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Alcohol Licensing Decision-Making: A Qualitative Study of Official Stakeholder Perceptions

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Declaration

I confirm that the Thesis is my own work. I am aware of the University's Guidance on the Use of Unfair Means (www.sheffield.ac.uk/ssid/unfair-means). Although I received feedback and guidance from supervisors when writing this thesis, all errors and inaccuracies are entirely my own. No part of this work has been presented for an award of another degree at this, or any other University.

Genevieve David

Abstract

Background – In England, the Licensing Act 2003 informs regulation of alcohol sale with local authorities having devolved responsibility for many aspects including decision-making about license applications. Representations of objection and support from members of the public regarding a license are permitted that can lead to conflict between applicants and objectors as well as among members of the public. Previous studies explicated decision-making in terms of steps in processing an application, procedures of Licensing Committee hearings and whether decisions are compatible with the legal principles of the Act. Although a few studies provided insights, none have directly examined how decisions are made in situations of conflict. Thus, the purpose of this study is to clarify how such decisions are made and what factors influence this.

Methods – Using qualitative methodology, 15 in-depth, semi-structured interviews were undertaken with a purposive sample of licensing officers, chairs of licensing committees, police licensing officers and members of public health teams from 11 local authorities in five regions in England – Northwest, Northeast, London, Southeast, and Yorkshire and the Humber. Subsequent analysis was undertaken using the Framework Method.

Results – Alcohol licensing decision-making where it involves conflict among members of the public including between license applicants and complainants involves four key processes: (1) ensuring fairness in process; (2) balancing objectivity and subjectivity; (3) displacing decision-making; (4) addressing asymmetry in power. Results showed that licensing authorities put prime importance to fairness in process. They also actively avoid imposing an objective decision based on the Act by encouraging applicants and local residents to identify mutually acceptable solutions based on their subjective perceptions. Why licensing authorities adopt these practices is influenced by two key factors: (1) attributes of members of the public; and (2) relationships.

Conclusion – It is important for licensing authorities that the process by which licensing decisions are arrived at is perceived to be fair. Because the principle of *ultra vires* is both flexible and complex, licensing authorities use considerable effort to transfer decision-making to the rival license application parties. This raises uncertainty on whether the goal of preventing and reducing alcohol-related harms will be achieved, but ultimately represents a pragmatic process that seeks to restore balance in powers, improve transparency in decision-making and empower communities.

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List of Abbreviations

HM	Her Majesty
LGBT	Lesbian, Gay, Bisexual, Transgender
MUP	Minimum Unit Pricing
NHS	National Health Service
NIMBY	Not In My Backyard
PCC	Police and Crime Commissioners
PhD	Doctor of Philosophy
ScHARR	School of Health and Related Research
UK	United Kingdom

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Chapter 1: Introduction

1.1 Background

Alcohol misuse is the biggest risk factor for morbidity and premature mortality among people aged 15-49 years in England (Public Health England, 2016). These health harms from alcohol consumption are determined by average-level of consumption across the population as well as by drinking patterns (Room, 2004, Room et al., 2005, Babor et al., 2010). The average level of consumption across the population is an important measure because it is an indicator of per capita levels of drinking – the higher the average level of consumption, the more individuals drinking at high levels. The pattern of drinking (frequency, amount, type of alcohol and drinking context such as whether alcohol is consumed with food or with friends) is also important because it influences the type of harm. For instance, binge drinking can result in acute harms (e.g. acute liver injury) while frequent low levels of drinking over a long period of time can lead to chronic health conditions (Babor et al., 2010). More than 200 chronic health conditions (e.g. liver cirrhosis, liver cancer, breast cancer, cancers of the mouth and throat, high blood pressure) identified in the International Classification of Diseases-10 (ICD-10) have alcohol drinking as a component cause. In 2017, an estimated 25.6 million adults in England reported that they drank alcohol in the previous week. In 2016, there were 5,507 alcohol-specific deaths[1]. Between 2016 and 2017, there were an estimated 337,000 hospital admissions wherein the primary reason for admission is attributable to alcohol (National Statistics, 2018). These hospital admissions come with an economic cost, which was estimated at 2.5% of the Gross Domestic Product in 2007. This cost comprises intangible costs (e.g. poor quality of life, and pain and suffering), indirect costs (e.g. lost productivity, decrease in earning potential, lost working years due to disability and death), and direct costs (e.g. health and social care services, policing, criminal justice system, unemployment and welfare services) (Public Health England, 2016).

The level of alcohol consumption and the patterns of drinking are influenced by the affordability and availability of alcohol. Affordability is effectively controlled through pricing policy (Room, 2004, Mistral et al., 2006, Babor et al., 2010, Public Health England, 2016). In England, however, the national government rejected proposals to impose a minimum unit price on alcoholic beverages (Room, 2004, Mistral et al., 2006). Thus, restricting availability (number, density, location and type of outlets as well as hours at which alcohol is sold) is

[1] Alcohol-specific deaths are deaths from diseases that are wholly caused by alcohol in contrast to alcohol-related deaths where not all deaths are caused by alcohol (National Statistics, 2018).

considered the viable and effective intervention left to tackle alcohol-related harms (Egan et al., 2016, Grace et al., 2016). It is considered effective because a large body of research shows that restricting availability through licensing can reduce alcohol-related harms (Campbell et al., 2009, Holmes et al., 2014, Vocht et al., 2015, Vocht et al., 2017); restricting availability reduces alcohol-related harms by decreasing exposure to alcohol and modifying social norms around drinking (Campbell et al., 2009).

Usually, national legislation governs licensing of alcohol outlets. In England, this national legislation is the Licensing Act 2003. When it was implemented in 2005, it gave local authorities power to grant and revoke a license as well as impose license conditions; such conditions specify how alcohol will be sold to customers (e.g. customers must be seated down; alcohol should be served with a meal). Notwithstanding this power, the Act has four statutory objectives, the concept of responsible authorities, and the principle of involving members of the public in the licensing process among its key features. These key features mean that under the Act, local authorities must automatically approve a license application unless a representation (usually an objection) is made by a responsible authority (e.g. police, environmental health authority) or members of the public (e.g. residents, business sector, Councillors representing their electoral ward) demonstrating that the grant of a license will undermine any of the four statutory objectives (Home Office, 2013a, Martineau et al., 2013, Nicholls, 2015, Foster, 2016). These four statutory objectives are: (1) prevention of crime and disorder, (2) public safety, (3) prevention of public nuisance, and (4) protection of children from harm (House of Commons, 2003, Home Office, 2013a). In other words, no decision-making during the licensing process virtually takes place unless an objection is made. The requirement for an objection to be made and that this objection should be compatible with any of the four statutory objectives, points out to a problem with the legal framework of the Act: it is permissive to the licensed trade (Room, 2004, Mistral et al., 2006, Nicholls, 2015, Foster, 2016)

Another problem with the Act is the lack of a public health objective. Although public health leads were added to the list of responsible authorities in 2011, this addition was not accompanied by a statutory public health objective. The absence of a statutory public health objective means that representations on public health grounds are not legally valid. Fundamentally, this absence indicates that the legal framework of the Act does not incorporate the public health perspective of alcohol licensing. The public health perspective sees licensing as an instrument for reducing the general availability of alcohol in order to reduce the average level of alcohol consumption hence, harms, especially long-term diseases, at the population

level (Martineau et al., 2013, Nicholls, 2015, Fitzgerald et al., 2017, Reynolds et al., 2018a, Reynolds et al., 2018b). Nicholls (2015) observed that most licensing decisions tend to be conditions that address specific alcohol-related problems raised in representations.

As pointed out earlier, among the key features of the Act is the principle of involving members of the public in the licensing process so they can have a say on license applications thus, providing them with opportunity to influence the leisure environment in their local area (House of Commons, 2003, Roberts and Eldridge, 2007). This key feature points to a regulatory framework adopted by the Act: partnership working among members of the public instead of command-and-control by a governmental authority (Cammiss and Manchester, 2011b). Moreover, the 2012 UK Government Alcohol Strategy (HM Government, 2012) underscored local authority action that is shaped by the preferences of the public thus, enabling individuals, communities and businesses to determine how to tackle alcohol-related problems in their local area in ways they prefer:

"It is up to local communities to set the standards and behaviours that they want to see in their surrounding area. This is why we have radically reformed our approach to policing with the introduction of directly elected PCC[2]s, and to licensing through the Police Reform and Social Responsibility Act 2011. This gives power back to local agencies for local alcohol issues and more control over the opening and closing hours of local businesses to stop crime and disorder from stretching into the early hours of the morning" (HM Government, 2012, p.11).

In order to improve public involvement in the licensing process, local authorities are required to publish guidelines on how members of the public can raise a representation as well as information on conditions of sale so that members of the public can report licensees' failure to comply with the conditions of their license (Roberts and Eldridge, 2007, HM Government, 2012). Local authorities are also required to consult the public when formulating their Statement of Licensing Policy, an overarching local policy which describes the principles that a local authority will follow in the licensing process in order to uphold the four statutory objectives (Nicholls, 2015, Foster, 2016).

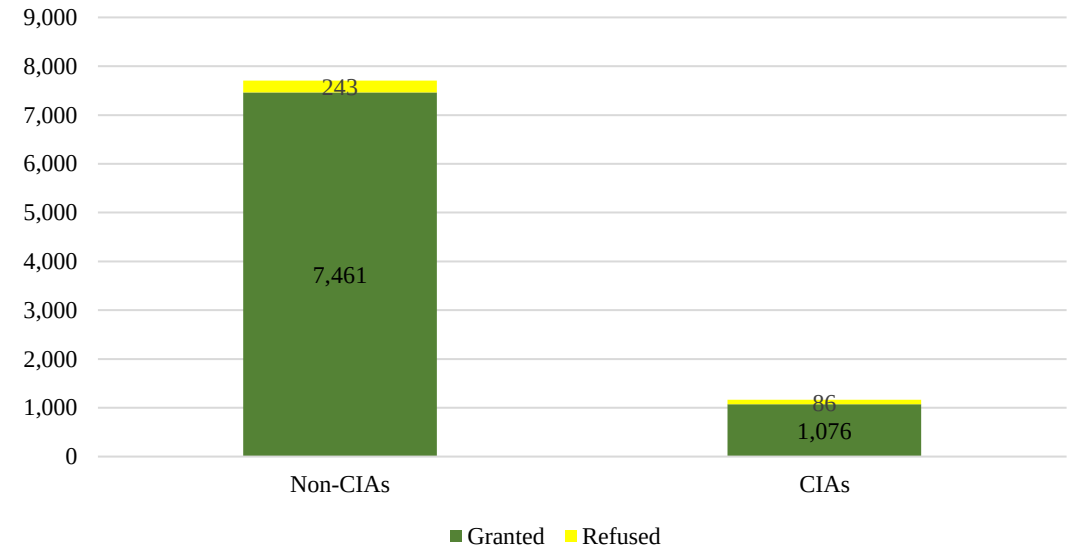
The fundamental reason for giving members of the public, in addition to responsible authorities, a say in license applications is not explicitly stated in the law. Nonetheless, some normative reasons are: elected governmental bodies must be responsive to the preferences of the public (Mullen, 1999, Florin and Dixon, 2004); involving the public can help decision

[2] Police and Crime Commissioners.

makers defend their position, that multiple viewpoints were taken into account thus, helps ensure that policy making is not undertaken according to self-interests (Rowe and Frewer, 2000, Staley, 2001); it confers legitimacy to policies independent of any influence of the public on the policy itself (Flood, 2015). In relation to the English alcohol licensing context, however, these reasons do not seem to apply because no decision-making on a license application takes place unless an objection from a responsible authority or member of the public is made. Thus, involving members of the public is important fundamentally because it is through objections against a license application that a decision-making process is formally carried out by licensing authorities, more often than usual, in the regulation of a substance that is known to be associated with health and social harms. That is, an alternative course of action, other than automatically accepting an application, is considered more often by licensing authorities than if they were only to rely on responsible authorities.

Data from the Alcohol Late Night Refreshment Licensing in England and Wales (Home Office, 2019) point to a possibility that public involvement in licensing is very low: in England, only 3% of new license applications are refused, rising to 8% in cumulative impact areas (CIAs)[3] (Figure 1). Nonetheless, there are possible explanations for these percentages other than low public involvement. One is licensing decisions tend to be in favour of license applicants than complainants. Second, representations are often resolved informally by the involved parties themselves or with the mediation of licensing authorities, resulting in the eventual acceptance of license applications subject to conditions. Third, these percentages may indicate that in CIAs, as Grace et. al (2016) observed, applicants are given the opportunity to negotiate with licensing authorities after their application has been contested and refused despite weak evidence that their license will not undermine the four statutory objectives. Fourth, it is also possible that most proprietors applying for a license in CIAs are able to provide strong evidence.

[3] Cumulative impact area (CIAs) are areas within a borough where there is evidence of substantial problems of crime, public disorder and child harm that are attributable to alcohol outlets in the area. In CIAs, the burden of proof is shifted from the complainant to the applicant. An applicant must be able to demonstrate that the addition of a new alcohol outlet will not undermine the four statutory objectives; otherwise, the application is automatically refused (Home Office, 2013a).



Source: own figure based on data tables of the Alcohol and Late Night Refreshment Licensing England and Wales 31 March 2018 (Home Office, 2019)

Figure 1. New alcohol license applications in England, 2017 – 2018

While involving members of the public in the licensing process brings the benefit of instigating a decision-making process, it does not come without challenges to licensing authorities. Because licensing authorities are required to take account of public's input in the decision on a license application (House of Commons, 2003), doing so can be problematic when public views differ from one another, giving rise to conflicts. McDowell (1980) argued that in a political marketplace where citizens interact and articulate their preferences, the role of democratic local governments is to facilitate the execution of collective choice. In a study which explored London residents' views on how different opinions about public health issues should be brought together and taken into account by decision makers, residents expressed that the role of local governments is to elicit as wide a range of opinions as possible and come up with a decision which balances all concerns. Despite that, they also expressed that there is no single policy that will represent everyone's opinion and all policies will inevitably be unfavourable to some (Staley, 2001). Others affirm this; it is impossible to reconcile or aggregate the preferences of many individuals to come up with a policy that everyone supports (McDowell, 1980, Staley, 2001, Hudson and Lowe, 2009, Marginson, 2016). Conflicts around the design and goals of social policy is always likely (Hudson and Lowe, 2009).

Nonetheless, arriving at a mutually acceptable outcome – through the mediation of licensing officers – is a key element of alcohol licensing policy (Cammiss and Manchester,

2011a, Cammiss and Manchester, 2011b, Holmes et al., 2014, Nicholls, 2015, Foster, 2016).; it is embodied in the partnership working principle of the Act (Cammiss and Manchester, 2011b). When an agreement about the alcohol outlet could not be reached by parties through mediation, the conflict is presented in a quasi-judicial hearing presided by a Licensing Committee, who makes the final decision (grant of a license, grant of a license subject to conditions, refusal of a license, withdrawal of an existing license).

1.2 Statement of the research problem

Because licensing authorities are required to take account of public's input in licensing decisions (House of Commons, 2003), involving the public in the licensing process can result in dilemmas to licensing authorities when public views, beliefs or preferences differ. This public includes members of a community, local residents, advocacy groups, license applicants and members of the business sector. Previous studies explicated licensing decision-making as steps in processing an application, procedures of Licensing Committee hearings and critiques of decisions based on principles embodied in the Act. Although they provided insights, none have directly examined how licensing authorities decide on license applications when the public have different viewpoints. Furthermore, despite emphasis in the broader literature on the importance of involving the public in policy decision-making, none has offered clear guidance for decision makers and public involvement practitioners about how such decisions ought to be made.

How such decisions are made poses a number of implications. It can affect the continued engagement of the public with the licensing process (Cammiss and Manchester, 2011a), determine the outcome of license applications (Herring et al., 2008, Grace et al., 2016) hence, exert an impact on Government's goal of reducing alcohol-related harms.

1.3 Purpose and research questions

The purpose of this study is to explore how licensing authorities decide on license applications when the public have different viewpoints. In exploring this, the study was guided by two research questions:

1. How do English licensing authorities decide on alcohol license applications when the public have conflicting viewpoints?

2. What factors influence decision-making processes of English licensing authorities?

1.4 Outline of the thesis

This study begins with an overview of the Licensing Act 2003 in chapter two. The overview describes, in more detail, the key features and principles of the Licensing Act 2003. It is important to know these key features and principles because they are rules that govern decision-making processes in local authorities.

Chapter three explicates, in a scoping review of the literature, decision-making processes under the Licensing Act 2003 where it involves conflicts among members of the public about alcohol license applications. This review revealed that studies on alcohol licensing decision-making explicated decision-making in terms of steps in processing a license application, procedures for conducting a licensing committee hearing and critical analysis of decisions based on principles embodied in the Act. Although some studies provided insights, none have directly examined how decisions are made when members of the public have different viewpoints.

Chapter four presents a theoretical framework for supporting the analysis and interpretation of empirical findings, drawing from theories of policy processes in Hudson and Lowe (2009) and Cairney (2012). The theoretical framework is comprised of three concepts: top-down, bottom-up, and network concept of policy implementation.

Chapter five describes the qualitative methodology and methods for data collection and analysis. Data were collected through in-depth, semi-structured interviews with a purposive sample of licensing officers, chairs of Licensing Committees, police licensing officers and members of public health teams from 11 local authorities in five regions in England. A Framework Analysis of interviews was subsequently undertaken.

Chapter six presents the findings from the Framework Analysis of interviews. The findings are organised into discrete categories, which represent the key processes of decision-making as well as factors that influence decision-making practices of licensing authorities. The categories as a whole reflect the multiple realities of dealing with conflicts regarding alcohol licenses from the point of view of participants.

Chapter seven is a discussion of findings. From a surface-level description of decision-making processes in chapter six, I moved to in-depth explanation and interpretation using the theoretical framework in chapter four. In addition, I drew from two more theoretical frameworks: conflict resolution and public choice. I then made connections with the literature in chapter three to demonstrated where I contributed to existing knowledge.

Finally, in the concluding chapter, chapter eight, I presented a summary of the thesis, explored my contribution to knowledge, identified the limitations and strengths of my study, suggested ideas for future research, and drew implications of findings on policy and practice. Following these, I provided a reflection on my use of theory in qualitative research.

Chapter 2: An Overview of the Licensing Act 2003

2.1 Introduction

In England and Wales, national legislation and local policies regulate the sale of alcohol. The national legislation for England and Wales is the Licensing Act 2003. It heralded a new regime that transferred licensing functions from magistrate courts to local authorities. These licensing functions include the power to confer a license to sell alcohol; impose conditions on a license; and revoke an existing license (House of Commons, 2003, Home Office, 2013a).

This new regime differs from the previous regime in several ways: four statutory licensing objectives govern the operations of alcohol outlets; license applicants draw their own operating schedule that includes demonstrating how their license will uphold the four statutory objectives instead of magistrate courts directing the activities of alcohol outlets; licensing authorities must automatically accept license applications unless responsible authorities or a member of the public objects; (Cammiss and Manchester, 2011a). According to Cammiss and Manchester (2011a), this new regime is less bureaucratic, less costly, and more transparent in how decisions are made.

There are different types of alcohol licenses: premises license, temporary event notice, club premises certificate, late night refreshment license and personal license. Licenses are given to proprietors who wish to sell alcohol in on-premises or off-premises (House of Commons, 2003). Examples of on-premises are pubs, vertical drinking establishments (outlets that can hold large numbers of customers and are designed for alcohol consumption with little or no seating for customers), restaurants, cafés, parks and sporting facilities. Off-premises include supermarkets and convenience stores where alcohol can be bought for consumption outside the premise (Mistral et al., 2006). A temporary event notice is a notice given by an individual to the licensing authority to conduct a large festival in an open space for the purpose of obtaining authorisation to sell or supply alcohol within the space. A club premises certificate is an authorisation given by the licensing authority to the owners of the club for the supply of alcohol to bonafide members of the club. People selling late night refreshments (hot food and/or drink sold between 11pm and 5am) are required to have a license because of the association between late night refreshment outlets, alcohol consumption late in the night and public disorder. A personal license is an authorisation given to an individual who wishes to supply or sell alcohol (Home Office, 2013a). This study focuses on the typical means by which alcohol is sold – premises license.

2.2 Key features of the Licensing Act 2003

The key features of the Act are the four statutory objectives, the concept of responsible authorities, the principle of automatic acceptance of license applications unless a representation (usually an objection) is made (Nicholls, 2015); a shift from universal fixed outlet closing times to flexible opening hours (Roberts and Eldridge, 2007, Herring et al., 2008); and provision of the public with an opportunity to have a say in license applications (Roberts and Eldridge, 2007). The four statutory objectives are: (1) prevention of crime and disorder, (2) public safety, (3) prevention of public nuisance, and (4) protection of children from harm (House of Commons, 2003). These licensing objectives are meaningful because they function both as a set of enablements and restrictions governing licensing decision-making. For example, improvement of the ecological environment and economic development are not part of the four statutory objectives therefore, licensing decisions, legally, cannot be based on these objectives (Nicholls, 2015). Such objectives are covered in English planning law (Department for Communities and Local Government, 2014).

Under the Act, an individual who wishes to apply for an alcohol license must draw up an operating schedule, which specifies the steps to be undertaken in the alcohol outlet to promote the four statutory objectives. Licensing authorities must automatically approve the license application unless a responsible authority or member of the public (e.g. individual resident, resident body, business owner, Councillors representing their electoral ward) objects (House of Commons, 2003, Home Office, 2013a). The principle of automatic acceptance indicates that the Act is permissive to the licensed trade and stands in contrast to alcohol licensing laws in other jurisdictions. For example, in many states and territories in Australia, consideration for harm is intrinsic to the licensing process as a precautionary measure rather than as a reaction to a representation (Nicholls, 2015).

Responsible authorities are public bodies who are entitled to be notified of new license applications, reviews of existing license, or variations of license conditions. They are the Chief Officer of Police, Local Fire and Rescue Authority, Health and Safety Authority, local Environmental Health Authority, local Planning Authority, Children's Services, Trading Standards and Director of Public Health[4] (Home Office, 2013a). Although they represent

[4] Directors of Public Health were added to the list of responsible authorities under the Police Reform and Social Responsibility Act 2011 (Nicholls, 2015).

different departments of a local authority, their representations have to be compatible with any of the four statutory objectives. For instance, in the absence of a public health objective, representations of association between alcohol outlets and chronic diseases (e.g. liver diseases) at the population level are not considered legally valid.

In addition to responsible authorities, the Act gives interested parties such as residents and business owners who live in the vicinity a say about license applications. Allowing members of the public to participate in the licensing process gives them power to affect decisions including conditions of alcohol sale (Roberts and Eldridge, 2007). Their involvement can be helpful for licensing authorities, for they are a source of valuable input; they may possess insights on the causal link between alcohol outlets and alcohol-related harms (Foster, 2016). Although helpful, public involvement in licensing can be problematic. Grace et al. (2016) commented that, unlike pricing and taxation policies, implementation of licensing policy is subject to discussion by diverse stakeholders in local communities. This results in various opinions influencing how licensing authorities implement licensing policy.

To improve public involvement in the licensing process, amendments to the Act in 2011 removed the vicinity requirement to enable anyone, regardless of where they live, make a representation and sought to provide them with resources that will help them in doing so (Home Office, 2013a). For instance, local authorities are required to publish information about license applications, conditions of sale, guidelines on how members of the public can make a representation, and the address of the alcohol outlet so the public will be able to report licensees' failure to comply with the conditions of their license (HM Government, 2012). However, no report has been found to date about the effectiveness of these amendments on improving public involvement in the licensing process. Moreover, based on a recent scoping review of the literature on mechanisms of community engagement in local alcohol decision-making (McGrath et al., 2019), there is a considerable lack of published examples of how communities can be effectively engaged by local authorities. The review also found barriers to effective community engagement such as lack of specialised knowledge by members of the public; lack of skill and inclination in the council to engage communities effectively; lack of energy and resources including time from members of the community.

Representations of responsible authorities or members of the public are made before a Licensing Committee. A Licensing Committee is composed of 10 to 15 members of the local authority, chaired by a local Councillor, that makes the decision on behalf of the local authority. A Licensing Committee can delegate its functions to one or more Sub-Committee.

It is required to hold a hearing of a quasi-judicial nature to determine, based on representations, whether to grant a license, accept the license application subject to conditions, refuse the application entirely or revoke an existing license (House of Commons, 2003). A representation will only be considered valid if the alcohol-related harm can be attributed to the outlet in question and if it relates to any one of the four statutory objectives (Home Office, 2013a, Foster, 2016). Appeals by a license applicant (or license holder in cases of review of existing license) or objectors against an unfavourable decision by the Licensing Committee are decided by magistrate courts (Martineau et al., 2013). According to some authors (Cammiss and Manchester, 2011b, Foster, 2016), the court-like format of quasi-judicial hearings prevents some people from being able to effectively express themselves; many complainants, typically local residents, find quasi-judicial hearings intimidating.

Local authorities are also required by the Act to consult the public on their local policy statement, also known as the Statement of Licensing Policy, which describes the principles for operationalizing the four statutory objectives in their jurisdiction. It guides licensing practice in the jurisdiction, intends to support decisions of the Licensing Committee, and enables consistent decision-making on license applications. It is intended for license applicants, members of the public and other stakeholders who want to know how the licensing authority will decide on license applications, especially when there are representations. In formulating the Statement of Licensing Policy, local authorities are required to consult the Chief Officer of Police, Fire and Rescue Authority, Director of Public Health, license holders, business sector and local residents. It must be kept up-to-date by renewing it every five years while kept under review during the five-year period to determine if licensing objectives are being met (Home Office, 2013a). While the Statement of Licensing Policy has to be consistent with the legal framework of the Act, licensing authorities can use it to spell out how they want to proactively address a wide-range of alcohol-related problems in their jurisdiction in a strategic manner (Campbell et al., 2009, Martineau et al., 2013, Nicholls, 2015, Foster, 2016) and in what the wider public interest requires (Foster, 2016). However, according to Foster (2016), Statements of Licensing Policy are poorly consulted upon, and its value is not well-understood by many Licensing Committees.

Last but not least, another key feature of the Act is the shift from universal fixed closing hours to flexible, including extended opening hours for both on- and off-premises as well as staggered closing times for on-premises (Roberts and Eldridge, 2007, Herring et al., 2008). This shift allowed outlets to operate for 24-hours, seven days a week; if there is demand, through representation, for restrictions on opening times, the specific hours will be subject to

a decision-making process with the licensing authority (Mistral et al., 2006). This shift was based on the assumption that people will no longer binge[5] drink but take a leisurely approach to drinking instead (Mistral et al., 2006, Roberts and Eldridge, 2007, Herring et al., 2008). The shift to staggered closing times was based on the assumption that it will decrease overcrowding due to people leaving outlets at the same time (Mistral et al., 2006, Roberts and Eldridge, 2007). However, there is no strong evidence behind these assumptions. Some scholars argued that these changes will not bring a corollary change in drinking patterns because people will not change their binge drinking behaviour. Extensions in opening hours and staggering of closing hours, although may decrease overcrowding, will bring undesirable consequences to the police because police resources are already scarce (Herring et al., 2008).

2.3 Area-wide policies

In addition to licensing of retail sale of alcohol, the new licensing regime includes policies that regulate the sale of alcohol at an area-wide scale. These policies are the Early Morning Restriction Order, the Late Night Levy, and the Cumulative Impact Policy. The Early Morning Restriction Order allows licensing authorities to prohibit alcohol sale for a period of time between 12 midnight and 6am[6], inclusive, in an area within or across its whole jurisdiction when there are alcohol-related crimes and serious disorder that recur at particular times and cannot be directly attributed to particular alcohol outlets (Home Office, 2013a).

The Late Night Levy is a levy paid by all license holders in the jurisdiction of the local authority that operate from or after 12 midnight until 6am on any days as a contribution towards the cost of policing. Nonetheless, licensing authorities must balance the potential negative economic impact of the levy on the nigh time economy with the levy revenue (Home Office, 2012).

Licensing authorities that have a Cumulative Impact Policy can designate cumulative impact zones (geographical areas or streets) in their jurisdiction if there is evidence of association between existing alcohol-related harms and outlets in an area (Home Office, 2013a). Cumulative impact is defined as *"the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area*"

[5] Binge drinking is more than 8 units of alcohol for men and more than 6 units for women in one day (Public Health England, 2016).
[6] Every day of the week, at certain days of the week, for a certain number of weeks or for an unlimited period (Home Office, 2013).

(Home Office, 2013, p.86). For instance, alcohol outlets can cause high concentrations of people when people leave at peak times or queue in fast food outlets, or when local services such as public transport are not adequate to disperse people quickly. In view of the existing harms, the burden of proof is shifted from complainants to license applicants; the latter must demonstrate how their application to open a new outlet or extend opening hours will not add to or mitigate the cumulative impact on the four statutory objectives of existing outlets in the cumulative impact zone. If applicants cannot demonstrate this, their application is automatically refused, whereas the norm is to automatically accept unless a representation is made (Home Office, 2013a). Compared to the Early Morning Restriction Order and the Late Night Levy, the Cumulative Impact Policy is more widely adopted by local authorities. Nonetheless, as noted by Herring et al. (2008), local authorities often find it challenging to provide evidence that is robust to legal challenge by the licensed trade to support the designation of cumulative impact zones in their jurisdiction.

2.4 The public health perspective of alcohol licensing policy

The problems brought by alcohol consumption are not only confined to violence; crime; public disorder arising from drunken behaviour; and nuisance from noise, litter and overcrowding. The availability of alcohol, spatially and temporally, raises issues worthy of public health attention because of its association with levels of alcohol consumption and alcohol-related health harms across the population. Such association was demonstrated by statistical methods using aggregate data (Campbell et al., 2009, Babor et al., 2010, Holmes et al., 2014). Furthermore, alcohol-related health harms are not isolated in a subgroup of binge and chronic drinkers contrary to claims by Government (Room et al., 2005, Mistral et al., 2006). Pooled evidence using meta-analysis showed that the relationship between alcohol consumption and chronic alcohol-related diseases (e.g. ischaemic stroke, ischaemic heart disease, haemorrhagic stroke, high blood pressure, type 2 diabetes) is characterized by a J-shaped curve – those who abstain from drinking alcohol have a higher risk of alcohol-related mortality than those who drink small amounts; the risk then steadily increases as drinking levels increase[7](Public Health England, 2016). In light of this association, with a view of the quality of research evidence and actual levels of alcohol consumption, researchers considered restricting alcohol availability through licensing as an effective public health intervention to prevent and reduce alcohol-related health harms at the population level.

[7] The J-shaped curve, however, is thought to be a result of methodological issues in studies pooled for meta-analysis (Public Health England, 2018).

However, the legal framework of the Act does not acknowledge licensing as an instrument for preventing and reducing alcohol-related health harms at the population level (Nicholls, 2015, Fitzgerald et al., 2017). A principle influencing implementation of the Act is that the potential for harm is to be balanced with economic benefits of selling alcohol (HM Government, 2012, Home Office, 2013a) even though economic benefits is not one of the licensing objectives (Nicholls, 2015). Underlying this principle is the assumption held by the Government that binge and chronic drinkers make up only a small minority of the population and that harms are isolated in this minority (Mistral et al., 2006); the majority of people are viewed as drinking moderately or responsibly (HM Government, 2012, Home Office, 2013a, Nicholls, 2015). According to then Prime Minister Tony Blair as cited by Mistral et al. (2006), "*alcohol misuse by a small minority is causing two major, and largely distinct, problems: on the one hand crime and antisocial behaviour in towns and city centres, and on the other harm to health as a result of binge and chronic drinking*" (Prime Minister's Strategy Unit, 2004, p.5). Thus, following from this assumption, licensing needs not to restrict the establishment of alcohol outlets widely, especially in view of the revenues that businesses will bring to the local government. This assumption is significant; it is the philosophy that determines the fundamental nature of the licensing regime. The licensing regime is directed at individual alcohol outlets; licensing is an instrument to regulate their operating schedule (e.g. hours of sale, number of customers, whether alcohol will be served with food) (Herring et al., 2008). Thus, the problems the Act seeks to address have been reduced to crime, public disorder, nuisance, domestic violence and child harm that may arise from misuse of alcohol bought from a particular outlet (Martineau et al., 2013, Holmes et al., 2014, Nicholls, 2015).

Despite this legal framework including the absence of a public health objective, public health leads feel responsible for promoting public health considerations in licensing decision-making (Martineau et al., 2013). Without a public health objective, decisions based on public health grounds will be considered *ultra vires*. Also, the evidence used by public health leads come in the form of aggregate data demonstrating association between reduction of alcohol outlets and alcohol-related harms, especially long-term health harms, at the population level. By virtue of licensing decision-making being quasi-judicial in nature, such evidence that do not relate to a particular outlet will carry much less value than local evidence in the form of material fact (Martineau et al., 2013, Nicholls, 2015). Moreover, evidence varies according to setting and methods used (Grace et al., 2016). Therefore, a decision to refuse a license application on the basis of potential health harms at the population level can be legally challenged.

Adding a public health objective does not solve problems though. In Scotland, the Scottish Licensing Act 2005 has both a public health body (NHS Health Boards) in the list of responsible authorities and a public health objective: "protecting and improving public health". However, despite the presence of a public health objective, public health boards still faced challenges in contesting license applications – population-level evidence on chronic health harms was still met with resistance from Licensing Boards (Martineau et al., 2013). The expectation that providing data on health harms will result in licensing decisions in favour of public health is called 'naïve rationalism' (Cairney, 2012, Fitzgerald et al., 2017).

A possible explanation for why the addition of a public health objective did not necessarily result in decisions in favour of public health is integrating public health considerations in licensing is still a relatively new paradigm in a licensing regime that has long been directed at regulating individual alcohol outlets (Fitzgerald et al., 2017). Also, the existing framework of the Act pre-empting licensing activities of local authorities is an important factor affecting the implementation of public health interventions (e.g. addition of a public health objective) locally. If such law is fundamentally permissive to the opening of alcohol outlets, it will undermine efforts of local authorities to enforce restrictions (Campbell et al., 2009). Holmes et al. (2014) thought that research limitations preclude translation of evidence to policy. Thus, they carried out a critical review of features of researches on spatial and temporal availability of alcohol. They found that a more nuanced and robust public health evidence of the link between alcohol availability and long-term public health harms is lacking and needed for translation. However, the political contexts where such evidence will be considered was not taken into account. An understanding of the political context is important in research and practice that seek to translate evidence to policy.

Opportunities to promote the public health perspective in alcohol licensing policy

Despite barriers posed by the legal framework of the Act to taking account of public health concerns in licensing, some opportunities arose in some local authorities. For example, Newcastle City Council and Middlesbrough Council introduced a 50p minimum unit price[8] to all alcohol products sold in on-premises and off-license premises. The scheme is voluntary; licensees are encouraged to apply the minimum unit price, but it may be imposed by the local

[8] However, the real aim of the minimum unit price scheme in Newcastle was to attain 'quality' type of outlets (Institute of Alcohol Studies, 2017). In Middlesbrough, the aim was to protect on-premises from competition by supermarkets selling cheap alcohol products (Woodhouse and Ward, 2012). Despite the real aim of the scheme, the application of minimum unit price demonstrates a potential to apply public health interventions in the licensing system (Martineau et al. 2013).

authority if there were evidence that the outlet is compromising the four statutory objectives (Woodhouse and Ward, 2012, Institute of Alcohol Studies, 2017). In Ipswich, the Suffolk police led a 'Reducing the Strength' campaign to encourage retailers to remove high strength beers and ciders (containing 6.5% or greater alcohol by volume) from their shelves, and to apply a condition or minor variation on their license that these products will not be sold (Home Office, 2013b).

Additionally, evidence of health harms can be used as basis for establishing a Cumulative Impact Policy in addition to data on crime, public disorder, public safety and child harm (Herring et al., 2008, Home Office, 2013a, Public Health England, 2020). However, data demonstrating a link between alcohol outlets and health harms have been limited to accident and emergency admissions that fall within the scope of prevention of crime and disorder, and public safety objectives (Nicholls, 2015). Evidence linking alcohol availability to hospital admissions for chronic diseases are available. However, such evidence come in the form of aggregate regional- or international-level data that are extremely difficult, if not impossible, to attribute to particular alcohol outlets and will, therefore, be considered irrelevant (Home Office, 2013b, Martineau et al., 2013, Holmes et al., 2014, Nicholls, 2015). For instance, Westminster Council views the Cumulative Impact Policy to be strict; it requires strong evidence to support the establishment of cumulative impact zones. If negative impact on the licensing objectives can be attributed to particular outlets, then it considers targeted enforcement and monitoring the best approaches (City of Westminster, 2016).

In the absence of robust public health evidence, testaments of individual residents regarding particular outlets can help; in fact, they tend to carry more weight than macro-level public health evidence (MacGregor, 2013, Lorenc et al., 2014, Toner et al., 2014). This is because testaments carry much more materiality than macro-level public health evidence. Public health actors in Scotland have found soft evidence, in the form of public opinion, useful in putting more traction in their efforts. In in-depth interviews of public health actors in Scotland by Fitzgerald et al. (2017), interviewees expressed that they think involving the public could help them persuade licensing authorities. However, no evidence on the effectiveness of public involvement in the promotion of public health in licensing has been found to date.

2.5 Summary of chapter two

This chapter presented the key features and principles of the Licensing Act 2003. The Licensing Act 2003 informs regulation of alcohol sale with local authorities having devolved

responsibility for decision-making about license applications. Unlike in the previous regime where Magistrate Courts have power to direct the activities of alcohol outlets, the new regime under the Act allows proprietors to draw their own operating schedule. Moreover, the Act has important features that were not present in the previous regime: the presence of four statutory objectives, the concept of responsible authorities, the automatic acceptance of applications, a shift from universal closing hours to flexible opening hours, and provision of members of the public with opportunity to have a say in license applications. Although the new regime represents an improvement compared to the previous regime, most of these features point out that the Act is permissive to the alcohol industry. These features of licensing law pose a barrier to the enforcement of restrictions in the number of alcohol outlets by local authorities in view of public health harms.

The next chapter focuses on decision-making in alcohol licensing particularly in situations where public involvement has given rise to conflicts regarding alcohol license applications. It also explores the implications of decision-making processes on the prevention and reduction of alcohol-related harms. Although there are still barriers to public involvement in the alcohol licensing process (McGrath et al., 2019), this issue is not covered in this thesis.

Chapter 3: A Scoping Review of the Literature on Decision-Making Under the Licensing Act 2003

3.1 Introduction

In this chapter, I conducted a scoping review of the literature explicating decision-making processes under the English Licensing Act 2003 where it involves conflicts among members of the public regarding alcohol license applications. More specifically, this review explored the literature in relation to the following questions: (1) How are decisions regarding alcohol licenses in England made particularly where it involves conflicts among members of the public? (2) What issues were identified by study authors about these decision-making processes? (3) What are their health and social implications? These questions were specified iteratively in relation to the content of selected studies and overall aim of this thesis – to understand licensing decision-making in situations where there are different public views about an alcohol license application. The purpose of this review is to identify knowledge gaps as well as appropriate methods of investigation.

There is often confusion in whether to use a systematic review or a scoping review because they both follow a structured process. To address this confusion, I highlight two main differences. A scoping review is appropriate when the purpose is to: map out a body of knowledge whose conceptual boundaries are not yet clearly defined; provide an indication of the size of the literature; identify gaps in knowledge and/or to examine how research has been conducted about a topic (Levac et al., 2010, Munn et al., 2018). Thus, a scoping review is exploratory while a systematic review is not; a systematic review addresses highly specific research questions (Arksey and O'Malley, 2005). The second main difference is a systematic review is used when there is a purpose of guiding policy or practice. As such, bias has to be minimised and conclusions have to be based on robust evidence. Thus, an appraisal of the methodological quality of individual studies is necessary in systematic review but not in a scoping review (Arksey and O'Malley, 2005, Levac et al., 2010, Munn et al., 2018).

3.2 Methods

There are a number of published papers that provide guidance on steps for conducting scoping reviews (Arksey and O'Malley, 2005, Levac et al., 2010, Colquhoun et al., 2014, Peters et al., 2015). Among these, I adopted the methodological framework of Levac et al. (2010); it is the most recent enhancement of the methodological framework by Arksey and

O'Malley (2005). The methodological framework of Levac et al. (2010) has been used extensively in health research (Levac et al., 2010) and is the most comprehensive while offering clear guidance. The steps for conducting a scoping review after clear research questions have been specified are: (1) identification of relevant studies; (2) study selection by applying inclusion and exclusion criteria to determine eligibility; (3) extraction of data and charting of results; (4) collation and summary of results from individual studies, and reporting.

3.2.1 Identification of relevant studies

A computer-based search for peer-reviewed journal articles and grey literature in 13 electronic databases was conducted from February to April 2019. Peer-reviewed journal articles were searched in Web of Science and Scopus. The following search terms were used: "alcohol AND licensing AND public AND involvement" as well as "alcohol AND "licensing AND community AND engagement". Peer-reviewed journal articles and grey literature were also searched in Google Scholar. The search terms used were: "public involvement alcohol licensing" and "community engagement alcohol licensing". An additional search for grey literature was carried out in websites of public sector and third sector organizations namely, National Institute for Health Research School of Public Health Research, Public Health England, Public Health Wales, NHS Health Scotland, Alcohol Change UK, Institute for Alcohol Studies, Balance Northeast, Alcohol Focus Scotland and Scottish Health Action on Alcohol Problems. Documents were identified in the website's list of publications or reports and/or by using one or a combination of the search terms, "alcohol", "alcohol licensing", "public involvement" and "community engagement" to narrow the search as appropriate. The computer-based search was supplemented with studies mentioned during supervision meetings. Due to time constraints, a search in the reference list of selected studies was not carried out.

3.2.2 Study selection

A document was eligible for inclusion in this review if it satisfied all of the following inclusion criteria: (i) published in English, (ii) study conducted in England, (iii) contains an account of public involvement in alcohol licensing, (iv) contains an account of conflict among members of the public, (v) used qualitative methods or mixed methods and (vi) published from 2003 onwards (because this study explores decision-making processes under the Licensing Act 2003). A document must be an empirical study, which can be presented as a journal article, working paper, project report or book chapter so that appropriate methods of investigation can be identified. Members of the public include residents, license applicants/licensees, business owners, third sector organisations, professional organisations and councillors representing

their ward. A document was excluded if it met any one of the following criteria: (i) published in non-English language, (ii) conducted outside England and (iii) used quantitative methods only. Quantitative studies were excluded because their purpose is to investigate the relationship between two or more variables in order to explain a phenomenon; they do not provide an account of decision-making processes.

Screening of documents to determine eligibility was carried out in two stages. In the first stage, the title, abstract or executive summary and keywords were read. If there was doubt on whether a document satisfies the inclusion criteria, it was passed for second stage screening. In the second stage, the full text was assessed.

3.2.3 Extraction of data and charting of results

The data categories were identified iteratively as the contents of studies were assessed in relation to the questions and purpose of this scoping review. These data categories are: (1) author and year of publication, (2) type of publication, (3) topic of conflict, (4) individuals or parties involved in the conflict, (5) decision-making process, (6) issues about decision-making, (7) implications on the prevention and reduction of alcohol-related harms and (8) methodology. Data extracted were charted in a spreadsheet.

3.3 Results

3.3.1 Study selection

A total of 926 documents were identified from the computer search. After removing 39 duplicates, the title, abstract or executive summary and keywords of 887 documents were assessed for compatibility with the inclusion criteria. Of the 887, 820 were excluded because they met one of the exclusion criteria. The reasons for exclusion are enumerated in Figure 2. The full text of 67 documents was assessed due to a possibility that they meet the inclusion criteria. Of the 67, 61 were excluded. To the remaining six, I added two working papers by Light (n.d.) and Cammiss and Manchester (2011b) mentioned during supervision meetings resulting in a total of eight studies selected for this scoping review (Figure 2). These working papers did not appear during the grey literature search. I can only speculate what the reasons are: I carried out the grey literature search in Google Scholar, which yields more black literature (Google yields more grey literature); I terminated my screening of list of documents yielded by Google Scholar after 100 studies; websites of public and third sector organisations usually contain studies conducted or commissioned by them and these two studies were not.

3.3.2 An overview of selected studies

The characteristics of the seven selected studies are shown in Table 1. They were published between the years 2003 and 2017. They are peer-reviewed journal articles, working papers and a commissioned report. Conflicts occur in relation to: (1) individual license applications that include opening of new alcohol outlets, extension of opening hours, review of existing licenses and temporary event notices; (2) strategic policies on the number, type and location of alcohol outlets in the borough. These are the aspects of alcohol licensing that illustrate a dynamic interaction between licensing authorities and members of the public and in the case of the first aspect, where the public is directly a part of the decision-making process. Thus, I explicated the decision-making processes that relate to these aspects. The methods used by study authors to examine decision-making processes in relation to these aspects are analysis of interviews and group discussions, content analysis of documents, file review and ethnographic observations.

In view of the diverse ways by which decision-making processes were described in these studies, I opted to describe decision-making processes beyond the definition of Szaniawski (1998) as a method for choosing between at least two competing alternatives. These studies explicated decision-making in various ways – as steps in processing an application, procedures of Licensing Committee hearings and critiques of decisions based on the legal principles embodied in the Act. Although some studies provided insights, none have directly examined nor clarified how licensing authorities decide when the public have different viewpoints.

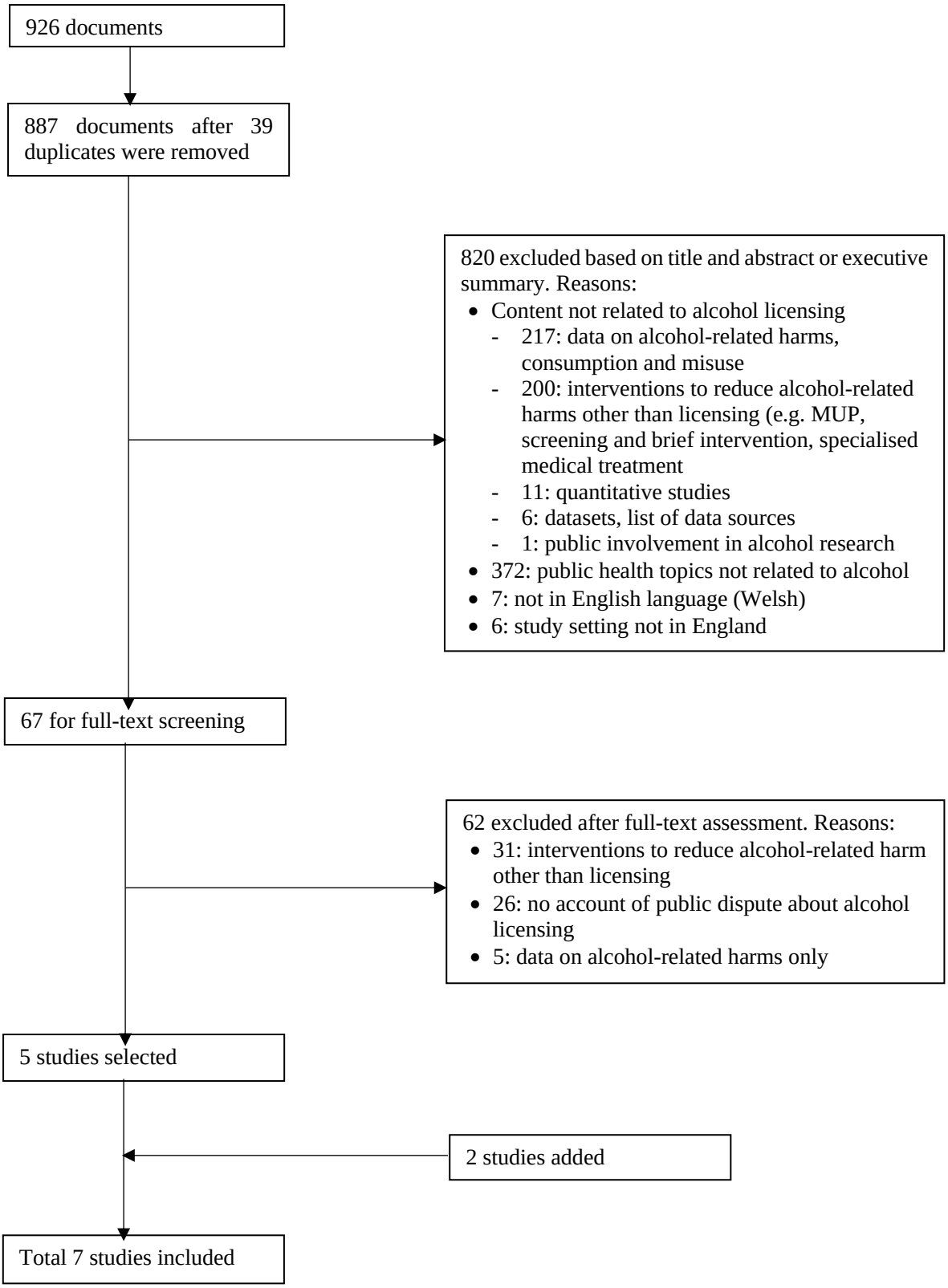


Figure 2. Results of study identification and selection

Table 1. Characteristics of included studies

Author (year)	Publication	Topic of conflict	Parties involved in the conflict	Decision-making process studied	Study methods	Sample
Light (n.d.)	Working paper	New license applications, renewal of license	License applicants and local residents	Grounds by which Licensing Committees can be legally challenged; principles for successful implementation of the Act	File review	Documents (magistrate court case files)
Roberts and Eldridge (2007)	Journal article	License applications (new applications, variation of existing license, temporary event notices)	License applicants, licensees, local residents, responsible authorities	Interpretation of the Act by licensing authorities	Analysis of semi-structured interviews and case studies	(i) Fifty four interviews with late night operators, representatives of licensed trade, police, residents, licensing officers, Councillors, community safety officers; (ii) four case studies in four English towns
Herring et al. (2008)	Journal article	License applications (extension of opening hours), cumulative impact zones	License applicants, responsible authorities, residents	Extent to which local policies reflected national guidelines; extent to which local evidence was used by Licensing Committees to identify alcohol-related harms	Analysis of in-depth key informant interviews, content analysis of policy documents	(i) Eleven interviews with licensing officers, Chairs of Licensing Committee; (ii) documents: licensing policies
Cammiss and Manchester (2011a)	Working paper	New license applications, review of existing licenses	License applicants, responsible authorities, residents	Application process; mediation by licensing officers	File review, observations of hearings, semi-structured interviews	Documents (local authority case files), licensing officers, outlet operators, responsible authorities, solicitors, licensing consultants, Licensing Committee members

Cammiss and Manchester (2011b)	Journal article	New license applications	License applicants, responsible authorities, residents	Format and nature of Licensing Committee hearings and effectiveness of parties presenting their case	File review, observations of hearings, semi-structured interviews	Documents, licensing officers, outlet operators, responsible authorities, solicitors, licensing consultants, councillors (Licensing Committee members)
Grace et al. (2016)	Journal article	License applications in cumulative Impact zones	License applicants, responsible authorities, residents	Application of Cumulative Impact Policy to regulate outlet density	Institutional ethnography	(i) Twenty four interviews with licensing officers, Councillors, police, members of the licensed trade; (ii) observations of 21 Licensing Committee hearings
Foster, J. (2016)	Report	New license applications, Statement of Licensing Policy	License applicants, responsible authorities, residents, members of the licensed trade	Use of evidence and judgement by Licensing Committees in determining causality; effect of public involvement in the licensing system	Thematic analysis of semi-structured interviews and workshops	Thirty-six interviews with police, licensing officers, licensing lawyers, trade associations; 35 workshops

Table 2. Brief summary of issues with decision-making processes

Author (year)	Issues
Light (n.d.)	The Licensing Act 2003 is both complex and flexible. As such, Licensing Committees may be incapable of administering the Act, exceed their statutory powers and be biased towards certain parties. Thus, they may deviate from law and facts.
Roberts and Eldridge (2007)	Representations of local residents have to be taken into account in decision-making on license applications. However, this resulted in tension between liberalising licensing and providing increased protection for local residents. Local authorities also had difficulties interpreting the Act.
Herring et al. (2008)	Licensing authorities are very cautious in their Statement of Licensing Policy due to lack of adequate data or evidence; need to balance interests of local businesses and local residents; a tight legal framework; fear of legal challenge from licensed trade. There is a complex interplay of power among interest groups.
Cammiss and Manchester (2011a)	Only concerns that are considered enforceable by licensing officers are attached to the license as conditions during the application process. Regarding mediation, there is variation in whether and the extent to which licensing officers assisted complainants; this disadvantages some residents who need support.
Cammiss and Manchester (2011b)	Some Licensing Committees shifted from court-like to discussion-led format in hearings. The latter is not always appropriate because some parties are unable to effectively present their case in this way.
Grace et al. (2016)	Application of Cumulative Impact Policy is flexible, subject to considerable debate among diverse stakeholders, geared towards affecting type of outlets (e.g. arts-, coffee, food-led) rather than restricting outlet density and focused on social harms rather than public health.
Foster, J. (2016)	Licensing Committees tend to demand a large amount of evidence from complainants even though the Act does not require it; evaluative judgement based on experience and insights can be used. Despite this evidence, decisions tend to be vague. Proprietors use adversarial tactics and experts; this threatens licensing authorities.

Table 3. Brief summary of implications of decision-making processes

Area	Implications	Author (year)
Health harms	Cumulative Impact Policy: modification of the alcohol environment (decisions that favour certain types of outlets such as food-led, coffee-led, arts establishments) rather than curtailment in the number of alcohol outlets.	Grace et al. (2016)
	Diminished role of area-level statistical data on health harms because license applicants are given the opportunity to negotiate their case for a new license in a cumulative impact zone. Public health considerations become diluted by various concerns, such as economic and concerns for social problems.	Grace et al. (2016)
	Preclusion of public health evidence in the quasi-judicial processes because public health evidence is typically generated from academic research that uses population-level aggregate data and is extremely difficult to link to particular outlets.	Foster (2016)
Social harms	Balancing of economic needs of proprietors, probability of social harms and impact on overall quality of life of local residents.	Foster (2016)
Management of alcohol outlets	Increased engagement of licensed trade with residents compared to the previous regime and consequently, improved overall management of alcohol outlets in the Borough.	Roberts and Eldridge (2007)
Public involvement	Local residents who cannot link their complaints to the licensing objectives can be marginalised from the licensing process. Those who are proactive and skilled in framing their arguments can make the most of the licensing process.	Cammiss and Manchester (2011a)
	The quasi-judicial process that takes place in a formal tribunal setting poses a barrier to public participation in the licensing process; some, typically local residents, find Licensing Committee hearings intimidating.	Cammiss and Manchester (2011a); Cammiss and Manchester (2011b); Foster (2016)

3.3.3 Decision-making under the Licensing Act 2003

License application process

Two studies examined the license application process (Cammiss and Manchester, 2011a, Grace et al., 2016). The licensing process begins when a proprietor submits an application for a premises license (i.e new application, variation of existing license or extension of opening hours). Some licensing officers provide guidance to applicants in completing the application form in terms of interpreting questions and indicating which ones are important (they do not say how a business can be run). Licensing officers must automatically accept an application unless a representation is made, yet they can attach conditions to the operating schedule to promote the licensing objectives. The conditions attached is partly determined by what applicants identify and partly by which of those conditions licensing officers select as enforceable. There is no clear principle underpinning how licensing officers know which conditions are enforceable thus, there is variability in practice. Some applicants prefer not to identify conditions; if they do not, then licensing officers have none to select from. However, if applicants do not identify their own conditions as part of their operating schedule, the application will more likely attract an objection from a responsible authority or member of the public (Cammiss and Manchester, 2011a).

Licensing officers respond differently as advisors of the licensing process. They may or may not assist complainants in revising their objections so that their objections clearly link to any one of the four licensing objectives (e.g. parking and traffic complaints are not as clearly relevant as noise and disorderly behaviour). Some will say whether an objection is irrelevant with reasons and encourage complainants to re-submit. Others do not and dismiss the representation if irrelevant. Some will accommodate objections even if they are outside the scope of the licensing objectives. Given the variability in the licensing system, complainants who are proactive and skilled in framing their arguments will be able to make the most of it; those who cannot make cogent objections can be marginalised. Additionally, evidence suggests that those who live in affluent areas and capable of organising themselves make more cogent objections than those who live in deprived areas (Cammiss and Manchester, 2011a).

Cammiss and Manchester (2011a) pointed out that license applications are not made to experts (e.g. police, environmental officers, health and safety authority) who are able to judge whether an application has a potential to negatively impact on crime and public disorder, safety, and harm to children. Instead, applications are made to licensing officers, who must maintain impartiality and make no judgement about the application. The law indicates that a

license application should be challenged by an expert by making a representation (although members of the general public are already allowed to make a representation); without a representation, the licensing officer must automatically accept the application.

Decision-making about the application (whether to accept or reject, determine which conditions to apply) is triggered when an objection is made. To prevent an objection from being brought before a Licensing Committee as a formal representation, licensing officers can play a mediating role to resolve a conflict informally. The Act has no provisions for mediation and local authorities may or may not have regard to mediation in their Statement of Licensing Policy although it is a key element in the regulation of alcohol sale; it allows licensing authorities to resolve conflicts informally (Cammiss and Manchester, 2011a).

Mediation by licensing officers

Two studies examined the nature of mediation conducted by licensing offers (Roberts and Eldridge, 2007, Cammiss and Manchester, 2011a). Cammiss and Manchester (2011a) described mediation as a process wherein parties are put in touch with one another and the licensing officer takes a 'hands on' role by facilitating the meeting, clarifying issues and discussing possible solutions. There is dialogue, negotiation, persuasion and collaborative problem-solving between complainants, the applicant, licensing officers and responsible authorities. Such interaction was described by Salamon (2001) as cited in Cammiss and Manchester (2011a), as the 'new governance' model of regulation in contrast to a 'command and control' approach by magistrate courts.

Licensing officers are neutral, impartial arbitrators although there is gradual departure from this. They can exercise their discretion in identifying the range of measures that are put in place in the license applicant's operating schedule to resolve conflicts. Some act as advocates of local residents who complain. Furthermore, some licensing authorities have close links with responsible authorities. In some local authorities, licensing authorities convene with responsible authorities regularly to discuss problematic license applications or outlets and they may carry out joint visits. This leads to a hierarchy of the extent to which responsible authorities would come out to object: some have limited involvement while others are proactive depending on how engaged and collaborative licensing officers are (Cammiss and Manchester, 2011a).

Some applicants find demands to be minor (e.g. half hour closing time) thus, they choose to compromise and amend the operating schedule to avoid going to a Licensing Committee

hearing. If a conflict cannot be resolved informally, a formal representation should be made no longer than 28 days after a license application is made. Some reasons for failed mediation are: parties are entrenched in their demands; the outlet has a long history of problems and successful mediation is unlikely; despite reaching agreement, misunderstandings arise leading to the agreement falling apart; parties being too cautious so they do not fully engage in the mediation process. Some parties do not reach an agreement within the 28-day period without a formal representation being made to the Licensing Committee and without amendments to the operating schedule; the application is approved as applied for. Some applicants promise to amend the operating schedule, do not do it and the four-week period is up (Cammiss and Manchester, 2011a).

Some interviewees in the study by Roberts and Eldridge (2007) felt the Act enabled the engagement of licensed trade with residents that was not possible in the previous regime and this was seen as a positive change. Some, particularly those from the nightclub sector did not share this view. Many do not have outlets near residential areas in the first place thus, they thought the Act made little difference to the overall management of outlets in the Borough. Those who had outlets in or near residential areas claimed that they are forced to engage with local communities that had already been taking place in the same way prior to the Act and that local residents were already playing an active role in licensing.

Licensing Committee hearings

Five studies explored the decision-making process in Licensing Committee hearings (Light, n.d., Herring et al., 2008, Cammiss and Manchester, 2011a, Cammiss and Manchester, 2011b, Foster, 2016). Hearings usually happen when conflicts could not be resolved informally by parties with or without the mediation of licensing officers and a representation is brought forward to the Licensing Committee. The Licensing Committee presides a quasi-judicial hearing to evaluate the license application and representations, and to determine the outcome (approval of application, approval subject to conditions, refusal). According to Cammiss and Manchester (2011b), quasi-judicial refers to the process of arriving at a decision rather than the decision itself, that is, the Licensing Committee must behave fairly during the hearing process, cross examination is allowed, and the procedures are court-like but less formal. Apart from these, the function of the Licensing Committee is administrative; quasi-judicial does not refer to establishing the rights of individual parties.

In determining the outcome, a Licensing Committee is expected by law, based on an evaluation of information presented to it, to establish whether an alcohol-related harm is more

likely to occur than not; if so, they must determine a proportionate course of action. Its decision is informed by the validity of representations, the evidence presented, the merits of the application in promoting the four licensing objectives, the Statement of Licensing Policy, and its insights. It involves the use of logical and deductive reasoning supported by evidence in the form of material fact. With regards to the evidence, it can take a wide range of forms: local intelligence data; geospatial maps demonstrating association between alcohol-related harms and particular alcohol outlets; police reports of crime, violence and public disorder; local residents' accounts of personal experience of nuisance, psychological harm, and physical harm (Foster, 2016).

While Licensing Committees must uphold licensing objectives, they must balance the interests of parties. What actions are appropriate to promote the licensing objectives after evaluating information presented to them is subject to their discretion. Discretion is a key element of decision-making by Licensing Committees and it is explicitly stipulated in the law. It is an exercise of evaluative judgement of what is reasonable, necessary and proportionate based on a logical view of the causal relationship between the outlet in question and harm (Cammiss and Manchester, 2011b, Foster, 2016). The Licensing Committee is expected to be capable of making such a judgement with a view of the interests of business and wider community (Foster, 2016). According to Cammiss and Manchester (2011b) however, the law only requires that such interest is confined to those of the parties involved in the case.

Many Licensing Committees tend to demand a large amount of evidence from complainants. Also, many Licensing Committees weigh evidence based on how incontrovertible it is although the law does not stipulate that they should do so (Light, n.d., Foster, 2016). What is required from Licensing Committees is to probe and ask any party questions to demonstrate logical, clear and full reasoning why the outlet in question will not lead to alcohol-related problems. Various evidence of a causal relationship will be presented by parties and they have to be weighted using their evaluative judgement (Light, n.d., Cammiss and Manchester, 2011b, Foster, 2016). However, many Licensing Committees are risk-averse; without incontrovertible evidence, they tend to approve a license application especially when faced with applicants who can afford to hire consultants and appeal an unfavourable decision in court, in order to avoid incurring large financial cost of legal representation (Light, n.d., Herring et al., 2008, Cammiss and Manchester, 2011a, Foster, 2016).

The quasi-judicial process that takes place in a formal tribunal setting poses a barrier to public participation in the licensing process; some, typically local residents, depending on prior

experience, find Licensing Committee hearings intimidating (Cammiss and Manchester, 2011b, Foster, 2016). Without licensing officer support or legal advice, the quasi-judicial process disadvantages the socially marginalised (Cammiss and Manchester, 2011a). An informal discussion-led format is sometimes more appropriate; it better reflects the partnership-working principle of the Act wherein stakeholders engage in dialogue, negotiation and persuasion towards a mutually acceptable outcome. At a certain point, this format becomes ineffective; because it does not have a structure, it does not help some parties in getting their points across. Not all licensing or legal officers aid parties in drawing out important points so parties are left on their own. Thus, the quasi-judicial process is more effective rather. In magistrate courts, under a traditional style of regulation, the justices determine the outcome based on their view of what is in the interest of the wider public. There is also a legal advisor, who is under duty to assist unrepresented parties (Cammiss and Manchester, 2011b). The quasi-judicial process also precludes public health evidence because it is typically generated from academic research that uses population-level aggregate data; as such, it is extremely difficult to link to particular outlets (Foster, 2016).

Control of the number, type and location of alcohol outlets through strategic policies

Four studies examined decision-making processes relating to the Statement of Licensing Policy and Cumulative Impact Policy (Roberts and Eldridge, 2007, Herring et al., 2008, Foster, 2016, Grace et al., 2016). These local policies are instruments that can restrict further growth in the number of alcohol outlets as well as specify their type and location in the borough proactively. Thus, they are an opportunity for local authorities to specify their local alcohol licensing policy despite the prescriptions of the Act (Herring et al., 2008).|These policies are an area of conflict because members of the public have different opinions about their purpose (Roberts and Eldridge, 2007, Herring et al., 2008, Grace et al., 2016).

In particular, the Cumulative Impact Policy is an area of conflict because if applicants demonstrate that their license will not negatively impact on the licensing objectives, the licensing authority will approve their application in a cumulative impact zone – the licensing authority then receives representations from responsible authorities and/or members of the public. The application is then treated as an individual case – it is decided in a quasi-judicial Licensing Committee hearing. Grace et al. (2016) noted that in these hearings, a substantial portion of the decision-making process is dedicated to correcting misinterpretations of the policy, clarifying arguments, and scrutinizing an applicant's intention rather than establishing whether the Policy applies to the particular case based on the merits of the evidence presented. Parties frame their arguments according to their interests and perspective. Moreover, they

observed that decisions tend to favour certain types of operators such as those who appear cooperative and articulate because Licensing Committees perceive that the outlets of these operators will not negatively impact on the licensing objectives.

As a result, the role of area-level statistical data health harms becomes less prominent when individuals are given the opportunity to argue a case for a new license in a cumulative impact zone. Although public health harms are included as a consideration in the designation of cumulative impact zones, a step forward for public health authorities, public health considerations become diluted by economic and social concerns. The Cumulative Impact Policies studied, in effect, are soft policies that modify the alcohol environment (decisions that favour certain types of outlets such as food-led, coffee-led and arts establishments) rather than restrictive policies that curtail growth of the number of alcohol outlets (Grace et al., 2016).

The Statement of Licensing Policy is an area of conflict because people have different opinions about its mandate. It has ranged from being a faithful rendition of national guidance, to a statement of operating standards for licensees, to an articulation of a local authority's vision of its night time economy (Herring et al., 2008). According to Foster (2016), the Statement of Licensing Policy is an opportunity for local authorities to spell out the wider interests of the community; it should then be used to inform Licensing Committee decisions on individual license applications. (Determining what is in the best interest of the wider public and whose interest should matter needs some consideration, though.) The licensed trade tends to dislike Statements of Licensing Policy when used in this way and have challenged local authorities in Court (Roberts and Eldridge, 2007). For example, in Westminster, the Council's Statement of Licensing Policy stated that restaurants are preferred to drink-led outlets to reduce alcohol-related harms. The Council was challenged (yet upheld by the court) (Foster, 2016). Some participants in Foster's (2016) study suggested that local authorities need to 'beef up' the Policy analogous to the drink-drive limit and the overprovision[9] principle in Scottish licensing law. There is no account from the literature however, on how local authorities determine the Statement of Licensing Policy when the public have different viewpoints.

The net effect of lack of clarity about the role of Statement of Licensing Policy is that individual licensing decisions collectively influence the local authority's overarching policy.

[9] The overprovision principle refers to a link between a wide-range of alcohol-related harms and number of alcohol outlets. Scottish local authorities are required by law to make a statement regarding overprovision in their Statement of Licensing Policy. License applications in an overprovided area will be refused. Unlike the Cumulative Impact Policy, applications in overprovided areas do not have to relate to the licensing objectives (Alcohol Focus Scotland, 2017).

Individual licensing decisions balance the economic needs of the proprietor, the impact on life of local residents, and other issues that can be linked to the licensing objectives (e.g. health harms). If individual licensing decisions consider economic objectives, then economic objectives become part of the overarching licensing policy (Foster, 2016).

3.4 Discussion and Conclusion

From the limited literature identified, I explicated a range of decision-making processes in alcohol licensing where it involves conflicts particularly between license applicants and objectors. Two aspects of alcohol licensing policy subject to conflicts are: (1) individual license applications; (2) strategic policies on the number, type and location of alcohol outlets in the borough. I also identified the issues about these decision-making processes and their implications on health and social harms. None of these studies directly examined how licensing authorities make decisions when parties have different viewpoints.

Alcohol licensing decision-making is an important area of study because it provides insights on the capacity of local authorities to prevent and reduce alcohol-related harms. Such capacity is challenged when the public have different viewpoints about an alcohol license as well as local overarching policies (Herring et al., 2008). The Act requires Licensing Committees to take account of public's input in their decisions (House of Commons, 2003). Grace et al. (2016) noted that unlike pricing and taxation policies, alcohol licensing policy is subject to debates among stakeholders in local communities. This results in various opinions influencing how licensing authorities implement licensing policy that has implications on the prevention and reduction of alcohol-related harms.

The first aspect of alcohol licensing policy that is subject to conflict is individual license applications. Three decision-making processes take place when a proprietor applies for a license – those that happen as part of the license application process, during mediation by licensing officers and in Licensing Committee hearings. With regards to the license application process, an important finding is whether and the extent to which licensing officers, as advisors of the licensing system, assist complainants. As a result, complainants who are proactive and skilled in making cogent complaints will be able to make the most of the licensing system; those who are not can be marginalised from the process. Findings also showed that those who live in affluent areas and capable of organising themselves make more cogent objections than those who live in deprived areas (Cammiss and Manchester, 2011a).

With regards to the mediation process, an important finding is it is a key element of alcohol licensing policy; it allows licensing authorities to resolve conflicts informally. As such, studies indicate that it can be a more effective way of resolving conflicts compared to Licensing Committee hearings because various reasons and forms of evidence are considered (strict rules of evidence apply much less); it is less adversarial thus, parties are more able to effectively express themselves; it less biased because licensing officers are not elected members of the local authority unlike councillors who make up the Licensing Committee. However, studies showed that some licensing officers act as advocates of residents who have problems (Cammiss and Manchester, 2011b). The presence of this element in alcohol licensing policy indicates that the new regime shifted from the traditional 'command-and-control' style of regulation to 'soft' regulation. The former refers to a strategic approach; a governmental authority largely determines the outcome of a license application taking into account the interests of the wider public. The latter refers to partnership working characterised by dialogue and enablement of networks of individuals and organisations working together towards a consensual outcome (Cammiss and Manchester, 2011a).

With regards to Licensing Committee hearings, one important finding is, both the principle of evidence-based decision-making and the discretion afforded to Licensing Committees apply in the quasi-judicial process of determining the outcome of contested license applications (Foster, 2016). Decisions are, fundamentally, not directed towards the promotion of licensing objectives or the interests of the wider community, but to protection of the local authority from legal challenge (Light, n.d., Foster, 2016). Light (n.d.) pointed out that because Licensing Committees are composed of elected members, their decisions can be influenced by allegiances to and interests of their political party, and by conflict of interest (such as a member of the Licensing Committee being a landowner). As such, a quasi-judicial process is not capable of assuring an impartial decision in all circumstances. Another important finding is the court-like format poses a barrier to public involvement in licensing decision-making; the adversarial atmosphere of its tribunal setting is intimidating to participants, typically local residents, who lack experience in it. However, Cammiss and Manchester (2011b) noted that a discussion-led format can be counterproductive; the lack of structure can prevent some participants from getting their points across effectively especially when they are left on their own without assistance from a licensing or legal officer.

The second aspect of alcohol licensing that is subject to conflict among members of the public is a local authority's overarching local policy statement, the Statement of Licensing Policy (Herring et al., 2008, Foster, 2016) and the Cumulative Impact Policy, which is

perceived by the public as an instrument for restricting the addition of new outlets in a cumulative impact zone (Grace et al., 2016). Regarding the Statement of Licensing Policy, an important finding is decisions on individual license applications can effectively become a local authority's overarching licensing policy when licensing authorities are not clear about the role of the Statement of Licensing Policy in the determination of contested license applications (Foster, 2016).

An important finding about the Cumulative Impact Policy is although public health harms are included as a consideration in the designation of cumulative impact zones, evidence of area-level statistical data on crime and health harms become less prominent and are diluted when applicants are given the opportunity to argue a case for a new license; decisions by licensing authorities on applications to put up an outlet in a cumulative impact zone, when challenged by applicants (if application were refused), responsible authorities or members of the general public (if application were granted), are decided in a quasi-judicial setting as in individual applications (Grace et al., 2016).

The findings of this literature review contribute to current insights on the effectiveness of licensing as a means for preventing and reducing alcohol-related harms. Although a large body of research shows that licensing can be effective in preventing and reducing alcohol related-harms, alcohol licensing policy is characterized by 'day-to-day' decision-making on individual license applications that take account of a wide range of public views. This creates opportunities for conflict; conflicts influence implementation of alcohol licensing policy. Although public involvement may have improved accountability and transparency in the licensing system compared to the previous regime, it puts uncertainty on whether the Government's goal of tackling alcohol-related harm is achievable.

Strengths and limitations of the review

To my knowledge, this is the first review to summarize the literature on alcohol licensing decision-making processes and the issues associated with them. The study of decision-making processes in the licensing system is important because they can exert an impact on alcohol-related health and social harms. Thus, this study also explored the implications of decision-making processes on alcohol-related harms and other outcomes such as public involvement in the licensing system and management of alcohol outlets by local authorities.

However, caution must be exercised in generalising the results for two reasons, First, there are only seven studies in this review and the settings are not limited. Additionally, the studies

were undertaken in different years since the Act was implemented. For instance, there was only one study that explored Licensing Committee decision-making relating to the application of Cumulative Impact Policy and this study was undertaken only in London Boroughs. Second, the database search was limited and no further supplementary search (i.e. reference and citation search) was undertaken. This was due to time constraints. Thus, if additional studies in other English settings were conducted and I had taken further supplementary searching, the results might show a different picture of the English licensing system. Despite the limitations, this thesis was discussed with and examined by experts in alcohol policy; we have not encountered a study that directly examined how licensing authorities make decisions when the public have different viewpoints.

Chapter 4: A Theoretical Framework for Analysing and Interpreting Decision-Making in Alcohol Licensing

4.1 Introduction

In this chapter, I discuss a theoretical framework that will support the analysis and interpretation of findings from an empirical study that explores in depth how licensing authorities deal with conflicting public viewpoints. There are persistent calls for the use of theory in qualitative research in such fields as health services research, implementation science (Kislov, 2018, Lynch et al., 2018) and social science. Bradbury-Jones et al. (2014) argued that use of theory is a hallmark of good quality research. However, the important questions are why should we use theory and how (Kelly, 2009, Bradbury-Jones et al., 2014, Kislov, 2018). The answers to these questions will depend on the purpose, time and resources available for the research (Kelly, 2009, Lynch et al., 2018). Nonetheless, I find foremost reasons common to qualitative researches: to inform the research question and methodology; to support analysis and interpretation of findings by offering a set of concepts that can explain the underlying mechanisms of social processes; and to develop one's own theory or refine existing theory that would be applicable to a wide range of settings based on results of empirical research (Kelly, 2009, Bradbury-Jones et al., 2014, Kislov, 2018). In this study, theory was used to support the analysis and interpretation of decision-making processes with a view of improving the transferability of my empirical findings. Use of theory supports transferability because theories have been developed from a wide range of social phenomena (Kislov, 2018).

There is no wrong answer with regards to how to engage with theory (Lynch et al., 2018). According to Kelly (2009), in generic qualitative research, there is little engagement with theory. Analysis of qualitative data is usually limited to surface-level thematic analysis. Rather, moving from surface-level to in-depth conceptual interpretation are carried out in association with the recognised traditions of inquiry such as Grounded Theory and Discourse Analysis. This is because Kelly (2009) equated theory with the methodologies of these traditions. Bradbury-Jones et al. (2014) pointed out that theory can refer to methodology and to topics based on disciplines such as sociology, economics and psychology. Thus, they recognized the various ways by which theory is used, yet recommended that theory be an integral part of the whole research process. Similarly, Kislov (2018) advocated a theoretically informative approach, which involves using theory both to explain empirical findings and to guide analysis with the purpose of refining the theory. As such, the theoretically informative approach is geared towards driving theory forward. In this study, using the five-level taxonomy of Bradbury-Jones et al. (2014) – seemingly absent, implied, partially applied, retrospectively

applied and consistently applied – theory is partially applied, for it was used in one stage of the research process (analysis of interview data). The idea of using theory in this study came at a time when the research question and methodology has been decided (yet prior to data collection). Additionally, while I take great interest in developing a new theory or refining an existing one, this was not possible in view of the time frame in which this study had to be concluded.

4.2 Selection of theories

There is a plethora of theories, models and frameworks explaining the how and why of implementation success and failure (Lynch et al., 2018). In this study, I positioned licensing decision-making in situations of conflict among members of the public including between license applicants and objectors as a case of policy implementation. Thus, I used theories of the policy process in analysing and interpreting empirical findings. Because I selected theories prior to data collection, it is worth noting that prospectively selecting theory excludes others. Thus, there is a risk that interpretation is biased towards certain aspects of a phenomenon (Kislov, 2018). While there is a big literature on theories of the policy process, I referred to Hudson and Lowe (2009) and Cairney (2012). I selected particular theories and concepts that are most relevant, in my opinion, to the aim of this study, then synthesized them into a theoretical framework. I adopted multiple theories because as Cairney (2012) pointed out, there is no one grand theory that explains the policy process. Further, there is no standard way of combining theories.

In identifying the most relevant theories and concepts, I found it helpful to start with the two main models of policy implementation – top-down and bottom-up (Hudson and Lowe, 2009). According to Hudson and Lowe (2009), the top-down model assumes there is a clear hierarchical organization made up of policy makers and bureaucrats. A similar explanation of the top-down model was made by Cairney (2012). Accordingly, policy makers determine policy that is most beneficial to society following a comprehensive analysis of costs and benefits. Civil servants and frontline workers will follow the policy; they will deliver the desired outcome and their powers are confined to administration, implementation and management of resources made available for the policy.

However, this top-down model of policy implementation is naïve. A more nuanced perspective of policy implementation is informed by the principle of bounded rationality, which underpins the bottom-up model of policy implementation. According to this principle, a comprehensive analysis of costs and benefits is usually not carried out by policy makers before a policy is made. Additionally, civil servants and front line workers, so-called "street-level bureaucrats", will not always follow policy as they take into account their own ideas, values and beliefs as well as local socio-economic factors. They also recognize the need to negotiate and accept compromises with other stakeholders. Thus, the bottom-up model points out that policy is modified to some extent during implementation to fit local circumstances (Hudson and Lowe, 2009, Cairney, 2012). Additionally, it focuses attention of study on "street-level" bureaucrats, rather than on policy makers, including the extent to which they exercise their own agency in the delivery of a policy (Hudson and Lowe, 2009).

There are limitations, however, to the top-down and bottom-up perspective in elaborating policy implementation. I follow the direction of criticism of several scholars: this perspective does not explicitly recognise the presence of policy networks, which exert considerable influence on policies (Sabatier, 1988, Kickert et al., 1997, Marsh and Smith, 2000, Hudson and Lowe, 2009, Cairney, 2012). Thus, the top-down and bottom-up model expands to include the network concept of policy implementation (Table 4). Policy networks are individuals and groups – policy makers, bureaucrats, voluntary sector, academic think tanks – who share an interest in a policy area. They are sometimes referred to as advocacy coalitions, which are individuals and groups who not only share the same interest on a policy area, they are also bonded by core values. According to the network concept, there is not one organisation that will determine and deliver policy because power is dispersed to various organisations, rather than concentrated in one (Hudson and Lowe, 2009, Cairney, 2012).

Table 4. A comparison of the top-down, bottom-up and network concepts of policy implementation

Dimension	Top-down	Bottom-up	Network
Object of analysis	Relation between central ruler and target groups	Relation between central ruler and local actors	Network of actors
Perspective	Central ruler	Local actors	Interaction between actors
Characterisation of relations	Authoritative	Centralised vs. autonomous	Interdependent
Characterisation of policy processes	Neutral implementation of ex ante policy	Political processes of interest representation,	Information of and goals are exchanged

		informal use of guidelines and resources	
Criterion of success	Attainment of the goals of formal policy	Local discretionary power, obtaining resources in favour of local actors	Realisation of collective action
Causes of failure	Ambiguous goals, too many actors, lack of information and control	Rigid policies, lack of resources, non-participation of local actors	Lack of incentive for collective action
Recommendation for governance	Coordination and centralisation	Retreat of central rule in favour of local actors	Management of advocacy coalitions

Source: Kickert et al. (1997) as cited by Hudson and Lowe (2009)

4.3 Theoretical framework

4.3.1 Top-down and bottom-up models of implementation

In the top-down and bottom-up models of policy implementation, Elmore (1978), as cited by Hudson and Lowe (2009), identified four decision-making processes – suboptimality, incrementalism, workings groups and bargaining. Also, these decision-making processes are characterised by different ways power is distributed. In relation to these decision-making processes, policy implementation is characterized as monitoring and compliance, change in established working practices, consensus building and resolution of conflict (Table 5) (Elmore, 1978, Hudson and Lowe, 2009).

Table 5. Models of social programme implementation by Elmore (1978)

	Systems Management	**Bureaucratic processes**	**Organizational development**	**Conflict and bargaining**
Central principle	Rationality	Routine and discretion	Autonomy control by workforce	Competition in the exercise of power
Distribution of power	Centralised	Dispersed	Equality of responsibility	Dispersed and unstable
Decision-making process	Suboptimality	Incrementalism	Working groups with strong interpersonal relations	Bargaining for conflict resolution
Implementation process	Monitoring and compliance	Change in established working practice	Consensus building	Resolution of differing interests

Source: Elmore (1978) as cited by Hudson and Lowe (2009, p. 252)

Suboptimality

Suboptimality is associated with the top-down model of policy implementation. It means the loosening of implementation by giving significant amounts of discretion to implementers at lower levels of the system. Discretion is necessary due to the uniqueness of local circumstances. However, discretion is given only when an overall strategy has been set and specific tasks have been identified on the assumption that there is buy-in from implementers on the goals of policy and they will carry out the tasks determined for them. Thus, there are boundaries around discretion that limit flexibility in implementation. Power remains centralised and the goals set by policy makers have to be achieved; there is considerable monitoring of policy implementation and compliance with the policy (Elmore, 1978).

In the case of alcohol licensing, Licensing Committees use their discretion in choosing alternative solutions to the problem that gave rise to the conflict. The solution of choice has to be proportionate to the problem so as not to undermine the goals of the Act, that is, to promote the licensing objectives without undermining economic growth. As such, representations that are considered by Licensing Committees to be valid are those that are compatible with any of the four statutory objectives and supported by evidence in the form of material fact (Home Office, 2013a). Departures from the principles of the Act can result in Licensing Committees facing legal challenge (Light, n.d., Cammiss and Manchester, 2011a, Foster, 2016).

Incrementalism

Incrementalism is associated with the bottom-up model and refers to a process that involves limited, rather than radical, search for solutions to policy issues. Rather than policy makers, its focus is on decision-making by street-level bureaucrats (Elmore, 1978, Hudson and Lowe, 2009). The process is described as 'muddling through' and trial-and-error with a narrow range of objectives considered. Usually, current policies are updated to fill gaps in earlier policies. This is because the evidence considered to support a decision is not comprehensive; knowledge of probable outcomes of a decision is incomplete. A radical policy change is difficult and costly to achieve because existing policies have already been built from a complex and often long process of consensus building and negotiation among stakeholders with competing interests (Hudson and Lowe, 2009, Cairney, 2012). Nonetheless, changes in established working practices can be effected (Elmore, 1978).

Incrementalism also draws attention to the day-to-day routines of civil servants and frontline workers that create institutional inertia. Institutional inertia poses a barrier to policy change. The day-to-day routines are brought about by formal rules or institutions that civil

servants and front line workers have to comply with. Thus, institutions play a central role in policy implementation. They aim to promote stability and continuity of past policies. In relation to decision-making in situations of conflict, institutions frame the rules of the game, structures conflict between parties, shapes their behaviours, and affects outcomes of decision-making by limiting or closing off options (Hudson and Lowe, 2009, Cairney, 2012).

In the case of alcohol licensing, the Act governs licensing decision-making by local authorities. The legal framework of the Act prevents the use of licensing as an instrument to reduce long-term health harms at the population level. Although public health leads were added to the list of responsible authorities, this was not accompanied by the addition of a public health objective (Martineau et al., 2013, Nicholls, 2015, Reynolds et al., 2018a, Reynolds et al., 2018b). This addition can be viewed as an incremental attempt to consider public health concerns in licensing. Incrementalism is also exemplified by the attempt of some local councils to restrict the sale of alcohol. For instance, some local councils have created barriers to the establishment of alcohol outlets. Islington Council outlined in its Statement of Licensing Policy strict exceptions to the establishment of alcohol outlets in its cumulative impact areas (Islington Council, 2018). Westminster Council stated in their Statement of Licensing Policy that it will prioritize establishments that promote diversity in cultural activities to those that are alcohol-led (City of Westminster, 2016). Furthermore, over a period of time, these councils have been able to approach licensing in a strategic manner through their local policy statement, rather than by an outlet-by-outlet approach.

Working groups

Working groups build consensus among managers and front line workers. This process is used usually when a government wants to shift policy to a different direction although there is a limit in doing so due to political pressure exerted by governmental bodies. It requires trust among members of the working group and willingness to communicate. It is considered successful when policy makers win the hearts and minds of implementing agencies in various levels of the system (Elmore, 1978). No examples of working groups have been found in alcohol-licensing decision-making.

Bargaining

Bargaining happens when people with competing interests refuse to change their perspective to a great extent in order to achieve consensus. Instead of building consensus, parties settle for a compromise, which reflect a temporary solution to a problem. There is no consensus or agreement on how social problems should be addressed strategically over the

long-term; the goal is to merely resolve the conflict. Whether a policy is implemented successfully is not always clear. Thus, decisions that arise from a process of bargaining remain surrounded with controversy. Aside from competing interests, this process highlights unequal shares of power between parties (Elmore, 1978).

In the case of alcohol licensing, some compromise is achieved during mediation and Licensing Committee hearings in the form of license conditions; in the final arbitration process (i.e. Licensing Committee hearing), parties have no choice but to accept the decision of the Licensing Committee (Cammiss and Manchester, 2011a, Cammiss and Manchester, 2011b). Decisions by Licensing Committees do not always embody a long-term solution to a social problem.

4.3.2 Network concept of policy implementation

The network concept takes account of the networked nature of policy implementation. This means policy is shaped not by either a central authority or bureaucrats, but by the interaction of policy makers, bureaucrats, front line workers, voluntary sector, media, professional groups and business sector (Table 4). Members of a policy network share an interest in a particular policy area and are usually bonded by similar values. Nonetheless, they have different opinions on specific issues. As such, they try to steer policy to different directions. This is manifested in the diversity of responses to policy issues and different ways of framing arguments in a conflict (Hudson and Lowe, 2009). For instance, in a study of the application of cumulative impact policy on license applications in cumulative impact areas, Grace et al. (2016) revealed different way of interpreting the policy and framing arguments by license applicants and objectors in order to persuade the Licensing Committee. Thus, as Hudson and Lowe (2009) pointed out, their interaction is complex, which is characterised by negotiation, bargaining, competition as well as collaborative working. The network concept also points out that non-state actors – voluntary sector, business sector and professional groups – have closer linkages with policy makers than civil servants hence, they exert more influence in policy (Hudson and Lowe, 2009, Cairney, 2012).

The network concept is also exemplified by public-private-voluntary partnerships (Hudson and Lowe, 2009). An example of such partnership is the Best Bar None scheme. The scheme is participated by the alcohol industry, local authorities and police. The principle underpinning the scheme is tackling alcohol-related harms requires partnership working between government and alcohol industry, rather than government working alone. Additionally, the scheme asserts that harms can be tackled through responsible management of alcohol outlets

rather than restricting the establishment of alcohol outlets with a view of increasing profitability (Best Bar None, 2018). Public-private-voluntary partnerships increase the prominence non-state actors in policy processes and can change the role of government (Hudson and Lowe, 2009).

4.4 Summary of Chapter 4

This chapter presented a theoretical framework for analysing and interpreting qualitative data. I concur that use of theory is a hallmark of high-quality research. On the balance of the importance of engaging with theory throughout the whole research processes and the practical constraints of this study, I adopted a theory for the purpose of supporting my analysis and interpretation of data. Thus, my use of theory in research is partial. Nonetheless, there is a benefit of improving transferability of research findings.

Because I positioned licensing decision-making as case of policy implementation, I drew from the theories of policy processes. In order to facilitate my selection of theories, I referred to the top-down and bottom-up models of policy implementation. In relation to these models, there are four processes of decision-making: suboptimality, incrementalism, working groups and bargaining. I then expanded the top-down and bottom-up models to include the network concept of policy implementation. This is because of the limitations of the top-down and bottom-up models, which only focus only on the central rules and local actors. Rather, policy implementation is shaped by the interaction of a wider array of stakeholders.

In order to illustrate how these theories will be applied in the analysis and interpretation of empirical findings in Chapter 7, I have exemplified these models with alcohol licensing decision-making examples taken from the literature. The design and methods for collecting, analysing and interpreting empirical data are presented in Chapter 5, while the empirical findings are presented in Chapter 6.

Chapter 5: Study Design and Methods

5.1 Introduction

In this chapter, I describe the research design and methods as well as the rationale for why they will best achieve the research aim. The use of a qualitative study design will be introduced and more specifically, the use of in-depth, semi-structured interviews with licensing authorities including some responsible authorities as well as subsequent Framework Analysis.

5.2 Study design

A qualitative study design was chosen for exploring processes of decision-making in greater depth. A quantitative study design is suitable for explaining social phenomena, but not for exploring meaning that people assign to their experiences. Additionally, qualitative study design is suitable when the aim is to widen conceptual range of understanding, rather than to achieve empirical generalizability as in quantitative study design. Furthermore, qualitative study design has underlying philosophical assumptions that inform how and what information is sought. I describe two philosophical assumptions – epistemological and ontological. Under the epistemological assumption, evidence is subjective, that is, what counts as knowledge is what is experienced by participants. With regards to the ontological assumption, there is not one, but multiple realities (Creswell, 2013). The processes of decision-making in situations of conflict that this study seeks are those experienced by participants. Additionally, such processes may be affected by their views, feelings, values and motivations. Hence, consistent with the ontological assumption, the answers to the research questions are likely to have multiple dimensions that represent the multiple realities of participants.

These philosophical assumptions are embedded in theoretical frameworks, which inform choice of data collection method and analysis (Schwandt, 1994, Creswell, 2013). These theoretical frameworks are different from the theoretical framework in Chapter 4. The former refers to methodology in qualitative research, while the theoretical framework in Chapter 4 refers to an area of study based on empirical observations (Bradbury-Jones et al., 2014). I describe three theoretical frameworks – positivism, constructivism and interpretivism. Positivism espouses a cause-effect framework, that is, the relationship between variables is logical and deterministic, and that such relationship is defined by *a priori* theories. The inquiry follows a series of steps, which have a logical order. Data collection and analysis are rigorously carried out. In contrast to positivism's aim of identifying causal rules to explain the social world, alternatives such as constructivism aim to bring out complexity by recognising and

drawing out diverse meanings that individuals place on a phenomenon. The questions asked to individuals must be open-ended in order for meanings and complexity in views to come out. These meanings come from social interactions of individuals and cultural norms in their life. The researcher then identifies patterns inductively in the complexity of participants' views. Additionally, the researcher positions herself in the research by acknowledging that her interpretation of data is affected by her views, experiences and motivations. Interpretivism uses social science theories as theoretical lens for making sense of data (Schwandt, 1994, Creswell, 2013).

I took both a constructivist and an interpretivist framework, drawing on the similarities and shared aims of these:

"Proponents of these persuasions share the goal of understanding the complex world of lived experience from the point of view of those who live it. This goal is variously spoken of as an abiding concern for the life world, for the emic point of view, for understanding meaning, for grasping the actor's definition of a situation, for Verstehen […] The constructivist or interpretivist believes that to understand this world of meaning one must interpret it." (Schwandt, 1994, pp. 221-222).

In line with the constructivist-interpretivist framework, I sought to interpret participants' responses by drawing out underlying meanings. I also sought to make sense of their responses by uncovering patterns in these underlying meanings and exposing the theory informing my interpretations. Questions on participants were constructed in an open-ended manner in order to allow diversity in responses based on their experiences, views and values.

5.3 Data collection method

Having set out the epistemological and ontological assumptions as well as theoretical frameworks of this study, the next step was to decide how best to collect data and in-depth, semi-structured interview was selected as the best method. My choice of method was also influenced by its popularity and convenience for both the researcher and the participants. Unlike group interviews and observations, it can be easily arranged at the most convenient time of both the researcher and the participant, especially that the study has to be completed within a limited time frame. Additionally, interviews are discrete, which allows a topic to be probed in depth and illustrated better with examples (Ritchie et al., 2014).

A topic guide was developed to structure the interviews, but without impinging the flexibility of the researcher to explore topics raised by the interviewee. The topic guide is found

in Appendix A. Part of the topic guide was informed by a topic guide from a PhD thesis on Public Involvement Use in Health Policy Decision Making (Li, 2013). Interviewees were given the freedom to talk about their topics of interest without interruption from the researcher. I felt that some participants already had topics in mind hence, I gave them freedom to direct the conversation. The majority of participants spoke expansively and probes were based on things they said. The questions, prompts and probes in the topic guide were followed when participants did not speak expansively. The logical order, grouping and wording of questions and probes in the topic guide were refined as more interviews were conducted, but no significant changes were applied.

Observation of mediations and Licensing Committee hearings can contribute in attaining more depth in understanding. However, this method was not undertaken because, as Creswell (2013) pointed out, it requires spending a considerable amount of time with the participants. Attendance in several hearings will be necessary that is not possible with the amount of time available to complete this study. Analysis of documents (e.g. minutes of Licensing Committee hearings, reports of consultation on the Statement of Licensing Policy) was also not undertaken. Based on a review of some documents, they contain almost no information on how licensing authorities arrive at decisions – they usually contain rationale for the decision. Thus, searching for information on decision-making processes in these documents would not be an efficient way of answering the research questions.

5.4 Sampling and recruitment

Participants in the study were a purposive sample of licensing officers, councillors who serve as chair of the Licensing Committee, members of public health teams and police licensing officers. This sample was identified in order to bring out a range of responses, that is, responses are elicited from those who are both directly and indirectly involved in the licensing process. For instance, licensing officers play a mediating role typically between license applicants (or license holders) and complainants. Councillors preside over Licensing Committee hearings. Additionally, they are exposed to a wider range of conflicting views because hearings are attended by license applicants, complainants and supporters. Responsible authorities were included in the sample in order to elicit the perspective of those who are not directly involved in decision-making in situations of conflict. Although all responsible authorities can potentially provide a perspective, only members of public health teams and police licensing officers were chosen. This was because, in Scotland, NHS Public Health Boards engage the public to support their efforts in promoting the public health objective in

licensing (Fitzgerald et al., 2017) and it is possible that English public health teams do so. If they do so, then they will be exposed to conflicting views from members of the general public. However, this has not been reported in the literature. Police licensing officers were invited because they receive inquiries or complaints from members of the public regarding alcohol-related harms. Thus, they are also potentially exposed to conflict between licensees and members of the public or among members of the public. Public engagement by other responsible authorities is not clear and no report has been found in the literature.

Based on this sampling frame, local authorities were identified from an internet search of initiatives in public involvement in alcohol licensing and in wider planning processes of English local authorities that includes tackling alcohol-related harms; from the literature that have been screened or reviewed for this study; from a supervisor; from participants who mentioned other local authorities during the interview. A few individuals were identified from my small pool of existing contacts in four local authorities. I was able to create a small pool prior to the start of this study by attending two of the Sheffield Alcohol Research Group's Minimum Unit Pricing Workshops for local authorities in Northwest and Northeast regions, and through my supervisors. The people in this pool have been informed about this study during an earlier informal interview, and they agreed to be contacted again.

A total of 100 individuals and teams from 28 local authorities were then contacted and invited to take part in the study between February and April 2019. The email addresses and telephone numbers of potential key informants were identified from publicly available documents (e.g. Statement of Licensing Policy, strategic plans), Council websites, a website of a third sector organization, and from my supervisor. They were sent an email inviting them to participate in the study by attending a face-to-face or telephone interview. A brief description of the research project accompanied the email invitation. Once I received an expression of interest to participate, I emailed the participant information sheet and consent form (Appendix B). The participant information sheet mentioned that they were invited to take part because of their experience in public involvement in alcohol licensing. Thus, the participant information sheet was an instrument for self-selection of participants as key informants. Towards the latter half of the recruitment period in view of the time constraints, the participant information sheet and consent form accompanied the first email invitation. When no response was received after one week, a follow-up email was sent. If no response to the follow-up email was received after one week, a phone call was made. Subsequent follow-up was made either by phone call or email every one to two weeks until I received an explicit refusal to take part or the recruitment period concluded on the 30th of April 2019.

Of the 100 individuals and teams who were invited to take part in the study, 15 from 11 local authorities in five regions in England – Northwest, Northeast, London, Southeast and Yorkshire and the Humber – accepted the invitation. They were six licensing officers, four chairs of Licensing Committees, two police licensing officers, two members of Public Health Teams and a member of a third sector organisation. Due to an agreement of confidentiality and anonymity with them, their specific job title and name of local authority are not specified nor presented in a way that might lead to their identification.

I had not elicited the reasons why participants agreed to be interviewed. Among the Councillors who did not take part, the majority of reasons given was they were very busy with the upcoming elections. Local elections were held in many of the local authorities in question in May 2019. The others refused without giving a reason, did not respond to the study invitation and responded very late. One declined because he was new to alcohol licensing and another due to an illness. I declined one Councillor who was only willing to be interviewed if accompanied by their licensing officer, for their interaction during the interview will entail a different approach to data analysis that was not included in the study plan.

Of the public health teams who did not take part, the majority declined because they do not engage members of the public in relation to alcohol licensing or they do not engage with alcohol licensing themselves. As such, they expressed that they would not be able to contribute to the study. The rest did not respond to the invitation or responded very late.

Of the licensing teams who did not take part, the majority declined because they are very busy. The rest did not respond to the study invitation.

The police licensing officers who declined to take part mentioned that they interact with members of the public on an individual basis. As such, they do not deal with conflicts among members of the public.

In-depth, semi-structured interviews were conducted between 21st of February and 18th of May 2019. Twelve interviews were face-to-face and three were telephone. Face-to-face interviews were conducted in workplaces of participants or in a near coffee shop. One face-to-face interview was conducted in the participant's home for health reasons. All interviews were audio-recorded, except for one telephone interview that I had not been able to record; notes taken during and after the interview were used in the analysis instead. The length of the audio-

recorded part of the interviews ranged from 28 minutes to one hour and 13 minutes with a mean of 47 minutes; the conversation usually continued after the recorder was turned off. Field notes were taken immediately after the end of each interview about my impressions of the interviewee, what I thought about how well the interview went, responses that I thought I should have probed or to explore in the next interviews, and the atmosphere of the interview.

All councillors who took part in the study are Chairs of the Licensing Committee. The length of their experience in alcohol licensing as member of the Licensing Committee ranged from 13 to 20 years, while the length of time they have spent as chair ranged from four to eight years. For licensing officers, their experience ranged from 3.5 to 29 years. The two police licensing officers have an experience of five years and 11 years. For members of Public Health Teams, their experience in alcohol licensing is one and three years. However, their experience with regards public involvement in alcohol licensing was nil. One Public Health Team member reported that they did not engage members of the general public when the Public Health Team was consulted on the Statement of Licensing Policy. According to him, the Public Health Team already finds it challenging to promote public health considerations in alcohol licensing due to the absence of a public health objective. Hence, in his view, it did not seem right to engage members of the general public to build support for promoting public health considerations in alcohol licensing. The Public Health Team member reported that her role in alcohol licensing is confined to reviewing of license applications to determine if there is a need to make a representation. She had started this role for about a year. She does not engage members of the general public as part of her role and has had no experience in public consultations on the Statement of Licensing Policy. Another interviewee, although employed by the local authority, works for a third sector public health organisation. Thus, he did not have the capacity to explain the decision-making processes despite participating in the study.

Although I maximized the number of participants that I can recruit in three months, I also assessed saturation in order to determine the implications of the sample size on the robustness of findings. It is first important to clarify what saturation means. As highlighted by Saunders et al. (2018), a nuanced meaning of saturation must be taken, that is, with consideration to the aim of the research, the analytic approach adopted, and the role of theory in the research in order to support judgements on the implications of saturation on the robustness of findings.

Saunders et al. (2018) proposed four models of saturation, which exemplify different meanings of saturation. A summary of these models is shown in Table 6. Model one is theoretical saturation, which is applied in grounded theory methodology. Theoretical saturation

means no further degree of development of a code can be made. Model two – a priori thematic saturation – is used in deductive analytic approach, which aims to exemplify a thematic or theoretical framework in the data. Saturation is said to occur when the researcher deems data are sufficient to exemplify the theory. Both model one and two focus on the sampling stage of the research, that is, theoretical saturation and thematic saturation are assessed while sampling is ongoing. Model three – inductive thematic saturation – applies in research that uses an inductive analytic approach. Saturation is said to be present when no new code or themes develop from the last interview. The principal focus is analysis, that is, saturation is assessed during the data analysis stage. In model four – data saturation – data collection terminates and formal analysis commences when the researcher deems no new information is apparent or information is redundant on the basis of what she hears in the interview. Unlike models one to three, data collection is separate from formal analysis including coding.

Table 6. Description and principal focus of four models of saturation

Model	Description	Principal focus
1. Theoretical saturation	Relates to the degree of development of theoretical categories; related to grounded theory methodology	Sampling
2. A priori thematic saturation	Relates to the degree to which theory is exemplified in the data	Sampling
3. Inductive thematic saturation	Relates to the emergence of new codes or themes	Analysis
4. Data saturation	Relates to the degree to which new data repeat what was expressed in previous data	Data collection

Source: Saunders et al. (2018, p. 1897)

I assessed saturation using the inductive thematic saturation model (model three) and the data saturation model (model four). This was because it was not possible to assess saturation in relation to the theoretical saturation model (model one) and the *a priori* thematic saturation (model two). With regards to the theoretical saturation model, this study does not aim to develop theory. With regards to *a priori* thematic saturation model, the theoretical framework illustrated in Chapter 4 was drawn not with the aim of exemplifying it with empirical data, but of informing analysis and interpretation. With regards to the inductive thematic saturation model (model three), the 15th interview had begun to yield diminishing returns to understanding. Taking saturation as a degree or incremental in concept rather than a point, (Saunders et al., 2018), I deemed there was no great potential for wider conceptual range of

understanding even if I were to continue recruitment. Based on the data saturation model (model four), no apparent new information was being added in the 13th and 14th interviews until the 15th interview.

5.5 Data analysis method

As a novice researcher, I wanted to use a form of analysis that offered a prescribed set of steps and would also be suited to a health policy related topic. I also preferred a method that can be communicated clearly. Based on these reasons, I chose the Framework Method of analysis, which is known for its distinguishing characteristic – the matrix structure of its output. This matrix structure possesses the following strengths: (i) enables a systematic way for large amounts of data to be reduced; (ii) allows data within units (i.e. individual interviewees) to be analysed without losing sight of contextual data from the same individual; and (iii) provides an efficient way for data to be compared across units of analysis (Gale et al., 2013, Ritchie et al., 2014). These strengths prevent misrepresenting meaning when large amounts of data are reduced to short statements and interpreted. The steps for conducting the framework analysis are adopted from Ritchie et al. (2014) and described as follows:

1. Transcription and familiarisation

A total of 654 minutes and 58 seconds of audio-recorded interviews was transcribed. Transcription was undertaken by myself and the ScHARR Transcription Service. After an audio-recording was transcribed, I checked for accuracy by reading the transcript while listening to the audio-recording. All transcripts were read several times to gain familiarity with the diversity and range of topics covered within and across interviews.

2. Labelling

While reading a transcript, I underlined passages I thought were important and wrote reflexive notes on the right margin of the transcript. The reflexive notes were my thoughts on relationships between passages; passages that could have been probed; questions to keep in mind in subsequent interviews; and initial interpretations. Labels (i.e. themes and sub-themes)[10], which summarize particular passages of interview data, were written on the left margin. Transcription, familiarisation, labelling, and writing of reflexive notes as well as field notes were carried out soon after each interview was done. Transcripts, labels and notes were transferred to NVivo 12.

[10] Also termed as codes and sub-codes.

3. Construction of thematic framework

The themes and sub-themes generated from the first five transcripts formed the initial thematic framework. An initial thematic framework served as the structure for organizing passages of additional interview data. The themes and sub-themes enable conceptually similar data to be grouped together and linked logically. The output of this step is a thematic framework that consists of a set of themes and sub-themes (Table 7).

Table 7. Thematic framework of interview data

Themes and sub-themes
1. About the participants
1.1 Job title and job description
1.2 Length of time in the job
1.3 About the organization
2. Public involvement in alcohol licensing
2.1 What for and how
2.2 Why
2.3 How much public interest
2.4 Barriers
2.5 Enablers
3. Kinds of conflict
3.1 (None/fairly uniform views)
3.2 Not in my backyard
3.3 Polar views
3.4 Diverse views on specific questions
4. Parties involved in conflict
5. Emotional tensions in conflict
6. Approach to conflicts
6.1 Procedural
6.1.1 Assigning a spokesperson
6.1.2 Letting people speak and be heard
6.1.3 Explaining an unfavourable decision
6.2 Problem-solving
6.2.1 Identifying specific issues and applying license conditions
6.2.2 Forming a picture using pieces of evidence
6.3 Group processes
6.3.1 Abstracting problems to create consensus
6.3.2 Open discussion among parties
6.3.3 Partnership working
6.4 Strategic/policy driven
6.5 According to legal framework of the Act
6.5 In consultations

7. Problems with decision-making

8. Outcome
   8.1 In terms of public satisfaction
   8.2 Compromise/middle ground
   8.3 Consensus
   8.4 Potential impact on alcohol environment
   8.5 Opportunity to reverse the decision

9. Factors affecting approach
   9.1 Attitudes, values, perspectives, motivations
   9.2 Geographical context
   9.3 Economics, cultural, political, public health
   9.4 Complexity

10. Wastebasket

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4. Indexing and sorting

Indexing is a process of labelling the rest of the interview data using the themes and sub-themes in the initial thematic framework. The initial thematic framework was revised, re-applied (indexed) to the succeeding transcripts, and revised. Sorting involves focusing on one sub-theme at a time and closely examining the particular passages from all interview data under that sub-theme. The initial thematic framework was refined as the rest of the transcripts were indexed and sorted. New themes and sub-themes were created; some sub-themes were merged together; and some sub-themes were split. Indexing and sorting were carried out in NVivo 12.

5. Summarizing the data

After the thematic framework has been refined, the interview data were reduced by summarizing them; the summaries were placed in a matrix, which is structured into rows, columns and cells. The rows under the first column represent the units of analysis (i.e. individual interviewees); the column headings contain the sub-themes; and the cells contain the summarized data from each interviewee. There is one matrix for each theme. The thematic framework was refined as summaries were being created. The matrices and summaries were created in Word document and can be found in Appendix C.

6. Interpretation

Interpretation is an inductive process that involves engaging with details in the interview data, making sense of data, searching for latent patterns, then integrating those patterns into higher order conceptual categories. Part of making sense of data is identifying the relevant theory. Interpretation was carried out after relevant data have been summarised in the matrix.

As interpretation was being carried out, I referred back to the transcripts in order to test whether conceptual categories are supported by the account of participants.

The process of developing higher order conceptual categories began by drawing out elements from the summaries. Elements are various descriptions of a particular phenomenon. Listing down the elements allows one to visualize a range of descriptions for a particular phenomenon. After elements have been listed, elements that are conceptually similar were grouped together to generate different dimensions of a theme. After dimensions have been generated, the elements under each dimension were closely studied. The dimensions and constituent elements were rearranged and combined in different ways such that they yielded higher order conceptual categories. The framework matrices showing the elements, dimensions and categories are available in Appendix C.

5.6 Ethical considerations

Ethics approval for this study was obtained from the ScHARR Research Ethics Committee. The Ethics Approval Letter is found in Appendix D. In keeping with the terms of approval, the Participant Information Sheet and Consent Form (Appendix C) was emailed prior to the day of interview. On the day of interview, before commencing with the interview questions, participants were asked whether they have read and understood the Participant Information Sheet as well as Consent Form. All participants mentioned that they have read the documents emailed to them prior to the interview. Nonetheless, I gave a brief background about the research. Additionally, participants were reminded that their participation is voluntary; they can withdraw their participation at any point in time without giving a reason, but information that have been collected will be included in the study; their participation is confidential, that is, their identity or local authority will not be made known to anyone except the supervision team and transcribers of the ScHARR Transcription Service; they have an opportunity to ask questions; the interview will be audio-recorded and their words can be quoted verbatim in the report, but the interview data will be anonymised. After explaining the research and terms of participation, the consent form was signed both by the researcher and the participant by hand on paper. For telephone interviews, the consent form was signed electronically and emailed prior to the day of interview. None of the participants withdrew their participation. Some requested for a report after the study is completed. All documents that contained information on their identity, such as printed copies of the topic guide, were destroyed. Audio-records have been destroyed, while the interview transcripts are kept in the University Network Storage.

The printed and signed consent forms are kept in a lockable drawer. The consent forms and interview transcripts shall be stored for five years.

Although participants accepted the terms of anonymity and confidentiality, two participants expressed that there are controversial topics unique to their borough and which they are well-known for. One of the two participants shared issues that were not shared with the media. Thus, caution was taken in describing these topics; the specific policy associated was not named and the issues were described in general terms. Such caution was also applied in all interview data in order to prevent possible attribution to a particular borough even if the other participants did not explicitly express concern for their anonymity.

5.7 Reflexivity statement

In the analysis of interviews, the values, ideas, motivations and power of the researcher play a role and it is important to consider these reflexively, particularly in relation to how these may influence the study. This is because in qualitative studies, the researcher seeks to get as close to the data as much as possible in order to make sense of it. Consequently, data interpretation may not be entirely neutral (Creswell, 2013). For instance, my understanding of conflict in this context has been aided, not only by the explanations and examples provided by participants, but also by my personal and professional experiences with conflict that I found to be similar or analogous. These are conflict relating to my own personal relationships and to my involvement in developing public health policies. In the latter, I had to manage conflicting viewpoints among stakeholders about the content of these policies and determine a policy that will be acceptable to everyone who took part in consultations. My motivation for conducting this study partly came from a desire to understand these experiences and articulate issues clearly when I have not been able to do so previously. While I ensured that my analysis is rigorous and transparent and that my findings are supported by evidence, I acknowledge that my interpretations were influenced by my values and motivations. I also acknowledge that as the researcher, I have the power to communicate to a wider audience the study findings in a form that reflects my values and that such values may not be shared by all participants.

5.8 Summary of Chapter 5

In summary, this chapter began with the philosophical assumptions and theoretical frameworks that underpin the study design and choice of methods of data collection and analysis. I argued that a qualitative study design is best suited for studies that aim to explore

processes in greater depth. In line with the epistemological and ontological assumptions of qualitative study, I recognise that reality is subjective and multiple; it is influenced by the views, feelings and motivations of different participants. Further, from a constructivist-interpretivist perspective, questions on participants are constructed in an open-ended manner. Interpretation is based on drawing out underlying meanings in participants' responses and exposing the relevant theory.

In view of these assumptions and perspective, in depth semi-structured interviews were deemed to be a suitable method for gathering data. With regards to the method of analysis, Framework Analysis was chosen because of its strengths and my preferences as a novice researcher. The series of steps for carrying out a Framework Analysis were then described.

There were a few ethical concerns, particularly regarding topics that require additional attention when reporting them so as not to compromise the anonymity of participants. Such topics were those that are unique to certain boroughs and that they are well known for. Caution was taken in reporting these topics.

Last but not least, I acknowledged, through a reflexivity statement, my influence on the findings of this research. My own experiences aided my understanding and informed my interpretation. I also used my power, as the researcher, to communicate these findings in a form that reflects my values and motivations.

Chapter 6: Findings

6.1 Introduction

In this chapter, I focus on presenting the findings from the Framework Analysis of interviews. The findings are presented as discrete categories, which structure the findings. Additionally, the categories are organized into two sets. The first set of categories addresses the first research question: how do licensing authorities decide on alcohol license applications when the public have conflicting viewpoints? This set represents the processes of decision-making. The second set addresses the second research question: what factors influence these decision-making processes? Although discrete, the categories are linked to each other; each category does not take place as an isolated phenomenon, but in combination with other categories.

6.2 Decision-making processes

The decision-making processes are illustrated in four categories: (i) ensuring fairness in process, (ii) balancing objectivity and subjectivity, (iii) displacing decision-making and (iv) addressing asymmetry in power. As a set, the categories reflect, from the point of view of participants, the multiple realities of decision-making in situations of conflict.

6.1.1 Ensuring fairness in process

When asked to describe how they decide when the public have conflicting views, the majority of participants intuitively responded in terms of a process rather than a method for choosing between competing alternatives. Their responses indicate the importance they ascribe to the process by which decisions are arrived at and that this process is perceived to be fair. Also, when explicitly asked for their judgement about the decision-making process, the majority mentioned that they viewed the process of hearing the views of the public as being a fair one. Ensuring fairness in process means providing an opportunity for everyone to speak and be heard as well as an explanation of the reason behind a decision especially if the decision were unfavourable. However, with regards the decision itself, not all viewed that it was fair.

Opportunity to speak and be heard

In situations of conflict, participants mentioned that a decision is fair if it follows from a process that includes giving people the opportunity to air their views. According to one

participant, a process that allows as much information for informing a decision to be made available as possible enables a 'correct' decision being made.

"I think everybody has had an opportunity to speak, points have been clarified by the Councillors if there is any ambiguity in and around regarding what a resident or the police or another responsible authority had to say. So I would be satisfied that the Council has had all the information and challenged the information to make the correct decision at the end. Not all of them are correct, but in my opinion" (Participant 4, Police Licensing Officer).

The above quote also illustrates the normativity in perceptions about decisions, in this case a police perspective. However, for some participants, the correctness of a decision is determined based on a moral judgement of the premise from which a decision follows, that is, the legal framework of the Act rather than from merely the process by which decisions are arrived at:

"*In terms of conducting a committee hearing, a tribunal, you have to be balanced, you have to give an appearance of procedural balance between the two parties. You have to also too as well give a sense that the residents been listened to and that their views are being weighed into account. In the legal sense it is unbalanced, in a procedural sense it's very balanced. In a I would say a sympathetic communicative sense, where we're listening to residents saying, 'well, we really understand your concerns'. It is balanced in their favour, we'll often try and tip it in their favour in terms of listening to them giving them a lot of time to air their views*" (Participant 11, Chair of Licensing Committee).

Some participants highlighted the limitations of the quasi-judicial process of decision-making. The quasi-judicial process that is conducted in a tribunal setting limits the freedom, including time, people have in expressing a wide range of concerns. Additionally, in a quasi-judicial process, the decision is contingent on the physical presence of informants as well as the supporting evidence that is made available during the hearing:

"Those who take the time to turn up to a Committee hearing are likely to be more motivated. They are also going to be, in the process of the Committee be exposed to the full range of the decision-making process and what all the other concerns are. If you've just written in, you're not going to be, yeah? So that's why, I think, whilst it's easy to satisfy the people in the room, it's much harder to satisfy people more broadly outside" (Participant 11, Chair of Licensing Committee).

Explanation of the reason behind a decision

Another component of fairness in process is explaining the reason behind an unfavourable decision. Some participants highlighted this because the decisions of the Licensing Committee will likely be in favour of license applicants. Part of explaining is reassuring complainants that alcohol outlets will be monitored in order to prevent perceived problems from happening in the future.

"*We don't leave that room feeling disappointed with the process and that they have had the opportunity to say everything that they wanted to say and hopefully, we give them the explanation, the end of why we can, we can't do certain things, but what other options would be open to them in the future*" (Participant 3, Chair of Licensing Committee).

6.1.2 Balancing objectivity and subjectivity

Two distinct and opposing categories were drawn in relation to what participants were promoting in the decision-making process. On one hand, the process was predominantly about identifying objective grounds for supporting a decision. On the other hand, it related to more subjective grounds linked to informal open discussions and working groups. In this respect, licensing authorities have considerable discretion in the overall process.

Objectivity

Objectivity means deference to institutional rules that determine whether representations are valid. Moreover, it enables licensing authorities to reduce a wide range of representations to a narrow set that can be legally accommodated in a decision. Such representations are those that are alcohol-related, attributable to the outlet in question, compatible with any of the four statutory objectives, and supported by evidence in the form of material fact. Representations that do not follow the rules are not taken into account. An example of rules is the Statement of Licensing Policy. For one of the participants, decisions compatible with it are fair enough.

"*I think we've got a really strong Statement of Licensing Policy in [Borough 6]. And it is the decisions of very much along the lines of the policy which seems fair*" (Participant 2, member of Public Health Team).

Objectivity is effected by asking complainants to specify the reasons for their objection so that reasons that are objective can be threshed out. Also, doing so enables licensing authorities to find solutions that both parties will accept, rather than satisfying the concerns of one at the full expense of another.

"*I'd call it a balance within the framework that we were asked to balance which is the Licensing Act. I'd also too in principle describe it as a balance in that I met the core of the line concern of residents, but not the moral or the aesthetic concern about just the dislike of licensed establishments*" (Participant 11, Chair of Licensing Committee).

Subjectivity

In contrast to using objectivity in resolving conflicts, some participants found subjectivity to be more effective. Subjectivity, in this context, refers to emotions, opinions and personal

perceptions of reality, rather than to institutional rules or legal criteria such as the four statutory objectives.

"You live next to a pub and you need to understand that there is going to be some element of noise that is associated with the locality where you're living simply from a, it's been to the premises, try and understand that yes you are running a business but equally there are local residents who also are your customers who want to have a balance of living, enjoying towns, life and enjoy quiet, try to make them understand, trying to make both parties understand where each other is coming from, to try and sort of address that gap" (Participant 6, Licensing Officer).

To be effective in resolving conflicts, parties must be given an opportunity to articulate the context of their specific concerns about alcohol outlets. Articulating the context serves to reinforce the subjective nature of representations. As a result, this manner of resolving conflicts permits a wide array of concerns to be satisfied that are beyond the scope of the licensing objectives. Additionally, it has the effect of achieving a shared understanding of a problem and satisfaction with the eventual decision. The goal is the placation of tensions and resolution of conflict.

"*You're not looking at the situation in reality, you're looking at a version of it, but you're trying to get that version as complete as possible and that version is all you have, all the decisions are made on that version. And that's why everything around that in terms of policy, in terms of all the other things that we relate to, all the ways, they all have to be geared towards helping that forum be effective*" (Participant 7, Chair of Licensing Committee).

In order to satisfy a wide array of concerns without legal repercussions, licensing authorities do not determine themselves which among the competing public views deserve to be satisfied. Rather, they encourage parties to resolve their disagreements by themselves based on parties' understanding of the problem. However, such manner of resolving disagreements is balanced with objectivity, that is, the application of the legal framework of the Act – when necessary. The balancing of subjectivity and objectivity in Licensing Committee hearings is illustrated in the following quote:

"They're very informal, we keep it when it needs to be pulled in and people are speaking across each other we pull that in. But if the discussion is supposed to be through the Chair, everybody is flexible about that if it's going well. So it's informal until it needs not to be and I think that gives people a really good opportunity to say what it is that's bothering them, what might make it better […] It's almost like the process is open enough and people have enough time to understand what's happening. It's not mediation exactly, but I suppose it's finding a compromise, and I think that works in a majority of cases where we have a hearing, very much the majority" (Participant 7, Chair of Licensing Committee).

While one participant had been able to depart from the quasi-judicial process by promoting informal and open discussion in hearings, one participant did not see a possibility to do so.

This is because doing so allows members of the public to use the Licensing Committee as a means for addressing various negative aspects of alcohol consumption that fall beyond the scope of licensing objectives such as the impact of festivals on the ecological environment. Because licensing provides an opportunity for public involvement, it is capable of attracting a wide array of concerns:

"*The management of parks has nothing to do with the Licensing Sub-Committee. But the thing is by virtue of being a public hearing with having the formal trappings of an adjudicative body, it is nevertheless seen as a forum for resolving disputes, even if as an institution, it is not an adjudicative forum that can help them given the nature of their dispute*" (Participant 11, Chair of Licensing Committee).

Thus, informal discussions in Licensing Committee hearings have limits in resolving contestations against alcohol outlets. When problems cannot be solved through informal and open discussion, a decision will be made and imposed ultimately by the Licensing Committee. This decision will be in accordance with the legal framework of the Act and usually, will be in favour of the license applicant unless objectors can demonstrate that their representation is valid. A subjective process, then, is a means by which objectors can get decisions in their favour. As soon as the decision-making process becomes objective, the decision will be in favour of the applicant.

In addition to informal and open discussions, another way by which subjectivity is promoted in licensing decision-making is via working groups that thoroughly examine license applications if an application is perceived to be worrying regardless of whether there are representations. In these working groups, the participant employs persuasion techniques which was illustrated as the translation of specific concerns into analogous principles, ideas or concepts where it is easier to find agreement among parties. In other words, agreement is reached by illustrating analogous scenarios, rather than by tackling the problem directly where objective or legal criteria will apply. The aim is to achieve consensus or buy-in for the decision.

"If I talk to somebody who's extremely right wing let's say, you will often manage to find a little bit of common ground, you will find your views about how you treat older people, might be the same, so you're constantly trying to find that. And I think we need to do that more and more in our societies if it becomes complex, I kind of take that approach to licensing" (Participant 14, Chair of Licensing Committee).

The achievement of consensus is especially important for introducing new licensing policies that aim to tackle problems Licensing Committees perceive to be significant, but are beyond the scope of the licensing objectives. An example of such problems is health harms that can result from drinking in workplaces. Putting up an alcohol outlet in workplaces is legal

under the Act; thus, a refusal by the licensing authority to grant a license can be legally challenged. Nonetheless, this local authority seeks to create a policy that will prohibit the sale of alcohol in workplaces and consensus on this policy is crucial. The participant is using persuasion to achieve consensus or buy-in from members of the public for such policy that is likely to be considered illegal, but can pose substantial health harms especially for people who already have drinking problems. Thus, agreement is being sought by eliciting opinions about the health and productivity harms of drinking in workplaces, rather than about the legality of the policy.

"We want it to have a category of its own on, on the matrix. So that's an example of making new policy and we have to reach out on a lot of people for their opinions about this and so on. And again, I think there will be quite strong opinions about alcohol at work" (Participant 14, Chair of Licensing Committee).

The different processes employed confirm the considerable discretion available to licensing authorities in implementing the Licensing Act with regards to contested cases. Consideration for impact on the alcohol environment and alcohol-related harms tend to be not specified in these processes as much as the goal of resolving conflicts. While processes that promote subjectivity are effective in resolving conflicts, they are not often guided by a set of pre-determined objectives and can lead to a variety of results regarding the operations of individual outlets. Decisions, cumulatively over time, can bring about an environment that inadvertently sets the precedent for subsequent licensing decisions. This is illustrated by decisions on specific hours for a particular outlet being in line with the hours of other outlets in the area. Although the Act states that decisions have to be proportionate to the problem, in reality, decisions also tend to be proportionate to the wider context of the alcohol outlet:

"It becomes really difficult if we've gone yes to nightclub one, yes to restaurant one, but then restaurant two with a bar comes along and we go, 'ooh, no, you've got to close at eight in the evening', that then tips over into being disproportionate. It tips over because we've changed the context in which the way that area operates, so definitely, all of these decisions add up, all of these decisions in terms of hours you can open all relates to the wider environment in which people live" (Participant 11, Chair of Licensing Committee).

6.1.3 Displacing decision-making

This category – displacing decision-making – means licensing authorities shift the burden of decision-making regarding individual licenses from themselves to the license applicant or parties involved in the conflict. The burden of decision-making experienced by licensing authorities is indicated in the following quote:

"*It's a very difficult balancing act between the demands of a resident who wants to get a good night's sleep and demands of a business, there is going to be noise associated with it but, there is nothing specifically in our policy about it but, as I say that's the biggest sort of conflicts that we have, and we can deal with on a fairly regular basis*" (Participant 6, Licensing Officer).

Such burden is supposed to be mitigated by local policies such as the Statement of Licensing Policy and the Cumulative Impact Policy. This is because these local policies enable local authorities to control the further growth of alcohol outlets in the borough in a proactive manner thus, relieving licensing authorities from deciding on individual license applications on a 'daily' basis. However, according to some participants, alcohol licensing policy is not an overarching regulatory framework that specifies the type, density and location of outlets as a whole in the borough. It is directed at how alcohol will be sold under an individual license. With regards to the Statement of Licensing Policy, some participants pointed out that it cannot be used as a strategic instrument, even if they wanted to use it in such a manner. Thus, license applications must still be evaluated individually as they are made; each application is decided based on its own merits, the specific representations and the evidence that is demonstrated to support representations.

"Planning is planning's job, the visioning, what goes where is a planning job and an economic development job, it's not a licensing job. Licensing is much smaller than that, it's to do with somebody is going to be there selling somebody alcohol and the framework of that has to be right and so that's where again I think people blame licensing policy" (Participant 7, Chair of Licensing Committee).

Nonetheless, the Cumulative Impact Policy have alleviated the burden of decision-making on a 'daily' basis by controlling growth of alcohol outlets at an area-wide level. This is because applications in cumulative impact areas are automatically rejected by the licensing authority unless an applicant can prove that the new outlet or the additional hours will not add to the existing alcohol-related problems in the cumulative impact area. Thus, the Policy encourages applicants to think about their application more or decide whether they should apply for a license in a cumulative impact area. As such, the Policy reduces the rate of representations and the consequent burden on licensing authorities of having to resolve conflicts on a day-to-day basis.

"*It's much easier for the local authority to defend when we make decisions and then it is appealed in court, how our defence is run is very different if it's a cumulative impact or a non-cumulative impact. We were quite clever where we drew our boundaries as well because we did look at the density of premises. So actually, the areas that aren't part of cumulative impact are less commercial. Then it just helps us in terms of that decision making*" (Participant 12, Licensing Officer).

In effect, the Cumulative Impact Policy shapes the behaviour of the licensed trade. As one interviewee put it, it compels proprietors to work harder on their application.

"*I just see it as making traders think about what they want to do and engage in the process a lot more. That they will actually go away and think, what do I really have, how do I sell myself to show I'm not gonna cause a problem. And really every application should be like that from the beginning, irrespective of there being a cumulative impact zone, but they're not*" (Participant 8, Licensing Officer).

Further, as one participant put it, the Cumulative Impact Policy provides certainty to local residents, who want to be able to rely on licensing authorities to make decisions that protect them and reduce the need for them to watch out for new license applications in their area. For licensing authorities who are not impartial towards conflicts between proprietors and local residents, it was an opportunity to uphold the interests of local residents.

"*We had to rely on our noise team or the police to make representations and if they didn't make a representation, then an application just went through. And you can't always dictate what other services are going to do. So when we had the ability to become a licensing authority in our own right, that's when we've taken the advocacy of the residents and licensing policy*" (Participant 12, Licensing Officer).

Another strategic policy employed by some local authorities to affect the behaviour of proprietors is the zoning of boroughs into residential and commercial areas. Zoning enables local authorities to communicate their preferences for the location and operating hours of alcohol outlets to applicants. Thus, it discourages applicants from putting an alcohol outlet in a residential area or encourages them to decide whether putting an outlet in a residential area is a good idea. As such, decision-making is displaced from licensing authorities to applicants. Zoning is analogous to the designation of cumulative impact zones in that it also reduces the rate of representations from local residents and consequent decision-making by licensing authorities. Unlike the Cumulative Impact Policy, zoning does not require license applicants to prove that their application in a residential area will not undermine any of the four statutory objectives. However, identifying which areas are residential is not straightforward for licensing authorities:

"You just take the law, it can be quite difficult so the local Statement has to somehow respond to that and we had a 12 o'clock for residential areas. But that meant we were constantly looking in Sub-Committees about what is a residential area and what isn't. We felt we needed to be less, that it's not just an area, how do you define an area as residential, it's crude when it comes down to making those decisions" (Participant 7, Chair of Licensing Committee).

Cumulative Impact Policy and zoning are still not robust strategies for restricting growth of alcohol outlets, directing their location, and specifying their trading hours. Such strategies do not prevent proprietors from applying for a license or operating until late in cumulative impact or residential areas. To minimize unanticipated adverse consequences from approved applications, some licensing authorities attempt to make consultations between applicants and local residents mandatory as part of the application. By doing so, decision-making is displaced from licensing authorities to parties. In one local authority, a Licensing Committee hearing is conducted, irrespective of representations being made, if the trading hours sought go past 12 midnight:

"Policy and licensing never say this will get it and that won't because the law doesn't allow that and quite rightly not, and everything is always individual and on its merits but it's a steer which we got from residents that that was the kind of what would be acceptable. And after that you have a hearing and it gives people the opportunity to say this is potentially more difficult so you've got to really get your ducks in the line" (Participant 7, Chair of Licensing Committee).

Such mandatory consultation steers proprietors to improve the quality of their applications and thus, minimize conflicts. Additionally, it enables licensing authorities to reduce the uncertainty in the impact of approved applications.

"You can make a very large impact on a number of residents' lives and it's very difficult to unpick that afterwards. And I felt that our policy wasn't strong enough in supporting people in those areas where it is reasonable to say they are not commercial nightlife areas" (Participant 7, Chair of Licensing Committee).

6.1.4 Addressing asymmetry in power

The fourth and final process is addressing the asymmetry of power between parties. This asymmetry is manifested when members of the licensed trade, for example, are able to organize support from large numbers of people while complainants, typically local residents, do not have the resources to do so:

"Those, the other side of it will often be organized by premises concerned in their support. They'll have letters on the end of the bar people put up and signed, possibly a petition on the bar for people to sign. So there is usually a degree of organization for that sort of thing. Whereas the residents in an area wouldn't generally be as organized" (Participant 8, Licensing Officer).

Such organization of large numbers of people can strengthen arguments and influence licensing authorities to decide in their favour. According to some participants, it was made possible by the removal of the vicinity requirement, which provided an opportunity for

proprietors to organize large numbers of support even from individuals who live far from the alcohol outlet and are not as directly impacted as those who live nearby. Moreover, because the nature of conflicts is adversarial, organized large numbers of people can behave aggressively. A participant addressed this issue by assigning a spokesperson during Licensing Committee hearings:

"*The first thing I would ask to do is for them to elect one or two spokespeople for the very simple reason that the more people you have up there saying the same thing, the least productive it becomes, especially given that this is being conducted like a tribunal so you've got two sides that it really aggravates the applicant, the people who are running the business, to hear constantly over and over again people doing that. It also too as well, in my experience, there's a massive herd effect as in that people get more and more anxious as the same thing is said over and over again. It really helps to have if we're gonna hear from a particular group of residents, one or two spokespeople to deal with specific issues and that enables it to be a lot more contained. It also means that if one were questioning them as members of the Committee, we can be a lot more direct because they're there in a representative capacity rather than a personal capacity"* (Participant 11, Chair of Licensing Committee).

Asymmetry in power is also manifested when the attributes of individuals or groups play a role in steering the attention of licensing authorities to certain concerns, especially if those concerns fall outside the scope of licensing policy. This is illustrated in the following quote wherein an LGBT group's cultural and historical concerns receive weight even though such concerns are not covered by the four statutory objectives:

"*It's hugely historically important, and the gay community and full of a, one pub, which has been granted historic status as being one of the first gay pubs to open and being a massive landmark thing in terms of the LGBT community and their broader acceptance in society being able to balance this with people who say, 'I just don't like these things being on my doorstep'*" (Participant 11, Chair of Licensing Committee).

In addition to socio-cultural identity, socio-economic characteristics can influence the direction of licensing decisions. The following quote illustrates that a Licensing Committee is sensitive to socioeconomic characteristics:

"There's a huge cultural dimension to this. But people in million pound houses round here support this campaign group because they say quite literally plays the records to two, three in the morning down there and that has a huge impact in terms of where we go and balancing these kind of things, and it's a very tricky thing to do" (Participant 14, Chair of Licensing Committee).

Asymmetry in power is also manifested in differences in the ability to produce high quality representations. One interviewee observed an association between socio-economic characteristics and quality of representations after having worked in several London boroughs;

people from affluent neighbourhoods are more able in presenting arguments that are commensurate to the framework of the law than those who live in deprived neighbourhoods.

"Having worked in boroughs where you've got quite an affluent community, you get far better representations than you do in a more deprived area" (Participant 8, Licensing Officer).

One participant addressed the potential influence of people's characteristics on policy decisions by analysing the characteristics of people who take part in consultations on the Statement of Licensing Policy. Thus, the views of the majority are not automatically taken into account in the Statement of Licensing Policy:

"Critical factors were things like the people who responded to the consultation were mostly white, mostly male, mostly aged 18-40. They did not represent accurately the borough" (Participant 7, Chair of Licensing Committee).

This participant is also aware that there may be differing views that are not articulated by people who do not take part. Unlike large consultations where a wide range of information can be taken into account in the policy decision, the quasi-judicial nature of Licensing Committee hearings preclude information that are not presented in the hearing from being taken into account. Thus, some participants mentioned that they conduct hearings at days and times when the most number of people can attend (e.g. weekend and evening).

6.3 Factors influencing decision-making processes

Participants' accounts reveal that, although licensing decision-making is governed by the principles of the Act, the decision-making processes they adopt are influenced by their views, values and motivations as well as social norms. Thus, their decision-making processes will be underpinned by certain factors that reflect their views, values and motivations as well as social norms. These factors comprise the second set of categories that address the second research question: (i) attributes and (ii) relationships. They are embedded in participants' accounts of decision-making processes. Nonetheless, I drew them out to better understand what makes licensing decision-making in local authorities complex.

6.3.1 Attributes

The parties involved in the conflict carry with them a host of attributes – demographic characteristics, views, attitudes, beliefs and preferences. Participants' accounts reveal that their decision-making practices are influenced by these attributes. For instance, the socio-cultural identity of interest groups (i.e. LGBT community) and socio-economic characteristics can

compel licensing authorities to give weight to concerns that fall outside the scope of licensing objectives or more weight when complaints are coming from residents in affluent neighbourhoods.

One type of attitude that influences licensing decision-making is not-in-my-backyard (NIMBY), wherein people oppose the establishment of services, commercial outlets, housing programs, prison services, and other community development and economic activities in their neighbourhood. However, they are not against the activities in principle for as long as they do not impact on their quality of life (Dear, 1992, Furr-Holden et al., 2016):

"*It's one of the very difficult things about licensing policy because everybody wants there to be a vibrant nightlife. If you ask everybody generally, they say, 'Yeah, yeah, we love (Borough 9), it's great, people can go out at night!' They just don't want it to wake them up. The number of people whose lives are very detrimentally affected is much smaller […] So it's a very difficult balance because you are trying to develop a policy that works for the minority when they need it, but that doesn't restrict the growth and development of something that is broadly popular*" (Participant 7, Chair of Licensing Committee).

Licensing authorities address conflict brought about by NIMBYism by asking complainants to state the specific reasons underlying the complaint, rather than satisfying a whole dislike for alcohol outlets. By doing so, reasons which are compatible with any of the four statutory objectives are threshed out from those that are not compatible. Reasons that are compatible are addressed through license conditions and an alcohol outlet is still allowed to operate. Reasons that are not compatible are considered not valid and thus, not taken into account. This manner of resolving conflict is an objective one – a range of reasons for objecting against a license application is reduced to a set that can be lawfully addressed.

Another reason for objecting against alcohol outlets one participant mentioned is people's belief of adverse future events happening. This participant found it challenging to resolve conflicts arising from such beliefs when he deems the future event improbable from the point of view of an ordinary reasonable person:

"*So there'll be a proposal to say, for a café that used to be just serving breakfast each morning is taken over by a new owner, they want to turn it into something much more sophisticated and there they want to apply for an alcohol license because they want to serve wine. And that will be in the residents' imagination, if you're living on the street, that will be the equivalent of turning it into sort of a really hardcore pub in their imaginations and that will be where there's a lot of contention. […] So the difficulty in this scenario is weighing up the fear of the future that is coming from residents with the actual tangible business model coming up from the applicant*" (Participant 11, Chair of Licensing Committee).

In order to address the problem in question, the course of action must be directed at the business model for which no legal conditions are available, however. Thus, the complaint was addressed procedurally, that is, by carefully explaining the decision to approve the license application to complainants.

Lastly, another attribute of parties in the conflict is their inclination to take either extreme views or highly nuanced views. The former gives rise to polar disagreements while the latter gives disagreements a diverse characteristic. These kinds of disagreement are difficult to resolve to the satisfaction of all parties:

"*Often one side is very entrenched and isn't willing to move or not to move far enough. So it can be very frustrating. Especially if you're trying to mediate with seven or eight people because everyone's gonna have a slightly different take on what is acceptable and what isn't. The more objectors there are, the more representations there are, the less chance you've got of getting a successful outcome with mediation. And so whilst they may make some concessions, quite often they don't go far enough for everybody and then you still end up at the hearing*" (Participant 8, Licensing Officer).

According to one participant, an example of an extreme view is being against the whole idea of having any more outlets, extending hours, the night time economy, and using large green spaces for music festivals that includes alcohol consumption. These are extreme because it is not possible to prevent these in today's society. Also, accordingly, the general public takes extreme views because it is not knowledgeable of the nuances of outlet operations such as serving an alcoholic drink with a meal, reducing the amount of alcohol by volume, and not serving alcohol to drunk customers.

Mediation is only possible when parties are not entrenched in their views and are willing to seek mutually acceptable solutions. If parties are, participants prefer parties to resolve disagreements by themselves, thereby displacing decision-making. If disagreements could not be resolved informally through mediation, they will be resolved in a Licensing Committee hearing wherein the Licensing Committee can impose its decision lawfully by using objective criteria, that is, the four statutory objectives. Additionally, when disagreements are polar, licensing authorities ask parties to state the specific reasons underlying their objection (or support) so that objections that are objective (i.e. compatible with any of the four statutory objectives) can be threshed out from those that are not. Those that are compatible will be addressed as much as possible by imposing license conditions rather than rejecting an application entirely. Objections that are not compatible are not taken into account. Sometimes, an issue is left to die down:

"There were problems with the residents' side who were just constantly being really quite resolute complaining about everything and anything and calling the noise service out every single time that the place was open. So, there was a resolve in the end and it died down, I guess what happened is, I didn't actually end up resolving anything, all that happened was after a year people stopped, they just stopped complaining and it just took them getting used to it" (Participant 11, Chair of Licensing Committee).

6.3.2 Relationships

A question that came to my mind is why do licensing authorities employ a range of processes to determine a course of action for a contested license application? For instance, why is it important to conduct proceedings before arriving at a decision and that such proceedings must be fair? Why do licensing authorities try to shift decision-making from themselves to parties involved in the conflict? Why do they employ subjective processes rather than enforce the law straightforwardly when alcohol is known to cause health and social harms?

"Any licensing authority who has officers purely enforcing are missing a trick. They need to expand those officer's roles into resolution" (Participant 13, Licensing Officer).

Interviews revealed that there are relationships in the community – among licensing authorities, the licensed trade and members of the public. Licensing authorities seek to preserve positive relations while also trying to enforce licensing law. Thus, their decision-making process is not only geared towards the promotion of licensing objectives. Rather, it is also geared towards achieving solutions that both parties can satisfactorily accept. Employing subjective processes and displacing decision-making suggest licensing authorities avoid falling out from the business sector and members of the public. For instance, one participant highlighted the importance of achieving consensus through working groups, especially when developing locally unique policies that can be legally challenged (i.e. prohibition of selling alcohol in workplaces):

"I seriously have to take people with you, otherwise you kind of get mini revolutions on your hands. And in licensing I think, you need to feel you have a policy in the city which generally people agree with" (Participant 14, Chair of Licensing Committee).

In addition to consensus, the same participant also seeks for compromise. The following quote suggests that there are interdependencies in society that define relationships among people including between licensing authorities and members of the public. However, these interdependencies exist in various forms, some are more explicit than others. Nonetheless, these interdependencies must be kept in mind when deciding on contested applications:

"*You have to really think about how can I bring these two sides together? How can I reduce some of this conflict? And that's why I said, you can't, you learn, you have to compromise, which I think a lot of politicians seriously need to learn these days, because modern society's becomes much more complex*" (Participant 14, Chair of Licensing Committee).

While a decision on a contested application based on the licensing objectives is clear sometimes, licensing authorities are not willing to make a decision that will lead to a win-lose outcome. For instance, one participant recounted an example of views that are extremely polar. This example suggests that the decision is clear, that is, to reject the application. Nonetheless, due to failure of compromise, the participant preferred to keep the *status quo*:

"*The police initiated it, gave us the evidence and we went out to consultation, we got quite a bit of people saying, 'Well actually I moved to this area because I want what is there now and I do want all the late bars because I use them. And I accept there will be a bit of noise, there may be street urination and people may vomit, yeah, that kind of cleaned up. I like the area I live in'. Then you get more established residents who say, 'Oh, pure mayhem at weekends', which it does. Usually they are so polarised that the only thing you could do is maintain the status quo probably. You've got the two extremes at each end, you're never gonna reconcile those, they are so far apart*" (Participant 8, Licensing Officer).

6.4 Summary of Chapter 6

In summary, this chapter presented a spectrum of decision-making processes in situations of conflict among members of the public including between license applicants and objectors. The spectrum reflects the multiple decision-making contexts confronted by licensing authorities and the considerable discretion they have. The spectrum of decision-making processes is illustrated in four categories: (i) ensuring fairness in process, (ii) balancing objectivity and subjectivity, (iii) displacing decision-making and (iv) addressing asymmetry in power. Interviews revealed active attempts of licensing authorities to support complainants because the legal framework of the Act is biased towards the trade and because resources and power between parties are asymmetric. They supported complainants by ensuring procedural fairness in Licensing Committee hearings, departing from the quasi-judicial process by allowing informal discussions and capturing subjective perceptions. However, because of threats of legal challenge from the trade, they prefer parties to arrive at mutually acceptable solutions themselves.

Furthermore, interviews revealed that licensing authorities are affected by the attributes of parties to the conflict. These attributes are socio-economic characteristics, socio-cultural identity of interest groups (e.g. LGBT community), attitudes (e.g. NIMBYism), inclination to

take extreme views and willingness to accept compromise. For instance, licensing officers will only proceed with mediation if parties are willing to accept mutually satisfactory solutions. Otherwise, conflicts are dealt with in a Licensing Committee hearing wherein a Licensing Committee can lawfully impose a decision according to the legal framework of the Act. Additionally, licensing authorities are aware that they have a relationship with the trade and members of the general public because of the interdependencies of people in society. As such, they avoid making decisions that lead to a win-lose outcome even if such decision is lawful. Regardless of decisions, procedural fairness is central.

The different processes employed confirm the considerable discretion available to licensing authorities in implementing the Licensing Act with regards to contested cases. Consideration for impact on the alcohol environment and alcohol-related harms tend to be not specified in these processes as much as the goal of resolving conflicts. While processes that promote subjectivity are effective in resolving conflicts, they are not often guided by a set of pre-determined objectives and can lead to a variety of results regarding the operations of individual outlets. Decisions, cumulatively over time, can bring about an environment that inadvertently sets the precedent for subsequent licensing decisions.

Chapter 7: Discussion of Findings

7.1 Introduction

In this chapter, I present an in-depth interpretation of the categories, which were described at surface-level in chapter six. Such interpretation involves explaining findings drawing from my insights. Additionally, I carried out more 'conceptual work', as Kelly (2009) put it, in my interpretation by mapping my insights to the theoretical framework in chapter four. According to Bradbury-Jones et al. (2014), doing so improves transparency of interpretation since personal insights are informed in some way by existing theories. In explaining and interpreting findings I used three theories: (1) public choice (McDowell, 1980), (2) conflict resolution (Li et al., 2012) and (3) policy processes (Hudson and Lowe, 2009, Cairney, 2012). The first two were identified during the data analysis stage; the third was identified *a priori* and presented in Chapter 4. Findings, then, were interpreted using three frameworks of thought instead of one (i.e. policy process theories) as originally intended. As I explained and interpreted the findings, I made connections with substantive topics from existing research on alcohol licensing decision-making to demonstrate where this study filled gaps in current knowledge or confirmed existing knowledge.

7.2 Decision-making processes

7.2.1 Ensuring fairness in process

When participants were asked how they decide when the public have conflicting viewpoints, most participants responded in terms of fairness of process. In this study, procedural fairness was exhibited as providing everyone an opportunity to speak and be heard and explaining the reason behind an unfavourable decision. Light (n.d.) had pointed to procedural fairness being the most natural expression of justice and he had a rather expansive description. It comprises two key rules: the right of an individual to be heard before a decision is taken (*audi alteram partem*) and impartiality of the decision maker (*nemo judex in causa sua*). Additionally, a party must be given sufficient time to prepare, including to gather its evidence, for a hearing. Without integrity of procedures, the decision of a Licensing Committee will be held *ultra vires*.

However, apart from natural justice, none of the earlier literature explained why procedural fairness enjoys such prominence in alcohol licensing decision-making. One explanation, as findings showed, is the legal framework of the Act is not fair (Nicholls, 2015, Foster, 2016,

Grace et al., 2016); it supports proprietors who want to open alcohol outlets, rather than those who wish to come out and object should they be negatively affected. Additionally, due to threats of legal challenge by proprietors, Licensing Committees tend to decide in their favour unless objectors can demonstrate why the Licensing Committee should decide otherwise (Nicholls, 2015, Foster, 2016). Thus, procedural fairness serves to mask the partiality of the Act.

Another explanation is the nature of conflict is emotional. Conflict encompasses not just differences in opinion. The emotional nature of conflict was revealed by one participant who pointed out that emotions tend to escalate in a tribunal setting, especially when concerns are repeatedly iterated by large numbers of people. In earlier studies, the emotional nature of conflict was only implicitly recognised by Foster (2016), who mentioned that disagreements between license applicants and objectors are typically adversarial. The rest of the earlier studies on alcohol licensing decision-making focused on the cognitive aspect of disagreements – differences in opinion that are devoid of emotion. In a paper on conflict resolution theory, Li et al. (2012) highlighted both the emotional and cognitive aspects of conflict. In this study, findings revealed that procedural fairness – giving everyone an opportunity to speak and be heard and explaining the reason behind an unfavourable decision – brings about the effect of placating strong, negative emotions.

A third possible explanation is the asymmetry of power between competing parties. Such power asymmetry is inherent by virtue of the attributes of competing parties. As such, it is extremely difficult to re-balance. Thus, procedural fairness mitigates the power asymmetry. This third explanation brings us right away to the next category – addressing asymmetry in power.

7.2.2 Addressing asymmetry in power

Power is defined by Hudson and Lowe (2009) as getting people to take a course of action that they would not normally take. Thus, power influences licensing authorities to make a decision in favour of the more powerful party. Interviews revealed the presence of power asymmetry between license applicants and objectors as well as between supporters and objectors. Moreover, such asymmetry can affect the direction of decisions irrespective of the four statutory objectives. Licensing authorities are affected by the socio-economic characteristics of parties including their financial resources as well as socio-cultural identity of interest groups. The differentials in these characteristics confer power to either party to steer decisions in its favour.

The asymmetry in power has also been recognised in earlier studies on alcohol licensing decision-making (Light, n.d., Cammiss and Manchester, 2011a, Nicholls, 2015, Foster, 2016, Grace et al., 2016). For instance, Light, (n.d), Cammiss and Manchester (2011), Nicholls (2015) and Foster (2016) pointed out that the licensed trade is highly resourced compared to objectors, who are usually local residents. The former is able to avail the support of barristers and consultants for improving the quality of its arguments while objectors, typically local residents, do not have the resources to do so. The quality of arguments helps license applicants to win disputes. Additionally, Licensing Committees are more inclined to decide in favour of license applicants to avoid legal challenge (Herring et al., 2008, Foster, 2016). On the other hand, while local residents are typically depicted as powerless and poor compared to license applicants, Grace et al. (2016) found that in some neighbourhoods, residents are well organised and vociferous in opposing new applications. Such behaviour can also influence licensing authorities to decide in favour of local residents despite the financial resources of license applicants.

In addressing power asymmetry, Light (n.d.) pointed to another element of procedural fairness: the principle of equality of arms. According to this principle, each party must be given an opportunity to present its case under conditions that do not place it at considerable disadvantage relative to the opposing party. In this study, licensing authorities addressed power asymmetry by modifying procedures in order to prevent or minimize the influence of certain groups to affect the outcome of the decision-making process. For example, they give everyone an opportunity to speak for the same amount of time before a decision is made; assign a spokesperson to lessen the strength of a group in asserting its arguments and coercing people to agree. However, at best, power asymmetry is addressed procedurally because it cannot be genuinely eliminated. Thus, fairness in procedures merely remedies a situation where one party has a greater potential than another to steer a decision towards its favour by virtue of its political and socioeconomic advantage, irrespective of the merits of its arguments.

Hudson and Lowe (2003) described the policy process as being characterised by a complex distribution of power. The consequence of this is uncertainty on whether the desired outcome of the policy – in this case, the promotion of the four statutory objectives and reduction of alcohol-related harms – will be achieved. Additionally, policy can be modified during implementation (Hudson and Lowe, 2009). McDowell (1980) provided a more accurate interpretation of the policy process – in particular, what happens when policy makers try to bring competing preferences together – rather than merely describing it as a complex process.

Accordingly, collective choice happens through mutual coercion where the personal attributes of individuals contribute in determining the opportunity set from which choices are made. Although government is expected to arrive at a decision which balances all concerns (Staley, 2001), in reality, "*government is of, for and by the people who can most effectively assert their preferences*" (McDowell, 1980, p.71).

7.2.3 Balancing objectivity and subjectivity

Interviews revealed two distinct and opposing categories related to promoting the legal framework of the Act as basis of decisions on one hand, and the personal perceptions irrespective of their relevance to the legal framework of the Act or four statutory objectives on the other. I labelled the former category as objectivity and the latter subjectivity. Such practice of promoting objectivity can be referred to as institutionalism. Institutions are 'rules of the game' in decision-making. As stakeholders compete for the inclusion of their interests in the decision, institutions set the rules, which limit or close off options, to shape the behaviour of stakeholders and the outcomes of decision-making (Hudson and Lowe, 2009). Interviews suggest that doing so brings about an appearance that a problem has been solved and thus, terminates further efforts by aggrieved persons to seek further redress. Nonetheless, such appearance is legitimate because the Licensing Committee is lawfully designated to adjudicate and decide on disputes. Thus, unless appealed in the Magistrate Court, the decision of the Licensing Committee is lawful and final (Cammiss and Manchester, 2011b). Without a lawful body, many conflicts will remain unresolved based on personal perceptions.

Furthermore, the application of an objective criteria enables licensing authorities to break a problem into smaller parts and identify parts that can be legitimately addressed. For example, if the reasons for objecting a license is concern about dispersal, aesthetic and environmental impact, then conditions targeting dispersal will be imposed on the license rather than refusing a license entirely to address aesthetic and environmental concerns. Nicholls (2015) criticised this nature of decisions (i.e. condition-setting). This was because Nicholls (2015) was taking a public health perspective based on evidence of association between reduction of alcohol-related harms and restricting alcohol availability widely. However, licensing authorities are balancing economic objectives and need to protect the public from alcohol-related harms following the legal framework of the Act.

In contrast to objectivity, subjectivity uses perceptions, values and beliefs of parties to judge whether a conflict has been resolved. In the interviews, subjectivity is often linked to informal decision-making processes such as open discussion and working groups. According to some

participants, informal decision-making processes are more effective in resolving conflicts than the formal quasi-judicial processes or law enforcement. It is not clear in the interviews why they are more effective. Nonetheless, theories on policy processes and conflict resolution offer insights. It is likely that bargaining and negotiation (Hudson and Lowe, 2009) take place in open discussions until a balance between the needs of the proprietor and the quality of life of local residents is achieved. Also, parties to the conflict rather than the adjudicator or decision maker have more control of the process of identifying solutions thus, enabling them to achieve solutions that are mutually satisfactory (Li et al., 2012). Interviews showed that informal processes allow concerns that fall outside the scope of licensing objectives to be addressed thus, making informal processes more effective. Unlike bargaining and negotiation, working groups aim to achieve consensus or positive buy-in rather than solutions that are satisfactory enough for both parties, yet less than desirable for each one (Hudson and Lowe, 2009).

Cammiss and Manchester (2011b) offered a contrary viewpoint regarding the effectivity of the use of open discussion in Licensing Committee hearings. This is because some parties who do not have legal representation, typically local residents, are unable to present their case effectively without some assistance from licensing officers or their local ward councillor. Also, when many points have been raised in the course of open discussion and the issue becomes very complex, some points will end up unaddressed. As such, an open-discussion format is rather counterproductive. Thus, a formal quasi-judicial process that often promotes objectivity would be more effective at least in terms of transparency and accountability, if not a genuine resolution where the decision of the Licensing Committee is less than desirable.

The category labels – objectivity and subjectivity – was inspired by Li et al. (2012); the objectivity-subjectivity concept was drawn in relation to conflict resolution. In this context, objectivity refers to fact-like behaviours or situations while subjectivity refers to personal perceptions. Thus, conflict arises because someone behaved in a manner that is deviant based on some fact or based on another's personal perception of what is unacceptable. Applying this concept to alcohol licensing, objectivity refers to the four statutory objectives while subjectivity refer to personal perceptions of parties.

7.2.4 Displacing decision-making

When participants were asked how they deal with conflicting public views, another notable response was they encourage parties to discuss amongst themselves. For instance, one participant employed an open discussion format in Licensing Committee hearings wherein parties resolve the conflict themselves without the arbitration of the Licensing Committee.

Furthermore, some participants referred to policies or schemes (Statement of Licensing Policy, Cumulative Impact Policy and zoning of boroughs into residential and commercial areas) that encourage applicants to think more about their application. These responses indicate how licensing authorities try to displace decision-making from themselves to the parties. Interviews revealed some reasons for doing so. One reason for encouraging parties to resolve the conflict informally themselves without their intervention is they want a wide range of complaints, especially those coming from local residents, to be addressed. However, the legal framework of the Act prevents them from satisfying complaints that fall outside the scope of licensing objectives. If they intervene and satisfy such complaints, they will face risk of legal challenge from well-resourced proprietors and incur substantial financial cost to the council. Thus, it is only through informal processes that complainants can get what they want.

Another reason that emerged from the interviews is licensing authorities are trying to mitigate the burden or frequency of 'day-to day' decision-making. This is achieved through policies or schemes – Statement of Licensing Policy, Cumulative Impact Policy and zoning – that guard against troublesome applications. However, a shortcoming of these policies is they do not genuinely restrict growth of alcohol outlets; they drive license applicants to improve the quality of their application. Such shortcoming was also pointed out by Foster (2016) and Grace et al. (2016). Participants of Foster's (2016) study expressed the need to 'beef up' the policy-led aspect of the licensing process analogous to the drink-drive limit and the overprovision principle[11] adopted by Scottish licensing law. Thus, the Statement of Licensing Policy must indicate the risk of harm posed by the Policy and decisions to accept or refuse a license application should be guided by the acceptable level of risk. Beyond the acceptable risk level, a proprietor should not be allowed to operate an alcohol outlet. According to Grace et al. (2016), the Cumulative Impact Policy is a fluid one because applicants are given an opportunity to argue their case despite their application being refused; the application to put up an outlet in a cumulative impact zone is still subject to deliberation, bargaining and negotiation when the application is refused by the licensing authority.

[11] The overprovision principle refers to a link between a wide-range of alcohol-related harms and number of alcohol outlets. Scottish local authorities are required by law to make a statement regarding overprovision in their Statement of Licensing Policy. License applications in an overprovided area will be refused. Unlike the Cumulative Impact Policy, applications in overprovided areas do not have to relate to the licensing objectives (Alcohol Focus Scotland, 2017).

7.3 Factors influencing decision-making processes

7.3.1 Attributes

Finding showed that the attributes – socio-economic and cultural characteristics, material resources, attitudes, beliefs, preferences, personality and belongingness to a group – of parties contribute to their respective power in influencing decisions of licensing authorities. The influence of attributes in local government decision-making is highlighted in the Theory of Public Choice (McDowell, 1980). McDowell (1980) pointed out that collective choice happens through mutual coercion where the personal attributes of individuals contribute in determining the opportunity set from which choices are made. That is, the set of alternatives from which choices are made is constructed by the more powerful individual. As a result, other preferred alternatives are closed off and will not be taken into account in the decision-making process. This result possibly explains why the London residents who took part in Staley's (2001) study pointed out that government should elicit diverse views. It is through eliciting diverse views that the opportunity set can be widened. Similarly, McDowell (1980) pointed out that decision-making, for the purposes of coming up with a collective choice, is much about constructing the opportunity set. Additionally, participants in Staley's (2001) study also expect government to arrive at a decision which balances all concerns. However, in reality, which McDowell (1980, p.71) pointed out, "*government is of, for and by the people who can most effectively assert their preferences*".

7.3.2. Relationships

Findings revealed that licensing authorities are affected by the existing relationships they have with the community and that they seek to maintain positive interpersonal relations while upholding the law. This idea on the role of relationships in decision-making is not new. An elaboration of this idea can be found in theories of policy processes (Cairney, 2012) and Public Choice Theory (McDowell, 1980). According to theories of policy processes, policy makers inhabit an epistemological world that recognizes the importance of maintaining interpersonal relationships with stakeholders (e.g. business, members of the community, voters). This epistemological world stands in contrasts to that of public health leads, who assert evidence gathered from epidemiological studies as basis of licensing decisions. In Public Choice Theory, relationships arise from interdependencies of people; people are interdependent because they rely on one another for goods and services. According to McDowell (1980), there is a great number of systematic interdependencies among people that is derived from the production and consumption of goods and services. This reliance causes them to act with a shared interest.

The four categories of decision-making processes demonstrate several elements of the theoretical framework, which I put together in Chapter 4. Findings indicate that some licensing decision-making practices in situations of conflicting public viewpoints reflect a top-down implementation of licensing law and the majority reflect varying degrees of bottom-up implementation. The top-down model states that civil servants and frontline workers will follow the policy; they will deliver the desired outcome and their powers are confined to administration, implementation and management of resources made available for the policy while the power to determine policy remains centralised. Despite constraints in power, civil servants and frontline workers possess some amount of discretion. Implementation (or decision-making) within bounds of discretion is described as suboptimal or near top-down (Hudson and Lowe, 2009). Suboptimality is exemplified in promoting objectivity including emphasizing need to demonstrate evidence in the form of material fact even if participants think complaints of local residents deserve to be satisfied. Participants used their discretion by modifying procedural aspects of Licensing Committee hearings (e.g. conducting hearings during weekends or evenings, giving complainants more time to speak than license applicants). Despite procedural modifications, the legal framework of the Act is enforced in the eventual decision. In earlier studies, suboptimality was exemplified as the use of discretion by Licensing Committees in choosing alternative solutions to a problem. The solution of choice is only proportionate to the problem so as not to undermine the goals of the Act: to promote the licensing objectives without undermining economic growth. That is, refusing an alcohol outlet entirely in view of public health harms or concerns of complainants is not an option. Departures from the legal framework can result in Licensing Committees facing legal challenge (Light, n.d., Cammiss and Manchester, 2011a, Foster, 2016).

Despite a stringent legal framework, the majority of decision-making practices reflect a bottom-up model. Interviews showed that participants used incrementalism, bargaining and working groups – elements of a bottom-up model – in dealing with conflicting public viewpoints. Incrementalism points to limited search for solutions to policy issues with a narrow range of objectives; a radical solution is difficult and costly (Hudson and Lowe, 2009). For instance, local authorities have not used the Statement of Licensing Policy to strategically control the number, density, type and location of alcohol outlets. Instead, licensing applications are dealt with as representations arise. In some instances, licensing authorities displace decision-making from themselves to parties as a more effective way of resolving conflicts arising from concerns that fall beyond the scope of licensing objectives. When asked about whether they preferred a different approach for deciding on license applications, the majority

of interviewees preferred to keep their existing decision-making process, indicating that they do not wish to radically depart from the legal framework of the Act due to fear of litigation, and the costs that will be incurred by the Council for legal representation. Keeping the *status quo* was still deemed to be a rational course of action. Thus, the legal framework of the Act continues to play a central role in decision-making practices – it frames the rules of the game, structures conflict, and shapes decision-making processes by limiting or closing off options (Hudson and Lowe, 2009, Cairney, 2012).

Implementation of the Licensing Act is also characterised by bargaining between licensing authorities and members of the public. This happens when there is no agreement on how concerns about the impact of alcohol outlets should be addressed based on subjective perceptions thus, parties settle for a compromise. Also, this often happens in the absence of long-term strategic solutions. Whether a policy is implemented successfully is not always clear at the point a decision is made. Although promoting subjectivity and encouraging parties to find solutions themselves are effective in addressing conflicts, the decision-making process is not often guided by a set of pre-determined objectives and can lead to a variety of results regarding the operations of individual outlets; consideration for impact on the alcohol environment and alcohol-related harms tend to be not specified in these processes as much as the goal of resolving conflicts. There are also power asymmetries, which affect who gets what. As a result, decisions that arise from a process of bargaining remain surrounded with uncertainty over long-term outcomes (Hudson and Lowe, 2009). Moreover, as one participant pointed out, decisions, cumulatively over time, can bring about an environment that inadvertently sets the precedent for subsequent licensing decisions.

In contrast to bargaining, one licensing authority employed working groups, whose objective goes beyond mere compromise. Working groups aim to achieve consensus or positive buy-in; it is useful when government wants to steer policy to a different direction that may be controversial. They are considered successful when policy makers win the hearts and minds of implementers (Elmore, 1978, Hudson and Lowe, 2009). This licensing authority employed working groups to introduce a local policy that prohibits the supply of alcohol in workplaces in view of public health harms, even though doing so is legal under the Act. The licensing authority also employs working groups to evaluate worrisome license applications regardless of whether there are representations.

Understanding of licensing decision-making by local authorities goes beyond viewing it using the top-down and bottom-up concepts. Another useful concept is the network concept of

policy implementation (Table 4). The network concept takes account of the networked nature of policy implementation. This means that policy is not only shaped by central authority and implementers, but by the interaction of policy makers, implementers, voluntary sectors, business sector, media and others (Hudson and Lowe, 2009, Cairney, 2012). For instance, in principle, the power to determine the outcome of a license application resides in the Licensing Committee. Yet, the extent to which Licensing Committees exercises this power is affected by the pressure exerted by non-state actors such as proprietors, residents and other interest groups (e.g. LGBT community) especially if they are highly organised. These individuals and groups bring diverse concerns such as environmental, aesthetic, cultural and overall quality of life; interviews showed that these concerns can crowd out licensing authorities' attention on relevant issues (e.g. crime, public disorder, nuisance, lack of safety). Because interests are diverse, a criterion of success is realisation of collective action (Hudson and Lowe, 2009). A similar concept found in earlier literature is partnership working between local governments, proprietors and complainants. According to Cammiss and Manchester (2011b), this concept refers to stakeholders working together towards a mutually acceptable outcome such as what happens when licensing authorities promote subjectivity.

7.4 Summary of Chapter 7

This chapter presented an in-depth explanation and interpretation of the four categories and factors influence decision-making. In explaining and interpreting findings I used three theories: (1) public choice (McDowell, 1980), (2) conflict resolution (Li et al., 2012) and (3) policy processes (Hudson and Lowe, 2009, Cairney, 2012). The first two were identified during the data analysis stage hence, applied retrospectively; the third was identified *a priori* and presented in Chapter 4. Findings, then, were interpreted using three frameworks of thought instead of one (i.e. policy process theories) as originally intended. Furthermore, as I explained and interpreted the findings, I made connections with substantive topics from existing research on alcohol licensing decision-making to demonstrate where this study supported or departed from existing knowledge.

The normativity of procedural balance is central to alcohol licensing decision-making, particularly in situations of conflict. Given the constraints of the Act – a legal framework that is permissive to the licensed trade – it is the most natural expression of justice (Light, n.d.). It also serves another purpose: to mitigate power asymmetries between conflicting parties brought by differentials in financial resources, socio-economic status and degree of organisation of individuals. These inherent differentials point out that collective choice – from

the perspective of public choice theory – happens not by partnership working wherein mutually acceptable outcomes are sought as raised in earlier studies – but through mutual coercion where the personal attributes of individuals contribute in determining the opportunity set from which choices are made. Thus, based on this perspective, the process of bargaining has much to do with constructing the opportunity set. When an opportunity set is constructed, other preferred alternatives are closed off and will not be taken into account in decision-making. Furthermore, relationships, based on interdependencies of people for goods and services, cause people to act with a shared interest (McDowell, 1980).

Thus, some licensing authorities promote subjectivity rather than objectivity. Subjectivity refers to personal perceptions, values and beliefs while objectivity refers to 'facts' (Li et al., 2012). Promoting subjectivity enables licensing authorities to expand the opportunity set beyond the constraints of the Act hence, address a wider range of concerns. However, in doing so, they prefer to displace decision-making, that is, to shift decision-making from themselves to parties to avoid legal repercussions. Doing so also enables them to mitigate the burden of 'day-to-day' decision-making on contested licenses.

This chapter also illustrated how the top-down and bottom-up models work (Hudson and Lowe, 2009) in alcohol licensing decision-making. Some decision-making processes are limited to procedural modifications without departing from the legal framework of the Act. These do not do much in modifying policy. Thus, decision-making is suboptimal, which exemplifies the top-down model. Nonetheless, the majority of decision-making reflect varying degrees of bottom-up implementation. Interviews showed that participants used incrementalism, bargaining and working groups – elements of a bottom-up model – in dealing with conflicting public viewpoints. In attempts to resolve conflicts arising from different viewpoints, participants departed to some extent from the legal framework of the Act as they try to heed public concerns broader than amenity.

The different processes employed confirm the considerable discretion available to licensing authorities in implementing the Licensing Act with regards to contested cases. Consideration for impact on the alcohol environment and alcohol-related harms tend to be not specified in these processes as much as the goal of resolving conflicts. However, as pointed out by in Public Choice Theory (McDowell, 1980), it is extremely difficult to imagine the mix and level of conditions that would lead to a prevention or reduction of alcohol-related harms. In the course of decision-making, the performance of licensing authorities is no longer measured by whether

they will achieve reductions in alcohol-related harms, but based on the degree at which citizens feel that they have been heard.

Chapter 8: Conclusion

8.1 Introduction

In this concluding chapter, I shall summarise the thesis, explore my contribution to knowledge, identify the strength and weaknesses, reflect on my use of theory in qualitative research, outline the recommendations for policy and practice, and suggest future research directions. In summarising the thesis, I drew out the main points from each chapter including key findings from the empirical study.

Alcohol licensing decision-making is an important area of study because a large body of research shows that licensing can be effective in preventing and reducing alcohol-related harms (Holmes et al., 2014, Vocht et al., 2015, Vocht et al., 2017). The scoping review of the literature showed that there is interest in the scholarly community in this area. It also showed that it is not clear how licensing authorities make decisions when the public have different viewpoints about a license application given increasing calls for public involvement in the licensing process. The broader literature on public and patient involvement in health policy decision-making have not provided clear understanding of how decision-making in similar situations takes place as well.

8.2 Summary of the thesis

The purpose of this study is to clarify how licensing authorities decide on license applications when the public have different viewpoints. Further, I drew out factors that possibly explain why licensing authorities adopt these decision-making practices. In exploring how licensing decision are made, this study was guided by two research questions: (i) How do English licensing authorities decide on alcohol license applications when the public have different viewpoints? (ii) What factors influence decision-making processes of English licensing authorities?

Before addressing these research questions, I provided an overview of the key features and principles of the English Licensing Act 2003 in Chapters 1 and 2 – the four statutory objectives, the concept of responsible authorities, the principle of automatic acceptance of license applications unless an objection is made (Nicholls, 2015), the shift from universal closing times to flexible and extended opening hours, and provision of the public with an opportunity to have a say in license applications (Roberts and Eldridge, 2007). The key principles underpinning licensing decision-making is that economic benefits must be balanced

with potential for alcohol-related harms and that such harms are confined to those associated with amenity (Holmes et al., 2014). These features and principles underpin the model of regulatory practice in the English licensing system.

In the scoping review of the literature on licensing decision-making focusing on situations where there are conflicts among members of the public including between license applicants and objectors in Chapter 3, several authors critically analysed the application process (Cammiss and Manchester, 2011a), mediation carried out by licensing officers (Cammiss and Manchester, 2011a), format and nature of Licensing Committee Hearings (Cammiss and Manchester, 2011b, Foster, 2016), interpretation of the Act by licensing authorities (Roberts and Eldridge, 2007, Foster, 2016), extent to which evidence and discretion was used by Licensing Committees in establishing causality between alcohol outlets and alcohol-related harms (Herring et al., 2008, Foster, 2016), grounds by which Licensing Committees can be held *ultra vires* (Light, n.d.), extent to which the Statement of Licensing Policy reflected national guidelines (Herring et al., 2008), and application of Cumulative Impact Policy in determining applications in cumulative impact zones (Herring et al., 2008, Grace et al., 2016).These studies pointed to two aspects of alcohol licensing policy that illustrate a dynamic interaction between licensing authorities and members of the public and are subject to conflict – individual license applications and strategic local policies for controlling number, type and location of outlets. As part of the scoping review, I summarised the issues in these decision-making processes and implications on health and social harms.

What is notably absent in the literature, apart from a direct examination of how licensing decisions are made when the public have different viewpoints, is a theoretical framework that could guide analysis of this substantive area (alcohol licensing decision-making). As such, there is considerable variability in the analysis of licensing decision-making processes, making the analyses difficult to compare. Thus, I put together a theoretical framework in Chapter 4. for supporting the analysis of empirical findings presented in Chapter 6; it consists of three basic concepts of policy implementation: top-down vs. bottom-up model and network concept (Hudson and Lowe, 2009). There is a plethora of theories and concepts of policy-making processes and it would not be possible to take them all into account here, but these three concepts can easily link with other concepts. The use of theory could have been maximised if it were identified at the time this study was conceptualised and if the empirical findings were geared towards refining the theory as contribution to wider knowledge. However, this was not possible within the time period for carrying out this study.

In Chapter 5, I outlined the methodology and methods for the empirical study. Similar to the methodologies employed in the literature, a qualitative methodology was employed in this study; it is appropriate for exploring processes in depth (Creswell, 2013). Additionally, I set out the ontological and epistemological assumptions as well as theoretical framework – constructivist-interpretivist – underpinning my approach to analysis (Schwandt, 1994, Creswell, 2013). With these underpinnings in mind, I employed in-depth semi-structured interviews for gathering data and the Framework Method for analysing interviews (Ritchie et al., 2014). A purposive sample of fifteen licensing officers, Chairs of Licensing Committee, police licensing officers and members of Public Health Teams from 11 local authorities in five regions in England took part in the study. This sample was chosen in order to bring out a range of perspectives from those who are both directly and indirectly involved in the licensing process.

Chapter 6 presented the findings from the Framework Analysis of interviews while Chapter 7 presented the explanations and in-depth interpretations. The Framework Analysis revealed that alcohol licensing decision-making where it involves conflicts among members of the public (including between license applicants and objectors) involves four key processes: (1) ensuring fairness in process; (2) balancing objectivity and subjectivity; (3) displacing decision-making; (4) addressing asymmetry in power. Licensing authorities put prime importance to procedural fairness. They also actively avoid imposing an objective decision based on the legal framework of the Act by encouraging parties to identify mutually acceptable solutions, encouraging license applicants to improve the quality of their applications and generating consensus between applicants, supporters and objectors. Why licensing authorities adopt these practices is influenced by two key factors: (1) attributes of members of the public; (2) relationships. Licensing authorities are affected by the attributes of members of the public and hence, the direction of their decisions. These attributes are socio-economic characteristics, socio-cultural identity of interest groups, attitudes and personalities that confer power differentials to members of the public. Additionally, licensing authorities are aware of the interdependencies of goods and services; these interdependencies create the relationships among people in society and they seek to preserve these relationships in decision-making.

The spectrum of decision-making processes reflects the multiple decision-making contexts confronted by local authorities and the considerable discretion they have. Consideration for impact on the alcohol environment and alcohol-related harms tend to be not specified in these processes as much as the goal of resolving conflicts. For instance, while processes that promote subjectivity are effective in resolving conflicts, they are not often guided by a set of pre-

determined objectives and can lead to a variety of results regarding the operations of individual outlets. This raises uncertainty on whether the goal of preventing and reducing alcohol-related harms will be achieved, but ultimately represents a pragmatic process that seeks to restore balance in powers, improve transparency in decision-making and empower communities.

Overall, the findings of this study are consistent with the Theory of Public Choice (McDowell, 1980), which posits that local government decision-making is inherently political and dynamic. There is seldom an objective function or policy statement that a decision maker can optimize. In democratic societies, the performance of local governments is seldom measured by any specific objective criteria, but often based on the degree to which the public feel that they were able to participate in the decision-making process and have been heard.

8.3 What this thesis adds

This study adds to the growing body of research on decision-making in the English licensing regime. This study is unique because it focused on situations where public stakeholders have conflicting viewpoints about license applications. None of the previous studies have directly explored this. Apart from adding to the existing body of research on licensing decision-making, the findings provide insights on the effectiveness of public involvement in the alcohol licensing process in addressing alcohol-related harms. Studies exploring effectiveness tended to focus on mechanisms of public involvement including their barriers and facilitators (Fitzgerald et al., 2018, McGrath et al., 2019). However, even increased public involvement may not prove to be effective considering that the public will have conflicting viewpoints. Moreover, interviews revealed the lay, rather than the high-level political and scientific arguments, that affect the direction of licensing decisions of local authorities. This insight is important for public health leads. In a study by Fitzgerald et al. (2018), public health leads in Scotland viewed public involvement as a means to put traction in their efforts to promote public health considerations in alcohol licensing.

8.4 Reflection on use of theoretical framework

Although the theoretical framework in Chapter 4 offered a scaffold for bringing together empirical findings and explaining the relationship between different findings coherently (Malterud et al., 2016), I did not find the theoretical framework helpful in producing insightful interpretations of interviews or in challenging my long-held insights. One reason that could explain this is I put effort in distancing myself from the literature, including the theoretical

framework when developing the categories and reflecting for explanations; my aim was to discover surprising findings. I drew on my positionality, which took precedence over the theoretical framework. In doing so, I did not find the theoretical framework necessary to carry out my reflection and achieve my aim.

A second possible reason is the choice of theoretical framework is by accident; it is influenced by the disciplinary paradigm the researcher assumed prior to seeing the data. In this case, I labelled licensing decision-making as a policy implementation problem. Thus, I used theories of the policy process in interpreting and explaining empirical findings. However, when analysing the interviews, the problem experienced by participants was not a policy implementation one; it was largely a performance problem. This means decision-makers are not assessed based on whether they are achieving the aims of the policy (reduction of alcohol-related harms), but based on how they carried out the process of decision-making – that it is fair and citizens feel that they have been heard (McDowell, 1980). I found two theories, then, that provided better support in explaining the performance problem: conflict resolution (Li et al., 2012) and public choice (McDowell, 1980).

A third possible reason is theory was not integrated in the entire research process; the study had not taken a theoretically informed approach, which involves using theory both to explain empirical findings and to refine the theory. The theoretically informative approach is geared towards driving theory forward (Kislov, 2018). Rather, this thesis was geared towards adding to existing knowledge in the substantive area (alcohol licensing decision-making) while aiming to be transferable in other policy settings. As a result, theory was partially applied – it was used in one stage of the research process (analysis of interview data). The idea of using theory in this study came at a time when the research question and methodology has been decided. While I take great interest in developing a new theory or refining an existing one, this was not possible in view of the time frame in which this study had to be completed.

8.5 Limitations and strengths

This study has some limitations that must be borne in mind when interpreting the findings, although it has strengths as well. I identified five limitations. First, interviews and analysis of interviews were conducted by only one researcher. There were instances when I discussed the raw data and my interpretation with supervisors, but these instances were limited. The conduct of interviews and analysis is influenced by a researcher's positionality, skills and experience hence, findings are likely to be selective towards certain aspects of a phenomenon. Selectivity

can also be enhanced by the limited time in which analysis has to be concluded. Having multiple analysts is desirable; the aim is not to achieve consensus, but to identify other researcher's blind spots and apply multiple perspectives in the analysis (Cohen and Crabtree, 2006).

The second limitation is related to the sampling frame. Participants comprised six licensing officers, four Chairs of Licensing Committee, two police licensing officers, two members of the Public Health Team and one from a third sector public health organisation that supports a group of local authorities in two regions. As a result, variation was traded off with depth. For instance, licensing officers referred to the informal resolution of conflicts that takes place during mediation while Licensing Committee Chairs referred to the rather formal settlement that takes place in quasi-judicial hearings. Responsible authorities (except for one of the police licensing officers who also mediate) can only give their perspective of mediation and Licensing Committee hearings. Despite this variation, I developed the categories using all responses or the sample will be too small (there are only four participants from Licensing Committees). Thus, readers should keep in mind that these categories of decision-making processes refer to different phenomena in the licensing process. However, focusing the study on only one phenomenon (mediation or Licensing Committee hearing), while allowing depth, can mean that the results would be less transferable to other policy areas.

The third limitation to understanding of decision-making processes arising from the sampling frame is data were not collected from parties involved in conflicts such as license applicants, objectors, interest groups (e.g. LGBT community, residents' associations, groups bonded by racial origin) and supporters of either party. Subgroups within different types of parties (e.g. small independent proprietors, large commercial proprietors, residents' associations from affluent areas, complainants from less affluent areas) could have been taken into account. They could have offered perspectives different from those of licensing and responsible authorities with regards to whether conflicts were resolved satisfactorily, how fair were processes conducted, and how power asymmetries were mitigated for example. Other categories of decision-making processes might also emerge.

The fourth limitation is also related to the sampling frame. Since participants were from 11 different local authorities, their accounts could not be triangulated with those of persons in the same local authority. The purpose is not to corroborate accounts but to gather different viewpoints about the same phenomenon (Cohen and Crabtree, 2006).

The fifth limitation is related to the methodology and methods. Only a qualitative methodology and only one method of collecting data – in-depth semi-structured interviews— were employed. This limitation narrows the range of dimensions of the phenomenon being studied. A mixed methods study design would have offered a multi-dimensional analysis of licensing decision making. Using another method of qualitative data collection, ethnographic observations in particular, would have generated more detailed description of decision-making processes than those shared by participants. Some participants may have found certain experiences difficult or too tedious to describe in the interview. Other participants may have found certain experiences insignificant and hence, not did not share these. Observations would have also enabled the researcher to contextualise the decision-making processes (e.g. location, people present); such contextual information could have implications on study findings presented here.

Despite the limitations, this study has three key strengths. First is the use of the Framework Method for analysing interviews. The method facilitated detailed and in-depth analysis that supported the rigorous development of categories. In the Framework Method, elements (short phrases that describe different aspects of a phenomenon) of summarised data are drawn out and listed (Ritchie et al., 2014). Doing so allowed close and comprehensive study of elements before they are grouped into higher order dimensions and conceptual categories. The Framework Method can mitigate selective analysis especially when there is only one researcher.

Second is the use of multiple theoretical perspectives to interpret the data: policy processes (Hudson and Lowe, 2009, Cairney, 2012), conflict resolution (Li et al., 2012) and public choice (McDowell, 1980). Although a theoretical framework was prospectively chosen (Chapter 4), other theoretical perspectives were used when data have been analysed. The use of multiple theoretical perspectives can mitigate the absence of multiple analysts who can bring different perspectives.

Third, despite a small sample, interviews have good information power. Information power refers to the amount of data that can elucidate the purpose of the study relative to sample size (Malterud et al., 2016). The interviews have good information power because the purpose of the study is specific (pertains to English alcohol licensing rather than various policy areas), the sample of participants is specific while also allowing for variation (participants have direct experience of the phenomenon of interest while those who can give perspective – responsible authorities – took part), quality of interview data is good (the majority of participants have

many years of experience in licensing, and quality of dialogue between interviewer and interviewee was also good), and a cross-case rather than single-case was carried out (more information was used because analysis was conducted across cases but the sample was not too big such that it becomes difficult to grasp information and identify patterns relevant to the research questions).

8.6 Recommendations for policy and practice

This study does not aim to propose change in decision-making practices in English alcohol licensing because the nature of local government decision-making is inherently complex and dynamic – citizens must be given an opportunity to be consulted, express their views, receive feedback and feel that they have been heard. This is a desirable attribute of democratic decision-making (McDowell, 1980). However, interviews showed that in these processes, consideration for impact of decisions on alcohol-related harms tend to receive less weight than the goal of resolving conflicts. For instance, while non-formal processes that promote subjectivity are effective in resolving conflicts, they are not often guided by a set of pre-determined objectives and can lead to a variety of outcomes. Such attribute is also a challenge to public health actors; even the addition of a public health objective will not necessarily address this challenge as Scottish experience[12] showed.

One might propose that alcohol licensing decisions should be not be subject to bickering and haggling processes in local communities but instead, centralised, similar to alcohol pricing and taxation policies. This view is elucidated by McDowell (1980, p. 71):

"The commitment of small jurisdictions to the local interests is seen as parochial and standing the way of achieving the overall public interest of the larger community. Fragmented authority and multilayered overlapping jurisdictions among numerous units of local governments are diagnosed as fundamental sources of institutional failure in the governance of many areas."

However, even the goals of central policy makers are not always known and constant (McDowell, 1980, Cairney, 2012). A lot bickering and haggling also take place in single large governmental units, but these are not visible to public scrutiny. The lack of visibility may be seen as an undesirable attribute of decision-making in democratic societies (McDowell, 1980); such attribute may be regarded to be as equally important as the consequences (Culyer, 2014),

[12] In Scotland, despite the presence of a public health objective, its application in licensing decision-making was not straightforward; population-level evidence on chronic health harms, rather than premise-level evidence, was still met with resistance from Licensing Boards (Martineau et al., 2013).

in this case, impact on alcohol-related public health harms. Thus, I do not recommend centralising alcohol licensing decision-making as in alcohol pricing and taxation policies to address the uncertainty that local alcohol licensing decision-making processes place on the goal of tackling alcohol-related harms.

The recommendation then points to instructing and shaping the discussion among members of the public as pointed out by McDowell (1980) so that it is productive, useful and satisfactory to stakeholders. The specific recommendations to improve public discussions are:

- Address questions related to social values rather than facts or cause-effect relationships. Public involvement in policy decision-making is rather productive when debates are about social values instead of empirical facts; topics on social values are where the public can contribute (McDowell, 1980, Culyer, 2014). Debates on widely known facts and cause-effect relationships are likely to be frustrating for stakeholders including decision-makers.

- Similar to McDowell's (1980) recommendation to use economic analysis, use public health research in local authority decision-making as an instrument to instruct the public and shape discourse. The aim is not to provide numerical estimates of impact and use such estimates as basis of decisions (McDowell, 1980). Rather, the aim is to teach the public of empirical processes that explain cause-effect relationships between alcohol availability and alcohol-related harms.

- Increase analysis of the distributional impacts of decision-making practices. This includes explicitly identifying groups of people who are affected and in what way. McDowell (1980) pointed out that inherent in the process of arriving at a collective choice is the attributes of individuals (e.g. socio-economic status, socio-cultural identity, capacity to organise themselves) influence the set of alternatives from which other individuals make a choice. Earlier studies (Cammiss and Manchester, 2011a, Cammiss and Manchester, 2011b, Foster, 2016) and findings of this study have shown that a quasi-judicial process of decision-making is disadvantageous to objectors, typically local residents, who do not have prior experience with this process and who cannot afford representation. Young people with high disposable incomes and families who live within a tight budget will perceive a night-time economy differently.

8.7 Suggestions for future research

There is still ample room for progress and creativity in this area of study. I have five suggestions for future research:

- Expand the sampling frame to include such stakeholders as license applicants (or licensees), local residents, other interest groups (e.g. LGBT community, residents' associations, groups bonded by racial origin) who have been involved in conflicts. Also identify subgroups within different types of stakeholders (e.g. small independent traders, large commercial proprietors, objectors from affluent and less affluent areas). Doing so would generate additional perspectives on decision-making processes, the depth to which conflicts are investigated by licensing authorities, and the extent to which conflicts are resolved from their point of view.

- Conduct ethnographic observations of mediation and Licensing Committee hearings to obtain a more detailed description of decision-making processes and how conflicts resolve.

- Employ a mixed methods study design. This can include an examination of association between different processes of decision-making and licensing decisions (approval, refusal of application entirely, approval with and without conditions).

- Explore variation in decision-making practices in relation to a borough's demographic characteristics (age, socio-economic characteristics, ethnic diversity), level of deprivation and economic policy. This is because Herring et al. (2008) suggested that licensing practice is influenced by such factors as demographic characteristics of the borough including ethnicity of the resident population, levels of deprivation, tourist activity, and the local authority's policy on night time economy.

- Explore the feasibility of promoting public health considerations in the planning sector. Some participants mentioned that unlike in planning, licensing is bounded by a set of statutory objectives. These objectives make it difficult to incorporate public health considerations in licensing. Martineau et al. (2013) pointed out that there is opportunity outside the licensing system, such as in planning and in strategic partnerships in the local authority, to advance concerns for long-term health impacts across the population; in the planning system, the scope of the legal framework is broad enough to incorporate health promotion goals.

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Appendix A: Topic Guide

Name: _____ ID no. _____
Job title: _____ Local authority: _____
Date of interview: _____ Time started: _____
Time ended: _____

Introduction (2 minutes)

1. Introduction about the student.

2. Background of the study.

3. Reminder of ethical guidelines.

4. Questions from the interviewee before commencing the interview.

Questions (40 minutes)

1. Could you tell me more about what you do in relation to alcohol licensing?

2. How long have you been in this job for?

3. Have you been involved in alcohol licensing decisions or issues which also involve the general public in some way?

4. What are the alcohol licensing policies or decisions which involve the general public in some way?
   Prompt: Those specifically relating to density of alcohol outlets? Location of outlets? Type of outlets? Trading hours for on-trade and off-trade? Industry partnerships? New premise license applications? Review of an existing license? Area-wide policies (i.e. Cumulative Impact Policy, Early Morning Restriction Order, Late Night Levy)? Statement of Licensing Policy?

1. Why were the public involved for the said licensing policy or decision? What were you/they hoping to get from that involvement activity?
   Prompt: To generate further evidence to support the representation of a responsible authority?
   An alcohol strategic plan is being developed and want to identify problems to tackle and generate as many ideas to tackle the problem as possible.
   To generate ideas for an innovative intervention?
   The issue is controversial and divisive and want to know what policy, decision or program is acceptable and why
   To know the "top of mind" or general attitudes toward a controversial policy idea?
   To determine reactions toward a policy or course of action that has already been made?
   The policy had a potential to negatively impact certain groups, or outcome will result in winners and losers and wanted to know how to mitigate this impact?
   To aid in priority setting?

10. What are the ways by which members of the general public were involved in the said licensing policy or issue?

Prompt: Direct representation in an advisory committee or governing body, public consultation activity, local survey, focus group
Probe: What outputs came out of the said public involvement activity?
Probe: Would you have preferred that the public was involved in a different way? What would it be and why?

11. Who are the members of the general public that were involved in (policy issue)? Who were not included if any and why?
Prompt: Residents' association, representatives of business associations, individual citizens, youth
Probe: Whose idea was it to involve them?
Probe: Were there certain individuals or groups who were excluded? Why? Whose idea was it to exclude them?
Probe: Were participants interested/engaged? Why or why not?

12. Going back to the (licensing policy or decision) where the general public was involved in, were there cases of conflicting public views?
Probe: What were those views? From whom?
Probe: Have there been situations wherein the views of minorities differed from the majority yet were important?
Probe: Is there value in one person's view when it is contrary to many? Why or why not? Why or why might this possibly happen?
Probe: Are there people who support or oppose certain views? Who are they and why?

13. Did conflicting public viewpoints create problems for you when making decisions?
Probe: What were those decisions?
Probe: What were those problems?
Probe: Is it important to have a collective public view for policy-/decisionmaking? Why or why not?

14. How did you address those problems?
Probe: Can you describe the methods in detail?
Probe: Is there a reason why you took this method? What was it?
Probe: Would you rather have taken a different method? What would it be and why did you not take such method?

15. What policies or decisions came out as a result?
Probe: Do you think the way you make decisions have implications on the alcohol environment? What are those implications?

16. How do you know the conflict has been resolved?
Probe: Do you think the public was satisfied with how their views were dealt with?
Probe: Can you say to what extent this conflict was resolved?

Recommendations (1 minute)

17. Local authorities that have initiatives for involving the public in alcohol licensing.

Closing (3 minutes)

18. Conclusion of the interview.

19. Thank the interviewee.
20. Any more question, concern or additional thoughts from the interviewee.
21. Opportunity to contact the researcher later for any question or concern.

Appendix B: Participant Information Sheet and Consent Form

Title of research project: Examining how local authorities address conflicting public views: a qualitative study

You are invited to take part in a research project. Before you decide, it is important that you understand why this research is being done and what it will involve. Please take time to read the following information carefully. You can discuss it with others if you wish. Please ask the researcher if there is anything not clear or if you want more information.

Purpose of the study

- The purpose of this research is to determine the different ways by which the general public contributes in alcohol licensing decision-making as well as how local authorities deal with conflicting public views.

Why have I been chosen?

- You were chosen because of your knowledge and experience in alcohol licensing issues which concern members of the general public.

- I am aiming to recruit up to 14 participants from 2-3 English local authorities composed of licensing authorities, members of public health teams and specialist police licensing officers.

Do I have to take part?

- Your participation is entirely voluntary. You are free to withdraw your participation at any point in time without having to explain why.

- If you decide to withdraw after the interview has started, any information collected up to the point of withdrawal will still be included in the study.

What will happen to me if I take part? What do I have to do?

- If you consent to take part, you will be interviewed about the public's role in licensing decision-making and how local authorities address conflicting public views.

- The interview will last for no longer than 1 hour.

What will happen to the data collected, and the results of the research project?

- The interview will be digitally recorded, then it will be transcribed by the school's transcription service, for which confidentiality and data protection systems are in place.

- Hence, in addition to the researcher, the transcription service will also process your interview data. Your interview data will be anonymised and any additional information which link your interview data back to you will be destroyed. All audio files will be deleted from the digital recorder.

- Only transcribed, anonymised interview data will be subjected to analysis.

- A formal report will be submitted to the university and it is hoped that findings from the study will be published in one or more scholarly journals within 1-2 years after completion. Excerpts of interview data will be quoted in written outputs and possibly in conferences or seminars. We will give you a link to the published study as soon as it is available.

- All research data will be kept in University Network Storage, a centrally managed electronic space for storing data securely. Apart from the transcriber's access to your audio-recorded data, access will be restricted to the researcher and supervisors.

- Anonymised data will be kept in the Storage for 5 years so I can utilize them for publications, and to allow other authorised researchers to use the data for research questions, which may arise in the future after the research has ended. At the end of 5 years, data will be deleted permanently.

Will my taking part in this project be confidential?

- Your participation will be kept strictly confidential. All data will be anonymised meaning you and your organization will not be identified in any report or publication.

What are the possible disadvantages or risks of taking part?

- I do not expect that there are disadvantages or risks. However, you may feel uncomfortable with some of the interview questions which may touch practices you do not wish to reveal or that may compel you to express politically sensitive opinions that you otherwise would not want to do because of potential negative consequences to your job or organization.

- For example, you may be not be willing, under ordinary circumstances, to reveal the role the public plays in alcohol licensing if such role is negative.

- You can skip a question if you wish. As mentioned, you are also free to withdraw from the study at any point in time without having to explain why.

What are the possible benefits of taking part?

- Whilst there are no foreseen immediate direct benefits to you or your organization, it is hoped that this study will provide insights on how decision makers can better address the challenges of improving accountability, transparency and responsiveness of the public.

What is the legal basis for processing my personal data?

- According to data protection law, we are required to inform you that the legal basis for processing your personal data is that processing is necessary for the performance of a task carried out in the public interest (Article 6(1)(e)).

- Further information can be found in the University's Privacy Notice https://www.sheffield.ac.uk/govern/data-protection/privacy/general.

- Further, as we will be collecting some data that is defined in the legislation as more sensitive (e.g. potentially sensitive political opinion), we also have to let you know that we are applying the following legal basis: that the use of your data is necessary for scientific or historical research purposes.

Who is organizing and funding the research?

- The research is organized and conducted by Genevieve David and is funded by the Wellcome Trust. While the research is aligned with the aims of the funder, the funder has no role in designing the study, analysis and reporting.

Who is the Data Controller?

- The Data Controller for this study is The University of Sheffield. A Data Controller is responsible for looking after your data and for ensuring that your data is secure and used properly.

Who has ethically reviewed the research?

- The University of Sheffield School of Health & Related Research Research Ethics Committee (ScHARR REC) has reviewed the research via the University of Sheffield's Ethics Review Procedure.

What if I wish to complain about the research?

- If you have a complaint about any aspect of the research, please contact the researcher or her lead supervisor.

- If you are not satisfied with how your complaint was handled, you can contact Professor Petra Meier, director of ScHARR's Wellcome Trust Programme at p.meier@sheffield.ac.uk.

- If you wish to make a complaint about how we handled your personal data, you can contact Anne Cutler, The University of Sheffield Data Protection Officer at dataprotection@Sheffield.ac.uk.

- Further information about how to raise a complaint can be found in the University's Privacy Notice: https://www.sheffield.ac.uk/govern/dataprotection/privacy/general.

- If you are not satisfied with the Data Protection Officer's service, you can contact the Information Commissioner's Office.

Contact for further information	
Researcher: Genevieve David School of Health & Related Research The University of Sheffield gdavid1@sheffield.ac.uk Mobile: 07761884831	Supervisor: Professor Simon Dixon School of Health & Related Research The University of Sheffield simon.dixon@sheffield.ac.uk

Thank you for taking time to read through. You may keep this information sheet. Should you decide to take part, we will ask you to sign a consent form. You will also have a copy of the signed consent form to keep.

Consent Form

Title: Examining how local authorities address conflicting public views: a qualitative study

Please tick the appropriate boxes	**Yes**	**No**
Taking Part in the Project		
I have read and understood the project information sheet dated 011/02/2019 or the project has been fully explained to me. (If you answer No to this question please do not proceed with this consent form until you are fully aware of what your participation in the project will mean.)		
I have been given the opportunity to ask questions about the project.		
I agree to take part in the project. I understand that taking part in the project will include being interviewed and audio recorded.		
I understand that my taking part is voluntary and that I can withdraw from the study at any time. I do not have to give any reasons for why I no longer want to take part and there will be no adverse consequences if I choose to withdraw. If I choose to withdraw, any information collected up to the point of withdrawal will still be included in the study.		
How my information will be used during and after the project		
I understand my personal details such as name, position, phone number and email address will not be revealed to people outside the project.		
I understand and agree that my words may be quoted in publications, reports, web pages, and other research outputs. I understand that neither I nor my organization will not be named in these outputs.		
I understand and agree that other authorised researchers will have access to this data only if they agree to preserve the confidentiality of the information as requested in this form.		
I understand and agree that other authorised researchers may use my data in publications, reports, web pages, and other research outputs only if they agree to preserve the confidentiality of the information as requested in this form.		
I give permission for interview data I provided to be deposited in a University Networked Storage so it can be used for future research and learning.		
So that the information you provide can be used legally by the researchers		
I agree to assign the copyright I hold in any materials generated as part of this project to The University of Sheffield.		

To be signed on paper by the participant in the presence of the researcher for face-to-face interviews, or electronically for telephone interviews. When both the participant and the researcher have signed the form, they both shall have a copy of the signed consent form.

Name of participant [printed]	Signature	Date
Name of Researcher [printed]	Signature	Date

Appendix C: Framework Matrices

Theme: approaches for dealing with conflicting public viewpoints

Data summaries

Sub-theme: process of letting people speak and be heard

Participant	1. Background	5.1 Procedural balancing	Elements
Participant 02 (public health)	Public health team lead for licensing for about 1 year. 5 years in the position. Reviews licensing applications.	Letting people speak and be heard: Process is very equal and fair. Everyone has the opportunity to express their views according to seating arrangement; everyone can be questioned. Transcript of hearing puts everyone's viewpoint forward Structured process: Very structured legal process. People outline their representation in the same way.	• ~~Process is equal and fair~~ • ~~Everyone has the opportunity to speak~~ • ~~Everyone can be questioned~~ • ~~Very structured legal process. Outline representation in the same way~~ • ~~Everyone's viewpoint is put forth in the hearing's transcript and a decision is stated~~
Participant 04 (police)	Over 5 years experience as licensing officer and 17.5 years as police. Represents on behalf of police, not members of general public.	Letting people speak and be heard: Five minutes is more than ample time for people to get their points across and to be considered by the Committee. Everyone is given an opportunity to speak for valid representations. Ambiguities are clarified. All information is challenged. So Committee has all available information to make the correct decision in the end. Generally, satisfied that everyone is given an opportunity to speak Explaining the (probable) unfavourable decision: Resident's view is inflated compared to what is on the license application form. Clarification of resident's ambiguities in understanding of an application of why it would possibly be granted and more powers a licensee to do what it wants. Explain what the applicant can and can't do. Ultimately only helps the process. Outcome: resolves early, 9/10, rather than hearing this at the Committee at the 11th hour.	• ~~Everyone has the opportunity to speak~~ • ~~Each person is given more than ample time (5 mins)~~ • ~~Representation will be refused if not valid~~ • ~~All information is challenged, and ambiguities clarified~~ • ~~All information is available to make a (correct) decision~~ • ~~Explain why of a decision~~ • ~~Public's understanding clarified, conflict resolved 9/10~~
Participant 05 (police)	11 years in licensing. Licensing coordinator for police. Works in	Letting people speak and be heard: People are given only five minutes to speak. The Committee will always listen to sufferers, complainers even if they dismiss the view. Will look for evidential picture to support what	• ~~Only 5 minutes to speak~~ • ~~Committee will always listen~~

	partnership with other depts. of local authority to deal with problematic premises.	is being said, but lacks perspective on the reality of situation. Will give a penny's worth. Need to justify completely what you are doing. <u>Assigning a spokesperson</u> Hearings are time constrained. Group of people come to hearing always wanting a penny's worth. Hearings usually wants to hear from a group spokesperson to give a picture of what is affecting the local residents.	~~• Need for evidential picture~~ ~~• Need to justify~~ ~~• Group spokesperson~~
P08 (Licensing Officer)	Licensing officer since previous regime. Wrote first SLP in a different Borough. Re-wrote a SLP based on changes in law in 2011. Licensing officer in various London Boroughs on short-term contracts. 29 years experience in licensing.	Ask applicant questions based on objections.	~~• Questioning applicant based on residents' objections~~
Participant 10 (Licensing Officer)	Advisor to licensing process and enforcer – receives complaints from the public and makes the correct arrangement on the license according to the Act. 2.5 years in licensing.	<u>Letting people speak and be heard:</u> First, comment has to relate to at least one of the licensing objectives. For as long as it meets that, everyone has opportunity to speak, same amount of time, in the hearing regardless of how vocal they are. Committee asks as much question on the licensee to get help on whether it is something licensee should be dealing with in appropriate manner. Enforcement ask as much information from complainant in order to approach licensee in best possible way.	~~• Comment has to relate to at least one of the licensing objectives~~ ~~• Everyone has opportunity to speak~~ ~~• Same amount of time to speak, regardless of how vocal~~ ~~• Ask as much questions on complainant and licensee to get help with solution~~
Participant 12 (Licensing Officer)	Processing of applications and dealing with contested applications. Conciliation. Advises applicants. Enforcement and monitoring. Oversees creation of SLP. 19 years in licensing.	<u>Letting people speak and be heard:</u> The quasi-judicial process and democratic decision-making is listening to evidence and giving everyone a fair opportunity to say what they want to say. Committee doesn't want to hear from the lawyer, but from the applicant. Wants applicant to answer the questions <u>Explaining the unfavourable decision</u> There's no evidence that the resident's hypothetical concern is going to be problematic.	~~• Listening to evidence~~ ~~• Everyone has opportunity to speak~~ ~~• Need for evidence of hypothetical concern~~

Participant 03 (Chair of Licensing Committee)	4 years Chair of Licensing Committee, 14 years experience in Licensing Committee.	Letting people speak and be heard: The Committee gives everyone a fair hearing, fair say then we come to a balanced decision Factor-national legislation: in accordance with the law in which we work. We listen to and challenge both sets of views. Make people feel comfortable. Outcome: We don't want people to be disappointed with the process even if they are disappointed with the decision. Factor-values: Want to represent people. Unstructured process: No time limits, everyone can speak for as long as they wish. We let people say what they want regardless of whether it is aligned with the licensing objectives to make them feel it is fair. They may convince us. I tend not to interrupt people unless they go on for hours or they feel they are not listened to. Explaining the unfavourable decision: This is part of the rule. Explain the reasoning behind the decision, why we can and can't do certain things, (e.g. if decision will conflict with planning), and options available in the future. Assigning a spokesperson: Anybody who wants to object is welcome to come along and contribute. If there are hundreds of them, we usually ask them to nominate a spokesperson Outcome: review if the decision is not working, assist parties how to bring the decision back	~~• Everyone can speak without time limits, no interruption~~ ~~• No constraints placed on viewpoints~~ ~~• Listen to and challenge both sides~~ ~~• Make people feel comfortable and listened to~~ ~~• Feeling of fairness~~ ~~• Do not want people to be disappointed with the process~~ ~~• Want to represent people~~ ~~• Assign a spokesperson~~ ~~• Explain the reasoning behind a disappointing decision~~ ~~• Provide future options~~ ~~• Need to take account of law~~ ~~• Disappointed with decision, not with process~~ ~~• Review if the decision is not working~~ ~~• Assist parties how to bring the decision back~~
Participant 07 (Chair of Licensing)	About 8 years or longer as Chair, elected every year. Chairs 50-60 hearings a year..	Letting people speak and be heard: Hearings provide a good opportunity for views to be heard and for middle ground to be found (Outcome). Factors-attitude, motivation: Very attractive to Councillors. Opportunity for views to be heard is much more circumscribed in planning. Planning law is different. Much less room for manoeuvre. Process is perceived to be good. Factor-national legislation: hearing is individual, decision based on merits of individual application, not affected by SLP. Factor-demographic: hearing is affected by who turns up. Less structured process: Have more than 5 minutes to speak, generally 10-15 minutes is completely acceptable if needed. We pull them up if they are wordy and repetitive. Discourage people if they are saying the	~~• All who turn up has opportunity to speak, be heard and be questioned~~ ~~• Middle ground~~ ~~• Can have a long hearing if many people show up, flexible~~ ~~• More than 5 minutes to speak, generally 10-15 minutes~~ ~~• Pull people up if wordy, repetitive~~ ~~• Quasi-judicial but people can speak more freely than in Court, good airing~~ ~~• Process is perceived to be good~~

		same thing. But as many people who turn up have opportunity to speak and be questioned. Can be a long hearing so we are flexible. We give a good airing, not just reading stuff. We are trying to do something within a legal framework. It is quasi-judicial, but giving people opportunity to speak more freely in court. Factor-legal constraint: It's the best we can do within a legal framework.	• ~~Decision-making constrained by a legal framework, people who turn up~~
Participant 11 (Chair of Licensing Committee)	8 years Chair.	Letting people speak and be heard: Have to give a residents a sense that views are heard and weighed into account. Appearance of procedural balance between two parties. Factor-view: odd meaning of balance. Unbalanced in the legal sense, very balanced in the procedural sense, in the sympathetic communicative sense. Balance is tipped in residents' favour by giving them lot of time to air their views. Kind of conflict: NIMBY, weigh fear of unknown vs. business model, using the licensing regime for something else (festival in park). Problem: tricky balancing act because it requires evaluative judgement of probability based on business model, not conditions. Can't take everything legally into account. Explaining the unfavourable decision: Solution is explain Committee has understood the case, and the verdict in very careful ways/politely to dispel the hypothetical concerns/ imagined future of residents that Committee feels are improbable. Outcome: Promise to residents that licensing authority will monitor the promise so the imagined future will not happen. Explaining their lack of legal power, using legal rules, using the legal language to disperse a dispute why they can't do something, to dampen people's anger away and to sound good. There will be appeal, Court will reverse them, they would lose thousands of legal pounds. Outcome: Perception of process as legitimate is important even if one does not like the outcome. Not satisfied with the outcome but can reconcile with it. Assigning a spokesperson: Elect one, two spokespeople when there is a large number of residents who often say the same thing. The more people there are saying the same thing over and over, the least productive the hearing gets. Factor-setting: Tribunal setting with kind of conflict: two sides; the applicant is aggravated constantly hearing the other camp repeating. People get more anxious, possibly due to massive herd effect, when the same thing is repeated over and over. One person speaking on	• ~~Balanced in sympathetic communicative sense~~ • ~~Residents given more time to air their views~~ • ~~Sense of/appearance of views being weighed into account~~ • ~~Cannot take views legally into account~~ • ~~Difficult balancing act, use of evaluative judgement~~ • ~~Unbalanced in legal sense~~ • ~~Promise to losing party of future monitoring so imagined future will not happen~~ • ~~Explain verdict politely, very carefully why something is probably not going to happen~~ • ~~Use of legal language to sound good~~ • ~~People's anger~~ • ~~Assign spokesperson~~ • ~~Perception of process as legitimate is important even if decision is unfavourable~~ • ~~Not satisfied with the outcome but can reconcile with it~~

		behalf of a group about specific issues contains issues. Allows the committee to be a lot more direct in questioning because they are speaking in a representative rather than personal capacity. Factor: Demographic, middle-class, active residents' association that will chase things	
Participant 14 (Chair of Licensing Committee)	Large part of work is chairing Licensing Panels rather than chairing committee hearings. Member of various groups dealing with alcohol related harm. 29 years experience in licensing panels.	Licensing panels ask thorough and lots of questions, transparent with how license was granted. Want to try and make people have faith in what is being done. People get a bit fussed with possible corruption, want everything in the open. Applicant is asked to explain the application, we ask questions to clarify. Police asked why they are objecting. Everyone, all around the room, is asked questions. People have to be absolutely clear why they are doing something. Factor-values, motivation: Good feeling, sense of achievement, people are happy with what they got. Have to work at constantly finding compromise. To persuade people is to listen to them. If you override people, you will end up with a lot of resentment and people feeling hurt. Listen to what people are concerned about. For example, they just do not want more police, they want the old PCSO's back. Make sure minority knows what you are doing and why, it's that whole thing about being transparent and open. Emotions/tensions: How to manage and stop people from becoming angry and very critical. Make people feel they've been listened to. Assuage doubts. Try to do 50% of what they like.	~~• Transparency in licensing decision~~ ~~• Listening~~ ~~• Persuasion~~ ~~• Everyone is asked questions of clarity and justification~~ ~~• Sense of achievement for Councillor~~ ~~• Compromise, middle ground, people's satisfaction with result~~ ~~• Explain what you are doing and why~~ ~~• It's about being transparent and open~~ ~~• Make people feel they've been listened to~~ ~~• Assuage doubts~~ ~~• Try to do 50% of what they like~~

Sub-theme: tackling specific concerns

Participant	1. Background	5.2 Balancing by addressing specific issues	Elements
P02 (Public Health)	Public health team lead for licensing for about 1 year. 5 years in the position. Reviews licensing applications.	Type of conflict: two-camps. Not about whether a representation is right or wrong, but whether covered by policy. If it's about noise, nuisance, it's about the conditions – windows shutting properly, making sure that everyone will not come out at the same time and how the applicant is addressing those conditions with evidence of problem not going to be an issue. Applicant has to explain why the issue is not going to be a problem because they would not do this, this and this.	• ~~Evidence/reasoning that problem is not going to be an issue~~ • ~~Conditions to address problems of noise, nuisance, etc.~~
P04 (Police Licensing Officer)	Over 5 years experience as licensing officer and 17.5 years as police. Represents on behalf of police, not members of general public.	If representation is not valid, the representation will be refused. Right of appeal if don't agree with Committee's decision	• ~~Representation has to be valid.~~ • ~~Right of appeal~~
P05 (Police Licensing Officer)	11 years in licensing. Licensing coordinator for police. Works in partnership with other depts. of local authority to deal with problematic premises.	Problem: Whether the noise is acceptable is a judgement call. Use multi-agency approach. Environmental health to put noise monitoring equipment to create evidential picture. Evidence base or baseline measure of level of noise. Not conclusive. Listen to what people say to learn more about the noise. Use problem-solving approach (e.g. where the noise is coming from, who is making the noise). Noise is easiest to resolve because one can put a noise monitoring equipment in. If people are congregating outside, challenging to resolve because police cannot tell people to go away. Need to explore various avenues, what you are able to address. Step by step. Identify issues or the problem. Engage with everybody concerned. Put measures such as conditions to resolve the particular issues. Put things under the microscope and see what's going on. All about sorting the weed from the chaff. Need to be realistic. Place is absolutely booming at 2am and opened all windows and doors. Realistic is the evidence base or report (e.g. diary sheet) to get a picture of what is going on and be able to do something. Nothing going on at the moment. Do not overpromise because there is an expectation you can do it. Problem: I get all sorts of complaints, noise is not police's bag, like a Durrell world, need to be realistic. It grinds and grinds and grinds. Outcome: people	• ~~Problem: subjectivity of evaluative judgement, Durell world of complaints~~ • ~~Engage with all stakeholders, multi-agency approach with responsible authorities~~ • ~~Listen to what people say~~ • ~~Identify issues or the problem~~ • ~~Look at problem under the microscope, probe~~ • ~~Need to be realistic - evidential picture (diary, measure from noise monitoring equipment)~~ • ~~Need report to get a picture and be able to do something~~ • ~~Sort the weed from the chaff~~ • ~~Explore various avenues, what you are able to address~~ • ~~Address problems step by step~~ • ~~Put measures such as conditions to resolve particular issues~~

		reasonably happy if some action is taken. Understanding through evidence base. Can't resolve sometimes in hearing. View: No result in a hearing. They are happy to listen and will give a penny's worth. Some people do not just like living next door to a premise or do not have tolerance level. Opinion does not match evidential standard. Does not hold weight in court. Kind of conflict: NIMBY. Factor-attitude: works closely with EH. Outcome: stuck with the whole premise of licensing world. One or two procedural things changed with licensing guidance on.	• ~~People reasonably happy if some action is taken~~ • ~~Stuck with whole premise of licensing world, only procedural things changed~~ • ~~Can't resolve sometimes in hearing.~~
Participant 06 (Licensing Officer)	Licensing Team Leader. Looks at both policy and applications. 3.5 years in the job.	Problem: Very difficult to get residents to engage in the process. Occasionally quite difficult to get business owners to try to understand the problem and do something to mitigate the problem. Residents do not provide evidence through diary sheets of what actual problem is. Noise service patrols and collects evidence, deals with complaints. Business not doing perimeter check to understand the problem. Difficult balancing act between the demands of residents who want to have a good night's sleep and the demands of business. Sort of conflict we deal with on a normal, day-to-day, routine basis. Problem: decision-making is difficult because it is not clear who is at fault and therefore, has to make a change to satisfy the other party. For every course of action, a negative headline against it. Views change regularly depending what newspaper headline says. Outcome: fine line of views that Council is anti-business. No magic bullet to resolve the problem immediately. Businesses provide entertainment. Residents pay Council tax and expect quality of service and quality of life. Problem: local policy. The Council is in a middle position. There is no policy direction for dealing with this, but I imagine there will be a medium balance between the type of conflict: polar extremes. I doubt a definitive policy direction in favour of either residents or business. No right and wrong answer. Treat each case as different. Everything happens for different reasons. Can't make a balanced decision unless you have spoken to complainants and perpetrator. Try and make both parties understand where each is coming from and address this gap. Manage expectations as to what can and can be achieved. History of venue. But equally collecting evidence of what actual problem is. People complain for various reasons and varying level of detail. One single unsubstantiated complaint will not hold much weight compared to a series of well evidenced complaint. All complaints	• ~~Difficult to engage residents in the process (e.g. recording in diary of what actual problem is) and make business understand the problem and do something~~ • ~~Difficult balancing polar extremes~~ • ~~Not clear who is at fault~~ • ~~No policy direction for dealing with the problem~~ • ~~Every course of action, there is a headline for or against it~~ • ~~Views change regularly depending what newspaper headlines say~~ • ~~Fine line of views that Council is anti-business~~ • ~~No magic bullet to resolve the problem immediately~~ • ~~Council is in middle position~~ • ~~Deal with conflict on day-to-day basis~~ • ~~Each case treated as unique~~ • ~~Problem: no policy direction in favour of either residents or business~~ • ~~Need to manage expectations of what is achievable~~ • ~~Try to fill gap of lack of understanding from both sides~~ • ~~Still need to identify actual problem with evidence~~

		are treated as evidence, logged to build picture over a period of time. Evidence of noise problem causing serious effect on resident's life. Then take action – measures that will mitigate the noise, use the different routes available to licensing service or environmental health, formal or informal action via different statutory mechanisms to address the problem. But give premises opportunity to address the issue. Balance in terms of outcome: The medium balance is one where everybody is happy that is not possible between two polar extremes. We try to balance, but we end up keeping nobody happy. Outcome: review or statutory nuisance to re-regulate/license/curtail noise before 11pm or conditions imposed. Review allows transparent opinion. Needs evidence to do something about it and determine appropriate measures. Power available to residents. Problem: noise from premises at deregulated hours. Right to appeal delays matters, drags, cause a great deal of frustration to all parties (business, residents, council), costs, time, thrash things out.	~~• Series of well substantiated complaint and evidence of problem will carry a lot of weight~~ ~~• Complaints not disregarded, combined to build a picture over a period of time.~~ ~~• Combined evidence used to have view of policy direction or course of action~~ ~~• Solve conflict via informal and formal action – different routes available to environmental health and licensing, measures to mitigate the problem, statutory mechanisms~~ ~~• Give business opportunity to address the problem themselves~~ ~~• Medium balance is everybody is happy, but no one ends up happy~~ ~~• Review or statutory nuisance to re-regulate/license/curtail noise before 11pm or conditions imposed.~~ ~~• Review allows transparent opinion.~~ ~~• Review needs evidence to do something about it and determine appropriate measures.~~ ~~• Review is power available to residents.~~ ~~• Problem: noise from premises at deregulated hours.~~ ~~• Problem: Right to appeal delays matters, drags; causes a great deal of frustration to all parties (business, residents, council), costs, time; thrashes things out.~~
Participant 08 (Licensing Officer	Licensing officer since previous regime. Wrote first SLP in a different Borough. Re-wrote a SLP based on changes in law in 2011. Licensing officer in various London	Problem: Business contributes to local economy, employs people, but can cause problems – where the balancing act lies that is a big problem. Where do you put that bar and how flexible is the bar. Every case is different – premises, business model, residents, geography. Problem: Can be a frustrating process at times. Kind of conflict: two camps. Resident normally takes a fairly simplistic view, not familiar with the nuances premises operate.	~~• Kind of conflict: two camps, residents take a simplistic view~~ ~~• Each case treated as unique~~ ~~• Frustrating process~~ ~~• Balancing benefit and negative impact of business is a problem~~ ~~• Often, one side is very entrenched~~

	Boroughs on short-term contracts. 29 years experience in licensing.	First question is 'is this relevant to the licensing objectives?' As officer, I apply a relevance test. If complaint does not pass, no hearing. Do not weigh quality of evidence at officer level. Councillors will seek, impose compromise; make value judgements on representations, attach weights. Some applications are rejected outright if problems are significant, can't see a way around; some granted as applied for if residents' concerns aren't likely to be an issue. Councillors take a holistic view. Weighting-- an argument that is clear, well-reasoned why application will have negative impact, specifically taking a license objective with some fairly cogent reasons why the premise will have negative impact on an individual will carry weight. Factor-values: Generally, the Committee is more inclined to listen to residents, but residents have to be reasonable. Problem: Often, one side is very entrenched, not willing to move far enough. Many objectors, concessions do not go far enough for everybody, Better representations in affluent area than in deprived area. Big differences in what an applicant can get away with across communities. Put conditions to put control on the potential problems. Environmental health team judge an application on where it is, the hours it will operate, activities, volume of music, windows, no drinks or music outside. Representation is still valid if living far from the premises because changes in the Act in 2011 removed the vicinity test, but we would not take too much notice of it; it will carry far less weight. Impact on alcohol environment: potentially decisions can have a pattern effect. Difficult to stereotype an application. Every application is different. Outcome: Residents' very unwilling to initiate reviews. Quite daunting, lots of work. Don't have money to pay for representation. Big operator will turn up with a barrister and consultants. Appeal to Magistrates Court for premises applications. Residents will rarely take that challenge.	~~• Many objectors, concessions do not go far enough for everybody~~ • Councillors seek or impose compromise, make value judgements, attach weights • Licensing officer does not weigh, determines relevance of complaints ~~• Councillors take a holistic view~~ ~~• Weighting based on good reasoning and relevance to licensing objectives~~ ~~• Residents have to be reasonable, not entrenched~~ • Differences in quality of representation in affluent and deprived areas ~~• EH look at specific issues~~ ~~• Conditions to control potential problems~~ ~~• Compromise~~ ~~• Conditioning not done all the time, some refused outright, some accepted as applied for~~ ~~• Concessions do not go far enough for everybody~~ ~~• Potential pattern effect of licensing decisions~~ ~~• Review is quite daunting and lots of work~~ ~~• Residents unwilling to initiate reviews/appeal and don't have money to pay for representation~~ ~~• Big operator will use barrister and consultants in reviews/appeal~~
Participant 09 (Licensing Officer)	Manager of regulatory services. Processes applications, issues licenses,	Finding right balance between peaceful life and exciting, diverse NTE. Kind of conflict: two camps. Residents want no more cafés in CIAs. Factor-values: local authority is neutral, upholds licensing objectives. Problem: Difficult when parties aren't willing to work together. Not	~~• Kind of conflict: two camps, residents want no more cafés in CIAs~~ ~~• Action supported by evidence at least to some extent~~

	monitoring compliance. Develops SLP. Holds Panel hearings when there are representations. 10 years in licensing.	willing to consider anything else. Got to make sure you arrive at the correct conclusion. Agreement which suits both parties. Attaching proportionate conditions, which tackle concerns raised. Outcome: Never resolve it completely. Will not reject the license application outright to meet the demand of the objector. Any action taken has to be supported by evidence to a certain extent suggesting negative impact, not purely speculation, relates to one or more licensing objective, fits with government guidance, views of responsible authorities, business, legal, all stakeholders. Police's views will carry a lot of weight; primary authority for safety, crime and disorder; will weigh up against residents' views. Determine appropriate options. Licensing Committee/elected members makes the decision. Balancing act is not having said no to cafes. We limited the hour, put a terminal hour, people who consume alcohol have to be seated, create a café culture rather than a vertical drinking establishment. Wide ranging powers to deal with genuine issues. Review or prosecution. Retrospective. Outcome: review is very protective of residents if application is granted because there's not evidence to refuse. Good power if premise subsequently causes issues. Relatively simple, really good, inexpensive, relatively quick, inclusive process. Not difficult to initiate a review. Not like a courtroom. Can take into account all sorts of evidence. Lot of flexibility in measures to resolve issues. Engages all relevant parties, discussing and cross-examining each other. Good way of doing it. Prosecution is lengthy, costly, scripted, less flexible.	~~• Not purely speculation~~ ~~• Relates to one or more licensing objective~~ ~~• Difficult when parties aren't willing to work together~~ ~~• Not willing to consider anything else~~ ~~• Attaching proportionate conditions, which tackle concerns raised~~ ~~• Uncertainty in correct conclusion~~ • Police's view carry a lot of weight ~~• Fits with government guidance~~ ~~• Informed by views of a host of stakeholders~~ ~~• Options need to be appropriate~~ • Licensing Committee makes the decision ~~• Balancing by applying specific conditions~~ ~~• Never resolve it completely~~ ~~• Review very protective of residents if application is granted because there's not evidence to refuse~~ ~~• Review is good power if premise subsequently causes issues.~~ ~~• Review is relatively simple, really good, inexpensive, relatively quick, inclusive process~~ ~~• Not difficult to initiate a review~~ ~~• Can take into account all sorts of evidence in review~~ ~~• Lot of flexibility in measures to resolve issues in review~~ ~~• Review engages all relevant parties, discussing and cross-examining each other~~
Participant 10 (Licensing Officer)	Advisor to licensing process and enforcer – receives complaints from the public and makes the correct arrangement on the	Kind of conflict: few representations, not for large scale events where there is a lot of representations. Observe the noise nuisance, go to the premises, see what is going on to have a clear understanding of its nature. Invite the licensee for a discussion. Monitor to check if there is improvement and then issue is resolved. Take enforcement action if no improvement. Review in worst case scenario. Condition the license such	~~• Investigate the problem to understand~~ ~~• Discuss with the licenses~~ ~~• Mediate by speaking to both parties~~ ~~• Find a common ground where everyone is happy~~ ~~• Take enforcement action if no improvement~~

	license according to the Act. 2.5 years in licensing.	that conditions will mitigate the problems the representation raises. Mediate by speaking to both parties to find a common ground, resolve the issues, make everyone happy. Outcome: both groups not pleased. Hopefully right agreement is reached. Complainants can come back to licensing officer if issues continue. Further procedures to help affected person push to right agreement. Licensing officer constant communication with complainants. Review if issues continue. Act gives opportunity to take conclusion further if not happy with it. Right to appeal. Review is worst case scenario if no improvement.	~~• License review is worst case scenario~~ ~~• Condition the license to mitigate the problem~~ ~~• Monitor to check for improvement~~ ~~• Both groups not pleased~~ • For few representations ~~• Hopefully right agreement is reached~~ ~~• Complainants can come back to licensing officer if issues continue~~ ~~• Further procedures to help affected person push to right agreement~~ ~~• Licensing officer constant communication with complainants~~ ~~• Act gives opportunity to take conclusion further if not happy with it~~ • ~~Review is worst case scenario if no improvement~~
Participant 12 (Licensing Officer)	Processing of applications and dealing with contested applications. Conciliation. Advises applicants. Enforcement and monitoring. Oversees creation of SLP. 19 years in licensing.	Reason behind the view, what the impact is. Look at the facts and context relating to the representation. Can deal with noise really well, but can't effectively old buildings wherein a party wall is shared. Licensing officer does conciliation, gives advice to both residents and applicants. Committee: quasi-judicial process of decision-making, evidence-based, each case on its merits. Look at merit of applicant and merit of objectors. Outcome: works out a way to satisfy both parties. Action based on evidence of effect vs. hypothetical concern. Committee slightly more in favour of residents than applicants if residents have history of problems. Business model does not have control of the potential problems. If evidence from residents is not very good, Committee will look at history of problems. All views are counted, but weighted according to its merits. Identify why residents are unhappy – complaining about x, y, z. Look at what people are complaining about. Quite clearly, it all boils down to the type of activity, hours of operation, management of the premise, personal characteristic of the complainant. Need to look at all these things. Outcome: review process if complaints are hypothetical, no evidence to suggest problem.	~~• Reasoning behind the view~~ ~~• Merit of applicant and objectors~~ ~~• Licensing officer does conciliation, gives advise to both parties~~ ~~• Committee finds way to satisfy both parties~~ ~~• History of problems if evidence is not good, related facts, context~~ ~~• Do not rely on business model to dispel concerns~~ • Quasi-judicial decision-making in Committee ~~• Evidence based~~ ~~• Each case on its merits~~ ~~• Action based on evidence of effect vs. hypothetical concern~~ ~~• Explore specific issues~~ ~~• Review process if complaints are hypothetical~~

Participant 13 (Licensing Officer)	Licensing Team Leader. Processing of applications. Enforcement. Dealing with residents, responsible authorities, lawyers, Committee. Involved in residents' meetings, hearings, appeals in Magistrate Court. 22 years experience in licensing.	Factor-values: Friendly to business and NTE. Committee can impose conditions and licensee has no choice. Submit a minor variation to add relevant/additional conditions. Suspend license for 3 months if management structure is at fault, while the change management structure, operating order. Licenses can be revoked. Committee weighs whether vexatious or real. Outcome: licensees accept decisions, but not happy. Happy with resolution. Offer process support (vs. evidential) to residents who want review. Impact on alcohol environment: bad effects of alcohol on streets linked to licensed premises reduced compared to before legislation. Clubs paid for security officers. Joint effort between residents, licensees and regulators.	• ~~Committee can impose conditions~~ • ~~Change management structure or operating order~~ • ~~Weighting of views based on whether they are vexatious or real~~ • ~~Licensees accept decisions, but not happy.~~ • ~~Happy with resolution~~ • ~~Bad effects of alcohol on streets linked to licensed premises reduced compared to before legislation~~ • ~~Joint effort between residents, licensees and regulators~~
Participant 03 (Chair of Licensing Committee)	4 years Chair of Licensing Committee, 14 years experience in Licensing Committee.	Balanced decision in accordance with the law. Responsible authorities will add conditions to address concerns. If concern is related to planning, it will be discounted. Weigh – vexatious or real	• ~~Discount concern if related to planning, vexatious~~ • ~~Conditions to address concerns~~ • ~~Balanced decision according to law~~ • Offer process support (vs. evidential) to residents who want review
Participant 07 (Chair of Licensing)	About 8 years or longer as Chair, elected every year. Chairs 50-60 hearings a year.	Problem: Very difficult balance of policy that works for the minority, but does not restrict something that is broadly popular. Probing. A lot of interplay is worked out. We ask people what's bothering them. Are you ok with 12 mn instead of 2am closing time? What will happen if pulled back to 11pm? That's the best that can be done. Relies on people turning up so hold hearings in the evening. Trying to put in a formal setting, covered by rules. Councillors make the decision if needed, mediate, look for middle ground. Not looking at the situation in reality, but a version of it that you're trying to get as complete as possible. The version is all we have and decisions are based on this version. Everything around this version in terms of local policy has to be geared towards helping the forum to be effective. Factor-context: urban, committed regeneration and jobs, Mayor supportive of NTE. Factor-values: Councillors genuinely in the middle. Be of help to residents but not against NTE. Outcome: No compromise, law is permissive.	• ~~Problem: policy that works for everyone, the majority and the minority~~ • ~~Question people, probe, thought experiment~~ • ~~Relies on as many people turning up at the hearing~~ • ~~Formal element in setting, covered by rules~~ • ~~Councillors make decision, mediate~~ • ~~Councillors look for middle ground if possible~~ • ~~There is a real situation~~ • ~~Try to get the version as complete as possible~~ • ~~Decision is based on version of reality~~ • ~~Decisions and policy are based on that version~~ • ~~Context: urban, Mayor supportive NTE, local authority committed to regeneration and jobs~~ • ~~No compromise, law is permissive~~

Participant 11 (Chair of Licensing)	8 years Chair.	Problem: tricky balancing act. Use of evaluative judgement that nature of business means residents' imagined future will not happen. Two considerations are being traded-off between commercial viability of license, and quality of life of residents. Cannot impose a condition on the license that will meet the residents' demands, that is not legal. Kind of conflict: two camps, various specific concerns. Problem: Difficult balancing historical and cultural concerns. Views are accommodated in specific decision-making areas such as opening hours. We do not deal with the concern that they just don't want the premise there; it is unrealistic. The sensible balancing act is making the premise open until 11 pm Sunday through to Thursday and 2am at the weekend. Outcome: This addressed half of the complaints. Concern was dispersal at late hours. Balance within the framework of the Licensing Act. Also, balance in terms of meeting the core concern of residents, directly tackling things that were of concern, but not background elements, the moral or aesthetic concern behind the dislike of licensed establishments. No sufficient grounds to refuse license, seemed going to be relatively well-run, would be able to meet needs. 2/6 present in hearing said decision was fair, 40 wrote into the complaint. Representativeness not certain. Those present in the hearing, motivated informed and exposed to the decision-making process. Easy to satisfy people in the room. Example: Kind of conflict: two-camps and specific concerns about noise. Agreement was to put a noise insulation cover at 9pm. One resident said it was fair and they can get sleep. This was able to form a sufficient balance of views. Example: Kind of conflict: two-camps One side resolute and complaining about everything and anything. No resolve, complaints died down, people got used, stopped complaining. Example: Kind of conflict: specific concerns about hours, dispersal, noise. Balance – re-designed the queuing and dispersal plan so the business can keep the hours they want to open. Directly tackling things of concern of residents. Reached much higher agreement.	• Kind of conflict: two camps and various specific concerns • ~~Cannot meet concern that people just don't want the premise there~~ • ~~Cannot meet residents' concern by an unlawful condition~~ • ~~Balance within the framework of Licensing Act~~ • ~~Views accommodated in specific decision problems~~ • ~~Balance in terms of meeting core concern, not background elements~~ • ~~Directly tackling things of concern~~ • ~~No sufficient grounds to refuse license, seemed going to be relatively well-run, would be able to meet needs~~. • ~~Sufficient balance of views~~ • ~~Much higher agreement~~ • ~~Tricky balancing act. Use of evaluative judgement that nature of business means residents' imagined future will not happen~~ • ~~Difficult balancing historical and cultural concerns~~ • ~~Satisfied 50% of complaints~~ • ~~2/6 present in hearing said decision was fair, 40 wrote into the complaint.~~ • ~~Representativeness not certain.~~ • ~~Easy to satisfy people in the room.~~ • ~~No resolve, conflict died down, people stopped complaining~~ • ~~Impact on alcohol environment: Licensing decisions cause wider environment to change hugely~~ • ~~Conditions have to proportionate in terms of effect and of the environment~~ • ~~All decisions add up~~

		Impact on alcohol environment: Not formally bound by precedent. Licensing decisions cause the wider living environment of premises to change hugely. All decisions add up in terms of hours. Conditions have to be proportionate in terms of effect and of the environment..	
Participant 14 (Chair of Licensing Committee)	Large part of work is chairing Licensing Panels rather than chairing committee hearings. Member of various groups dealing with alcohol related harm. 29 years experience in licensing panels.	Problem: Very difficult to obey so much legislation. Councillors can't say they just don't like them. Have to be quasi-judicial. Ask a lot of questions to be thorough. Ask everybody questions of clarity. Listen to specific concerns of people. Need to explore, work it. We want to be transparent. Ask people police, objectors why they are objecting. Have to be tough. Residents expect. Need to be clear why something is being done and be able to accept conditions on it. So everybody's happy with what they've got. Factor-values, motivation: feeling of great sense of achievement. You have to be the type of person who wants to find compromise, not overriding people, or end up with people with resentment and hurt. Trust in politicians is low. Outcome: people like consensus. Kind of conflict-two camps: People have difficult views, do not want anything, think that saturation means cannot give a license to anybody. Can't turn down a license application for a restaurant because it is allowed by the policy. Put heavy conditions because can't turn down a license application, but must have very good reasons for turning down or you will turn up at Magistrate Court. Factor-motivation: difficult to turn up at Court. Problem: Difficult to turn down a license. Need to be a master in giving license and protecting residents or will turn up at Magistrate Court. Outcome: Some residents still not happy we have given a license. Can have uneasy feelings about some people, but need to provide some evidence. Persuasion is listening, which has not happened for a while.	• ~~Work out, explore areas of agreement and compromise~~ • ~~Ask a lot of questions of clarity~~ • ~~Persuasion by listening~~ • ~~Identify specific concerns~~ • ~~Thoroughness~~ • ~~Transparency~~ • ~~Have to be tough~~ • ~~Justifying objections and applications~~ • ~~Outcome: everybody happy~~ • ~~Do not override people~~ • ~~Improve trust in politicians~~ • ~~People have difficult views, do not want anything~~ • ~~Can turn down applications but need good reason~~ • ~~Need to be a master in giving license and protecting residents or will turn up at Magistrate Court.~~ • ~~People not always happy license was given~~ • ~~Need for evidence despite uneasy feelings about people~~ • ~~People like consensus~~ • ~~People happy with conditions they got~~

Sub-theme: group processes

Participant	1. Background	5.3 Group processes	Elements
P05 (Police Licensing Officer)	11 years in licensing. Licensing coordinator for police. Works in partnership with other depts. of local authority to deal with problematic premises.	Work with licensees and residents. We helped out with licensed premises	• ~~Works with licensees and residents~~ • ~~Helps out premises~~
P08 (Licensing Officer)	Licensing officer since previous regime. Wrote first SLP in a different Borough. Re-wrote a SLP based on changes in law in 2011. Licensing officer in various London Boroughs on short-term contracts. 29 years experience in licensing.	Ideally I will get both parties together. Best if you do it in the venue. Sometimes facilitated by a Councillor, who quite like doing it. Mediation process can work with good faith in both sides. Resident who says no to everything is being unreasonable. Sometimes licenses have an attitude. Committee will make its decision. Applicant sits down with people who live near and explain what they want to do and how they perceive will not cause impact. Quite often, when people see a headline, they don't read into it hence, do not understand what will happen. Often when applicant hears concerns, will come up with solutions.	• ~~Mediate by getting parties together, sometimes Councillors facilitate~~ • Residents do not usually understand what is going on when they see a headline • ~~Mediation needs faith from both sides~~ • ~~Applicant often come up with solutions when hears concerns~~
P09 (Licensing Officer)	Manager of regulatory services. Processes applications, issues licenses, monitoring compliance. Develops SLP. Holds Panel hearings when there are representations. 10 years in licensing.	People around a table, discussing issues, cross-examining each other and ask questions to each other. View: good way of doing it.	• ~~People around a table cross-examining one another~~
P10 (Licensing Officer)	Advisor to licensing process and	Beneficial when parties are willing to work together and come up with an agreement informally that suits both. Visit, speak to both parties, arrange	• ~~Visit, speak to both parties, arrange meetings~~ • ~~Informal agreement~~

	enforcer – receives complaints from the public and makes the correct arrangement on the license according to the Act. 2.5 years in licensing.	meetings. First steps in licensing policy we should be doing. Difficult when people aren't willing to work together, only want a particular outcome, will not consider anything else. Difficult to arrive at a right conclusion. View: happy with the mediation we do for licensees. Committee will have to use their local knowledge to come up with a proportionate condition and tackles concerns raised. Impact on alcohol environment: mediation is in line with Act.	~~• Parties have to be willing to work together~~ ~~• Difficult to arrive at the right conclusion if parties aren't willing to work together, only want a particular outcome~~ ~~• Committee will make their own decision~~ ~~• Committee will use local knowledge~~ ~~• Proportionate condition~~ ~~• Impact on alcohol environment: mediation is in line with Act~~.
P12 (Licensing Officer)	Processing of applications and dealing with contested applications. Conciliation. Advises applicants. Enforcement and monitoring. Oversees creation of SLP. 19 years in licensing.	Before hearing starts, we have negotiations to find middle ground. We encourage businesses to talk to residents. Those who aren't happy to engage are unlikely to gain favour from the Committee.	~~• Do negotiations to find middle ground~~ • ~~Encourage business to talk to residents~~
P13 (Licensing Team Leader)	Licensing Team Leader. Processing of applications. Enforcement. Dealing with residents, responsible authorities, lawyers, Committee. Involved in residents' meetings, hearings, appeals in Magistrate Court. 22 years experience in licensing.	Licensing, police, environmental health work together to find something both parties can accept, talk together rather than take to review. Prosecuting licensees or imposing a fine is not a solution. Does not impose conditions. Work with residents on a daily basis. Solutions are joint effort between licensees, residents and regulators. Licensing officers' normal work during the week is getting people to work together, identify problems with police and EH, find solutions. This work has evolved. Enforcement is not the correct title because officers resolve issues. Outcome: usually successful, if not, goes to Committee. We find what the issues are between residents and operators and try to resolve.	~~• Partnership working/joint effort with other responsible authorities, licensees and residents~~ ~~• Does not impose conditions~~ ~~• Partnership working preferred to review, prosecution or fine~~ • ~~Normal work week: getting parties together, work with police and EH, find solutions~~. ~~• Work has evolved~~ ~~• Resolution rather than enforcement~~ ~~• Something that both parties can accept~~ ~~• Outcome: usually successful~~
P03 (Chair of Licensing Committee)	4 years Chair of Licensing Committee, 14 years	Allow objectors and applicants to question each other. Outcome: through the conversations, responsible applicants will take on residents' concerns, try and meet those concerns and agree to conditions.	~~• Allow parties to question each other~~ ~~• Applicants will take on residents' concerns~~

	experience in Licensing Committee.		
P07 (Chair of Licensing Sub-Committee)	About 8 years or longer as Chair, elected every year. Chairs 50-60 hearings a year.	Factor-attitude: I like hearings, opportunity for open discussion among people Open discussion is very informal until needs not to be. When people are speak to each other, we pull that in, rather than through the Chair, until it is needed. Good opportunity for views to be heard that only happens when there is disagreement, people to say what is bothering them, what can make things better and for some kind of middle ground to be found. Process is open enough, people have enough time to understand what is happening and talk sensibly. Understand the pushes and pulls. It's not mediation exactly, sort of finding a compromise. After this, process of mediation is very difficult. Outcome: It works in a majority of cases.	• ~~Hearings are opportunity for open discussion~~ • ~~Hearings are informal~~ • ~~People talk to each other rather than through the Chair~~ • ~~Opportunity for views to be heard~~ • ~~People speak up when there is disagreement~~ • ~~Enough time to understand, works in the majority of cases~~ • ~~People talk sensibly~~ • ~~Mediation after this process is very difficult~~ • ~~Find compromise or middle ground~~ • ~~Works in majority of cases~~
P14 (Chair of Licensing Committee)	Large part of work is chairing Licensing Panels rather than chairing committee hearings. Member of various groups dealing with alcohol related harm. 29 years experience in licensing panels.	Cross-party working on everything. Factor-attitudes, values, motivations: builds relationships with people, it's easier, consensus is helpful to build support for policy, greater understanding, helps interpretation of policy. Kind of conflict: very diverse views. Some are very right wing. Consensus by persuasion: Difficult to bring together. Outcome: Have to engage people and create consensus. Look at how we've become tolerant of homosexuality and abortion in terms of freedom. Bring things to life, make them relevant. Get people to engage, hear their views and you will manage to find a bit of common ground even if the person is extremely right wing so you have a licensing policy which people generally, 75-85%, agree with. Need to constantly find that, work on it and do it more and more; society is becoming more and more complex. Politics of persuasion is listening. Need to take people with you or you get mini-revolutions on your hands.	• ~~Cross-party working on everything~~ • ~~Relationship building~~ • ~~Consensus is helpful~~ • ~~Compromise~~ • ~~Building support for policy~~ • ~~Greater understanding~~ • ~~Helps with policy interpretation~~ • ~~Abstracting problems to create consensus~~

Sub-theme: strategic, policy-driven approaches

Participant	1. Background	5.3 Strategic	Elements
P06 (Licensing Officer)	Licensing Team Leader. Looks at both policy and applications. 3.5 years in the job.	Problem: very difficult balancing act. The biggest sort of conflicts we deal with on a day-to-day basis. Nothing specifically in our policy about it. Noise is not necessarily a problem of the licensing aspect of the premises; has been there for a long time, recurring throughout the day, premises are otherwise well run Licensing is not regulated until 11pm. Premises are otherwise well run. My intention is to ask the Committee, when the SLP is reviewed in 2020, what direction they want to go in – (i) that residents who live in the town centre have to accept the town centre is a noisy place or (ii) no more premises in the town centre, which is becoming increasingly residential. Only one high profile complaint being dealt with via statutory noise nuisance that is why the policy has not changed. Kind of conflict: two camps	~~• Deals with conflicts on a regular basis~~ ~~• Difficult balancing act~~ ~~• Nothing in the policy about dealing with the noise-nuisance conflict~~ ~~• Noise is not attributed to any particular premises, which are well run~~ ~~• Noise is deregulated until 11pm~~ ~~• Intends to ask the Committee about their policy direction~~ • One high profile complaint being dealt with via statutory noise nuisance
P08 (Licensing Officer)	Licensing officer since previous regime. Wrote first SLP in a different Borough. Re-wrote a SLP based on changes in law in 2011. Licensing officer in various London Boroughs on short-term contracts. 29 years experience in licensing.	Made a policy of applicants making proactive contact with residents before putting an application in. At that point, concerns are heard. Some licensing officers advise applicants to do this. Problem: an uphill struggle to do this. Revised SLP following changes in the Law in 2011, I zoned the Borough into commercial and residential areas, and classified businesses to different types such that different premises have different preferred times, not definitive times, in areas where they are appropriate. Outcome: SLP revision generated a lot of negative headline, publicity and hundreds of responses, an unusual level. People grabbed headlines reading into the policy. Volume and response to consultation became an unwieldy beast, problematic. Ideally, Council has a strong policy, which Councillors' can use, with Section 182 Guidance, not just what both sides say. Policy is there to inform and guide. Councillors and applicants often do not have regard to the published policy. Some Boroughs have strong policies, which Councils can use; and Councillors know what is happening and interested to know. They understand the policy, applied it to their decisions, they came up with good decisions.	~~• Policy of applicants making proactive contact with residents~~ ~~• Zoning of Borough~~ ~~• Preferred times for different premises~~ ~~• Negative publicity of policy~~ ~~• Policy to inform and guide~~ ~~• Apply policy to decisions~~ ~~• Strong, useful policies~~ ~~• Councillors having regard to policy, not just what both sides say~~ ~~• Local authorities know their local area and can shape their area~~ ~~• Industry changes fast~~ ~~• Maintain status quo through CIP~~ ~~• CIP: make applicants work harder and engage in the licensing process a lot more~~ ~~• SLP revision generated a lot of negative headline, publicity~~ ~~• People grabbed headlines reading into the policy~~ ~~• Volume and response to consultation became an unwieldy beast, problematic~~

		Industry changes and comes up with different concept. Statement of Licensing Policy has a lifetime of 5 years. A lot can happen in an area in 5 years. Local authorities that think will try and use their local policy to shape what they want. There is an element that local authorities can shape their area because it is their area. It can be done to some extent but have to be reasonable Factor-context, legislation: licensing law brought a lot of problems, area changed significantly in short period of time. If opinions are so polarized, probably what you can only do is maintain the status quo. Can never reconcile two very far extremes. CIZ was an attempt to maintain the status quo. Focuses attention on those issues, makes applicant work harder and engage in the process more.	
P12 (Licensing Officer)	Processing of applications and dealing with contested applications. Conciliation. Advises applicants. Enforcement and monitoring. Oversees creation of SLP. 19 years in licensing.	Our approach to policy development has become sophisticated as time went by, so slightly different way of engaging with businesses and residents. Factor: There was a deregulation, rebalancing of licensing law in 2011. We needed to change our policy and came up with something different in terms of content. Needed to do something quite radical. We introduced the CIP linked to framework hours. We apply the principle of giving local authorities and residents greater control in the Statement of Licensing Policy. Policy feature: businesses working with the local authority demonstrating high standards and management This is effectively what a licensing policy is all about and we manage and implement on a day-to-day basis. Residents want certainty. Their big concern is hours and drunken people on the streets. The balance is linking CIP with framework hours. Restaurants, pubs, off licenses have specific hours. We've done the groundwork, crime stats, anti-social behaviour stats and drew our boundaries. We were clever where we drew our boundaries, the areas picked the high density premises, less commercial areas are not part of cumulative impact. Helped us in terms of decision-making and defend our decisions in court, how defense is run different in cumulative impact and non-cumulative impact. Problem: decision-making on applications not in cumulative impact areas, gives advise to applicants but some refused and some granted. Oppositions in non-cumulative impact areas, people do not read the policy	~~• Response to deregulation and rebalancing of licensing law in 2011~~ ~~• Time went by~~ ~~• Policy development has become sophisticated~~ ~~• Needed to change policy~~ ~~• Need to do something radical~~ ~~• Policy feature: high standards and management~~ ~~• Policy feature: business working with local authority~~ ~~• Residents want certainty~~ ~~• Introduce CIP linked to framework hours~~ ~~• Principle of giving local authorities greater control~~ ~~• Policy is implemented and managed on a day-to-day basis~~ • Balance ~~• Specific hours for premises~~ ~~• Helps in decision making~~ ~~• Decision-making different with policy~~ ~~• Policy of encouraging business to have wider offer, movie away from alcohol as lead for premises~~

		We've moved away from alcohol as the lead from premises in our policy and encourage businesses to have a wider offer.	• ~~Decision-making in non-cumulative impact areas~~ • ~~Oppositions in non-cumulative areas, people do not read policy~~
P13 (Licensing Team Leader)	Licensing Team Leader. Processing of applications. Enforcement. Dealing with residents, responsible authorities, lawyers, Committee. Involved in residents' meetings, hearings, appeals in Magistrate Court. 22 years experience in licensing.	General closing hour of midnight in Statement of Licensing Policy. Not hard and fast rule. Businesses have to convince local authority if they want to open beyond 12mn. Local authority want more information. Statement of Licensing Policy amended over the years.	• ~~General closing hour of midnight in SLP~~ • ~~Business to work harder in application~~ • ~~Not hard and fast rule~~ • ~~Change in policy over time~~
P07 (Chair of Licensing Sub-Committee)	About 8 years or longer as Chair, elected every year. Chairs 50-60 hearings a year.	Problem: Lot of pressure from residents to enlarge the Special Policy Area, but it is not uncontentious. There are areas which are not commercial nightlife areas. Difficult to define a residential area. Impact on alcohol environment: Cannot use licensing policy to steer night time economy plans. But, need to give residents opportunity to oppose something unreasonable in a residential area. Problem: difficult to define residential area however. Local policy was not strong enough in supporting people in those areas. National policy does not guarantee problems will not happen. Problem: This is difficult to do because Law allows you to open 24hr license whenever. Context: Poor planning and licensing decisions have been made. Resulted in residents suffering as a consequence. Very large impact on people's lives. Difficult to unpick afterwards Outcome: review is not easy to do. Local policy statement has to respond to these problems. 12 o'clock for residential areas. Outcome: dramatically unpopular with business. Core hours policy is not a curfew. It pushes businesses to do things better. All the time what we're doing in licensing. There will be a licensing hearing if hours beyond 12mn whether or not there is an objection to make sure that the right measures are put in place. Policy steers people to prepare for hearing. Statement of Licensing Policy does not that affect that each hearing	• ~~Problem: Lot of pressure from residents to enlarge the Special Policy Area, but it is not uncontentious~~ • ~~Problem: difficult to define a residential area~~ • ~~There are areas which are not commercial nightlife areas~~ • ~~Pressure from residents to enlarge Special Policy Area~~ • ~~Local policy not strong enough in supporting people in residential areas~~ • ~~Policy has to give opportunity for people to oppose something unreasonable in residential areas~~ • ~~Local policy has to be responsive to problems~~ • ~~Dramatically unpopular with business~~ • ~~Difficult to do because national policy allows you to do anything whenever~~

		is individual, each case decided on its merits, who turns up dramatically affects the hearing. Policy is geared towards helping this forum be effective. Outcome: hearing allows enough time for people to understand. Finding compromise, not mediation, works in the majority of cases. Problem: painful without core hours. Hearing a place for issues to be resolved, not for negotiation. Licensing policy is about underpinning the capacity of hearings to be fair. Problem: policy under judicial review. Core hours publicly interpreted as curfew, big backlash, lots of opposition, massive local and national publicity. People go to court, it is just about public relations. Really hard to get policy right. Outcome: review is very difficult to do. Premises will appeal. Impact on residents' lives difficult to unpick afterwards. Needs evidence that premise is doing something wrong. Need to make sure it will be ok when you give a license. Not much you can do if it's not ok and will completely change a locality. We do not use review as a policy/way to pacify residents. Will do everything to avoid review. Try not to go to court when we've had a review.	~~• National policy not sufficient to prevent and control problems.~~ ~~• Poor decisions have been made in the past.~~ ~~• Difficult to unpick bad decisions.~~ ~~• Core hours policy pushes business to do things better, put right measures in place~~ ~~• Core hours policy: decision-making (hearing) whether or not there is representation if hours >12mn~~ ~~• Policy steers people to prepare for hearing~~ ~~• Hearing a place for resolving issues, not negotiation~~ ~~• Core hours policy: making this forum effective~~ ~~• Licensing policy is about making hearings fair~~ ~~• Painful without core hours~~ ~~• Policy under judicial review~~ ~~• Core hours publicly interpreted as curfew~~ ~~• Big backlash, lots of opposition, massive local and national publicity on core hours~~ ~~• People go to court, it is just about public relations.~~ ~~• Really hard to get policy right~~ ~~• Enough time for people to understand in hearing (core hours policy)~~ ~~• Finding compromise, not mediation, works in the majority of cases~~ ~~• Review is very difficult to do. Premises will appeal.~~ ~~• Review needs evidence premise is doing something wrong~~ ~~• Does not use review as policy/way to pacify residents~~ ~~• Will do everything to avoid review~~ ~~• Try not to go to court when had a review~~ ~~• Impact on residents' lives and locality difficult to unpick afterwards through review~~

P14 (Chair of Licensing Committee)	Large part of work is chairing Licensing Panels rather than chairing committee hearings. Member of various groups dealing with alcohol related harm. 29 years experience in licensing panels.	Licensing defends our policy, constantly looking if something within policy. Our policy has to be exceptional and up to date. It is good that people know we stick by our policy. Factor-values: We're tough about it. Big policy review –people not happy with decisions. Problem: dilemma situation, drinking at work is allowed legally. Emotions, tensions: People don't complain about it, they are just annoyed, it is viewed differently.	~~• Licensing defends/sticks to policy~~ ~~• Policy up-to-date and exceptional~~ • ~~Tough about policy~~ • ~~Big policy review-people not happy with decisions~~ ~~• Dilemma situation, drinking at work is allowed legally, but harmful~~ ~~• No strong views about drinking in the workplace~~

Elements and Dimensions

Elements	Dimensions
• Everyone has the opportunity to speak • Everyone can be questioned • All who turn up has opportunity to speak, be heard and be questioned • Everyone is asked questions of clarity and justification • Listen to and challenge both sides • Committee will always listen • Everyone's viewpoint is put forth in the hearing's transcript and a decision is stated • Committee hearing as an opportunity for views to be heard • Very structured legal process. Outline representation in the same way • Same amount of time to speak, regardless of how vocal • Everyone can speak without time limits, no interruption • More than 5 minutes to speak, generally 10-15 minutes • Can have a long hearing if many people show up, flexible • Each person is given more than ample time (5 mins) • Only 5 minutes to speak • Group spokesperson elected • Pull people up if wordy, repetitive	Procedural balance – fairness in the process of resolving conflicts between parties
• Mediate by speaking to both parties • Works with licensees and residents • Licensing officer does conciliation, gives advise to both parties • Mediate by getting parties together, sometimes Councillors facilitate • Work out, explore areas of agreement and compromise • Visit, speak to both parties, arrange meetings • Normal work week: getting parties together, work with police and EH, find solutions • Discuss with the licensees • Informal agreement • Resolution rather than enforcement • Engage with all stakeholders, multi-agency approach with responsible authorities • Give business opportunity to address the problem themselves • Helps out premises • Policy feature: business working with local authority • Partnership working/joint effort with other responsible authorities, licensees and residents	Soft approach through mediation, exploration of solutions that will meet concerns with effort from licensing authorities. Outcome is a compromise or conciliation.

• Partnership working preferred to review, prosecution or fine • Does not impose conditions • Take enforcement action if no improvement • License review is worst case scenario	
• Cross-party working on everything • Consensus • Abstracting problems to create consensus • Persuasion • Persuasion by listening • Relationship building • Building support for policy • Helps with policy interpretation	Creating buy-in for a solution among parties
• People talk to each other rather than through the Chair rather than Committee making its own decision • People around a table cross-examining one another • Allow parties to question each other • Policy of applicants making proactive contact with residents • Encourage business to talk to residents • Applicant often come up with solutions when they hear concerns • Applicants will take on residents' concerns • Hearings are opportunity for open discussion • Hearings are informal • Do not override people	Non-involvement of licensing authority in conflict resolution
• Response to deregulation and rebalancing of licensing law in 2011 • Policy development has become sophisticated • Needed to change policy • Needed to do something radical • Residents want certainty • Introduced CIP linked to framework hours • Principle of giving local authorities greater control • Specific hours for premises • Decision-making different with CIP-framework hours policy • Policy of encouraging business to have wider offer, move away from alcohol as lead for premises • Policy feature: high standards and management • Cumulative Impact Policy: make applicants work harder and engage in the licensing process a lot more • Cumulative Impact Policy linked to framework hours: helps in decision making	Strategy (or lack thereof) to shift some burden of decision-making from licensing authority to applicant, but licensing authorities cannot make the strategy totally do the work of decision-making

• Policy is implemented and managed on a day-to-day basis • Make business work harder in application • Not hard and fast rule • Change in policy over time, time went by • General closing hour of midnight in Statement of Licensing Policy • There are areas which are not commercial nightlife areas • Pressure from residents to enlarge Special Policy Area • Local policy not strong enough in supporting people in residential areas • Policy has to give people opportunity to oppose something unreasonable in residential areas • Local policy has to be responsive to problems • National policy not sufficient to prevent and control problems • Poor decisions have been made in the past • Core hours policy pushes business to do things better, put right measures in place • Core hours policy: decision-making (hearing) whether or not there is representation if hours >12mn • Policy steers people to prepare for hearing • Core hours policy: making this forum effective • Licensing defends/sticks to local policy • Policy has to be up-to-date and exceptional • Tough about local policy • Difficult to do because national policy allows you to do anything whenever • Zoning of Borough • Preferred times for different premises • Policy to inform and guide • Apply policy to decisions • Strong, useful policies • Local authorities know their local area and can shape their area • Industry changes fast, adopt • Intends to ask the Committee about their policy direction • Nothing in the local policy about dealing with the noise nuisance conflict • Use Cumulative Impact Policy to maintain status quo, no more additional premises • Councillors having regard to policy, not just what both sides say • Big policy review-people not happy with decisions	
• Identify issues or the problem • Investigate the problem to understand • Listen to what people say	Enlarging public's understanding about their

• Everyone is asked questions of clarity and justification • Question people, probe, thought experiments • Ask a lot of questions of clarity • All information is challenged, and ambiguities clarified • Justifying objections and applications • Action supported by evidence at least to some extent • Questioning applicant based on residents' objections • Ask as much questions on complainant and licensee to get help with solution • Merit of applicant and objectors • Councillors take a holistic view • Committee will use local knowledge • Thoroughness • Complaints not disregarded, combined to build a picture over a period of time • Combined evidence used to have view of policy direction or course of action • History of problems if evidence is not good, related facts, context • Do not rely on business model to dispel concerns • Informed by views of a host of stakeholders • There is a real situation • Try to get the version as complete as possible • Decision is based on version of reality • Decisions and policy are based on that version • Relies on as many people turning up at the hearing • Change management structure or operating order	concerns by situating them in a context
• Explore specific issues • Identify specific concerns • Look at problem under the microscope, probe • Conditions to address problems of noise, nuisance, etc. • Conditions to address concerns • Put measures such as conditions to resolve particular issues • Environmental health look at specific issues • Address problems step by step • Need to be realistic - evidential picture (diary, measure from noise monitoring equipment) • Explore various avenues, what you are able to address • Need report to get a picture and be able to do something • Sort the weed from the chaff	Reducing a big problem into small actionable parts, other parts are left unactioned

• Not purely speculation • Weighting of views based on whether they are vexatious or real • Still need to identify actual problem with evidence • Need for evidence of hypothetical concern • Evidence/reasoning that problem is not going to be an issue • Reasoning behind the view • All information is available to make a correct decision • Listening to evidence • Evidence-based, need for evidential picture • Action based on evidence of effect vs. hypothetical concern • Need for evidence despite uneasy feelings about people • Series of well substantiated complaint and evidence of problem will carry a lot of weight • Solve conflict via informal and formal action -- different routes available to environmental health and licensing, measures to mitigate the problem, statutory mechanisms • Condition the license to mitigate the problem • Balancing by applying specific conditions • Each case on its merits • Concerns about late night noise • Either on-/off- is difficult • People do not necessarily complain, only annoyed about drinking in the workplace	
• Representation will be refused if not valid • Comment has to relate to at least one of the licensing objectives • Weighting based on good reasoning and relevance to licensing objectives • Need to take account of law • Proportionate condition • Options need to be appropriate • Discount concern if related to planning, vexatious • Decision-making constrained by a legal framework, people who turn up • Cannot take views legally into account • Views accommodated in specific decision problems • Balance in terms of meeting core concern, not background elements • Directly tackling things of concern • Fits with government guidance • Balanced decision according to law • Cannot meet concern that people just don’t want the premise there	Matching concerns with the legal framework, addressing only those which match

• Cannot meet residents' concern by an unlawful condition • Balance within the framework of Licensing Act • Can turn down applications but need good reason • No sufficient grounds to refuse license, seemed going to be relatively well-run, would be able to meet needs	
• Feeling of fairness • Make people feel comfortable and listened to • Process is equal and fair • Licensing policy is about making hearings fair • Do not want people to be disappointed with the process • No constraints placed on viewpoints • Balanced in sympathetic communicative sense • Perception of process as legitimate is important even if decision is unfavourable • Process is perceived to be good • Sense of/appearance of views being weighed into account • Quasi-judicial but people can speak more freely than in Court, good airing • Group spokesperson • Explain the reasoning behind a disappointing decision • Committee finds way to satisfy both parties • Provide future options for losing parties • Residents given more time to air their views • Promise to losing party of future monitoring so imagined future will not happen • Explain verdict politely, very carefully why something is probably not going to happen • People's anger • Transparency in licensing decision • Assuage doubts • Try to do 50% of what they like • Explain what you are doing and why • It's about being transparent and open • Make people feel they've been listened to • Listening • Use of legal language to sound good • Monitor to check for improvement • Do negotiations to find middle ground • Find a common ground where everyone is happy • Outcome: everybody happy	Dissipating emotional tensions

• Compromise, middle ground, people's satisfaction with result • People talk sensibly • Enough time to understand • Greater understanding • Relationship building • Consensus gives sense of achievement for Councillor • Try to fill gap of lack of understanding from both sides • No strong views about drinking in the workplace	
• People have difficult views, do not want anything • Difficult to arrive at the right conclusion if parties aren't willing to work together, only want a particular outcome • Every case is treated as unique, can be a frustrating process • Want to represent people but need to take account of the law • Difficult balancing act, use of evaluative judgement • Subjectivity of evaluative judgement, Durell world of complaints • Balancing benefit and negative impact of business is a problem • Difficult to unpick bad decisions. • Deals with conflicts on a regular basis • Difficult balancing act • Negative publicity of policy • SLP revision generated a lot of negative headline, publicity • People grab headlines without reading into the policy • Volume and response to consultation became an unwieldy beast, problematic • Noise is not attributed to any particular premises, which are well run • Noise is deregulated until 11pm • Need to master balancing act • Have to be tough • Difficult to engage residents in the process (e.g. recording in diary of what actual problem is) and make business understand the problem and do something • Difficult balancing polar extremes • Not clear who is at fault • No policy direction for dealing with the problem • Every course of action, there is a headline for or against it • Views change regularly depending what newspaper headlines say • Council is in middle position • Deal with conflict on day-to-day basis	Difficulties experienced with decision-making

• Each case treated as unique • Need to manage expectations of what is achievable • Each case treated as unique • Kind of conflict: two camps, residents want no more cafés in cumulative impact areas • Kind of conflict: two camps, residents take a simplistic view • Pressure from residents is not uncontentious • Difficult to define a residential area • Policy that works for everyone, the majority and the minority • Painful without core hours • Policy under judicial review • Core hours publicly interpreted as curfew • Big backlash, lots of opposition, massive local and national publicity on core hours • People go to court, it is just about public relations • Really hard to get policy right • Often, one side is very entrenched • Many objectors, concessions do not go far enough for everybody • Difficult when parties aren't willing to work together • Parties not willing to consider anything else • Attaching proportionate conditions, which tackle concerns raised • Uncertainty in correct conclusion • Agreement which suits both parties • Tricky balancing act. Use of evaluative judgement that nature of business means residents' imagined future will not happen • Difficult balancing historical and cultural concerns • Decision-making in non-cumulative impact areas • Oppositions in non-cumulative areas, people do not read policy • Difficult to turn down a license • Need to be a master in giving license and protecting residents or will turn up at Magistrate Court • Problem: noise from premises at deregulated hours. • Problem: Right to appeal delays matters, drags; causes a great deal of frustration to all parties (business, residents, council), costs, time; thrashes things out. • Problem: no policy direction in favour of either residents or business • Review is very difficult to do. Premises will appeal. • Core hours publicly interpreted as curfew, big backlash, lots of opposition, massive local and national publicity • Fine line of views that Council is anti-business	
• ~~Disappointed with decision, but not with process~~	Outcome

• ~~Medium balance is everybody is happy, but no one ends up happy~~ • ~~Compromise~~ • ~~Conditioning not done all the time, some refused outright, some accepted as applied for~~ • ~~Councillors look for middle ground if possible~~ • ~~Sufficient balance of views~~ • ~~Improve trust in politicians~~ • ~~People not always happy license was given~~ • ~~Outcome: usually successful~~ • ~~Works in majority of cases~~ • ~~Dramatically unpopular with business~~ • ~~Conditions to control potential problems~~ • ~~Middle ground~~ • ~~Find compromise or middle ground~~ • ~~Understanding with enough time, works in the majority of cases~~ • ~~Public's understanding clarified, conflict resolved 9/10~~ • ~~People reasonably happy if some action is taken~~ • ~~Understanding through evidence base~~ • ~~No magic bullet to resolve the problem immediately~~ • ~~People go to court, it is just about public relations~~ • ~~Enough time for people to understand in hearing (core hours)~~ • ~~Finding compromise, not mediation, works in the majority of cases~~ • ~~Concessions do not go far enough for everybody~~ • ~~Much higher agreement~~ • ~~Never resolve it completely~~ • ~~2/6 present in hearing said decision was fair, 40 wrote into the complaint~~ • ~~Representativeness not certain~~ • ~~Easy to satisfy people in the room~~ • ~~No resolve, conflict died down, people stopped complaining~~ • ~~Not satisfied with the outcome but can reconcile with it~~ • ~~Licensees accept decisions, but not happy.~~ • ~~Happy with resolution~~ • ~~People like consensus~~ • ~~Consensus is helpful~~ • ~~People happy with conditions they got~~ • ~~No right and wrong answer~~	

• ~~No compromise, law is permissive~~ • ~~Both groups not pleased~~ • ~~Something that both parties can accept~~ • ~~Impact on alcohol environment: none, stuck with whole premise of licensing world, only procedural things changed~~ • ~~Impact on alcohol environment: cannot use licensing policy to steer night time economy plans~~ • ~~Impact on alcohol environment: potential pattern effect of licensing decisions but every case is different~~ • ~~Impact on alcohol environment: mediation is in line with Act~~ • ~~Impact on alcohol environment: Licensing decisions cause wider environment to change hugely~~ • ~~Conditions have to be proportionate of the environment~~ • ~~All decisions add up~~ • ~~Bad effects of alcohol on streets linked to licensed premises reduced compared to before legislation~~ • ~~Joint effort between residents, licensees and regulators~~ • ~~Review if the decision is not working~~ • ~~Assist parties how to bring the decision back~~ • ~~Right of appeal~~ • ~~Review or statutory nuisance to re-regulate/license/curtail noise before 11pm or conditions imposed.~~ • ~~Review allows transparent opinion.~~ • ~~Review needs evidence to do something about it and determine appropriate measures.~~ • ~~Review is power available to residents.~~ • ~~Review needs evidence premise is doing something wrong~~ • ~~Does not use review as policy/way to pacify residents~~ • ~~Will do everything to avoid review~~ • ~~Try not to go to court when had a review~~ • ~~Impact on residents' lives and locality difficult to unpick afterwards through review~~ • ~~Review is quite daunting and lots of work~~ • ~~Residents unwilling to initiate reviews/appeal and don't have money to pay for representation~~ • ~~Review very protective of residents if application is granted because there's not evidence to refuse~~ • ~~Review is good power if premise subsequently causes issues.~~ • ~~Review is relatively simple, really good, inexpensive, relatively quick, inclusive process~~ • ~~Not difficult to initiate a review~~ • ~~Can take into account all sorts of evidence in review~~ • ~~Lot of flexibility in measures to resolve issues in review~~ • ~~Review engages all relevant parties, discussing and cross-examining each other~~ • ~~Hopefully right agreement is reached~~ • ~~Complainants can come back to licensing officer if issues continue~~	

~~• Further procedures to help affected person push to right agreement~~ ~~• Licensing officer constant communication with complainants~~ ~~• Act gives opportunity to take conclusion further if not happy with it~~ ~~• Review is worst case scenario if no improvement~~ ~~• Promise to losing party of future monitoring so imagined future will not happen~~ ~~• Review process if complaints are hypothetical~~	
• Class dimension • 2/6 present in hearing said decision was fair, 40 wrote into the complaint • Representativeness not certain • Easy to satisfy people in the room • Big operator will use barrister and consultants in reviews/appeal • Residents unwilling to initiate reviews/appeal and don't have money to pay for representation • Review very protective of residents if application is granted because there's not evidence to refuse • Review is quite daunting and lots of work • Review is power available to residents • Review is good power if premise subsequently causes issues	Balance of power between parties

Categories

Elements and dimensions	Categories
• Procedural balance • Balance of power between parties • Creating buy-in for a solution among parties • Soft approach through mediation, exploration of solutions that will meet concerns with effort from licensing authorities. Outcome is a compromise or conciliation. • Enlarging public's understanding about their concerns by situating them in a context • Dissipating emotional tensions • Outcome: - Disappointed with decision, but not with process - Never resolve it completely - Will do everything to avoid review - Try not to go to court when had a review - Compromise - Councillors look for middle ground if possible - Medium balance is everybody is happy, but no one ends up happy - Sufficient balance of views - Middle ground - Find compromise or middle ground - Finding compromise, not mediation, works in the majority of cases - Something that both parties can accept - Much higher agreement - Improve trust in politicians - Licensing officer constant communication with complainants - Joint effort between residents, licensees and regulators - Outcome: usually successful - Works in majority of cases - People like consensus - Consensus is helpful - People happy with conditions they got - Concessions do not go far enough for everybody - Not satisfied with the outcome but can reconcile with it - People not always happy license was given - No magic bullet to resolve the problem immediately - No right and wrong answer	Tackling the emotional dimension of disagreements using a fair process

- Offer process support (vs. evidential) to residents who want review - Can take into account all sorts of evidence in review - Lot of flexibility in measures to resolve issues in review - Review engages all relevant parties, discussing and cross-examining each other - People go to court, it is just about public relations - Hopefully right agreement is reached - Dramatically unpopular with business - Public's understanding clarified, conflict resolved 9/10 - Does not use review as policy/way to pacify residents - Review is worst case scenario if no improvement	
• Reducing a big problem into small actionable parts, other parts are left unactioned • Matching concerns with the legal framework, addressing only those which match • Outcome: - Understanding with enough time, works in the majority of cases - Impact on alcohol environment: potential pattern effect of licensing decisions but every case is different - Impact on alcohol environment: Licensing decisions cause wider environment to change hugely - Impact on alcohol environment: mediation is in line with Act - Impact on alcohol environment: cannot use licensing policy to steer night time economy plans - Impact on alcohol environment: none, stuck with whole premise of licensing world, only procedural things changed - No compromise, law is permissive - Conditions have to be proportionate of the environment - All decisions add up - Complainants can come back to licensing officer if issues continue - Further procedures to help affected person push to right agreement - Assist parties how to bring the decision back - Right of appeal - Review if the decision is not working - Review process if complaints are hypothetical - Act gives opportunity to take conclusion further if not happy with it - Promise to losing party of future monitoring so imagined future will not happen - Conditions to control potential problems - Understanding through evidence base - Conditioning not done all the time, some refused outright, some accepted as applied for - No resolve, conflict died down, people stopped complaining - Both groups not pleased - Review or statutory nuisance to re-regulate/license/curtail noise before 11pm or conditions imposed. - Review allows transparent opinion	Establishing factual validity by reducing or enlarging the scale of public's concerns

- Review needs evidence to do something about it and determine appropriate measures - Review needs evidence premise is doing something wrong - Bad effects of alcohol on streets linked to licensed premises reduced compared to before legislation - People reasonably happy if some action is taken - Licensees accept decisions, but not happy. Happy with resolution - Review is relatively simple, really good, inexpensive, relatively quick, inclusive process - Not difficult to initiate a review - Impact on residents' lives and locality difficult to unpick afterwards through review	
• Non-involvement of licensing authority in conflict resolution • Strategy (or lack thereof) to shift some burden of decision-making from licensing authority to applicant, but licensing authorities cannot make the strategy totally do the work of decision-making • Difficulties experienced with decision-making • Outcome: - Enough time for people to understand in hearing (core hours)	Reducing the burden of dealing with conflicting views on decision makers by using heuristic devices or rules of thumb
• Strategy (or lack thereof) to shift some burden of decision-making from licensing authority to applicant, but licensing authorities cannot make the strategy totally do the work of decision-making	Responding to the imbalance of power between parties through procedural mechanisms

Theme: factors influencing approaches for dealing with conflicting public viewpoints

Data summaries

Sub-theme: attitudes, values, perspectives and motivations

Participant	1. Background	7.1 Attitudes, values, perspectives and motivations	Elements
P02 (Public Health)	Public health team lead for licensing for about 1 year. 5 years in the position. Reviews licensing applications.	Not about whether a representation is right or wrong. Applicant has to explain why the issue is not going to be a problem because they would not do this, this and this. Process is very equal and fair. Decisions which are along the lines of policy is fair. Very objective platform to put views forward. Don't see much option to change the process.	• ~~No right and wrong representation or argument~~ • ~~Process is equal and fair~~ • ~~Need for explanation of why~~ • ~~Decisions in line with policy are fair~~ • ~~Very objective platform to put views forward~~ • ~~Not much option to change the process~~
Participant 03 (Chair of Licensing Committee)	4 years Chair of Licensing Committee, 14 years experience in Licensing Committee.	Takes the opportunity to speak/work with individuals and groups (e.g. university students) on licensing issues. Wants to represent complainants, but need to take account of the law. Disappointed that often, licensing hearings are not necessary. Willing to offer help in how to raise objections (outside of hearings) because of difficulty weighing objections without evidence. Advices people to obtain support from responsible authorities. Prefers to talk to people when there are no serious problems. Rarely a fair fight. Issue with law evidence is on the side of applicants. Missing piece of law is it assumes applicants will be responsible. Difficult not to grant a license. Need to work with legislation, cannot do our own thing. Statement of Licensing Policy (SL) is a dry document, put out for statutory compliance. Not much flexibility. Planning policy have direct influence on revising city centre, what to encourage, what to achieve in the city; licensing to take into account.	• ~~Proactive in speaking to people about licensing issues outside hearings~~ • ~~Wants to represent complainants, constrained by the law~~ • ~~Disappointed with hearings, unnecessary~~ • ~~Willing to advise people how to raise objections~~ • ~~Difficult to weigh objections without evidence~~ • ~~Prefers to talk to people when there are no serious problems~~ • ~~Law is not fair~~ • ~~Law assumes applicants will be responsible~~ • ~~Does not find it easy to grant a license~~ • ~~Cannot do their own thing due to legislation~~ • ~~SLP is a dry document, wish can be rather creative~~

			• ~~Not much flexibility on SLP~~ • ~~Consult people on SLP due to statutory compliance~~ • ~~Planning have rather direct influence~~
P04 (Police Licensing Officer)	Over 5 years experience as licensing officer and 17.5 years as police. Represents on behalf of police, not members of general public.	Generally satisfied with hearings. Everyone has the opportunity to speak. Five minutes more than ample time to speak. There is right of appeal against a decision.	• ~~Generally satisfied with hearing process~~ • ~~Everyone has opportunity to speak, fair~~ • ~~Right of appeal~~
Participant 05 (Police Licensing Officer)	11 years in licensing. Licensing coordinator for police. Works in partnership with other depts. of local authority to deal with problematic premises.	Interested in issues/receives complaints outside the remit of police. Works closely with environmental health. People are given only five minutes to speak. The Committee will always listen to sufferers, complainers even if they dismiss the view. Will look for evidential picture to support what is being said, but lacks perspective on the reality of situation. Will give a penny's worth. Need to justify completely what you are doing. Licensing law did not take account of lots of factors. One size fits all. Problematic knock-on effects of late night opening hours. Areas should have unique stance. Government well-meaning with café culture but did not enough thought. Effects on National Health Service (NHS) of excessive drinking culture. Law probably done by industry rather than knowledgeable people. Statement of Licensing Policy are generic type documents. But there are slight differences. <u>Preferred:</u> would like to see something, licensing in the area stops a lot of time, say 2am. I think it's all about money, but police have to police NTE. Local authority has to do rubbish, litter. Police and local authority get nothing out of it unless there is late night levy. Government code sold out.	• ~~Interested in issues outside police's remit~~ • ~~Works closely with EH~~ • ~~Five minutes to speak not enough~~ • ~~Licensing hearing lacking in perspective of reality~~ • ~~No result in a hearing~~ • ~~Committee dismisses if view does not match evidential standard~~ • ~~Committee will give penny's worth~~ • ~~Law is one size fits all~~ • ~~Lots of factors not taken into account by law~~ • ~~Areas should be allowed to have a unique stance~~ • ~~Problematic knock-on effects of late night opening hours~~ • ~~Government well meaning but did not think enough~~ • ~~Recognize effects on NHS~~ • ~~Drinking culture is excessive~~ • ~~Law probably done by industry~~ • ~~Government code sold out~~ • ~~SLPs generic documents with slight differences~~ • ~~Would like to see stops in licensing~~

			• ~~Impact of NTE not win-win for local authorities~~
Participant 06 (Licensing Officer)	Licensing Team Leader. Looks at both policy and applications. 3.5 years in the job.	Intends to sort of occasionally ask the Council for policy direction rather than dealing with complaints on day-to-day basis. Haven't got a policy direction. Doubts there will be a definitive decision in favour of one over the other. No right and wrong answer. Business provides entertainment, residents pay council tax and expect quality of service and quality of life. Difficult conflict. Tries to balance. Council is stuck in the middle, wants to strike a medium balance between two opposing groups. Wants to keep both sets of people happy. No one ends up happy. Tries to make both group understand where each other is coming from so expectations are managed reasonably. Gap is lack of understanding. Also collecting evidence. Give premises an opportunity to address the issue. Right of appeal allows for reconsideration, transparent. Difficult because it drags, lengthy process frustrates people, costly to Council. People want to avoid appeals.	• ~~No right or wrong answer~~ • ~~Prefers policy/strategic approach from Council rather than day-to-day approach~~ • ~~No policy direction~~ • ~~Doubt with definitive decision in favour of one over the other~~ • ~~Difficult conflict, trade-offs~~ • ~~Council stuck in the middle~~ • ~~Answer is medium balance between two opposing groups~~ • ~~Wants to keep both sets of groups happy~~ • ~~No one ends up happy~~ • ~~Wants to generate understanding in the opposing groups in addition to from evidence-based approach~~ • ~~Apply informal and formal statutory action~~ • ~~Give premises opportunity to address the issues~~ • ~~Right of appeal transparent, allows for reconsideration but want to avoid, difficult~~
P08 (Licensing Officer)	Licensing officer since previous regime. Wrote first SLP in a different Borough. Re-wrote a SLP based on changes in law in 2011. Licensing officer in various London Boroughs on short-term contracts. 29	Committee more inclined to favour residents. Parties have to be willing to work together. Residents have to be reasonable, not entrenched. Mediation needs faith from both sides. One particular firm of solicitors who really work very hard, have already dealt with residents' concerns. Application very fair and reasonable.	• ~~Committee more inclined to favour residents~~ • ~~Parties have to be willing to work together~~ • ~~Residents have to be reasonable, not entrenched~~ • ~~Mediation needs faith from both sides~~ • ~~Solicitors who work really hard on application, dealt with residents' concerns~~

	years experience in licensing.		
Participant 09 (Licensing Officer)	Manager of regulatory services. Processes applications, issues licenses, monitoring compliance. Develops SLP. Holds Panel hearings when there are representations. 10 years in licensing.	People around a table, discussing issues, cross-examining each other and ask questions to each other. View: good way of doing it. No policy is absolute. No to any more cafés in cumulative impact area is disproportionate unless there is evidence they are impacting negatively. There must be discretion. Pride festival has become too big and impactful but we feel it can't be stopped. People have a right to do that and would do it anyway. Licensing authority should be neutral, promote the licensing objectives and vision for the Borough. Encourages committees to make decisions defendable in court.	• ~~Cross-examining each other is good~~ • ~~No policy is absolute, policy has to be flexible, discretionary~~ • ~~No to any more cafés in cumulative impact area is disproportionate~~ • ~~Can't stop festival, people have rights~~ • ~~Licensing authority should be neutral~~ • ~~Neutral: uphold the law/licensing objectives and support the vision for the Borough~~ • ~~Encourages Committee decisions defendable in court~~
P10 (Licensing Officer)	Advisor to licensing process and enforcer – receives complaints from the public and makes the correct arrangement on the license according to the Act. 2.5 years in licensing.	Happy with the mediation we do for licensees.	• ~~Happy with mediation process~~
P12 (Licensing Officer)	Processing of applications and dealing with contested applications. Conciliation. Advises applicants. Enforcement and monitoring. Oversees creation of SLP. 19 years in licensing.	Very much involved in developing the Statement of Licensing Policy. Applied the principle of giving local authorities and residents greater control after rebalancing of licensing law in 2011/12. Needed to do something radical. Went for cumulative impact policy linked to framework hours. Unhappy about drunk people disturbing residents. Committee hearing: a licensing officer who is completely neutral, another representing licensing authority and supports residents in some way. If there is issue with evidence, Committee will look at it more closely and tend to go in favour of residents. Cannot always rely on responsible authorities to make representations, so took the advocacy of residents when became licensing authority in our own right in 2012. Look closely at complaints, what would an ordinary person think?	• ~~Actively involved in developing local policy~~ • ~~Applied principle of giving local authorities and residents greater control~~ • ~~Advocate of residents, not completely neutral to business and residents~~ • ~~Empathic towards residents.~~ • ~~Needed to do something radical~~ • ~~Went for CIP linked to framework hours~~ • ~~Unhappy about drunk people disturbing residents~~

			• ~~Cannot rely on responsible authorities all the time to represent~~ • ~~Committee slightly in favour of residents~~
P13 (Licensing Team Leader)	Licensing Team Leader. Processing of applications. Enforcement. Dealing with residents, responsible authorities, lawyers, Committee. Involved in residents' meetings, hearings, appeals in Magistrate Court. 22 years experience in licensing.	Stopped the Best Bar None Scheme, trade gave them money, telling them which direction to go. Did not like it. Tries not to take sides, not protecting business or residents. Represents both. Prosecuting licensees for breaching conditions is not a solution. Officers' roles should not be purely enforcing, but also resolution. Progress has been made but, there are still issues with legislation, can't be overcomed. Resolution better than regulation or prosecution. Issue is challenges with appeals process. <u>Preferred approach:</u> Would like to see pub/bar selling no alcohol or very low strength in the alcohol industry. Starting work with public health department, looking at scheme not Best Bar None, not financed by drinks industry. See whether can get late night bars and pubs selling alternatives to beer, wine and spirits.	• ~~Did not like Best Bar None scheme~~ • ~~Tries not to take sides~~ • ~~Represents both sides~~ • ~~Soft style of resolution rather than a 'command and control' style of regulation, enforcement or prosecution~~ • ~~Resolution rather than regulation or prosecution~~ • ~~Prosecution of licenses not a solution~~ • ~~Still issues in legislation, with appeals specifically~~ • ~~Working with public health department on non-alcohol alternatives~~
P03 (Chair of Licensing Committee)	4 years Chair of Licensing Committee, 14 years experience in Licensing Committee.	Prefer to follow the law than do differently. Or people will appeal decisions. We will end up in court, cost a lot of money, will lose, lose goodwill and things agreed already because appeal will dismiss everything. So need the conditions gotten to agree to put on. They can then decide not to do. If applicants can just do the bare minimum, go out and talk to residents. Fears and concerns people have, over time, people realize can't be managed by a responsible applicant. Disappointed, often hearings don't need to have. If parties can agree with each other, resolve things, fantastic. Better than us ruling. Pity that consultation is not mandatory while legislation talks a lot about discussions. Unfortunately, applicants are not always keen to go out and talk to community in first instance. Good if that communication is a little bit more mandatory. Will get more effective solutions, better relationships. No need for Licensing Committee ruling.	• ~~Prefers to follow law to arbitrating differently~~ • ~~Fear of ending in court, appeal, financial costs, loss of goodwill, lost of conditions agreed~~ • ~~Disappointed, hearings often not necessary~~ • ~~Applicants not always keen to got out and talk to residents~~ • ~~Fears and concerns can be managed by a responsible applicant~~ • ~~Better for parties to agree than Committee ruling~~ • ~~Pity business consultation with residents not mandatory~~

			• ~~Better relationships and more effective solutions with business resident communication~~
Participant 07 (Chair of Licensing Committee)	About 8 years or longer as Chair, elected every year. Chairs 50-60 hearings a year.	Keen to attract a broader number of views on Statement of Licensing Policy. Wanted the job of Chairing the Licensing Committee. Likes licensing, good opportunity for views/ disagreements to be heard involving particularly residents. I like hearings, opportunity for open discussion. Opportunity for middle ground to be found unlike in planning law, which is more circumscribed. Less room for manoeuvre in planning if asked by people for support. Very attractive to Councillors. Wants to enlarge Special Policy area; lots of pressure from residents although not uncontentious. Sensitive to residents in her ward who have suffered from poor planning and licensing decisions in the past. Sensitive to large impact of decisions on people's lives; difficult to unpick impact afterwards. Some situations are not on, law does not say that. Difficult if you just take the law. Law allows opening outlet anywhere 24 hours/day. Cannot and should not use local licensing policy to steer night time economy plans, but there are things which are realistic and unreasonable. Felt local policy not strong enough to support those people where it was unreasonable. Beefed up policy, gave residents opportunity to realistically oppose something unreasonable. Push business to do better. Local policy has to be responsive. 12 o' clock for residential areas, but constantly defining what is residential. Law is about making hearing process fair. Wants a policy that responds to the minority who are detrimentally affected without restricting the development of something that is broadly popular. Genuinely middle/neutral between business and residents. Not against night time economy. Committed to fairness. Each hearing is treated individually, fairly regardless of other push pulls. Process of hearing is good. It is right that outcome of hearing is dramatically affected by who turns up. Good system. Trying to be fair within a legal framework permissive to trade. Dramatically unpopular with business.	• ~~Likes licensing, wants the job of Chair~~ • ~~Hearings good opportunity for views/disagreements to be heard particularly of residents~~ • ~~Hearing opportunity for open discussion~~ • ~~Hearings opportunity for middle ground unlike in planning~~ • ~~Hearings very attractive to Councillors~~ • ~~Sensitive to negative impact of law on people's lives~~ • ~~Difficult to unpick impact of decisions~~ • ~~Law does not say some situations are not on~~ • ~~There are things which are realistic and unreasonable~~ • ~~Local policy not strong enough to support people when it was unreasonable~~ • ~~Difficult if just take the law~~ • ~~Law is law~~ • ~~Law about making hearing process fair~~ • ~~Policy to support residents/sufferers air out disagreements~~ • ~~Push business to do better~~ • ~~Local policy responsive to needs of minority without restricting what is broadly popular~~ • ~~Genuinely middle/neutral~~ • ~~Not against night time economy~~ • ~~Trying to be fair, legal framework permissive to trade~~ • ~~Process of hearings is good~~

			• ~~All the time doing with licensing~~
P11 (Chair of Licensing Committee)	8 years Chair..	Direction for policy constrained by legal advice. Fear of Court appeal and costs. Legal framework is not balanced in new applications. Law give more right to people who want to set up a business. Complainants have to make a case. Playing field is not balanced. Odd meaning of balance. Unbalanced in the legal sense, very balanced in the procedural sense, in the sympathetic communicative sense. Balance is tipped in residents' favour by giving them lot of time to air their views.	• ~~Fear of Court appeal and costs~~ • ~~Feels constrained by law~~ • ~~Legal framework not balanced in new applications~~ • ~~Law gives more right to business than residents~~ • ~~Acknowledges law is not fair in new applications~~ • ~~Playing field is not balanced in legal sense~~ • ~~Very balanced in procedural/ sympathetic communicative sense~~ • ~~Tips balance by giving residents more time to air their view~~
P14 (Chair of Licensing Committee)	Large part of work is chairing Licensing Panels rather than chairing committee hearings. Member of various groups dealing with alcohol related harm. 29 years experience in licensing panels.	Can't turn down a license application for a restaurant because it is allowed by the policy. Put heavy conditions because can't turn down a license application, but must have very good reasons for turning down or you will turn up at Magistrate Court. Difficult to turn up at Court. Works cross-party on everything, it builds relationships. Hates silo-working. So everyone supports the policy. Goes out with police and licensing officers on operation. Talks to club managers, security to see how the system works. Fascinated. Gets insights. Sense of achievement with making people clarify what they're doing and accept conditions. Have uneasy feelings about people but got to explore. Good that people know we are tough about/stick to their local policy. Decision-making is managed by inviting as much people as possible. Thorough in licensing panels to show transparency. <u>Views:</u> other things have to change, media cement attitude alcohol is part of our social lives. Doesn't have to be.	• ~~Put heavy conditions due to constraints by law~~ • ~~Fear of litigation~~ • ~~Cross-party working, relationship building~~ • ~~Hates silo-working~~ • ~~Goes out in the city to learn what is happening around~~ • ~~Really interested in the job~~ • ~~Great sense of achievement with middle ground, conditions~~ • ~~Tough, policy oriented approach to people~~ • ~~Conditions to make everyone happy~~ • ~~Works out problems~~ • ~~Keen on diversity of views~~ • ~~Thoroughness in licensing panels~~ • ~~Media has to change~~

Sub-theme: geographical context

Participant	1. Background	7.2 Context	Elements
P05 (Police licensing officer)	11 years in licensing. Licensing coordinator for police. Works in partnership with other depts. of local authority to deal with problematic premises.	Rural area. Infrastructure for late night economies not present. Buildings have not made improvements. Durell world of complaints.	• ~~Rural infrastructure not built for late NTE~~ • ~~Durell world of complaints~~
Participant 06 (Licensing Team Leader)	Licensing Team Leader. Looks at both policy and applications. 3.5 years in the job.	Town centre established as a late night area, has become increasingly residential. Offices turning into flats. Impossible for there to be no background noise/complete and utter silence. Premises have been able to operate without complaint in the last few years. Venues have history and popularity. Not straightforward from public nuisance perspective. Need policy direction. Need to manage expectations to be reasonable. Generate understanding, which is lacking.	• ~~Town centre is both late night and increasing residential~~ • ~~Complete and utter silence impossible~~ • ~~Venues have history and popularity~~ • ~~No policy direction for dealing with problems~~ • ~~Public nuisance objective not straightforward~~ • ~~Expectations not reasonable~~ • ~~Understanding from parties lacking~~
P08 (Licensing Officer)	Licensing officer since previous regime. Wrote first SLP in a different Borough. Re-wrote a SLP based on changes in law in 2011. Licensing officer in various London Boroughs on short-term contracts. 29 years experience in licensing.	Restaurants morphed into bars. Nature of area changed over a short period of time. Cumulative Impact Policy to maintain status quo. Every case is different, premises, business models, residents, geography of area makes a difference.	• ~~Area changed within a short period after the law~~ • ~~Geography makes a difference~~ • ~~Each case is unique~~ • ~~CIP to maintain status quo~~
P12 (Licensing Officer)	Processing of applications and dealing with contested applications. Conciliation. Advises	Very densely packed Borough. No clear residential areas. Residential and commercial areas are co-existing. No clearly defined city centre. Always balancing the demands of business and residents. Had a lot of 24 hour licenses and every off-license was 24 hour. One of the worst Boroughs in terms of	• ~~Co-existing residential and commercial areas~~ • ~~Densely packed Borough~~ • ~~Always balancing demands~~

	applicants. Enforcement and monitoring. Oversees creation of SLP. 19 years in licensing.	alcohol-related crime. Needed to do something radical: Cumulative Impact linked to framework hours.	• ~~Many 24 hour off licenses, all of off 24h~~ • ~~One of worst Boroughs in alcohol related crime~~ • ~~Needed to do something radical: CIP framework hours~~
P13 (Licensing Team Leader)	Licensing Team Leader. Processing of applications. Enforcement. Dealing with residents, responsible authorities, lawyers, Committee. Involved in residents' meetings, hearings, appeals in Magistrate Court. 22 years experience in licensing.	Very densely populated Borough, residents and business live side-by-side. Almost no area that is purely business and purely residential. Ran Best Bar None scheme for 6 years, biggest membership in the country. Got us working with licensees. Licensees aware license will be revoked if they do not work properly. Helped us manage the managers.	• ~~Densely populated Borough~~ • ~~Almost no area purely residential/business~~ • ~~Long history with Best Bar None scheme, biggest membership in the country~~ • ~~Works with licensees before revoking license~~
Participant 07 (Chair of Licensing Committee)	About 8 years or longer as Chair, elected every year. Chairs 50-60 hearings a year	Borough is front line in licensing. Issues are specific to this Borough. Borough is defining nightlife place. Urban. Thousands of premises, very licensed.	• ~~Borough front line in licensing~~ • ~~Borough is defining night life place~~ • ~~Urban~~ • ~~Thousands of licensed premises~~

Sub-theme: economic, cultural, political, public health considerations

Participant	1. Background	7.3 Economic, cultural, political	Elements
P06 (Licensing Team Leader)	Licensing Team Leader. Looks at both policy and applications. 3.5 years in the job.	Economic: Industry employs hundreds of thousands of people across the county, contributes to the economy. Very stringent requirements will impact on leisure. Cultural: History and popularity of a particular venue. Famous artists support the venue. Political: Council is in middle position.	• ~~Need for employment, economic growth~~ • ~~Very stringent requirements will impact on leisure~~ • ~~Historical and cultural significance of particular venues~~ • ~~Council's policy is middle position~~
P08 (Licensing Officer)	Licensing officer since previous regime. Wrote first SLP in a different Borough. Re-wrote a SLP based on changes in law in 2011. Licensing officer in various London Boroughs on short-term contracts. 29 years experience in licensing.	Differences in quality of representation in affluent and deprived areas	• ~~Class dimension~~
Participant 09 (Licensing Officer)	Manager of regulatory services. Processes applications, issues licenses, monitoring compliance. Develops SLP. Holds Panel hearings when there are representations. 10 years in licensing.	Thriving night time economy important from an economic and cultural point of view. Want a town centre where it is interesting and safe to come out. Could impact residents' peaceful life so it's a balance. Pride festival – good, inclusive but impacts the city widely. Political: Law important. Legal advisor to prevent going against legislation. Decisions have to be objective, based on licensing objectives, proportional, evidence-based so they are legally valid. Councillors can be biased toward their own prejudice/opinion, electorate, however neutral they are. Potential for policies to get through because of a vocal minority.	• ~~Economic and cultural benefits of thriving NTE with negative impact on quality of life~~ • ~~Law important to prevent Councillors' bias towards their electorate, prejudice and minority~~ • ~~Objective, legally valid decision based on licensing objectives, proportional, evidence-based~~
P12 (Licensing Officer)	Processing of applications and dealing with contested applications. Conciliation. Advises applicants. Enforcement	Change of leadership after rebalancing of licensing law in 2011/2012. Balancing demands of business and residents is important politically. Councillors linked cumulative impact with hours. We are comfortable with the Licensing Committee's decision-making. Want to promote evening economy where people have a choice.	• ~~Political leadership supportive of licensing officer's advocacy~~ • ~~Balance important politically~~ • ~~Wants to promote evening economy~~ • ~~Wants to shift away from alcohol-led premises; promote diverse options~~

	and monitoring. Oversees creation of SLP. 19 years in licensing.		• ~~Takes a public health point of view~~
P07 (Chair of Licensing Committee)	About 8 years or longer as Chair, elected every year. Chairs 50-60 hearings a year.	Faced with powerful interests. Key businesses, independent organisations run campaigns to marshall support/strong lobby from hundreds of people in terms of responses to consultations. Sophisticated in dealing with this but also quite vulnerable. Committed to regeneration, jobs, thriving business community. Mayor supportive night time economy. Very much in that framework, but genuinely in the middle. Wants to support residents, but not against night time economy. Councillors feel themselves in a position to mediate, find common ground. Hearings not about new licenses, but extensions and changes and opposed by the police.	• ~~Sophisticated in dealing with strong lobby from but vulnerable to powerful interests~~ • ~~Political leadership committed to regeneration, jobs, night time economy~~ • ~~Very much in NTE framework but genuinely middle~~ • ~~Councillors feel in position to mediate and find common ground~~
P11 (Chair of Licensing Committee)	8 years Chair.	Bar and club much less profitable than restaurant, operated under weaker/minuscule profit margins, get the most objections. Influences their behaviour, how they shape their applications, what they are willing to give ground and how they relate to the community in which they operate. Restaurant slightly easier profit margins gets easily with the public. Pub – British invention is under serious trouble. Seriously rammed home to us. Staggering number of pubs closing each week because it is no longer profitable. Balancing not only economics of business, but creates the legal framework/architecture/social environment under which business, under the knife edge, will operate. Background factor against which decisions are made. Borough is big party destination, got deep historical connections with the Afro Caribbean community in the UK, home to movement in reggae and hip hop. World-renowned destinations. Huge cultural dimension. Play record until 2am, 3am. District – hugely historically important. One pub granted historic status as one of first gay pubs, massive landmark in LGBT community's broader acceptance in society. People living in million pound houses oppose these. City-wide level politicians, Mayor to protect the cultural heritage including gay scene, British Afro Caribbean, massive part of Britain's cultural heritage, needs protecting from high commercial rents and when they apply for license renewal. Balance with people who do not like these on their doorstep. Closing down will	• ~~Diminishing profits, miniscule profit margins – background factor of applications and licensing decisions~~ • ~~Business profits influence behaviour~~ • ~~Licensing decisions create the legal framework of business under knife edge~~ • ~~Cultural significance of British pub, under threat of extinction~~ • ~~Borough is big party destination~~ • ~~World renowned destinations~~ • ~~Problematic closing venues with historical and cultural significance~~ • ~~People living in million pound houses oppose venues despite significance~~ • ~~Conflict with higher level political leadership protective of historical and cultural significance of venues~~ • ~~Demographic of residents – middle class, very active in chasing things up~~ • ~~Exempted some districts from recommended hours~~

		be hugely problematic. Licensing policy relates to these venues. Recommended hours in policy exempted some district. Approach depends on demographic of residents. Objections happen mostly in middle class area – really active residents' association will actively chase things up. Can play this role.	• ~~Approach depends on demographic/ class of residents (middle class)~~
P14 (Chair of Licensing Committee)	Large part of work is chairing Licensing Panels rather than chairing committee hearings. Member of various groups dealing with alcohol related harm. 29 years experience in licensing panels	No Conservatives in the city centre, don't mind residents not voting for us. Alcohol in workplaces. Believes licenses have responsibility to protect other people's health and well-being.	• ~~Biased towards electorate~~ • ~~Takes a public health perspective in alcohol in the workplace~~ • ~~Believes licences have responsibility towards other people's health and well-being~~

Sub-theme: complex thinking

Participant	1. Background	5.4 Complex systems approach	Elements
P08 (Licensing Officer)	Licensing officer since previous regime. Wrote first SLP in a different Borough. Re-wrote a SLP based on changes in law in 2011. Licensing officer in various London Boroughs on short-term contracts. 29 years experience in licensing.	Licensing Committee tries to take a holistic view. Balancing benefits of NTE with downsides.	• ~~Holistic view~~ • ~~Balancing economic benefits with problems of NTE~~
P12 (Licensing Officer)	Processing of applications and dealing with contested applications. Conciliation. Advises applicants. Enforcement and monitoring. Oversees creation of SLP. 19 years in licensing.	Difficult to base decisions on what ifs and hypothetical concerns. Decisions have to be based on best available information. Councillors based their decision on not just what residents say, but a whole package of information surrounding an application that the resident may not have put forward but the officers know – management of licensing authority, applicant's track record of running premises, demonstrated knowledge and experience or lack thereof of running that kind of business, whether applicant has liaised with residents before they've applied, attitude towards dialogue with residents, history of residents' problems with other premises in the area, other applications in the area indicating the concern is more serious than what the resident perceived. All these information raise something meaningful. Councillors are assured that a hypothetical situation will not actually happen. Need to look at wider picture and acknowledge other things happening.	• ~~Difficult balancing hypothetical concerns vs. available information~~ • ~~Decisions based on package of information, not just what both parties say~~ • ~~Decisions based on Wider picture~~ • ~~Lot of information are meaningful~~
P03 (Chair of Licensing Committee)	4 years Chair of Licensing Committee, 14 years experience in Licensing Committee.	Explaining people that their concern is a planning problem. Getting people to understand that there is a difference between planning and licensing and planning and licensing do not match. The laws have different bits and they do not meet. Different decisions are possible.	• ~~Planning and licensing law do not meet~~ • ~~People's concern outside licensing (planning)~~ • ~~Different decisions possible~~
P14 (Chair of Licensing Committee)	Large part of work is chairing Licensing Panels rather than chairing committee	A lot of information becomes useful when making decisions or try to use those information – effect of alcohol on family situations and young people. Factor-attitude: I go out with the police on operation on late Friday, Saturday night, talk to club managers and security to see how the systems of premises operate, go out	• ~~Lots of information used when making decisions, thorough~~ • ~~Seeing a lot of what is happening in the cities~~

	hearings. Member of various groups dealing with alcohol related harm. 29 years experience in licensing panels.	with licensing officers when they do checks so I understand their job better, see a lot of the cities. I see a lot of what is happening in the cities. What actually happens vs what an applicant say they will do is complex. I can tell if licensing and police will come and not come to an agreement. If I'm worried, application has to go to panel, not just all about conditions. Police has not asked a lot of questions. I like thorough. Ask questions of clarity about the applications. Ask objectors why they are complaining. Ask everybody, ask a lot of questions. Panel sits and deliberate through everything, nearly always agree on the decision, sometimes we don't. Cannot condition the license because enforcement cannot manage. Need to keep pace with changes in society, culture, work practice. Policy should be fit for purpose. Not bubbled down.	• ~~Ask a lot of questions in Licensing Panel~~ • ~~Does not rely totally on conditions~~ • ~~What applicants say what will happen vs what will actually happen is not straightforward~~ • ~~Panels nearly always agree on decision~~ • ~~Takes enforcement, complexity into account when deciding on a license~~ • ~~Fit-for-purpose policy~~ • ~~Not bubbled down.~~ • ~~Keeping pace with changes in society, culture, work practice~~

Sub-theme: NIMBY

Participant	1. Background	3.2 NIMBY	Elements
P04 (Police Licensing Officer)	Over five years experience as licensing officer and 17.5 years as police officer. Makes representations on behalf of the police, not on members of the general public.	Member of public will support police representation if premise is problematic, but will support premise if lives bit further away and goes there Friday/Saturday night. People might support due to jobs, employment, improvement of area, somewhere else to have dinner on the broader picture.	• ~~People support police representation if premise is problematic, oppose if farther away~~ • ~~Jobs, employment on broader picture~~
P05 (Police Licensing Officer)	Eleven years in licensing. Licensing coordinator for the police. Works in partnership with other branches of the local authority to deal with problematic premises.	Noise, disturbance from customers coming out of old historic building. If living next door to licensed premise, have to accept disruption to quality of life by virtue of noise, people mulling outside. Factor-values: but there is a fine line between what is acceptable and not acceptable, difficult to determine. Got to look at people's tolerance levels. Bought their houses before. Same type of licenses in rural and city centre. Infrastructure for late night time economies not present in rural economies. Nothing to stop premises from having late night licenses, not made improvements to buildings, noise blasting out. People are infuriated, straight on the phone to the police, noise is not police's bag. Gets all sorts of things like that. Becomes a little bit of Durell world, have to be realistic.	• ~~Have to accept disruption to quality of life if living next to premise~~ • ~~People's tolerance levels~~ • ~~Difficult to determine fine line of what is acceptable not acceptable~~ • ~~Nothing to stop late night economies~~ • ~~Durell world of complaints~~ • ~~Need to be realistic~~
P06 (Licensing Officer)	Licensing Team Leader. Looks at both policy and applications. Three and a half years in the job.	Parties: public and licensed premises. Main conflict is around noise in relation to very late night premises and potential for crime, disorder and anti-social behaviour. Problem with noise transmission from one premise to another particularly late at night. Residents who live in the town centre want to get good night's sleep. Paid a lot of money for their house and enjoy it all, pay council tax, expect quality of service and quality of life. People want to go out in town and have a night, good time. Town centre is a noisy place, becoming increasingly residential. Very difficult to say to town centre residents have to accept some element of noise associated with it. There is only so much premises can do to control noise. Very stringent requirements will have an impact on leisure centre residents won't be happy with either. No decision which way to go. No right and wrong answer. Tension: one high profile complaint relating to licensed venue already there for some time, dealt with via statutory noise nuisance regime.	• ~~No decision which way to go~~ • ~~No right and wrong answer~~ • ~~Only so much premises can do to control noise~~ • ~~Residents in town centre want quiet, town centre is noisy and residential~~ • ~~Difficult to tell town centre residents have to accept some element of noise~~
P08 (Licensing Officer)	Licensing officer since previous regime. Wrote	Residents don't want it in their doorstep because whatever. Concern with noise from outside drinking areas in summer. Can be dealt with by an applicant by	• ~~Residents don't want it in their doorstep~~

	first SLP in a different Borough. Re-wrote a SLP based on changes in law in 2011. Licensing officer in various London Boroughs on short-term contracts. 29 years experience in licensing	emptying outside area at 10:30pm, by not allowing drinks taken outside, restricting number of people to smoke outside. All sorts of things that can be offered and accepted. But never go live near a pub, should come some knowledge and thought would have to accept some noise, disruption, dirt, smell. But agent of change concept banded now.	• ~~Various sorts of things that can be offered and accepted~~ • ~~People should know don't live near a pub~~ • ~~Agent of change concept~~
P09 (Licensing Officer)	Manager of regulatory services. Processes applications, issues licenses, monitoring compliance. Develops SLP. Holds Panel hearings when there are representations. 10 years in licensing.	Exciting, diverse, thriving night time economy important to the city from economic and cultural point of view, impacts on residents right to a peaceful life.	• ~~Economic benefits of exciting, diverse NTE vs. impact on residents' right to peaceful life~~
P12 (Licensing Officer)	Processing of applications and dealing with contested applications. Conciliation. Advises applicants. Enforcement and monitoring. Oversees creation of SLP. 19 years in licensing.	Very densely packed Borough. Residential and commercial areas coexisting. Some local authorities no clearly defined city centre. Always balancing demands of business along the lines of residents. Businesses want maximum, flexibility to open all hours. Residents happy with premise next door but want certainty premise will close 12, 11 every night or no permission to open. Worried how things might go.	• ~~Very densely packed Borough~~ • ~~Coexisting residential and commercial areas~~ • ~~Businesses want maximum, flexibility vs. residents worrying~~ • ~~Residents want certainty on closing time or decisions~~
P03 (Chair of Licensing Committee)	4 years Chair of Licensing Committee, 14 years experience in Licensing Committee.	Concerns about impact of new establishments on people's lives, availability of alcohol everywhere for 24 hours, potential for establishments to open late or 24 hours, management, impact on local environment, neighbour, correlation between number of licensed establishments, street drinking and congregation outside, anti-social behaviour and noise if premise put next to me. But where is the evidence?	• ~~Need evidence of impact of new establishments on people's lives~~
P07 (Chair of Licensing Committee)	About 8 years or longer as Chair, elected every	Everybody wants a vibrant nightlife, they just don't want it to wake them up. Disruptive to people living near.	• ~~Everybody want vibrant nightlife, but not wake them up~~

	year. Chairs 50-60 hearings a year.		
P11 (Chair of Licensing Committee)	8 years Chair.	Most contentious is the introduction of a new licensed premise into a residential area. There is general residential opposition. NIMBY thing. Fear of the unknown, people will imagine worst. Proposal for a café serving breakfast turning into a hardcore pub. Lot of contention. Responding to the unknown. Fear of vast numbers of very drunk people congregating outside in the evening Business model doing the work to dispel concerns, people won't be able to afford to get sloshed on expensive wine. Classic contoured argument. Problem: Difficult, outside Committee's legal power to condition the license. Really tricky balancing act, requires evaluative judgement. Had to be done with exhoratory rather than legal power. No good way but to explain the Committee verdict carefully. Promise monitoring by licensing authority so imagined future will not happen. Campaigning group made representations to Licensing Committee, area should not have premises open till 2, 3 in the morning. Area is big party destination, deep historical connections, home or reggae movement, huge cultural dimension. People in million pound houses support campaign group. Don't like them in their doorstep. Huge impact on where we go.	• ~~Most contentious: intro of new premise in residential area~~ • ~~General opposition to introduction of new premise in residential area~~ • ~~Fear of the unknown~~ • ~~Imagination of the worst~~ • ~~Conditioning of business model outside legal power~~ • ~~Difficult, really tricky balancing act requiring evaluative judgement of the unknown~~ • ~~Approach: explain decision carefully~~ • ~~Monitoring so imagined future will not happen~~ • ~~Huge impact of opposition on leisure life~~ • ~~Historical, cultural significant venues opposed by people in million pound houses~~
P14 (Chair of Licensing Committee)	Large part of work is chairing Licensing Panels rather than chairing committee hearings. Member of various groups dealing with alcohol related harm. 29 years experience in licensing panels.	It's often people fear, that they don't understand things that makes them strong in their views. With alcohol generally, people do not want to be dictated.	• ~~Fear makes people strong in their views~~ • ~~People don't want to be dictated~~

Sub-theme: opposing viewpoints

Participant	1. Background	3.3 Opposing	Elements
P02 (Public Health)	Public health team lead for licensing for about 1 year. 5 years in the position. Reviews licensing applications.	There is conflict, but they don't clash. Nay about license application, some people for, some against. It all comes down to legally, whether against policy. Comes down to whatever conditions, make sure they aren't causing problems on licensing objectives. Not about wrong or right representations or good argument. About whether that's not really a problem because will do this and this.	• ~~Conflicts don't clash~~ • ~~Some for, some nay~~ • ~~Conflict about whether against policy and conditions~~ • ~~No right and wrong representation~~ • ~~Representations not problem if addressed by conditions~~
P04 (Police Licensing Officer)	Over 5 years experience as licensing officer and 17.5 years as police. Represents on behalf of police, not members of general public.	No conflict in applications in CIA. There is rebuttable presumption the Committee will refuse. Some residents' views due to lack understanding of Committee's legal powers. If policy says area means saturated with licensed premises, Committee goes against their own policy if they grant it. Would be a bone of contention for local residents. Not for police to get involved in, manage the fall out of it.	• ~~Contention against additional premises in CIA~~ • ~~No conflict in contention in CIA because rebuttable~~ • ~~Residents lack understanding of Committee's legal powers~~
P05 (Police Licensing Officer)	11 years in licensing. Licensing coordinator for police. Works in partnership with other depts. of local authority to deal with problematic premises.	Group of local residents who don't want that music festival on an open space area at all. Want to progress their representations through the police, responsible authorities via community groups of neighbourhood watch schemes, or some other forums which regularly take place. Not all about noise issues, but environmental, living in close proximity. Need for evidential picture from environmental health to back up complaint, more expert sort. Some people just do not have tolerance levels or just don't like living next to a premise. Can't resolve. Can't say that was then nice quiet place, this is now. Have to put into perspective the reality of situation, what actually is the picture. Say, people fighting, urinating outside, noise etc. Application to vary license, extend hours from 1am, 2am to 3am. Working men's club morph into late nigh license. Several local residents do not want an extra hour. Enough problems already, noise, drunk people coming out. Will impact on quality of life. Previously living in utopia. Completely different now. <u>Problem:</u> creates different problems. Get a sprinkling of complaints. Lot about tolerance. Need evidence base to object. Sometimes, no evidence this will happen. Advice residents to make a representation.	• ~~Local residents do not want festival in open space at all~~ • ~~Not all about noise, but environmental, living in close proximity~~ • ~~Need for more expert sort of evidential picture~~ • ~~People do not have tolerance, just don't like living next to a premise~~ • ~~Need to put reality into perspective, actual picture~~ • ~~Can't resolve in hearings~~ • ~~Previous life in utopia, completely different now~~ • ~~Different problems now, sprinkling of complaints~~ • ~~Lot about tolerance~~ • ~~No evidence of what will happen, but need evidence to object~~
P06 (Licensing Officer)	Licensing Team Leader. Looks at both	There will be a medium balance between two sort of polar extremes. Medium balance not possible. Residents want to sleep at 9, 10. Premises want to open	• ~~Medium balance between two polar extremes but not possible~~

	policy and applications. 3.5 years in the job.	until 4am. Element of noise associated with entertainment, customers coming and going. Only so much venues can do. Problem: very difficult conflict. Council is stuck in the middle. Businesses provide entertainment. Residents pay council tax, lot of money for their house, want to enjoy it all. Had famous artists who support the venue. No right and wrong answer always. Try to balance the two. Very stringent requirements will impact leisure. End up with no one happy. No decision which way to go/policy direction. If we go to one extreme, either night time economy suffers or residents suffer, want action against premises. There are a number of courses of action. Whatever action, no magic bullet to solve the problem. Conflicts are so extereme. Outcome: doubt there will be a definitive sort of decision in favour of either.	~~• Only so much premises can do with noise~~ ~~• Difficult conflict, Council stuck in the middle~~ ~~• Doubt of definitive decision in favour of one~~ ~~• No decision which way/policy direction~~ ~~• No right and wrong answer~~ • Tries to balance ~~• Very stringent conditions will impact leisure~~ ~~• No one ends up happy~~ ~~• Either NTE or residents suffer~~ ~~• Whatever course of action, won't solve problem~~ ~~• No magic bullet~~ ~~• Conflicts so extreme~~ ~~• Famous artists support the venue~~
P08 (Licensing Officer)	Licensing officer since previous regime. Wrote first SLP in a different Borough. Rew-wrote a SLP based on changes in law in 2011. Licensing officer in various London Boroughs on short-term contracts. 29 years experience in licensing.	Not a lot of conflicting views about premise license. Applicant wants to achieve whatever. Residents don't want it or as late. Generally, only two camps. Introduction of EMRO, two camps, resident's do not want a premise because whatever. Residents normally take a fairly simplistic view. Big outdoor pop-ups. 200 letters of support, small number of residents who don't want it. Former not particularly local. There always will be residents who won't engage, only solution is no. Very entrenched, not willing to move far enough. Unreasonable. Some applicants' have attitude, want to be allowed to do anything because they are running a business. Problem: very difficult, very frustrating. Mediation process will work if with good faith on both sides. Borough is very polarised. People want night time economy, lot of late night licenses, lots against. Brought in CIP, comments were polarised. Quite a bit of people accept noise, urination, vomit. Established residents saying pure mayhem at weekends which it does. Approach: maintain status quo through CIP. Outcome: Cannot reconcile polar extremes. Approach: identify specific issues and put conditions. Get a bit more technical.	~~• Not a lot of conflicting views about premises~~ ~~• Applicants want to achieve whatever vs. resident don't want at all/as late~~ ~~• Two camps~~ ~~• Usually simplistic view from residents~~ ~~• Residents who don't engage/only solution is no vs applicants with attitude~~ ~~• Very entrenched not willing to move far enough, unreasonable~~ ~~• Good faith from both sides required in mediation~~ ~~• Polarised comments on CIP~~ ~~• Cannot reconcile polar extremes~~ ~~• Identify specific issues and put conditions, get bit more technical~~

			• ~~Maintain status quo with CIP~~
P09 (Licensing Officer)	Manager of regulatory services. Processes applications, issues licenses, monitoring compliance. Develops SLP. Holds Panel hearings when there are representations. 10 years in licensing.	Lots of events. Some residents embrace, some feel massive intrusion. Pride festival has become too big and impactful. Residents want it stopped. Council and emergency services see it as good thing. People have the right to do and will do it anyway Residents have issues with night time street noise, not from specific premises, just because of sheer numbers of people in city centre. CIP aims to reduce number of premises and times they operate. Some resident associations believe CIP should be an iron curtain, no to any premise full stop. Legally not correct. No even to cafés. Disproportionate. No evidence of negative impact. We'll end up in court. No policy is absolute, there has to be discretion. We try to provide the right kind of premises that promote licensing objectives and vision for Borough. Representatives from the trade want more flexibility.	• ~~Some residents embrace events vs some feel massive intrusion~~ • ~~Pride festival become too big and impactful~~ • ~~People have right to do and will do it anyway~~ • ~~Belief that CIP should be an iron contain~~ • ~~No evidence of negative impact~~ • ~~No policy is absolute, need for discretion~~ • ~~Try to provide right kind of premises and vision for Borough~~
P10 (Licensing Officer)	Advisor to licensing process and enforcer – receives complaints from the public and makes the correct arrangement on the license according to the Act. 2.5 years in licensing.	New applications for outdoor festivals or large scale events. Heightened emotion: lots of members of public opposing all of that noise, another group supporting for varying reasons. Normally noise. Noise is disruptive. Event good for local community, beneficial. Lots of different opinions directly conflict each other. There is times when parties aren't willing to work together. Licensee will protect their business, complainant will protect their argument. Just want a particular outcome, not willing to consider anything else. Problem: difficult to get parties to sit down and come to an agreement. Difficult to come to correct conclusion. Committee has to use local knowledge so license condition is proportionate to concerns raised. Outcome: won't be able to please both groups.	• ~~Lots opposing all of noise vs. supporting for varying reasons~~ • ~~Event good/beneficial for local community vs. disruptive noise~~ • ~~Lot of different opinions conflicting~~ • ~~Want a particular outcome, not willing to consider anything else~~ • ~~Heightened emotion~~ • ~~Difficult to come to correct conclusion if parties won't work together~~ • ~~Can't please both groups~~ • ~~Committee uses local knowledge to come up with conditions proportionate to concerns~~
P12 (Licensing Officer)	Processing of applications and dealing with contested applications. Conciliation. Advises applicants. Enforcement and monitoring. Oversees creation of	Applicants do not fully understand what is being asked for. Sometimes lack of information. We explain in lay terms, some withdraw representations, some don't. Got sort of particular groups in the Borough, want no more alcohol whatsoever.	• ~~Particular group want no more alcohol whatsoever~~ • ~~Applicants do not fully understand requirements vs. residents who don't understand/lack information~~

	SLP. 19 years in licensing		
P13 (Licensing Officer)	4 years Chair of Licensing Committee, 14 years experience in Licensing Committee.	Not really a lot of diverse, conflicting views. Quite a lot of angry responses, don't want carnival in district. Not something we can move because it is council's policy. There's a small number of people opposing an application. Approach: work to see whether there is something both parties can accept, sometimes not successful, goes to Committee.	• ~~Not really a lot of diverse, conflicting views~~ • ~~Quite a lot of angry responses opposing carnival~~ • ~~Can't refuse carnival, allowed in policy~~ • ~~Find something both parties can accept~~ • ~~Committee hearing if not successful with mediation~~
P07 (Chair of Licensing Committee)	About 8 years or longer as Chair, elected every year. Chairs 50-60 hearings a year.	Problem: really hard, differences in opinion. Lots of people like bars in club area and all the rest of it. Others lived there for long time and don't like all of it. Residents don't want any more premise in special policy area. Special policy area does not mean there will be no more licenses. No compromise on that. Law allows more. Councillors will allow the license. Parties: police influential in Special Policy Areas. Lots of residents most powerful in new licenses.	• ~~Really hard to bring together differences in opinion~~ • ~~Lots of people who like it all vs who don't like all of it~~ • ~~Residents don't want any more premises in SPA~~ • ~~No compromise, law allows more~~ • ~~Police influential in SPA, residents in new applications~~
P11 (Chair of Licensing Committee)	8 years Chair.	Real battle of wills between different groups. One group of residents really against something, another very much in favour of licensed premises opening. Or authorities (fire and police) wish to close because of various forms of illegal activity and local residents up in arms against because it is seen as having a traditional value. Problem is undeniable, nevertheless an issue. Two groups pitted against each other. Contingent of residents against in principle any establishment opening. Moral and aesthetic concern about dislike of licensed establishments. Acrimonious, neither parties willing to give way. Argued on noise, amenity, economic way. Residents quite resolute complaining about anything and everything. Problem: difficult to resolve. Parties: 2 out of 6 residents in the hearing, motivated, exposed to the full range of decision-making and all other concerns, representativeness questionable. 40 wrote into the complaint. Easier to satisfy people in the room. Outcome: no resolve, died down in the end, people stopped complaining, got used to it. Live music continued.	• ~~Real battle of wills between different groups~~ • ~~One group really against vs. another very much in favour of premises opening~~ • ~~Responsible authorities want to close vs. residents in arms against~~ • ~~Two groups pitted against each other~~ • ~~Residents against in principle of any establishment opening~~ • ~~Acrimonious, neither willing to give way~~ • ~~Resolute residents complaining about anything and everything~~ • ~~Issue even if problems are undeniable~~ • ~~Easier to satisfy people in the room~~

		Contentious area, people try to use licensing policy, Licensing Committee for something else. Complaints not compatible with licensing objectives. Ancillary concerns such as overall concern about area changing, people unhappy that such concept can exist in the first place. Lots of opposition to licensed events in parks. Want to preserve park in ecological and environmental sense. Or don't like it happening at all. Park exists to supports the community, 'outsiders' not allowed. Objections nothing to do with policy issues of selling alcohol. Problem: legal powers are tightly defined. Idea of event not for Committee to decide. Issues should be going to planning authority or civil court. Expects Licensing Committee to provide a resolution, but nothing to do with management of parks. Public decision-making becomes difficult. Public hearing has formal trappings of an adjudicative body, seen as a forum for resolving disputes. As an institution, not an adjudicative forum that can resolve this nature of disputes.	~~• Representativeness questionable but exposed to full range of decision-making~~ ~~• No resolve, died down, people stopped complaining~~ ~~• People use Licensing Committee to address ancillary concerns – moral, aesthetic, ecological, environmental, concept itself~~ ~~• Objections nothing to do with alcohol policy issues~~ ~~• Difficult decision-making, legal powers tightly defined~~ ~~• Idea of event not for Committee to decide~~ ~~• Licensing Committee to provide a resolution, not park management~~ ~~• Concerns should be going to planning or civil court~~ ~~• Committee hearing seen as institution for resolving disputes~~
P14 (Chair of Licensing Committee)	Large part of work is chairing Licensing Panels rather than chairing committee hearings. Member of various groups dealing with alcohol related harm. 29 years experience in licensing panels	Very difficult views with people living in city centre, don't want anything, they believe it is saturation, shouldn't give a license to anybody. Problem: difficult to turn down a license, can't stop them, allowed in policy. Need good reasons, people appeal in Magistrate Court, Court will allow it. Difficult for us. Need to be a master, explain to people, people still don't like we have given the license. Approach: put heavy conditions, make sure residents are not disturbed. Very strong views there shouldn't be alcohol in the workplace. View: sounds moralistic but about protecting people's health and wellbeing, people have to aware they are responsible for other people's health and wellbeing. Very controversial. Legally allowed. Dilemma. People do not necessarily complain, only get really annoyed, viewed differently. Quite strong opinions about alcohol at work. Approach: constantly trying to find common ground with someone who is very right-wing. Want to have a category on its own. Make new policy, have to reach out to a lot of people for opinions.	~~• Very difficult views of don't want anything in city centre~~ ~~• Believe saturation is no more license~~ ~~• Difficult to turn down a license, allowed in policy~~ ~~• Fear of litigation~~ ~~• Balancing takes mastery~~ ~~• Put heavy conditions so residents are not disturbed~~ ~~• Very strong views about alcohol in the workplace~~ ~~• Drinking in the work place dilemma: legally allowed vs. effect on health and wellbeing~~

			• ~~People do not necessarily complain, only annoyed about drinking in the workplace~~ • ~~Want to have workplace drinking policy category on its own~~

Sub-theme: diverse viewpoints on specific questions

Participant	1. Background	3.4 Diverse viewpoints	Elements
P01 (Public Health)	Works for a third sector organization supporting local authorities in improving community engagement in licensing. 2 years in licensing work. 5 years in the organization.	People concerned with proliferation of licensed premises, generally off-licenses rather than on-licenses, but either is a difficult thing. People bothered by congregation outside, noise, rowdiness later on. General sentiment is people want less off-licenses, felt wasn't a lot of late night food, fast food establishments.	• ~~People generally concerned with off-rather than on-licenses~~ • ~~General sentiment is people want less off-licenses~~ • ~~Felt wasn't a lot of late night food, fast food~~ • ~~Either on /off- is difficult~~
P02 (Public Health)	Public health team lead for licensing for about 1 year. 5 years in the position. Reviews licensing applications.	Objecting to license application, concerns about late night noise, litter. One supportive rep, good for the area.	• ~~Concerns about late night noise~~
P04 (Police Licensing Officer)	Over 5 years experience as licensing officer and 17.5 years as police. Represents on behalf of police, not members of general public.	Review proceeding. Failing on crime and disorder. Local residents do not see it that way, think it is well run, will support premise against police view. Existing premises probably problematic, new operator changes from food-led vs alcohol-led, live music on weekend. Residents: better than existing and being refused and left with vertical drinking establishment, all alcohol and cheap drinks on weekend.	• ~~Better food-led rather than left with vertical drinking establishments, all alcohol and cheap drinks~~ • ~~Local residents see different even if failing on crime and disorder~~
P08 (Licensing Officer)	Licensing officer since previous regime. Wrote first SLP in a different Borough. Re-wrote a SLP based on changes in law in 2011. Licensing officer in various London Boroughs on short-term contracts. 29 years experience in licensing.	If 7 to 8 people, everyone has slightly different take on what is acceptable. More objectors, more representations, less chance of successful outcome, with mediation. Objections split into different camps. Those closest to the venue have biggest concerns. Problem: concession don't go far enough for everybody. End up at hearing.	• ~~Everyone has slightly different take on what is acceptable~~ • ~~Objections split into different camps~~ • ~~More objectors, representations, less chance of successful outcome with mediation~~ • ~~Concessions don't go far enough for everybody, end up in hearing~~
P10 (Licensing Officer)	Advisor to licensing process and enforcer – receives complaints from the public and	Large scale events receive lots of representations. Not mediated by licensing officer. Few representations, comments could be mediated with licensee, licensee could put something in place that would actually mitigate circumstances. Example, bins emptied in the evening, disrupting peace and	• ~~Lots of representations on large scale events, not mediate~~ • ~~Mediate if few, not large representations~~

	makes the correct arrangement on the license according to the Act. 2.5 years in licensing.	quiet. Outcome: speak to both parties to find common ground, make everyone happy, resolve issues. If parties not happy to mediate, go to Committee.	• ~~Put something in place to mitigate circumstances~~ • ~~Speak to both parties to find common ground and make everyone happy~~ • ~~Hearing if parties not happy to mediate~~
P13 (Licensing Officer)	Licensing Team Leader. Processing of applications. Enforcement. Dealing with residents, responsible authorities, lawyers, Committee. Involved in residents' meetings, hearings, appeals in Magistrate Court. 22 years experience in licensing.	People living on the other side of party wall do not mind operating until 11pm, but do not want to hear people going up and down the staircase after 11pm. Very well run, moderately well run, badly run premises. Badly run operators focused on income, not effect on local environment. Lot of responses if applying for extension of license for already badly run premise. Few responses if well run.	• ~~Do not mind operation until 11pm, but not hear people in staircase after 11pm~~ • ~~Few representations for well run premises~~
P11 (Chair of Licensing Committee)	8 years as Chair.	Approach: views siphoned into specific decision-making areas. Balance in a very specific area. Topic: One of the most obvious areas is dispute over hours a place can open. Balance commercial viability. In principle, legally cannot give completely impossible/inappropriate condition such as closing at 7:30pm. Residents want to close earlier to get sleep. Quite a fine margin striking right balance in terms of opening hours, need to listen to residents. Two considerations to trade off. How late it opens. Late night bar restaurant opening until 1am. Concerns about what kind of demographic will be attracted to it, opening beyond 11pm. Locality went long way, not people taking drugs and raving the night. Problem was plan for queuing and dispersal when closes at 1:30am. Que past residential road 10pm onwards and talking. People dispersing to a completely residential road. Biggest revenue between 11pm and 12:30am otherwise, not financially viable for such large premise. Difference operating between bankruptcy and profit. Balance and decision making involved drawing in A3 paper diagram of area, re-design system of queuing, dispersal, security to guide people. Balancing act enabled business get hours needed with residents. Outcome: much higher agreement, directly tackled things of concern.	• ~~Views siphoned into specific decision-making areas~~ • ~~Balance in very specific area~~ • ~~How late opening hours an obvious area for dispute~~ • ~~Fine margin striking balance between commercial viability of license and need for sleep by residents~~ • ~~Not legal to give inappropriate condition (e.g. closing 7:30pm)~~ • ~~Two considerations traded off~~ • ~~Concerns about what kind of demographic premise attracts~~ • ~~Balance/decision making involved drawing in A23 paper plan for queuing and dispersal~~ • ~~Much higher agreement with directly tackling things of concern~~

P14 (Chair of Licensing Committee)	Large part of work is chairing Licensing Panels rather than chairing committee hearings. Member of various groups dealing with alcohol related harm. 29 years experience in licensing panels.	A lot of people have strong views about alcohol, where it is sold, hours, kind of alcohol. Lot of alcohol premises agreed to Reducing the Strength.	~~• Lot of people with strong views about alcohol (where, hours, kind)~~ ~~• Lot of premises agree to RtS~~

Elements and Dimensions

Elements	Dimensions
• No policy is absolute, policy has to be flexible, discretionary • No policy is absolute, need for discretion • No right and wrong representation or argument • No right and/or wrong answer • Encourages Committee decisions defendable in court • Neutral: uphold the law/licensing objectives and support the vision for the Borough • Decisions in line with policy are fair • Very objective platform to put views forward • Law important to prevent Councillors' bias towards their electorate, prejudice and minority • Objective, legally valid decision based on licensing objectives, proportional, evidence-based • Law about making hearing process fair	Interpretation of the policy
~~• Wants to represent complainants, constrained by the law~~ ~~• Feels constrained by law~~ ~~• Cannot do their own thing due to legislation~~ ~~• SLP is a dry document, wish can be rather creative~~ ~~• Not much flexibility on SLP~~ ~~• Law is one-size-fits-all~~ ~~• Areas should be allowed to have a unique stance~~ ~~• Difficult if just take the law~~ ~~• Lots of factors not taken into account by law~~ ~~• Law assumes applicants will be responsible~~ ~~• Law does not say some situations are not on~~ ~~• Local policy not strong enough to support people when it was unreasonable~~ ~~• Difficult decision-making, legal powers tightly defined~~ ~~• Difficult to turn down a license, allowed in policy~~ ~~• Legal framework not balanced in new applications~~ ~~• Law gives more right to business than residents~~ ~~• Trying to be fair, legal framework permissive to trade~~ ~~• Law is not fair~~ ~~• Acknowledges law is not fair in new applications~~ ~~• Playing field is not balanced in legal sense~~ ~~• Very balanced in procedural/ sympathetic communicative sense~~	Policy constraints

• ~~Difficult to weigh objections without evidence~~ • ~~Committee dismisses if view does not match evidential standard~~ • ~~Need for more expert sort of evidential picture~~ • ~~Law probably done by industry~~ • ~~Government code sold out~~ • ~~Still issues in legislation, with appeals specifically~~ • ~~Not legal to give inappropriate condition (e.g. closing 7:30pm)~~ • ~~Idea of event not for Committee to decide~~ • ~~Planning have rather direct influence~~ • ~~Licensing Committee to provide a resolution, not park management~~ • ~~Concerns should be going to planning or civil court~~ • ~~Committee hearing seen as institution for resolving disputes~~ • ~~People's concern outside licensing (planning)~~ • ~~Planning and licensing law do not meet~~ • ~~Conditioning of business model outside legal power~~ • ~~Law is law~~ • ~~No compromise, law allows more~~ • ~~Can't refuse carnival, allowed in policy~~	
• ~~Issue even if problems are undeniable~~ • ~~Parties have to be willing to work together~~ • ~~Residents have to be reasonable, not entrenched~~ • ~~Mediation needs faith from both sides~~ • ~~Good faith from both sides required in mediation~~ • ~~Understanding from parties lacking~~ • ~~Difficult to come to correct conclusion if parties won't work together~~ • ~~Whatever course of action, won't solve problem~~ • ~~Very entrenched not willing to move far enough, unreasonable~~ • ~~Residents who don't engage/only solution is no vs applicants with attitude~~ • ~~Acrimonious, neither willing to give way~~ • ~~Resolute residents complaining about anything and everything~~ • ~~Applicants want to achieve whatever vs. resident don't want at all/as late~~ • ~~Particular group want no more alcohol whatsoever~~ • ~~Residents against in principle of any establishment opening~~ • ~~Very difficult views of don't want anything in city centre~~ • ~~Real battle of wills between different groups~~	Attitudes of parties

• ~~One group really against vs. another very much in favour of premises opening~~ • ~~Responsible authorities want to close vs. residents in arms against~~ • ~~Two groups pitted against each other~~ • ~~Want a particular outcome, not willing to consider anything else~~ • ~~Heightened emotion~~ • ~~Lots of people who like it all vs who don't like all of it~~ • ~~Cannot reconcile polar extremes~~ • ~~Conflicts so extreme~~ • ~~Lot about tolerance~~ • ~~People's tolerance levels~~ • ~~People do not have tolerance, just don't like living next to a premise~~ • ~~Can't please both groups~~ • ~~People don't want to be dictated~~ • ~~Residents don't want any more premises in SPA~~ • ~~Residents don't want it in their doorstep~~ • ~~Belief that CIP should be an iron contain~~ • ~~General opposition to introduction of new premise in residential area~~ • ~~Expectations not reasonable~~ • ~~Local residents do not want festival in open space at all~~ • ~~Concessions don't go far enough for everybody, end up in hearing~~ • ~~Polarised comments on CIP~~ • ~~No resolve, died down, people stopped complaining~~ • ~~Some residents embrace events vs some feel massive intrusion~~ • ~~Quite a lot of angry responses opposing carnival~~ • ~~Lots opposing all of noise vs. supporting for varying reason~~ • ~~Some for, some nay~~	
• ~~Applicants do not fully understand requirements vs. residents who don't understand/lack information~~ • ~~Residents lack understanding of Committee's legal powers~~ • ~~Fear makes people strong in their views~~ • ~~Fear of the unknown~~ • ~~Imagination of the worst~~ • ~~Usually simplistic view from residents~~ • ~~People support police representation if premise is problematic, oppose if farther away~~ • ~~Have to accept disruption to quality of life if living next to premise~~ • ~~Contention against additional premises in CIA~~	Limited understanding

• ~~Believe saturation is no more license~~ • ~~People should know don't live near a pub~~	
• Borough front line in licensing • Borough is defining night life place • Urban • Thousands of licensed premises • Densely populated Borough • Almost no area purely residential/business • Very densely packed Borough • Coexisting residential and commercial areas • Borough is big party destination • World renowned destinations • Historical and cultural significance of particular venues • Cultural significance of British pub, under threat of extinction • Diminishing profits, miniscule profit margins – background factor of applications and licensing decisions • Rural infrastructure not built for late NTE • Venues have history and popularity • One of worst Boroughs in alcohol-related crime • Many 24 hour off licenses, all of off 24h • Geography makes a difference • Need to put reality into perspective, actual picture • Long history with Best Bar None scheme, biggest membership in the country • Political leadership committed to regeneration, jobs, night time economy • Political leadership supportive of licensing officer's advocacy • Not all about noise, but environmental, living in close proximity • Exempted some districts from recommended hours	Context – geographical, social, cultural, economic, political
• ~~Demographic of residents – middle class, very active in chasing things up~~ • ~~Approach depends on demographic/ class of residents (middle class)~~ • ~~People living in million pound houses oppose venues despite significance~~ • ~~Historical, cultural significant venues opposed by people in million pound houses~~ • ~~Sophisticated in dealing with strong lobby from but vulnerable to powerful interests~~ • ~~Class dimension~~ • ~~Famous artists support the venue~~ • ~~Police influential in SPA, residents in new applications~~ • ~~Easier to satisfy people in the room~~	Demography

• ~~Representativeness questionable but exposed to full range of decision-making~~	
• No policy direction • No policy direction for dealing with problems • No decision which way to go • No decision which way/policy direction • Prefers policy/strategic approach from Council rather than day-to-day approach • Durell world of complaints • Everybody want vibrant nightlife, but not wake them up • Difficult balancing hypothetical concerns vs. available information • Difficult, really tricky balancing act requiring evaluative judgement of the unknown • Medium balance between two polar extremes but not possible • No one ends up happy • No magic bullet • Only so much premises can do to control noise • Difficult to tell town centre residents have to accept some element of noise • Difficult to unpick impact of decisions • Difficult to determine fine line of what is acceptable not acceptable • Difficult conflict, trade-offs • Fine margin striking balance between commercial viability of license and need for sleep by residents • Two considerations traded-off • Either NTE or residents suffer • Durell world of complaints • Really hard to bring together differences in opinion • Event good/beneficial for local community vs. disruptive noise • Huge impact of opposition on leisure life • Economic benefits of exciting, diverse NTE vs. impact on residents' right to peaceful life • Residents in town centre want quiet, town centre is noisy and residential • Balancing takes mastery • Very stringent conditions will impact leisure • Balancing economic benefits with problems of NTE • Problematic closing venues with historical and cultural significance • Economic and cultural benefits of thriving NTE with negative impact on quality of life • Need for employment, economic growth • Jobs, employment on broader picture • Very stringent requirements will impact on leisure	Dilemmas

• Town centre is both late night and increasing residential • Complete and utter silence impossible • Wants to promote evening economy • Recognize effects on NHS • Drinking in the work place dilemma: legally allowed vs. effect on health and wellbeing • Licensing decisions create the legal framework of business under knife edge • Difficult conflict, Council stuck in the middle • Businesses want maximum, flexibility vs. residents worrying • Need to be realistic • Doubt with definitive decision in favour of one over the other • Doubt of definitive decision in favour of one • People use Licensing Committee to address ancillary concerns -- moral, aesthetic, ecological, environmental, concept itself • Objections nothing to do with alcohol policy issues • Nothing to stop late night economies • Can't stop festival, people have rights • People have right to do and will do it anyway • Impact of NTE not win-win for local authorities • No evidence of what will happen, but need evidence to object • Need evidence of impact of new establishments on people's lives • Different problems now, sprinkling of complaints • Right of appeal transparent, allows for reconsideration but want to avoid, difficult • There are things which are realistic and unreasonable • Does not find it easy to grant a license • Try to provide right kind of premises and vision for Borough • Public nuisance objective not straightforward • All the time doing with licensing • Always balancing demands • Media has to change	
• ~~Wants to keep both sets of groups happy~~ • ~~Tries not to take sides~~ • ~~Represents both sides~~ • ~~Genuinely middle/neutral~~ • ~~Council stuck in the middle~~ • ~~Answer is medium balance between two opposing groups~~ • ~~Not against night time economy~~	Position in the conflict

• ~~Very much in NTE framework but genuinely middle~~ • ~~Hearings opportunity for middle ground unlike in planning~~ • ~~Licensing authority should be neutral~~ • ~~Balance important politically~~ • ~~Councillors feel in position to mediate and find common ground~~ • ~~Council's policy is middle position~~ • ~~Conditions to make everyone happy~~ • ~~Great sense of achievement with middle ground, conditions~~ • ~~Find something both parties can accept~~ • ~~Speak to both parties to find common ground and make everyone happy~~ • ~~Advocate of residents, not completely neutral to business and residents~~ • ~~Empathic towards residents~~ • ~~Committee more inclined to favour residents~~ • ~~Committee slightly in favour of residents~~ • ~~Applied principle of giving local authorities and residents greater control~~ • ~~Unhappy about drunk people disturbing residents~~ • ~~Tips balance by giving residents more time to air their view~~ • ~~Sensitive to negative impact of law on people's lives~~ • ~~Policy to support residents/sufferers air out disagreements~~ • ~~Would like to see stops in licensing~~ • ~~Push business to do better~~ • ~~Willing to advise people how to raise objections~~	
• ~~Takes a public health perspective in alcohol in the workplace~~ • ~~Believes licences have responsibility towards other people's health and well-being~~ • ~~Takes a public health point of view~~ • ~~Working with public health department on non-alcohol alternatives~~ • ~~Drinking culture is excessive~~ • ~~Lot of premises agree to RtS~~ • ~~Wants to shift away from alcohol-led premises; promote diverse options~~	Public health
• ~~Decisions based on package of information, not just what both parties say~~ • ~~Decisions based on wider picture~~ • ~~Holistic view~~ • ~~Lots of information used when making decisions, thorough~~ • ~~Seeing a lot of what is happening in the cities~~ • ~~Goes out in the city to learn what is happening around~~	Complexity

• ~~Keeping pace with changes in society, culture, work practice~~ • ~~Not bubbled down.~~ • ~~Lot of information are meaningful~~ • ~~Takes enforcement, complexity into account when deciding on a license~~ • ~~Committee uses local knowledge to come up with conditions proportionate to concerns~~ • ~~Each case is unique~~ • ~~Different decisions possible~~ • ~~Various sorts of things that can be offered and accepted~~ • ~~Does not rely totally on conditions~~ • ~~What applicants say what will happen vs what will actually happen is not straightforward~~ • ~~Government well-meaning but did not think enough~~ • ~~Business profits influence behaviour~~	
• ~~Give premises opportunity to address the issues~~ • ~~Works with licensees before revoking license~~ • ~~Apply informal and formal statutory action~~ • ~~Resolution rather than regulation or prosecution~~ • ~~Prosecution of licenses not a solution~~ • ~~Soft style of resolution rather than a 'command and control' style of regulation, enforcement or prosecution~~ • ~~Better for parties to agree than Committee ruling~~ • ~~Better relationships and more effective solutions with business-resident communication~~ • ~~Wants to generate understanding in the opposing groups in addition to evidence-based approach~~ • ~~Committee hearing if not successful with mediation~~ • ~~Hearing if parties not happy to mediate~~ • ~~Disappointed with hearings, unnecessary~~ • ~~Cross-party working, relationship building~~ • ~~Panels nearly always agree on decision~~ • ~~Pity business consultation with residents not mandatory~~ • ~~Applicants not always keen to go out and talk to residents~~ • ~~Fears and concerns can be managed by a responsible applicant~~	Approach to regulation
• Better food-led rather than left with vertical drinking establishments, all alcohol and cheap drinks • People generally concerned with off- rather than on-licenses • General sentiment is people want less off-licenses • Felt wasn't a lot of late night food, fast food • Lot of people with strong views about alcohol (where, hours, kind) • Concerns about what kind of demographic premise attracts	Kinds of conflicts

• How late opening hours an obvious area for dispute • Do not mind operation until 11pm, but not hear people in staircase after 11pm • Pride festival become too big and impactful • Most contentious: intro of new premise in residential area • Conflict about whether against policy and conditions • Conflicts don't clash • No conflict in contention in CIA because rebuttable • Representations not problem if addressed by conditions • No to any more cafés in cumulative impact area is disproportionate	
• ~~Likes licensing, wants the job of Chair~~ • ~~Hearings very attractive to Councillors~~ • ~~Really interested in the job~~ • ~~Hates silo-working~~ • ~~Interested in issues outside police's remit~~ • ~~Works closely with EH~~ • ~~Biased towards electorate~~ • ~~Actively involved in developing local policy~~ • ~~Keen on diversity of views~~ • ~~Prefers to talk to people when there are no serious problems~~ • ~~Needed to do something radical~~ • ~~Want to have workplace drinking policy category on its own~~ • ~~Fit for purpose policy~~ • ~~Tough, policy oriented approach to people~~ • ~~Proactive in speaking to people about licensing issues outside hearings~~ • ~~Did not like Best Bar None scheme~~ • ~~Prefers to follow law to arbitrating differently~~ • ~~Fear of ending in court, appeal, financial costs, loss of goodwill, lost of conditions agreed~~ • ~~Fear of litigation~~ • ~~Fear of Court appeal and costs~~ • ~~Put heavy conditions due to constraints by law~~ • ~~Solicitors who work really hard on application, dealt with residents' concerns Conflict with higher level political leadership protective of historical and cultural significance of venues~~ • ~~Cannot rely on responsible authorities all the time to represent~~ • ~~Agent of change concept~~ • ~~Licensing hearing lacking in perspective of reality~~	Attitudes, views, motivations

• ~~No result in a hearing. Can't resolve in hearings~~	
• ~~Area changed within a short period after the law~~ • ~~Problematic knock-on effects of late night opening hours~~ • ~~Previous life in utopia, completely different now~~	Knock-on effects

Categories

Elements and dimensions	Categories

• Interpretation of the policy
• Policy constraints
• Knock-on effects
• Context
• Dilemmas
• Complexity
  - Government well-meaning but did not think enough
• Attitudes, views and motivations of decision maker
  - Likes licensing, wants the job of Chair
  - Really interested in the job
  - Hates silo-working
  - Interested in issues outside police's remit
  - Works closely with EH
  - Actively involved in developing local policy
  - Needed to do something radical
  - Tough, policy oriented approach to people
  - Did not like Best Bar None scheme
  - Fit-for-purpose policy
  - Want to have workplace drinking policy category on its own
  - Prefers to follow law to arbitrating differently
  - Fear of litigation
  - Fear of Court appeal and costs
  - Put heavy conditions due to constraints by law
  - Solicitors who work really hard on application, dealt with residents' concerns Conflict with higher level political leadership protective of historical and cultural significance of venues
  - Cannot rely on responsible authorities all the time to represent
  - Agent of change concept
  - Licensing hearing lacking in perspective of reality
  - No result in a hearing. Can't resolve in hearings
• Position in the conflict
  - Hearings opportunity for middle ground unlike in planning
  - Applied principle of giving local authorities and residents greater control
  - Push business to do better
  - Would like to see stops in licensing
	Interaction of individual agency, principles of the profession, and enablements of a political organization

• Public health - Takes a public health perspective in alcohol in the workplace - Believes licences have responsibility towards other people's health and well-being - Takes a public health point of view - Working with public health department on non-alcohol alternatives - Drinking culture is excessive - Lot of premises agree to RtS - Wants to shift away from alcohol-led premises; promote diverse options • Complexity - Decisions based on package of information, not just what both parties say - Decisions based on wider picture - Holistic view - Lots of information used when making decisions, thorough - Seeing a lot of what is happening in the cities - Goes out in the city to learn what is happening around - Keeping pace with changes in society, culture, work practice - Not bubbled down. - Lot of information are meaningful - Takes enforcement, complexity into account when deciding on a license - Committee uses local knowledge to come up with conditions proportionate to concerns - Does not rely totally on conditions - What applicants say what will happen vs what will actually happen is not straightforward	
• Demography • Attitudes of parties • Limited understanding • Complexity - Different decisions possible - Each case is unique - Various sorts of things that can be offered and accepted - Business profits influence behaviour • Kinds of conflicts	Attributes of parties
• Approach to regulation - Give premises opportunity to address the issues - Works with licensees before revoking license - Apply informal and formal statutory action - Resolution rather than regulation or prosecution	Relationship between local government and community

- Prosecution of licenses not a solution - Soft style of resolution rather than a 'command and control' style of regulation, enforcement or prosecution - Better for parties to agree than Committee ruling - Better relationships and more effective solutions with business-resident communication - Wants to generate understanding in the opposing groups in addition to evidence-based approach - Committee hearing if not successful with mediation - Hearing if parties not happy to mediate - Disappointed with hearings, unnecessary - Cross-party working, relationship building - Panels nearly always agree on decision - Pity business consultation with residents not mandatory - Applicants not always keen to go out and talk to residents - Fears and concerns can be managed by a responsible applicant • Position in the conflict - Wants to keep both sets of groups happy - Tries not to take sides - Represents both sides - Genuinely middle/neutral - Council stuck in the middle - Answer is medium balance between two opposing groups - Not against night time economy - Very much in NTE framework but genuinely middle - Licensing authority should be neutral - Balance important politically - Councillors feel in position to mediate and find common ground - Council's policy is middle position - Conditions to make everyone happy - Great sense of achievement with middle ground, conditions - Find something both parties can accept - Speak to both parties to find common ground and make everyone happy - Advocate of residents, not completely neutral to business and residents - Empathic towards residents - Committee more inclined to favour residents - Committee slightly in favour of residents - Willing to advise people how to raise objections - Tips balance by giving residents more time to air their view - Sensitive to negative impact of law on people's lives	

- Policy to support residents/sufferers air out disagreements - Unhappy about drunk people disturbing residents • Attitudes, views, motivations of decision makers - Proactive in speaking to people about licensing issues outside hearings - Keen on diversity of views - Biased towards electorate - Prefers to talk to people when there are no serious problems - Fear of ending in court, appeal, financial costs, loss of goodwill, lost of conditions agreed - Hearings very attractive to Councillors	

Appendix D: Ethics Approval Letter

The University Of Sheffield.

Downloaded: 11/02/2019
Approved: 11/02/2019

Genevieve David
Registration number: 160135576
School of Health and Related Research
Programme: Health and Related Research (MPhil/Health & Related Res FT) - HARR11

Dear Genevieve

PROJECT TITLE: Examining the publics role in alcohol licensing decision-making and how local authorities address conflicting public views: a qualitative study
APPLICATION: Reference Number 024172

On behalf of the University ethics reviewers who reviewed your project, I am pleased to inform you that on 11/02/2019 the above-named project was **approved** on ethics grounds, on the basis that you will adhere to the following documentation that you submitted for ethics review:

- University research ethics application form 024172 (dated 05/02/2019).
- Participant information sheet 1054935 version 3 (05/02/2019).
- Participant information sheet 1054886 version 4 (04/02/2019).
- Participant consent form 1055538 version 3 (05/02/2019).
- Participant consent form 1054880 version 3 (04/02/2019).

If during the course of the project you need to deviate significantly from the above-approved documentation please inform me since written approval will be required.

Yours sincerely

Jennifer Burr
Ethics Administrator
School of Health and Related Research