

Banning the bottle: Liquor bans in New Zealand

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Abstract

Alcohol-related crime, disorder and anti-social behaviour cause concern in many New Zealand communities. The growing incidence of drinking in public places, especially by young people, has been a particular source of anxiety; as are reports of alcohol-fuelled street violence. With the decriminalisation of public drunkenness in the early 1980s, some observers have pointed to a lack of tools which frontline police can use to 'nip trouble in the bud', leading to calls for local councils to pass by-laws which prohibit the possession or consumption of alcohol in defined public places. In response to such calls, liquor bans have been imposed in a large number of municipal and provincial centres. This paper details the development of liquor bans in New Zealand, underlining the importance of a community partnership approach involving police, local authorities, health agencies, and often formal alcohol accords or liquor liaison groups. Using a case-study approach, evidence of the effectiveness (or otherwise) of such controls on the physical availability of alcohol is examined. The paper also addresses arguments about possible displacement effects, and tensions perceived between liquor bans and the 'democracy of public places', and between liquor bans and induction of people (especially young people, including young Māori) into the formal criminal justice system.

Introduction

Policies that limit where drinking can take place are fairly common throughout the world. In North America, for instance, drinking is prohibited in most public areas other than licensed premises, and recently there has been an increased focus on regulating recreational areas such as parks and beaches (Sewel 2002; Scottish Executive 2003). Similarly, in Western Europe, it is estimated that 60 percent of countries ban alcohol consumption in public areas, like parks and streets, and almost half ban drinking at sporting events (Rehn et al. 2001). Partial or complete liquor bans also operate in many Australian state and territory capitals – notably Melbourne, Sydney, Darwin, Brisbane, Perth, and Hobart – as well as in several regional towns and cities, including Port Augusta, Mount Gambier, Coober Pedy, Alice Springs, Ceduna-Thevenard and Port Pirie (see, further, Hazebroek and Halsey 2000).

Such controls over public place drinking stem from a knowledge that poorly controlled drinking environments are one of a constellation of factors that can influence exposure to alcohol-related harm (Plant et al. 2002; Babor et al. 2003). The most commonly indicated problems associated with drinking in public venues are underage drinking, alcohol-related violence, and later drink driving (Single 1997). Efforts to control the physical availability of alcohol in public places have been shown to be effective in preventing or reducing these types of alcohol-related problems (see Stockwell and Gruenwald 2001). In turn, authorities from around the world are showing interest in exploring strategies like specially-designated alcohol free zones (for example, refer to the communiqué from the New South Wales parliamentary summit on alcohol - <http://www.alcoholsummit.nsw.gov.au> - especially recommendations 2.8, 8.62 and 8.70).

In Australia and elsewhere, local government is being looked to as a key partner in such attempts to minimise alcohol-related harm (eg., Shaw 2001). For instance, the importance of effective city planning, and initiatives like bottle bans and prohibiting street drinking, were important themes drawn out during consultation on the recently-released *Alcohol Harm Reduction Strategy for England* (see the summary of the consultation process available at <http://www.pm.gov.uk/output/Page3669.asp>, esp. pages 3-4).

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In the New Zealand context, approximately 30 of the country's 72 district or city councils now have permanent, year-round liquor bans, and a further 15 councils having introduced seasonal bans at beaches or popular holiday spots, or for specific festivals. The widespread introduction of such liquor bans has been credited as a significant tool in ongoing efforts to prevent and reduce alcohol-related problems, with increasing numbers of communities seeking to import what they see as a successful model to their local areas.

This paper provides an overview of the gradual spread of liquor bans in New Zealand, paying particular attention to the role that police can play to minimise alcohol-related crime and disorder through the proactive enforcement of such local government by-laws.

Setting the scene

What is a New Zealand-style liquor ban?

At the outset, it is useful to clarify what is meant by the term 'liquor ban'. Generally speaking, the published literature describes two main types of controls on the physical availability of alcohol (so called 'dry communities' and 'restricted areas'), and a further type of control on post-access consumption of alcohol in public places (typically called 'alcohol free zones').

- **'Dry communities'**: A 'dry community' is a whole community in which people cannot drink, carry alcohol or be intoxicated. Some limited benefits have been found from banning alcohol altogether from isolated indigenous communities (D'Abbs 1990; Bourbon et al. 1999; Berman et al. 2000; Berman and Hull 2001). However, the unique cultural, economic and socio-political context of such First Nations or Aboriginal communities may counsel against extrapolating from such liquor bans (see, further, Hedges 1986; Chiu et al. 1997).
- **'Restricted areas'**: A 'restricted area' limits the carriage of alcohol within a defined area. When a restricted area is declared, a legal limit is set on the type and quantity of liquor that can be carried within that area: the limit may be zero, or it may be set at a particular amount and type. This is one strategy being adopted in Queensland, for example (refer to <http://www.mcmc.qld.gov.au/community/restricted.php>).
- **'Alcohol free zones'**: The consumption of alcohol can also be prohibited in a particular zone, creating a liquor free area in a location such as a public park. The prohibition is sometimes confined to certain events and is sometimes confined to a certain time of the day. Prohibitions can also be implemented in other areas such as entertainment venues, sports grounds, and so on. It is these types of liquor bans which are a feature of the New Zealand environment.

Legislative framework

Territorial local authorities in New Zealand have had the ability to implement liquor bans for a number of years. The power to introduce such controls was formerly contained in section 709 of the Local Government Act 1974. The legislation allowed councils to impose liquor bans in specified public places for up to 24 hours. The bureaucratic effort required to put in place such temporary alcohol free zones, however, meant that few local bodies took advantage of this power, although there were some notable exceptions. For instance, Conway (1998; 2002) reports on the liquor ban that was initially instituted from October 1995 to April 1996 in the small North Island beach community of Piha.

The time-limited nature of such alcohol free zones was the subject of the Local Government (Prohibition of Alcohol in Public Places) Amendment Act 2001, which was passed under urgency on 19 December 2001. Due to an apparent drafting error, the Amendment Act effectively banned the possession and consumption of alcohol in *any* public places controlled by a local council. This sweeping prohibition was much criticised at the time, with fears that a situation could arise where police would confiscate alcohol from people when they walked from off-licence liquor outlets to their vehicles or homes. The sense of unreality surrounding such broad enforcement powers, and legal difficulties associated with bringing the more-durable liquor bans into force in time for the 2001/02 New Year’s festivities, again meant that few councils sought to invoke the procedures.

Parliamentarians moved to correct the perceived anomalies in the liquor ban provisions when the comprehensive Local Government Act 2002 was passed. The new legislative framework foresaw that councils with existing liquor bans would have to revalidate their by-laws under the new Act, and there are clear rules in place to cover situations such as searching vehicles entering a liquor ban area. The legislation also clarifies that, for unopened alcohol containers, liquor bans do not extend to scenarios like taking liquor from outside the alcohol free zone to B.Y.O. restaurants that adjoin the liquor ban area.

Prior to the enactment of the 2002 legislation, the maximum fine for breaching a liquor ban by-law was \$500. The new Act increased this maximum penalty to \$20,000 – the same level as for any other breach of a by-law made under the relevant part of the statute. Even so, the average level of fines being handed down by the Courts for breaches of liquor ban by-laws has actually dropped since the maximum fine was raised [see Table 1].

Table 1: Average fines for convicted charges for breaching liquor ban laws, 2000–2003

Year	Average fine	Minimum fine	Maximum fine
2000	\$347.63	\$50.00	\$500.00
2001	\$240.83	\$70.00	\$400.00
2002	\$241.12	\$25.00	\$400.00
2003	\$209.61	\$50.00	\$750.00

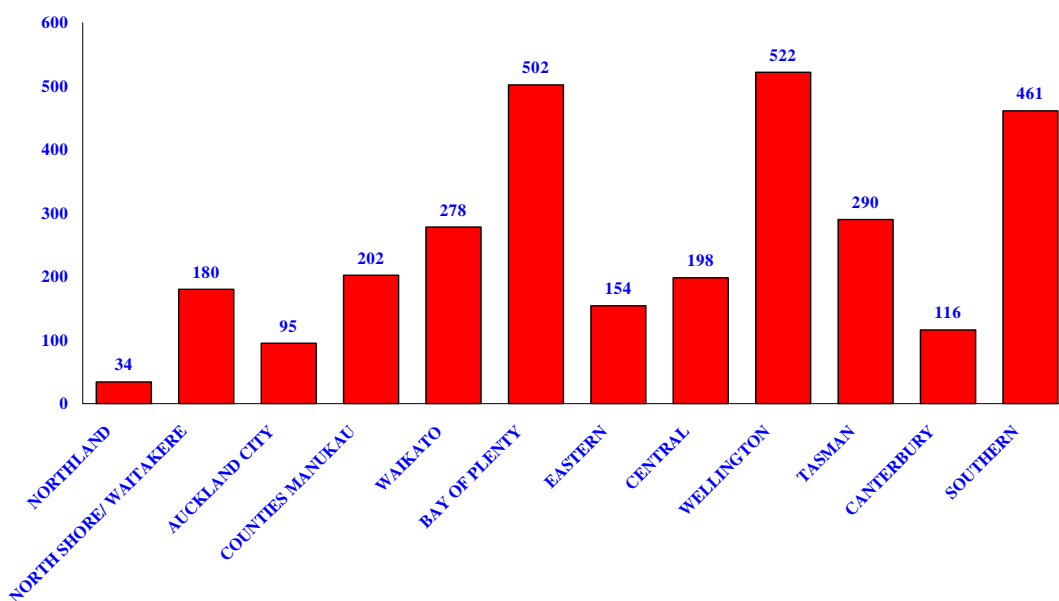
Source: Ministry of Justice (2004a).

Associated police powers

A critical feature of the liquor ban regime is the power of arrest that police officers have where by-law breaches are detected. The ability to apprehend and remove troublemakers from hot spots, and to physically take them to the local police station for processing (thereby allowing them to cool down in an environment that is safer for both themselves and others), is seen by frontline officers as probably the critical factor in being able to ‘nip alcohol-related problems in the bud’, before they begin to escalate.

This on-the-spot power of arrest for liquor ban by-law breaches may be contrasted with the use of Liquor Infringement Notices (LINs) for underage drinking offences. Section 38(3) of the Summary Offences Act 1981 makes it an offence for any under 18 year old, who is unaccompanied by his or her parent or legal guardian, to drink any intoxicating liquor in a public place, or have in his or her possession or under his or her control any intoxicating liquor for consumption in a public place. Offences under section 38(3) are defined as infringement offences, meaning that police can write out a \$200 instant fine LIN where under 18 year olds are seen possessing or consuming alcohol in public places. Proactivity by police in targeting this type of offending can lead to striking differences in the number of LINs issued for underage alcohol offences between different parts of the country [see Figure 1].

Figure 1: Liquor Infringement Notices issued, by Police District, for calendar year 2003



With the introduction of liquor bans across the majority of New Zealand's major towns and cities, the potential anomaly has now been removed whereby police action could be taken against a 17 year old sitting in a public park drinking alcohol and causing nuisance, but not against his or her 18 year old friend sitting next to them, engaging in the same behaviour.

How commonplace are liquor bans?

As noted above, after a relatively slow initial uptake, liquor ban by-laws are now a widely-used and well-established strategy to address alcohol-related problems in public places. Indeed, a majority of New Zealand's 72 district or city councils now have either permanent, year-round bans, or seasonal bans at holiday spots or for particular festivals.

By way of example, South Taranaki District Council has instituted a liquor ban in the central business area of Hawera township, operating each Friday and Saturday night from 5.00pm to 6.00am the following morning. On New Zealand's East Coast, Gisborne District Council has established a 24 x 7 liquor ban in the town centre of Gisborne. Variations in the large cities of Auckland, Christchurch and Dunedin see liquor bans there operating Thursday to Saturday, from 9.00pm to 6.00am; Thursday to Saturday, from 7.00pm to 7.00am; and Wednesday to Saturday, 8.00pm to 7.00am, respectively.

Approach to enforcement

The reasonable use of discretion is the defining feature of New Zealand's style of policing local liquor ban by-laws. Often, this will be codified through formal guidance which is issued to staff prior to a liquor ban coming into force in a particular area. For example, enforcement guidelines for staff who police the liquor ban in Auckland City's central business district state that:

Discretion is to be used at all times. If a person who is in breach of the ban complies with directions to either dispose of the liquor or move outside the prohibited area, then a warning is appropriate. It is not the intention of the legislation to prohibit persons buying liquor and taking the same to a BYO restaurant or to friends' or associates' premises, and are transiting through the prohibited area. It is intended to police those who indicate by their conduct or demeanour that they are likely to intimidate others or lead to some form of disorder.

Another common approach is for newly-introduced liquor ban by-laws to be phased in with a period of 'educational' policing. For example, when Christchurch's central city liquor ban was introduced on 27 December 2002, the first breaches were responded to by police with cautions, which were designed to raise awareness of the new requirements, but not to penalise the unwary through immediate arrest or prosecution. After an initial three month period of awareness raising, local police then added the possibility of formal enforcement action if an initial warning did not result in the person leaving the ban area or surrendering the offending alcohol.

The need to exercise judgement on a case-by-case basis when a liquor ban breach is detected has also been reinforced in national guidance issued to all staff. Commenting on the implications of the liquor ban provisions of the Local Government Act 2002, officers were advised that: "The powers available to police under these provisions must be exercised responsibly and discretion should be used where appropriate" (New Zealand Police, *Ten-One*, No 249, 30 May 2002, p 15).

Enforcement statistics

In line with this approach, the overwhelming number of liquor ban breaches are resolved by way of a warning or caution, rather than arrest and prosecution. Indeed, the total number of liquor ban breach offences that are officially recorded in New Zealand (provisionally 3915 in calendar year 2003) is not especially large, when one considers the number of technical liquor ban breaches which must occur across the country each year.

In most situations where breaches are detected, people typically comply with an officer's direction to leave the ban area with their alcohol, or agree to the alcohol being tipped down a drain with the empty vessel put in a rubbish bin. As an example, the ratio of street-levels warnings to arrests for liquor ban breaches in the Nelson-Bays area has been calculated at 20:1. Similarly, looking at the recently-introduced liquor ban in Wellington, during the period 21 November 2003 to 13 January 2004, there were 795 liquor ban related interactions recorded between police officers and members of the public. Only 17 (or 2%) of these interactions resulted in an arrest being made. Similar trends are evident in the South Island town of Oamaru, where the 24 x 7 inner city liquor ban introduced on 1 December 2003 has so far seen 40 warnings issued, with only one prosecution.

Case study: Policing New Year's Eve celebrations

Although the vast majority of liquor ban breaches are resolved via a warning or caution, the importance of retaining a power of arrest and detention is viewed as particularly important at large scale events, such as New Year's Eve celebrations, where maintaining crowd control can often be a challenge for greatly out-numbered police. Police around the country report that there is now a good level of understanding by members of the public that disregarding liquor bans can result in offenders being arrested. This acts as a strong disincentive to irresponsible alcohol-related behaviour in the areas covered by bans, which in the past have often been troublespots. Without the power to act decisively and remove people who are intent on flouting the prohibitions on alcohol, Police efforts to maintain a safe environment for everyone to enjoy would be undermined.

By way of example, Operation Colditz run in Taupo from 27 December 2003 to 4 January 2004 resulted in 400 people being arrested for breaching the town's liquor ban, with 70 extra Police staff having to be brought in from neighbouring districts to help provide coverage. Specially constructed holding cells were added to the local police station to cope with anticipated pressures. Despite the high number of arrests, the officer

in charge of processing, Sergeant Mark Robertson, noted: “The locals and the families on holiday were very happy about the ban. There was a great atmosphere in town on New Year’s Eve and a sense of safety. There was none of the normal disorderly behaviour ... And we didn’t have any complaints from the people being processed”.

Similarly, a mass arrest unit known as ‘Alcatraz’ was again used at Mt Maunganui, during Operation Lustrate (from 26 December 2003 to 4 January 2004) and Operation Phoenix (on New Year’s Eve), with 390 arrests for liquor ban breaches – down from 644 last year. Senior Sergeant Duncan MacLeod, the local planning officer, noted that: “The message is getting out there that we are taking a very strict line. It’s getting better and better as we have more and more families and less of the ‘hoon’ element. We were thanked by families with young kids for returning the Mount to a family atmosphere”.

Auckland was another place where firm policing of the central city liquor ban over the New Year period, including 71 arrests, helped reduce the number of alcohol-related incidents, and allowed the vast majority of people to enjoy themselves safely. The officer in charge of Auckland central police station, Senior Sergeant Kay Capper, reported that the liquor ban bylaw was actively enforced early in the evening on New Year’s Eve, which contributed to less incidents, particularly violent offending, in the first few hours of the New Year. Senior Sergeant Capper concluded: “The liquor ban helps to create a safer atmosphere, and an increased family element was noted celebrating in the city”.

Case study: Targeting alcohol-related crime and disorder in early morning hours

The existence of liquor bans has also been used by some Police Area Commanders to structure targeted street-policing initiatives around the by-laws, particularly in the early morning hours in the vicinity of licensed premises – which are traditionally hot spots for alcohol-related crime and disorder problems, such as assaults and disorderly behaviour offences.

A good example of such an approach is Operation Early Bird, launched in March 2003 to support the Christchurch City Council’s liquor ban by-law that was brought into effect in December 2002. Operation Early Bird targets inner city licensed premises and street disorder during the hours of 3.00am to 7.00am. This operation has been run 13 times to date, with 205 arrests made during that period for various offences including assaults, disorder and liquor offences, including breaches of the liquor ban by-law itself.

The Officer in Charge of the Christchurch Police Beat Section reports that the liquor ban is “a tremendous tool for staff policing in the inner city. It gives an opportunity to speak to more people in the course of duty This all helps in keeping the city a safer place and enhances public perception of such. It has also changed the drinking culture/habits of many. There is a notable decrease in the number of ‘macho type’ young males strolling the inner city streets with liquor in-hand, intimidating and depositing dangerous litter. The message seems to be getting through”.

The combination of the liquor ban and Operation Early Bird sweeps of the central city has resulted in a dramatic decrease in reported serious crime, disorderly behaviour and criminal damage offences within the liquor ban zone. To take just one proxy indicator, the Christchurch Central Police Station watchhouse reports that after combined Operation Early Bird enforcement of the liquor ban, there is an average of only one to two alcohol-related assaults reported on the Sunday or Monday morning. Prior to the introduction of the liquor ban and the ‘force multiplier’ effect of Operation Early Bird, the number of assaults reported on Sunday or Monday mornings averaged six to eight.

A similar story unfolds from New Zealand's largest city, Auckland, which has had a central city liquor ban for several years. Analysis of recorded offence statistics shows that assaults declined by 12% and disorderly conduct by 21% between 2001 and 2003, during the times when the liquor ban is in force (9.00pm to 6.00am, Thursday to Sunday).

Likewise, the experience of Whangarei, in New Zealand's Far North, has been that since the liquor ban has been in force, there has been a consistent downward trend in the level of reported violence offences. Matched month periods in 2002 and 2003, for example, indicate that violent offending reported to police dropped from 74 to 58 in February and from 91 to 69 in March, in a fairly consistent pattern through to a decline from 72 to 58 violence offences reported in August, and from 85 to 60 in September.

Case study: Could liquor ban enforcement also support reductions in road crashes?

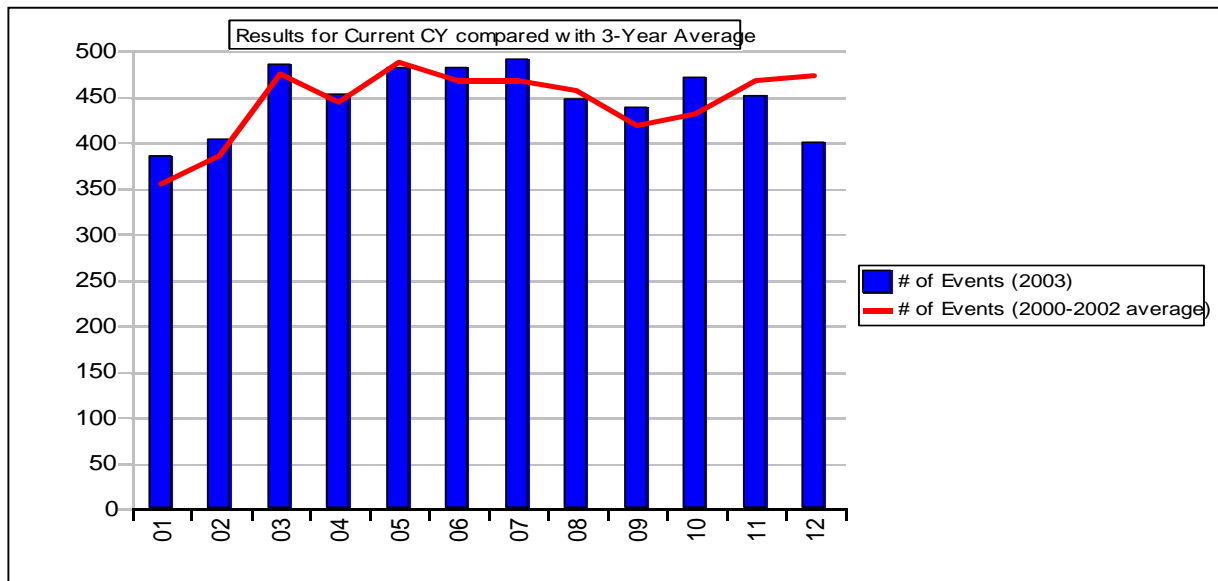
Behind these statistics lies an intuition that the greatest benefits to be gained from local government controls on possession and consumption of alcohol are likely to come from *proactive* enforcement by local police, rather than adopting a *reactive* model of policing. To quote Inspector Dean Clifford, the Eastern District Policing Development Manager: "Where Liquor bans have been most successful there has been high productivity from staff in making offenders accountable for breaches. This is evident in Napier, where policing the liquor ban is one of a number of activities that has seen violence drop in the central city. Where liquor bans have been not so successful, resources have not been available from local staff to back up the intent of the ban. In these cases, the messages the liquor ban are meant to give are not so strong".

The importance of targeted and proactive enforcement by police resonates with the strengthening evidence in the research literature that the greatest gains in alcohol harm reduction are likely to occur if prevention strategies are combined with active enforcement by police (see Homel et al. 2001). Econometric analyses further indicate that the benefits of increased alcohol-related enforcement greatly exceed the costs (Levy and Miller 1995), although there are some question marks that remain over the sustainability of positive change. It is also increasingly accepted that focussing on high risk environments, such as licensed premises and other public places, has several advantages over spreading the 'enforcement net' too thinly, or individual approaches which target persons at high risk of harm (Doherty and Roche 2003; Babor et al. 2003).

Having said this, it is also beginning to be understood that there are potential tensions and synergies between alternative enforcement approaches, and some suggestion of a 'threshold effect' to policing in this area, as exists in other contexts (notably, drink driving countermeasures). An intriguing possibility in this regard stems from the newly introduced liquor ban in Wellington, where early results suggest that proactive policing of the liquor ban by-law by foot-patrolling police is correlated with significantly greater reductions in alcohol-related motor vehicle crashes on roads in and around Wellington [see Figure 2]. This intriguing correlation derives from an analysis of crash reports logged for the entire Wellington District with Police's Communications Service Centre for the first two months of the liquor ban's operation, plotted against a rolling three year average prior to the new liquor ban coming into force. Interestingly, the decrease in crash reports logged have occurred during summer months of traditionally increased traffic volume, and increases in alcohol-related driver behaviour, which would normally be expected to yield an increase in such crash reports during November and December.

Other tentative findings indicate that the results achieved are even more significant on 'high intervention' nights when the liquor ban is in force (Friday, Saturday and Sunday).

Figure 2: All reported crashes (IVs), in Wellington Police District, for calendar year 2003



Month (MM)	01	02	03	04	05	06	07	08	09	10	11	12
# of Events (2000-2002 average)	355	386	475	444	488	467	468	458	419	431	468	474
# of Events (2003)	386	405	486	453	482	482	492	448	439	471	451	401
Variation from 3-Year Average					-6			-10			-17	-73
Variation (%) from 3-Year Average	9%	5%	2%	2%	-1%	3%	5%	-2%	5%	9%	-4%	-15%

Wellington Police were also recently contacted by Capital & Coast District Health Board staff to see if they knew of any reason why there had been a significant drop in the number of people seeking treatment for alcohol-related injuries at the local hospital accident and emergency unit. This drop, again at a time of the year when alcohol-related presentation normally rise, correlated with police targeting of liquor ban breaches during November and December 2003.

While it is too early to draw any firm findings from these results, they are suggestive of dynamics which have hitherto not been brought forward in debates on liquor bans in New Zealand. With an eye to the future, the Office of the Commissioner of Police is examining the possibility of conducting systematic, quantitative and qualitative research on the effectiveness of police enforcement activities on indicators of alcohol-related harm. Such research would seek to triangulate Police and non-Police data sources (eg., alcohol-related presentations to local hospital accident and emergency departments), and would be sensitive to differences in the wider social-regulatory environment, picking up issues such as outlet density, emphasis on foot patrol policing by uniformed officers and licensed premise visits/audits, the existence or otherwise of a liquor ban, the approach taken to enforcing such a ban, the approach taken to enforcing other alcohol-related offences (eg., underage drinking offences), and so forth.

Case study: Maximising the value of liquor bans from close partnership working

Positive downstream effects from liquor ban enforcement are not just seen in offending and victimisation statistics. Just as important for some stakeholders, notably local business owners and inner-city workers, has been environmental improvements detected

from police enforcement of liquor ban by-laws. For example, Inspector Phil Jones, the Acting Southern District Commander, has noted that positive enforcement of the Invercargill liquor ban, which has been in force for around 15 months, has been linked to significant reductions in the amount of vomit, urine and discarded alcohol containers being found 'the morning after' in business doorways and alleyways; with an associated drop in the amount of broken glass on the streets, that requires removal by council staff. Inspector Jones concludes: "*Vibrant Southland*, a business watchdog group, has conducted two surveys that note a real improvement in behaviour since the introduction of the ban".

This introduces another theme that is apparent in the use of liquor bans in New Zealand: typically, where liquor bans operate the most successfully, they reflect a community partnership approach involving police, local authorities, health agencies, and often formal alcohol accords or liquor liaison groups. In many parts of the country, the existence of these close partnership working arrangements are seen to be pivotal to the effectiveness of liquor bans. To quote Dean Clifford again: "The development of alcohol accords with councils, bar operators and police that sometime occurs along side the introduction of liquor bans strengthens the communication and joint effort to reduce alcohol offending. This collaboration is a major benefit to policing and community engagement".

Inspector Rex Knight, the Operations/Road Policing Manager for Northland District, echoes this point. In his words:

The Whangarei [liquor] ban ... is extremely successful and the key to this is a very robust working alcohol accord, where the ban is only one 'tool in an extensive toolbox'. This accord comprises a variety of key people in the alcohol industry, business people, health workers, liquor licensing people, council members and the police

The central city area of Whangarei had a reputation and indeed statistics showed/confirmed it as being an area of high level disorder, violence and dishonesty. Many of the offences recorded involved alcohol. A huge amount of police time and resources went into policing this area. More importantly there was a genuine belief amongst the public that the central area was not a safe place to be or frequent socially anytime from 7pm to daylight. Many of the offences were occurring after 2 or 3am, co-inciding with licensed premises closing, however there was an obvious build up of young people either under or over the legal drinking age, drinking alcohol in the early evening- merely hanging about looking for opportunities to commit crime or disorder. Incidents of robbery and assaults were not uncommon. The dedicated Team Policing Unit and sectional staff struggled to maintain order. High levels of arrests for disorder and the like were common most Friday and Saturday nights.

Through very sound consultation over a lengthy period the accord was successful in introducing the liquor ban. There was some opposition amongst councillors initially. These opponents are now supportive of the ban The people in the liquor industry and the business people in the CBD are [also] extremely supportive of the liquor ban.

Another area that successfully adopts the community partnership model to maximise the value of its inner city liquor ban is Dunedin, a city with a high tertiary student population and some particular challenges in dealing with alcohol-related problems (see Kypri 2003). Dunedin police are key partners in a multi-sectoral city safety group that co-ordinates action to minimise alcohol-related harm, and makes use of links established through this forum to help ensure that the inner city liquor ban operates efficiently and effectively. To take one small example, there is a consensus that the alcohol free zone is not sufficiently sign-posted, which can be a source of friction between police and members of the public who claim to be unaware of the existence of the liquor ban. In response to this perceived problem, police have worked with local licensees to encourage bar workers

and door staff to help raise awareness of the liquor ban controls, by warning patrons as they leave the premises.

Before leaving this theme, it is important to acknowledge that even where liquor bans are seen to be very successful tools in the crime prevention and community safety tool kit, they are only that – one piece, albeit an important piece, in a much larger jig-saw puzzle. It is difficult to disentangle the independent effects of police enforcement of a liquor ban from other initiatives which, in a comprehensive crime prevention and community safety strategy, are likely to have mutually-reinforcing effects on one another. This is especially true of New Zealand's larger cities, where the urban authorities have greater resources at their disposal to direct towards such initiatives.

For instance, Auckland City Council was one of the first local authorities to promulgate a liquor ban in the central business district after the empowering legislation was enacted. A number of other, complementary initiatives were also started at around the same time, however, including a Māori wardens patrol (the *Tirohanga Matapihi* project), enhanced digital CCTV coverage, a carpark safety accreditation scheme, enhanced Police focus on intelligence analysis and delivery, and a downtown Youth Aid Service proactive patrol which concentrated on removing 'at risk' young people from the streets. Behind the scenes, Auckland City police also have a close liaison with the Auckland City Council through its Law and Order Committee, and the inter-sectoral *Safer Auckland City* group.

Similarly, Wellington City Council's newly-introduced liquor ban exists alongside a raft of other Council-led and Police initiatives, all designed to improve the safety of the city's residents and visitors. Inspector Wayne Rodgers, the Policing Development Manager for Wellington District, notes that it is hard to separate out the effect of the liquor ban from other measures, like CCTV cameras and Council-funded "Safer City Officers" who act as 'eyes and ears' for police. As such, it would be wrong to characterise the new liquor ban as some sort of panacea. However, Wellington Police see the existence of an inner city alcohol free zone as a key component in the overall mix of interventions which police and partner agencies can use to help keep the streets of Wellington as safe as possible. To the extent that there is a multi-pronged approach to delivering crime prevention and community safety, Wellington is approaching best practice models which exist overseas – like Manchester's *City Centre Safe* initiative (accessible via <http://www.citycentresafe.com>).

Criticisms leveled against liquor bans

While most observers highlight the positive outcomes that have been achieved through the introduction of liquor bans, some critics have pointed to what they see as negative aspects to the way in which liquor bans are operationalised. It is not the intention to fully develop these arguments in this paper; however, some of the main counter-arguments to the increasing use of liquor bans are introduced below.

Displacement

One charge that is fairly often brought against liquor bans is that of 'problem shifting' – meaning, that the introduction of a liquor ban only serves to displace alcohol-related problems outside the ban area, rather than addressing the problems *per se*.

Despite the wide implementation of liquor bans in New Zealand, there are very few published studies that examine the effects that alcohol free zones have on levels of crime and public safety, let alone specifically test the displacement hypothesis. The only New Zealand research on point (Conway 1998) attempted to assess the level of displacement

generated by the Piha ban by using small-scale surveys of young people in the area, as well as focused interviews to gain data on the issue from community group leaders, certain residents considered to be 'in the know', and members of Police. The limited survey data obtained "tentatively indicated that the alcohol ban and police presence were not necessarily likely to make young people shun Piha or stop bringing alcohol", but did indicate that people might be more careful about where they drank and less likely to drink in public (Conway 1998: 97). As for the focused interviews of community leaders, Conway concluded that the alcohol-related problems at Piha had not been displaced to other areas, but had "evaporated or at least come to a temporary halt with the community action initiative at Piha" (1998: 97).

Generally speaking, overseas studies of alcohol-free zones have sometimes identified an "amount of displacement, but they nonetheless doubted whether any particularly serious problems occurred as a result of this" (Ramsay 1990: 23; see also Homel et al. 1997). And while D'Abbs (1990) noted some level of displacement in response to alcohol bans in Aboriginal communities, as mentioned earlier these alcohol free zones are not direct facsimiles of New Zealand-style liquor bans. The unique circumstances of Aboriginal communities may also make the experiences of liquor bans enacted in them too distinct from other communities to allow them to be readily comparable.

The lack of clear data on the displacement issue has been recognised in the small number of evaluative studies of New Zealand liquor bans which have been undertaken to date (eg., MacGibbon 2003), and will be examined more directly in more comprehensive evaluations that are planned in 2004 for the Havelock North and Wellington liquor bans.

'The democracy of public places'

A second criticism sometimes made of liquor bans is that they are antithetical to what is characterised as 'the democracy of public places'. According to this argument, giving police the power to intervene with adult street-drinkers (who some state are more likely to be disenfranchised, and not have other places where they can congregate and socialise together without attracting police attention) further erodes the ability of members of the public to engage in otherwise legal activity in public places, like parks or malls. In some variations of the argument, introducing central city liquor bans is a way of helping police sweep the streets of 'undesirables', similar to the way 'move on' legislation was passed in New South Wales prior to the 2000 Olympic Games (Saul 2001; see also Spooner 2001).

A further sensitivity in this regard may be the way in which liquor ban by-law powers could potentially be used in discriminatory ways against people of particular ethnicities. Support for such a view could possibly be drawn from the work of Burns (1992), who studied the effects of an alcohol free zone in Walgett, northern New South Wales – a town with a population at the time of 7300, one-third of whom were Aboriginal. The Walgett alcohol free zone was implemented under the Local Government (Street Drinking) Amendment Act 1990, to reduce anti-social behaviour by drinkers on roads and footpaths. Burn's study highlighted the fact that the introduction of an alcohol free zone will have different effects depending on the particular population group, their attitudes to drinking in a public place, their relationship with the enforcement agency, and the availability of other places for drinking and socialising. Significantly, Burns (1992: 19) observed that "within Aboriginal communities, the establishment of dry zones may bring about an increase in arrests and a deterioration in police-Aboriginal relations".

In the New Zealand context, such difficulties have not been observed to date in the way that frontline police enforce liquor ban by-laws. Acknowledging the fact that the use of

discretion by police officers can have a profound effect on the success or otherwise of an alcohol free zone (see, for instance, Clews 1990), the defining feature of New Zealand Police's enforcement of liquor bans has, in fact, been the reasonable use of discretion, with a corresponding emphasis on the use of warnings and cautions for liquor ban infractions, rather than invoking arrest and removal powers. In other words, liquor ban by-laws have not been used by police as a Trojan Horse for moving vagrants out of view, or advancing any other discriminatory agenda.

Inducting people into the formal criminal justice system

Where concerns *are* acknowledged is in the fact that, moving in the opposite direction of the decriminalisation of public drunkenness in the early 1980s in New Zealand, the growing use of liquor ban by-laws across the country has spread the enforcement 'net' increasingly wide, and catching in it increasing numbers of otherwise law-abiding citizens. In itself, of course, this is a non-argument, as new laws are created routinely which effectively criminalise previously lawful behaviours; and there will always be an entry point into the formal criminal justice system for first-time offenders. Nevertheless, there are legitimate concerns about liquor ban breaches being responsible for inducting growing numbers of people, especially young people, including young Māori, into the formal criminal justice system [see Tables 3 and 4].

Table 2: Number of prior convictions for breaching liquor ban laws, 2000–2002

<i>Number of previous convictions</i>	2000		2001		2002	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
None	117	38.1	113	46.9	530	51.2
1 - 5	79	25.7	47	19.5	283	27.3
6 - 9	20	6.5	6	2.5	64	6.2
10 +	91	29.6	75	31.1	159	15.3
Total	307	100.0	241	100.0	1036	100.0

Table 3: Prior convictions for breaching liquor ban laws, by demographic characteristics, 2000–2002

	2000		2001		2002	
	<i>Number</i>	<i>Percentage</i>	<i>Number</i>	<i>Percentage</i>	<i>Number</i>	<i>Percentage</i>
Age						
14 - 17	39	12.7	38	15.8	188	18.1
18 -19	106	34.5	81	33.6	360	34.7
20 - 24	92	30.0	61	25.3	302	29.2
25 - 29	45	14.7	29	12.0	81	7.8
30+	25	8.1	32	13.3	104	10.0
Unknown	0	0.0	0	0.0	1	0.1
Median age	20		20		19	
Gender						
Male	275	89.6	207	85.9	937	90.4
Female	32	10.4	34	14.1	99	9.6
Ethnicity						
European	209	68.1	147	61.0	654	63.1
Māori	86	28.0	80	33.2	325	31.4
Pacific peoples	10	3.3	6	2.5	38	3.7
Other	2	0.7	1	0.4	5	0.5
Unknown	0	0.0	7	2.9	14	1.4
Total	307	100.0	241	100.0	1036	100.0

Table 2 shows that the number of convictions for breaching liquor ban by-laws more than tripled between 2000 and 2002, increasing from 307 to 1036. Although final figures are not yet available, this trend of increasing prosecutions (and convictions) continued during 2003. Significantly, the proportion of these cases where the person had not previously been convicted of another offence rose from 38% in 2000 to 51% in 2002.

Demographically, in each of the years 2000-2002 most of the people convicted for breaching liquor ban by-laws were between 18 and 24 years old, with a median age of 20 in 2000 and 2001, and 19 in 2002. The majority (between 86% and 90%) of the people convicted for breaching liquor ban by-laws prosecuted by the Police were male. In each year, between 61% and 68% of the people convicted for breaching liquor ban by-laws were New Zealand European, and between 28% and 33% were Māori.

Reacting to such statistics, some commentators, including senior justice officials, have urged consideration of prescribing liquor ban breaches as “infringement offences” under the Local Government Act 2002. This would mean that authorised enforcement officers under the Act (a category which does not currently include police officers) would be able to issue infringement offence notices – equivalent to LINs – as an alternative way of proceeding against people who flout liquor ban by-laws.

The fact that a significant number of young people are receiving their first conviction through this route is being considered by officials. Although sensitive to this issue, and committed to continuing to monitor the situation, the Office of the Commissioner of Police has so far resisted the idea of making liquor ban breaches a ticket-only offence. As discussed earlier, the ability to arrest and remove people breaching liquor bans has helped to minimise alcohol-related crime and disorder problems, thus enhancing public safety. This power to apprehend and take troublemakers away from hot spots would be lost if police were restricted to using infringement notices for liquor ban breaches. The power of arrest is important for frontline officers to have available to them, if required.

Nevertheless, the Office of the Commissioner is continuing to monitor the extent to which significant numbers of individuals are being inducted to the formal criminal justice system by falling foul of liquor bans, and it remains possible that non-Court-based options for liquor ban breaches may be explored in the future.

Conclusion

As police, local authorities and other agencies strive for greater safety and crime reduction, key factors contributing to crime, and fear of crime, must be addressed. While Police rightly focus on ensuring strict compliance with the Sale of Liquor Act 1989 by licensees, managers, workers, and patrons of licensed premises, largely uncontrolled and unregulated use of alcohol in public places (especially main public thoroughfares and inner city parks) can frustrate local police goals of crime reduction and inner city safety. From a crime science perspective, such locations for public place drinking can be seen as “offender convergence settings”, where offenders meet, spend time and identify potential co-offenders. Felson (2003) argues that offender convergence settings are the prime mechanism by which young offenders identify like-minded potential co-offenders. Seen in this light, disrupting such locations by proactively enforcing liquor ban by-laws gives police a useful way to minimise the serious impact of alcohol-related co-offending.

Police also recognise that there should not be a ‘silver bullet’ mentality about liquor bans, acknowledging that where they work best, there is a broader emphasis on preventive policies, involving partnerships with community groups and other agencies. Stricter rules around physical availability of alcohol in specific areas cannot succeed if they are at odds with other alcohol policy settings, including at the municipal level (Gliksman et al. 1995). It follows that where district and city councils have sought to tackle alcohol-related crime and disorder problems in particular locations by putting in place liquor ban by-laws, Police staff across New Zealand have consistently looked to support such initiatives.

The community consultation process involved in passing such a by-law underlines the fact that liquor bans are local solutions to local problems. A carefully-calibrated liquor ban is viewed as a proportionate response to issues which go to the heart of shared goals of crime reduction and community safety. It helps to explain the popularity of liquor ban by-laws as a policy/regulatory response to alcohol-related crime and disorder issues, which has been one of the most remarkable features of New Zealand’s local government and policing landscape over the last few years. While issues of displacement and concern about spreading the enforcement ‘net’ too widely must continue to be kept under watch, the early promise being shown by liquor bans, from the Far North to the Deep South of New Zealand, means that they are likely to further cement their position on the landscape in the years to come.

References

- Babor, T., et al. (2003). *Alcohol: No Ordinary Commodity – Research and public policy*. Oxford: Oxford University Press.
- Berman, M. and Hull, T. (2001). ‘Alcohol control by referendum in northern native communities: The Alaska local option law’, *Arctic*, vol 54: 77-83.
- Berman, M., et al. (2000). ‘Alcohol control and injury death in Alaska native communities: Wet, damp and dry under Alaska’s local option law’, *Journal of Studies on Alcohol*, vol 61: 311-319.
- Bormann, C. A., and Stone, M.H. (2001). ‘The Effects of Eliminating Alcohol in a College Stadium: The Folsom Field Beer Ban’, *Journal of American College Health*, vol 50: 81-90.
- Bourbon, D., et al. (1999). *Indigenous Australians and liquor licensing legislation*. Perth: National Centre for Research into the Prevention of Drug Abuse.
- Burns, L. (1992). ‘Dry Zones’ and Crime in Walgett: An Evaluation of the Local Government (Street Drinking) Amendment Act 1990. Legislative Evaluation Series. Sydney: Bureau of Crime Statistics and Research.
- Chiu, A., et al. (1997). ‘Impact of Banning Alcohol on Outpatient Visits in Barrow, Alaska’, *Journal of the American Medical Association*, vol 278: 1775-1777.

- Clews, T. (1990). 'Alcohol, the law and police discretion', in Vernon, J. (ed.), *Alcohol and crime: Proceedings of a conference held 4-6 April 1989*. Canberra: Australian Institute of Criminology.
- Conway, K. (1998). *The Pihā Beach Alcohol Ban: Community action on alcohol issues*. Unpublished thesis submitted for Masters of Philosophy degree. Auckland: Massey University.
- Conway, K. (2002). 'Booze and Beach Bans: Turning the tide through community action in New Zealand', *Health Promotion International*, vol 17: 171-177.
- D'Abbs, P. (1990). *Dry Areas, Alcohol and Aboriginal Communities: A Review of the Northern Territory Restricted Areas Legislation*. Darwin: Drug and Alcohol Bureau/Racing, Gaming and Liquor Commission.
- Doherty, S.J. and Roche, A.M. (2003). *Alcohol and licensed premises: Best practice in policing*. Adelaide: Australasian Centre for Policing Research.
- Felson, M. K. (2003). 'The Process of Co-offending', *Crime Prevention Studies* [forthcoming].
- Gliksmann, L., et al. (1995). 'Reducing Problems Through Municipal Alcohol Policies: the Canadian Experience in Ontario', *Drugs: Education, prevention and policy*, vol 2: 105-118.
- Hazebroek, A., and Halsey, N. (2000). *Dry Areas Consultation Programme Final Report*. Adelaide: Hassell Pty Ltd.
- Hedges, J.B. (1986). *Community Justice Systems and Alcohol Control: Recommendations relating to the Aboriginal Communities Act and Dry Area Legislation in Western Australia*. Perth: Office of the Minister with Special Responsibility for Aboriginal Affairs.
- Homel, R.H., et al. (1997). 'Preventing alcohol-related crime through community action: The Surfers Paradise Safety Action Project', in Homel, R.H. (ed.), *Policing for prevention: Reducing crime, public intoxication and injury*. Monsey: Criminal Justice Press.
- Homel, R.H., et al. (2001). 'Creating safer drinking environments', in Heather, N., Peters, T.J., and Stockwell, T. (eds.), *International Handbook of Alcohol Dependence and Related Problems*. Chichester: John Wiley & Sons.
- Kypri, K. (2003). *Alcohol-related harm in Dunedin City*. Dunedin: WHO Centre for Health Development/University of Otago Injury Prevention Research Unit.
- Levy, D.T. and Miller, T.R. (1995). A cost-benefit analysis of enforcement efforts to reduce serving intoxicated patrons, *Journal of Studies on Alcohol*, vol 56: 240-247.
- MacGibbon, L. (2003). *Christchurch Inner City Liquor Ban Evaluation Report*. Christchurch: Christchurch City Council.
- Ministry of Justice. (2004a). *Report prepared for New Zealand Police on Average Fines for Breaching other By-Laws Prosecuted by Police*. Unpublished. Wellington: Ministry of Justice Research and Evaluation Unit.
- Ministry of Justice. (2004b). *Report prepared for New Zealand Police on Convicted cases for Breaching other By-Laws Prosecuted by Police*. Unpublished. Wellington: Ministry of Justice Research and Evaluation Unit.
- Plant, M., et al. (2002). People and Places: Some factors in the alcohol-violence link, *Journal of Substance Use*, vol 7: 201-213.
- Ramsay, P. (1990). *Lagerland Lost?: An experiment in keeping drinkers off the streets in central Coventry and elsewhere*. London: Home Office.
- Saul, B. (2001). 'Olympic Street Sweeping: "Moving On" People and the Erosion of Public Space', *Polemic*, vol 11: 34-37.
- Scottish Executive (2003). *Liquor Licensing and Public Disorder: Review of literature on the impact of licensing and other controls/audit of local initiatives*. Edinburgh: Reid Howie Associates Ltd/Scottish Executive Social Research.
- Sewel, K. (2002). *International Alcohol Policies: A literature review*. Edinburgh: Scottish Executive Central Research Unit.
- Shaw, M. (2001). *The local of local government in community safety*. Montreal: International Centre for Crime Prevention/US Bureau of Justice Assistance.
- Single, E. (1997). 'Public drinking, problems and prevention measures in twelve countries: Results of the WHO project on public drinking', *Contemporary Drug Problems*, vol 24: 425-448.
- Spooner, P. (2001). 'Moving in the wrong direction: An analysis of police move-on powers in Queensland', *Youth Studies Australia*, vol 20: 27-31.

Stockwell, T., and Gruenewald, P. (2001). 'Controls on the Physical Availability of Alcohol', in Heather, N., Peters, T.J., and Stockwell, T. (eds.), *International Handbook of Alcohol Dependence and Related Problems*. Chichester: John Wiley & Sons.