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From "wet led" to "dry led": Food and the contested framing of alcohol establishments

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Abstract: A shift is underway in the licensed trade from drink-led to food-led establishments. The current literature emphasises two underpinning reasons: (i) the need for pubs, bars and craft venues to diversify their income streams in an increasingly competitive sector, and (ii) changes in consumer demand and preferences for the availability of food, especially in "craft" establishments. This chapter argues that a third reason has been neglected: the long-standing regulatory pressure for establishments to provide food alongside alcohol. Drawing on archival research and Local Authority licensing data, this chapter argues that the shift to food-led provision in licensed establishments must be understood as part of an enduring regulatory concern to foster a more "civilised" drinking culture – namely, a seated, café-style, "more European" approach to consumption – in which patrons drink alcohol alongside food.

Keywords: Licensing, food, Licensing Act 2003, temperance, local authorities, wet-led.

Introduction

"A pub would die if you did not serve food" – a sentiment that Lane argues "nearly every publican" in her 2018 study of the move towards food-led "gastropubs" expressed (Lane, 2018, p.143). Her findings support a claim now made frequently in studies of on-licence premises more broadly: a shift is underway from drink-led to food-led establishments. The literature points to two main, inter-linked reasons for this shift. First, the need to diversify revenue streams in an increasingly competitive sector by introducing or improving on an establishment's food offer (Thurnell-Read, 2021). Second, to respond to customer demands and expectations on the availability of food, especially in "craft" led establishments (Smith, Farrish, McCarroll, & Huseman, 2017; Murray & O'Neill, 2012). This shift from "wet led" to "dry led" is, in other words, a function of businesses responding to market changes and changes in the demands of customers.

This chapter argues that there is a third key reason, so far neglected in this literature: longstanding regulatory pressure for establishments to provide food alongside alcohol. Notwithstanding the centrality of food to licensing decision-making over the course of the last two centuries, the importance of the licensing system and its enduring aims to foster a more sit-down, food-led, "European" culture of alcohol consumption is often neglected in studies outside of the licensing context. Indeed, Lane dedicates an entire chapter to the evolution of state regulation in her detailed analysis of the rise of the Gastropub; however, this does not refer to incentives for food-led provision or ancillary alcohol consumption in the licensing system, or historical concerns with the provision of food with alcohol (Lane, 2018, p.125-141).

Drawing on archival research and local authority licensing policies and hearings in England, this chapter argues that the shift to food-led provision in licensed establishments must be understood as part of an enduring governmental concern to foster a more "civilised" drinking culture – namely, a seated, café-style, "more European" approach to consumption – in which patrons drink alcohol seated alongside food. Establishments in the craft beer sector enter a regulatory environment, particularly within English

cities, where a food offer is not just business acumen, but is actively encouraged by licensing authorities and may be determinative of a successful licence application.

The argument is in four sections. Given the focus of this book, the first grounds the argument that follows in current research on the craft beer market. The second draws on material sourced from the National Archives to argue that regulatory efforts in the UK to secure the "improved public house" emphasised the consumption of food alongside alcohol. The third focuses on the Licensing Act 2003 and its roots in regulatory efforts to secure a "more European" drinking culture that prioritises the consumption of food with alcohol. The fourth draws on a dataset of Local Authority licensing policies and licensing hearings to argue that the provision of food is a central part of the "contested framing" of establishments under the Licensing Act 2003 (Grace, Egan, & Lock, 2016, p.79). All of these sections illustrate how consuming alcohol alongside food is part of the heavily classed processes intended to civilise the drinking practices of perceived problematic drinkers. These regulatory efforts to shape drinking establishments should not be neglected in studies of the move towards more food-led venues in the craft beer sector.

"Alcohol geeks": Craft beer, food and licensing

In 2012, Brewdog – the Scottish "craft" brewery in pursuit of an ambitious growth programme – applied for a license to open a new bar in Leeds city centre (Leeds City Council, 2012). Sitting next to the Corn Exchange in the heart of the city, the proposed site is a designated "cumulative impact area", with a coterie of pubs, bars and restaurants clustered in "close proximity" to each other (ibid). West Yorkshire Police lamented that patrons spilling out of venues were already leading to noise and anti-social behaviour; a concern that led Leeds City Council to reject BrewDog's license application. Brewdog appealed the decision to the Leeds Magistrates' Court. They argued that as a craft beer venue, their ethos was different to the other alcohol-led establishments at the Corn Exchange. Judge Anderson agreed. In a striking decision, he describes their customers as "alcohol geeks", who "are not run of the mill or everyone's cup of tea", but are "rather better heeled customers" than your usual "'get it down your neck' drinkers" (*Brewdog Bars Limited v Leeds City Council* [2012] Leeds Magistrates Court). In concluding that he is not "worried about their clientele", Judge Anderson allowed BrewDog's appeal. Today, their "alcohol geeks" can get their fix next to the Corn Exchange.

Judge Anderson's decision demonstrates that licensing law is about far more than just opening hours. This finely textured decision, seemingly informed by classed impressions of craft beer drinkers, is symptomatic of a licensing system in the UK that has long sought to distinguish civilized and uncivilized clientele – what Yeomans describes as the "dividing practices" at play in the regulation of alcohol (Yeomans, 2014, p.192). Brewdog's successful appeal illustrates how the framing of an establishment and its clientele as "craft" can help to convince authorities that alcohol consumption is unproblematic. This chapter focuses on one aspect of this framing activity: the provision of food. This has broader implications beyond "craft" alcohol premises, but there are two ways in which the arguments below contribute to this literature.

First, similar arguments about the framing of craft establishments are made elsewhere, albeit without explicit focus on the regulatory environment that can help to drive these trends. For instance, Wallace argues that craft brewers frame their establishments as part of a broader "craft" cultural offer, involving artisan food, to illustrate how they are targeting a more "sophisticated" type of consumer. He notes how a brewery in Tottenham – who were bidding for a Haringey Council unit to use as a tap room – framed their business plan:

> "Our case was: if regeneration is what you are trying to do, I think a brewery brings young, more sophisticated people, it brings artists … Next door is a guy making yoghurt so that is what they are trying to do, put us together: food, drinks … more craft producers … butcher, ice cream maker, someone making hummus. ('Jasper', 'connected artisan', north London)" (Wallace, 2019, p.956).

Second, the provision of food alongside alcohol is increasingly part of the offering of craft-led establishments. For instance, Haynes and Egan argue that the "fourth wave" of craft-led micro-pubs and bars are increasingly focused on extending their food offerings (Haynes & Egan, 2019), and Dodd et al note the importance of collaborations with craft food manufacturers by craft beer venues. These shifts are attributed to the need to diversify revenue streams and customer demands and expectations on the availability of food, especially in "craft" led establishments (Smith, Farrish, McCarroll, & Huseman, 2017; Murray & O'Neill, 2012; Thurnell-Read, 2021). However, these changes must be seen alongside long-standing regulatory pressures – which themselves form part of the efforts to "civilise" drinking practices – to align alcohol consumption with the consumption of food. It is to these historical regulatory efforts that this chapter now turns.

Food and the improved public house

Perhaps the most notable recent example of tying food to alcohol consumption is in English regulations in response to the Covid-19 pandemic. In the course of the second wave of restrictions, legislation for the so-called "Tier Two" restrictions prohibited the sale of alcohol for consumption on a licensed premises unless it is served as part of a "table meal" (Reg.14(2) The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020/1374). The regulations detail a two-pronged definition. First, the food itself. This must be a meal that "might be expected to be served as breakfast, the main midday or main evening meal, or as a main course at such a meal". Second, the table it is eaten at. Here, the regulations mirror language adopted in s.159 Licensing Act 2003 to state that:

> …'a "table meal" is a meal eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure serving the purposes of a table' (Reg.14(4) The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020/1374).

Other than broad references to the requirement for a "substantial meal", guidance has been few-and-far between. In an illustration of the considerable grey area at play, when questioned over whether a Cornish pasty would count as a meal, Housing Secretary Robert Jenrick said it would, but only if it "came on a plate with chips or a side salad" (Evening Standard, 2020). Environment Secretary George Eustice suggested that a Scotch Egg (also – importantly – via table service) might well suffice (The Guardian, 2020).

However, outside of the confines of unprecedented public health regulations in response to a pandemic, tying alcohol consumption to a sit-down meal is a long-standing technique from the temperance playbook. Perhaps the best-known example is New York's so-called "Raines Law": legislation at the turn of the 20th century that required establishments to serve a table meal with any alcoholic drinks on a Sunday. It soon become synonymous with the "Raines law sandwich" – the cheapest possible composition of waterproof ham and tough bread that could be described charitably as a meal, intended solely to meet the minimum requirements of the legislation. According to hearings in front of the prohibition-era American Congress, establishments placed these on the table at the start of service to

comply with the legislation and they "stood on the table, untouched, until Sunday was over" (United States Government Printing Office, 1930). These sandwiches were so hardy, Carson even recounts a story of them being weaponised in a bar room brawl, where "a man snatched up a venerable Raines law sandwich and brained his adversary with it in one blow" (Carson, 2010, p.203).

The same underpinning belief behind the "Raines Law sandwich" also runs through the English licensing system: that tying alcohol consumption to food helps to foster a more civilised drinking environment. Within English licensing law, the provision of food with alcohol has long been a legal dividing line between different forms of licensed drinking establishments. Indeed, since at least the 16th century, English common law has imposed duties on the operators of inns (as opposed to taverns and alehouses) to provide adequate refreshment to any weary traveller that enters the premises – operators could face substantial fines if they failed to do so (Hackward, 1909, p.67; Jennings, 2017, p.39-40). Throughout the late 18th and early 19th century, innkeepers were brought routinely before Magistrates at the Quarter Sessions and fined for failing to provide satisfactory meals to patrons (Ministry of Food, 1944; Fraser, 1947). As late as the mid-20th century, in *R. v Higgins (Victor Henry*) [1948] 1 K.B. 165, the Criminal Court of Appeal considered a refusal by staff at the Cock Hotel in Epping to serve a customer a table meal as they not booked in advance. The court, finding in favour of the inn operator, concluded that:

> "There is no doubt as to the obligation of an innkeeper. He is bound to supply a traveller with food and lodging which he cannot refuse without reasonable excuse… What is a reasonable excuse is eminently a matter for the jury" (p. 169).

Although such common-law duties have not applied to public houses, historically legislation has allowed for the renewal of licenses to be refused if a publican failed unreasonably to supply suitable refreshment over-and-above intoxicating drinks, such as meals and soft-drinks . This power has been reflected across a series of legislative interventions across the 19th and 20th centuries, but is perhaps best expressed in the Licensing (Consolidation) Act 1910, which states (in a Supplemental Provision to Schedule 11):

> If the licensing justices refuse to renew an old on-licence on the ground that the holder of the licence has persistently and unreasonably refused to supply suitable refreshment (other than intoxicating liquor) at a reasonable price…the justices shall be deemed to have refused the licence on the ground that the premises had been ill-conducted.

Studies of licensing magistrate decision-making in the early 20th century, although few-and-far between, highlight that the provision of food was an important factor in determining the success of applications. As Beckingham argues in his analysis of alcohol licensing in Glasgow in the early 1900s, "it seems that the magistrates thought that alcohol served with food was a 'lesser evil – moral no less than physical – than drink taken alone" (Beckingham, 2017, p.130).

The tying of food provision to alcohol consumption has not been confined solely to the exercise of magisterial discretion, it has been baked into licensing legislation itself. Section 3 of the Licensing Act 1921 heralded the so-called "supper hour certificate"; a policy also reflected in section 68 of the later Licensing Act 1964. This allows for an additional hour over-and-above permitted opening times:

> "…Provided that any intoxicating liquor sold or supplied during that hour shall be sold or supplied only, for consumption at a meal supplied at the same time… so long as the licensing justices are satisfied that they are structurally adapted and bonâfide used or intended to be used for the purpose of habitually providing, for the

> accommodation of persons frequenting the premises, substantial refreshment, to which the sale and supply of intoxicating liquor is ancillary." (s.3(1)-(2) Licensing Act 1921).

Much in the same spirit of the "Raines Law sandwich", these "intricate provisions" led to the so-called "sandwich dodge", where a mere sandwich would be provided alongside the continued consumption of alcoholic drinks in order to meet the minimum requirements necessary for a meal (whether the sandwich itself was eaten by the drinker or not) (Guttridge, 1946, p.158). Indeed, arguments over whether a sandwich was capable of constituting a "meal" abounded in the Magistrates Courts. In one such case in 1925, the Metropolitan Police prosecuted the Queens Hotel, Leicester Square, where drinks were sold after the normal closing hour, provided one sandwich was placed on the table with the drinker. The police argued that this was "an obvious subterfuge", but the magistrate refused to convict, holding that a sandwich was indeed a meal (Wilson, 1946).

The introduction of the "supper hour certificate" itself was informed by a classed notion of civilised, food-led alcohol consumption. Perhaps the best illustration is the concerns of King George V. He was exercised enough to write a letter to Reginald McKenna (the then Secretary of State for the Home Office) which stated:

> "The King…desires me to ask you whether it would not be possible to give to the people who visit public houses opportunities of being able to drink alcoholic liquor with their food in the same way the upper classes are enabled to do in public restaurants?" (Balmoral Castle, 1912).

The reply underscores the "whole tendency of the modern administration of the licensing laws [to] encourage the provision of food on licensed premises so as to combat the idea that they are merely drinking shops" (Balmoral Castle, 1912). Even under the intense pressures of rationing during the Second World War, the Ministry of Food sought to treat public houses and innkeepers in the same way as other catering establishments as much as possible. Contemporary sources refer to the need to preserve the:

> "…interests of sobriety and public house improvement, of not unduly hampering the development which occurred before the war by which public houses were catering for food and soft drinks…the desirability of this development has always been referred to in our correspondence with the Ministry of Food" (Ministry of Food, 1947).

The then Minister of Food, Lord Woolten, was under pressure from Licensing Magistrates to ensure that the programme of "public house improvement, in which the provision of food and non-intoxicants is an essential element" would not be neglected in the face of the war effort, to see "the public house sinking back towards being a place where there is nothing to see but intoxicating liquor, and nothing to do but drink it" (Morning Advertiser, 1943). Indeed, a core focus of the (in)famous nationalisation of public houses in-and-around the Carlisle munition factories during the Second World War was to improve the provision of food and avoid patrons opting for a "liquid lunch" (Yeomans, 2014, p.105).

What these examples demonstrate is that legislative interventions have long sought to encourage the consumption of food with alcohol, informed by a concern with drinking for drinking's sake and a belief that food consumption has a civilising effect on alcohol consumption. This is not a phenomenon confined to the UK. Requiring food to be provided in establishments selling alcohol is an approach taken elsewhere, especially in Australasia (Stewart, 2009), and characterises studies of cultural approaches to alcohol consumption in continental Europe. In Gamella's analysis of alcohol and culture

in Spain, they go as far to argue "not to drink on an empty stomach is a tacit cultural prescription, and food, even a morsel, will be included with the drinking" (Gamella, 1995, p.261). It is within this context that the current licensing regime, laid out under the Licensing Act 2003, sits – this is dealt with in the next section.

"We want to be more European": The Licensing Act 2003

British politicians have long fetishized an imagined "continental" drinking culture. Though dismissed by some MPs as "tarted up coffee houses serving beers and spirits 24 hours a day to anyone" (HC Deb, 19 October 1973, c634), a drive to relax alcohol licensing along perceived "European" lines was a latent thread running through post-WWII British politics. Temperance movements and concerns about productivity of the war machine had given way to a greater focus on quality of life and the development of public space. This is particularly true of the Labour Party. Indeed, Anthony Crosland – the Labour politician who served in Harold Wilson's cabinet – considered it important enough to invoke in his seminal work The Future of Socialism, in which he argued we needed "more open-air cafes, brighter and gayer streets at night, later closing hours for public houses" (Crosland, 1956).

The appeal of this cultural "continental drinking" panacea was well bedded into the New Labour Government by the early 2000s. Successive studies into Britain's drinking, commissioned by the Government, raised concerns about increasing night-time violence, the culture of weekend benders, and drinkers taking over city-centres. The Government saw a relaxed approach to licensing and all-day café-culture as a way to stem the perceived descent into "Binge Britain". Richard Carbon, a minister involved with licensing reform, could not have put it any more fittingly when he summarised the motivation of the reforms: "we want to be more European" (Tierney, 2006).

These concerns led to the development of the Licensing Act 2003 to reform alcohol licensing in England and Wales. All applications to sell alcohol on-or-off a premises fall under the legislation's rubric. The operation of the Act and the licensing process is best explained by contrasting it with what came before. First, in a substantial upheaval to the long-standing approach to licensing in England and Wales, licensing decisions are now taken by a committee of councillors convened at each Local Authority, instead of by local magistrates (s.6 Licensing Act 2003). Magistrates have been responsible for licensing decision-making since 1552, however, in the build-up to the 2003 Act they were considered to be "inconsistent and unpredictable" in their decision-making and removed from the reality of the day-to-day operation of establishments (Light, 2005, p.278). Concerns were also raised about the democratic legitimacy of the system; as a participant in Greenaway's study put it, the licensing magistrates were seen as a "bunch of Tories" (Greenaway, 2011). In a move that was intended to bring licensing decision-making into a more democratic forum and absolve the perceived problems of the magistrate-led system (Roberts et al, 2020), elected councillors now consider applications in line with Government guidance (issued under s.182 Licensing Act 2003) and a Local Authority licensing policy; a document that must be reviewed and published every five years (see s.6 Licensing Act 2003).

Second, the Act heralded a "lighter touch" approach to the granting and ongoing review of licenses (Talbot, 2006, p.161; Loveday, 2005, p.201). The New Labour Government had hoped that a liberalization of the licensing laws would help to usher in a "continental style" café culture, where 24-hour licenses were (in theory) possible to avoid the clustering of closures and the "last orders" dynamic, and a more diverse range of licensed establishments would follow (Yeomans, 2014, p.177). Such "anecdotal stereotyping" was rife in the build-up to reform, with ushering in a "continental drinking" culture an explicit policy goal of the 2003 Act (Jayne, Valentine, & Holloway, 200, p.85-86).

A key part of this liberalization was a presumption in favour of the applicant that the licence would be granted (at least outside of "cumulative impact zones", on which more below). Under the new regime, if there are no objections to the application by relevant parties (for instance, the police, the local authority, or local residents), the licence has to be granted subject only to mandatory conditions (ss.19-21 Licensing Act 2003), and any conditions laid out in the application (s.18 Licensing Act 2003). If there are no objections, then there is no hearing, and no exercise of "substantive discretionary powers" outside of the imposition of mandatory terms (*R. (on the application of British Beer & Pub Association) v Canterbury City Council* [2005] EWHC 1318 (Admin) (para. 85)). There is no set review period: if the establishment meets the conditions of its licence it remains able to serve alcohol.

Finally, the Act introduced a streamlined set of four licensing "objectives" for when disputes do arise. Instead of a broad discretion to judge an application on its merits on a case-by-case basis, these newly convened local authority committees can only evaluate an application with reference to its impact on four criteria, outlined in s.4(2) Licensing Act 2003:

(a) the prevention of crime and disorder;
(b) public safety;
(c) the prevention of public nuisance; and
(d) the protection of children from harm.

Local authorities should only impose conditions or refuse licenses where it is *necessary* to do so to promote at least one of the four licensing objectives. Broad-ranging concerns not tied to the specific objectives do not "take proper account of the changed approach to licensing" that the 2003 Act represents: instead, there must be "real evidence" to suggest that granting a licence – or varying its terms – would jeopardise at least one of the objectives (*R. (on the application of Daniel Thwaites Plc) v Wirral Borough Magistrates' Court* [2008] EWHC 838 (Admin) (para.63)).

Importantly, however, Local Authorities have the power to adopt "cumulative impact zones" (CIZ) within their locality when they determine, following a cumulative impact assessment, that the number or density of licensed establishments is inconsistent with the licensing objectives (s.5A Licensing Act 2003, as amended by s.141 Policing and Crime Act 2017). In effect, these reverse the permissive presumption laid out above: in a CIZ, the onus is on the applicants to demonstrate how they will avoid prejudicing any of the four licensing objectives under s.4(2) Licensing Act 2003. These are common across city centres in the UK, with 222 currently in place (Home Office, 2018), however the sensitivity in which these CIZ policies are applied varies between authorities (Grace, Egan, & Lock, 2016, p.81-82).

The literature interrogating the operation of the 2003 Act shares two insights. First, that alcohol licensing works through the establishment rather than directly on the drinker themselves. Although the Licensing Act 2003 contains provisions directed at drinkers and drunkenness, licensing processes and enforcement are dominated by a focus on the "legal/physical space known as 'the establishment'" (Valverde, 1998, p.151). Within licensing decision-making, this leads to a focus on the "internal micro-geography" (Kneale, 2021) of the layouts, plans and operating schedules of applicants. Features such as the arrangement of tables and chairs, the presence of a bar, the opening hours, the availability of food, and so on, all contribute to the "contested framing" of the "type of premises" in front of licensing committees, and in turn, the type of drinkers that will frequent it (Grace et al, 2016, p.79). Talbot highlights how police objections are informed by broad-ranging assessments of the proposed layouts of venues and "what they wanted to put on there" in an effort to "culturally engineer a family-friendly café style nightlife with responsible drinking" (Talbot, 2006, p.168). The licensing systems acts both through constraining these features – including imposing operating conditions over capacity, opening times, the

provision of alcohol as "ancillary to food", waiter service, and so on – or refusing licenses in the first place (Light, 2005, p.273).

Second, that this is a process heavily informed by class distinctions. Haydock draws on Bourdieu's characterization of "classed taste" when analyzing the "quirky coffee bars" and "sort of bistro places" preferred by councillors sitting on licensing committees; venues where people "will sit rather than stand and pour lager down their throats" (Haydock, 2014a, p.178; Haydock, 2014b, p.584-586). Alcohol licensing decision-making has been found to target the "rougher (working class)" elements of venues (Hadfield & Measham, 2009), or to use venue design as an indication of whether a "better class of people" are likely to form the patrons (Chatterton & Hollands, 2002, p.107). Hadfield's work demonstrates how licensing applicants presented their proposed venues as a "shift up-market" with a "dissonance from the visceral and hedonistic mores of binge-drinking" (Hadfield, 2007, p.185). This is longstanding, with Beckingham's analysis of licensing decisions in late-19th century Liverpool noting that police objectors "constructed the drunkard as working class" and targeted their scrutiny at "working-class drinking spaces" (Beckingham, 2012).

Reviews of the impact of the 2003 suggest that by working through the establishments in this way, a shift in the shape of drinking establishments has been – at least in part – achieved. A 2008 report of the Culture, Media and Sport Committee into the impact of the Licensing Act 2003, concluded that:

> "It does appear that the Licensing Act has encouraged a shift towards a more café-style, seated operation in which food is as important as alcohol sales…Change has been gradual and organic, with outlets broadening the scope of their offering. There has undoubtably been a move away from the traditional public house model with the pub as an outlet for driving beer sales and now towards a more diverse commercial offering. The trend is undoubtedly market led, arising from demographic change, but it has nevertheless been accelerated in recent years as a result of regulatory change" (House of Commons Culture, Media and Sport Committee, 2008, p.66).

The 2003 Act is, therefore, part of the longstanding regulatory effort to move establishments towards a seated, food-led, imagined continental idea. It an extension of the licensing-led interventions to engender the "improved public house" dealt with in the first section to this chapter – by working through shaping the venue spaces themselves, such as by requiring alcohol to be ancillary to meals, or for drinkers to be served by waiter service, a more civilised form of drinking establishment can be created. The next section explores this further by providing examples of how the provision of food features in the application processes under the Licensing Act 2003.

Food and the contested framing of alcohol establishments

Data from licensing statements and hearings illustrates how the provision of food factors into decision-making under the Licensing Act 2003. References to the provision of food are widespread in Local Authority statements of licensing policy. In a sample of 319 licensing polices at English Local Authorities analysed by the author, 95 make direct reference to "table meals", "substantial meals", or "plated meals", 14 to "substantial food", and a further 13 to alcohol being "ancillary to food" or a meal – most of these in the context of assessing whether an establishment is alcohol-led or can instead be considered a restaurant.

Interpreting these policies. imposing corresponding licensing conditions, and taking decisions about the "nature" of the proposed venue is part of the bread-and-butter of Local Authority licensing committees.

A trawl through Licensing Committee hearings offers evidence of where the key points of dispute arise in relation to the provision of food. The exchange below between a councillor and applicant at a recent licensing hearing in-front of the London Borough of Kensington & Chelsea's licensing committee demonstrates the issue well:

> **Councillor: ...**food has various meanings so the question is a table meal, is it substantial food, I just wondered if we could just explore that a bit with the applicant because some if it's a table meal that's a knife and fork type of meal not a bag of crisps so I just wanted to make sure that the applicant was fully aware of what she's committing to (Kensington and Chelsea Licensing Sub-Committee, 2020).

Many of these arguments are imbued with more than just the size and content of the meal being eaten. These are proxies for broader, softer issues about the type of the premises being proposed and the nature of its clientele. This argument is put starkly by counsel for an applicant in a hearing in-front of Thanet District Council licensing committee:

> **Applicant's representative:** …tying alcohol to food is no particular guarantee in of itself of how people behave…it's not about forcing people to eat while they're drinking, it's a question of management, it's a question of the class and calibre of the premises.

It is these questions of "class and calibre" that form part of the "contested framing" of licensing applications (Grace, Egan, & Lock, 2016, p.79). The impression of a venue, its operation and its likely clientele are all part-and-parcel of the narrower assessment of what form a table meal and/or substantial food must take.

The imposition of conditions to restrict the provision of food is also a core component in preventing establishments from "backsliding" from food-led to drink-led business models. This concern is characterised by an applicant in a hearing in-front of Bristol City Council's licensing sub-committee, when responding to suggestions from the Local Authority's licensing offer that a seemingly food-led premises may in turn evolve into a bar:

> **Applicant's representative:** I think so far as food is concerned, I think the point was raised by one of the responsible authorities that there may be a concern that these premises will turn into a bar… Substantial food must be available from opening into 30 minutes prior to the end of the terminal hour (Bristol City Council Licensing Sub-Committee, 2020).

The applicant's representative goes on to highlight the "quality" of the food offer, underscoring the applicant's genuine commitment to providing a food-led, rather than alcohol-led venue:

> **Applicant's representative:** [The applicant] is absolutely committed to providing good quality – I don't particularly like the phrase but what some people call "British Tapas" – and that's the food offer, it is a good food offer... All you need to know is that when [the applicant] took on the establishment he…invested fifty thousand pounds in kitchen and if he wasn't serious about food he would simply put in a pizza oven or a microwave…there's a menu board outside the premises and there are some menus on the table and that's all I'm going to say about it (Bristol City Council Licensing Sub-Committee, 2020).

These nuanced assessments of the type and nature of the premises and its clientele are perhaps best illustrated at the margins of what is considered "substantial food" or a "meal" under Local Authority licensing policies. Crisps are much derided in licensing hearings and policies, often characterised as mere snacks. Brighton & Hove's policy that "a bowl of crisps, nuts, or olives does not constitute substantial food", is a sentiment echoed routinely across licensing hearings. However, minutes from a licensing hearing at Westminster City Council in 2017 demonstrate that – when conditions are right and these broader factors of "class and calibre" are accounted for – mere crisps are capable of stepping into the realm of a table meal (City of Westminster Council, 2017). Here, the applicant applied for a licence to serve alcohol in a "cumulative impact zone" – an area subject to greater restrictions and a rebuttable presumption against the grant of an alcohol license. They argued that they were effectively operating as a restaurant, with any consumption of alcohol only being ancillary to a table meal of crisps.

However, these crisps were billed as far from the standard pub affair. These were "high-end crisps", served in "substantial portions accompanied with various elaborate dips" (ibid). The applicant sought to echo hallmarks of a restaurant, noting that "whilst there were no tablecloths" it is still a "high-end well-conceived approach to a niche product", focused on "elevating a British food classic to a high-end level." The licensing committee were convinced and effusive, commending their substantial work to date to "create a 'non-Walkers' crisp offer and the desire to celebrate the great British potato at its peak and most hip" (ibid). The crisps were sufficient to meet the condition of "substantial food" in order to attain an alcohol licence akin to a restaurant. To ensure that the venue did not backslide into a more alcohol-led format, the committee imposed an additional condition that: "the sale of alcohol at the premises, at all times, shall be ancillary to the premises remaining a specialist crisps shop" (ibid). The question of when crisps become a table meal illustrate that – as with much of licensing law – it is not just about a mechanistic interpretation of what a "table meal" or strict meaning of a particular condition is, but instead is part of a broader, often classed and gendered, proxy for the nature of the establishment and its clientele.

Conclusion

This chapter has argued that industry moves from "wet led" establishments (where little or no food is offered alongside alcohol) towards "dry-led" establishments (where food sales account for a large proportion of total income) is part of a longstanding regulatory agenda to encourage the consumption of food with alcohol. Stretching back to at least the 19th century and arguably longer, concerns about drinking for drinking's sake have informed governmental responses to licencing policy and the regulation of alcohol establishments in the UK. By indirectly shaping venues through licensing policy, the telos behind the Licensing Act 2003 has been to attempt to shift British drinking culture towards an imagined "civilised", "more European" ideal, where alcohol is consumed alongside food and drinkers are seated.

Data from licensing policies and hearings demonstrate that the provision of food is a relevant factor considered by licensing committees under the Licensing Act 2003 rubric for determining the success of licensing applications and when imposing licence conditions. It forms part of what Grace et al have referred to as the "contested framing" of establishments in licensing applications (Grace, Egan, & Lock, 2016, p.79) – the extent to which an establishment is presented as wet-led or dry-led and the availability of food across opening hours can be determinative of a venue's success in attaining a license, especially within "cumulative impact areas".

The broader agenda of this chapter has been to underscore that market trends towards food provision in the craft beer sector must be understood alongside accompanying regulatory changes. In same the way that evolutions in the craft beer market can not be understood without reference to changing market

demands, so too is the regulation of alcohol-led establishments an integral part of the continually changing nature of public drinking spaces.

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