

Report on the Proceedings of the Third ESRC Research Seminar

The third seminar in an ESRC-sponsored series on **Governing Through Anti-social Behaviour** was held at the University of Leeds on 17 April 2008. The seminar brought together 42 academics, researchers, policy-makers and practitioners from across Britain to explore a number of themes coalescing around the seminar title **‘Anti-Social Behaviour, Urban Spaces and the Night-time Economy’**.

Adam Crawford (*University of Leeds*) opened the meeting, by welcoming delegates and locating the themes of the city and the night-time economy within the broader context of the research seminar series as a whole. With its emphasis upon inter-disciplinarity and facilitating a dialogue between researchers and practitioners, the series is seeking to draw together and disseminate lessons and insights from research, practice and innovation. The plan for today’s event is deliberately inter-disciplinary, to use the focus on anti-social behaviour and the city to bring together contributions from urban geography, city planning and the built environment, public health, sociology, criminology and cultural studies. He suggested that the various presentations and planned responses/comments from practitioners will explore the manner in which the city is both host to, and generator of, diverse forms of anti-social behaviour, as well as being increasingly regulated through concerns over disorder. The link between the night-time economy and urban renaissance has been a major force in shaping contemporary cities, in the process this has fostered both security challenges and a preoccupation with presenting the city as an attractive – secure – place for visitors and investors. These pressures have produced mixed experiences of the city as a meeting place for loosely connected strangers; as a place of consumption; and as a place of cultural expression. Crawford suggested that in the course of the meeting we will inevitably traverse (and confront) diverse faces of the city including: the ‘anti-social’ city; the ‘vibrant city’; the ‘planned city’; the ‘sexual city’; the ‘alcohol-soaked city’; the ‘(dis)orderly city’; the ‘excluded city’ and the ‘safe city’. In these different representations, he suggested, the urge to cleanse

often confronts the city as an ambiguous, expressive and indeterminate space, where behavioural norms are loosened.

Professor Nick Fyfe (University of Dundee) in his paper entitled **‘In search of safety? The governance of anti-social behaviour and the “re-moralisation of city spaces”** set out a broad interpretation of certain prevailing trends implicated in the governance of anti-social behaviour (ASB) in the city. He considered ways in which security had become a pre-requisite for attracting people and capital into urban locations. Recent governmental concerns with ASB could be seen as a method of ‘re-moralising’ the street for the ‘responsible citizen/consumer’ through draconian measures informed by ‘broken windows’ theory and adopting a Zero Tolerance Policing (ZTP) approach. Concerns to eradicate difference in urban space were seen as linked to an entrepreneurial urban boosterist regeneration agenda. This, Fyfe saw, as anathema to the ‘benign disorder’ of urban street life as celebrated by Richard Sennett and other urbanist scholars. Drawing on Garland’s work Fyfe highlighted ambiguous tensions between strategies of responsabilisation and programmes in which the state asserts a sovereign rule. In the context of urban policy, a blurring or mixing is apparent. Fyfe pointed to the rise of the ‘gated community’ and the extent to which the search for ‘neighbours from heaven’ may be seen as a similar quest for purification by the affluent. Gated communities could have profoundly important effects on social segregation and inclusion and undermined attempts for urban dwellers to understand and tolerate each other. Fyfe used the example of J.G. Ballard’s fictive ‘Super-Cannes’ in which utopia became distinctly dystopian.

The subsequent discussion stimulated by Fyfe’s presentation focused on the extent to which the approach presented might be applicable to the night-time economy (NTE) in which a new / different set of norms might apply. Streets stripped of all disorder might suit the commercial interests of the day-time economy, but not necessarily that of the night. Not all gated communities have been found to promote strong social ties between residents or harmonious relations between them. Some thought there were dangers in that the concept of *re*-moralisation suggests some previous ‘golden age’ in which city spaces were more ‘moral’ than today. The point was made that much crime reduction/urban management did not adhere to a ‘moral’ agenda at all, but rather an ‘amoral’ managerial one.

The second session of the day saw the presentation of two substantive papers followed by a discussion. In the first Marion Roberts and Adam Eldridge (*University of Westminster*) presented a paper on the theme 'Town Planning and the Night-time City: Still at the Margins'. They offered a view of ASB governance from a 'built environment perspective', focusing on the NTE. They pointed out that ASB was a theme of marginal interest to planners despite considerations such as s17 of the Crime and Disorder Act 1998. Planners did not wish to delve into issues of urban culture seeing this as a matter for licensing authorities whose powers and jurisdiction remained distinct and was not 'joined up'. They related a narrative of change from the 1980s in which conservation areas were protected vociferously, whilst in most of the urban fabric the market was allowed to 'let rip'. They pointed to a change of heart in the 1990s influential reports such as Lord Rogers' Urban Task Force Report and Planning Policy Guidance 6 (PPG6) being influenced by the classic urbanist position of Jane Jacobs. The new paradigm was one of mixed-use, active frontages, pedestrian-friendly, dense development. Spatial planning has now become more pro-active. This had been beneficial in stemming the growth of sanitized out of town leisure but has also added environmental pressure on town centres. Examples were given of Shoreditch and of Tower Hamlets. Whilst PPG6 had recommended concentrating night life uses, the new version of this statutory instrument allowed for the concern that this may have detrimental effects and allowed planners to disperse uses where this was seen as locally appropriate. 'Safer Places' the Home Office/Office of the Deputy Prime Minister (ODPM) document and the post 1997 Regional Spatial Strategies had underpinned the need to plan for diversity and natural surveillance. Planners were now seen as 'street scene managers' but ASB concerns remained marginal despite the importance of the new 'use classes' in shaping the NTE.

In the second paper, Teela Sanders (*University of Leeds*) presented a paper entitled **'Regulating the Sexual City: Compulsory Rehabilitation Orders and Kerb Crawler Re-education Programmes'**. Sanders pointed to the continuum of sexual consumption in the city and its differential criminalization or incorporation into the late-modern consumer market. Whilst street sex work was increasingly criminalized, brothels and the use of escorts were less susceptible to police attention and lap dancing had been incorporated into the mainstream NTE. It seemed that it was not the content of the acts, but rather their visibility that determined whether or not a punitive response was

adopted. The government's position was that of 'cracking down' on street sex workers and kerb crawlers. Sex workers were seen ambiguously as victims and criminals and the possibility of voluntary routes into sex work was not seen as legitimate. Sanders pointed to the plight of sex workers who were increasingly susceptible to violence at the hands of customers, were unprotected by the police, and forced into re-habilitation or face further criminalization. Sanders described this, following Dwyer (1998), as involving the coercive 'conditionality of welfare.' Sanders compared this with the Danish model in which safe areas were provided for sex workers to work and they were offered protection and less disciplinary forms of support.

The discussion of the two papers was led by Keith Lawrence (*Safer Leeds*) who in response to Roberts and Aldridge noted that many of the problems in the Leeds NTE were indeed spatial in nature. Leeds had 308 post 11pm licences and a Cumulative Impact Policy designed to prevent the spread of Vertical Drinking Establishments, but licence applicants and their lawyers easily got around this by producing plans which ticked all the regulatory boxes, but were not necessarily true to the spirit of the regulation. Most crime and disorder occurred on the pedestrian routes between different venues and between venues and transport hubs. Three takeaways in the city centre: Subway, McDonalds and Greggs had been given 4am-5am licences and this had an impact discouraging dispersal. Those streets with takeaways had more crime than comparable streets without, even where the pubs and clubs closed at similar times. Takeaways were hot-spots in that they attracted late night crowds of intoxicated persons. Late night transport remained a challenge. The last bus from the city centre left at 11.21 pm and the last train at 11.24 to only limited destinations. There were 578 licensed taxi drivers, of which only 83 were willing to work after 11pm. Taxi marshals had been introduced at three locations including the rail station to police taxi queues and prevent violence. This scheme, originally funded by the local authority, had now been adopted by the local taxi firms who were willing to pay for it as a result of the protection it afforded to their drivers and vehicles. Overly intoxicated persons were prevented from entering the cabs and drivers felt much safer. The taxi firms had clubbed together to pay for this in a happy coincidence of private and public security concerns.

In response to Sanders, Lawrence agreed that the aim to eradicate all 'prostitution' was unrealistic. He differed though in his view of the policing of street sex workers in Leeds. He said that many had been taken off the streets and that there were far fewer than in

recent years. Some were engaged in robbery and serious crime and therefore justifiably criminalized. He disagreed that they were overly policed saying that they were not a police targeted priority in Leeds and therefore probably under-policed. He also said that every-time a kerb crawler was arrested this was recorded as a violent crime and therefore it was unlikely that the police would pay much attention to them as this would increase the violent crime figures.

The afternoon session began with a paper by Phil Hadfield and Peter Traynor (*University of Leeds*) on **'Regulating the Night-time Economy: Policy Developments'**. Hadfield and Traynor pointed to the introduction of 13 new powers for local authorities and the police to emerge in the last 5 years in response to crime and ASB in the NTE. These powers related variously to: (a) Controls over members of the public; (b) Controls over the operation of licensed premises; and (c) Strategic governance of the nightlife environment. The presentation provided an overview of the powers. It also reported findings from a research project funded by the Alcohol Education Research Council in which a range of crime prevention practitioners, public health professionals and licensed trade informants in Leeds, the Wirral, and nationally, were asked to reflect upon practical implementation of the powers. Hadfield gave an overview of the new post Licensing Act 2003 regulatory framework: its equation of alcohol policy with crime and disorder reduction and its failure to equally address concerns of public health. He also pointed to the radically contested nature of night-time public space and its differential meanings for nightlife consumers, leisure businesses, police, local residents, night workers, voluntary agencies and local government etc. The post-2003 Act context was one of balancing seduction of the market with repression and consumer freedoms with concerns of security and voluntary and involuntary risk. Hadfield and Traynor cautioned against the easy conclusion that the NTE was now subject to widespread and draconian policing and regulation. In relation to each of the powers they noted that any informed commentary would need to address: to what extent the powers were being used, and how does this vary by force/region/locale?, What are the effects of resource issues and targets on the implementation and enforcement of the powers?, How do the various elements of the legislation translate in practice and what issues might adversely effect their use? To what extent does political will at the local/regional level determine how the powers are used? Does a wider regulatory context of partnership working impact on the use of enforcement measures? Hadfield and Traynor gave examples of the extent to which

such issues influence implementation of the law in practice as opposed to the simple equation of law on the statute books with the inevitable implementation of criminal justice and administrative governmental actions.

The discussion was led by Neil Wain (*Greater Manchester Police*) who welcomed the reporting of the views of different practitioners from around the country on the uses of the powers. He pointed out that in his force PNDs were most often issued for s.5 Public Order offences. He noted the problem of police bureaucracy and that that his force had produced a highly detailed guidance document including flow chart in relation to the new 'Directions to Leave a Locality' power. He noted that Hadfield and Traynor had not got data on this particular power and added his own reflections. He reported that the powers could not be used in response to under-16s and this was therefore restrictive on officers discretion. Also the direction lasted for 48 hours. How would other officers identify the person if they did come back unless photographs had been taken and distributed to all officers? There were duty of care concerns: what would happen to the drunken person if they were told to leave the area and possibly their friends? The issue of displacement remained. On the plus side, the directions might help reduce serious crimes later in the evening by 'nipping things in the bud.' He strongly agreed with Hadfield and Traynor in relation to the resource constraints on the police especially given the limited ability to arrest where nightlife areas populated by up to 100,000 revellers were policed by just 12 officers. He also agreed that licensing enforcement proceedings involving detailed case work culminating in Licence Review was very much the action of last resort for his force. In discussion it was also noted that PNDs now constitute nearly 1 in 10 (9%) of all offences brought to justice, reflecting the manner in which summary justice beyond the court-room has become a prevailing form of contemporary justice, with considerable implications as many PNDs have drawn 'new business' into the criminal justice 'net'.

The final afternoon session saw two further presentations. The first was given by Zara Anderson & Karen Hughes (*Liverpool John Moores University*) on '**Alcohol and Violence in the Night-time City**'. Anderson and Hughes presented a public health perspective on nightlife, alcohol and violence. They presented the findings of their survey of 380 young people (18-35) in bars and nightclubs in Liverpool, as first reported in their paper for 'Addiction' (2007). Their findings showed the extent to which the young people pre-loaded on inexpensive alcohol before departing on their night out. Those who did pre-load also consumed similar levels of alcohol as those who did not in licensed premises.

Their total consumption was therefore on average around 1/3 higher. Pre-loaders were more likely to be the perpetrators and victims of alcohol-related violence. One in 10 of the same had been involved in a fight on a night out in the city centre during the past 12 months. Hughes drew the conclusion that measures to tackle violence in nightlife must look beyond the immediate nightlife environment. Socio-economic factors and deprivation appeared to play a part, as did cheap drinks in the off-trade which had a major disparity with that of the on-trade, thus encouraging excessive consumption with harmful consequences that were later played out in city centre spaces.

The second paper was given by Fiona Measham (*Lancaster University*) entitled **'Inclusion and Exclusion from Nightclubs in Manchester'**. Measham explored the issue of drug use and social inclusion and exclusion among the Manchester underground dance music scenes. Various styles of dance music and their devotees were explored: 'trance', 'happy hardcore,' 'funky house' and 'drum and bass'. Followers of each style of music differed in their consumption habits in relation to a range of drugs, from Class A through to alcohol. Some drugs were much more associated with some scenes than others. Clubbers from across the spectrum had much higher levels of drug use than non-clubbers of their age group. The clubs differentiated themselves strongly from alcohol-fuelled high street venues. Many had very particular rules in relation to dress codes which effectively translated into boundaries of inclusion and exclusion based upon aesthetic and class-based assumptions and prejudices. Clubbers saw themselves as a 'cultural elite' as opposed to an undifferentiated 'mainstream'. The clubs maintained and encouraged this through their door policies. Clubbers made an effort to seek out the venues in order to hear particular DJs etc. Admission prices were high as the bar takings were low so operators had to make their money this way. Some clubbers reported different drug use practices at festivals. A festival event was observed at which the dance tent was subject to intensive policing, whilst the 'Indie' tent and other attractions were not. This suggests that in cracking down on drug use, police also shape young peoples cultural choices.

The discussion was led by Stuart Lister (*University of Leeds*) who pointed out that both papers reminded us of the importance on the NTE in young people's lives. He also said that issues of ASB and regulation thereof should not blind us to the ongoing issue of more serious violence in the NTE.

List of Delegates:

Zara Anderson	Liverpool John Moores
Anna Barker	University of Leeds
Sarah Blandy	University of Leeds
Kevin Brown	University of Manchester
Helen Carr	Kent University
Adam Crawford	University of Leeds
Ben Cavanagh	Scottish Executive
Sue Disley	West Yorkshire Police
Adam Edwards	Cardiff University
Adam Eldridge	University of Westminster
Jonathan Exon	University of Leeds
Kathryn Farrow	University of Birmingham
John Flint	Sheffield Hallam University
Nicholas Fyfe	University of Dundee
Andrew Graham	Sustainable Development Unit, Leeds City Council
Phil Hadfield	University of Leeds
Gordon Hughes	Cardiff University
Karen Hughes	Liverpool John Moores
Craig Johnstone	University of Brighton
Keith Lawrance	Safer Leeds Partnership
Liz Levy	Scottish Executive
Stuart Lister	University of Leeds
Gillian Mayfield	Leeds City Council
Lesley Mcara	Edinburgh University
Fiona Measham	Lancaster University
Andrew Millie	Loughborough University
Andy Mills	Leeds Community Safety
Stephen Moore	Anglia University
Judy Nixon	Sheffield Hallam University
Michael Parfitt	Cardiff Council/NCSN
Sadie Parr	Sheffield Hallam University
Alison Parsons	Birmingham City Council
David Prior	University of Birmingham
Marion Roberts	University of Westminster
Teela Sanders	University of Leeds
Peter Somerville	University of Lincoln
Peter Squires	University of Brighton
Rachel Taylor Swann	Cardiff University
Peter Traynor	University of Leeds
Neil Wain	Greater Manchester Police
Emma Wincup	University of Leeds
Charlotte Winter	Wakefield Community Safety Partnership/NCSN

For further information about the seminar series, please contact:

Adam Crawford, E-mail: A.Crawford@leeds.ac.uk