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**Implementation of the Licensing Act 2003:  
A national survey**

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# **The Implementation of the Licensing Act 2003: A National Survey**

## **Introduction**

The Licensing Act 2003 (The Stationery Office Ltd 2003) came into force in November 2005 following a nine month transition period from February 2005. The Act transfers decisions on liquor licensing from committees of magistrates to local authorities and seeks to establish a single, integrated licensing system to include the regulation of personal licences, premises licences, club premises certificates, and powers of enforcement. The system of licensing has four fundamental objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance and
- the protection of children from harm.

Responsibility for licensing policy at national level lies with the Department for Culture, Media and Sports (DCMS) although other government departments have key roles with respect to monitoring and evaluating the impact of the new legislation on, for example, crime and disorder (Home Office) and health and social welfare (Department of Health). The Licensing Act must also be considered alongside the *Alcohol Harm Reduction Strategy for England*, issued in March 2004 (The Prime Minister's Strategy Unit 2003; 2004) and subsequent strategy outlined in *Safe. Sensible. Social. The next steps in the National Alcohol Strategy* (HM Government 2006). The Home Office and the Department of Health are nominated as the lead departments in furthering the national strategy, although other departments, e.g. the Department for Education and Skills, are also involved.

Historically, the cross-departmental nature of alcohol policy has proved a source of tension and conflict both between government sectors and within wider policy networks and external interest groups (Baggott 1990; Thom 1999; Greenaway 2003). Recent policy initiatives are no exception. Alcohol policy statements have aroused a storm of controversy in the media and in relevant academic and professional journals

with particular emphasis on the conflict of interest between the alcohol industry and groups representing health and crime and safety priorities (e.g. Room 2004; Babor 2004; Drummond 2004; Jayatilaka 2004; Stockwell 2004; Foster 2003; Thom 2005). Much of the debate revolves around the rationale and evidence for permitting 24 hour licensing. On the one hand, it is argued that extended licensing hours will result in a decrease in the peaks of crime and disturbance around licensed premises caused by binge drinking, a reduction in rapid drinking near closing time, and more orderly and staggered dispersal of the public leaving licensed premises. The Act looks towards the creation of a more 'continental' or 'café' style of drinking with the expectation of a reduction in alcohol-related harm. On the other hand, health and criminal justice critics have rejected the notion that the new licensing regulations will result in changes in drinking patterns and drinking behaviours. They emphasise the resistance to change of the culture of 'binge' drinking and point to the problems caused by increased access to alcohol, including implementation and the use of scarce resources in policing city centres and other areas where 'the night time' economy is growing. They dispute the research evidence for extending licensing hours and accuse the government of allowing the alcohol industry to exert undue pressure in the decision making process leading up to the Act. Media coverage in the period prior to implementation tended to support the latter views with numerous newspaper articles and TV items focussing on current problems related to binge drinking (especially among young people) and the potential rise in costs to the community, to the National Health Service and to the police (e.g. Green 2004; Rayner 2004).

### **The Impact of the Licensing Act 2003: Early Evidence**

However, in the year following the implementation of the Act, there has been an emerging discussion regarding the strength of evidence for concern and for the 'advocacy' stance adopted by some government critics (BBC News Magazine, 2006). The early evidence of increased harm related to changes in licensing is mixed.

Two studies of Accident and Emergency (A&E) Departments suggest modest improvements (Sivarajasingam *et al.* 2007; Bellis *et al.* 2006). By contrast, a study of an inner London A&E Department reported a threefold increase in the number of

alcohol related attendances during the night (9pm –9am) when comparing the two months March 2005 and March 2006 (Newton *et al*, 2007).

In relation to crime and disorder, information on the occurrence of offences by time of day was collected from thirty broadly representative police forces in England and Wales from October 2004 to November 2006 (i.e. a year before and a year after the implementation of the Act). The results of this Home Office study showed that there had been a slight fall of one per cent in the total (24 hour) number of violent crimes, disorder, and criminal damage offences between before and after the Licensing Act. There was a slight rise of one per cent in the overall number of these offences occurring during the night–time period (6pm -6am) (Babb, 2007: 3). The results from additional Home Office research on the impact of the Act in five local areas are expected by early 2008.

A similar picture of variable impact has emerged from local studies and qualitative research. The results from research in three local authorities in Norfolk found that the shift from licensing magistrates to local licensing authorities was regarded as beneficial by key informants. There had been no rise in alcohol-related anti-social behaviour although there had been an increase in late night drinking in the suburbs and there were conflicting views on whether this had impacted adversely on some suburban areas (Greenaway and Handley, 2007).

The survey discussed in this report builds upon earlier explorative research conducted in London boroughs. That research was based on an analysis of alcohol policy statements in all local authority areas in Greater London (33 including the City of London) and 10 interviews with chairs of licensing committees and licensing team managers in five London boroughs. The picture emerging was one of local diversity both in the early implementation processes and in expectations of the impact. (Herring *et al*. in press 2008).

## **Research Aim**

The aim of the research was to obtain views on the early implementation and impact of the 2003 Licensing Act from key informants in a wide range of local authority areas. This would enable us to investigate further perceptions of the variable impact of the Act in different types of localities and to explore the wider applicability of key issues emerging from the pilot phase of the project.

In addition, two main questions were posed:

- a) Are there different pressures/experiences in rural/urban or mixed areas?
- b) Are there different pressures/experiences in economically advantaged/disadvantaged or mixed areas?

## **Research Methods**

A structured survey (with a few open questions) was chosen as the most appropriate method for obtaining a broad picture and testing insights gained from smaller samples.

### **Sample frame**

A list of all 356 local authorities in England (including Isles of Wight and City of London) was compiled using information available from the Office of the Deputy Prime Minister (2004) and local authority web sites. An e-mail was sent asking for the name and contact details of the Chair of the Licensing Committee or the head of the alcohol licensing team. A preliminary approach was made by email to the named individual with a copy of the questionnaire and a short time scale for completion (2 weeks). Once this period elapsed there was a telephone follow up. Contact was continued via repeated phone calls until a refusal was provided or 4 weeks had elapsed. If a refusal still had not been received, the questionnaire was sent by post, a further two weeks given in which to reply and, again, there was telephone follow-up. Where this procedure proved unsuccessful a substitute was approached (usually the

head of the licensing team where the primary contact had been the Chair of the licensing committee) and similar procedures adopted.

### **Research questions**

The dimensions for exploration arose from issues emerging from the literature and current media debate and from the interviews with chairs of licensing committees from five London boroughs (Herring *et al* in press, 2008). The dimensions covered by the survey questionnaire were as follows:

- General profile of the area with reference to variables that could impact upon drinking patterns – e.g. predominantly urban, rural or mixed, economically advantaged/disadvantaged/mixed.
- Whether a decision had been taken to create a “Cumulative Impact” area and the Stakeholders/evidence used in coming to such a decision.
- The numbers and types of applications/appeals- how disputes were resolved
- Allocation of resources/level of costs/ training
- The impact of the Licensing Act upon the following: a) noise and disturbance levels, b) variety of licensed premises, c) alcohol related crimes and d) underage drinking e) drink driving.
- Perceptions of the influence of different stakeholders in licensing decisions (police, health professionals, local residents and licensees).
- Similar questions relating to the stakeholders involvement in reviewing and monitoring the Act.
- Questions concerning the political make up of the Council and whether licensing decisions were seen as “political”

It should be noted that respondents were asked for their perceptions and their estimates. They were not required to provide exact figures.

More open questions asked respondents to consider:

- Three issues particularly pertinent to their area in the first year of implementation of the Act.
- Three challenges faced in the coming year.

- Whether the Licensing Act can help to facilitate the development of a more continental “café culture”.

### **Deprivation measures**

There were two measures of deprivation. The first was an assessment by the respondent of whether the area was economically advantaged / disadvantaged / mixed.

For the second measure, each borough surveyed was assigned a deprivation score using a deprivation index compiled by Office of Deputy Prime Minister (2004). The index is comprised of the following domains:

- Income deprivation
- Employment deprivation
- Health deprivation and disability
- Education skills and training deprivation
- Barriers to housing and services
- Crime
- Living Environment deprivation

Office of Deputy Prime Minister (2004) provides further details as to how these domains are operationalised including weighting of the above domains.

### **Regional codes**

In order to check upon the regional spread of the data collected, each borough was coded according to which local government regional assembly it was assigned to.

These were:

- London
- North West England
- North East England
- Yorkshire and Humberside
- West Midlands
- East Midlands
- Eastern England

- South West England
- South East England

### **Data analysis**

Quantitative data was analysed using SPSS. Categorical variables were tested using two-tailed Chi-Square test or Fishers Exact test as appropriate. A One-Way ANOVA was used to test the difference between numerical variables (likert scales and deprivation indices). Post hoc tests were used to ascertain where the differences if any exist. The cut-off point by which to conclude statistical significance was  $p \leq 0.05$ . Main descriptive analyses are reported here. The open questions were used to extract main categories (or themes) emerging from the responses.

In the findings section, unless otherwise stated, only significant differences are reported.

## Findings

### The Areas

#### Response rate

In total, 225 (63%) out of 356 local authorities in England responded to the survey. Of these 53 (23%) were completed by the Chairs of the licensing committee, 168 (74%) by heads of the licensing team and 4 (3%) by other members of the licensing team. Most respondents (198, 88%) had been in post since the time the Licensing Act 2003 was implemented.

#### Regional coverage

There was a significant difference in response between regions (Chi-Square= 22.9, df=8, p=0.003). A sixty percent or more response rate was obtained in the following areas (highest response rates first); East Midlands, Eastern, Greater London, South-West, North-West and South-East. The area with the poorest response rate was the West Midlands (38%) followed by the North-East (47%). The response rate for Yorkshire and Humberside was just over half (52%).

**Table 1: Number of Authorities Surveyed by English Administrative Areas.**

| Local Government Regional Assembly | Total Number of Licensing Authorities | Responded |    | Non-response |    |
|------------------------------------|---------------------------------------|-----------|----|--------------|----|
|                                    |                                       | Number    | %  | Number       | %  |
| Greater London                     | 33                                    | 24        | 72 | 9            | 28 |
| North West                         | 45                                    | 28        | 62 | 17           | 38 |
| Yorkshire and Humberside           | 23                                    | 12        | 52 | 11           | 48 |
| North East                         | 21                                    | 10        | 47 | 11           | 53 |
| West Midlands                      | 34                                    | 13        | 38 | 21           | 62 |
| East Midlands                      | 42                                    | 35        | 83 | 7            | 17 |
| South West                         | 56                                    | 38        | 68 | 18           | 32 |
| South East                         | 76                                    | 46        | 60 | 30           | 40 |
| East                               | 26                                    | 19        | 73 | 7            | 23 |

## Type of area

Fifty one per cent (n=114) of respondents described their area as mixed; 28% (n=62,) said the area was urban and 21% (n=48,) said it was rural. Nearly two thirds of the sample (63%, n=141) described their areas as economically mixed; 19% (n=44) stated that it was advantaged and 18% (n=40) said that it was disadvantaged..

Apart from Eastern England and Greater London, over half of the survey areas were described as ‘mixed’ urban/rural. In Eastern England the highest percentage of localities were rural areas (n=9, 47%). As might be expected, the sample in Greater London was overwhelmingly described as urban (n=22, 92%) and 35% of all urban areas were from Greater London. The East Midlands provided the largest portion of the rural sample (n=10, 21%) and the South East the largest proportion of the mixed area sample (25%). These results are shown in table 2.

**Table 2: Classification of Area by Region (n=225)**

|                | Urban  |    | Rural  |    | Mixed  |    |
|----------------|--------|----|--------|----|--------|----|
|                | Number | %  | Number | %  | Number | %  |
| Greater London | 22     | 92 | 1      | 4  | 1      | 4  |
| North West     | 6      | 21 | 3      | 11 | 19     | 68 |
| Yorkshire      | 1      | 8  | 4      | 34 | 7      | 58 |
| North East     | 2      | 20 | 3      | 30 | 5      | 50 |
| West Midlands  | 3      | 23 | 3      | 23 | 7      | 54 |
| East Midlands  | 7      | 21 | 10     | 28 | 18     | 51 |
| South West     | 9      | 24 | 9      | 24 | 20     | 52 |
| South East     | 11     | 23 | 6      | 14 | 29     | 63 |
| East           | 2      | 11 | 9      | 47 | 8      | 42 |
| Total          | 63     | 28 | 48     | 21 | 114    | 51 |

The interviewees were also asked about area characteristics which might be relevant to the implementation of licensing and its impact on drinking and alcohol-related harms. The results are shown in table 3. No variables were endorsed by half of the

sample though 175 areas (77%) had either a consistent or seasonal flow of tourists. Two other well-endorsed variables were being heavily populated by day and having a high number of evening visitors.

**Table 3: Variables Relating to Area-Based Alcohol Consumption**

| Variable relating to Area Based Alcohol Consumption | Number | %  |
|---|--------|----|
| Consistent flow of tourists                         | 66     | 29 |
| Seasonal flow of tourists                           | 109    | 48 |
| Heavily populated by day                            | 98     | 44 |
| Heavily populated by students                       | 53     | 23 |
| With a high number of evening visitors              | 102    | 45 |
| None of the above                                   | 12     | 5  |

Note: respondents could endorse more than one category

There were a number of differences in these variables according to demographic classification of area (table 4). There were two variables – “consistent flow of tourists” and “none of the above” - where there was no difference between the groups. All the other findings were statistically significant ( $p < 0.001$  on each occasion). Urban areas were less likely to have a seasonal flow of tourists. Rural areas were less likely be heavily populated by the day, have a student population or a high number of evening visitors.

**Table 4 Comparison of Variables Relating to Area-Based Alcohol Consumption across Type of Area.**

| Variable                               | Urban |    | Rural |    | Mixed |    | Sig.   |
|--|-------|----|-------|----|-------|----|--------|
|  | No    | %  | No    | %  | No    | %  |        |
| Consistent flow of tourists            | 20    | 30 | 16    | 25 | 30    | 45 | 0.592  |
| Seasonal flow of tourists              | 23    | 22 | 35    | 32 | 51    | 46 | <0.001 |
| Heavily populated by day               | 40    | 41 | 11    | 11 | 47    | 48 | <0.001 |
| Heavily populated by students          | 25    | 47 | 3     | 6  | 25    | 47 | <0.001 |
| With a high number of evening visitors | 40    | 38 | 7     | 8  | 56    | 54 | <0.001 |
| None of the above                      | 7     | 58 | 1     | 9  | 4     | 33 | 0.052  |

Analysis is two tailed Chi-squared tests or Fishers Exact when 5 or less in any cell.  $P < 0.05$

## **Deprivation**

The deprivation scores from the department of Community and Local Government (2004) of each locality were considered. Higher scores were indicative of greater deprivation. There was no significant difference in those areas which participated in the study (n=225, mean: 18.6, SD: 8.9) and those who did not (n=131, mean: 19.4, SD: 9.6) (p=0.493). ANOVA's showed there was a significant difference between urban, rural, and mixed areas (F=20.4, df=2,221, p < 0.001). Urban areas had significantly higher deprivation scores (mean: 24.1, SD: 10.1) than both mixed (mean: 17.3, SD: 7.8) and rural areas (mean: 14.7, SD: 6.2), p < 0.001 on each occasion.

As expected, the differences between advantaged (mean: 10.7, SD: 3.7) mixed (mean: 18.8, SD: 7.7) and disadvantaged areas (mean: 27.1, SD: 9.1) were significant (F=50.1, df=2,221 p < 0.001). There was a difference of p < 0.001 between each category. This level of agreement between the self-assigned categories and deprivation scores means that our analysis using the self assigned categories as a proxy for economic status is robust and is used throughout this report.

## **Cumulative Impact Areas (CI)**

The Licensing Act provides for the creation of cumulative impact/saturation areas in order to control the number of licensed premises and hours of operation in areas of high density outlets. Only 38 (17%) had created a CI area.

There was a significant association between type of area and creation of a CI (Fishers-Exact test Statistic, df=3, p < 0.001). There were none in rural areas. The majority were in urban areas (n=20, 52%); the remaining 18 (48%) were created in areas designated as mixed. The mean number of CI areas created (excluding areas without CI) was 1.3, (0.57, SD) (1.0, 1-3, Median, Range).

A significant relationship was found between area of the country and creation of CI. (Fishers-exact test Statistic, df=8, p=0.030). None were created in the Eastern England region. Sixteen (42%) were in the South of England and London (London n=8, 22%; both South East and South West England n= 4, 11%). Twelve (31%) were

in the Midlands region: (East Midlands (n=7, 18%); West Midlands (n= 5, 13%) - though it should be noted this was the most under represented region. The remainder (n= 10, 26%) were in the North West (n=5, 13%), North East (n=3, 7%) and Yorkshire (n=2, 5%). Though once more it should be noted these areas were under-represented. There was no relationship between the creation of a CI area and economic advantage or disadvantage.

### **Reasons for creating CIs**

Interviewees were asked to state the reasons for creating the CIs. Nineteen (50%) said that the main reasons related to police concerns around crime and disorder and binge drinking. Four (11%) cited concentration of bars and clubs in the area. Other reasons (one each) were: evidence produced of a change in patterns of noise/anti-social behaviour since passing of the licensing act, evidence from a licensing barrister, results from a commissioned survey, and “to assist in managing the night time economy and reduce anti-social behaviour to protect the local community.” Eleven (29%) did not state a reason.

CIs were seen as being linked to the creation of a sustainable night-time economy and one council had set up a night time economy forum to monitor the changes taking places. One council in south west England was considering instigating a CI. “We will be looking for evidence from the police on crime and disorder levels and feedback from local businesses on any problems they have experienced.” For the majority of those sampled the creation of a CI was never an issue.

### **Evidence used in taking decisions on CI areas**

The interviewees were asked a number of structured questions on the types of statistics and on expert opinions consulted in making decisions whether to create a CI area. Only 195 (87%) of respondents completed this part of the survey. The results are shown in tables 5 and 6 respectively. By far the most common source of statistics came from the police (n=185, 94%), this was followed by residents views (n=114, 58%).

There was only one variable that related to socio-demographic area; this was “other statistics” (Fishers Exact statistic,  $df= 2$ ,  $p=0.040$ ). Local authorities in urban areas ( $n=9$ , 16%) were more likely to use other statistics than those in mixed ( $n= 5$ , 5%) or rural areas ( $n=2$ , 4%). All other socio-demographic area associations were  $p > 0.2$ . There were no significant associations between any of the variables in table 5 and economic advantage or disadvantage.

**Table 5: Statistics/ Information Used to decide whether to create or not create a CI. (n=195)**

| Available Statistics            | Number | %  |
|---------------------------------|--------|----|
| Police                          | 185    | 94 |
| Health                          | 51     | 26 |
| Information from Licensees      | 71     | 36 |
| Information from local business | 55     | 28 |
| Residents Views                 | 114    | 58 |
| Others                          | 16     | 8  |

Others includes environmental health (5) noise mapping (4), taxis and transport (1), late night economy forum (1), commissioned survey (1) and not stated (4)

Similar overall trends were present for expert opinion. The police were consulted by 94% of licensing authorities ( $n=185$ ); thereafter no body shown in table 8 was consulted by more than 28% ( $n=56$ ) of licensing authorities.

There was no association in any of the variables related to socio-demographic area ( $p > 0.09$ ) but ‘other expert opinion’ was related to economic advantage or disadvantage (Fishers Exact Test Statistic,  $df= 2$ ,  $p= 0.021$ ). In economically disadvantaged areas no “other” opinions were used. This is compared to 8% ( $n= 11$ ) in mixed areas and 18% ( $n=7$ ) in economically advantaged areas. The associations between other variables shown in table 6 and economic advantage or disadvantage were  $p > 0.2$  on each occasion.

**Table 6: Expert opinions used to decide whether to create or not create a CI. (n=195)**

| Expert Opinion                     | Number | %  |
|------------------------------------|--------|----|
| Police                             | 185    | 94 |
| Health Professionals               | 44     | 22 |
| Town/City Planners                 | 45     | 22 |
| Alcohol Businesses Representatives | 56     | 28 |
| Other Businesses Representatives   | 41     | 21 |
| Others                             | 18     | 9  |

Others includes Environmental health (4), licensing barristers/solicitors (3), licensing officers (2), Not Stated (2), LACORS (Local Authorities Coordinators of Regulatory Services (1), Chamber of Trade (1), Fire Brigade (1), Youth Workers (1), Commissioned Survey (1), Local knowledge (1), Taxi Drivers (1), Residents (1) and Tourism and Renaissance Project (1).

### **Perspectives on adequacy of available information for decision making**

Respondents were asked whether they had a) appropriate and b) sufficient information to make the decision whether or not to create a CI in their area. Of the 212 (94%) respondents replying, 206 (97%) reported that the available information was appropriate and 186 (88%) said the information was sufficient.

An open question was asked relating to the kind of information needed to make future policy/licensing decisions. There were 129 (57%) replies to this question.

(Respondents stated as many types of information as they wished). The greatest request (n=69, 69%) was for more information from health professionals and health statistics such as accident and emergency and ambulance usage data. Thirty one (24%) local authorities wanted more information from local businesses/licensees. Thirty required more input, information and statistics from the police. No other information needs identified by respondents had more than ten mentions; these were, noise/crime incident mapping, local residents, responsible authorities, other authorities, research evaluations, environmental health, councillors, fire brigade, town/city planners and youth workers.

## **Estimated Number of Licensing Applications during the First Year of the Act**

The results shown in table 7 indicate that applications for extended hours were more frequent than applications for new off or on-licence premises. It is also noteworthy that the distribution is abnormal for all variables, with the SD being far greater than the mean on all occasions. Outliers had a large impact on these results as can be seen by the median and range values. The outliers are all in large urban areas and the figure of 2,000 for new applications for extended hours comes from a central London borough. (It should be remembered that these were estimates made by the respondents).

Type of application, new off-licenses (including supermarkets), was significantly related to socio-demographic area ( $F= 11.5$ ,  $df= 2,217$ ,  $p < 0.001$ ). Applications for new off licenses were more frequent in urban areas than in mixed or rural areas ( $p < 0.001$  in each case). Median and range values are: Urban (7, 0-100); Rural (2, 0-25); Mixed (3.5, 0-75).

There were two significant relationships between type of application and economic advantage or disadvantage: new public houses ( $F=4.3$ ,  $df=2,218$ ,  $p=0.015$ ), and extended hours for off licenses ( $F= 3.5$ ,  $df= 2,216$ ,  $p=0.032$ ). Applications for new public houses were more common in disadvantaged areas (mean:33, SD:1.96) than in advantaged areas (mean: 8, SD:16.4)( $p =0.13$ ) or in mixed areas (mean:10, SD:2.25) ( $p=0.006$ ). In contrast, applications for extended hours for off-licenses were more common in economically mixed areas (mean: 24.54.4) than advantaged areas (mean: 8.4, SD: 16.8) ( $p=0.032$ ) or disadvantaged areas (mean: 8, SD: 6.13.3) ( $p=0.049$ ).

**Table 7: Number of Licensing Applications During the First Year of the Act**

| Type of Application                                 | Mean | Median | SD    | Range  |
|---|------|--------|-------|--------|
| New Public Houses (n=221)                           | 13.7 | 2.0    | 45.9  | 0-405  |
| Extended hours in public houses (n=219)             | 99.8 | 30.0   | 186.0 | 0-2000 |
| Extended hours for night clubs (n=217)              | 8.6  | 1.0    | 36.3  | 0-400  |
| New Off-licenses (including supermarkets) (n=220)   | 8.0  | 4.0    | 13.8  | 0-100  |
| Extension of hours for Off-license premises (n=219) | 18.8 | 4.0    | 44.8  | 0-400  |

### **Appeals**

There were 217 (96%) replies to questions requesting interviewees to estimate how many appeals had been lodged with their local authority relating to new premises and extended hours. In the case of new premises, a mean of 1.6 appeals was reported (median: 0, SD: 5.4, Range: 0-50). The mean number of applications for extended hours was 9.3 (median: 1.0, SD: 34.5, Range: 0-355). Appeals relating to new premises were more common in urban areas (mean: 3.1, SD: 8.7) compared to mixed areas (mean: 0.9, SD: 2.2) ( $p=0.014$ ).

There are limited conclusions that can be drawn from the data on appeals as the term 'appeal' was interpreted differently by respondents and interviewers.

## Use of Resources

The levels of alcohol-related harm experienced in a community might be influenced by the level of resources available for prevention and control activities. Respondents were asked to consider the use of resources in their areas and any changes which had occurred over the year. The results are shown in table 8.

In just over half of the authorities, the interviewees felt that police related activity had increased and then been maintained. There had been an increase in the number of licensing officers (n=141, 63%) and these increases were maintained (n=97, 68%). In the majority of authorities, the levels of other staff connected with licensing was maintained rather than increased or decreased (n=128, 57%), although 26% (57) had increased staff and maintained the increase. The budget for alcohol related licensing had been increased in 134 (59%) of authorities and 62% of those authorities had maintained the increase (n=83).

**Table 8: Resources used by Local Authorities since the passing of the Licensing Act**

|  | Increased Initially then Maintained |    | Increased Initially Then Decreased |    | Remained the same Throughout |    | Decreased |   |
|--|-------------------------------------|----|------------------------------------|----|------------------------------|----|-----------|---|
|  | No                                  | %  | No                                 | %  | No                           | %  | No        | % |
| Number of Licensing Officers (n=224)   | 97                                  | 43 | 44                                 | 20 | 79                           | 35 | 4         | 2 |
| Number of Other LA personnel connected with licensing (n=223)                  | 57                                  | 26 | 32                                 | 14 | 128                          | 57 | 6         | 3 |
| The budget devoted for alcohol licensing implementation activities has (n=224) | 83                                  | 37 | 51                                 | 23 | 78                           | 34 | 12        | 6 |
| The level of alcohol related police activity (n=221)                           | 111                                 | 51 | 25                                 | 11 | 81                           | 37 | 4         | 1 |

There were two significant interactions between the variables shown in table 8 and socio-demographic area - number of licensing officers ( $F=3.7$ ,  $df=2,222$ ,  $p=0.024$ ), and alcohol-related police activity ( $F=7.1$ ,  $df=2,218$ ,  $p=0.001$ ). On this occasion, lower scores indicate greater allocation of resources. There were more licensing officers in urban areas (mean: 1.7, SD: 0.8) compared to mixed areas (mean: 2.1, SD: 0.9) ( $p=0.007$ ). There were significantly more police resources in urban areas (mean: 1.8, SD: 1.0) than rural areas (mean: 2.4, SD: 0.9) ( $p=0.002$ ). The difference was even greater between mixed (mean: 1.8, SD: 0.9) and rural areas ( $p < 0.001$ ).

There were no significant interactions relating to economic advantage or disadvantage.

Considering the level of costs incurred, 120 (54%) of respondents felt they had incurred moderate costs; others rated the costs as high ( $n=75$ , 34%) and a few as low ( $n=29$ , 13%). There was a significant association between perceptions of cost and socio-demographic area, (Chi-Square=11.1,  $df=4$ ,  $p=0.025$ ). Local authorities from urban areas ( $n=30$ , 47%) incurred higher costs than those from rural ( $n=11$ , 22%) and mixed areas ( $n=34$ , 30%). There was no significant association relating to economic advantage or disadvantage ( $p > 0.60$ ).

Asked whether they expected costs to change, 151 (67%) felt the costs would remain the same; 41 (18%) believed they would increase and 32 (14%) thought the costs would decrease during the next twelve months. There was no significant association either between socio-demographic area or economic advantage / disadvantage.

## **Training**

Virtually all the local authorities surveyed ( $n=224$ , 99.5%) provided the members of the licensing committee with training. This figure was slightly smaller for members of the licensing team ( $n=219$ , 97%). Other bodies/individuals mentioned by respondents were: environmental health ( $n=44$ ), police ( $n=42$ ), lawyers/legal departments ( $n=34$ ) other councillors ( $n=32$ ), fire and rescue ( $n=27$ ), planning ( $n=26$ ), trading standards, child protection and “The Trade” (all  $n=25$ ), chamber of trade ( $n=20$ ), democratic

services, community safety (both n=19) and Town/Pub Watch (n=3). There were no significant associations between socio-demographic area or economic advantage or disadvantage in any of the training related variables. Pilot work had indicated a variable level of training for members of the licensing committees but this aspect was not explored in the survey.

## Perceptions of Changes in Alcohol-Related Harms

Interviewees were asked to reply to a number of questions concerning their perception of changes in problems related to alcohol consumption since the passing of the Licensing Act. The results are shown in Table 9. Gaps in the data result from the respondent feeling unable to answer the question. Half of those who answered the question believed the number of licensed premises had increased. In all the other categories, the general feeling was that there had been no change - drink driving, alcohol-related crime, under age drinking and public noise levels.

There was an association between public noise levels and socio-demographic area ( $F=4.1$ ,  $df=2,220$ ,  $p=0.018$ ). Lower scores indicate perception of a greater increase in noise levels. In both urban areas (mean: 1.7, SD: 0.6), and mixed areas (mean: 2.0, SD: 0.5), greater public noise levels were reported than in rural areas (mean: 1.7, SD: 0.6) (Urban: Rural:  $p=0.013$ ) (Mixed: Rural:  $p=0.009$ ).

**Table 9: Perception of Changes in Incidents following the passing of the Licensing Act**

|   | Increased |    | No Change |    | Decreased |    |
|---|-----------|----|-----------|----|-----------|----|
|   | No        | %  | No        | %  | No        | %  |
| Public Noise Levels (n=222)             | 72        | 32 | 133       | 59 | 17        | 9  |
| Alcohol-Related Violence/Fights (n=217) | 27        | 13 | 130       | 60 | 59        | 27 |
| Drink Driving (n=182)                   | 8         | 5  | 157       | 86 | 18        | 9  |
| Alcohol-Related Crime (n=206)           | 25        | 13 | 141       | 68 | 40        | 19 |
| Under-Aged Drinking (n=212)             | 49        | 22 | 143       | 67 | 20        | 11 |
| Number of Licensed Premises (n=220)     | 110       | 50 | 92        | 41 | 18        | 9  |

## **Important Issues Relating to Alcohol Licensing Over The First Year.**

Each respondent was asked to name up to three issues relating to alcohol licensing over the last year. Their responses were grouped into categories. It was possible for a respondent to list more than one response for each category and this is reflected in table 10. (A legend detailing the make up of the categories is in appendix 2). The most prevalent category was “Transition Management” (n=170), this was followed by “Fear of Increasing Harm” (n=123), “Partnership Power” (n=102), “Enforcement and Monitoring” (n=74), “Unanticipated Unwanted Effects” (n=27) and others (n=20).

The most common responses in the “*Transition Management*” category were related to “lack of knowledge and unrealistic expectations (n=29, 16%), and this was closely followed by comments relating to finance and resources (n=28, 16%). All other responses formed less than 10% of the Transition Management total.

The “*Fear of Unwanted Harm*” category showed a tendency towards a clustering effect. The most common concern was noise levels (n=37, 29%). Other concerns which formed more than one fifth of the category were under-aged drinking and anti-social behaviour/litter (n=30, 23%).

The category with the most responses relating to “*Partnership Power*” was “Building relationships and sharing intelligence with partners” (n=34, 34%). Other codes which comprised more than a one quarter of the total “Partnership Power” sample related to local residents and the police respectively.

Seventy (94%) of comments in the “*Enforcement and Monitoring*” category were directly related to enforcement and monitoring (and were usually not elaborated). Other concerns noted were: health and safety, safety within licensed premises, larger premises, food premises and adult entertainment (all n=1).

Nearly half (n= 12, 44%) of the comments concerning “*Unanticipated Unwanted Effects*” related to TENS (Temporary Event Notices). Other concerns in this category included: supermarkets/off licenses (n=7), small towns/villages town halls (n=4), beer

gardens etc (n=2), views of musicians (n=1) and late night or early morning nuisance in areas away from town centres (n=1).

There was no interaction between any of the variables shown in table 10 and socio-demographic area ( $p > 0.2$ ). There was one significant interaction with economic advantage or disadvantage; this was “Partnership and Power” (Chi-Square=14.6, df=6,  $p=0.024$ ). Authorities that described themselves as advantaged (n= 20, 45%) were more likely to mention issues concerning “Partnership and Power” than mixed (n=44, 29%) and disadvantaged areas (n=10, 25%). All other variables were  $p > 0.068$ .

**Table 10: Responses to Semi-Structured Question Concerning Particular Important Issues Relating to Alcohol Licensing During The Past Year.**

| Coded Category                 | Total | One Response |    | Two Responses |    | Three Responses |    |
|--------------------------------|-------|--------------|----|---------------|----|-----------------|----|
|                                |       | No           | %  | No            | %  | No              | %  |
| Transition Management          | 170   | 67           | 38 | 35            | 41 | 11              | 21 |
| Partnership Power              | 102   | 62           | 60 | 17            | 34 | 2               | 6  |
| Enforcement and Monitoring     | 74    | 63           | 94 | 4             | 5  | 1               | 1  |
| Fear of Increasing Harm        | 123   | 52           | 42 | 25            | 38 | 7               | 20 |
| Unanticipated Unwanted Effects | 27    | 21           | 77 | 3             | 23 | -               | -  |
| Other                          | 20    | 18           | 90 | 2             | 10 | -               | -  |

Key informants sometimes gave one, two or three responses within the same category.

### **Stakeholders and their influence**

In shifting responsibility for licensing to local authorities, the Licensing Act (and local policy statements) make it clear that successful implementation will depend on a partnership approach with key stakeholders in the area. A number of questions were asked to obtain some insight into the involvement of different groups of stakeholders, their perceived level of influence and their influence over monitoring and review processes in particular.

## **Involvement in decision making**

Table 11 shows perceptions of the involvement in decision making of various stakeholders. The police were seen as highly involved by 177 (79%) respondents. The other notable stakeholder was local residents. On this occasion 108 (48%) respondents felt that local residents were highly involved. The licensing forum came third with 78 (35%) nominations. All other categories were less than 78 responses, (35%) in the highly/very highly involved categorisation. Notably, only 16% of respondents mentioned health professionals as highly involved. There were three significant interactions- police ( $F=5.68$ ,  $df=2,222$ ,  $p=0.004$ ), other local businesses ( $3.79$ ,  $df=2,222$ ,  $p=0.022$ ) and local residents ( $F=3.79$ ,  $df=2,222$ ,  $p=0.026$ ).

Police based in urban areas (mean: 1.6, SD: 0.7) had a significantly higher level of involvement than those based in rural areas (mean: 2.2, SD: 0.8) ( $p=0.001$ ). In addition police from mixed areas (mean: 1.8, SD: 0.8) were more involved than those in rural areas ( $p=0.009$ ).

Similar trends were evident for local business. Those from urban areas (mean: 3.3, SD: 0.9) were more involved than those in rural areas (mean: 3.8, SD: 0.9) ( $p=0.008$ ). The same was true for mixed areas (mean: 3.4, SD: 0.9) when compared to rural ( $p=0.023$ ).

Finally local residents in urban areas (mean: 2.5, SD: 1.1) were seen as being more involved than those from rural areas (mean: 3.0, SD: 1.0 Mean, SD) ( $p=0.007$ ).

There were only 23 (10%) local authorities where a pressure group was either formed or previously in existence concerned with changes in alcohol licensing issues.

There were no significant interactions relating to economic advantage or disadvantage.

**Table 11: Perceived Stakeholder Involvement in Decision Making Concerning The Implementation of Local Licensing Policy (n=224)**

| <b>Stakeholder</b>   | <b>High<br/>n (%)</b> | <b>Moderate<br/>n (%)</b> | <b>Minimal<br/>n (%)</b> | <b>None<br/>n (%)</b> |
|----------------------|-----------------------|---------------------------|--------------------------|-----------------------|
| Police               | 177 (79%)             | 40 (17%)                  | 6 (3%)                   | 1 (1%)                |
| Health professionals | 36 (15%)              | 62 (28%)                  | 68 (31%)                 | 58 (26%)              |
| Licensing forum      | 78 (35%)              | 62 (28%)                  | 34 (15%)                 | 50 (22%)              |
| Local businesses     | 38 (17%)              | 70 (31%)                  | 78 (35%)                 | 38 (17%)              |
| Local residents      | 108 (48%)             | 66 (30%)                  | 40 (18%)                 | 10 (4%)               |
| Others               | 29 (13%)              | 12 (5%)                   | 3 (2%)                   | 180 (80%)             |

Others include- trading standards, fire department, social services, environmental health, other councillors, pollution control, town/city planning and health and safety.

### **Influence over the course of the first year of implementation**

As might be expected, the licensing committee was seen as most influential over the course of the first year of implementation - by 188 (84%) of survey respondents (table 12). Other influential bodies were: the alcohol licensing team (n=164, 73%), the police (n= 157, 70%) and local residents (n=90, 40%). In contrast, it was noted that only seven local authorities (3%) had an alcohol pressure group with high or very high influence in decision making during the first year of the Act. There were two significant interactions between stakeholder groups and socio-demographic area; police, (F=4.7, df=2,22, p=0.010) and local residents (F=7.9, df=2,222, p < 0.001).

On this occasion police in urban areas (mean: 2.1, SD: 0.9) had significantly more influence than those from rural areas (mean: 2.4, SD: 0.9) (p=0.003).

Local residents from urban areas (mean: 2.5, SD: 1.1) and mixed areas (mean: 2.8, SD: 0.9) had a greater level of influence than those from rural areas (mean: 3.5, SD: 0.9) (Urban: Rural: p < 0.001) (Mixed: Rural: p=0.001).

Finally respondents were asked to state how much influence the council now had over licensing decisions since the passing of the Licensing Act. The vast majority (n=202, 90%) felt they had more influence, (n=17, 8%) believed it was the same and (n=8, 2%) less.

**Table 12: Perceived Level of Influence in Decision Making Regarding the Implementation of the first 12 months of the Licensing Act (n=225)**

| Stakeholder             | High<br>n (%) | Moderate<br>n (%) | Minimal<br>n (%) | None<br>n (%) |
|-------------------------|---------------|-------------------|------------------|---------------|
| Police                  | 157 (70%)     | 53 (24%)          | 10 (4%)          | 5 (2%)        |
| Health professionals    | 22 (8%)       | 26 (12%)          | 77 (35%)         | 100 (45%)     |
| Licensing committee     | 188 (84%)     | 26 (10%)          | 7 (4%)           | 4 (2%)        |
| Other local councillors | 38 (16%)      | 87 (39%)          | 83 (37%)         | 17 (8%)       |
| Alcohol licensing team  | 164 (73%)     | 31 (14%)          | 18 (8%)          | 12 (5%)       |
| Local businesses        | 11 (5%)       | 42 (19%)          | 103(46%)         | 69 (30%)      |
| Local pressure group    | 7 (3%)        | 6 (2%)            | 7 (3%)           | 205 (92%)     |
| Local residents         | 90 (40%)      | 81 (36%)          | 41 (18%)         | 13 (6%)       |
| Other                   | 13 (6%)       | 10 (4%)           | 2(1%)            | 201 (89%)     |

Others include- trading standards, fire department, social services, environmental health, other councillors, pollution control, town/city planning and health and safety.

### **Involvement with monitoring and review**

Table 13 shows the perceived level of involvement in the monitoring and review processes during the first year of operation of the Licensing Act. Once more the police were the stakeholders with the greatest involvement. In 178 (80%) local authorities the police were seen to have either a high or very high involvement in monitoring and review. Local residents came next, with 87 (39%) of respondents stating that local residents had a high or very high involvement. There were four significant interactions with socio-demographic area; police (F=7.7, df=2,22, p=0.001), local licensing forum (F=4.0, df=2,222, p=0.020), local businesses (f=4.9, df=2,222, p=0.0002) and local residents (F=13.8 df=2,222, p < 0.001).

**Table 13: Stakeholder Involvement in Monitoring and Review in the First 12 months of operation of the Licensing Act (n=225 unless otherwise stated)**

| Stakeholder              | High<br>n (%) | Moderate<br>n (%) | Minimal<br>n (%) | None<br>n (%) |
|--------------------------|---------------|-------------------|------------------|---------------|
| Police                   | 178 (79%)     | 36 (16%)          | 10 (4%)          | 1 (1%)        |
| Health professionals     | 21 (9%)       | 32 (14%)          | 76 (34%)         | 96 (41%)      |
| Licensing forum (n=224)  | 45 (20%)      | 58 (26%)          | 53 (24%)         | 68 (30%)      |
| Local businesses (n=185) | 14 (6%)       | 45 (20%)          | 94 (42%)         | 72 (32%)      |
| Local residents          | 87 (39%)      | 67 (30%)          | 58 (25%)         | 13 (6%)       |
| Local pressure group     | 10 (4%)       | 5 (3%)            | 4 (2%)           | 206 (91%)     |
| Others                   | 21 (9%)       | 15 (7%)           | 4 (2%)           | 185 (82%)     |

Others include- trading standards, fire department, social services, environmental health, other councillors, pollution control, town/city planning and health and safety.

Police based in urban areas (mean: 1.6, SD: 0.7) had a significantly higher level of involvement than those based in rural areas (mean: 2.2, SD: 0.8) ( $p < 0.001$ ). In addition, police from mixed areas (mean: 1.8, SD: 0.8) had more involvement than those in rural areas ( $p=0.009$ ).

Local licensing forums also had a higher involvement in urban areas (mean: 3.3, SD: 1.2) compared to rural areas (3.9, 1.2) ( $p=0.005$ ). Those based in mixed areas (mean: 3.5, SD: 1.2) also had significantly greater involvement than in rural areas ( $p=0.047$ ).

Similar trends were evident for local business. Those from urban areas (mean: 3.8, SD: 0.9) had greater involvement than rural areas (mean: 4.4, SD: 0.8 Mean, SD) ( $p=0.001$ ). The same was true for mixed areas (mean: 3.9, SD: 0.9) when compared to rural ones ( $p=0.003$ ).

Finally local residents in urban areas (mean: 2.5, SD: 1.1) had more involvement than those from rural areas (mean: 3.5, SD: 0.9) ( $p < 0.001$ ). There was also a significant

difference between residents based in mixed areas (mean:2.8, SD: 0.9) and rural areas ( $p < 0.001$  ).

There were no significant interactions relating to economic advantage or disadvantage.

### **Party politics as an issue**

Theoretically, the implementation of the Act – perhaps especially the time and resources devoted to it – might be subject to party political interests and pressures. Respondents were asked for their views on this.

In 167 (74%) of local authorities there was a majority political party. Of these 107 (64%) were conservative; 38 (23%) were labour; 20(12%) were liberal democrat; and 3 (1%) were independents. In 75 (33%) there was a change in the political composition of the council following the 2007 election. Only eight (11%) felt that this made any difference to the implementation of the alcohol licensing policy. Most respondents did not feel that party politics had been a problem and a number of interviewees stressed how they had sought to avoid this. Typical comments were:

“The Licensing Authority is a separate entity from the Council in its functions and as such, all endeavours are made to ensure that political issues have no effect on the implementation of the Licensing Authority’s statutory function. We have an excellent legal team who also ensure that this is done.” (Mixed Area West Midlands)

“I have been very pleased that local politics have played no role in licensing.” (Urban Area- Yorkshire)

However, a minority (n=41, 18%) felt that alcohol licensing had been a party political issue over the previous year.

“There was some concerns that alcohol licensing had at times been seized upon as a pertinent issue by minority parties or for political point scoring.”  
(Urban area South of England)

“It should not be but minority parties seem to have disproportionate influence and use it for political capital” (Urban area South of England)

“We are a conservative led area and I think the councillors were determined to show that the new LA was a failure of the labour government. (Rural Area Lincolnshire)

Very few of the replies added detail but in some areas the extent to which alcohol licensing became a political issue was seen as dependent on the local residents:

“We have a number of local pressure groups and they are highly motivated and are very involved and concerned about the changes in licensing legislation. They are also pushing for a Cumulative Impact Policy” (Mixed Area- South East)

## **Future Challenges**

Based on their experiences of the first year of implementation of the Licensing Act, respondents were asked to reflect on what they saw as ‘challenges for the future’ in the coming year. They were asked to name up to three issues relating to alcohol licensing. Their responses were grouped into categories as before. The results are shown in table 14. (A legend detailing the composition of the categories is in appendix 2) The most prevalent category was “Management” (n=143), followed by “Enforcement and Monitoring” (n=90), “Gambling” (n=70), “Consultation” (n=62), “Alcohol-Related Problems (n=55), “Smoking” (n=44) and others (n=28).

- The most common comments in the *Management* category related to finance, time and resources (n=49, 34%) and reviews (n=39, 27%). All other categories were endorsed on less than 10 (7%) occasions.
- *Enforcement and/or Monitoring* was alluded to without elaboration on 79 (87%) occasions. Other issues mentioned were: TENS (n=5), Animal Welfare Act (n=3), Health Act (n=1); food premises and adult entertainment (both: n=1)
- *Consultation* is comprised of three sub-categories- the most prevalent being information sharing and partnership building (n=27, 47%), information sharing with the general public (n= 21, 37%) and liaison with the industry/trade (n=9, 16%).
- Once more there was a tendency for comments specifically concerning alcohol-related problems to be clustered, i.e there was a tendency to list a number of alcohol-related problems. The most prevalent comments (n=22, 44%) related to under-age drinking.
- In the “other” category the most common response related to enhancing the perception of the area (n=13, 46%).

**Table 14: Responses to Semi-Structured Question Concerning Particular Important Issues Relating to Alcohol Licensing In the Coming Year.**

| Coded Category             | Total | One Response |     | Two Responses |    | Three Responses |   |
|----------------------------|-------|--------------|-----|---------------|----|-----------------|---|
|                            |       | No           | %   | No            | %  | No              | % |
| Management                 | 143   | 83           | 58  | 27            | 38 | 1               | 4 |
| Enforcement and Monitoring | 90    | 71           | 79  | 8             | 18 | 1               | 3 |
| Consultation               | 62    | 39           | 63  | 10            | 32 | 1               | 5 |
| Alcohol-Related Problems   | 55    | 32           | 58  | 10            | 36 | 1               | 6 |
| Gambling                   | 70    | 68           | 97  | 1             | 3  | -               | - |
| Smoking                    | 44    | 44           | 100 | -             | -  | -               | - |
| Other                      | 28    | 26           | 92  | 1             | 8  | -               | - |

There were three significant associations between the variables shown in Table 14 gambling (Chi-Square=14.3, df=4, p=0.006); management (Chi-Square=14.8, df=6, p=0.022) and other (Chi-Square=9.6, df=4, p=0.048). Participants from urban areas were *less* likely to mention issues relating to gambling (n=8, 12%) than mixed (n=17,

37%) and rural areas (n=44, 39%). In contrast participants from urban areas (n=40, 64%) were more likely to mention issues related to management than both mixed (n=57, 45%) and rural areas (n=21, 47%). A similar trend was evident when relating to “other” comments; - (n=13, 20%) urban compared to (n=4, 7%) rural and (n= 7, 6%) mixed.

Analyses of the same variables revealed there were no significant associations with area based advantage or disadvantage. All were  $p > 0.2$  with the exception of smoking which approached statistical significance (Chi-Square=5.9, df=2,  $p=0.052$ ). There was a trend towards respondents in advantaged areas (n=14, 33%) being more likely to list issues relating to smoking than those in mixed (n=25, 18%) and disadvantaged areas (n=5, 12.5%).

## **Changing the Drinking Culture**

Along with the Alcohol Harm Reduction Strategy for England and a raft of other social legislation, it was hoped that empowering local authorities to develop and implement policies suited to the local context would lead to a shift away from harmful drinking patterns and, with particular reference to the Licensing Act, reduce the harm associated with binge drinking. Survey respondents were asked for their views on the likelihood of moving towards a more continental, ‘café culture’.

Sixty six percent of key informants who expressed an opinion felt that changes in licensing and extension of licensing hours in particular would not result in a ‘café culture’. For one thing, it would not change drinking culture in this country, especially youth culture:

“Nonsense- Cultural change- getting drunk is seen as ‘cool’ by the 15-35 age group; changing hours is not going to change that. Need for it to be cool to have a chat with a few friends over a few drinks over the course of an evening rather than get plastered and landing up in a police cell.” (Bradford)

“For this we need restaurants and coffee shops. The British are binge drinkers. To achieve this we need a cultural shift.” (Greater London area)

“Completely and utterly barking mad, they have lost the plot, they inhabit another planet, or inhabit a parallel universe. We have a ‘drink as much as possible as quickly as possible then enjoy a nice punch up, consume and regurgitate a kebab and get laid culture’ ” (Cotswolds).

“Our market towns do not lend themselves to pavement style cafes because of the narrow streets.” (Huntingdonshire)

Secondly, the environment was seen as unsuited to a southern European style of drinking – although some people thought it was ‘a good idea’. The weather was seen as a barrier as well as perceptions of the nature of the local area. Many respondents said simply ‘not suitable in this area’. Interestingly, rural as well as urban areas were seen as unlikely to foster a ‘café culture’.

“It is not the licensing laws that needed to be changed but the weather. It is an urban thing, it does not really fit in a rural location”. (rural, Wiltshire).

“The town centre would be more attractive but it is not a good idea as this is a rural community.” (deprived Northern/Midlands area)

“It is good for London but not for rural areas.” (economically advantaged rural area- East Anglia)

Other informants (20%) were less decided and thought that ‘maybe’ it was possible depending on a number of factors:

“I think it was a very good idea but was lost in the very negative publicity that accompanied the proposed launch of the Act. My personal view is that the Act has achieved some of the challenges it set out to meet but it needs more time to bed in and achieve its full potential.” (Exeter)

“In one area in our district it has already developed and is in general well regarded. I personally do not believe a café culture will reduce binge drinking amongst certain sectors of the community.” (Mid Sussex)

“To some extent we have achieved it but in a mixed commercial/residential area it is impossible to achieve without problems for residents.” (L-Inner London area)

“It will hopefully lead to a more civilised approach to drinking and result in less public health issues. However the govt have not invested enough into educating the public as to the benefits of the LA 2003 so these benefits will take a long time to become clear and culture will take along time to change. My guess is that the approach to drinking and change in culture will take a whole generation to bed in.” (Elmbridge)

As these quotations suggest, diversity within communities was a consideration which meant that different approaches might be successful in different localities within the same local authority. Time to ‘bed in’ was another important element mentioned by many respondents.

Finally, there were a few (14%) respondents who felt that it was possible to aspire to a café culture and that the licensing changes had a part to play in achieving this goal:

“With the correct balance of education, social engineering and proportionate enforcement this can be achieved in the long term.” (Liverpool)

“We are encouraging this culture by allowing certain premises to put tables and chairs outside”. (Maidstone)

“Change takes time, educating school age children will hopefully encourage sensible drinking and in 10- 15 years, the café culture will be the “norm”. (Deprived, northern urban area)

“Braintree town square is already being developed ie pavement cafes. We surveyed the 56 parish councils (vary in size very small -quite big) – the visitors/tourists (not a big number) - they go to the rural villages so - interested in developing café venues in villages. The licensing act has been successful in Braintree.” (Braintree, rural/urban mixed area).

Importantly, it was recognised that change in drinking cultures could not be secured solely through the mechanism of the Licensing Act. A range of legislation and other prevention efforts were also required:

“The phrase (café culture) means different things to different people. It is already working in certain parts of our district. However a night club is a night club and people tend to drink more in clubs and pubs than in a high street café bar/restaurant. I am confident that our drinking culture will change but it will not happen over night. We must give the Violent Crime Reduction Act and some of the measures within this new act the chance to work. There is now a range of powers available in different legislations that must be used to change things. It is difficult to deal with the individual who wants to drink to excess. I am not convinced that health education within schools etc. will be of any help. Young men and women are well aware of the effects of alcohol.”  
(Suburban Essex- economically mixed)

## **Discussion**

The introduction of the Licensing Act 2003 raised considerable controversy with concerns focussing especially around the anticipated ill effects of extending licensing hours. Using survey information from key informants in 225 local authority areas in England, this study aimed to investigate perceptions of the first year of implementation of the Act and the extent to which it was seen as a mechanism for moving towards a 'café culture' or had resulted in increased alcohol-related harms.

The survey obtained a good response rate (63%) and, although a few areas were under-represented, there was sufficient coverage of rural/ urban areas and areas with different socio-economic scores to examine those variables. The majority of respondents were heads of licensing teams rather than chairs of licensing committees whom we had targeted initially. The latter were much more difficult to contact and as local elections drew nearer became less likely to respond. However, as we were asking respondents for estimates and perceptions – rather than asking for precise figures – the information provided by licensing officers, who were closely involved with the implementation process, was possibly better than we might have obtained by chasing elusive councillors. Nevertheless, it should be noted that multiple emails and phone calls were usually necessary and the data collection period extended beyond expectations.

Very few local authorities (15%) took up the option of creating Cumulative Impact Areas. Most CIs were in urban areas and had been created as a response to concerns about crime and disorder and binge drinking, though in a few cases the main reason was the management and balance of a night-time economy. For the vast majority of the sample the issue of a CI was irrelevant.

Perhaps surprisingly, respondents reported that the information and statistics available for making decisions about creating CIs was appropriate and sufficient. At the same time, responses to open questions indicated that health related data – from A&E departments, ambulance crews and health professionals was lacking. This is in accord with the findings from a survey of 46 (13%) licensing teams in England and Wales in

2006 (Alcohol Concern 2007). The Alcohol Concern survey found that mainly crime related data were being collected. There was very little information from health or social services.

But the need for robust, evidence based policy was emphasised and police statistics were seen to lie at the heart of this:

“The way forward is likely to be calls for greater mapping as licensing decisions and changes of policy will have to be evidence based and robust. It may then be possible to produce evidence of the need to change the licensing objectives (at present licensing decisions cannot be made on health grounds). (S. Inner London)

“Still believe crime mapping is the start point. But as this progresses other inputs can be important including A&E stats, transport information, figures on numbers of premises/people in area and court activity” (B.-Inner London)

“More robust crime statistics- where link with alcohol is specific (not just assumed) and linked to specific premises (ie not just using licensed premise as landmark etc)”. (Manchester).

Estimates of number of licensing applications during the first year of the Act showed that applications for extended hours were more usual than applications for new on- or off-licenses. Interestingly, applications for new off-licenses (including supermarkets) were more common in urban areas whereas applications for new public houses were more common in disadvantaged areas. Indications from pilot work (Herring *et al.* in press) suggest that in some circumstances, opportunities for economic growth and civic regeneration -particularly pertinent in disadvantaged areas – may take priority over concerns regarding the extension of licensing and increasing access to alcohol. This is an issue which may warrant consideration in future research.

The implementation of the Act was accompanied by an increase in levels of police activity; the number of licensing officers was increased and greater resources were made available. On the whole, at the time data were gathered, increases in resources

had been maintained. This may in part account for the finding that, overall, there had been little change in alcohol-related harms following the extension of licensing hours. Noise levels, alcohol-related violence/fights, drink driving, alcohol related crime and under-age drinking were all reported as ‘much the same’. Key informants considered the costs of implementation to have been moderate to high and most felt that costs would remain the same in the near future. Cost and availability of resources will be a crucial influence on future responses to policing implementation of the Licensing Act and it is too early to judge the extent to which they will be maintained or increased to meet needs. Another factor that might impact on resources, on the priority status of alcohol and hence on attempts to police the Act, is change in the party political composition of the local council. Overall, however, this did not emerge as an issue, with most respondents reporting that party politics had not been influential.

One of the aims of the Licensing Act was to devolve responsibility to local communities, allowing residents as well as local authorities and relevant professional groups a greater influence over decisions on licensing. Apart from the licensing committee and the licensing team, the police emerged as the group with greatest involvement and influence in the implementation and monitoring process and in the appeals process. The influence of local residents was generally rated as high; but pilot work (Herring *et al.* in press) suggested that this might be perception of the *possibility* of influence rather than the actual exercise of influence. More in depth examination of citizen participation in decision making, (for instance, in the case of appeals and reviews) would be required to assess the extent to which residents can influence licensing decisions.

In considering the main challenges they had faced over the previous year, transition management problems, finding ways to prevent an increase in expected harm and considerations of the balance of power between local partners were all mentioned as important. Issues relating to partnership power were more likely to be mentioned in economically advantaged areas where there appeared to be greater involvement of a range of stakeholders and more activity by local residents.

Devolution of licensing implementation to the local level allows local authorities to develop policies and practices suited to the local context. Economic considerations –

in particular the degree of ‘affluence’ or ‘deprivation’ of a community – might be expected to influence the development and implementation of licensing policy. This survey found few differences between areas rated as ‘disadvantaged’ and those rated as ‘advantaged’ by respondents. However, it is worth noting that in ‘disadvantaged’ areas stakeholders were less likely to be consulted than in ‘affluent’ areas. As mentioned above, further research into the implementation and effects of policy in economically deprived areas compared to more affluent areas is important in assessing the impact of licensing changes.

Concerns regarding changes in licensing have tended to focus on the expected increase in problems in urban areas, in particular in city centres. Not unexpectedly, this survey found differences between urban (often including areas rated as mixed) and rural areas in a number of respects. There were no CIs in rural areas; rural areas had a lower level of consultation with stakeholders; fewer licensing officers and police activity; lower costs and lower levels of involvement and influence of stakeholders. In sum, judging by key informants’ perceptions, concerns over the possible impact of the Licensing Act emerge as an urban phenomenon.

Looking to the future, it was felt that issues of management and enforcement would continue to be most important. However, respondents were already beginning to foresee other areas which might grow in importance – such as gambling and smoking. Speculatively, the need to respond to legislative changes in those areas might affect time and resources dedicated to monitoring and enforcing alcohol licensing activity.

Finally, as might be predicted, two thirds of key informants who expressed an opinion felt that changes in licensing and extension of licensing hours in particular would not result in a ‘café culture’. Although there were a considerable number of people who thought it was a good idea – and that it might work in some areas – factors such as the weather, the design of city centres, and the drinking culture of young people who frequented the night time economy – made change difficult and long term.

The findings from this survey – in agreement with other research - have not found a consistent picture across the country regarding the effects of licensing change on alcohol-related harms; but reports indicate that, overall, there has been little change

for the better or for the worse. Nevertheless, there is currently the beginnings of a campaign for, at the very least, a review of the Act; the Prime Minister has asked for a review because of mounting pressure arising from the perception of “increased under-age and binge drinking” (Merrick 2007). Other than the opposition political parties, the two main drivers pushing for review are the police and the ‘health lobby’.

The police not surprisingly have been concerned with the impact of the new legislation upon drink-related crime and violence and how it stretches their resources. Data released by some police forces have shown a rise in murder/attempted murder and manslaughter in pubs and night-clubs since the passing of the new Act. (Slack 2007). However, a survey of 30 police forces which compared the twelve month periods before and after the change, reported a 1% fall in recorded incidents involving violence, disorder and vandalism, and a fall of 5% in serious violent crimes (Babb 2007). Equally, although some A&E departments have recorded a rise in alcohol-related attendances, a survey of 33 departments in England and Wales, undertaken in 2006, concluded that there was little evidence that the 2003 Act had any significant effect on violence-related injuries. (Sivarajasingam *et al.*2007). The data, therefore, indicate a variable pattern with no substantial change overall.

Recently the Alcohol Health Alliance has been formed. This is a group of medical bodies, including seven Royal Colleges, patient representatives and health campaigners. The main impetus has come from the Royal College of Physicians. The Alcohol Health Alliance is calling for

- greater treatment and prevention programmes
- measures to increase price and reduce availability
- greater regulation of the drinks industry

Among the evidence cited is the increase in chronic conditions such as cirrhosis of the liver especially in younger populations. The perception is that changes introduced by the Licensing Act will worsen the overall health burden. To date, there is no evidence that consumption has risen as a result of changes in licensing and there have been calls from the strongest public house lobby group for a reduction in alcohol duty because drinking in pubs had “fallen to the lowest levels since the great depression” (British Beer and Pub Association 2007). Clearly, the increase in discounted alcohol

sales by supermarkets and the introduction of the smoking ban are also strong influences on patterns of consumption, as is a growing trend towards drinking at home. These trends need to be considered alongside consumption in on-licensed premises when looking at health effects.

These developments draw attention to the continuing tension between health concerns and public health / criminal justice concerns which has been a feature of debates on the Licensing Act from its inception. There are no easily available answers. Assessing the impact of the Licensing Act 2003 will require time. Furthermore, in the light of other interventions – such as the development of local alcohol policies and strategies and encouragement to mount partnership, multi-agency responses to prevention and harm reduction – it is unlikely that change can be attributed to any one kind of intervention.

## **Conclusions**

- The perception of those surveyed was that the effect of the Licensing Act 2003 had been largely neutral. There had been little change in noise levels, alcohol-related violence/fights, drink driving, alcohol-related crime and under-age drinking.
- Very few cumulative impact /saturation areas had been created. Virtually all had been created in urban areas in response to concerns from the police around crime and disorder and binge drinking.
- The general perception was that police activity had increased since the introduction of the Licensing Act especially in urban and mixed areas.
- There was a tendency towards greater stakeholder involvement in urban areas. This reflects an impression from the data that the changes introduced under the Licensing Act 2003 are largely “urban issues.”
- There were more applications for extended hours than new off/on-licenses; new off licenses were more common in urban areas.
- New applications for public houses were more common in disadvantaged areas. This suggests that in some areas the Licensing Act have been seen as an opportunity for economic growth.

- A “true picture” of the changes introduced may not emerge for a number of years and in terms of health consequences, many years. Since the Licensing Act is just one of a number of changes aimed at reducing alcohol-related harm and promoting “sensible drinking”, evaluation of the impact of the Licensing Act 2003, in isolation from other interventions, is likely to prove difficult.
- However, there is a need for continued evaluation of the impact of policies, including the Licensing Act 2003, on changes in alcohol consumption and on drinking cultures. In particular, the differential effects of alcohol policy in advantaged and disadvantaged areas and in urban centres, suburban and rural areas warrants further attention.

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**Appendix One:**

**LARG Survey Tool**

**Implementation of the Alcohol Licensing Act: One year on.**

**Area information**

Name of Area **Sevenoaks District Council** ( please note this is for record keeping purposes only and this will not be identified in the report)

For all questions where a box is provided please put a cross next to the appropriate box.

**Are you**

Chair of the Licensing Committee

Head of Licensing Team

Were you in post when the licensing act was implemented?

Yes  No

1. Would you consider your local authority area to be predominantly

Urban  Rural  Mixed

2. Would you consider this local authority area to be

a) Economically Advantaged  Mixed  Economically Disadvantaged

3. Would you consider this local authority area to be (please tick all that apply)

An area with a consistent flow of tourists

An area with seasonal fluctuation of tourism

An area heavily populated by day (e.g Offices)

An area heavily populated by students

An area with a high proportion of evening visitors (e.g bars/clubs)

Any other specific characteristics you would like to mention which have a bearing on the implementation of the licensing regulations. (Please comment)

.....  
.....  
.....

**Cumulative impact areas**

4. Are there any cumulative impact (CI) areas within your local authority area ?

Yes  No

If yes how many

What were the reasons for creating the CI area?

.....  
.....

**5. Evidence required to create/not create a CI.**

What kind of evidence was available to you to make decisions on whether to make some areas 'cumulative impact' or not? (Tick all that apply)

**Available Statistics**

- Police statistics
- Health statistics
- Information from Licensees
- Information from Local Businesses
- Residents' Views
- Others
- Please specify.....

**Expert Opinions**

- Police
- Health Professionals
- Town/City Planners
- Alcohol Business Representatives
- Other Business Representatives

Others

Please specify.....

Did you feel that the available evidence/ information was

a) Appropriate? Yes  No

b) Sufficient? Yes  No

What kind of information do you feel is needed to make future policy decisions regarding licensing?

.....  
.....  
.....

**6. Stakeholder involvement in decision making concerning the implementation of local alcohol licensing policy.**

Please rate the level of influence of each of the following.

|                          | Very High Influence | High Influence | Moderate Influence | Minimal Influence | No Influence |
|--------------------------|---------------------|----------------|--------------------|-------------------|--------------|
| Police                   |                     |                |                    |                   |              |
| Health Professionals     |                     |                |                    |                   |              |
| Local Licensing Forum    |                     |                |                    |                   |              |
| Other Local Businesses   |                     |                |                    |                   |              |
| Local Residents          |                     |                |                    |                   |              |
| Others<br>a)<br>b)<br>c) |                     |                |                    |                   |              |

6a) Is there a local pressure group(s) concerned with changes in alcohol licensing issues?

Yes  No

If so please rate their level of involvement 1= Very highly involved - 5= No Involvement.

If appropriate please add comments concerning the extent of their involvement

.....  
 .....  
 .....

**7. Monitoring and Review:**

In your opinion, to what extent have the following groups been involved in the monitoring and review processes of alcohol licensing over the past year:

|                              | Very High Involvement | High Involvement | Moderate Involvement | Minimal Involvement | No Involvement |
|------------------------------|-----------------------|------------------|----------------------|---------------------|----------------|
| Police                       |                       |                  |                      |                     |                |
| Health Professionals         |                       |                  |                      |                     |                |
| Local Licensing Forum        |                       |                  |                      |                     |                |
| Other Local Businesses       |                       |                  |                      |                     |                |
| Local Residents              |                       |                  |                      |                     |                |
| Local Alcohol Pressure Group |                       |                  |                      |                     |                |
| Others<br>a)<br>b)<br>c)     |                       |                  |                      |                     |                |

**8. Political Aspects**

Is there a majority political party in your area? Yes  No

If so (please specify which ones).....

Did the political composition of the Council change at the last election? Yes  No

If yes,

In your opinion, did this make any difference to approaches to implementing the alcohol licensing policy?

Yes  No

For your area, would you say that alcohol licensing is, or was over the year a political issue?

Yes  No

Please add any comments:

.....  
 .....  
 .....

### 9. Level of Influence

To what extent do you feel the following groups have been *influential in decision making* regarding the implementation of the act during the first 12 months?

|                              | Very High Influence | High Influence | Moderate Influence | Minimal Influence | No Influence |
|------------------------------|---------------------|----------------|--------------------|-------------------|--------------|
| Police                       |                     |                |                    |                   |              |
| Health Professionals         |                     |                |                    |                   |              |
| Licensing Committee          |                     |                |                    |                   |              |
| Other Local Councillors      |                     |                |                    |                   |              |
| Alcohol Licensing Team       |                     |                |                    |                   |              |
| Other Local Businesses       |                     |                |                    |                   |              |
| Local Alcohol Pressure Group |                     |                |                    |                   |              |
| Local Residents              |                     |                |                    |                   |              |
| Others<br>a)<br>b)<br>c)     |                     |                |                    |                   |              |

a) What level of influence do you feel the council now has over licensing decisions, compared to the power it had prior to the passing of the Licensing Act?

More Influence

No Change

Less Influence

**10. Licensing Applications over the previous 12 months**

a) Over the past year please *estimate* how many applications were received in your local authority for the following

New public houses.

Extended hours in public houses.

Extended hours for night clubs

New off-licenses (including supermarkets)

Extension of hours for off license premises.

b) Over the past year, please *estimate* how many appeals have been filed in your local authority for the following

New premises.

Extended hours

c) Approximately what % of the appeals were solved without the need for a formal appeal?

.....

**11. Resources**

Since the implementation of the Licensing Act *in your view*

|   | Increased Initially and Maintained | Increased Initially then Decreased | Remained the Same Throughout | Decreased |
|---|------------------------------------|------------------------------------|------------------------------|-----------|
| Number of Licensing Officers has  |                                    |                                    |                              |           |
| Numbers of other local authority personnel connected with alcohol licensing has |                                    |                                    |                              |           |
| The budget devoted for alcohol licensing implementation activities has          |                                    |                                    |                              |           |
| The level of alcohol-related police activity has                                |                                    |                                    |                              |           |

Please add any further comments if relevant

.....  
 .....  
 .....

Do you feel that the implementation of the Licensing Act has led your local authority to incur

High financial costs

Moderate financial costs

Low financial costs

In the next 24 months do you expect that these costs will

Increase

Decrease

Remain the Same

Have the any of the following groups received any training?

i) Members of the Licensing Committee

Yes  No

ii) Members of the Licensing Team

Yes  No

iii) Other relevant individuals/bodies

Yes  No

If the answer to iii is yes please specify

.....

Since the passing of the Licensing Act in your opinion which of the following has occurred

|                                 | Increased | No Change | Decreased |
|---------------------------------|-----------|-----------|-----------|
| Public Noise Levels             |           |           |           |
| Alcohol-Related Violence/Fights |           |           |           |
| Drink Driving                   |           |           |           |
| Alcohol- Related Crime          |           |           |           |
| Under-age drinking              |           |           |           |
| Numbers of Licensed Premises    |           |           |           |

Were specific measures taken (such as additional police resources) to cope with public gatherings relating to football matches, concerts or similar

Yes  No

If Yes: Please add any comments relating to the above:

.....  
 .....  
 .....

**12. Main issues for respondent's area**

Please could you list up to three main issues which you feel have been particularly important in your area relating to alcohol licensing over the last year

- 1.
- 2.
- 3.

What would you say are the three main challenges you face in the coming year?

- 1.
- 2.
- 3.

What is your view on the government's hope to facilitate the development of a more continental style 'café culture'?

.....  
 .....  
 .....

Please add any comments you wish concerning the first year of implementation of the Licensing

Act that have not been covered within the questionnaire

.....  
.....  
.....  
.....

THANK YOU VERY MUCH FOR YOUR HELP.

## **Appendix Two:**

### **Key to Table 10.**

#### **Transition Management**

Lack of knowledge/unrealistic expectations (n=29): Financial/Time/Resources (n=28); Inconsistent/cumbersome and new regulations/guidance (n=17); Involve people in decision making (n=16); Volume of Applications (n=12); Reviews (n=9); Lack of councillors power, Short time scale and Training (all n=8); Clarification of regulations (n= 7); Parking and public transport (n=4);

New applications/Standard of applications and New policy (both n=3), CI Policy, Conflicts between departments, Developing strong licensing team, staff issues, Security/bouncers, Beer gardens (all n=2). Frivolous representations, Political involvement, Balancing needs, Prevention of children from harm and software (all n=1).

#### **Partnerships and power**

Building relationships/Sharing intelligence with partners (n=34), Residents/objections (n=26), Police (n=26), Licensees (n=11) and Getting Information to Licensees (n=3).

#### **Enforcement and Monitoring**

Enforcement and monitoring (n=70), Health and safety , Safety within licensed premises, larger premises, Food premises and Adult entertainment (all n=1).

#### **Fear of Increasing Harm**

Noise levels (n=37), Under age drinking, Anti-social behaviour/litter (both n= 30), Staggered closing hours (n=14), Alcohol related violence (n= 7), Tackling binge drinking (n=3) Drinks promotions/happy hours and Drink driving (both n=1)

#### **Unwanted Knock-On Effects**

TENS (Temporary Event Notices) (n=12), Supermarkets/Off licenses (n=7)

Small towns/villages town halls (n=4), Beer gardens etc (n=2)

Views of musicians and Late night or early morning nuisance in areas away from town centres (both n=1)

#### **Others**

Gambling (n=2), Smoking (n=6), Enhanced Perception of the Area (n=2), Maintaining image of Council/Bars/Area/Best Bar Schemes (n=5) and No Issues (n=5).

## **Key to Table 14.**

### **Management**

Financial/time/resources (n=49): Reviews (n=39): CI policy (n=10): New policy (n=8): Clarification of regulations and Volume of applications (both n=6): Training, Inconsistent/cumbersome and new regulations/guidance, New applications/standard of applications and Appeals (all n=3): Software, Developing strong licensing team and Staff issues (all n=2) and Conflicts between departments, Challenges to policy and No national data base (all n=1)

### **Enforcement and Monitorinmg**

Enforcement and monitoring (n=79): TENS (n=5): Animal Welfare Act (n=3): Health Act (n=1), Food premises and Adult entertainment (all n=1)

### **Consultation**

Including:

*Information Sharing/Partnership Building:* Police (n=14): Building relationships/Sharing intelligence with partners (n=11) and Balancing needs (n=2): Total (n=27)

*Information Sharing with General Public:* Lack of knowledge/unrealistic expectations (n=11): Residents/objections (n=6) and Involve people in decision making (n=4): Total (n=21)

*Liaison with Industry/trade:* Licensees (n=4); Getting information to licensees (n=2): License holders whose first language is not English, Criminal backgrounds of licensees and Security/bouncers (all n=1) Total= (n=9).

### **Alcohol-Related Problems**

Under age drinking (n=22): Anti-social behaviour/litter (n=10): Noise levels (n=9): Binge drinking, (n=3) Alcohol related violence, Off-licenses/supermarkets, Drinks promotions/happy hours (all n=2) Staggered closing hours/related issues, Accident & Emergency admissions/data (both n=1).

### **Gambling**

Gambling (n=70)

### **Smoking.**

Smoking (n=45)

### **Others**

Maintaining image of council/bars/area/best bar schemes (n=13) No issues (n=8), Enhance perception of area (n=5), Schools and Public transport (both n=1)