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Exploring the implementation of public involvement in local alcohol availability policy: the case of alcohol licensing decision-making in England

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Abstract

Background and Aims: In 2003, the UK government passed the Licensing Act for England and Wales. The Act provides a framework for regulating alcohol sale, including four licensing objectives with local governments having devolved responsibility for granting licences to sell alcohol. Members of the public can make representations of oppositions to licence applications. Applying the theories of the policy process, we explored the practices employed by licensing authorities when deciding on alcohol licences in situations of conflict between licence applicants and members of the public.

Design: Qualitative study comprising a framework analysis of in-depth semi-structured interviews and application of the theories of institutionalism, the advocacy coalition framework and role of ideas.

Setting: Eleven local authorities in five regions in England in 2019.

Participants: Purposive sample of 15 licensing officers, licensing subcommittee chairs, public health leads for licensing and police licensing officers.

Measurements: The interview schedule included mechanisms of public involvement in licensing, parties involved, the subject of conflicts and how licensing authorities made decisions.

Findings: When members of the public opposed licence applications, licensing authorities employed three key decision-making practices: procedural fairness, partnership working and framing. The normativity of procedural fairness was an important institutional structure within which conflicts were resolved. Licensing authorities also worked in partnership with the involved parties, who often appeared as advocacy coalitions that shared beliefs and advanced specific issues to determine mutually acceptable solutions. At times, licensing authorities framed issues through ideational processes to solve problems.

Conclusion: Licensing decision-making under the United Kingdom's Licensing Act for England and Wales appear in many cases to focus on resolution of conflicts between licence applicants and members of the public rather than on promotion of licensing objectives. This raises uncertainty regarding the impact of public involvement on reducing alcohol availability, 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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KEYWORDS

Alcohol licensing, conflict, decision-making, policy process, public involvement, qualitative study

INTRODUCTION

The density [1] and location of premises [2] and their hours and days of sale affect the level of alcohol consumption in a population [3, 4]. Regulating the availability of alcohol is, therefore, an effective intervention to reduce alcohol-related harm [5], as it can decrease physical access to alcohol and, thereby, modify social norms around drinking [1]. In particular, in England, intense regulation through cumulative impact policies and an inclination to reject licence applications for new alcohol premises is associated with substantial reductions in alcohol-related hospital admissions [6, 7]. A cumulative impact policy is an instrument used by local governments in England and Wales to restrict the growth of alcohol premises in a local area by automatically refusing new alcohol premises licence applications unless the applicant can demonstrate that the addition of an alcohol premise will not add to existing crime, public disorder or harm to children in that area [8].

In 2003, the UK Government passed the Licensing Act for England and Wales. It heralded a new administration in the statutory licensing system, wherein magistrate courts had directed the activities of alcohol premises [9, 10] since the Ale House Act 1551 was passed in 1552 [11]. The transfer of responsibility for licensing from magistrates to licensing authorities in local governments, who will make the decisions based on a national framework, was suggested in a report in 1998 by the Better Regulation Task Force. The Task Force report pointed out that the magistrates are inconsistent and unpredictable in their decisions [11]. Under the Licensing Act 2003, local governments have devolved responsibility to grant and revoke a licence to sell alcohol as well as impose licence conditions [12] such as the permitted hours and days of sale, use of door supervisors and customer capacity of premises [11]. Such licensing functions must promote four statutory objectives: prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm [12]. Furthermore, the Licensing Act 2003 gave members of the general public an opportunity to make a representation of opposition to the establishment of new alcohol premises or existing licensed premises in their area [10, 11]. The main thrust of the proposals leading to the Licensing Act 2003 was to reduce bureaucracy and cost in the licensing system [9] as well as to improve its transparency, accessibility and accountability [10].

In the present administration, an individual who intends to apply for an alcohol premise licence must draw up their own operating schedule, which specifies the steps to be undertaken in the premise to promote the Licensing Act 2003's four statutory objectives [8, 9, 12]. Representations can be made by a responsible authority (for example, police, environmental health authority, public health lead) or a member of the general public (for example, a resident, business owner or representative, councillor representing their electoral ward) [9, 12]. Often, representations are oppositions to alcohol licences [9].

Police officers liaise with licence applicants and licensees to gather information and are the most proactive of the responsible authorities in making representations [13]. For public health leads, making representations is challenging due to the lack of a statutory public health objective [13, 14], and studies suggest that they seek support from members of the general public [15, 16]. The process for deciding on disputed licence applications is described as follows: licensing officers mediate informally between licence applicants and complainants [9]. If the issue could not be resolved informally and the complainant has submitted a formal representation to the licensing authority within 28 days from the date the application was advertised by the applicant [11], a quasi-judicial hearing will be conducted by a licensing subcommittee of three local government councillors [9] to determine whether to grant or refuse a licence or grant a licence subject to conditions [8, 12]. The subcommittee must take the representations into account in its decision [12]. Without a submitted formal representation, the licensing authority automatically approves the application and, if necessary, applies conditions to it [11]. However, a representation of opposition will only be considered valid by the subcommittee if the complainant can demonstrate that the alcohol-related harm relates to any one of the four statutory objectives and is attributable to the alcohol premise in question [8, 17].

The principle of approving a licence application unless a valid representation is demonstrated means that the Act, while promoting four objectives, is permissive to those who wish to open an alcohol business [17, 18]. As such, licensing decision-making under the Act is characterized by conflicting economic, social, cultural and health views regarding alcohol premises involving community groups [10, 17, 19], with some groups more able to influence decisions than others [19]. This indicates that licensing decision-making is a complex social process that goes beyond merely determining the validity of representations. The reasons underlying licensing decisions and how conflicting concerns among community groups are addressed should be articulated clearly by licensing authorities [17] to improve transparency and accountability in the licensing system.

However, the way these conflicting concerns are addressed remains unexplored in the research literature. In this paper, we explored the practices employed by licensing authorities when deciding on alcohol premises licences in situations of conflict, mainly between licence applicants and members of the general public. The latter refers to individuals and groups who have no other relevant role in the licensing of a particular premise. Apart from local residents, these include business representatives who are not proprietors of the premise in question, as well as councillors making representations on behalf of their electoral ward and who are not members of the licensing subcommittee. From here onwards, we shall refer to them as the public. We applied insights from the theories of the policy process, which explain the complex social process of policymaking and implementation [20]. We were particularly interested in how the national

Act led to local policy decisions; therefore, we utilized institutionalism, the advocacy coalition framework (ACF) and role of ideas (theories that explain local implementation of national policy) [21,22] to examine the decision-making process for alcohol premises licences opposed by the public. The application of these theories is represented in Figure 1.

Institutionalism represents decision-making behaviours that adhere to statutory and non-statutory policies [21, 22]. Statutory policies are formal exogenous constraints that apply to a host of circumstances and aim to produce predictable behaviours. Non-statutory policies are informal norms that represent shared understandings of what behaviours are desirable and fair. Although informal, they may play a more significant role in policy processes [21]. Normative institutionalism regards policies as fixed institutional structures that set the ‘rules of the game’—limiting or closing off options to stakeholders, who compete for influence on decisions [21]. Constructive institutionalism treats policies as ideas that are constantly in flux, as they are critically examined by policy actors [21, 23]. It recognizes that policy actors can implement the same policy differently, taking advantage of policy vagueness [24], which may be unintentional or by design, to implement the policy in a way that best responds to their local circumstances [21, 25]. The ACF serves as a framework for studying policy implementation involving technical disputes and conflicting goals among actors from multiple levels of government [26]. Advocacy coalitions are comprised of policy actors who, bonded by shared beliefs, coordinate to advance specific issues and influence policies [21, 26]; they compete with other coalitions to secure a policy that is consistent with their shared beliefs [21, 22]. We drew from insights into the effects of advocacy coalitions on policy subsystems [26] to explain licensing decision-making involving diverse actors with competing concerns. The role of ideas deals with policy implementers’ capacity to

persuade and overcome apprehensions through ideational constructions for the purpose of resolving conflicts [23]. Theories that consider the role of ideas in policy processes treat policy implementers as having a purposeful role—capable of challenging institutions and beliefs of coalitions [21, 27, 28]. Ideas include policy paradigms [23], notions of causal relations [29] and world views—forces shaping the perceived interests of stakeholders through ideational processes [23].

METHODS

Study design and setting

This qualitative study was conducted from February to September 2019. It focused upon English local authorities, which comprised a mixture of unitary authorities, county councils, metropolitan districts and London boroughs. They have different arrangements for the provision of local public services, but each has regulatory control over alcohol licensing in their area.

We took a constructivist–interpretivist approach [30] to this qualitative study. The constructivist approach aims to bring out complexity by recognizing diverse meanings that individuals place on a phenomenon, while interpretivism uses social science theories as a theoretical lens for making sense of data [31].

Ethics

The School of Health and Related Research, Research Ethics Committee at the University of Sheffield granted ethics approval for this study. The research was explained to the interviewees, who then

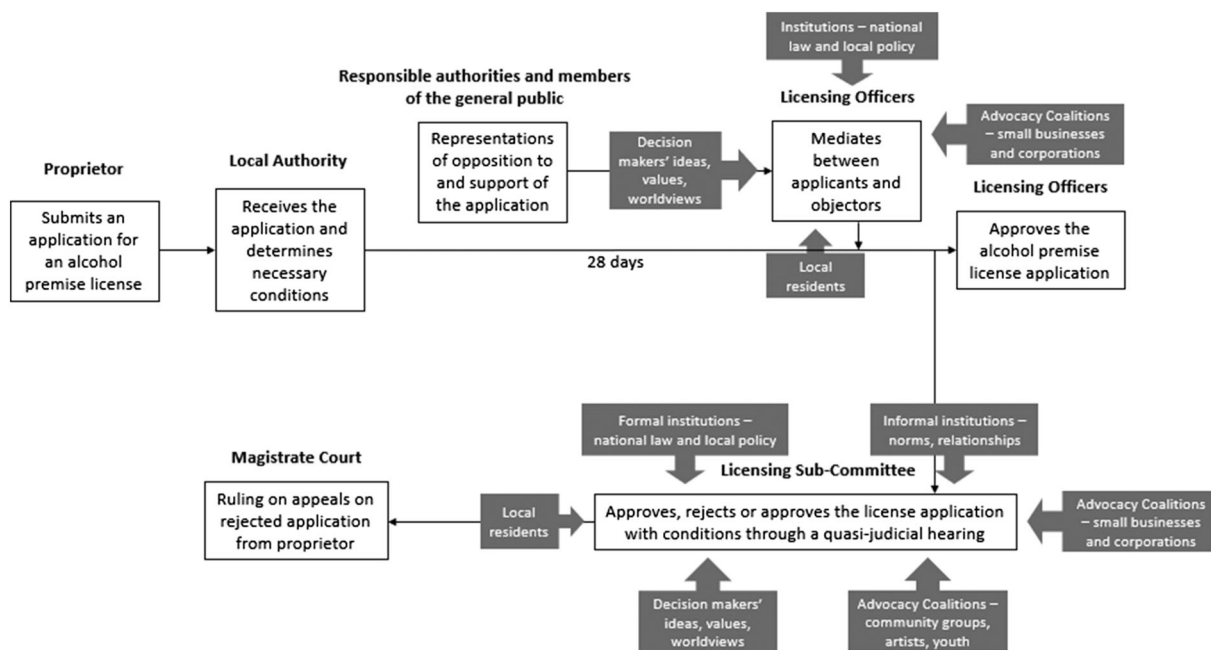


FIGURE 1 The English licensing process

provided written informed consent to participate and allow us to publish anonymized excerpts from their interview.

Sampling frame

The sampling frame consisted of licensing officers, chairs of licensing subcommittees, public health leads for licensing and police licensing officers. This sampling frame was selected to generate data on different conflict scenarios.

Recruitment

We identified local authorities to recruit from: an internet search of local authority initiatives that suggested significant public involvement in alcohol licensing and in wider local alcohol harm-reduction programmes; our review of related literature; participants who mentioned other local authorities; and our pool of existing contacts. During a 3-month period a total of 100 individuals, licensing teams and public health teams from 28 local authorities were invited to participate in the study through a one-to-one interview, either face-to-face or by telephone. We sent e-mail invitations, including a participant information sheet and a consent form. The contact e-mail address and telephone number of potential participants were identified from publicly available documents and council websites.

Participants

Fifteen licensing officers, chairs of licensing subcommittees, public health leads for licensing, a member of a third sector public health organization that supports local authorities in involving the public in licensing and police licensing officers from 11 local authorities across five regions (Table 1) accepted our invitation. Initial interviews revealed that English public health leads do not seek support from members of the public for their representations, nor do police licensing officers deal with conflicts between proprietors and members of the public. Thus, we sought their views on decision-making practices in alcohol premises licensing as members of the statutory licensing system.

Data collection—in-depth semi-structured interviews

A semi-structured interview schedule was developed to guide discussion, but interviewees had the freedom to speak expansively and probes were based on interviewees' responses while maintaining a focus upon the research question. G.D., S.D. and J.H. were involved in developing the topic guide, while G.D. conducted the interviews. Twelve interviews were face-to-face and three were by telephone. The audio-recorded interviews were 28 min to 1 h 13 min long; the average was 47 min. All interviews except one were audio-recorded

TABLE 1 Profile of interviewees.^a

Characteristics	Description
Role	Licensing officers [6], chairs of licensing subcommittee [4], public health leads for licensing [2], police licensing officers [2], third sector [1]
Years of experience in alcohol licensing	<ul style="list-style-type: none"> • Licensing officers: 3.5–29 • Chairs of licensing subcommittee: 4–8 as chair (13–20 as members of the licensing committee) • Public health leads for licensing: 1 and 3 • Public health third sector: 1 • Police licensing officers: 5 and 11
Decision-making process	Informal mediation, licensing committee hearings, formal working groups
Relationship with the interviewer	One was previously acquainted with the interviewer; the rest were not previously known to the interviewer (G.D.)
Setting of interview	Work-place [10], coffee-shop [1], home [1], telephone [3]
Type of local authority	Unitary, Metropolitan Districts, County Councils, London Boroughs
Region	Northwest, Northeast, London, Southeast and Yorkshire and the Humber

^aConsolidated Criteria for Reporting Qualitative Research (COREQ) [32].

and transcribed verbatim. One telephone interview was accidentally not recorded; notes taken during and after the interview were used in the analysis. Reflexive field notes were taken immediately after each interview and were used to inform the analysis.

Analysis

In creating the key conceptual themes, the underlying meanings of the interviews were explored using the framework method [33]. This involved transcription and familiarization followed by initial coding; an analytical framework was then made using three initial coded interview transcripts and the remaining transcripts were coded by indexing with the analytical framework; this led to the creation of a summary matrix. G.D. performed the coding and created the summary matrix; G.D., S.D. and J.H. were involved in developing the analytical framework. Matrix rows listed individual interviewees, the columns the codes and individual cells summarized relevant interviews. From this matrix, elements (short phrases describing different dimensions of a phenomenon) were drawn out from the coded summaries, listed, studied closely and interpreted to form groupings of higher-order dimensions and conceptual themes [33]. These steps ensured that the themes arose out of a rigorous process. All authors were involved in developing the conceptual themes; G.D., J.H. and R.C. were involved in explaining the themes.

To apply the selected theories to our empirical data, we brought the summarized interviews into dialogue with the descriptions and dimensions of the theories. In line with our interpretivist approach,

this enabled us to expand our explanation of the themes by analogy [34].

FINDINGS

Three main themes emerged from the framework analysis and application of theory. These were institutionalist appeals to fairness of procedures, working in partnership with coalitions and ideated framing of the conflict in terms of scope and context. The dimensions of theories applied are shown in Table 2, together with illustrative quotes from interviews.

Institutionalist appeals to procedural fairness

Findings showed that procedural fairness was a key practice in quasi-judicial licensing subcommittee hearings. The four statutory objectives represent 'formal institutional structures' for licensing authorities to apply and render a number of concerns (for example, environmental, aesthetic, public health) from objectors invalid lawfully; however, the application of these objectives was not necessarily regarded as the norm for settling conflicts between proprietors and objectors. Giving weight to representations was often challenging for licensing subcommittees because objectors, typically local residents, struggle to demonstrate valid evidence. Objectors also often have little or no knowledge of the Act to argue successfully against proprietors, who have far greater resources to hire consultants or barristers. Given this, licensing subcommittee chairs ensure that hearings are procedurally fair, wherein each party is given the same and sufficient amounts of time to present its case. Generally, 5 min were considered sufficient, although 10–15 min without being wordy or repetitive were acceptable. The importance of the procedural aspect of hearings is shown in the following quote:

In terms of conducting a committee hearing, a tribunal, you have to give an appearance of procedural balance between the two parties. You have to give a sense that the residents have 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.

Given proprietors' advantageous position under the Act, procedural fairness served as the key 'institutional structure' by which formal oppositions were settled. The normativity of fair proceedings brought a perception that the concerns of objectors have been addressed. This approach was regarded as effective in terminating further efforts by aggrieved objectors to seek redress, as explained by a licensing subcommittee chair:

They are able to reconcile them to it, they are not happy, that's a very big distinction. Whether you can

reconcile yourself to a fair outcome does not mean necessarily you like the outcome. But they are willing to see the processes are legitimate, that deals with an outcome that they are not satisfied with.

Some interviewees pointed out that the procedural fairness of the quasi-judicial process lacked perspective. Decisions were based on material evidence presented at the hearing and not additional information that licensing authorities may be aware of. For instance, in rural areas where the density of alcohol premises is low, the undesirable impact of noise and nuisance on local residents' quality of life tend to be amplified, but because the materiality of this impact brought about by the rural context is difficult to demonstrate in a quasi-judicial setting it fails to hold weight. However, in cases where problems connected to alcohol premises in an area have existed for a long time and are ascertained, licensing subcommittees take this information into account to make a holistic view of the case and a very careful decision to prevent such problems from repeating, thereby taking a 'constructivist' approach to the quasi-judicial process. In other cases, some licensing authorities support objecting local residents by giving advice on the appropriate evidence prior to the hearing, facilitating local residents' presentation of the case during hearings and preventing consultants and barristers from presenting on the proprietor's behalf. Nonetheless, these deviations remain, at best, procedural—they do not affect the overall advantageous position that the Act's presumed acceptance of licence applications grants to proprietors.

Partnership working with advocacy coalitions

Earlier analysis of the Licensing Act 2003 pointed out that its regulatory model is one of partnership working; the Act moved away from the command-and-control style of the previous administration wherein magistrates exercised overly top-down regulatory control [9]. Moreover, the UK Government's 2012 Alcohol Strategy underscored local authority action on alcohol-related problems that is shaped by the preferences of the public—individuals, communities and businesses [35]. This regulatory model, over time, may have encouraged 'advocacy coalitions' to form professional pub associations, local residents groups and patrons with cultural ties. According to one licensing officer, he did not envisage that, in 10 years since the implementation of the Licensing Act 2003, their role will largely shift from enforcement to liaising between licensees and residents for problem-solving. This practice was described by the licensing officer:

We sat down with the residents of this square and identified what their problems were [...]. When we came to starting to resolve those issues, we had the operators of both those clubs sitting down with the residents and us and the police and environmental health, and we talked through all the issues [...]. So it's like a joint effort between residents, licensees and the regulators to resolve issues.

TABLE 2 Selected policy process theories, dimensions and illustrative quotes

Policy process theories	Dimensions	Illustrative quotes
Institutionalism (theme 1)	Normative (institutions as relatively fixed)	'The law is the law and the law is permissive. Licensing law is ultimately permissive, it says you can have a 24-hour alcohol licence where the hell you want, unless there is good reason not to and that good reason has to be demonstrated' (participant 7, Chair of Licensing subcommittee)
	Constructive (institutions as ideas that are constantly in flux; recognizes policy implementers' ability to interpret their institutional commitments)	'There is an element [in the implementation of the Licensing Act 2003 by local authorities] that says, we are the local authority, this is our area, we know what we want. We will try and shape that. And I think you can do that to some extent, but you have to be reasonable' (participant 8, Licensing Officer)
The Advocacy Coalition Framework (theme 2)	Effect of advocacy coalitions on policy subsystems	'It's a very difficult balance when you are trying to develop a policy that works for the minority when they need it, but that does not restrict the growth and development of something that is broadly popular' (participant 7, Chair of Licensing subcommittee)
	Contribution of the power of coalitions (e.g. number of members, status, ability to spin convincing arguments) to policy processes	'It is rarely a fair fight that you have got someone [a licence applicant's lawyer] who spent the last 15 years of their lives specializing in the Licensing Act and argue the case against someone [a local resident] who did not even know it existed until someone decided to apply for a licence in a building somewhere near them. And unless they could engage legal advice, but a big pub chain has far greater resource to do that than a member of the public' (participant 3, Chair of Licensing subcommittee)
Role of Ideas (theme 3)	Capacity to use ideational process as a form of political power to terminate conflicts	'There is an element to which we hide behind the [legality], where you mute, where essentially you use the language of legality to essentially disperse what is otherwise a political dispute, by essentially dampening down political dispute by dressing, using legality, legal language or the existence of legal rules to go, ahh, we cannot do something or you cannot do X' (participant 11, Chair of Licensing subcommittee)
	Receptivity of decision-makers to ideas; how decision-makers treat or accept ideas promoted by policy participants	'When a business comes to licensing committee, they may be represented by a lawyer, our councillors do not want to hear from a lawyer, they want to hear from the applicant, they want to meet her or him, they want to ask him or her questions and they want him or her to be able to answer the questions' (participant 12, Licensing Officer)

Licensing authorities believed that enforcement is not effective and no longer relevant; the licensing officer viewed their non-enforcement role as progressive. In this sense, authorities have taken upon the role of a ‘policy broker’; they take into account the specific issues of competing parties and try to find some common ground.

When ‘coalitions’ grow, they can increase their power in the form of resources (for example, time, knowledge, ability to gather supporters) or identity to reinforce their specific issues. One campaigning group repeatedly made representations against alcohol premises in an area for being open until 3 a.m. While the licensing subcommittee chair viewed that the hours and hence the business deserved to be protected because of the premises’ cultural and historical significance—being a landmark of the formation of lesbian, gay, bisexual and transgender (LGBT) communities—the campaigning group was supported by wealthy local residents and the chair admitted that this weighed in his decision-making:

It’s got deep historical connections with the Afro Caribbean community in the UK, it’s the home of movements in reggae, has resonance with UK hip-hop as well. So in terms of an artistic sense, 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 and that has a huge impact in terms of where we go and balancing these kind of things is a very tricky thing to do [...] because at the back of my mind, as an elected politician, closing something down that is of deep importance to a particular cultural tradition is gonna be hugely problematic.

Nonetheless, the chair modified the local licensing policy given the ongoing conflict on these premises to exempt them from core business hours even though they cause public nuisance, thus ‘changing the rules of the game’:

So the areas that I would identify as culturally important are (district x) and (district y) for their significance to the LGBT community and (district y) for the people of the Black British, in particular, the Black British of Caribbean descent. These are two huge things. Licensing policy relates to venues that are of importance there [...]. So we recently redid our licensing policy about recommended hours and we exempted (district x) and (district y).

Framing using ideational processes

In cases of highly charged or intractable disputes, a key practice employed by licensing authorities was framing that involved modifying the nature of a problem through ‘ideational processes’ to steer public consideration only of issues that are legally enforceable

or amenable [21,36]. This practice was applied in cases where a premise’s operation that is attracting representations is tied to the premise’s business model. As such, applying restrictive conditions to this operation to address representations can threaten a proprietor’s livelihood, making the issue complex. In one example, local residents opposed an application for a large late-night bar and restaurant that will operate until 1 a.m. because of the likelihood of noise nuisance from a restaurant (compared to vertical drinking establishments). The conflict had persisted because the proprietor could not do away with the late-night restaurant, which was key to the premise’s viability as a business. The licensing subcommittee chair was sensitive to this and was, therefore, not willing to reject the application nor the hours applied for. As the chair identified the problem as being the noise nuisance coming particularly from queuing and dispersal going past a residential street at 1:30 a.m., the chair framed the issue by reorganizing ideas on causal relations between the premise’s business model, the noise nuisance and the queuing and dispersal, enabling him to find a mutually acceptable solution:

The role we had to do in terms of balance and decision making was to essentially, physically redesign how they had planned, which meant quite literally getting a A3 piece of paper diagram of the area and re-drawing it with the residents there about where an appropriate system of queueing would be, where dispersal would be, where security would guide people from one way to the other. [...] That enabled them to get the hours they needed with the residents and there was much higher agreement because we directly tackled the things that were of concern.

One other dimension of the role of ideas is the receptivity of decision-makers to ideas. It deals with how decision-makers treat or accept problem perceptions, causal assumptions and solutions promoted by policy actors [37]. This was represented by the extent to which licensing subcommittee chairs create the conditions for a range of concerns to be heard and considered in decision-making. Such conditions were necessary for ‘ideas’ time to come’. Rather than reinforcing ‘fixed institutional structures’ such as the four statutory objectives, which have a narrow criteria for licence refusal, context, dialogue, reflection and learning are promoted to expand consideration and achieve a shared understanding. This was exemplified by a licensing subcommittee chair’s use of open discussion format in hearings:

They’re very informal, people are speaking across each other, we keep it when it needs to be pulled 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.

The chair stated that the open-discussion format gives objectors a better steer on the outcome of decision-making that otherwise was unlikely in a quasi-judicial process where evidence-based decision-making was the 'rule of the game'. If the licensing subcommittee were to make the decisions applications will probably be granted, as objectors often struggle in demonstrating valid representations.

DISCUSSION AND CONCLUSION

We have explicated three key decision-making practices in English alcohol licensing, focusing upon situations of conflict between licence applicants (or licensees) and members of the public: procedural fairness, partnership working and framing. Overall, our findings suggest that licensing authorities' decisions were mainly driven by their concern to achieve consensus or mutually acceptable solutions and on the perceived quality of the decision-making process, rather than by the promotion of licensing objectives. In some situations authorities take an evidence-based approach, but because objectors typically struggle in demonstrating valid representations resulting in applications being granted, thus, leaving a perception that the conflict remains unresolved, authorities ensure that hearings are procedurally fair. In situations where authorities act as 'policy brokers' between 'advocacy coalitions', frame issues or create conditions whereby an issue can be received in different ways, the decision-making process did not mainly focus upon promoting the objectives of licensing by connecting the public's inputs with alcohol-related harm reduction. The implication of regulating alcohol availability, whereby licensing objectives do not play the central role, but diverse preferences of different community actors do, this may lead to certain groups exerting undue influence on licensing decisions and undermining the reduction of alcohol-related harm. The interplay of local residents' concerns about their places of dwelling, community advocacy, business lobby and institutional structures powerfully shape the course of licensing policy implementation. We agree with Foster [17] that licensing authorities can take a proactive and assertive approach to promoting the objectives of licensing. The amended guidance issued under Section 182 of the Licensing Act 2003 encouraged greater community involvement and provided local residents with an opportunity to have their say on licensing decisions [8]. It is not clear what the guidance hopes to achieve with this, but we argue that the purpose of greater community involvement is to improve understanding of how policy objectives can be best achieved and the collective promotion of policy objectives.

Our findings complement earlier studies that acknowledged the uncertainty about the effectiveness of greater public involvement in reducing alcohol availability. There are diverse interests from different community actors regarding the availability of alcohol in their environment [38]. Opportunities for greater democratic participation in local licensing decision-making open the door to the influence of those who oppose increased restrictions, as local decision-making tends to be an act of balancing competing interests [17]. Studies also acknowledged such factors that affect the potential of members of the public

who oppose restrictive policies to influence licensing decisions. Key factors are the specialized nature of alcohol law and the quasi-judicial hearings, giving the advantage to those who have the knowledge, skills and resources to effectively engage in the process [15]. Empirical evidence on the effectiveness of increased public input in local licensing decision-making in reducing alcohol availability is lacking [39]; in cases where communities have been able to engage in the licensing process, the impact of their inputs on decisions was not clear [38]. Reducing alcohol-related harm should still entail measures of demonstrated effectiveness [5–7, 39], and inputs from the community on experiences with alcohol-related harm can be used to support the incorporation of such measures to new policies [38].

Strength and limitations

To our knowledge, this is the first study on public involvement in alcohol licensing decision-making to investigate practices for dealing with conflicts between licence applicants and members of the public as part of the decision-making process on alcohol premises licences. Earlier studies focused upon mechanisms, barriers and facilitators of public involvement [38, 40]; the extent of community engagement in alcohol issues and policy development [41, 42]; and community actions on alcohol issues [43, 44]. Moreover, we have been able to apply the theories of the policy process in directly exploring this question. By bridging our findings with theory, our study adds to current understanding of how greater public involvement in alcohol licensing can manifest in practice and the factors at play.

Our study has limitations. First is our sampling frame, which means that our interviews related to informal mediations or licensing subcommittee hearings depending on the role of the interviewee. Despite this, we developed the themes using all interviews. Thus, our range of findings relating to a particular stage of the licensing process is limited. Secondly, we had not included proprietors, local residents and other stakeholders who have been involved in conflicts to capture their views on licensing authorities' decision-making practices. Thus, the perspective we offered may be limited. Thirdly, we drew our sample from a small number of geographic areas, and future research could usefully explore whether authorities in other areas might approach conflicts on alcohol licences differently.

Implications for policymakers and practitioners

Our findings have implications for policymakers and public involvement practitioners in alcohol regulation. One implication is to revise the overarching local licensing policy (set out in a publicly available Statement of Licensing Policy that the Act requires in each authority) such that it requires licensing authorities to provide a formal written explanation for classifying oppositions as invalid and for not identifying ways to deal with the concerns of those who could not demonstrate valid representations. This increased emphasis on outcome over procedure may help to increase the public's ability to affect

licensing decision-making rather than to simply participate in it. Secondly, given that conflicting parties do not have the same institutional position with regard to the establishment of alcohol premises, licensing authorities should proactively support oppositions from the public such that oppositions are presented in a valid way that allows them to impact on the reduction of alcohol availability. Thirdly, licensing authorities could use their Statement of Licensing Policy to provide a clearer indication of how they will support the public before and during any hearings in presenting valid representations. The transfer of licensing from magistrates to local authorities has not overcome issues of transparency and accountability that characterized the administration before the Licensing Act 2003.

Suggestions for future research

We have two suggestions for future research to further advance knowledge on this topic: first, to investigate the proprietors and the members of the public including community groups, their specific concerns, the way representations are expressed and the attitudes of licensing authorities towards decision-making—whether authorities are more inclined to take an evidence-based approach or work in partnership depending on who are involved and secondly, to explore whether there are differences in decision-making practices between urban and rural areas or in wealthy and deprived neighbourhoods, which reflect differences in density and type of premises, socio-demographic characteristics and social norms around drinking.

In conclusion, although the Licensing Act 2003 provided members of the public the opportunity to make representations of opposition to alcohol premises licences, this did not translate to greater promotion of the Act's licensing objectives. Instead, licensing authorities employed a variety of techniques to resolve conflicts. This raises uncertainty regarding the impact of public involvement on reducing alcohol availability, but ultimately represents a pragmatic process that seeks to restore balance in powers, improve transparency in decision-making and empower communities.

DECLARATION OF INTERESTS

None.

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