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Quasi-public place-governance: an exploration of shopping centres

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Abstract:

Shopping centres face multiple issues arising from their status as quasi-public Third Places. Such challenges are compounded by the enduring, difficult retail environment. Against this backdrop, the research explores how a legally pluralistic understanding of place-governance could inform future strategies for securing shopping centres' roles within the community.

This UK-based, bistage, multi-case study draws on various data sources collected from seven shopping centres across Northern England. It adopts both thematic analysis and cross-case synthesis to generate rich findings. The data analysis identified three key themes: the diverse shopping centre population, internally-generated norms and externally-developed law.

This paper makes a bifold contribution to the literature. First, it commingles and develops theories of legal geography and legal pluralism to introduce a new tripartite lens for exploring place-governance, which comprises black-letter, policy and cultural elements. Secondly, it utilises this model to generate empirically-based findings about shopping centre place-governance from the insider perspectives of centre management, centre operatives and tenants.

Key words: shopping centre; place-governance; legal geography; legal pluralism; quasi-public places; Third Places;

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1. Introduction

This paper explores how place-governance may be revealed through an analysis of stakeholders' perceptions of exhibited behaviours. It combines and develops elements of both legal pluralism and legal geography to make two central contributions. First, the paper proposes a new tripartite model for observing place-governance which draws on black-letter law, policy and culture. Secondly, it applies this tripartite lens to empirically examine behaviours within shopping centres from insider perspectives.

1.1 The shopping centre phenomenon

Over the past 100 years the shopping centre has established itself as a Third Place for spending leisure time (Goss, 1993) away from either the home (the First Place) or the workplace (the Second Place) (Oldenburg, 1989). Originating in America, the shopping centre has become a world-wide phenomenon.

Originally designed as communal spaces for shopping, culture and social interaction (Gruen and Smith, 1960), shopping centres soon included "doctors... swimming pools, libraries and schools" (Shields, 1989, p.149). Some boasted "post offices... municipal halls... shows... literacy classes and university courses" (Goss, 1993, p. 26). More recently, shopping centres have included "big box" leisure facilities, including bowling alleys and cinemas (Howard, 2007, p. 666). Morphing from "edge cit[ies]" (Lowe, 2000) into the "new town square[s]" (Staeheli and Mitchell, 2006), shopping centres provide employment opportunities for their local community (Musil, 2011) and have "significantly" improved people's quality of life (El Hedhli *et al.*, 2011, p. 856).

1.2 A challenging retail environment

Despite such multifarious advantages, the shopping centre has been susceptible to the "retail apocalypse" (Butler, 2018). First, recognition of its potential for generating revenue (Pitt and Musa, 2009), coupled with a decline in footfall (Millington *et al.*, 2018), have intensified inter-centre competition (Brandao *et al* 2014). This is

compounded by today's consumers who are "more discerning, less loyal, [and] more demanding" (Howard, 2007, p. 664). Secondly, the retail sector has considerably evolved, not least because of "rapid" technological advances (The International Council of Shopping Centres, 2016, p. 4). The development of "e-innovations" (Kuester *et al.*, 2018), for example smart home appliances (Grewal *et al.*, 2017), has created conflict between "traditional brick and mortar retail and... omnichannelling" (Theodoridis *et al.*, 2017, p. 287). Thirdly, many physical stores have faced higher business rates bills (Jahshan, 2018). These increases particularly affected restaurants (Armstrong, 2017) which presented an issue for those shopping centres which have metamorphosed into "lifestyle centre[s]" (Pospech, 2016, p.102).

This paper specifically examines the law's contribution to the challenges faced by shopping centres. Perhaps the most obvious potential influence is "black-letter law" (Chynnoweth, 2008, p. 29) which is "enacted by the government and enforced by the administrative apparatus" (Murphy, 2012, p.177). Providing an example of how such law can affect shopping centres, the Sunday Trading Act 1994 continues to cause concern because of its disparate application which subjects stores to different opening hours depending on their size (Conway, 2017). A further controversial instance is the Public Spaces Protection Order (PSPO) which was introduced by the Anti-Social Behaviour, Crime and Policing Act 2014. Criticised for developing "frontiers in exclusion, intolerance and criminalisation", PSPOs enable local authorities to prohibit "*any* type of behaviour perceived to negatively affect the quality of life" in public places (Heap and Dickinson, 2018, p.182), including shopping centres (Home Office, 2017).

In addition, policy developments have significantly affected shopping centres; a pertinent illustration is the Town Centre First planning policy (Gov.UK, 2014) which was designed to encourage footfall back to town and city centres (Cheshire *et al.*, 2011). Another example is the Future Strategy for Retail (Department for Business and Skills, 2013) which was established through an industry-government collaboration to promote local decision-making, for example through Business Improvement Districts.

Shopping centres may also be affected from within by the development of their own "living law" which results from stakeholders' "legal consciousness" as they build "legal meanings, actions, practices and institutions" (Ewick and Silbey, 1998, p. 247) Murphy notes how such "customary law" is exhibited through "the way things are done" (2012, p. 179). Resonating with place management literature (Kalandides *et al.*, 2016), Nemeth also identifies such law's "socially, geographically, and historically contingent" nature (2012, p. 22).

Shopping centres' status as "quasi-public spaces", which are privately-owned but publicly-accessible (Gray and Gray, 1999, p. 79), means that their visitors may be subject to additional privately-created, implemented and enforced rules. Yet, as stakeholders encounter shopping centres' formal social structures, they may develop their own "social desire paths" which "leave an... imprint on social structures" (Nichols, 2014, p. 166). This may be particularly apparent where shopping centres have been developed on former high streets (Layard, 2010). From a legal geographic perspective, these centres may still "look and feel like public places, open to all [when they] are in fact private spaces that are only conditionally made available" (Pratt, 2017, p. 1). This status change can cause issues as centre management are free to make "private decisions" about the "circulation of the entire population", for example by imposing dress codes or banning orders (Mac Sithigh, 2012, p. 397). This raises concerns about "the efficacy... legitimacy and accountability" of private place-governance and its implications for social exclusion (Flint, 2006, p. 63). Yet, centre management's discretion in prioritising stakeholders' interests is not left completely unchecked, with Roberts noting how "disputes... have... shifted from the realm of unfettered discretion into... reasonableness" (2007, p. 257) where centre management are required to act objectively.

Shopping centres' establishment within the "nightscape" (Chatterton and Hollands, 2003) may aggravate the challenges faced. Potentially encountering increased anti-social behaviour (London Assembly, 2016), centres may become "breeding grounds for crime" (Manzo, 2005, p. 85). In response, centre management may "polic[e] all possible sources of... conflict" by "freely interpret[ing]" their "house rules" (Pospech,

2016, p. 101), suggesting that they wield more power in practice than the common law suggests (*CIN Properties Ltd v Rawlins* [1995] 2 E.G.L.R. 130).

The Government's Big Society agenda (Gov.UK, 2010), the public-sector funding cuts (Gray and Barford, 2018) and the closure of community facilities (Findlay-King *et al.*, 2017) have also encouraged vulnerable groups to seek refuge in shopping centres (Burford, 2018). Contesting shopping centres' role as social-levellers (Oldenburg, 1989), the literature identifies centre management's ability to deflect these "flawed customers" (Crawford, 2011, p. 483). Yet, some centres specifically cater for such groups; for example, by installing free vending machines (Wright, 2017) and holding charity events (Flint, 2006). These initiatives challenge criticism that shopping centres are "non-places" (Auge, 2008, p. 63) which commodify public space (Gottdiener, 2000) to promote consumption (Manzo, 2005) and alienate the poor (Abaza, 2001). By becoming more inclusive, centre management could develop their centres' "communal moral law" (Murphy, 2012, p. 178) and generate "loyalty" (Staheli and Mitchell, 2006, p. 983) to secure the shopping centre's place within its community.

There have been multiple attempts to resolve the challenges faced by shopping centres, for example the high-profile Portas Review (2011) which made recommendations for securing the future of the high street. Yet, whilst many applauded its recommendations, some of its proposals failed to materialise because of limited engagement by local businesses (Thompson *et al.*, 2015). This left leading retailers continuing to flounder and shopping centres to cope with empty units (Centre for Retail Research, 2018). Given shopping centres' potential for generating manifold benefits, this paper investigates whether an understanding of their place-governance could establish their future role within the community, foiling predictions of "some high streets and town centres disappearing altogether" (House of Commons, 2019, p. 3).

1.3 Shopping centre place-governance

To comprehend shopping centre place-governance, this paper adopts a legally pluralistic approach which acknowledges how "two or more legal systems coexist in

the same social field" (Merry, 1988, p. 870). Stromseth *et al.* explain the rule of law as being "as much a matter of the habits, commitments, and beliefs of ordinary people as legal codes" (2006, p. 310). Combining these two concepts, Swenson identifies a "dynamic, contested process" which incorporates both state-justice elements which are imposed "top-down" and non-state actors' normative codes which are created "bottom-up" (2018, p. 442). Swenson identifies various strategies for harmonising them; for example, through public information campaigns that advocate "savvy strategic planning and pragmatic adaptation" (2018, p. 446). Whilst Benton similarly understands legal pluralism as a series of "stacked legal systems" (1994, p. 224), the literature also suggests that "state law" sits equally alongside "non-state law" (Murphy, 2012, p. 178) within "a complex matrix... of structuring forces" (Benton, 1994, p. 237).

Whether understood via a "structuralist framework" (Benton, 1994, p. 236) or a flatter structure, it appears that the law is not monistic (Davies, 2010), instead encompassing wide-ranging elements (Santos, 2002). As medicine is commonly-recognised to encompass both pharmacist and herbalist remedies, Santos advocates a similarly broad interpretation of law (2002). Yet, others caution against such an over-inclusive approach (Tamanha, 2001) which causes uncertainty (Merry, 1988). These enigmas are exacerbated by the law's "chameleon[ic]" nature (Santos, 1987, p. 299) which shape-shifts according to perceptions (Manderson, 1996).

As some researchers argue that all laws are "customary" (Croce, 2012, p. 3), organisational culture merits consideration. Shopping centres' "living law" (Barden and Murphy, 2010, p.4) could be established, for example, through organisational stories which include "symbolism and culture..., communication ... [and] narrative structures" (Gabriel, 2000, p. 4). Gabriel also recognises how such stories may "compet[e] with other types of organisational discourse, including theories, cliches, statistics and reports" to establish norms (2000, p. 5). In shopping centres, such "soft law" (Merry, 2014, p. 108) could derive from "sophisticated security systems... sets of house rules... security personnel and video operators... spatial layout, distribution of attractions... [and] mall furniture... which allow[s] no private spaces... where unwelcome behaviour could take place" (Pospech, 2016, p. 103).

More broadly, cultural law considers how black-letter law and policies are "lived" (Ehrlich 1922, p. 1962) by investigating stakeholders' "webs of significance" (Geertz, 1973, p. 311) within these places of "complex negotiation" (Miller and Laketa, 2018, p, 13). This study explores shopping centre stakeholders' "assumptions, beliefs, values and perspectives" (Sackmann, 1992, p. 141) as they create, develop, acknowledge, interpret or ignore behavioural expectations.

There are also relevant links between legal pluralism and autopoiesism. This latter theory defines a system "as a unity whose organization is defined by a particular network of production processes of elements" (Iba, 2010, p.6610). Nobles and Schiff posit that "modern society contains separate subsystems of communication: the economic system, the political system, mass media, science, the educational system, the legal system, and so on" (2012, p. 270). They postulate that each subsystem employs its own code; for example, the law of shopping centres may adopt a code to determine legality or illegality. In a similar vein, this paper draws on "legal geography" to "investigat[e] the co-constitutive relationship of people, place and law" (Bennett and Layard, 2015, p.406) within the context of shopping centres. In doing so, it explores their nomospheric nature as legally-bounded places with encoded meanings (Delaney, 2004).

Nobles and Schiff specifically identify the importance of central state and peripheral non-state communications; acknowledging how non-state actors "recognize certain formal documents, notices, and street signs... that draw... authority from [the central] sources to declare what is legal or illegal" (2012, p. 277). They point to a bi-directional flow of information as non-state actors reciprocally inform state law by invoking state mechanisms for dispute resolution or reporting crimes. In its exploration of shopping centre place-governance, this paper considers the interplay of law between both state and non-state actors.

Drawing these strands together, this paper follows the recent trend towards fluidic legal pluralism (Davies, 2003; 2010) which perceives "the distinction between the legal and the extra-legal [as] outdated" (Croce, 2012, p. 1). The research studies shopping centres as "semi-autonomous social field[s]" which remain "vulnerable" to externally-imposed norms (Moore, 1973, p. 720). In exploring such "uncoordinated,

coexisting or overlapping" rules (Tamanha, 2008) within shopping centres, this paper considers their nexuses and the "symbolic war[s]" that may be waged between stakeholders (Croch, 2012, p. 1) who may seek to establish their own preferred norms.

Through commingling aspects of both legal geography and legal pluralism, this research ascertains shopping centre place-governance through the factors which are perceived to affect behaviours. In doing so, it explores how these "spatio-legal place-making machinations" (Williams, 2014, p. 190) ontologically "shap[e] how things *are*, or can *be*" (Bennett, 2016, p. 185). Whilst other research has drawn on doctrinal or conceptual-based approaches, or dual case studies (see for example, Flint, 2006; Layard, 2010; Mac Sithigh, 2012), this paper proposes a new type of "panlegalistic" approach (Croce, 2012, p. 1) which combines black-letter law, policy and culture to explore behaviours within shopping centres from insider perspectives. It examines how a pluralistic understanding of shopping centres could help to secure their future.

1.4 Research questions

In seeking to understand shopping centre place-governance through insider perceptions of behaviours, the research addresses the following three questions from the perspectives of centre management, centre operatives and tenants:

1. What types of behaviours are prohibited at shopping centres, and why?
2. Who decides what types of behaviours are prohibited at shopping centres?
3. To what extent do stakeholders comply with the behaviours expected at shopping centres, and why?

2. Methodology

Through constructivist epistemological positioning (Yilmaz, 2013), this qualitative study investigates the production of shopping centre place-governance "through [the] social interaction" of insider stakeholders (Bryman, 2012, p. 33). It adopts a case study approach to facilitate in-depth explorations into contemporary phenomena (Yin, 2014), and to enable both flexibility of design (Heyett *et al.*, 2014) and a "holistic" approach (Denscombe, 2014, p. 56). The multi-case study was selected to capture the "complex reality" (Denscombe, 2014, p. 63).

In designing this multi-case study, considerations of trustworthiness were taken into account (Lincoln and Guba, 1985). First, to develop its credibility (or internal validity), (Bryman, 2012), this multi-case study drew on multiple sources, including: researcher-generated photographs, marketing literature, operational communications material, direct observations, lettings documentation, semi-structured interviews and diary notes. The quantity of data generated provided assurance regarding the saturation point (Bowen, 2008). Secondly, the findings' transferability (or external validity) (Bryman, 2012) were enhanced through focussing on multiple shopping centres to produce a "thick description" (Geertz, 1973). Thirdly, their dependability (or reliability) (Bryman, 2012) were enriched through the adoption of interview protocols (Yin, 2014). Finally, their confirmability (or integrity) (Bryman, 2012) were increased through reflexive considerations (Finlay and Gough, 2003) of researcher positionality (Bourke, 2014).

Drawing on the researcher's previous experience of managing shopping centre portfolios, this multi-case study adopted non-probability, purposive sampling techniques to produce "*an exploratory sample*" (Denscombe, 2014, p. 34), comprising seven shopping centres across Northern England. These centres were selected for their variety of: location, age, layout, size, footfall, target market, streetscapes, demographic reach, and range of tenants. Constructed since the 1960's, these centres each comprise between 30 and 300 stores. They are all privately-owned and managed, although aspects such as security and cleaning tend to be outsourced. Whilst alternative shopping centre sites could have been identified, the paper does not make claims that its findings are representative.

Acknowledging that there is no globally-accepted system of shopping centre classification (Pitt and Musa, 2009), this research defines shopping centres as a group of privately-owned, centrally-managed and publicly-accessible shop units which are situated within either a fully-enclosed or partially-enclosed space. The research was conducted in two stages. First, a series of six shopping centres was selected to examine potential manifestations of law. Informed by the literature review, an interview protocol was developed for use in 10 semi-structured, face-to-face interviews with centre management, managing agents, lettings agents and

solicitors. The resulting data was supplemented by multiple other sources (as referred to above) to develop a comprehensive understanding.

Following the identification of anti-social behaviour as a particularly strong theme, and the literature review's illumination of concerns about the "privatisation of the public realm" (Punter, 2007, p. 9), stage 2 of the research focused on two shopping centres within this same geographical region. Selected for their status as former high street-developments, one of these centres had been initially examined during stage one of the research whilst the other presented a new case study. After developing a second interview protocol, eighteen semi-structured, face-to-face interviews were conducted with shopping centre insiders; namely, centre management, centre operatives and tenants.

Following the digital recording and transcription of all of the interviews, the data was thematically analysed to produce "a rich... account" (Nowell *et al.*, 2017, p. 2). "Cross-case synthesis" (Yin, 2018, p. 194) was also utilised to draw comparisons between the shopping centres.

3. Findings

Three dominant themes emerged: the diverse shopping centre population, internally-generated norms and externally-developed law. The complexity of shopping centre place-governance is revealed by the overlap between them. Participants are identified by a combination of the following codes: "SC" is used to denote the shopping centre (along with an accompanying identifying number), and "CM", "CO" and "T" are adopted to identify whether the participant was part of the centre management, a centre operative, or a tenant.

3.1 The diverse shopping centre population

The participants all remarked on the variety of shopping centre visitors which included: pensioners, students, children on school trips, and families. Participants also reflected on temporal changes brought about by commuters, lunchtime shoppers and schoolchildren. One participant described their centre as being like "the Wild West" on weekends, attributing this to longer opening hours (SC7,CM2). Another noted a seasonal influence: "in the New Year we will see a spike on...

complaints... Because... people have spent up... and... are scrabbling around for whatever they can get" (SC7,CM1). One commented how "we do get a lot of rowdy kids... us[ing] the scheme as a meeting point, especially in the colder months" (SC5,CM1).

In recognising shopping centres as "business[es] trying to make some cash" (SC5,CM2), one participant admitted that they did not want people who are "holding back on their spend" (SC7,CM7). Yet, they also recognised shopping centres' wider community role, for example as somewhere for students to seek refuge through the Safe Places Scheme (Safe Places National Network, n.d.).

Participants perceived that there were less legitimate purposes for visiting shopping centres. Identifying the homeless as "ne-er do wells" (SC5,CM2), participants described how they "would love to use the centre, but... we manage to keep them on the periphery... (SC7,CM6). Organised begging seemed prevalent; one participant explained how panhandlers "will come in 2, 3, 4 times a day and... are happy to be kicked out, because they are just going to come back" (SC7,CM7). They suggested that banning orders were ineffective because beggars will similarly "only just be escorted out" (SC7,CM7). Another referred to a distinction between begging and busking "very badly" (SC7,CM6), and explained how their centre "audition[ed]" buskers as a result (SC7,CM6).

Weaving these strands together, participants agreed on their diverse shopping centre populations, recalling seeing "every possible demographic " (SC5,CM2), "from proper millionaires to homeless" (SC5,CM7).

3.2 Internally-generated norms

Alongside this breadth of user-type, participants identified multiple restricted behaviours, including: dog-walking, wearing hoodies, cycling, photography and video-recording. Those who peddled, played loud music, swore, loitered, or congregated in large groups were also discouraged. Other prohibitions included: leafletting, smoking, drug-taking, alcohol-consumption, demonstrations and fighting. Participants also recognised the importance of the tenants' demises; explaining how tenants may "employ their own staff on the door... [but] once they remove

[customers] from the bar they are then in the mall, which... becomes our responsibility" (SC7,CM2). Another suggested that the malls "don't get the same respect" because "people... think... they're entitled to be there" (SC7,CM5).

In a similar vein, participants suggested that "a lot of what happens... is on [the tenants'] demise... so they are responsible" (SC7,CM1). Participants identified various violations outside the demise, including tenants propping open fire doors, parking in loading bays, and arranging contractors without authorisation. One food-retailer noted the practical impact: "let's say I ran out of lettuce. I am not allowed to basically go and get lettuce, I have to book [the delivery] in" with centre management (SC5,T1). Another example related to centre opening times: "sometimes we are forced to stay open... because of them laws... they set the timing" (SC5,T1). They also identified conflict between centre management-imposed rules and those enforced by the tenant's head office, for example regarding waste disposal.

When determining prohibitions, participants referred to their "common sense" approach (SC5,CM1; SC7,CM7). They defended their centres' bans on both "flyering" and tenants' A-boards, for example, because they present "trip hazard[s]" (CM6,SC7), and with "claims... coming in like Smarties" (SC5,CM1), it makes it "difficult to be insured" (SC3,CM1).

When considering perpetrators' motivations, participants cited misunderstanding: "I don't think that people see [the centre] as privately owned [but] think... they have a right to be" there (SC7, CM5). Others commented how "people... think that they're still on the street... [and breach the rules] because they think they can" (SC7,CM1) or because "they have lived [here] their whole lives, it's hard for them to... change" (SC7,CM3). Conversely, another perceived changes in behaviour over time as the shopping centre had become established: people now "know what [the centre] is... about... you say shopping centre, you don't think skateboarding" (SC7,CM4). Participants also identified "grey areas"; for example, suggesting a need for specific vaping-prohibited signage (SC7,CM2). Other reasons cited for misdemeanours included children riding bikes through the centres simply "because it's... naughty" (SC7,CM2), and offenders' ignorance of the consequences. Referring to the

recycling bins, participants suggested how "it only takes one person to walk up with a full cup, throw it in [the bin], and then all that becomes wet waste..." (SC7,CM4).

Identifying rationale for tenants' misconduct, one participant lamented how "traders are quite bad... because they pay for the rent they... do whatever they want" (SC7,CM5). Others identified competing priorities with tenants believing that they have "better things to do" (SC5,CM4), and convenience, suggesting that "it's just easier... to prop your door open with a bag of rubbish and run everything up to the bin" (SC7,CM3). Some sympathised with the tenants; noting how requirements varied between centres, causing confusion.

Referring to regulatory enforcement, one participant suggested that "there is no point having a law" otherwise (SM7,CM6). Participants were also keen to "nip [breaches] in the bud" (SC6,CM1) to avoid heightened instances: "once you start wheeling [bikes] through they will just start freewheeling through. So no, we don't allow bicycles. Full stop." (SC4,CM1).

Participants revealed the ineffectiveness of physical obstructions for controlling behaviour: "people want to get from A to B and they don't want to have anything in their way even if it is the roof dropping in" (SC1,CM1). They also cited centres' terms and conditions which were posted on entrances and websites. Keen to avoid "turning [the] place in to a sign city of dos and don'ts" (SC7,CM6), they also admitted how such signage went unread until the point of enforcement. Participants identified other control mechanisms, including: visible security, CCTV, body cameras, facial recognition systems, and radio networks. One participant relied on CCTV to establish the authenticity of customer complaints because "we often get told one thing and then when we look into it, we then see what the reality is" (SC7,CM1).

Participants disclosed how their security teams were licensed to physically remove people under the Security Industry Authority (n.d), yet some still adopted a "hands off" policy to avoid people making "an easy buck" from compensation claims (SC7,CM5). They also relied on their centres' status as private property to make accusations of trespass and impose banning orders. The tenant's demise was again relevant: "if someone goes in to Primark to steal something, our guys are... not

allowed to get involved... [only] once they come out of the shop [can] they... apprehend them... for when the police come" (SC7,CM5). Participants believed that this was because the tenants do not contribute towards the centre security team's costs. Yet, an analysis of the tenants' handbooks revealed tenants' obligations to secure their own units with the simultaneous assurance of centre management support. Furthermore, none of the leasehold documentation specifically prohibited centre management from accessing tenants' premises to provide security support.

In terms of policing their tenants' behaviour, one centre had a three "slip" system comprising: an informal warning for a first breach; a first slip for a further infringement; and a combination of a second slip, a meeting with the tenant's manager, and correspondence with the tenant's head office for a third violation. Noting the system's effectiveness, one participant explained that they had never resorted to issuing a third slip because "the threat was enough to stop the behaviour" (SC5,CM4).

Recognising centre management's ultimate responsibility: "if... anything... goes wrong I am... accountable" (SC1,CM1), they revealed how they continually develop their induction processes, for example after finding "people riding the stock cages down the corridor" (SC7/CM7). They also "do constant back of house patrols" and "work really closely with [the tenants to]... promote a... strong ethos" (SC7,CM1). Participants also advocated a consistent approach to managing tenants' behaviour: "we've got a real variety of... leases but we very much treat them all as one" (SC7,CM1). Despite such measures, participants explained how store manager turnover undermined efforts to foster best practice. Participants also revealed how tenants sometimes take matters into their own hands: "drag[ging] our cleaners off... for what they want" (SC7,CM5). Yet, they were also mindful of the current retail environment and the pressures to do "everything that we can to make [the tenants]... successful" (SC7,CM6).

Participants also reflected on the regulation of centre operatives' behaviour. Cleaners, security and customer services were prevented from, for example, speaking to the Press, and eating or using their mobile phones because "they are provided with [designated] break out spaces" to do so (SC7,CM1). Keen to avoid

damaging the centre's brand, participants also identified the geographical extent of centre managements' jurisdiction which applied wherever operatives wore their uniform.

Summing up the internally-generated normative codes, one participant explained that centre management were: "not... beating people around with a rule book but we very much have ways of doing things, a lot of them are legal requirements" (SC7,CM1).

3.3 Externally-developed law

Recognising the myriad black-letter laws affecting shopping centres, participants cited business rates as the "biggest single killer" (SC4,CM1). They also revealed concerns about waste management; acknowledging that, whilst it was originally the tenants' responsibility, ultimately "whatever leaves this shopping centre sits on [centre management]" (SC7,CM4). Health and safety requirements presented a recurrent theme with one participant explaining how "there's no room for negotiation" (SC1,CM2). Others bemoaned the Sunday trading laws: "we're getting quite a lot of complaints... [from] people... turning up at 11 o'clock and expecting... to go in... obviously they can't because Primark are only allowed to trade for 6 hours" (SC7,CM3). Suggesting similar misconceptions by tenants, participants noted how smaller brands would notice larger units trading and assume that they can follow suit.

Identifying data protection as another key area, one participant referred to members of the public requesting CCTV footage to support insurance claims when they "don't understand GPDR regulations" (SC7,CM2). Reflecting on an instance where management had erected A3-sized posters of known shoplifters in an empty unit, another recalled that "it was like Crimewatch, a big huge great shop window full of two dozen prolific shoplifters", admitting "I don't know if I would get away with that" (SC4,CM1).

In terms of externally-developed policies, one participant criticised the Portas Review (2011) as "purely political sound bites... we spent weeks working with the local council... and... there was £10,000 up for grabs... some piddling little amount that

isn't going to do anything" (SC4,CM1). Appreciating that some external collaborations could be beneficial, participants revealed how they had made adaptations to their working practices, for example by "101[-ing] things" to encourage police recognition (SC5,CM2). Participants also explained how centre management had persuaded external agencies to site themselves within close proximity of, or even in, the centres. As one noted, "it means that if we have rough sleepers... we can... contact people that we actually know... so we're not dedicating ourselves... to... dealing with... the public on the street" (SC7,CM2).

The findings also highlighted particular contextual issues; for example, participants noted the necessity for measured decision-making when faced with someone taking photographs or video footage which could be utilised for social media or hostile reconnaissance purposes. Likewise, participants revealed concerns about acting as quickly as possible to close down potential issues given the speed at which news can travel over social media.

Participants similarly expressed rising concerns about public mental health, describing shopping centres as "hotspots for attempted suicides" (SC4,CM1) but admitting that they "can only do so much" (SC4,CM1). One cited a particular problem with Spice, noting that drug-users were attracted to the shopping centre's "central location" so that they could make money from begging, and also access charities (SC7, CM5). Another indicated how such street activities have "a direct effect on custom... footfall" and potential new tenant sign-ups (SC7,CM2).

In providing a precis of the influence of externally-developed law, one participant suggested how "we wouldn't function... if we didn't have them rules and regulations in place" (SC7,CM5).

4. Discussion and conclusions

First, through combining and extending theories of legal pluralism and legal geography to distil these three themes, this paper posits that place-governance can be observed through a tri-partite lens which comprises: black-letter law, multi-level policy law, and internally-generated cultural law. In terms of such laws' respective

influence, the findings suggest the emergence of a more complex model than either a hierarchy (Benton, 1994) or a flatter structure (Nobles and Schiff, 2012). This paper postulates that this place-governance lens is a transmuting construct which varies according to both stakeholder perception (Davies, 2010) and temporalities (Merry, 2014). In doing so, it follows Griffiths' approach which advocates against perceiving these laws as operating within "their own insular shell[s] of legitimacy" (1998, p. 613). Instead, the paper draws on recommendations to explore their inter-"legal porosity" (Santos, 1987, p. 298) and "overlapping" nature (Davies, 2010, p. 808). As such, this place-governance lens can be depicted via a Venn diagram (*fig. 1*) which includes the three sets of black-letter, policy, and cultural law, and facilitates an observation of place-governance through their common point of union.

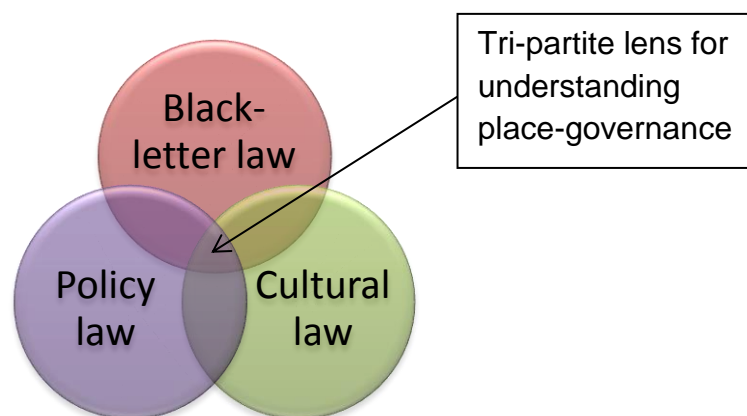


Fig. 1

The paper suggests that the influence of each respective set in relation to the others, and the logical relations between sets, will vary according to both stakeholder perceptions and temporalities.

Secondly, this paper pragmatically applies this lens to the shopping centre as its unit of analysis. In doing so, it develops an understanding of shopping centre place-governance through examining the factors which are perceived to affect behaviours from an insider perspective; namely, black-letter, policy and cultural laws. The findings indicate the influence of black-letter law; for example, through the raft of legal obligations imposed by statute, the demarcations of responsibility created by the tenants' leases and the centre management's ability to regulate entry to these quasi-public places. Taken together, the findings reveal insiders' ingrained

consciousness of the need to comply with black-letter law, not just because of the potential penalties for breach but also to maintain order, particularly given shopping centres' diverse populations.

The findings illustrate how the policy component of shopping centres' place-governance is generated at multiple levels. Shopping centre management highlighted how their centres were affected by nationally-developed recommendations such as the Portas Review (2011). In terms of locally-produced policies, the research revealed how management have responded to their centres' user-diversity by adopting a compound approach which involves the simultaneous imposition and enforcement of proscriptions, and communication to foster understanding of the rationale.

The cultural constituent of shopping centre place-governance becomes apparent from stakeholders' collective development of "legal consciousness" through engagement with the "construction of legal meanings, actions, practices, and institutions" (Ewick and Sibley, 1998, p. 247). Affirming Ewick and Silbey's research, the cross-case synthesis revealed "limited variation in the interpretive schemas" (1998, p. 247) employed by these insider stakeholders, with common-denominating references to legislation, multi-level policies, and assessments of engagement with them. There was also evidence of "adapt[at]ions... [of] "these common narratives of law" (1998, p. 247) both within and between stakeholder groups. Referring to the rationale behind the same sets of behavioural prohibitions, some centre management identified safety reasons whilst others highlighted protection of the centres' brands.

Through combining and developing elements of both legal geography and legal pluralism, this paper demonstrates multifarious legal manifestations within shopping centres; whether black-letter imposed, policy-based or culturally-developed. It also indicates perceptions about the changing nature of the influence of each set, the numerous associations between them, and their influence on the behaviours exhibited by the diverse shopping centre population.

Whilst outside the scope of this study, future research could further enhance this understanding by adopting a systemic approach; in particular, through the application of boundary critique as a methodology (Dickinson and Wyton, 2018). Such a participant-led exploration of other stakeholder groups' perspectives, for example customers, local authorities and the police, could further develop a more holistic view of shopping centre place-governance.

In recognising business needs to: generate revenue, develop the brand, attract and retain tenants, manage potentially incompatible stakeholder groups, and encourage both footfall and dwell-time from increasingly demanding customer-bases, the research highlights how centre management need to strike delicate balances. Shopping centres' already problematic status as quasi-public places has also been intensified by the challenging retail environment within which they operate.

Shopping centres have previously been targeted for focusing on consumption to generate revenue streams. Yet, the literature indicates the potential for them to promote a more positive image by collaborating with their community in addressing common challenges; for example crime, mental health issues or drug-abuse. Whilst the literature suggests that shopping centres can provide multiple social and economic benefits for their local communities, there may also be opportunities for further dissemination of such benefits to help foster respect for shopping centres and bolster their place within the community.

The multifarious, enduring nature of the challenges faced suggests that there is no all-encompassing solution. Yet, by continually developing an understanding of shopping centre place-governance, researchers may encourage inter-stakeholder empathy for each others' needs, goals and norms within the constraints presented by the law, and help sustain the shopping centre's future for the benefit of everyone.

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