

Party invitations: New Labour and the (de)regulation of pleasure

Phil Hadfield recalls young, fresh New Labour as the 'party party'. But the economic opportunities presented by liquor and gambling let the party get out of control.

2 May 1997: a rejuvenated Labour party wins a landslide victory in the British general election. It's the election night party and the soon-to-be familiar members of the new government do their best rhythmic swaying to adopted theme tune 'Things Can Only Get Better'. These are the days of 'Cool Britannia', 'Britpop' and 'superclubs' the size of aircraft hangars. New Labour's brand is 'box fresh' and gleaming; a party party, courting the youth vote with rock star endorsements and text-messaged manifesto promises to all who "cldn't give a XXXX 4 last ordrs". Looking back on those days, it has become less difficult to divide New Labour's style from its substance. The following paragraphs provide a brief account of key moments across a decade of policies concerning the governance of pleasure, through control of the consumption and supply of drugs, alcohol and gambling.

Drugs

Labour has continued to amend the 1971 *Misuse of Drugs Act*, which dictates the criminalisation and classification of illicit drugs in Britain. Class A, B and C drugs are controlled substances under the Act, with Class A being those considered most harmful and having the most severe penalties attached to their possession and supply. In early 2004, cannabis was reclassified from Class B to Class C, but the power of arrest for possession was retained and the penalty range for supply increased. In parallel, the Association of Chief Police Officers issued forces with new guidance recommending the use of street warnings for most possession offences. Activities such as smoking cannabis in a public place and repeat offending were highlighted as 'aggravating factors' which could provoke recourse to arrest and prosecution. Subsequently, the *Drugs Act 2005* was used to plug a legal loophole wherein magic mushrooms were only controlled by law if prepared for use. Following the Act, the fungi, in both their 'fresh' and prepared state, were categorized as Class A.

Labour maintained the Tory legacy of tough-talking on drugs. In 1998, the government

launched a ten-year drug strategy focusing on education, prevention, enforcement and treatment. Under its *Updated Drugs Strategy 2002*, the Home Office prioritised the targeting of Class A drugs such as cocaine, crack, heroin and ecstasy. However, the degree to which this renewed emphasis has delivered meaningful increases in seizure and prosecution remains open to question. David Blunkett's regime also championed the view that doctors should reconsider the prescription of controlled doses of heroin in their treatment of users, as had been common practice during the 1960s. Advocates of this approach within the police and drugs charities maintained that this was preferable to the use of substitutes such as methadone, as it would reduce drug-related crime and provide more effective long-term benefits for patients. Although a small proportion of doctors were already licensed to prescribe heroin, sections of the medical community sought to resist calls to increase its use, pointing to the risk of creating 'addicts for life'. This view remains influential, with heroin typically prescribed only where patients have failed to respond to methadone (currently, only 0.5% of users in treatment receive prescription heroin).

Alcohol

Tony Blair has governed a period in which the prevalence of heavy sessional drinking has increased to levels unprecedented in recent British history (Plant and Plant, 2006). Whilst the underlying causes of this trend are multi-faceted, government policies on alcohol should undoubtedly be regarded as important contributory factors (Measham, 2006). Early indicators of New Labour's approach were provided by the transfer of responsibility for alcohol (and gambling) licensing matters from the Home Office to the Department of Culture, Media and Sport (DCMS) in 2001. This move symbolised a shift away from the primarily *public* concerns of crime prevention toward the more *privatised* interests of leisure industry entrepreneurs and shareholders. The shift remains startling when one considers the four statutory objectives of the *Licensing Act 2003*:

1.) the prevention of crime and disorder; 2.) the enhancement of public safety; 3.) the prevention of public nuisance; and 4.) the protection of children from harm.

As highlighted in the Act's accompanying *Guidance*, these objectives relate most directly to management of the night-time urban public realm and the activities of those (mostly) young people who occupy it; issues which would appear to fall squarely within the traditional responsibilities of the Home Office. In following the Act's transition from White Paper to statute book, one finds strong evidence to suggest that the DCMS have proved a reliable ally to industry in its attempts to steer alcohol policy away from the stormy seas of supply-side intervention, toward the calmer waters of voluntary self-regulation (Hadfield, 2006; Room, 2004).

Despite an awareness of Britain's burgeoning drink habit, New Labour used the *Licensing Act* to increase the availability of alcohol. This was achieved through the extension of licensing hours and removal of the traditional test of 'need', wherein licensing justices could restrain free operation of the market where it was felt that an area was over-supplied with licensed premises. The Act's corresponding silence on issues of public health exposed scant input from the Department of Health, or acknowledgement of broader public policy contexts, as outlined in the Cabinet Office's non-statutory *Alcohol Harm Reduction Strategy for England (2004)*: a striking example of policy fragmentation.

Implemented in November 2005, the Act was predicted to cut alcohol-related crime through: discouragement of speed drinking before an 'artificially' fixed (and, by implication, artificially 'early') closing time; reduction of crime-generating pressures on street life previously induced by the rapid emergence of large crowds of intoxicated persons; and enhancement of police powers to close licensed premises and control offending individuals. Independent voices were quick to point out that alcohol-related crime and disorder are complex social phenomena, linked to drinking practices and cultural attitudes that are unlikely to be rapidly transformed by legislation alone, and that a sizable body of international evidence has linked increases in the availability of alcohol within an area to increases in a range of social harms, including rates of violence. Even the Home Office appeared unwilling to share the optimism of its departmental colleague, releasing millions of pounds in additional funding for a series of 'Alcohol Misuse Enforcement Campaigns', involving high-profile policing of nightlife areas over the summer and festive periods of 2004 and 2005. Eighteen months after its implementation, the various impacts of the Act remain opaque. Police forces report that the later closing times require them to rearrange their shift patterns to provide cover throughout the early hours. However, more definitive analyses of the Act's effects on crime remain constrained by an apparent lack of political will and transparency in collation and publication of the necessary evidence (Hadfield, 2007). In the *Violent Crime Reduction Act 2006*, one continues to witness not only a skewing of alcohol policy toward issues of crime, but also a skewing of crime policy toward the management of drinking – a societal issue in relation to which the police have always had, at best, a tangential grip.

Gambling

With the *Gambling Act 2005*, the DCMS also introduced a wholesale review of the gaming laws. The number of slot

machines in British casinos had long been limited to 20, however, under the Act, new-generation casinos may offer 150 in smaller venues and up to 1,250 in the largest. In early 2007, media focus on the location of the first such 'supercasino' drew attention away from the Casino Advisory Panel's simultaneous authorisation of a further 16 new casinos. These moves were followed by a legal challenge from existing casino operators who maintained that de-regulation of the slot machine offer within the new venues would create unfair competitive advantage. With slot machines regarded as crucial profit drivers for the casino industry, demands for a levelling of the regulatory playing field can only gain momentum. For those disconcerted by the proliferation of gambling, herein lies the risk. High-stakes slot machines are especially associated with the onset of problem gambling, as they encourage the player to 'chase' each game for higher stakes (Breen and Zimmerman, 2002). As with alcohol, the 'official' view emanating from the DCMS is that gambling is a popular and largely benign leisure activity with considerable potential for commercial investment, bringing jobs and prosperity to areas badly in need of regeneration. This official discourse affords little credence to the issue of impaired control and the social harms associated with addictive gambling, across the population as a whole, and within deprived communities in particular.

The business of pleasure

In governing the business of pleasure, New Labour's instincts have been *laissez-faire* in their dealings with industry, yet far from libertarian in relation to the individual citizen. Those using cannabis in private are less likely to face criminalisation, and the drinker and gambler have more consumption choices available to them. However, these shifts do not constitute an embrace of liberal personal politics, but rather, a corralling of pleasure-seeking within the nexus of commercial exchange (Class A drugs are, of course, exceptional, as their incorporation into the legitimate market remains politically untenable). New Labour's preference has been to work in 'partnership' with the alcohol and gambling industries in promoting enterprise, profit generation and associated tax revenue. In so doing, it has strayed from the path of its socialist forebears. As often noted, the early Labour movement drew greater inspiration from the Protestant ethics of Methodism than the rallying calls of Marxism. Methodist doctrine promoted an ascetic life of thrift and sobriety through which one might improve one's lot in this world and the next. For much of the 19th and 20th centuries this theology contributed to the uneasy accommodation of 'respectable' working class ambition and employers' desires for economic stability and a dependable workforce.

In 21st century Britain, transformed conditions of cultural and economic life demand a new pleasure ethic in which potentially addictive substances and activities are regarded as little different from any other commodity. Yet, de-regulation of supply is accompanied by the placing of ever greater responsibilities on the consumer. This new stance rejects the so-called 'nanny state', which once prioritised the connections between socio-economic context and vulnerability to harm, in favour of a universal norm, in which rational, autonomous and strong-willed individuals have the capacity to make informed decisions about their own repertoire of pleasure-seeking behaviours. Punitive action is then attached primarily to

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community policing (Barry Loveday) can their record on balance be extolled.

Ultimately, it is on punishment rather than crime that Labour has at best failed to consolidate and, at worst, actively undermined their own best policies and practice. Prisons have just about coped with the remorseless increase in numbers, but at the expense of programmes that cry out for better resourcing (John Podmore). Women offenders have been under-protected and over-controlled under Labour, their numbers in custody at an all-time peak (Loraine Gelsthorpe). Most of all, youth justice has been prevented from building on the promise of the new Youth Justice Board and the youth offending teams by tough sentencing overwhelming the welfare principle (Rob Allen). Even so humane and vigorous a reforming Head of the Board as Professor Rod Morgan could do little to sustain progress in the teeth of the fastest growing and highest youth custody rates in western Europe. It would be a bitter capstone to New Labour's ten year watch over criminal justice if, following his resignation, his successor was to represent penal populism rather than informed and civilised policy and practice. ■

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advisers were convinced would work for them also. In policy terms Blair, Mandelson, Gould and the rest saw how Clinton had sought to recapture the so-called 'middle ground' and to jettison various 'liberal' hostages to fortune (Downes and Morgan, 1997) and applied the lessons in the creation of 'New Labour'. Early on after his appointment as Shadow Home Secretary, Blair visited Washington DC to talk to Democratic Party advisers. Within three days of his return he first aired his famous mantra, "tough on crime, tough on the causes of crime". Now matter how hard he later tried, Michael Howard was never able to 'out-tough' his opponent. British penal

those individuals judged, through their choices, to lack self-control, rather than to those who exploit such vulnerabilities. That this stance can be associated with a party of the 'Left', or even 'Centre' of politics, demonstrates how much things have changed since 1997. ■

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politics has been locked in this punitive embrace ever since. ■

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2. It is imperative that the VCS is understood and supported as being the means by which services are transformed, and not as the repository of already-failing and discredited solutions.
3. The VCS has a fundamental role to play in promoting diversity and social inclusion and this needs investment – especially by those who are most affected by crime, for example BME communities and families.
4. Community education and public awareness about the reality of offending, social exclusion, and positive community solutions to crime remain at the heart of VCS activity - and should be supported by government actions and funding.
5. It needs to be understood that the role of the government is not to instruct the VCS or local communities about what to do, but to trust and facilitate the process by which local solutions can resolve the most pressing community problems. ■

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