular cases had been highlighted.

2.2 Issues in the study

An issue that came to the fore throughout the investigation was the difficulty of firmly establishing the notion of a 'before' and 'after' the implementation of the Act. As has been explained in Section 1, it was five years between the publication of the White Paper and full implementation. The night-time economy changed dramatically between the latter part of the 1990s and the turn of the millennium, to the extent that discussion of pubs closing at 11pm and clubs closing at 2pm did not adequately describe the appearance of 'superpubs', late night bars, and venues that changed their character according to the time of day. In these terms, significant changes were already occurring in the night-time economy between the publication of the White Paper and the implementation of the Act. Moreover, once the Licensing Bill was made public, sections of the licensed trade took action in advance of the legislation being enacted. Also, against the backdrop of growing concern about alcohol consumption and what impact the Act may have, many local authorities and local police forces, as will be seen in this study, were taking steps to manage their night-time economies well in advance of the Act's implementation. Consequently the notion of a fixed date at which everything changed is over-simplistic with regard to the impact of later hours. The actuality of change was more precisely defined with the transfer of responsibility to local authorities which had a precisely defined moment and set of deadlines. It is likely that this difficulty of a lack of precision with regard to later hours and responses to later hours will complicate all statistical analysis of the impact of the Act.

It also became apparent in the early months of conducting the research that there is no single view of the Act. Respondents to the national review agreed on some issues, however on the key topics discussed they often held contrasting opinions. Late-night operators have never spoken with a single voice, and it was not anticipated that they would here. Their contrasting opinion on sometimes quite fundamental issues, however, is very apparent. The study has subsequently sought only to compare and contrast, rather than present a unified account of the Act.

The authors recognise that the Licensing Act remains deeply politicised. On this note, the use of press releases and newspaper articles can obviously reflect the views and opinions of the issuing agent and do not form a central component of the study. Newspaper reports were largely used in the early stages as an exercise in framing key debates – and noting the wide discrepancy in how the Act was anticipated and then reported after implementation.

Moreover, there is a wide variation in figures that are available. Where possible, local statistics have been sought and included. This has proved more difficult than at first anticipated. Although statistics for licensed premises are now held by local authorities, licensable activities also cover late-night take-aways and off-licenses. This needs to be kept in mind when examining pre-and post licensing figures. Equally, while some authorities have detailed figures regarding the number of people who visit the town centre on a typical weekend, others do not. The same can be said for details regarding policing strategies and crime figures.

2.3 Research Questions

The research questions that frame this research are classified under the three headings of diversity, dispersal and democracy. The study sought to investigate whether the new Act had had any impact, in the eighteen months since its full implementation, on these aspects of the Act's operation.

The Act and its associated Guidance is a complex piece of legislation and there are many detailed questions raised by its operation. This report has focused on the following:

Democracy

- Was the involvement by residents in the transitional period of the Act's implementation a transitory phenomenon? Has resident engagement continued?
- What have been the benefits of resident involvement?
- Are there any unresolved issues or emergent issues regarding resident involvement?
- What perceptions do councillors have of the democratic processes involved in licensing? Has licensing become 'political'?

As has been noted, there was an absence of discussion about the mechanisms by which dispersal would be made easier beyond noting that if terminal hours are staggered, then there would be fewer people congregating in any one area at any one time. The study sought to establish if terminal hours in the case study areas had in fact changed since the implementation of the Act. The following issues were then investigated by way of interview evidence and supplemented by published statistics where possible.

Dispersal

- Is the dispersal of customers when venues close calmer and more efficient?
- What has been the impact on the taxi/private hire trade? Has demand evened out?
- Have bus services changed since 24th of November 2005? Have any new services started? Have any been removed? If so, why?
- Have there been any discernible changes to traffic?
- Have arrangements for car parking changed?

There has been some withdrawal on the part of Government about the impact of the new Act on drinking cultures. Nevertheless, whilst there was no clear consensus about the changes that the Act might bring amongst all operators in the earlier study, several predictions emerged. These were that there would be an emergence of more wind-down and chill-out bars and 'family friendly venues' and an upgrading of nightclubs towards a greater emphasis on music and food. Some speculated that sub-urban and regional centres would experience growth. Little or no impact on alcohol consumption was forecast.

The interviews took the following themes in order to explore whether the Act has encouraged a more diverse evening and night-time economy.

Diversity

- Have existing venues changed their focus and/or clientele?
- What changes have there been to the structure of the industry? Has there been more consolidation amongst the corporate providers?
- Have new alcohol related venues opened? How do they differ from the existing market?
- Have there been any closures of pre-Licensing Act 2003 venues?
- Are there any other signs of a more diverse evening and late night economy? Are museums, galleries, sports centres or other non-alcohol related activities opening later?
- Are daytime alcohol related venues more 'family friendly'?
- Are the relevant arms of local and/or regional government taking new initiatives with regard to creating more integrated strategies for planning, licensing, transport and public safety?

These questions were investigated at the national level and in the local case studies. Before proceeding to a discussion of the findings, in which local and national evidence is considered in relation to each theme, a brief introduction and analysis of the case study areas will be set out. Exact questions posed to respondents can be found in appendix 1.

2.4 Case Studies

Eastern City Fringe

The area of analysis for the purpose of this research is the SPA in Hackney, Brick Lane and Commercial Road in Tower Hamlets. South Shoreditch's night-time economy emerged in the 1990s on the back of Hoxton's association with 'cool Britannia' and the influx of workers in the creative industries. Despite this reputation and the influx of wealthy residents, Hackney is still one of the most deprived boroughs in the country. Clashes between businesses and residents, of all backgrounds, have been occurring since post millennium. LB Hackney had allowed many late public entertainment licenses. Conflicts between residents and license holders became apparent. Although this was frequently characterised as coming from incoming 'yuppies', Hoxton accommodates a significant residential population in council estates. These tenants were similarly dismayed by the uncontrolled expansion in licensed premises:

I hadn't foreseen that these people were very noisy and there wasn't a lot of control – it wasn't particularly the clubs but when people come out of the clubs, start roaming the streets, going into cubbyholes and using them as toilets. We weren't prepared for that. I don't think Hackney was prepared for it.

- Resident

In the period prior to 2002 Hackney had been a hung council and experienced an organisational and financial crisis that impacted on its capacity for a number of years beyond this. One councillor described the dilemma:

We were faced with the situation in Shoreditch where things were or had overheated. We did not have the professionals on the ground to deal with the situation occurring down there... Hackney was recovering from a financial crisis. We didn't have enough people sweeping streets, adequate trade waste agreements, or environmental health and enforcement officers. They were there but not in the volumes you need to deal with night-time economy of that scale. The Special Policy Area (SPA) really put the lid on things until authorities could get together and invest more money in those services...

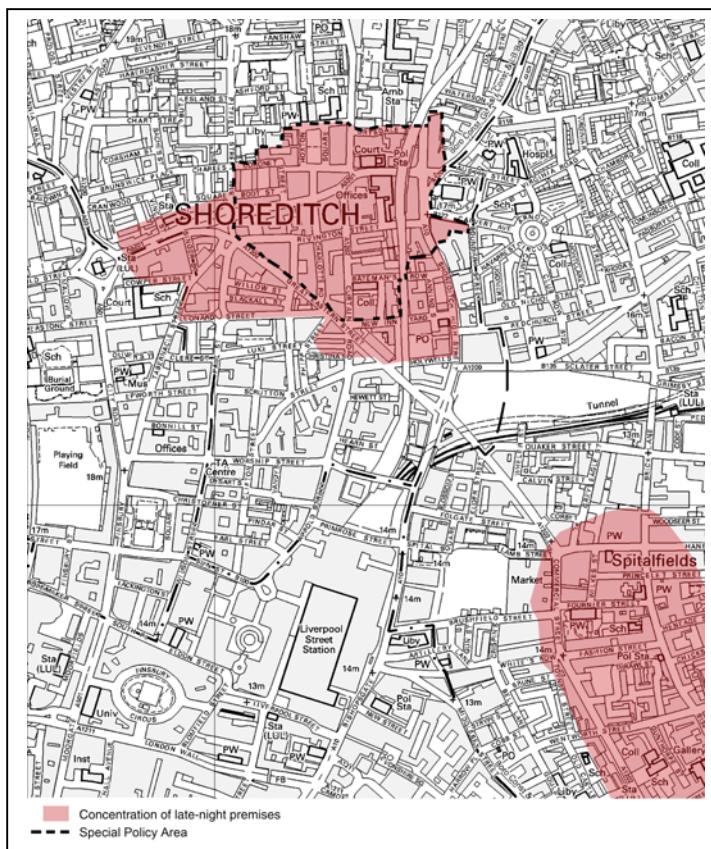
- Councillor

In the period 2002-2005 Hackney Council did take a pro-active stance towards Shoreditch. A report was commissioned on Hackney's night-time economy that included a detailed study of Shoreditch,⁶⁰ policies changed and partnerships formed. The police were convinced to liaise with the Council more coherently with regard to licensing. Although articles frequently appear in the press suggesting that Shoreditch has been overtaken by high volume, stand-up to drink establishments, it nevertheless still contains a wide variety of venues. The South

Shoreditch Supplementary Planning Document states that within the designated area there were 58 licensed premises in 2004, with a capacity of 10,940. They comprised 10 pubs, 12 bars, 14 bar-restaurants, 3 night-clubs, 13 restaurants and 6 take-aways.⁶¹

By contrast the Brick Lane area in Tower Hamlets was less pressured in the 1990's and early part of the new century. The street was renowned for its Bangladeshi restaurants. Intense competition between them had led to applications for late night licenses but Tower Hamlets resisted granting them and, in order to prevent their further proliferation, protected the retail frontages in the southern end of the street.⁶²

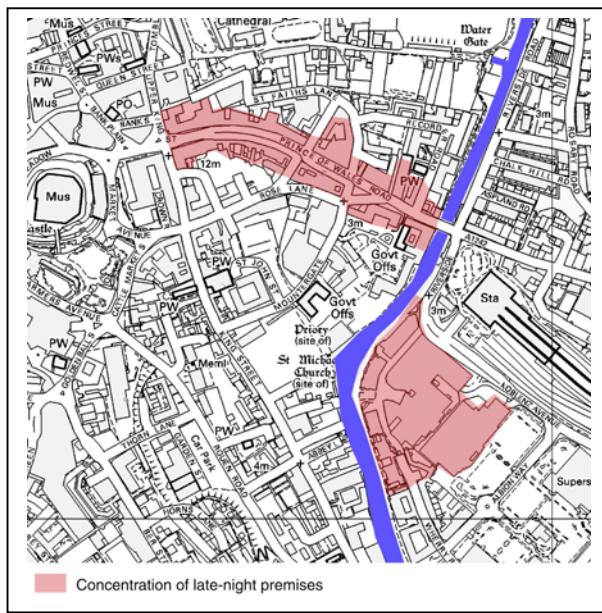
The Brick Lane area was given encouragement as an entertainment hub through the regeneration activities of the City Fringe Single Regeneration Budget projects. The street was improved and re-branded as Banglatown. Following much controversy, planning permission was finally approved for development to the former Spitalfields market on Commercial Street. A former Brewery site in the northern portion of Brick Lane itself was converted to arts and entertainment uses. The numbers of bars, clubs and restaurants around Brick Lane increased as the area became gentrified.



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Figure 1: Plan of Eastern City Fringe Area

Norwich, while fairly isolated, also attracts a significant number of late-night participants. While only 121,500 people live in Norwich, a regular Saturday night sees up to 29,000 in the town centre. Unlike Chelmsford, Norwich has an established residential population, with the current figure at 7,600 and planning permission for further flats granted. An important historical city, Norwich is somewhat unique in that it is the most complete medieval city in Britain. The City Council pioneered pedestrianisation policies in the 1960s and 1970s and much of the historic centre is traffic free. This concern with the quality of the public realm has been continued and Norwich is leading a European project to develop a 'liveable' city. This project is a development of an earlier Interreg project to promote better management of the night-time economy. Amongst the latest initiatives that are being promoted are policies to encourage outdoor drinking and eating within the city centre. Norwich has developed three areas popular at night. The first, Prince of Wales Road, is home to 36 licensed premises which range from a 2300 capacity nightclub in a converted cinema to take-away late night kebab shops. There are three other major clubs. Nearby, the Riverside district offers two further major clubs and a student-run venue, the Waterside, across the river. The clubs and late night venues have consolidated into these two areas. Ten years previously two late night clubs were located in a square nearer the city centre called Tomblands. These have now transferred to Prince of Wales Road/Riverside and their former premises have been converted into restaurants and flats. Tomblands has developed into a quasi restaurant quarter.

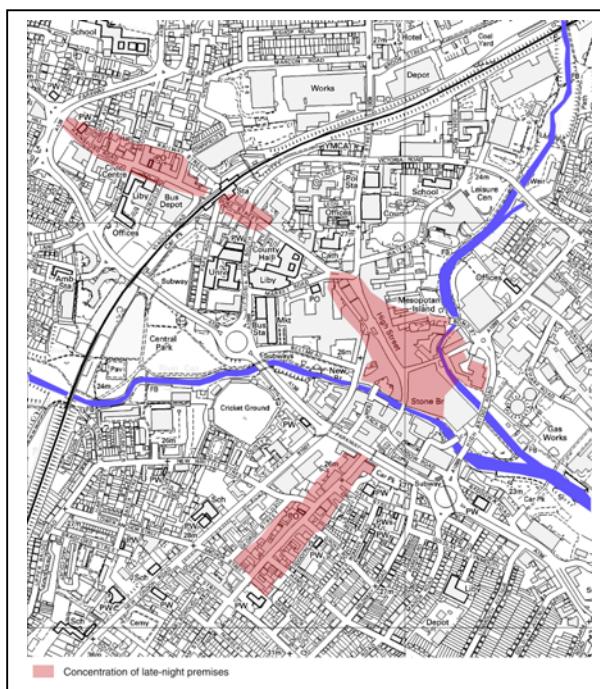


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Figure 2: Plan of part of Norwich City Centre

Chelmsford, 30 miles north-east of London is the county town of Essex. It is home to Anglia Ruskin University as well as numerous industrial and financial industries. The sub-region is growing and the Borough Council is in the process of making ambitious plans to develop the town centre as a thriving, sustainable and unique location for living and working within the Eastern Region.

The town centre was taken as the focus of this research, an area of one square kilometre in radius, with a population of 2,600 people.⁶³ While there are approximately 500 licensed premises in Chelmsford, there are 110 licensed premises within the town centre. Night-life in the town centre is concentrated in the High Street area with an extension into Moulsham. The pedestrianisation of the town centre was initiated in 1991. It has since been extended to the riverside, with new developments along the river including a major new restaurant, café-bars and clubs. The planning of the town centre has been influenced by urban renaissance ideas, even in advance of the Urban Task Force report.⁶⁴ The area of analysis in this study is the town centre. Due to its central location and established transport links, Chelmsford has an extensive catchment area resulting in a significant night-time economy.

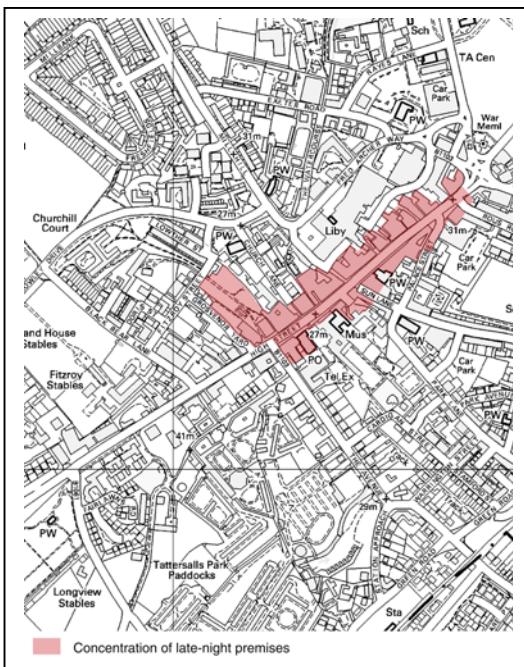


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Figure 3: Plan of Chelmsford Town Centre

Newmarket, the final case study, is a town renowned for its horse racing dating back to 1174, and its numerous stud farms. The night-time economy is spaced out along the High St, where approximately 20 bars and pubs and 2 nightclubs attract patrons from a broad area. As a market town, it has housing adjacent and

immediately leading off its High Street. Although the smallest town in the study, Newmarket is nonetheless an important centre, drawing in customers from the wider region. Another influence on the night-life in Newmarket is the presence of RAF Mildenhall, some miles away. Mildenhall is, however, a village in itself and has its own late night pub.



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Figure 4: Plan of Newmarket Town Centre

Licensing Policies and Policing Strategies

During the transitional period before the Licensing Act was implemented each Licensing Authority was required to consult on its Statement of Licensing Policy. Table 3 sets out the different methods that were used in each case study area.

Full details about crime, policing strategies or deployment of officers were difficult to secure. Figures may not have been collated and / or made available and in one area there was concern about anonymity. As stressed earlier, it was also difficult to state unequivocally how the Act had impacted on policing. Before the Act came into force there was already heightened concern about crime and disorder. Since November 2005 there have also been two Alcohol Misuse Enforcement Campaigns. The first, over the Christmas period in 2005 and the second over the early summer of 2006, may have also shaped figures.

Table 3: Consultation Methods used by Case Study Authorities on their Licensing Policies

Name		Web-Site	Residents Groups	Licensees	Community Groups	Seminars	Newspaper
Eastern City Fringe	H	✓	✓	✓	✓	✓	✓
	TH	✓	✓	✓	✓		
Norwich		✓	✓	✓	✓		
Chelmsford		✓	✓	✓	✓	✓	
Newmarket (Forest Heath)*				✓			✓

H – Hackney TH- Tower Hamlets

*Due to the size of Forest Heath, the council joined with six neighbouring district authorities to write one local policy. Together, they advertised in local papers, attended Pubwatch, and wrote to licensees informing them the policy was available for review. There were slight variations in regional policy, but ultimately, the council simply did not have the funds to write their own policy. At that time, they also did not have a designated licensing officer. Licensing was instead managed by one officer in Legal Services. Forest Heath shared responses and objections with neighbouring authorities. However, there was no response from residents in Newmarket.

Comments were made, however, on some issues relating to policing and the Act. In Hackney, one major problem cited was TENs. According to a representative, TENs are often submitted at 5pm on Friday and staff are therefore required to work beyond usual hours in order to process the applications. This has resulted in significant changes to rosters. In terms of policing on the street since the Act came into force, the SPA ‘has always been busy’. There are currently moves to implement a special night-time economy policing team which will lead to further changes to staffing. Full details and figures regarding policing and crime were not available, but are being collated for the statutory review of the Council’s policy.

In Norwich, there is a minimum of 16 officers on public order duty on a Friday and Saturday night. On pay days, major events and bank holidays this figure is increased. However, this has long been the case and there has been no major changes to staffing levels since the Act came into force.

Chelmsford also made no changes to their schedules or staffing levels. A police representative anticipated that crime figures may have increased since the Act came into force, however this was more likely to be the result of clamping down on minor public disorder offences earlier in the evening. At the time of the interview, they were awaiting crime figures.

In Newmarket, figures were only available for the entire Suffolk constabulary.⁶⁵ A 'Nightsafe' initiative was implemented in 2005 to tackle alcohol related crime and disorder, and continued in 2006. As part of the Alcohol Misuse Enforcement campaigns, the constabulary also adopted a zero tolerance, early intervention approach. In general, the County had seen a reduction in disorder and violent crime, and hadn't seen the problems expected as a result of the Act.⁶⁶

Full details about crime and policing were not available from Tower Hamlets.

3.0 DEMOCRATISATION

3.1 *Democratisation: National Views*

Resident Involvement

National operators, on the whole, were reluctant to say they had benefited from the Act. It was widely agreed, however, that the new regime had forced operators and individual licensees to be more 'responsible'. Responsibility was a theme that dominated the earlier *Survey of Corporate Operators*. In that earlier study, licensees and operators were keen to distance themselves from any sense of accountability or responsibility for late-night disorder. In contrast, the current research found operators eager to explain how the new Act had forced a greater sense of responsibility throughout the industry. Exactly how this manifested was most apparent in terms of one of the major themes of this study: better partnership working – especially with residents. As one operator noted,

...it has forced individual pubs to really engage in their community and understand what is acceptable and what is not acceptable...
- pub operator.

The role of residents in the licensing process was not something the Government had emphasised. Findings presented here, however, suggest that 'democratisation' has been a success. Whether it was minimising obtrusive music, cutting irresponsible promotions, or forging better relations with the police or council, the majority of those interviewed felt the Act had generated a more accountable industry. Particularly in terms of residents, the operators felt that neighbours now had a greater role to play in the entire licensing process, be that in terms of the initial applications, to ensuring compliance with licensing conditions.

Having good neighbour relations is becoming more and more important...and there's a much greater focus on these kinds of things than there was previously.
- bar and restaurant operator.

The response to these powers was, however, contradictory. In the nightclub sector opinion was divided in that many did not have premises near residential areas and felt the Act had thus made little difference to the overall management of venues. Equally, for nightclub operators who did have venues in areas with a local population, it was noted that residents had always played an active role in licensing. By extension, it was felt that bars and pubs were now being forced to engage in their local communities and with other key players in much the same way nightclubs had for some time.

While retailers had little comment on resident involvement, for the on-trade this effect of more responsible licensing was welcomed. As well as residents, it was widely felt that all interested parties had become more actively involved in managing the evening economy.

Everyone is encouraged to come up with collective solutions to find a happy medium over the issue of late opening.
- pub operator.

For the bar and pub industry, the input of local residents was welcomed, with claims that only 'irresponsible' operators would have reason for concern. Though one operator felt the Act could easily become 'a complainer's charter' he did welcome the involvement of neighbours.

It means all licensees are behaving more responsibly when they might have been tempted in the past to have a lock-in or to have fairly loud music bugging the neighbours.
- pub operator.

We would regard input by a neighbour as an opportunity to go and talk to a neighbour and resolve their issues, rather than it being a neighbour who is interfering and tampering with our business.
- club operator.

Discussions with residents and other stakeholders was beneficial in not only finding solutions, but also as a means of solving problems before they began. Prior to the transition period, one major operator had encouraged their licensees to engage with neighbours before submitting their applications. Through these meetings, nearby residents had been fully informed on what the licensees were intending and how it may impact on the local area. However:

...when that didn't happen and local residents didn't understand what it was we were trying to achieve...then we did have problems; we had appeals and case going to court because residents simply didn't understand.
- pub operator.

Of course, when the Act was introduced the mainstream media made a great deal of its potentially negative consequences. With the new regime a source of heated and frequent debate, it was anticipated that much of the residential participation discussed by the operators may have coincided with the media reports. On the contrary, residents were said to now be as involved, if not more so.

Any licensing done recently has attracted more interest than it did at the transition time strangely enough. They're more informed now.
- pub and club operator.

Despite the general consensus that the new Act had led to much greater accountability by licensees and allowed for greater residential involvement, there was some dissent as to how this actually mapped out. One operator, for instance, felt that on this subject the legislation was 'sloppy' and how actively residents were involved was entirely dependent upon whether or not they were listened to. In other words, the role of residents was entirely dependent upon the local council and others' willingness to listen. Like others in the industry, he felt the smoking ban would be the real test of residents' power, particularly for those living near pubs and bars which lacked adequate outdoor smoking areas.

The local review, to follow, echoes this perception. Those areas with a strong and developed residential representation were more successful in influencing council decisions. In two of the selected areas a local resident group did not exist. This reflected the current lack of a sizable residential population in the town centre, but, equally, it could hint at a point made by a police representative:

People talk about local democracy. I think that flies in the face of what really happens locally. There are very few real communities. When people have busy lives it's extremely difficult for them to get involved in these sorts of things.
- Police representative.

Residents, as far as the operators are concerned, play an important role in the licensing process. This newfound influence, however, is of course dependent on residents actually exercising that power.

Working with the council

The Licensing Act didn't just give later hours which many people think it did. It gave greater power. As the authorities learn to use greater powers and their negotiating skills based on these greater powers, so you will find the operators have to raise their standards.
- club operator

As well as ensuring residents have a greater say in conditions of nearby venues, the Act heralded a new type of relationship between operators and their local council. On this subject, operators were slightly more critical. An operator with venues throughout England and Wales, for instance, referred specifically to the idiosyncratic way that the Act was enacted and understood.

It was left to local authorities to interpret the Act and so we got 350 different interpretations. Every different local authority went about it in a different way.

- pub and club operator

Confusion about responsibility was a common complaint with one operator remarking that what had previously been a matter of environmental health legislation, and should have remained a matter for environmental health, was clumsily appropriated by the Licensing Authority. This point was not entirely correct, suggesting that the operator was equally vague about the exact role of responsible authorities. More so, there was confusion about breaching of conditions and which stakeholder was responsible for the revocation of licenses.

One operator, on the other hand, felt that throughout the entire transition period they had functioned ‘in a vacuum’ and were not consulted about key issues relating to licensing. They went on to suggest that local authorities had been motivated more by media-fuelled paranoia than fair application of policy. Again, this comment suggests a degree of confusion about who was to keep the operator informed of key decisions, and on what basis the local authority was motivated.

Temporary event notices were another source of confusion, with the limit of 500 persons per venue causing some concern. A nightclub operator suggested that, in this area, councils did not, and still do not, fully understand what they are doing. This point is discussed further in relation to the city fringe area.

A final source of unease raised several times by respondents concerned the role of councillors. One retailer was correct in stating that individual councillors cannot object ‘as councillors’ to applications within their ward. They can, however, object as ordinary citizens or resident representatives. They argued this ‘power’ was potentially open to abuse.

You get councillors making enormously important decisions, some of whom are clearly influenced by local politics. Their elected officials have that in the backs of their minds. You could argue from a resident's perspective that's a good thing. From a trade and commercial and objective perspective it's not a good thing.

- pub and restaurant operator.

Councillors may respond in terms of ‘how does this look to my electorate’, rather than magistrates who actually knew all about licensing and were objective.

- pub and club operator.

These concerns – which covered objectivity, suitability, and professionalism –

were not widespread, but they were remarked upon by several respondents. Equally, the actual suitability of some councillors to comment on licensing when they may not have the required background was raised. When licensing had been managed by magistrates, it was believed the process had been more transparent, and less prone to potential abuse. However, this anxiety does not recognise the quasi-judicial nature of the process that councillors are required to supervise and the legal obligations placed on them.

Finally, the study revealed a continuing tension between the on-and off-trade. As stated, the Act has encouraged greater coordination between parties affected by late-night industries. However, as remarked upon above, local retailers had little knowledge of conflict between residents and their business. This is not a subject retailers ought to necessarily have experience of. However, operators felt that while the on-trade had been forced to become more responsible in recent years, the off-trade has yet to be held to same standards of responsibility and accountability.

3.2 Democratisation: Local Studies

Resident Involvement

Of the five local authorities consulted in the four case study areas four were enthusiastic about the level of resident involvement the Act had permitted. They saw this as one of the key benefits of the Act. Councillors and officers argued that the process of licensing had become much more transparent than hitherto. One pointed out that when the responsibility had been split between magistrates and the council, local councillors had had no idea what licensing applications were coming before magistrates. Giving evidence in a Magistrates' court had been a far more daunting prospect for residents' groups than making representations at a licensing hearing. The Act provided more opportunities for residents' voices to be heard. For example in Shoreditch, the level of complaints triggered the consideration of a special policy area in 2004. This was further enabled by the fact the Council satisfied the original guidance paragraph 3.13 regarding evidence of concern around crime, disorder, and public nuisance. The implementation of the Act in 2005, combined with a study that the Council had commissioned, enabled a Special Policy Area to be designated.

Not only was the process more transparent for elected members, they argued that it was for local residents as well. In three of the authorities with significant night-time economies care was taken to alert residents to licensing applications that might affect them. This process was carried out within legal boundaries and restrictions so as not to prejudice subsequent licensing hearings. Licensing officers in Norwich have a particularly sophisticated GIS (Geographic Information System) based system which, when combined with local knowledge, enables them to alert residents 'in the vicinity'.

It's better with the council dealing with licensing with a hands on approach to problems, and dealing with those problems. Before, the police were always busy in a sense and could not get the feedback. The council is much better at dealing with it and residents can see the outcome...

-Councillor

Residents made representations at licensing hearings during the transitional period. In Chelmsford there were concerns about the possibility of 24-hour licensing, concerns that were allayed by the relatively modest increases in hours actually applied for. Although interest in Chelmsford had declined since then as regards new applications, the police there report an increasing involvement in reviews and enforcement. By contrast in other locations residents' interest in licensing applications is continuing and possibly even increasing. All parties in all locations agreed that there had been a learning curve for both residents and elected members to fully understand the potential and limitations of the Act in terms of residents' representations. In Norwich and Shoreditch this learning had taken place prior to the implementation of the Act, with local authorities and residents' groups undertaking preparation from 2004 onwards.

Two authorities commented on the necessity of making sure that the police made representations because, without this, it was difficult to uphold the residents' view.

I: So you didn't get residents objecting when the Act first came in?

Councillor: We did but it was very difficult to get that to stick unless the police got involved. It was difficult to actually argue and sustain an argument saying 'This is unreasonable or impractical'.

-Councillor

At the time of this study, in all the study areas council officers and the police welcomed residents' comments and re-directed them to the appropriate responsible authority. Which authority should receive which complaint was not always clear. There is some evidence that residents' groups are demonstrating an increased sophistication in monitoring licensing conditions and initiating reviews. This could be viewed both as an empowerment and as a lifting of the burden from the responsible agency's shoulders.

It's true that residents [who] have been involved in triggering or considering reviews have networked with each other more than before that. Some residents take a very different view. They would say it's got them to do the local authority's or police's job. They would say it has empowered them in a backhanded way.

-Licensing Officer

The appearance of residents' groups at licensing hearings provided benefits. In Tower Hamlets social cohesion between disparate groups is enhanced around a common cause:

The East End is quite a divided place. There's lots of communities living next to each other but are not interacting really except when it comes to objecting to a licence. People who would never really associate with each other from totally different walks of life will sit there and cheer each other on. It's nice [laughs] this unity of negativity. It's a striking thing. Also you get real vignettes of local history in these circumstances, so sub-committees can be a really, really enjoyable affairs.

-Councillor

In Norwich the licensing hearings provided an opportunity for mediation between license owners and local residents:

The licensing hearings I sat on, quite a few of them had a lot of residents come in and by the time we finished having our committee meeting we did find the publicans had sorted out the problems with residents. I think that's a fantastic way forward.

-Councillor

When licensees discovered that under the Licensing Act residents could complain and have significant power to complain and prevent them getting a variation on their licenses they realised this was a threat to them. I went and told the licensees that if we worked together on this rather than in an adversarial way that we could resolve it ourselves. In the beginning they were all fairly suspicious.

- Chair, Residents Association

In Newmarket residents found it harder to have an influence. Although local householders did make representations at hearings, support from the police was felt to be lacking, and the licensing sub-committee were advised that they could not respond to their objections. There was no formal residents' group and certainly one resident felt unable to make her voice heard:

I: When the Act came in were people in Newmarket concerned that pubs may be open later or not that bothered?

F: The people I talked to, it didn't seem people were worried about it. I talked to [local councillor] to see who did think this was a concern. I talked to our neighbours who were opposed and didn't like the idea but I don't think anyone felt there was anything individual residents could do.

-Resident

Since then, officers and elected members in Newmarket thought that residents were becoming better informed and that they expected more evidence to come

through at the first policy review of the Licensing Statement. In fairness, Newmarket is a small town and all respondents interviewed there felt that the licensing process had not achieved its potential with regard to resident involvement due to an initial lack of tailored information and advice from central Government.

Operation of the Act

Interviews with national operators, before and after November 2005 raised concerns about the local authorities' ability to act fairly in making licensing decisions. As discussed earlier, fears were raised about councillors being overly influenced about the electoral impact of their determination of licensing applications. All the councillors interviewed were completely clear about their duties and responsibilities in operating a quasi-judicial process and the necessity for adhering to their duties and obligations within the terms of the Act. They pointed out that this was a role that councillors were familiar with, with regard to other regulatory systems such as planning. They affirmed that party political differences did not play any part in individual licensing decisions. The most that was said was in the authority with the sharpest political divide, where it was felt differences were manifest in 'themes' which presumably arise in sub-group discussions.

Councillors were frustrated by what they saw as the restrictive nature of the Licensing Act and the limitations imposed on the evidence that they could consider. In addition, the lack of a clear role for ward councillors provided some, but not all members, with a degree of perplexity. It was accepted that ward councillors could not sit on the sub-committee for applications in their ward, but the limitations imposed on ward councillors' ability to make a case and to impart local knowledge were felt to be too narrow.

But still yeah, the ward councillor has very little sense of ownership about the whole thing. Especially if they're not on the licensing committee. Obviously you need to keep an appropriate level of distance. That's a role I don't think has been that well considered.

- Councillor

Licensing and Planning

Officers in three authorities were concerned about the manner in which licensing and planning were operating as separate, but parallel, regulatory systems. An emergent problem concerns applications being made to vary the hours of a license under the new Act, even though the planning permission for the premises may set as a condition more restrictive hours. Because licensing and planning operate under different statutory provisions, it is possible for extended licensing hours to be granted. Although the planning department is a responsible authority under the terms of the Licensing Act, the planning officers interviewed could not make representations at the licensing hearing, for fear of prejudicing any

subsequent application for planning permission. This leads to anomalous situations and causes further confusion and frustration for residents.

All along there is a whole swathe of people who moved into these areas and think 'Hold on, once upon a time it was quiet, now it's got noisy, why has it got noisy? Because they open later. Why do they open later? Because of the Licensing Act. Do they not need planning permission for that? No. Oh - I'll make a complaint.' It's that sort of spiralling effect, it's quite difficult.

- Planning Officer

Hackney Council has avoided this situation by clearly stating in their statement of Licensing Policy that licences will normally only be considered if the hours sought do not exceed those authorised by planning permission and where this could be linked to the licensing objectives being undermined. This clause has been tested through an appeal to a Magistrates' court with regard to the license application. The magistrates upheld the authority⁶⁷.

The revised Guidance to the Licensing Act issued in June 2006 recommends that where licensing and planning have authorised different operating hours for the same licensed premise, if earlier hours are the ones that have planning permission, it is these that should be followed. This has been further clarified in June 2007. It may be that local authority officers were not following this guidance because it is given under licensing legislation, which may leave doubt as to its status in planning terms. Certainly this state of affairs can only be confusing to members of the public.

It makes no sense to most people that a local authority could issue a license under the Licensing Act and simultaneously say they can't do it because they haven't got planning permission or even say 'You can't have planning permission'. That makes sense to lawyers and nobody else.

- Licensing Officer

A further issue arises with regard to enforcement. The Licensing Act uses the term 'licensable activities' and premises are no longer categorised into pubs and nightclubs. Blurring the boundaries between categories of premises is made easier by the Act and many premises in Norwich for example applied for a variety of activities, such as showing films, but have never in fact used this aspect of their license. During the passage of the Licensing Act through Parliament, the government changed the Use Classes under the planning acts in order to prevent the migration of restaurants into late bars and clubs. Planning enforcement therefore requires a distinction to be made between bars and nightclubs – and this distinction may be important for permitted hours – but accruing the evidence to prove that a late bar is actually being used as a nightclub is difficult and time consuming for planning officers. This is a particular problem in the City Fringe.

Temporary Event Notices (TENs)

There were different experiences of TENs, according to the pressures on the night-time economy in each locality. In Newmarket and Chelmsford, TENs appeared to be used for the purposes for which they had been formulated in the Act, that is, for community events and birthday parties. Officers were bemused by questions about TENs in these locations. By contrast the police in Norwich complained about the administrative burden of administering TENs but emphasised that it was important to scrutinise each application properly. Thus far, the police had only objected to three applications.

In the overheated circumstances of the City Fringe, councillors referred to TENs as a “*nightmare*”. TENs were used by license owners as a way of operating beyond their extended hours. In the Shoreditch Special Policy Area for example, license owners were using all their permitted events in December, which meant that they could have extended hours for the whole month. In such a densely concentrated neighbourhood, when a number of them do this, it causes “*complete mayhem*”. The police licensing officer gave a graphic description of the consequences of that mayhem when he described how he had raised objections to limit hours in December 2006, with the consequence that Hackney had “*only one drive by shooting*” compared with Islington, which, with longer hours had experienced five or six in the same period.

For residents, who have made representations and negotiated with licensees over appropriate hours of operation, it is extremely confusing to see the same licensee being able to operate later, with fewer controls, by using a TEN. Residents cannot object to a TEN and are excluded from this aspect of licensing.

We have residents being confused because they think ‘Hang on that place only had a licence until midnight but there’s music and dancing going on until 3 in the morning’.

- Councillor

Not only do licensees use the TENs as a way of subverting the processes of the Licensing Act, but unscrupulous events organisers can dupe innocent venue managers, such as an art gallery or a community centre into hosting what may turn out to be a late night rave, thinking it to be a private birthday party. In Hackney these events can be associated with violence, guns and knives. Monitoring applications places a heavy burden on the police licensing divisions.

4.0 DISPERSAL

4.1 *The National Picture*

According to advocates, the Act would have two major consequences. Firstly, the traditional ‘drinking up’ time would be replaced with a much more leisurely approach to alcohol consumption. This would, in theory, lead to a more mature approach to drinking. Secondly, without the rush to consume before closing time, patrons would be free to vacate a premise at their will, leading to much less pressure on existing transport infrastructure, and police resources. Research studies had demonstrated that the majority of late-night violence occurs at taxi queues and late-night food venues.⁶⁸ Staggered hours would subsequently result in less late-night violence, due to more of a trickle than mass exodus for food and transport.

Operators Views

The majority of operators felt staggered hours had actually helped dispersing large crowds.

Unquestionably, and without a shadow of a doubt...those problems have really dissipated.

- pub operator

The anecdotal evidence says a circa 20% reduction in incidents related to closing time.

- pub operator

That's been one of the biggest effects of the Act. Even though there is still a time when a pub closes...you've got staggered hours, 11, 12, 1, 2 o'clock, so you've not got anything like the level of people being ejected onto the streets like we used to have.

- pub operator

Evidence from the DCMS supports this view. Based on a survey of all licensing authorities in England and Wales (with a 28% return rate), Licensing Minister Shaun Woodward claimed ‘there appears to be a genuine spread of closing times – bringing to an end the old madness of everyone being thrown onto the street at the same time, contributing to crime and disorder’.⁶⁹

A YouGov poll conducted on this issue found a slightly different picture.⁷⁰ According to the poll conducted for the British Beer and Pub Association, 71 per cent of 2095 pub goers surveyed claimed they continued to go out and return home at the same time as before the Act. This would seem to support the view the Act has made little difference to dispersal. However, 25 per cent of drinkers under 35 did report going out and staying out later. This demographic makes up

a significant proportion of all late-night consumers. As such, the fact that most late-night consumers are in this age bracket represents a sizeable proportion of those who venture out at night.

However, not all of the operators felt staggered hours had had much impact. While one club operator felt that staggered hours had had a slight impact on crowd dispersal, he was also keen to stress that the night-time economy had merely shifted one hour later.

There's a finite amount of money in your pocket [and] you can only drink so much. Consequently, because there's later hours everyone is coming out about an hour later. The two o'clock taxi queue is now just the three o'clock taxi queue.

- Nightclub operator.

The consequences of this were not necessarily ideal. Infrastructure, as pointed out by one operator, had been working well for 11pm closures and extended hours lead to further late-night disorder. This view was supported by others in the industry, who equally felt the night-time economy had now shifted one to two hours later.

We have extended hours, but still have all the same problems shutting the city down at a fixed time...it's just a couple of hours later now.

- pub operator

Transport Infrastructure

Until results from the National Travel Survey that set out the findings from 2006 are released later in 2007 it is impossible to provide statistical support to the operators' observations with regard to taxis and PHVs.

That staggered hours can undermine the provision of late night buses was explained earlier in this report. The evidence bears out this assertion in that it appears that it has been difficult to sustain late night bus services outside of densely inhabited urban areas. There has been growing interest in the operation of night-time services (i.e. running from 10.30pm) in many urban areas in Britain in recent years, as night-time economies have grown. In some cases these have been commercial, or in others on contracts supported by the local authority, town centre partnerships, etc. However, reports in the technical press suggest that many of these have been fairly short-lived, including services in Bolton, Ipswich, Folkestone, Leicester and Colchester. Successful services have been established in centres such as Bristol and also Brighton, but the latter has a very high level of daytime bus service and strong growth in bus demand, which provides a better base on which to run all-night services.

4.2 Dispersal: Local Impacts

Patterns of dispersal are subject to local conditions. Evidence from the case studies showed the Act as having different impacts in each of the case study areas. Since these impacts vary considerably, the cases will be discussed separately first and then the common features will be considered.

Norwich

As previously noted, the late night venues in Norwich are principally to be found in two adjacent areas, Prince of Wales Road and Riverside. The consolidation of the two districts has been given a further impetus by their designation as late night activity zones in the City of Norwich Replacement Local Plan, adopted in 2004. Policy AEC1 of this document discourages major traffic-generating entertainment facilities from locating outside designated zones in the city centre.

Before the Licensing Act 2003 passed through Parliament, Norfolk Constabulary and Norwich City Council were already taking action with regard to the problems associated with the dispersal of customers from licensed premises. The high levels of accidents on Prince of Wales Road, 25 casualties a year and with over half occurring at night,⁷¹ prompted the City Council and the highway authority, Norfolk County Council to work with the Department for Transport in improving road safety. The Prince of Wales Road formed one of the Department's Demonstration Projects for Urban Mixed Priority Routes. The aim of the demonstration project was to show how main urban routes could be made pleasanter and safer without major traffic disruption.

Several measures were taken. The pavements were widened and the central reservation removed, providing more space for pedestrians. Mature trees were planted to give a 'boulevard' effect. Lighting was improved and parking and loading areas were better defined. Public order and easy dispersal from premises was a key issue:

At the same time we were working in partnership with the police and they were very supportive of what we were doing and vice versa- to try to use that as a device or springboard to resolve some of the public order issues down there. One of the things they were particularly interested in was to try to get as many people out as quickly as possible. That's why we increased the number of taxis as one of those initiatives.

- Transport Planner

The signal timings were the most innovative part of the scheme. There are five sets of signals on the 500m length of the one-way street. The signals are speed-sensitive and change to red when vehicles exceed 20mph. The signals give pedestrians priority and make allowances for the impacts of late-night drinking. A full evaluation of the scheme will be available in the summer of 2007. An interim

evaluation found that in its first year of completion (2004-2005) the casualty rate had fallen by 80 per cent.⁷²



Figure 5: Prince of Wales Road, Norwich after improvements. Note widened pavement .

As has been noted Norfolk Constabulary were supportive and launched 'Operation Enterprise' alongside the engineering works. 'Operation Enterprise' was supported by the Crime and Disorder Reduction Partnership and consisted of the formation of a small team of officers under the supervision of a police Inspector. The style of policing was problem solving and analytical. To reduce problems associated with dispersal, officers patrolled in pairs, in high visibility clothing, when the streets were full of people seeking transport home. The police worked to take pre-emptive action and to 'impose an expectation of good behaviour'. Operation Enterprise was extended into the Riverside area for its second year in 2004-2005.

The third innovation was the setting up of the SOS bus following the death of three young people in 2000. In addition to providing support for 'abandoned incapables' who are injured or suffering the effects of alcohol or drugs, a support vehicle attached to the project can provide transport home.⁷³

Although Operation Enterprise had ended by the time that the Licensing Act 2003 was implemented, a dedicated team of police officers continued with its work and operational measures. The Prince of Wales Road improvements had been in place for a year and the SOS bus has also been in operation since April 2001.

Prior to the Act the pubs in both areas closed at 11pm and the clubs at 2am. Following the Act the pubs close between 12 and 1am and the clubs at 3am. Two very large clubs have licenses to 5am for weekends, but seldom use them. Respondents report that people are going out to venues later in the evening. The effect has been to reduce the 'pinch points' that used to occur at 11pm and 2am. Demand for taxis has evened out and queues for taxis and PHVs have substantially reduced. Prior to the Act the queues at 2am could include 100 people, some of whom would have to wait for 90 minutes. Now, according to the police, the queues are reduced to 30 or 40 people at their maximum point. This spreading out of demand has helped the four PHV firms to schedule their operations later in the evening and night.

*What is striking is that there's a very different rhythm to the evening....
You don't get the two peaks and the pressure at 2 o'clock.
- Police Licensing*

Police data also records a striking drop in the number of assaults in 2006. On 7th of December 2006 the Police informed the Council's Licensing Committee that the number of reported assaults in the Prince of Wales Road and Riverside areas on Friday and Saturday nights had fallen from 141 in 2003, 107 in 2004, 101 in 2005 to 31 in 2006.⁷⁴ This figure should be seen in the context of another analysis noting that the total number of offences committed on a Friday and Saturday night had increased slightly in 2006 compared with 2005 for the same areas.⁷⁵

Later hours cause problems for nearby residents, though. The Council has had to take action to control parking in nearby residential streets. The city centre residents' group had also initiated discussions with the local bus company to try to stimulate a late night bus service before the implementation of the Act. This has foundered because the spreading of demand has not yielded sufficient customers to make a late night bus service viable. There are problems in expanding taxi services because the conventional 'black' taxis are more reluctant to take fares in the early hours of the morning due to their not being connected to a radio network. Unlike PHV companies, black cab drivers have to pay for their own connections to a radio network.

Chelmsford

The majority of licensed premises in Chelmsford's town centre are located away from residential properties, with the exception of a small grouping in the Moulsham Road. Prior to November 2005 pubs had a terminal hour of 11pm and the clubs 2pm. After the Act, although many premises applied for late hours up until 2am or 3am seven days a week, it was established at licensing sub-committee hearings that it was not the intention of local managers to open for those hours and the applications were submitted at the behest of their head offices. In practice, most premises close at either 11pm or 3am at the weekend. If

trade is particularly quiet, clubs will close earlier than 3am. There is a drinking circuit and customers migrate from pubs and bars to clubs, especially as some clubs will not admit customers after a certain time.

Taxis and PHVs provide the major mode of transport late at night as there are insufficient customers to make late night bus services a viable commercial proposition. There are some problems still with concentrations of people gathering in taxi ranks and these require extra policing.

We still get it in the kebab shop and occasionally at the taxi ranks. Mind you our kebab shops and taxi ranks are on top of each other. They're areas we still cover. We get a fight there if we're away doing something else [or] if we have to go to another area to deal with a job. On the whole we've got marked units outside the taxi ranks.

- Police Officer

The Licensing Act has had little impact on dispersal from Chelmsford town centre, apart from making weekend final dispersal times later. Clubs and similar venues can close earlier than their advertised times during quiet periods which does not help the police who have to organise their shifts around the latest terminal hour.

As far as policing is done [all it's achieved] is shift it from 2 o'clock to 3 o'clock or half past where they finish now. The other thing that's a headache for regional commanders, in the old Act, Special Hours Certificate granted, had to open till 2 o'clock and didn't have a choice. New legalisation – close when you like. At some stage overheads is higher than profits, so they close. We pay for policing until half past three; one o'clock town is dead, they're all shut up.

- Police Licensing

Newmarket

The small market town has a concentration of licensed premises along its high street. At one end of the high street there is a large building that accommodates a lap dancing club and a major night club. Prior to November 2005 the high street venues closed predominately at 11pm and the clubs at 2am. The majority of traditional pubs in the high street chose to keep their terminal hour at 11pm, but a small number extended theirs until 1am or 2am and the major club with a capacity of 2,000 gained permission to open until 4am.

This has resulted in pushing back the times at which people go out, including the peak of dispersal.

It's quite surreal, you can go down Newmarket High Street late at night at eleven/twelve o'clock and see a few partygoers and a few people looking

for taxis etc but come three o'clock in the morning and it's as busy as a Saturday morning in the High Street.
- Councillor

Some of the late night customers come in especially hired private coaches. The majority come by private cars, or in taxis or PHVs. Because Newmarket is a traditional market town, housing is located adjacent to the High Street. Problems occur with parking in residential streets and noise and anti-social behaviour.

What very often happens is when people are dispersing from pubs they quickly filter out into what are residential areas. As one of the ward councillors representing the, for example All Saints and the neighbouring ward St Mary's, we get a lot of complaints from residents: urinating, vomiting, noise, shouting, broken glass, bins turned over, car damage. All the things you would expect from people either deliberately or accidentally, being intoxicated dispersing from pubs.

- Councillor

There are also problems with people gathering and waiting for taxis. The Council has experienced particular problems with customers exiting from the nightclub and queuing for fast food from a burger van parked in a piece of rough ground owned by an adjacent pub.



Figure 6: Burger van in curtilage of pub, Newmarket.

The District Council has tried to alleviate the problems by providing free car parking and signage. More licenses for PHVs and taxis have been issued, but because the demand is at a peak only at weekends, it is impossible for supply to meet demand. As one taxi operator stated, the Act has made 'no difference' in terms of evening out demand. The catchment area for late night entertainment is large, with customers coming from as far away as Ipswich and Southend so a specialised bus service is out of the question.

East London City Fringe

The Brick Lane and Commercial Street area of the eastern city fringe is located in a tightly packed, dense urban area. The streets are relatively narrow and many of the buildings are former warehouses and industrial premises. Prior to November 2005, many industrial premises were converted to housing. Some were mixed-use and accommodated bars, restaurants and other types of licensed premises. Generally these were licensed until midnight.

After the implementation of the Act, applications were made for a range of terminal hours up to 4am for some venues. This has changed the patterns of dispersal. Rather than customers walking through to the nearby transport hub of Liverpool Street, because the Underground and overground rail services are closed, there is a greater tendency to use taxis, PHVs or private cars. London is generally well-served by night buses, but this particular neighbourhood has only one nightbus running through it. Because Brick Lane is part of a one-way system and is not a wide street, any vehicle that stops to deliver or pick up a customer has the capacity to block the street. Customers arriving and departing in the early hours of the morning cause noise and disturbance to adjacent residents.

In the high density environment of the eastern city fringe, later hours and evening out of demand is not helpful for transport provision. It is possible that Transport for London and Tower Hamlets Council may be able to alleviate some of the traffic management problems, but the narrowness of the streets provides a real constraint for both traffic and pedestrian volumes and their impacts in terms of noise and disturbance.

After one o'clock... the bottom line is you can't get rid of people without causing a noise problem for your existing residents. Particularly they identified the number of cars down there. Brick Lane is a tricky one-way system. If one person stops in Brick Lane you get backed up two or three; one idiot pushes the beeper and the whole street goes off. When it goes off it's quite shocking.

- Planning Officer

The Shoreditch Triangle and Hoxton Square neighbourhood has a similar urban structure to Brick Lane and Commercial Street. Its late night economy developed in the years preceding the passage of the Licensing Act through parliament. The

neighbourhood accommodates a diverse range of venues, from art galleries cum bars to restaurants to major clubs. Prior to November 2005 they had a range of opening times, including some after 2am in the morning.

The neighbourhood benefits from a diversity of public transport links and is bounded by wide streets. Within the triangle the streets are relatively narrow. Problems with dispersal prior to the Act were noise and disturbance to local residents and taxi-touting from unregistered PHVs.

The increased controls over terminal hours that the council has gained through its licensing policies, particularly the designation of the SPA, has meant that there has been little change to patterns of dispersal. In the transitional period, the police took care to argue for hours and patterns of movement which meant that customers would not come out of one club and cause a disturbance waiting for another club to open. The Licensing Act has proved beneficial in this neighbourhood because the SPA designation has enabled a degree of micro-management. Furthermore the South Shoreditch Supplementary Planning Document discourages further expansion in residential uses.

In Shoreditch, which borders around the city, there's a constant buzz of people. There's no difference to them, being out late because a lot of people do go out later, 8 or 9. Although it's open later, there's not huge amounts coming out at different times. Police report that it's just the same.

- Community Safety Officer

Drinking Circuits and 'Shifts'

One feature common to all case study areas, but with a lesser impact in Newmarket because of its size, was the persistence of drinking circuits. The Act and the Guidance had considered customers circulating from different zones but had not explicitly mentioned the noise and disturbance caused by large groups of customers leaving one premise and entering another. This movement can cause noise and disturbance, particularly if it is in the early hours of the morning. Licensing conditions can help to control the entry of customers, but this does not apply in all cases. For example in Norwich there are some clubs that stay open later and accept the smaller number of people who have not dissipated when the larger clubs have closed.

It would seem that an assumption underlying the Act was that customers would stay in the same venue all night and then gradually drift away in the early hours of the morning. This did not encompass behaviour that was observed before the Bill was put before Parliament, namely that drinkers would circuit from one place to another and as was observed in the local case studies, sometimes starting from having drunk at home.

In some very large venues with hours extending until 5am, for particular special nights the clubs have different kinds of events occurring at different times of the

night. These events attract different audiences. One resident described the impact of this changeover of activities:

*If you've got a club like the *** with four sessions going a night, from 7 o'clock pm when they open, another at 11, another early morning at about 5 until midday. I think this is the problem, because they give them 24 hour licensing [they think] that's going to stagger the people coming out at one time. It doesn't really. What [the club] did was ferry people in from Essex and Dartford, buses, coach loads and they used to do wees in the middle of the road. It was very dangerous and you know what girls are like at 16 or 17, screaming teenagers, they were out there screaming their heads off.*

- Resident

It cannot go without remarking that this experience is a far cry from the image of a civilised drink after the theatre.

Transport, Urban Design and Licensing Hours

In conclusion, the differential impacts of the Licensing Act in the case study areas are related to two factors. The first is the state of the night-time economy and its management prior to November 2005. The second is the urban form of the area and the juxtaposition of dwellings to licensed entertainment venues. In dense, mixed-use urban areas with a high proportion of residential uses extended and staggered licensing hours exacerbate problems associated with dispersal. These can be as serious in small market towns as a major metropolis.

Conversely, in districts where dwellings are a reasonable distance from concentrations of licensed premises and the streets are wide, extended and staggered hours do help to even out demand without causing other problems. If the pressure on licensed premises is concentrated, then investment in public realm improvements and policing is also important. Traffic management is thus emerging as an important night-time issue. The problems are not only of congestion but are also of pedestrian safety.

The provision of late night public transport requires high concentrations of people and a restricted catchment to make routes viable. It seems probable that taxis and PHVs will continue to provide the main mode of late night transport outside of the major metropolitan centres. Again peaks in demand mean that in smaller towns there are restrictions on the numbers of taxis and PHVs that can be available in the early hours of the morning.

Car parking was cited as causing a problem in three of the case study locales. Servicing late night zones with adequate, safe car parks and preventing noise and disturbance to residents demands further planning and resources, including late night traffic wardens.

5.0 DIVERSITY

5.1 Diversity: National Views

You can't legislate for people's...attitudes – you can legislate as hard as you like but you're not really going to solve the problems.
- pub operator.

Irrespective of the Government and the media's ongoing discussion of café culture, no operators felt the evening economy was necessarily becoming more continental. Changes were occurring, but this was not due to the Act. Moreover, evidence of diversity discussed by respondents referred to a greater variety of alcohol related entertainment. Operators were not aware of the growth of other forms of entertainment such as sports or recreation, and none referred to branching out into non-alcohol related establishments.

The night-time economy, on the basis of those interviewed for this study, does not appear to be departing from the alcohol-related model. Nevertheless, changes are occurring within the industry. These changes are discussed here in terms of 'families and food', 'wind-down venues', 'de/centralisation', and 'the future'.

Families

Amongst respondents, there was a consensus that the night-time economy was shifting in subtle, albeit significant ways. A central tenet of this was about families, which related to the broader question, discussed later, about the growth of suburban and rural venues. However, the Act was not perceived to be the catalyst for this change and in fact secondary to the impending prohibition on smoking in public places. It was assumed that smoke free venues would be more conducive to family dining; at the very least to compensate for the anticipated loss of other forms of trade.

It needs to be stressed, however, the shift towards more family friendly venues was not considered to be a direct result of the Act.

Eating out and particularly families eating out is a gross trend. It's probably the one end of the market that most people are focusing on.
- pub operator

This was corroborated by several other national operators, with the smoking laws poised to accelerate a process that had been occurring for at least five years. A nightclub operator also noted that any relationship between families and the Act was a 'red herring'. As he pointed out, the Act's primary impact had been on allowing venues to remain open past 11pm – a time when most families were in bed.

There were plenty of family friendly venues beforehand and never any restrictions on the licensing, was there?
- nightclub operator

While families were perceived to be a growing market, venues marketed specifically as 'family friendly' posed problems. One operator had recently withdrawn from this market, suggesting that 'family friendly' was a niche market that did not work outside large cities. Moreover, any establishment marketed purely towards families potentially reduced its appeal to a wider demographic.

*If you become successful with families, you drive away the adult business.
You only get one trading opportunity.*
- pub operator.

Wind-down, chameleon and aspirational venues

In the report completed in 2006, there was a great deal of discussion about new types of venues; 'chameleon', 'aspirational bars', and 'wind-down venues' in particular. A chameleon bar is a venue which changes character and focus throughout the day and night. While the venue may initially be geared towards serving lunch and coffee in the daytime, by late evening vertical drinking and dancing may have become the norm. These hybrid bar / café/ clubs have become a common feature of late-night Britain, with venues such as Tiger Tiger held up as a leader in this area. Traditionally corporate owned, they are predominantly found in traditional drinking circuits in town centres.⁷⁶

Aspirational venues, in contrast, are marked by comfortable furniture, quiet music, and an upmarket atmosphere. While they are by no means frequented only by wealthy consumers, there is a strong emphasis upon quality design and good wines and cocktails. Restaurant and bar operators Living Ventures run a number of aspirational venues such as The Living Room, a piano bar / restaurant.

Finally, wind-down venues offer consumers a place to sit and talk at the end of the night. They are characterised by comfortable furnishings, the availability of non-alcoholic drinks, and an atmosphere orientated towards relaxation.

In 2006, late-night 'wind-down venues' were much discussed and expected to represent a growing sector of the night-time economy. Several operators noted this had now proven to be mistaken, with one withdrawing from this market altogether.

The thing about drinking is that it has a self-accelerating effect and you chase it. What happens as people get more intoxicated – they get louder, more boisterous, they're looking for more fun. Their need of what a

*premises can give them has accelerated past what a wine bar can offer.
The more you drink the more activity you want.
- nightclub operator.*

Nonetheless, in similar terms to more family focused venues, the police representative observed that vertical establishments were peaking and being replaced by 'nicer' venues. Vertical establishments, often found in inner-city drinking circuits, are associated with heavy drinking and a young clientele who stand due to the lack of available seating. Though again not referring to wind-down venues, a major pub operator also commented on the growth of 'a better class' of establishment; though again distanced themselves from the belief the Act had any role to play in this turn of events. Instead, it was felt that the emergence of aspirational venues reflected a younger clientele living in city centres. While this demographic continued to enjoy one 'big' night out, they were attending quieter, more comfortable venues throughout the rest of the week.

These forms of diversification, as one operator stressed, may again work better in large cities. In smaller towns the 'drinking circuit' dominated by vertical drinking establishments frequented by young people showed little sign of changing. At the time of the interview, one interviewee also claimed that he had seen no evidence of diversification into food and did not expect to see it for at least a decade in smaller cities.

*If you and I went out and wanted something to eat in a big city, you'll find an area where all the restaurants are... Small town centres like Newcastle? I haven't seen a profusion of new licenses for food.
- nightclub operator.*

During the day, however, there was some suggestion that 'café culture' was gaining in popularity. One licensee felt that the demise of the 'pub lunch' and growth of cafes and coffee bars was evidence of a trend towards a more 'continental lifestyle'. On the other hand, a contrasting view was suggested by the operator of a number of chameleon venues. There, the lunchtime trade was estimated to represent twenty percent of their business; a significant proportion of the day's takings. The difference of opinion on this matter reflects more than simply whether lunch-time trade is up or down. The first respondent managed more traditional 'pubs', and was referring specifically to the demise of the 'pint and pie' lunch. The second respondent offered a more 'aspirational' menu that does indeed include coffee. That consumers may now be choosing a 'panini and bottled beer' does not necessarily denote a more continental style of consuming alcohol. Indeed, the belief that licensees serving upmarket food and coffee automatically equates with a 'continental ambience' highlights the confusion that surrounds this term.

De/centralisation

With suburban and rural venues able to extend their hours beyond 11pm, there has been speculation that city centres may see a decline in business. Behind this logic is the belief that drinkers may now visit local venues, rather than venture into traditional hotspots in the city. A Mintel report did indeed find that 46 per cent of men and 40 per cent of women preferred local 'traditional' venues.⁷⁷ Though this figure was highest amongst drinkers over 30, findings from the aforementioned YouGov poll found that 20 per cent of all pub goers were more inclined to visit local venues, rather than venture further afield, since the Act came into effect.⁷⁸

When interviewed in 2004/5, operators commented on this, citing areas such as Shoreditch, Kingston upon Thames and Ealing as emerging hotspots. The same could be said for other large UK cities, such as Newcastle and the growth of Jesmond, or Manchester's gay village. However, outside of the larger cities, the picture is more ambiguous. A spokesperson for the community pub sector claimed that one benefit of the Act was indeed the fact community and local pubs could now compete with city-based establishments. Accordingly, rather than having to venture into town centres for a late-night drink, patrons were now attending local venues. However, a major bar / restaurant operator, while in agreement that suburban venues had increased in popularity, suggested there had been a growing preference for 'community style venues' for some time now; the Act had had little role to play here. Equally, while supporting the idea that suburban and rural venues were a growth market, he was also quick to point out that there were also more people in the city as well.

As a police representative went on to suggest:

I don't think you necessarily shut places in the West End and open places in Sidcup. There is a boom – there's a boom everywhere...you don't have to shut that to open that.

- Police representative

In short, despite some evidence of decentralisation occurring, the fact that suburban and regional venues were growing in popularity was not necessarily occurring at the expense of traditional drinking circuits in town centres.

On a related note, a point equally made very clear by the research was that developing their businesses outside of traditional drinking circuits had not automatically increased profit. One operator with venues in suburban, rural and city locations felt the Act had been of great benefit to their suburban venues, in terms of increasing profit. However, profits had not increased across their entire portfolio.

While all operators were in agreement about the rise of suburban and regional venues, there were dissenting voices about why this had occurred. Continual

media reports focusing on late-night disorder in town centres had, for one operator, not helped the situation. This particular interviewee went on to say this was the one thing no one had predicted with the Act – the contraction of city centres. Like others, however, she felt that once the media debate had died down, the city would again continue to gain in popularity.

On the other hand, a worrying prediction was that as suburban and community venues were increasingly catering to the desires of an older clientele with decent food and a more convivial atmosphere, city centres could in fact double their efforts to attract a younger clientele, with city centres subsequently becoming even more focused on the young and intoxicated.

The Future

At the time of implementation, most people were more worried about keeping their existing hours – they weren't thinking about the future .
- pub operator

Time for Reform, in justifying the new Act, suggested that the former regime was out of touch with the way the industry was developing. The report referred specifically to the manner in which the licensed trade was 'providing a range of attractions and breaking down the traditional distinctions between pubs, clubs, and restaurants'.⁷⁹ This has been discussed above in terms of the growth of chameleon venues.

As one pub operator noted, nightclubs were suffering due to this hybridisation of establishments. One nightclub operator indeed claimed 'we got absolutely shafted by all the pubs that suddenly got late licenses' as a result of the Act. This hybridisation had been occurring for some time, however, as *Time for Reform* made clear. The fact pubs and bars could offer a similar product to nightclubs was self-evidently going to impact on the nightclub sector.

Related to this theme, three operators claimed that in fact the Act may have led to a greater homogenisation of venues with venues becoming either super-clubs or hybrid chameleon venues. One nightclub operator did indeed say they had recently been selling off their other areas of their business to focus exclusively on nightclubs. In fact, with licenses now increasingly difficult to secure, other types of venues would now find it difficult to enter the market.

Finally, operators were asked how the night-time economy was developing and whether we would become more continental as predicted. This was met with amusement by many operators. It is worth pointing out that the operators were not convinced by the 'café culture' rhetoric prior to the Act – whether by Government or anyone else. Pointing out that Britain is still behind other 'continental countries' in terms of overall alcohol consumption, one interviewee stated:

I don't what know what continental drinking is, and I don't know what café drinking is, but I know there are alcohol related issues in all those [European] countries and that there's no such thing as the perfect alcohol model.

- pub operator.

As one operator went on to suggest, Britain is possibly becoming more continental but, like others, he was not sure what role the Act played in that.

While the Act may have represented a significant shift in how premises are licensed, what it will actually achieve in terms of changing consumer desire is another matter.

The Licensing Act concentrated very very hard on the industry but gave no thought whatsoever to the citizen. The idea was that if we get the licence industry to behave in a different way and give greater powers to the police that there will be change in the mentality of the people who drink. Well guess what? They still want to drink...the same amount and spend the same amount of money and so subsequently they will do that.

- club operator

We all nod to responsibility as we nod to green issues. It's when sanctions start coming in and affect the way you live or it hits your wallet, that's when you start making a difference.

- club operator

Whether Britain, as a result of the Act, will develop a late-night café culture as witnessed on the European mainland thus remains unclear. While a café culture may be developing during the day, and food and families are a growing market, as one operator noted:

The things that happen in our industry are evolutionary – not revolutionary.

- pub operator

5.2 Diversity: Local Experiences

The unifying aspect of all the case studies was that there was no evidence that diversification was happening within the evening and late-night economies in any of the areas studied. As one licensing officer remarked:

When you got the build-up to the Act you got people speaking like Armageddon is going to happen. I think the switch to town centres being dominated by young people drinking had already happened. I think it happened when John Major changed the old licensing legislation. I don't

think the new Act has made much difference to that one way or another.
- Licensing officer

No new types of venues had appeared. Any changes that were remarked on, after prompting, were minor such as changes in emphasis with regard to major clubs in their offer of live music or the emergence of poker clubs in Norwich.

As the first part of this report has argued, an elision is frequently made between the concept of diversification and the notion of a 'continental style' café culture. This is not accurate, but café or *cappuccino* culture in Britain seems to have been associated with eating and drinking outside, seated at tables. In two of the case study locations, planning policies had been put in place to encourage this style of consumption, either in the curtilage of the premises or in the public realm. This had been successful in the day-time in both Norwich and Chelmsford. Encouraging outdoor eating and drinking at night proved more problematic in Norwich, where an application on the part of a coffee bar and a bar to put tables and chairs outside in a newly created public square up till 10.30pm at night has been refused, on the grounds of disturbance to local residents.⁸⁰ Sitting at tables and chairs may be differentiated from vertical drinking on the pavement outside a pub or bar. This has proved troublesome in the eastern city fringe and enforcement action again was taken against it, again on the grounds of disturbance and also because the license holder was not in full control.



Figure 7: Chelmsford has experienced an 'explosion' in café tables during the day (Senior Planning Officer)

Where diversity pre-exists licensing reform, as in South Shoreditch, planning powers are helping to retain it. In this neighbourhood a consultant's study had identified a risk that larger corporate operators would move into the area and raise rents, thereby driving out smaller, independently owned 'art' style venues⁸¹. This neighbourhood has continued to maintain its diverse character using the controls available through both licensing and planning. The South Shoreditch Supplementary Planning Document (SSSPD) in particular enables the Council to demand the retention of plot sizes, thereby preventing the amalgamation of premises to large 'footprints'. This helps to retain the character of the area by preventing the incursion of large licensed premises and 'super pubs'. Planning policies also support the maintenance of its existing diversity, a variety that pre-existed the new Act. The SSSPD has been highlighted as an example of best practice in restricting cumulative impact by the Greater London Authority.⁸²

Shoreditch is an arty area. We tend to get lots more of these multi-use places so it's very difficult to know if something is a bar, restaurant, pub or what it is. You tend to have bars that put on films and music, art exhibitions, conceptual art, a whole range of things.

- Councillor



Figure 8: Bar in converted industrial premise, South Shoreditch

More restaurants have opened in all the case study locations outside London. Respondents suggested that this expansion was unrelated to the Licensing Act but has been encouraged by planning policies. Planning policies also helped to curb some undesirable late night licensable activities, such as a proliferation of take-aways and the establishment of a second lap dancing club in Newmarket.⁸³

Family Friendly

Respondents confirmed the view of the national operators that 'family friendly' policies only operated in the day-time. Here day-time firmly means 5 or 5.30pm as this resident spelt out when asked if any of the town centre venues had become more family friendly since November 2005:

It's the opposite, definitely the opposite. We have two young children now and we do take them to pubs, but never on the high street. Most of them families aren't allowed after 5pm. Sometimes we've tried to go in to eat and we've been told we couldn't go in with small children. It's the opposite. After normal businesses close at 5.30, the demographic on the streets is a totally different age. I don't think they're local people either.

- Resident

The only signs of a new, emergent trend were remarks by two respondents, one in Chelmsford and the other in Newmarket, that they had observed groups of mothers with younger children sitting in the gardens of pubs outside the town centres in the afternoon.

... I couldn't have afforded that. I guess you can make a lemonade last a long time. Is that good or is that bad? It's the future because whatever the young toddlers and babies are learning that's their parent's lives isn't it? The impact that has on the future I'll wait to see because that is actually quite an important one: the ability to sit all afternoon in a pub garden,

- Community Safety Officer

De/centralisation

There was little evidence of a reduction in demand in the centres studied. In fact, the decision to include the Brick Lane/Commercial Street neighbourhood in the eastern city fringe case study was made because of reports of the expansion of clubs and bars into it. There were, however, reports of more late night activity in local centres as well, in a village outside Chelmsford, in Mildenhall outside Newmarket and in some market towns in Norfolk. The continuing decline of traditional pubs near to the city centre was remarked on in Norwich and in the city fringe.

The overall conclusion from the local studies is that the Licensing Act has had little or no impact on drinking cultures. Pre-existing patterns have continued and the change is that they are happening later.

6.0 CONCLUSIONS AND RECOMMENDATIONS

As well as tackling crime, disorder, and excessive alcohol consumption, it was hoped the Licensing Act would propel Britain towards a more European style of café culture. That a single piece of legislation could ever achieve all this was doubtful. The claims and counter-claims to what the Act would achieve reveal more about our anxieties about late-night Britain than the Act itself. Nonetheless, while the full impact of the Licensing Act has yet to be felt, this report has sought to highlight broad trends that have occurred over the past eighteen months. Specifically, the role of residents and local councils in planning their local night-time economy, the emergence of an alternative to ‘binge Britain’, and the easier dispersal of crowds late at night have been explored. Below are key points to have emerged from the study with recommendations as to how the Act could be improved.

The first section of the report noted that the balance between a liberalisation of licensing on the one hand and local controls on the other, achieved in *Time for Reform*, had been tipped in favour of the licensed trade in the first iteration of the Licensing Bill. As the Bill became law, and with further revisions to its attached Guidance, local authorities have gradually gained more powers and residents more influence.

This democratisation of the licensing process has been welcomed by all parties involved, including some operators, licensing authorities, councillors and the police. The extent to which local authorities and residents’ groups were prepared for the new legislation depended on the maturity of the night-time economy in their area and the degree of special management measures that had been put in place before full implementation. There are, however, some areas of tension and possible conflict that need to be noted.

The local case studies revealed that councillors would like the role of the ward councillor to be strengthened, within the bounds of objectivity and fairness demanded by a quasi-judicial process. The revised Guidance released in June 2007 now permits ward councillors to make representations.

There is no evidence to suggest that licensing has become politicised in a party political sense and councillors were fully aware of the duties laid on them to be fair and objective. It may be that the entire Licensing Policy of a local authority could become a subject of debate in the future, but as only two sets of local elections have taken place outside London and none in London since the implementation of the Act, this circumstance has not yet arisen.

The separate but parallel systems of control for licensing and planning have led to problems in all of the case study areas. It would seem that local authorities require further guidance on how to avoid conflict between the two systems over hours of operation. The revised Guidance (June 2007) reiterates earlier advice

that the operating hours set by the planning system take precedence, where they are earlier. However where licensing and planning policies are produced to act in concert together, as in South Shoreditch and to a certain extent in Norwich, this can be very effective.

Further guidance and clarification is needed in terms of temporary event notices. TENs do not necessarily represent a direct affront to the power of local authorities, planners and residents to manage their night-time economy. They can, however, certainly undermine it when used by operators to extend their hours in peak periods.

For residents to be engaged in licensing they must be kept fully informed of their rights and responsibilities. While pro-active authorities are achieving this, in areas lacking a motivated resident body, individual residents can feel powerless. However, this study suggests that local interest in all aspects of licensing, review and enforcement as well as applications is continuing and in some cases, increasing.

The extent to which information about local licensing issues is available on Council web-sites varies considerably. No authority has a system that matches the transparency available in planning. It does not seem unreasonable that there should be parity between the two systems.

Dispersal was a key factor in the legislation, although as was noted in the first section of the report, the subtleties of late night transport infrastructure had not been fully considered.

Dispersal is still causing problems in many ways. The issues are drinking circuits, the numbers of customers leaving large nightclubs or superpubs, cumulative impact, pedestrian accidents, queuing, car parking and pedestrian routes. All of these problems become critical where residential uses are adjacent to or nearby licensed premises. In situations of good management staggered hours can even out the peaks, but the peaks remain. These issues are not likely to dissipate because there is pressure on local authorities to introduce more residential uses into urban centres and sub-centres.⁸⁴

The national picture and the local case studies have each demonstrated that the provision of extra late night bus services is rarely a feasible option in commercial and operational terms. This means that the private car with a designated non-drinking driver is an important means of achieving fast dispersal.

Overall, given the pressures on and for late-night transport, it would seem that continued restriction of the number of licensed taxis and PHVs could be seen as inconsistent with the move towards the liberalisation of licensing laws.

'Café culture' has come to represent the ideal alternative to British drinking culture. While it has not yet been two years since the Act came into force, there is little evidence a more civilised 'European style of drinking' has been adopted here.

The planning system has been shown to be the most powerful tool in protecting diversity in a range of type of venues. The new style of area action plan can be used to great effect for town centres. Although the Licensing Act has not in itself promoted more food based venues, more operators are serving food and local planning policies are encouraging more restaurants. For operators, the forthcoming ban on smoking in public places is as potentially significant as the Licensing Act in encouraging 'family friendly' venues.

There is no reason to think that town centres will not continue to be dominated by late night youthful drinkers. Making 'pleasant town centres' mentioned in the RIA that are family friendly and attractive to all ages and classes for a period that extends beyond 5pm in the evening requires a far more radical approach than simply changing one regulatory system. The division of planning and licensing into two separate systems is unhelpful and a better means needs to be found to combine the two. A realistic approach to planning and licensing also needs to be adopted that recognises the divisions between youth oriented late night venues and those that are more truly representative of a more relaxed style of consumption.

Conclusions and Reflections

Given the lack of cultural change, patterns of drinking and dispersal have to be addressed and this report has demonstrated that changes solely to the licensing system have not achieved this. The revised Guidance issued in June 2007 stresses the need for integration between the different strands of management of the night-time economy. This report has provided evidence to suggest that such good practices can mitigate problems associated with dispersal, but not remove them entirely. Where there has been significant tension between organised residents' groups and the licensed trade, the Act has helped to provide a forum for negotiation and mediation.

This investigation has necessarily been limited in scope. The variations between different authorities and areas as recorded demonstrate the need for further detailed investigation of local circumstances and practices. It is to be hoped that the Home Office review of the impacts of the Act will be able to produce findings that can assess and evaluate local differences.

In conclusion, this study has demonstrated that the Licensing Act has made some differences to democracy and dispersal. These were not the differences intended when licensing reform was first mooted, nor have the changes been experienced in a uniform fashion. The 'great things' that were expected to flow from the removal of permitted hours and the liberalisation of licensing have

proved in fact to be rather modest. Perhaps they would best be seen as the beginning of a modernisation process rather than the culmination of it.

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<http://www.socd.communities.gov.uk/socd/>,

- ⁵⁶ National Office of Statistics, 2001 Census.
- ⁵⁷ These figures include late-night refreshments and are based on figures supplied by the relevant local authority.
- ⁵⁸ In terms of the Special Policy Area, there were 60 applications during the transition period. 16 applications have been lodged since, and there have been 6 variations.
- ⁵⁹ Of this, there are an estimated 20 pubs and bars in Newmarket, with 2 additional nightclubs.
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- ⁸⁰ Norwich Evening Post. Minutes of the Licensing Committee, Norwich City Council, 15 May 2007.
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APPENDIX 1

Questions for Operators and Officers in Case Study Locations:

- 1] a. What were your thoughts on the Licensing Act before it was implemented?
 - b. What changes, if any, did you make?
- 2] Were there any unforeseen challenges or problems during the implementation period, or since the Act came into force?
- 3] a. Dispersal: Have 'staggered hours' made any difference in your opinion to dispersing crowds at night? Why is that?
 - b. Democratisation: The Act has allowed for a different kind of involvement by residents in the licensing process. Could you comment on this?
 - c. If residents have become more active, was this concentrated around the time the Act came into effect, or has it remained constant?
 - d. Diversity: When we spoke to licensees and town centre players in 2005 we heard a great deal about greater diversity in the evening economy. Have you seen much evidence of this?
 - e. Decentralisation: We have heard from licensees and operators about the localisation or decentralisation of the evening and NTE. Do you have any knowledge of this? What impact is this having?
- 4] Now the Act is in place, how do you think your evening economy has changed from 5 years ago?
- 5] So are we more continental now?

Questions for Operators:

- 1]
 - a. The Licensing Act – more paper work, or, a great opportunity for change?
 - b. What changes, if any, did you make?
- 2] Has your company benefited at all from the Act?
- 3] Were there any unforeseen challenges or problems?
- 4]
 - a. Have ‘staggered hours’ made any difference in your opinion to town-centre management and dispersing crowds?
 - b. When we spoke a couple of years ago, many operators predicted a greater variety of venues – chill-out bars, wind-down venues – has this happened? And what role did the Act play in this?
 - c. What about family-friendly venues? Have you changed any previous policy on minors or attracting families?
 - d. Are there any other new initiatives you are proposing?
 - e. Do you feel there has been greater participation by residents or the local council in the Licensing process? Has that worked?
 - f. We have heard about from other licensees and operators about the localisation or decentralisation of the evening and NTE. Do you have any knowledge of this? What impact is this having?
- 6] How do you see the evening economy changing now the Act is in place?
- 7] So are we more continental?

Questions for Councillors

In your view what, if any impact has the Licensing Act 2003 had on your authority? We are especially interested in the following...

Diversity

- Has the Licensing Act 2003 encouraged a more diverse evening and night-time economy? In particular:
- Have any existing venues changed their hours, activities and/or clientele?
- Have new alcohol related venues opened? How do they differ from the existing market?
- Have there been any closures of pre-Licensing Act 2003 venues? Has there been more consolidation amongst the corporate providers?
- Are there any other signs of a more diverse evening and late night economy? Are museums, galleries, sports centres or other non-alcohol related activities opening later?
- Are you taking new initiatives with regard to creating more integrated strategies for planning, licensing, transport and public safety?
- Has the Licensing Act had any influence on proposals for a more attractive town centre? (i.e. later shopping hours, public realm strategy...)

Democracy and Accountability

- Have residents' groups had more involvement in planning/licensing applications in relation to licensed premises?
- Has there been any change in the attitudes of elected members towards licensing applications for licensed premises?
- What have been the benefits of the new Act?
- What have been the disbenefits?

Dispersal (we shall also talk to your transport planners but please respond if there has been an impact on planning)

- Have bus services changed since 24 November 2005? Have any new services started? Have any been removed? If so, why?
- Have there been any discernible changes to traffic?
- Have arrangements for car parking changed?

APPENDIX II

Public Register.

Information about licensed premises is available to the general public. However, while the information is available on some council websites, in other areas it is necessary to approach the council direct.

Chelmsford

Public register: Yes.

Format: A database located in the reception area.

Listings of pre and post Act hours: No. All pre-Act hours are with the courts.

Conditions listed: Yes.

Objections listed: No. Objections are on a separate database, and this is not accessible.

Listed by street: Yes.

Tower Hamlets

Public register: Yes, but only TENs are publicly available. All other information is only accessible by asking the council for details on each individual license.

Format: A hard copy organised by license number, and a digital copy on the council's computer system.

Listings of pre and post Act hours: No. All pre-Act hours are with the courts.

Conditions: Yes, but new conditions will override previous conditions making a historical search more difficult

Objections: Yes.

Listed by street: Yes.

Hackney

Public register: Yes.

Format: On the council website.

Listings of pre and post Act hours: Not for the entire area, but this information is available for the SPA. LA03 applications for new, variation and review applications also feature on the website which basically replicates the Public Register. This is not restricted to premises licences only.

Conditions: Yes.

Objections: Yes.

Listed by street: Yes.

Norwich

Public register: Yes, however it is only available by asking the council for information on each individual license.

Format: On the council's internal computer system.

Listings of pre and post Act hours: If the venue varied recently yes, but no details pre the Act.

Conditions: Yes

Objections: No.
Listed by street: Yes.

Forest Heath

Public register: Yes.
Format: On the council website.
Listings of pre and post Act hours: No.
Conditions: Yes.
Objections: No.
Listed by street: Yes.