

ARTICLE

The Night and Cultural Benefit: The Case for A Holistic Approach to Licensing

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This research article critically engages with the Licensing Act (2003), arguing for a more holistic approach to licensing. Drawing on primary research conducted in London for the Greater London Authority (GLA), the article considers the benefits of licensed venues and the possibility of extending current licensing objectives to recognise the role of these venues in sustaining urban vitality. The current licensing objectives are geared towards minimising negative outcomes, the assumption being that licensing is primarily a tool of control, with the role of minimising harm. The argument developed here is based on two alternative conceptions of the role of licensing. Firstly, licensing has a key role to play in developing sites for sociability and community cohesion. Though focused around alcohol, licensing is central to enabling or constraining more traditional as well as emerging spaces which combine entertainment, dining and other experimental forms of leisure. Second, the article argues that by addressing urban vitality and cultural benefit, the Act could be more attuned to the positive influence of licensed premises on a broader scale. The need for planning and licensing to work more cooperatively is considered in light of how licensing decisions reach beyond individual venues and impact on entire neighbourhoods or areas. Focusing on two London boroughs, Croydon and Lambeth, the paper examines how the current approach to licensing by local authorities could therefore be re-framed in more positive terms to acknowledge the wider cultural benefits and social good of licensed premises.

Keywords: licensing; nightlife; London; urban venues; planning; law

Introduction

This article begins from the premise that licensing has a key role to play in sustaining and enabling the development of the 'cultural milieu' and vitality of towns and cities. The Licensing Act (2003) (LA2003) is concerned with the provision of licensing for alcohol and entertainment. The four licensing objectives, however, do not make explicit the role of urban culture or cultural development. Though culture, entertainment, urban vitality and sociability are beyond the explicit remit of licensing legislation, this legislation is clearly entwined with cultural and social outcomes. The discussion below attempts to explicate the relationship of licensing to enhancing or suppressing different aspects of cultural development, defined here as constituted through activities and places. The origins of LA2003 are also briefly examined and its context excavated.

Responsibility for implementing the Act passed to local authorities in 2005. While central government has played a role in the many revisions of the statutory guidance accompanying the Act, local authorities have the task of moulding the activities that take place in their jurisdiction. In short, local authorities are tasked with shaping the 'cultural milieu' and vitality of their centres and neighbourhoods. As time has passed, academic and public attention has shifted from solely concentrating on the problems of alcohol consumption and 'drinking culture' to a broader concept of urban culture that accommodates the positive role of live performance, entertainment and hospitality (Hadfield 2015). Nevertheless, stakeholders complain that licensing controls inhibit cultural and artistic outputs and their enjoyment in licensed premises (Furedi 2015). There has been particular concern about the number of closures of 'grass roots' music venues across London (Mayor of London Music Venues Taskforce 2015). This example reveals a tension important to this discussion, that between promoting the economic benefits of nightlife activity, which has been broadly supported by central and local government, and encouraging social and cultural benefits which might be more difficult to quantify. Grassroots venues might not necessarily result in the heightened footfall desired by local councils, but can be crucial to branding the local area, supporting cultural development and encouraging a diversity of uses and users at night.

It was the assertion of a drift to over-regulation that provided the background for the empirical research that informs this study. Fieldwork was conducted in two South London areas: Croydon and Brixton. Through these examples it is argued that the current Act works primarily from the basis of minimising negative outcomes, which inhibits the positive role licensing can play in supporting cultural and social benefits and creating populated and inclusive neighbourhoods. As noted above, 'culture' does not always equate to an increase in the number of visitors, just as increased footfall will not always be inclusive or of broad social benefit. Nonetheless, the argument developed here is that the current focus of the Act on minimising harm can prevent or inhibit councils from taking a more holistic view of how nightlife develops and the importance of licensing to urban life. In addition, it is argued that the Act needs to be more attuned to the wider effects of licensing beyond individual venues, and recognise the extent to which venues function in synergy with the wider development and growth of neighbourhoods. After an initial chronological review of the relevant literature, the methodology for this study is explained, before the consequences of the Act for the expanding nightlife and entertainment of the two London neighbourhoods of Brixton and Croydon are discussed.

Given the permissive, light-touch origins of LA2003, the article asks whether the *over*-regulation inherent in the *contemporary* operation of LA2003 is inhibiting the ENTE (Evening and Night Time Economy) in London. This is assessed through an analysis of local licensing practices and statements of licensing policy, making use of the original data sourced in 2015, and comparing the two areas. After a brief explanation of the two local areas, the discussion turns to an examination of how the areas are faring, and of the role that licensing plays in enabling their development. The limitations of the current Act are then discussed with a view to discussing the need for further integration between the systems of spatial planning and alcohol and entertainment licensing, and their place in a broader vision for urban centres.

Background

Origins of the Act

The origins of LA2003 lay in the incoming Labour government's aspiration for simplified and transparent legislation (Central Office for Information 1998). LA2003 was a piece of consolidating legislation, and it effected a major change by removing local licensing decisions from the magistrates' courts, shifting authority to the quasi-legal processes of local councils. Licensing, however, was separated from another quasi-legal function of local government, namely town planning, which guides spatial development. Licensing reform passed from control by the Home Office, whose main objective was the reduction of alcohol-related crime and disorder, to the Department for Culture, Media and Sport in 2001. As well as the management of alcohol licensing, the Act covered entertainment, defined in the Act's Schedule 1 to include live and recorded music, theatre, opera, dance and film as well as sport. Despite having a role to play in enabling culture and urban vitality, the licensing objectives at the head of the Act were restricted to:

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

When the Act was implemented in 2005 there were competing discourses about nightlife and licensing circulating in the mainstream media, putting pressure on Government to justify the Act. One of its most controversial provisions was to allow 24-hour drinking which, somewhat erroneously, was associated with a 'continental' style of drinking and the trope of a continental café culture (Tierney 2006). It was claimed this relaxation of operating hours would boost tourism and help to create safer and more welcoming town centres (DCMS 2003). This was overshadowed by a more dominant narrative concerning security, harm and health (Plant and Plant 2006; Talbot 2006; see also Yeomans 2009; Martineau et al. 2013). Consumption of alcohol had steadily increased around the millennium, and alarm over anti-social behaviour and the commercialisation of nightlife in town and city centres (Hadfield 2006; Plant and Plant, 2006) became frequent topics for media discussion as well as Government concern after 2004. Critics of the new Act held that 24-hour licensing would exacerbate these issues. They maintained that the Act represented merely an extension of neoliberal forms of governance whereby individuals, rather than government or the industry, took responsibility for alcohol misuse (Hobbs et al. 2005). Supporters of the Act, while not discounting concern over binge drinking, took an opposing view and argued that it could in fact alleviate these problems. Staggering closing times, for example, would ease competition for taxis and late-night food, thereby reducing flashpoints for violence (Marsh and Kibby 1992; Budd 2003; Roberts & Eldridge 2009).

One of the anticipated benefits of the Act was that it would encourage a greater diversity in licensable activities and a blurring of distinctions between different classifications of cultural activities taking place within premises. For example, pubs could show films and accommodate theatres more easily, and the distinction between nightclubs and late-night dance bars would be removed. LA2003 also introduced Temporary Events Notices (TENs), which would permit licensed premises and non-licensed premises such as art galleries or museums to hold special events and licensable activities outside their approved operating conditions. A research study carried out two years after the Act was passed did not find evidence to support the take up of this new freedom (Roberts and Eldridge 2007), but the theme of encouraging a 'cultural turn' (Bianchini 1996) to urbanism nevertheless remained as an 'absent present' in the Act.

From its inception, live music artists and entrepreneurs consistently voiced concerns about the potentially regressive impacts of LA2003. LA2003 required a music licence to be held even for small events in pubs and other venues. UK Music and The Musicians Union were at the forefront of a campaign to remove what was seen as an impediment to the live music scene that was leading to an increasing number of venue closures (Topping 2010). The Live Music Act 2012 subsequently removed the requirement for alcohol-licensed venues to purchase an additional licence for a performance of live music. Initially focussed on venues of under 200 capacity, this Act was later expanded via the Legislative Reform (Entertainment Licensing) Order 2014 to include venues up to 500 capacity (HC Library 2015). The current revision of the Statutory Guidance to LA 2003 now permits all Schedule 1 activities without the need for a licence between 08.00 and 23.00.

More recently, attention has focussed on the impact of noise from venues on local neighbourhoods and the concomitant demands by residents to close down venues, including longstanding 'grass roots' performance spaces. It was only in 2019, after a strong campaign, that central government reversed an important urban planning principle and placed a requirement on developers as 'agents of change' to take adequate noise mitigation measures for new-build schemes which would be affected by noise associated with a well-established venue (MHLG 2019).

While this move towards encouraging music was welcomed, it still left late-night entertainment, frequently associated with alcohol, under the regulation of local government. From 2010 onwards, following the banking crisis, local authorities in the UK have experienced a swingeing cut to their budgets from central government of approximately 40%. The cultural dimension in urban regeneration was slowed almost to a halt, particularly outside London and the South-East. While central and inner London continued to expand economically, the benefit of partially deregulating cultural and entertainment activities ironically prevented cultural creativity from flourishing. Rising property prices, hikes in rent and closures of traditional pubs all led to a dramatic decline in the number of grass-roots music venues (Mayor of London Music Venues Taskforce 2015). Meanwhile, as the Statutory Guidance to LA2003 was revised many times and local councils reviewed their licensing policies, alcohol licensing conditions became more detailed and prescriptive for premises operating late into the night. Nightlife operators subsequently formed an effective trade organisation to lobby local and central government, claiming that excessive legislation was forcing them to close down the dance bars and clubs that nurtured new talent (Furedi 2015).

Licensing and the Role of Local Councils

A final and equally important factor that helps establish the context for this discussion is the role different statutory authorities play in urban development and managing the night-time economy. LA2003 was conceived as a 'light touch', or 'third way' piece of legislation that set out the main principles for regulatory control but permitted central government to make changes to the detail of the legislation through Statutory Guidance. Even though, prior to the implementation of the Act, some local councils were mounting innovative schemes to develop and manage their night-time economies (ODPM 2004), local government lacked the tools to manage and control their town centres and to balance the benefits of an expansion in cultural, hospitality and entertainment premises with services which were only organised for daytime hours. The objections of local residents added further complexity. As Talbot (2006) explains, managing the night comprises a range of different laws covering nuisance and violence, licensing of supply and opening times, and health interventions, safety procedures and security measures such as CCTV.

LA2003 requires each local authority to set out its own licensing policy, in the form of a licensing statement every five years. Local variations in Licensing Statements permit local councils to introduce controls that will have an impact on their local cultures. The precise mechanisms for this operate at micro-district level through the definition of Cumulative Impact Zones (CIZ), in which a special case has to be made for the introduction of a new licensed premise or a variation in its operating hours. At the scale of the individual venue, local licensing committees can also refuse requests for changes in the operating hours of the many licensable activities that fall under the remit of LA2003.

This brief review has demonstrated the manner in which night-time entertainment in the United Kingdom has been traditionally viewed as a matter of control, regulation and policing (Talbot 2006, 159). Added to this are the ways the night is subject to various discourses which frame it as a time of immorality and non-normative behaviour, further adding to the sense of it being a time that requires moral and legal intervention (Jayne et al. 2006). This narrative is not the only one shaping how we understand the night, and 'the night-time economy' is very much steeped in wider policy aspirations for 'vibrant' town centres. The term vibrant is ambiguous, however, and can refer to diversity in venues and visitors and to high footfall, which may, nonetheless be mono-cultural. A vibrant town centre at night can therefore be socially exclusionary and culturally limited, while attracting high numbers of patrons.

As Stevenson et al. (2010) have also suggested, policies concerned with culture do not take a universal shape and different political motivations, government structures, histories and desired outcomes will influence the ways in which policies that help shape local urban cultures are implemented and the extent to which their desired outcomes are achieved. In the discussion below, the significance of local dynamics becomes highly evident with locally contingent framings of race, class, and what is actually desired by key stakeholders in seeking to create vibrant neighbourhoods. These policies and contradictory narratives are dependent on where they are taken up, with the City of Westminster, London's leading night-time economy hotspot, very much different to the case studies explored here. The neutrality of the law is not in question here, but its application and how it then functions alongside or in tension with local policies and strategies requires further elaboration. Through addressing this, it is possible to examine to what extent regulation

is stifling or enabling different forms of urban nightlife and, second, how a more holistic approach to licensing could help reorient the more dominant narrative of harm to one of urban diversity and social sustainability.

Methodology

The discussion that follows is based upon research conducted by the named authors and a specialist economic consultancy, TBR, for the GLA in 2016. The original research (Roberts et al. 2018) was designed to compare four licensing authority areas: the boroughs of Croydon and Lambeth in the south, Waltham Forest in the north-east, and the City of Westminster, which forms the western part of Central London. A more detailed analysis then followed, which focused on two areas outside the dominant night-time economy of Westminster: Brixton, in the borough of Lambeth, and Croydon town centre. From this comparative analysis it was possible to draw conclusions as to the economic benefit of the evening and night-time economy (ENTE) in each area, review how licensing decisions and appeals were being addressed, detail the economic impact of the local ENTE and examine how licensing and planning were shaping the development of nightlife. Crime, transport movements and local policies were also examined, providing detailed snapshots of each area after dark.

The data included an analysis of Licensing Sub-Committee minutes from March 2015 to June 2016. Further evidence was provided by the Metropolitan Police Data Service and London Ambulance Service. Transport for London provided data from October 2015, from which we were able to determine the numbers of commuters entering or leaving Brixton Underground Station. Finally, we made use of TBR's Night-Mix index. TBR, which has since ceased operating, was a UK-based consultancy firm which provided economic impact assessments and business research data. Their Night-Mix Index was used to further understand economic activity in the chosen areas. Semi-structured interviews with local stakeholders were also conducted, including representatives from Pubwatch (a partnership of local licensees), Business Improvement Districts, borough licensing officers and venue managers.

Case Studies: Context

The two areas chosen for further analysis are Croydon town centre, a sub-regional centre in the south of London, and Brixton town centre in the inner borough of Lambeth. The borough of Croydon, with a population of just over 380,000, sits on a transport corridor connecting Central London to Gatwick Airport and Brighton to the south. It is further accessible via an extensive rail, bus and tram network. There is a large town centre and the night-time economy is divided between the High Street, with nightclubs and bars, and a second area approximately 15 minutes' walk to the south where a burgeoning dining quarter is developing along with a few pubs and bars. These two main centres are divided by a major road. Croydon also has a third, much smaller centre consisting of a concert hall and performance space, which at the time of the study was closed for refurbishment and extension into a cultural centre. The town centre's main shopping mall, adjacent to the High Street, is undergoing extensive re-development which, when combined with the high number of recently closed nightclubs in the adjacent High Street, provides the opportunity for the town to redevelop its night-time provision. The council has undertaken a public realm improvement plan, and the local business improvement district (BID) has plans to develop more activity in the evening.

Croydon's nightlife, in regards to both its history and current development, is somewhat ambiguous. At the time of the study (2015–2016) it was undergoing a downturn, which prompted the commissioners of this study to ask the team to include it. As the home of Dubstep (Huq 2015) and the nearby prestigious arts training institution the 'Brit School', it has a strong connection with contemporary music. It has, however, also experienced the closure of four major nightclubs in its High Street in recent years. Tiger Tiger, a nightclub chain, closed in January 2016, not long after the Yates Wine Lodge, which closed in May 2015. The local BID manager considered that these closures were part of a London-wide trend and were not specific to Croydon. In Croydon town centre, the focus of this discussion, there were 180 food, drink and entertainment venues, employing some 970 people (Roberts et al 2018). The Council's Director of Safety had declared its night-time economy to be alcohol-led, and in 2016 the Council was seeking greater diversity away from drink-led venues.

Brixton, in Lambeth, has a much more established nightlife scene. Its town centre is more compact than Croydon's, and benefits from two historic covered markets which serve to link spaces which would otherwise be divided by railway arches. Two major music venues, the O2 Academy and the Electric (formerly The Fridge), indicate its music focus, and there is an alternative cinema, the Ritzy. The two enclosed markets, Brixton Village and Market Row, function as craft and food markets during the day and offer largely food and drinks-based entertainment in the evening hours until 23.00. As in Croydon, there is a Box Park (a pop-up style development comprising cafes, bars and dining facilities in repurposed shipping containers), as well as other venues all oriented around the tube line, rail viaducts and the railway station. Like many parts of inner London, it has seen significant gentrification and regeneration in recent decades, and the local BID is actively involved in further management and public improvement projects. Though slightly smaller than Croydon, with only 95 food, drink and entertainment venues, it is well known and strongly associated with a diversity of venues, migrant communities, music of black origin and especially live music (Mavrommatis 2011). Data provided by Uber revealed that the clientele at night came from a wide area across London, a piece of evidence confirmed by the BID manager.

A major difference between Croydon's and Brixton's night-time economies was identified in TBR's economic analysis. This found that taking a longitudinal view of the sales revenue generated by the three major sub-segments of

the evening and night-time economy (food, drink and entertainment), Brixton's ENTE was dominated by food and entertainment. By contrast, Croydon's was dominated by food and drink-led sales, with the entertainment sub-segment only comprising a small fraction of the total.

As part of the study the team reviewed the crime statistics for a year in both town centres. It was found that levels of recorded crime did not show significant peaks during the night-time hours and do not form a significant component of this discussion.

Case Studies: LA2003

To reiterate the premise of this discussion, the commissioners of this research were initially concerned with whether over-regulation was stifling London's nightlife, especially in regard to the recent number of venue closures. The Statements of Licensing Policy for Lambeth (which covers Brixton) and Croydon both recognise the importance of nightlife to their local area. As well as the economic importance of the local ENTE, Croydon's licensing policy (revised 02/01/14, 23pp + appendices) recognises to some degree the positive benefits of the ENTE and licensing.

Premises and events that are required to be licensed under the Licensing Act 2003 do currently, and will continue to, make an essential contribution to the economic and cultural development of the Borough, through the provision of entertainment, leisure facilities and employment. (1.5)

Planning policy in Croydon, and its local BID, stated a wish to expand the evening economy in particular (18.00–21.00), and thus provide more opportunities for socialising by families and older people (LB Croydon 2013). Further policy support for the local ENTE comes from a joint initiative between Croydon and the Mayor of London to develop an Opportunities Development Framework (LB Croydon, TfL and Mayor of London 2013). The dining quarter slightly outside the town centre is positively reviewed here. The Croydon Local Plan Strategic Policy SP3.8 also champions ENTE uses in the centre and local centres across the borough.

While the ambitions of Croydon's Statement of Licensing Policy are aspirational, Lambeth's are based on a night-time study commissioned in 2012, which informed the Brixton Town Centre Supplementary Planning Document (SPD) (ATCM, TBR and Make Associates 2013). The Lambeth Local Plan (ED7) also encourages night-time uses where they are unlikely to disturb residents. Brixton's SPD builds on Lambeth's Core Strategy for Places and Neighbourhoods (LB Lambeth 2013; LB Lambeth 2015). It seeks to develop the town centre's leisure, entertainment and nightlife, including supporting performance spaces. The SPD acknowledges the importance of local venues such as the dance floor in the Electric (formerly the Fridge nightclub).

It is the purpose of this policy to maintain Lambeth's position as a vibrant place to visit and enjoy, with a wide choice of well managed venues providing entertainment and reflecting the cultural diversity of the Borough (Prologue, p1)

Recognising the important role which pubs and other licensed premises play in our local communities, and minimising the regulatory burden on business, encouraging innovation and supporting responsible premises (p5)

It is notable that in Lambeth, closing hours for public houses are 02.00 on Fridays and Saturdays, 24.00 on Sundays and 01.00 Monday to Thursday. By contrast, in Croydon town centre, while 'individual cases are treated on merit', usual closing hours are set at 23.30 Sunday to Thursday and 24.00 on Fridays and Saturdays. This means that each dance club, bar and pub that wants to operate outside these core hours has to make a case and potentially be subject to special licensing conditions.

The most notable difference between the two centres with regard to alcohol and entertainment licensing was the attitude of licensing enforcement officers and in particular, the police licensing officers. This extended into the study itself in that it proved impossible to interview a member of the police licensing team in Croydon. In Croydon, in the year prior to the study, the local police licensing teams had been accused of racism in their dealings with particular venues, their clientele, and with the granting of Temporary Event Notices (TENs). These accusations appeared in the local London press, with the owner of one of the remaining major nightclubs complaining that he had been told by local police licensing officers not to play bashment (dancehall/Jamaican) music because of its associations with crime and disorder. This claim was denied by the police, when contacted by the *Metro* newspaper (Nagesh 2016).

To the team's surprise, however, the accusation was echoed by the manager of an 'alternative' local café bar which hosted regular live music gigs. In an interview he complained of a meeting with local police licensing officers shortly after the venue changed from being a coffee bar to a café/bar/music venue. The reference to form 696 concerns the application form for TENs.

They were concerned with house music being on the bill and the mention of DJs. We discussed form 696s. During this meeting I was told that certain types of music were not wanted. When I asked for clarification they read out a list including: 'House, dubstep, grime, garage, hip hop and ragga'.

By contrast, relations between operators and licensing officers in Lambeth and Brixton were more cordial. Interviews with the police and council licensing officers revealed that they were committed to working with venue managers early in the licensing application process to resolve potential problems, and to liaising closely with premises once the licence was granted. The owner/manager of a major live music venue, with 1,500 capacity, commented:

Lambeth Council's approach is very pragmatic. There is a difference in approach between local authority licensing and police licensing, though Lambeth is possibly singular in London in that both the Borough and Police licensing teams understand [NTE] business and the challenges they face, and appear to be able to discern [and work well with] responsible operators ... Our relationship with the Police is excellent. They are good people; they understand what we do.

The police licensing officer commented on the question of music and licensing:

The problem isn't live music or licensed premises, it's the over saturation ... the consequences of those places spilling out. It's the impact ... the cabs on the street. Music in a venue doesn't concern people, if it's run well and engages their local community.

The manager of the two markets, Brixton Village and Market Row, reported that there had been no problems in obtaining licences for the individual 'stall' holders to open later into the evening and night. It is noteworthy that the stall holders have a strong BAME representation. The opening of a night market is innovative, and Brixton had also seen further successful experimentation with licensing a three-storey premises, the Atlantic Dogstar. Scrutiny of the history of the licensing application revealed how a previously conventional if somewhat notorious pub that closed at 23.00 was successfully remodelled into London's first DJ bar, with a licence to stay open until 04.00 on Saturday and Sunday mornings. It now also accommodates a number of other licensable activities. Generally, with regard to the existential threats to venues in Brixton, relationships with licensing were not seen as an issue, whereas the impacts of rising property prices and commercial rents were.

In one further finding of note, and in common with their counterparts elsewhere, managers complained about the extent and number of licensing conditions, which could reach a total of 43 items for an individual venue. For example, detailed examination of Croydon's Dice Bar's licensing history demonstrated it had upgraded its provisions to include enhancing CCTV provision to 29 HD cameras, monthly training sessions for staff, airport-style scrutiny of incoming customers; enforcing the dress code; breathalysing selected customers on entry; zero tolerance of violence, sexual harassment and drug taking; written procedures for dealing with vulnerable persons and imposing an established procedure for ejections.

Discussion

As evidenced above, there were discernible differences in the levels of inclusion of BAME groups and the economic success of Brixton and Croydon's nightlife. The question is how much did LA2003 contribute to these different outcomes? The commissioners of this study had assumed that LA2003 had evolved from its 'third way', relatively light-touch origins to become a restrictive piece of legislation, so restrictive that they could envisage it being the prime reason for holding back the development of the night-time economy and the cause of specific venue closures. However, our research could find no evidence that the provisions of the Act had had a negative effect. While it was true managers complained about the weight and number of licensing conditions, licensing hours were not specifically mentioned. Furthermore, the issues which provoked Licensing Committees into revocation of a licence were crime and disorder, rather than public nuisance, which could normally be negotiated.

The contribution of the Act to these quite different night-time areas was not so much a consequence of what is in the legislation as of what is omitted from it. The Act itself, much like 'culture' in the original Act, was somewhat of an absent presence with regard to how nightlife developed in either area. Key differences were found, firstly, in licensing enforcement. The attitude of the local police licensing officers was particularly important in both centres. In Croydon the attitude was one of control and restriction, whereas in Brixton the police and the local authority worked with operators and venues to find solutions. Second, the extent to which licensing was seen as part of town centre management rather than as a discrete 'silo' was also important. Lambeth, the local authority in which Brixton is located, made the effort to link up with other spheres of policy and town centre management through active interventions, commissioning studies and partnership meetings. Finally, the manner in which specific types of music were treated differed between the two places. Regrettably, in Croydon, this led to accusations of racial discrimination, as noted. This controversial practice was eventually withdrawn (Gillett 2017).

The first point to be noted from this observation, and in response to the call made here for a more holistic approach to licensing, is that venues do not operate in isolation. The Licensing Act is concerned with individual and personal licensing and does not take a holistic view of what licensing can achieve at a local level, with the exception of 'saturation'—that is, too high a footfall and number of patrons. The case study of Brixton demonstrated that 'success' comes from cross-sector working and, indeed, taking a more holistic view. Brixton's BID facilitates cross-partnership working between venues, such that licensing provides the framework for individual venues, but it is dependent on coordinated,

funded and dynamic leadership to ensure venues work together and create a socially and culturally inclusive, lively local neighbourhood. Many groups, such as the police, street pastors and the like work together and serve to ensure the area is well managed and economically successful.

This partnership working is permitted by LA2003 but not stipulated by it. In fact, the only area-based provisions of the Act are regulatory, in the form of the Cumulative Impact Zone (CIZ). Local authorities have to make a special effort to facilitate a holistic development of night-time activities in their areas. To do this they need educated, sympathetic stakeholders and team members. The Croydon example demonstrates that where trust has broken down between key players, it can have an impact on the reputation of a centre. It is in this context that innovation and creativity may also be stifled, rather than this being attributable to the Act in itself.

The inference that can be drawn here is that there is much to be gained from embedding alcohol and entertainment licensing more firmly into town centre management (Mayor of London 2017). How this might be done calls for further analysis and is beyond the scope of this paper, but one possible direction would be to include the promotion of an inclusive urban culture as a fifth licensing objective, rather as the Scottish government has introduced public health. An inclusive urban culture is more difficult to define than public health, but rather than thinking of economic or cultural value in terms of individual venues, be those nightclubs, galleries or local pubs, it is more useful to consider how nightlife spaces function together to create a neighbourhood with a variety of venues and a diversity of visitors to them and the wider neighbourhood.

From a legal perspective, even in areas that are usually seen in negative terms, for example in numbers of policing transgressions, there is often a counter-narrative, particularly where an argument can be made for social utility or benefit (Gilchrist and Osborn 2017). In their work on parkour, for example, (Gilchrist and Osborn, 2017) note that whilst this lifestyle sport can be seen through the lens of policing behaviour, enacting byelaws and Public Space Protection Orders, or viewing it as a form of anti-social activity, a case can be made for valorising this lifestyle sport and *protecting* such activity. Skateboarding also provides a neat example, with efforts made to protect areas where this takes place. The Undercroft, skateboarding's spiritual British home (Borden 2016) was listed as an Asset of Cultural Value in 2013, using provisions in the Localism Act 2011. Other devices, such as registering a place as a Village Green under the Commons Act 2006 have also been explored (see generally Bogusz 2013). As Gilchrist and Osborn 2017, 59 note 'these initiatives reinforce the idea that certain activities are worthy of protection, and that the law might have a role to play outside of solely policing the transgressive'. There is then a case to be made for the law to protect and support cultural activities, and we would argue that this approach can be applicable in terms of how local authorities respond to licensable activities. Proper consideration should be given to social utility considered holistically, and an explicit acknowledgement of the possible positive benefits of nightlife ought to be explicitly considered in the licensing objectives.

In planning law, assets of cultural value can be given support through the Localism Act 2011, which allows local residents time to organise the preservation of the use of community buildings such as pubs, if threatened with demolition or change of use. Conservation policy can also be used to list buildings that accommodate uses considered to be assets of historical cultural value, as was the case with the LGBTQ+ venue, the Royal Vauxhall Tavern in Lambeth (Historic England 2015). This would suggest that more integration between the systems of spatial planning and alcohol and entertainment licensing is desirable. Urban planning covers a broad remit, which, to give an example, can span from the siting of wind farms to the placing of satellite dishes on individual houses. It is fair to say, however, that spatial planning has generally focused more on daylight hours than the nocturnal city, and as they make good this omission, there is scope for urban planners to consult more directly with licensing officers in the production of plans. This consultation is relevant for both the different scales and levels of planning that lie between forward planning, 'plan making' and development management —, that is, the determination of particular applications for planning permission. If licensing statements and town centre area action plans were more closely interrelated, it would be possible to identify potential sites for night-time uses and provide guidance as to the range of applications for licensable activities that would be favourably received.

A second, related proposal is for a pan-London licensing authority. London has 32 boroughs plus the City of London. While there is merit in each borough having a degree of autonomy over licensing within its area, there is evidence from both our study and research by the GLA that popular night-time centres draw in a clientele from across the region. Even the Thames does not present an absolute barrier. A representative from Brixton also noted that licensing, embedded as it is in local authorities, is subject to local politics and the desires of residents who vote for local councillors. A pan-London licensing policy would function in the same way that the GLA produces a strategic spatial plan for London. It might encourage some degree of uniformity between boroughs but also, and more importantly, reinforce the London Plan in its designation of centres where particular types of activity might be promoted and others where a stronger regulatory regime might be called for.

The Act, in effect, needs to be amended so that alcohol and entertainment licensing is seen as part of urban management. The context for intervention needs to be broadened beyond the individual venue, on which licensing is currently focused. It is now in CIZs, but these are regulatory and not permissive. Licensing officers and police licensing officers need to see themselves as part of an urban management team that puts their actions into context.

Local Authorities could use the Act more creatively as it stands by using the local variations permitted in their Statement of Licensing Policy, i.e. perhaps by permitting 'light touch conditions' for certain types of venues. This provision could encourage local start-ups and foster experimentation. In effect this would be an extension of the TENS

concept, but perhaps for later or longer trial periods, say for one or even several months. Such an approach would dovetail with current concerns about the disappearing retail functions on the high street and the need to find alternative uses for commercial premises.

Finally, in considering how LA2003 might be amended, Parliament could take evidence from other European countries. Bodies such as the EuroCouncil of the Night (2018) represent professional stakeholders, politicians and experts. There is an emergent body of research on new forms of governance, such as the emergence of night mayors (Seijas and Gelders 2019). The night mayor movement mainly focuses on commercial and 'alternative' nightlife, but the City of Paris provides an interesting example of a municipality which has a more socially inclusive view of nocturnal activities.

Conclusion

While there is a pervasive discourse of the night which centres on harm, anti-social behaviour and the need for control and regulation, there is a corresponding and equally powerful discourse of the night as a time of potential economic expansion, opportunities for urban renewal, urban inclusion and sociability. Licensing not only provides the context for economic growth but plays a significant role in developing cultural hubs and spaces at a venue and local level. It was this former theme of over-regulation and a focus on harm which very much drove the original research, especially in terms of whether over-regulation was stifling the industry. One way of determining this was by comparing two different town centres. By exploring how the Act was articulated within the local economies, planning objectives, urban visions and management schemes of these centres it was found that the application and interpretation of the Act did indeed differ. As argued, however, the differences seen between Croydon and Brixton were less a result of the Act, and more to do with local partnerships, local visions, specific licensing decisions and the real estate market.

LA2003 has evolved in the context of changing approaches to the night-time economy and changes within nightlife itself. This paper has charted the tensions inherent within LA2003 and between regulation and permissiveness. It has explored, drawing on empirical study, the operation of the Act within two different localities in South London in the summer of 2016. The underlying assumption that drove the commissioners of the research was that the regulatory aspects of the Act overshadowed its permissive intent and that this was contributing to a cultural downturn in London's nightlife. They were particularly concerned with late night hours – that is, the hours after midnight – and how the Act might impact the running of venues operating at these hours.

Certainly, the empirical study found that the licensing conditions imposed on venues after midnight were experienced as onerous, with requirements for extensive CCTV surveillance cameras, trained door staff and a zealous approach to any dealing or consumption of drugs. It was difficult to conclude that this was the sole reason for the closure of venues, however, as managers and officers discussed other pertinent issues, including rising property prices and rents.

In studying two locations with differing night-time economies, one thriving, the other not, the key difference in the impact of LA2003 was seen to lie in enforcement. The plea by officers and managers for a more streamlined and consistent licensing regime led to a suggestion for a pan-London licensing scheme. Whether this will add a superior level to the operation of LA2003 opens up a topic of further research.

The limitations of the study were those of place and time. London does not stand for the rest of England and Wales. Parts of London and parts of the South-East of England have experienced a long period of economic expansion and an over-heated property market. This does not mean such growth is uniform, however, as the case of Croydon shows. The research was carried out over a short space of time and provides a snapshot of a place. Further research outside the major cities in England and Wales would enrich the findings. The study, of necessity, is not capable of generalisation at an international level, because of the specificity of LA2003 to England and Wales. Nevertheless, a broader conclusion can be drawn. This piece of research has demonstrated how alcohol and entertainment licensing cannot be regarded as a purely technical quasi-legal exercise, a mere subsidiary function of local government. Licensing policies and their enforcement can play a significant role within the spatial and cultural development of urban centres. At a time when there is national concern about a decline in town centres and the 'high street', our argument for taking a more holistic view of the objectives and impacts of LA2003 is strengthened. Alcohol and entertainment licensing is embedded within the cycle of urban development. There is further work to be done in teasing out its precise relationship to urban cultures and urban development and management, in order to set out a sound basis for review and reform.

Competing Interests

The authors have no competing interests to declare.

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