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Symbolism and the 'free market': the regulation of alcohol and anti-social behaviour past and present

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Introduction

The concept of anti-social behaviour (ASB) was a product of New Labour's 'third way' thinking, yet concepts of disorder and incivility, which have a strong interrelationship with the idea of anti-social behaviour, have a long tradition in English sensibilities and civil law. This is nowhere more obvious than in the regulation of alcohol and entertainment.

The earliest law concerning alcohol was passed in 1381, but was aimed merely at the regulation of price to prevent inflation and the cheapening of the coinage (Dorn, 1983). Statutes dating from the fifteenth century established a connection between the consumption of alcohol and labour discipline. As Nicolas Dorn (1983) and Brian Harrison (1994) argued, alcohol consumption was identified from this point onwards with lax attendance and productivity, political agitation amongst the working-class, riots, disorder and revolution. Drinking and entertainment were seen as a barrier to a longer more regular working week and the intensification of work required by industrialisation. Legislation throughout the early to mid-seventeenth century dictated where and when drinking could take place, ranging from restricting drinking in Inns to residents, banning entertainment on religious days and making drunkenness an offence (Dorn, 1983).

Drink and entertainment, therefore, has, in English history, held a symbolic meaning, speaking to a discussion about the nature of a newly emerging industrialized society, class formation, and political agitation. This chapter will explore this symbolism, firstly focussing on the emergence and formation of licensing law in history, secondly of New Labour and Conservative-Liberal Democrat Coalition policy in relation to alcohol consumption.

George Orwell (1940: 41) pointed to the hypocrisy embedded in English licensing laws that were 'designed to interfere with everybody but in practice allowed everything to happen.' I will argue that beyond the rhetoric, Orwell's description is indeed correct; elites in England and Wales were not so concerned about alcohol and entertainment to prohibit both, although they may be forced to respond to particular health campaigns (Vleugels 2014), or for

other self-serving reasons. However, licensing law has served governance well in certain instances of threat and needful social engineering where it *has* been enforced. This chapter will explore the contradictions of licensing law in its historical emergence and post 1997, and how and when it is enforced. To this end we might reframe Orwells quote that licensing law is 'designed to interfere with some but in practice allowed most things to happen, under a *symbolic* criminalisation of all.'

These two themes – symbolism and contradictory motivation and enforcement – runs throughout this chapter. It will begin by exploring the rationale of licensing law as it emerged in conjunction with the slow developing industrialisation of England and Wales. It will in this section provide case studies of selective enforcement. The chapter will then move on to consider the reframing of alcohol regulation and its symbolism in the New Labour government and beyond. The argument of this chapter is that legislation enacted around concepts of disorder and anti-social behaviour not only serve to regulate individual and group conduct, but also relationships between capital and state.

Symbolism and licensing practice in the regulation of alcohol and entertainment in the eighteenth and nineteenth century

This chapter has already outlined some of the early symbolism of alcohol consumption and its relationship to concepts of anti-social behaviour and disorder. Licensing regimes and the official attitude to alcohol have been shaped by economic, as well as political and moral considerations. Attempts to restrict the consumption of alcohol from the sixteenth century, for example, were closely connected with the new vagrancy laws aimed at controlling labour and ensuring discipline, alongside concerns about the close connection of Alehouses with working-class radicalism (Dorn, 1983). Furthermore, theorists have understood fears around nightlife and popular culture to be intimately connected to fears about the 'dangerous classes' in the rapidly growing cities from the eighteenth century (Schlör, 1998). The social reaction to this culture was organized by largely middle-class movements ranging from the Reformation of Manners Movement (Hunt, 1999) to the Temperance movement in Victorian England, aimed at

introducing a (presumed absence) of manners and civility¹ into the poor by reforming their conduct (Dingle, 1980).

The symbolic nature of licensing law can perhaps be seen most clearly in the introduction of the Disorderly Houses Act 1752, which formed the model for even contemporary forms of entertainment licensing. It became part of statute as a result of a petition by writer and magistrate Henry Fielding to the Lord High Chancellor, which drew attention to the growth in 'criminal' activities in the lower classes and speculated as to their cause. In Fielding's reasoning, the decoupling of the lower orders from feudal bondage had steadily inculcated new customs into this section of society, chief among them a demand for 'luxury.' While vice and ruination associated with the pursuit of luxury was unproblematic in the upper classes, amongst the lower classes, who were the source of labour and wealth, Fielding considered it destructive to society. Moreover, he feared the spectacle of riot and sedition. He therefore argued that the entertainment and consumption habits of the people should be restrained. The problem was how, when, according to Fielding, people took no notice of oppressive law and would reject any measure that constrained their individual liberty. Further, a system of control had to take account of what Temperance campaigners Sidney and Beatrice Webb (1903: 2) later noted as 'the absence of police.' The answer was found in liquor licensing law, and the Disorderly Houses Act was modelled on its structure. Fielding's pamphlet is a fascinating document both because it expresses the symbolism of the regulation of alcohol, but also how it carefully balances the preoccupations of control and liberty.

The Webbs (1903) observed that state involvement in the sale and consumption of alcohol was motivated by two conflicting interests. Firstly, the revenue derived from taxes on liquor on the one hand, combined with the growing power of the 'free-trade' breweries facilitated the growth of consumption. Lobbying by this breweries resulted in the passing, for example, of the Beerhouse Act 1830, which removed the right of magistrates' to license public houses for the sale of beer and allowed any householder to sell beer for a small fee. Secondly, the Webbs argued, was the 'social disease' – the combination of economic deprivation, moral dissolution and indiscipline that appeared to originate from alcohol. Licensing law could not stop powerful

interests, but it could regulate the conditions of alcohol use within what were perceived as acceptable outlets for supply (Dorn, 1983). The way that licensing law reflected such practices of inclusion and exclusion in the ability to control outlets for alcohol consumption and entertainment often coincided with the interests of the breweries and ensured cooperation and 'self-regulation.'

Any entertainment that fell outside of the bourgeois economy ('fairs and festivals') were treated as potential sites for incivility and disorder and targeted for surveillance by the emerging police forces (Storch, 1976). The aim of the first entertainment licensing law, the Disorderly Houses Act 1752, was to permit and restrict, so long as the authorities retained control over the premises. What is central here is that licensing law, whether aimed at deregulation or re-regulation depending on the historical period, had the impact of consolidating the *permitted* capitalist industry. Free or unregulated activities outside of that industry were successively restricted. The differentiations made were cultural ones. For example, the apparent difficulty of distinguishing between places frequented by the upper classes as opposed to the lower classes was exemplified in the Disorderly Houses Act 1752 through a clause which stated that a premises did not need a licence if it were an important theatre (with specific places listed in the text), or were already licensed by the crown or Lord Chamberlain. More recently, the fate of the 'beat clubs' in London's West End and Manchester in the 1960s, closed because of the so-called 'moral dangers' to young people (Public Records, 1964 HO300/24; Lee, 1995) and the domestication of the rave scene in the 1990s are also indicative of these dual standards.

The industry was often compliant with respect to regulatory controls for entirely strategic reasons, which belied the prevailing ideology of the laissez-faire market. For example, between 1890 and 1900 the industry saw a drop in revenue due to falling sales and prices. As a consequence, a struggle to control retail outlets ensued. An industry in fierce competition then favoured the closure of a number of outlets, which accorded with the growing Temperance mood of regulators (Dorn, 1983). Further, licensing law has flowed from the nature of economic policy. During the twentieth century, the trade was defined by the eroding boundaries of capital and state. Andy Lovatt (1996) referred to a 'Fordist' mode of regulation where the state

regulated supply, by restricting the number of public houses and hours of opening. This form of regulation persisted until the 1980s with the growth of laissez-faire economics (Baggott, 1990) and renewed support for the liberalization of the trade. Yet, whatever constellation of licensing law was proposed, the result was a differentiation made between permitted and non-permitted industry.

The ability to mediate this differentiation derived from the structure of licensing law and its institutional implementation. As Webb and Webb (1903: 4) noted, licensing law regulated supply in four key ways: firstly, through the payment of taxes and fees for sale and manufacture; secondly, through the registering of individual licensees so they were 'brought to public notice;' thirdly, through the limitations placed on the number of alehouses in localities and on the qualifications needed to be a keeper; lastly, through the imposition of special rules or conditions of sale. The local operation of the law involved three forms of control exercised by magistrates': the 'power of selection,' the 'power of withdrawal' and the 'power of imposing conditions.' The first power came with a 1552 statute (5&6 Edward VI.c.25) in which a licence became a privilege, not a right, and magistrates had the power to select through the exercise of discretion who should be given that privilege. The second power came earlier, with the 1495 (11 Henry VII.c.2) and 1504 (19 Henry VII.c.12) Acts, by which two justices could suspend what were seen as superfluous alehouses (Webb and Webb, 1903: 6). The third power came from a combination of the first two, and before the Beer Act 1830 magistrates had total autonomy to impose conditions, such as closing times, the number of licensed venues in areas, where public houses could be situated in the locality and so on (Webb and Webb, 1903: 9).

These three basic powers have been negotiated and altered in different historical periods depending on prevailing opinion. As already mentioned, in a unique drawing back of statute law, the Beer Act 1830 restricted judicial discretion, specifying that it was limited to making sure the applicant was of good character. The power of withdrawal was placed within the jury system, and Parliament argued significantly that the publican should be free to do whatever Parliament had not expressly forbidden (Webb and Webb, 1903: 98). The consequences of this liberalization was that the number of retailers of liquor grew, and as fears spiralled with regard to the growing level of drunkenness and incivility, magistrates and bishops agitated for a repeal

of the Act. In the winter of 1830, a Parliamentary Committee was formed led by James Silk; the Committee was Temperance in character, and the following Beerhouse Acts of 1834 and 1840 enhanced the powers of the justices' with regard to the owners 'qualities.' Despite these shifts and reversals, the basic structure of licensing law and the powers granted to the state to control places of drinking remain similar to the structure of law today; further, that these specificities of quasi-legal practice embedded in licensing law conferred the ability of magistrates and other empowered authorities to control and differentiate between cultural and social spaces.

It is obviously the case that both liquor and entertainment licensing law have mutated beyond their original form. It is also the case that the development of police forces in the nineteenth century significantly enhanced the power of the state to enforce law and moreover develop alternative routes to controlling popular entertainment and incivility, such as direct repression and surveillance (Storch, 1976). Much of the language has changed whilst the symbolism has become more muted. Regardless, the licensing of alcohol and entertainment follows basically the same principles outlined by the Webbs, that is, a system of control aimed at controlling or containing the conditions of supply and of selecting who is a 'fit and proper' person to be licensed.

The state itself has historically, and continues to be, in the contradictory position of modulating different interests whilst displacing blame. As illustrated by Dorn (1983), the production and consumption of alcohol has been subject to the twin political forces of free-marketeers and Victorian Temperance (and its predecessors). The working-class itself acts as a mass market for the consumption of alcohol (Gofton, 1990), particularly given as Harrison points out, the psychological strains of industrialization combined with an erosion of 'traditional sanctions on conduct' (1994: 41) predispose people to over-consumption. What can never be admitted by governance is an economic and cultural causation; thus individuals – drinkers and licensees – are blamed for its socially deleterious effects, an early example of a responsabilization (Rose, 1999) agenda. Licensing law – with its supervisory and differentiating possibilities – has been innovated to contain these contradictions.

New Labour and beyond: consumption, anti-social behaviour and disorder

New Labour thinking on alcohol and licensing emerged in policy form with a report from the Better Regulation Task Force 1998, which advocated the rationalization of existing licensing law. The result of this report and subsequent consultations was the Licensing Act 2003. The Act proposed to 'liberalize' hours of opening by allowing licensees to apply for differentiated hours within a structure of considerations about the effect on crime and disorder, nuisances and anti-social behaviour, public safety and the protection of children. It aimed to release the burdens on 'responsible' businesses, whilst retaining a range of sanctions against 'irresponsible' ones; thus the legislation was firmly couched in New Labour's 'third way' politics, balancing rights and responsibilities (Talbot, 2006). It was also explicitly aimed at engineering particular forms of cultures over others; the purpose of this supposed liberalization was to create a 'cafe society' (DCMS 2002). At the time it was felt that restrictive licensing laws encouraged a culture of excessive drinking (the enticement of deviance); conversely, increased availability would normalize consumption and encourage responsible drinking. Such thinking had particularly emerged out of the work of the Institute of Popular Culture in Manchester Metropolitan University (MMU) and the Manchester City Council and the experiment in cultural regeneration conducted in Manchester.

The Act produced a widespread reaction, reigniting a decade-long debate on the impact of later licensing and the 'growth' of bars and clubs on the supply of alcohol and consequentially drunkenness. The argument, put forward by a loose alliance of London councils, some key residents associations, voluntary organisations such as Alcohol Concern, academics (Hobbs, Hadfield, Lister and Winlow, 2003), policy-makers and the Home Office, was that the growth of the 'night-time economy' prompted 'binge drinking' and consequently a growth of 'alcohol-related' (Alcohol Concern, 2004), or 'alcohol fuelled' (DMCS, 2005: 3) disorder. The implementation of the Licensing Act 2003 in particular provoked the potential spectacle of twenty-four hour opening and of city-centres therefore descending into an annoying or fear-provoking chaos of drunken 'yobs' (of both genders) creating violence, noise and anti-social behaviour. Intersecting with such activity was the public health lobby, where the British Medical Journal (BMJ) and hospitals pointed to the increased pressure arising from alcohol-fuelled

violence on hospitals and emergent health problems arising from excessive drinking. I will return to this when considering Conservative-Liberal Democrat Coalition policy.

A consultation document produced by the Department of Culture, Media and Sport (DMCS), the Office of the Deputy Prime Minister (ODPM) and the Home Office in January 2005 as part of a National Alcohol Strategy argued that while 'most people drink responsibly,' there was 'general agreement that the scale of alcohol-fuelled disorder is much too high' (DMCS, 2005: 3). The document discussed making binge and under-age drinking 'socially unacceptable' (DMCS, 2005: 3), and highlighted the problems of street massing (when large numbers of young people are on the street at the same time after standard closing times), street drinking and large numbers of people in particular areas 'intimidating, harassing, alarming or distressing the public' (DMCS, 2005: 6). So extensive was the social reaction to the Licensing Act 2003 that in the course of its long passage through Parliament, the Criminal Justice and Police Act was passed in 2001, which included a bewildering array of measures from 'on the spot fines' to Closure Orders. Since then, other Acts have been passed that constrain the workings of the Licensing Act 2003 (July), including the Anti-Social Behaviour Act 2003 (November) and the Violent Crime Reduction Act 2006, which introduced Alcohol Disorder Zones (ADZ).²

Of course disorder, like anti-social behaviour,³ is a concept that can 'mean anything, while also being a strongly symbolic and evocative term' (Brown, 2004: 204), and generally studies cited in order prove a correlation between alcohol and disorder actually have a more narrow focus on violence or aggression (see Alcohol Concern, 2004; Finney, 2004). The diffuse nature of the social reaction permitted by this terminology recalled some elements of a moral panic (Borsay, 2007) and historically common fears concerning the entertainment habits of the lower orders, women, and minority ethnic groups (Erenburg, 1981; Kohn, 1992).

Efforts to direct attention towards the (mostly Northern) disorderly binge drinker being produced by the excesses of the Licensing Act 2003 ignored some salient facts about government economic and social policy. One is that the deregulation of licensing hours that began with the end of the afternoon break (where pubs closed after lunch until early evening) in the mid 1980s (Baggott, 1990) was part of a broader ideological commitment to laissez-faire economics and deindustrialization initiated much earlier than the New Labour government. The

second is consequential from the first, that the night-time economy was an idea born out of the need to regenerate decaying inner-city areas (Department of the Environment, 1993). Nightlife would be an economic driver as part of a service driven sector of symbolic goods that would dominate our post-modern and post-Fordist landscape. A third aspect is also key, and that is to remind ourselves that the night-time economy was a policy of social control aimed at driving rave culture into private and licensed space, thus rendering them visible and ordered (Garratt, 1998; Collin, 1997). One consequence of this was that at least officially the intoxicant of choice had to be legal, that is, alcoholic, despite the continued prevalence of illegal drugs. Moreover, breweries were happy to innovate to suit new tastes and chemically 'facilitate' use. Summaries of research by Alcohol Concern (2001) illustrate that the content of alcopops (alcohol and other ingredients including sugar and a variety of stimulants) conceal the taste and strength of alcoholic drinks and thus are more likely to appeal to the young. Finally, in many ways, focussing on bars and clubs as a source of disorder ignored the rise of drinking outside those spaces. Statistics on licensing over a century show that the most dramatic increase in the number of licensed outlets has been in off-licensed premises, from around 25,000 in 1905 to 46,582 in 2004; whilst restaurants and public house licenses have shown an increase of nearly 15,000 from 1980 from a historic low point in the post-war period (DMCS 2004): the era of privatized family-based 'leisure' (Mass Observation, 1943) and the public marginalization of women. In fact, the number of clubs licensed remains small (Home Office, 2002, DCMS, 2004). Latest figures show a continuance of such trends, with an increase in off-licensed sales and an increase in the loss of licenses in the club sector (Home Office, 2013). Figures from 2010-2012 showed an 18% increase in the number of licenses awarded to supermarkets and general stores (Home Office, 2012). Finally, in 2012 pubs, bars and clubs only accounted for 11% of 24 hour licenses, compared to 24% for supermarkets and stores, and 54% hotel bars (Home Office, 2012). In terms of availability for drinking, therefore, pubs, bars and clubs are not the most significant sector, and yet have attracted the most negative attention.

These four points illustrate, as in prior history, that licensing law and the regulation of spaces of drinking and entertainment is emeshed in contradictions. Economically it was viewed as a critical driver, hence regulators moved towards the laissez-faire position of 24 hour

opening. Support for the *business* of drinking is critical to government policy. Yet someone must be blamed when things go wrong; to centre stage moved the violent 'binge drinker' and to a lesser degree the 'irresponsible licensee.' Meanwhile, off-licenses and supermarkets have escaped notice. The 'free market' and alcohol-fuelled disorder or anti-social behaviour exist in an important symbiosis, which recalls the relationship between free marketeer breweries and disorderly working-class of Victorian Temperance thinking.

In addition, the supposedly new regime of licensing regulation did nothing to stop the continuing dualism historically evident in licensing of inclusion and exclusion regarding particular cultural spaces and peoples. As research by Paul Chatterton and Robert Hollands (2002, 2003), Deborah Talbot (2004) and Martina Böse (2005) showed in different contexts, licensing and regulation continues to operate with clear notions of unacceptable and acceptable cultures and peoples; however in contemporary subjectivities, they are entwined with beliefs correlating commercial viability with orderly spaces. Talbot's (2007) research – conducted in an anonymous locality in London – demonstrated the racialized nature of regulatory subjectivities; black licensees were simply not viewed as trustworthy or commercially competent by the police or even local authorities (who might be expected to take a more enlightened view, but who were reliant on police warnings and objections). The regulation of licensing therefore coalesces with cultural regeneration strategies to ultimately favour big business over independent or alternative spaces, or white controlled spaces over those owned by black licensees, and so on in a complex process that intertwines moral norms and cultural habits with commercial development. These observations reconfirm geographical research on culturally differentiating processes occurring within cities in the context of 'gentrification' (Zukin 1989, 1991, 1995; Smith, 1996; Ferrell, 2001; Davis, 1990).

If New Labour policy represented the ambiguity of the 'third way' approach in that it tried to balance the 'free market' and 'consumerism' against social engineering, the Conservative-Liberal Democrat Coalition Government which came to power in 2010 represented a hardening of a more free market, 'choice'-led ideology, although it took some time to emerge. In the immediate sense, the rhetoric of condemning binge drinkers and disorder, with 'tough action' against irresponsible licensees continued. The Coalition's alcohol strategy, produced by

the Home Office,⁴ promised to 'tackle the scourge of violence caused by binge drinking' (Home Office, 2012: 2). The measures proposed included: minimum pricing for alcohol, enhancing powers of local authorities to control density of premises, Early Morning Restriction Orders which allow local authorities to restrict the sale of alcohol by area between 12-6am⁵, a late night levy on businesses to force them to contribute to the cost of policing, a Responsibility Deal to encourage businesses to act responsibly and health advice. Significantly, proposals to introduce minimum pricing – the only policy to practically influence supermarkets – was shelved in 2013 in favour of a ban on selling alcohol lower than the price of duty and VAT (Independent, 17 July 2013), while in Scotland blanket minimum pricing was removed from the Alcohol etc. (Scotland) Act 2010 over fears that it contravened European Union (EU) price competition rules (Nicholls, 2011). In addition, it has been noted that the government has fostered close links to the drinks industry in line with its libertarian, laissez-faire leanings (Sheron, Hawkey and Gilmore, 2011). Research commissioned by the British Medical Journal (Gornall, 2014) has found that the government was intensively lobbied by supermarkets, breweries and right-wing research institutes, such as the Institute of Economic Affairs, while public health experts were excluded, even as minimum pricing was being consolidated into policy. Enacted under the ideology of the free-market and choice, the outcome illustrates that – with the close cooperation of the state and business – the 'free market' is anything but free. Nevertheless, powers still prevail to target individually 'unacceptable' premises, whilst providing an environment of tolerance for the activities of big business.

Conclusion

This chapter has put forward the argument that the regulation of alcohol and entertainment mediated through licensing law and other indirect legislation has a strong symbolic quality of criminalization, while in practice creating the means to discriminate between acceptable and unacceptable cultural forms and behaviour. This tells us much about the nature of the 'free-market' both at particular historical junctures such as the Victorian period and today. A historical and current consideration of legislation concerned with the regulation of anti-social behaviour and disorder shows that it aims to regulate both conduct and provide a means to discriminate

between 'acceptable' and 'unacceptable' business, a process of regulation that big business is involved in and benefits from. What does this mean for the nature of drinking alcohol and what we might broadly think of as subcultural (meaning those that may be designated unacceptable) spaces?

Orwell noted in his sentimental account of English culture that the working-class were 'inveterate gamblers, drink as much beer as their wages will permit, are devoted to bawdy jokes, and use probably the foulest language in the world' (1940: 16). There is something to be said for understanding drinking cultures in this context; yes, excessive drinking is driven by the nature of capitalist economies, whether this is about expanding markets or alienation. However, there is also something in Fielding's lament that the English are too attached to liberty. Nightlife historically is both an expression of the separation of work and pleasure characteristic of market and industrialized societies *and*, because of the dominance of class segregation and the official response to popular culture, a form of rebellion, conceived in its broadest (a-political) sense. There are doubts about the efficacy of control. Peter Ackroyd (2000), in his 'biography' of London, describes the unruly and disorderly nature of everyday life in a capital city; its very size eludes attempts at control and sanitization (Raban, 1974). Free market ideology has its reflection in contemporary popular culture.

While in this conclusion I have noted both the perverse effects of free market thinking and the limits of intervention, it seems useful to consider how nightlife can be a source of creativity, and how urban policy and licensing law might facilitate diversity in urban landscapes irrespective of the multiplicity of concerns about health and disorder. This in particular means a better understanding about the relationship between regulation and more subcultural forms of expression, which have often been at the forefront of reshaping economic, cultural and political agendas, aptly seen in places as geographically diverse as Manchester and Brixton (London). In Brixton (Talbot, 2004), Manchester (Böse, 2005), or through mass events like raves where alternative culture was able to express itself in a spatial form, the possibilities of encountering the 'Other' – whether this be an expression of class, ethnic, gender or other forms of difference – were high (Sennett, 1970, Raban, 1974). The impact of such encounters was both a challenge to conventional identities and the assertion of mainstream values such as work or family (Pryce,

1976; Willis, 1978). Transgressive spaces and behaviour were at the same time destructive and creative, allowing for personal dissipation, internalized and externalized violence and vandalism, but also opening a space for cultural and political expression (Lessing, 1969). The importance of understanding the dynamic of subculture, emergent in disciplines such as cultural criminology, appears key.

While what we have today seems far removed from those possibilities, it seems important not to close them down for the future. Current debates and policies around alcohol-related disorder and anti-social behaviour, as simplistic policy discourses, have served to expand the scope of regulatory control and police powers; while we imagine they are aimed at unwanted behaviours, they also have negative consequences for alternative spaces and subcultural expression. In making nightlife a 'law and order' issue, the prospect of night spaces being inhabited by subcultural entrepreneurs becomes narrower. The colonization and control of nightlife, alongside the moral disapproval about its behaviours, will not aid the potential for the recreation of a more interesting and creative nightlife and politics.

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Legislation

- 5&6 Edward VI.c.25 (1552)
- 11 Henry VII.c.2 (1495)
- 19 Henry VII.c.12 (1504)
- Disorderly Houses Act 1752
- Beerhouse Act 1830
- Beerhouse Act 1834
- Beerhouse Act 1840
- Criminal Justice and Police Act 2001
- Licensing Act 2003
- Anti-Social Behaviour Act 2003
- Violent Crime Reduction Act 2006
- Alcohol etc (Scotland) Act 2010
- Police Reform and Social Responsibility Act 2011

Keywords

alcohol-related disorder; diversity; free-market; licensing; nightlife

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Abstract

The aim of this chapter is to examine the concept of 'alcohol-related disorder' and anti-social behaviour (ASB) in nightlife in the eighteenth century and Victorian era, alongside the reform of licensing post-1997, as a notion that reflects the broader impact of economic, social and cultural influences on nightlife. The chapter draws on legislative and policy frameworks from 1751 which demonstrate that the regulation of nightlife has, since the earliest licensing statute, been concerned with consolidating big business and marginalizing alternative or perceived unacceptable cultures and behaviours, a precedent that continue with New Labour and the Conservative-Liberal Democrat Coalition government. The argument is made that, rather than focusing on nightlife as an undifferentiated social problem, researchers should look more broadly at the cultural, spatial and regulatory barriers facing a creative, diverse and free nightlife.

Index – 10-20 words

Alcohol

Licensing

Licensing Act 2003

Orwell, George

New Labour

Coalition Government

disorder

anti-social behaviour

incivility

night-time economy

entertainment

alternative culture

¹ This section will refer to 'anti-social behaviour' as incivility the term more commonly used pre-1997..

² It was reported that as of 2009 no Alcohol Disorder Zones (ADZs) had been implemented <http://www.alcoholpolicy.net/2009/07/no-alcohol-disorder-zones-set-up-.html> and in 2011 they were repealed under the Police Reform and Social Responsibility Act 2011.

³ The difference between the terms seems to lie in the collective versus the individual in contemporary discourse, although anti-social behaviour (ASB) can refer to behaviour by groups.

⁴ Significantly, the main responsibility for licensing moved back to the Home Office from the Department of Culture, Media and Sport (DCMS) in 2010 after the Conservative-Liberal Democrat Coalition came to power.

⁵ This was an uncommenced power from the Licensing Act 2003 and extended in the Police Reform and Social Responsibility Act 2011.