



# Local Alcohol Policy Development: Review of Literature on Discretionary Conditions

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# Local Alcohol Policy Development: Review of Literature on Discretionary Conditions

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## Executive summary

The purpose of the Sale and Supply of Alcohol Act 2012 is to promote safe and responsible sale, supply and consumption of alcohol, and to minimise harms due to excessive or inappropriate consumption. The Act also enables the council to develop a local alcohol policy to set limits in ways appropriate to local conditions. In particular, section 77 of the Act specifies that, among other things, licences can be issued subject to discretionary conditions specified in local alcohol policies. These conditions, not specified in the Act, must align with the object of the Act (Ministry of Justice 2013a).

This review identifies commonly-occurring conditions which local authorities have used as a basis either for regulating local alcohol supply or for influencing best practice in alcohol sales and management of consumption, within statutory frameworks. Various interventions, derived from a literature review of alcohol supply issues in societies similar to New Zealand, are described and evaluated. Most of the literature concerns on-licence sales, since that is where most of the evidence is available. However, the principles and issues discovered in research of on-licence premises are thought to carry over to off-licences, because problems encountered are similar, such as service of alcohol to intoxicated, aggressive or under-age people, as described in Hadfield and Measham (2011).

Interventions and programmes to reduce alcohol-related harms tend to be applied in combination, and may be classified into three distinct categories based on their scope (Babor et al. 2010):

1. Those directed at drinking establishments and staff (covering physical characteristics of drinking establishments, how they operate, and aspects of service),
2. Comprehensive community approaches or accords between stakeholders usually including licensees, police and local authorities and others to provide more area-wide interventions and enforcement, and
3. Regulation backed up by enforcement to ensure compliance with regulations and prevention of harms such as assaults and public disorder.

The following subsections identify the problems and risks in each of these categories, and ways these are dealt with.

## **Interventions directed at establishments and staff**

### *Risk factors identified*

A number of risk factors have been identified that may result in increased alcohol-related offences including violence, anti-social behaviour and other behavioural problems due to alcohol consumption, traffic offences, theft and property damage.

These risk factors may relate to:

- a venue's layout (e.g., crowding, obstructed exits) and atmosphere (e.g., lighting, décor, level of maintenance and quality of surroundings);
- beverage sales and promotion methods (e.g., price reductions for specific times, aggressive advertising);
- entertainment (may lead to longer stays, increased alcohol consumption, greater intoxication and aggression); and
- staff behaviours (e.g., rudeness, unfriendliness, aggressiveness, pushing drinks, door staff selected for physical strength rather than conflict resolution skills, and understaffing).

Interventions directed at establishments and bar employees seek to minimise these risk factors.

### *Responsible Beverage Service/ Host Responsibility Programmes*

Training programmes for management and staff are in widespread use but vary considerably in scope and quality. The more comprehensive courses tend to be classed as Responsible Beverage Service (RBS) schemes, better known in New Zealand as Host Responsibility. Evaluations of RBS schemes tend to return mixed results. Problems include training for managers only rather than all staff, the difficulty of identifying and responding to intoxicated patrons, lack of compliance with regulations in the pursuit of sales, lack of incentive to serve responsibly, due to lack of prosecutions for serving intoxicated people, and poor levels of management support and supervision. The more successful schemes are linked to the presence of legal sanctions, enforcement, and strong backup from management (Doherty and Roche 2003, Stockwell 2001, Wylie 1997).

### *In-house policies and codes of practice*

Well-run establishments have explicit policies which guide management and service practice, including RBS, and clearly signal to staff what is expected of them. In effect, these are licensees' own initiatives at lifting service standards and preventing harms in line with the intent of the Act. Highly variable content makes it difficult to evaluate whether in-house policies make a difference, but better outcomes are associated with

policies that include guidance on effective enforcement as well as elements of good practice.

## **Community partnerships and accords**

Community partnerships and accords are in widespread use in Britain, Scandinavia and Australia. The membership of community partnerships includes a cross-section of stakeholders or “interested parties” which may include regulators, licensees, the alcohol industry, police, members of the public, and at times other stakeholders as appropriate, such as health services and others dealing with alcohol-related harms. The contributions of members are formalised into a binding agreement with delegated powers and responsibilities. Often they come into being to deal with problems associated with particular establishments, such as noise and disorder, spilling out into the wider community. The effectiveness of community-level groups varies considerably, from producing mutually beneficial solutions to being destructive and divisive.

Voluntary accords have a narrower membership base, and usually come into being to deal with problems common to a given district. They nearly always involve the local authority, licensees and the police and may also include other stakeholders such as ambulance service, fire service, and health services. Their focus is on responsible alcohol sales and dealing with specific problems such as youth underage drinking and social disorder within the area, for example, by being able to deny service to problem drinkers at every participating venue in an area. As with community-level approaches, accords require agreement on shared goals and methods, clear allocations of responsibilities, and the continued co-operation and mutual support of its membership over time. Mutual trust and openness, agreed problem definition and solution generation are also necessary. The advantage to licensees is that it enables them to enhance social responsibility in line with the intent of the SSAA.

While on first appearance accords might appear to be an unwarranted intrusion on the business, cases have demonstrated that business conditions can actually improve, although it still has to be proven that this always occurs. Where accords fail, the reasons can be traced to breakdowns in the commitment of one or more of the parties. It is important therefore if accords do not seem to be working, that the causes are effectively diagnosed rather than letting them drift into failure. Hadfield and Measham (2011), after widespread investigation, conclude that accords with effective enforcement are fundamental to successful intervention.

## Policy and regulatory approaches

All alcohol regulations reviewed in this report embody three principles governing licensee obligations:

1. Minimising harms associated with liquor abuse.
2. Encouraging responsible attitudes towards the sale and consumption of liquor.
3. Ensuring the sale and consumption of liquor contributes to, and does not detract from, the amenity of community life.

In New Zealand and Australia, most large centres publish detailed guides for licensees and applicants for licences.

Creating an effective regulatory framework for alcohol is challenging. Alcohol control is a balancing act, between a public health-led push for tighter control and a business development push towards looser regulation. These two are in conflict which often plays out in the political arena in both central and local government arenas. There also may be outcomes which were not initially anticipated. This is illustrated in the case of England and Wales where the Licensing Act 2003 changed the emphasis from market liberalisation to the prevention of crime and disorder and public nuisance and maintenance of public safety. This resulted in more discretionary powers, for local authorities and for the police especially. On the one hand this produced benefits in permitting greater flexibility in the application of laws and regulations, exercise of power with leniency and constraint to encourage compliance, and the growth of non-contractual 'memoranda of agreement' between licensees, local authorities and the police over adoption of a range of preventative security measures. But on the other hand it also created inconsistencies and confusions between various districts, which left an impression of the powers being exercised arbitrarily.

Implementation of new discretionary powers and policy initiatives sometimes had unintended consequences. Some measures have proved unworkable, such as the ill-fated Alcohol Disorder Zones (ADZ) in England. This failed because it was unacceptable to licensees, who saw it as an imposition of compulsory costs for no clear benefit to their businesses. Another is the appearance of new problems that were not anticipated. An example from Australia is the appearance of 'pub-hopping' following the introduction of late night staggered closing times which were themselves introduced to avoid a 'tidal wave' of patrons all spilling onto the streets at the same time. In New Zealand, lowering the drinking age to 18 resulted in an increase in off-licence alcohol abuse amongst youth.

## Summary

Risk factors identified in drinking establishments relate to the physical conditions of the venue that might elicit problems with customers, staff behaviours in response to difficult customers, and irresponsible staff behaviours such as pushing drinks. Interventions centre on staff training backed up by in-house policies and codes of practice. The more effective in-house codes of practice give a clear account of the requirements of good practice and are conscientiously enforced. The more effective staff training programmes are comprehensive and multi-faceted, involve all service staff, and receive high levels of management support.

Alcohol-related problems are not confined to drinking premises only. They often occur throughout the areas in which drinking establishments are located. The emergence of community partnerships and accords and their increasingly widespread use are a recognition that a number of different community resources need to be connected and co-ordinated to prevent and manage alcohol-related problems.

The main aims of alcohol policy are harm reduction, encouragement of responsible drinking, and maintaining or enhancing amenity value. Decisions about good practice occur within a political arena, and may involve having to balance the interests of many different sectors in the community. This means that there may be disagreement on what policy aims should be and how they should be expressed. At the level of implementation, there is a clear need for monitoring policy implementation effectiveness. This is evidenced by problems arising in cases where there are inconsistencies in practice, or unintended consequences becoming apparent when policies are implemented.

Finally it should be noted that interventions that work in one context may not be effective in all contexts, owing to differences in conditions and quality of intervention (Babor et al. 2010). It has also been found that venues require a combination of interventions to achieve statutory goals. These are best achieved within the framework of accords and community partnerships (Hadfield and Measham 2011, Jones et al. 2011).

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# 1. Introduction

The Sale and Supply of Alcohol Act 2012 (SSAA) is aimed at safe and responsible sale, supply and consumption of alcohol, and minimisation of harms due to excessive or inappropriate consumption of alcohol. Harms are defined broadly to include the following categories:

- any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and
- any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described above.

The Act also enables council to develop a local alcohol policy to govern local licensing decisions, in consideration of variations in local circumstances and issues. Amongst the provisions are powers to require that licences are issued subject to certain discretionary conditions (SSAA section 77). For the purposes of this review, potential discretionary conditions can be identified by examining how various risk factors are dealt with, in the light of how successful these interventions appear to be. Furthermore, to qualify as a discretionary condition, the condition must be shown to be reasonable in the light of the object of the Act (Ministry of Justice 2013a).

This report reviews conditions affecting responsible alcohol supply and harm reduction in cultures and economies similar to Auckland. Where available, evaluations of various measures are reported. These findings will form a base of possible interventions which Auckland Council may consider for inclusion in any discretionary conditions it might wish to apply.

Other research to inform the development of a Local Alcohol Policy in Auckland has also been undertaken, including:

- a survey of the opinions of the general public (on perceptions related to the place of alcohol in Auckland life, levels and locations of harms, desired levels of restrictions on alcohol supply, and the expected role of council in managing licensing and minimising harms),
- a survey of the views of police on issues related to the enforcement of liquor ban areas and on the role of alcohol in crimes, and
- an extensive review of alcohol supply factors related to licensing conditions (including outlet density, outlet location, and hours of trading).

Reports have also been produced on alcohol and drowning, after-hours public transport availability, and a review of the literature on alcohol-related harms.

This review of academic and professional literature was commissioned to provide additional information on further discretionary conditions that Auckland Council may wish to consider as requirements for licensees when issuing new licences. It also examines various non-regulatory interventions that council may wish to employ when working towards the responsible supply of alcohol and reduction of alcohol-related harms, and various contextual issues which contribute to the success or failure of those interventions. This review is intended to inform Auckland Council decisions on regulatory and non-regulatory interventions and development of best practice for managing alcohol supply and reducing alcohol-related harms. Issues around alcohol-related harms and treatment interventions which are not addressable by controls available to council are not included in the review.

The literature reviewed is drawn mainly from studies conducted in Britain and Australia, and to a lesser extent, Canada and the USA. These countries have societies and traditions, and mechanisms of alcohol supply and regulation broadly similar to New Zealand's. In selecting literature to include, preference was given to peer-reviewed review articles rather than individual studies as these were wider in scope and better able to provide overviews of the issues in broader contexts than individual studies.

The review is divided into three sections:

1. A discussion of key issues and general principles of policy development or intervention, and identification of specific risk factors for disruption, aggression and crime.
2. Types of interventions used in societies similar to New Zealand.
3. Issues around implementation and effectiveness of interventions.

The appendix details some of the regulatory frameworks in use in the United Kingdom to illustrate how changes are made to policy responses to alcohol-related problems in the light of their outcomes.

## **2. Important issues and general principles of policy development or intervention**

### **2.1 Overview of risks and responses to risks**

Most of the literature is focused on on-licence retail operations, mainly because of the availability of data. Once alcohol is purchased from an off-licence, the direct effects become hidden from view, so that patterns of harm production and the factors governing these are difficult to determine, except in the most general terms. However, in the absence of directly observable evidence it can be deduced that off-licences play a vital role through the sheer volume of alcohol sold (Ministry of Justice 2013b).

Most evidence comes from observations in and related to on-licensed premises of various kinds. Overall, it is acknowledged that on-licence premises contribute both positively, as a catalyst to a vibrant social environment particularly at night, and hence to the local regional and national economy, but also negatively through its associated short-term outcomes such as intoxication, anti-social behaviour and violence, and consequent drain on policing and other resources (Hadfield 2011, Hadfield et al. 2009). Focusing therefore on the environments in which alcohol is actually consumed and where many problems occur provides many opportunities for the prevention or reduction of harm, and from which several insights can be transferred to off-licences (Babor et al. 2010).

Several factors have been identified which facilitate or inhibit appearance of crime and disorder (Babor et al. 2010). At the most basic level, risks in the drinking context can be reduced by excluding those people most likely to harm or be harmed and by prevention through having staff sufficiently able and enabled to do so. Situational or environmental propensities that may deter or precipitate trouble include:

- for offenders, the likelihood of getting caught and punished;
- potential reward for engaging in activities leading to harm;
- enabling or removing excuses;
- level of effort needed to cause the harm.

Added to these are unplanned situational factors that arise spontaneously. These include:

- opportunities for unplanned crimes/ harms;
- provocations;

- social pressures and cues;
- weak prohibitions, as well as weakened judgement (typically associated with intoxication).

These can be addressed both at the point of sale and supply by management practice and by responsive regulation. Management approaches at the licensed premises to reduce the risk of harms include:

- reducing aspects of the environment that lead to risk or provocation;
- setting higher standards to minimise or deter the appearance of problem behaviours;
- better management and staff practices; and
- changing cultures, customs and norms about what unacceptable drinking is.

Responsive regulation implies a measured approach which takes into account local factors including local culture. It includes not only rules but also adds education and persuasion to the regulation and enforcement of liquor laws, with appropriate, measured sanctions. As discussed later, this encompasses both external regulation by authorities including the police and councils, and internal self-regulation by the licensees themselves.

Three strands of interventions and programmes are evident, categorised according to their breadth and nature of their focus:

- 1) Those directed at drinking establishment and staff, covering aspects of service and of other problem factors independent of service (including training, licensing and certification, and tools and advice to help management improve the drinking environment);
- 2) Enforcement strategies which target and compel higher risk establishments to comply with agreed standards using both regulations and broader prevention measures; and
- 3) Comprehensive community approaches directed to a specific area (city, district) and which involve community stakeholders attending to area-wide issues as well as influencing service standards and enforcement.

All three strands are open to a measure of discretion as to how they are implemented. However, all are subject to operating within a regulatory framework set by central or local governments. These are discussed in detail in section 3.

## 2.2 Specific risk factors

The context of potential harms arising within the drinking environment are reviewed by Green and Plant (2007), Doherty and Roche (2003), Graham and Wells (2001), and Graham et al. (2012).<sup>1</sup> Risk factors are identified as including the type of venue, physical design factors in the venues, type of clientele, types of ancillary activities, and behaviour of staff.

Differences have been observed in different types of on-licences in terms of disorder and intoxication, reflecting their respective clienteles, as follows:

### *Nightclubs*

- More highly associated with large numbers of intoxicated people, alcohol-related harm, violence and drug use than other types of on-licences (Green and Plant, 2007).
- A number of studies reported higher incidence of aggression, including sexual aggression, in and around dance floors, particularly when crowded, particularly in venues frequented by younger people (Graham et al. 2012).
- Health and safety problems in clubs may be attributable to amount of alcohol consumed, availability of drugs, lack of free water and “chill out” zones, poor provision of transport, overcrowding, broken glass, lack of first aid, heat, obstructed exits, and lack of contraceptives (Green and Plant, 2007).
- Some clubs show fewer problems, possibly due to type of clientele more intent on socialising and picking up sexual partners than becoming intoxicated (Green and Plant, 2007).

### *Bars and pubs*

- Some bars seem to foster social norms for higher levels of drinking than other bars. A number of patrons were found to monitor their levels of intoxication, depending on what kind of drinking situation they were in (Green and Plant, 2007).
- Certain groups of patrons are attracted to different types of bars, according to how they are catered for (entertainment, friendships, and facilities) (Green and Plant, 2007, Briscoe and Donnelly 2003). Rowe et al. 2010 found that only a small number of establishments account for the substantial majority of intoxicated people involved in offences such as violence, disorder and motor vehicle crashes, and that type of clientele may be a factor in this.

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<sup>1</sup> These reviews span research in Britain, Canada, USA and Australia.

### *Event bars (special occasions)*

- Problems were attributable to over-serving by inexperienced volunteers.

Internal physical characteristics and atmosphere are often associated with aggression, violence, and expectation of violence. The physical factors listed below were compiled from the following sources: ALAC (2012), Doherty and Roche (2003), Green and Plant (2007), Graham et al. (2012), Health Promotion Agency (2008).

### *Layout*

- Crowding;
- Hidden areas with reduced ability to supervise;
- Bar placement;
- Physical hazards arising from type and placement of furniture;
- Movement corridors; and
- Restrictions in pedestrian movement such as choke points, e.g. around exits, coat-checks, washroom/toilet.

### *Atmosphere*

- Factors such as appearance, location, décor, and pricing affect type of clientele attracted
- Dark crowded noisy bars were found to be more conducive to aggression/ poor lighting increases anonymity.
- Greater intoxication occurs where there is increased seating capacity, in rows, no theme, shabby décor and poor cleanliness.
- Irritants such as poor ventilation, excessive noise, heat, poor physical comfort, inadequate seating.
- Level of maintenance and quality of surroundings, which signal the standards of behaviour expected in the establishment.

Certain activities were found to result in increased disorder and intoxication. the following factors are mainly identified in Green and Plant (2007), with Babor et al. (2010), Bieler and Roman (2013), Doherty and Roche (2003), Graham et al. (2012), providing corroboration.

### *Beverage promotion*

- Promotions involving price reductions for specific times tend to encourage drinking to excess in short spaces of time.
- These offers tend to attract younger people, including under-age drinkers, and those on lower incomes.

- Outcomes are complex. Banning price promotions in Ontario did not lead to lower consumption but drink-driving cases decreased.
- Increased consumption was noted where there was “aggressive” advertising in licensed premises.

### *Entertainment*

- Entertainment and activities including television, music, dance, and games can lead to longer stays and increased alcohol consumption. Greater intoxication and aggression followed.
- Effects and quality of music was a factor, such as when loudness and poor quality music became irritants.
- Tempo of country music was found to be inversely related to drinking speed in one study.
- Entertainment tended to attract younger people, who are more likely to take risks.
- Vigorous (or even aggressive) competitive games can stimulate violence.

### *Staff behaviours*

Some staff behaviours have been found to contribute to problems (Green and Plant 2007):

- Displaying rudeness, unfriendliness, and aggressiveness especially when dealing with conflict situations, especially by those staff who are less able to deal with conflict situations.
- Under-staffing resulting in delays, queuing, and crowding, leading to frustration and aggression.
- Staff who themselves drink and encourage aggression.
- Staff who push drinks.
- Aggressive staff who tend to invite retaliation, and may target highly intoxicated patrons who are unable to protect themselves.
- In some cases, staff behaving aggressively to protect themselves.
- Establishments with all-female staff tend to have less intoxication and aggression. However, Green and Plant report a finding that female staff may be viewed as easy targets and hence less likely to be able to control unruly behaviour.
- Friendliness and unfriendliness taken to extremes may both lead to increased intoxication levels.
- Untrained unsuitable door staff (bouncers) selected only for their physical strength may use unreasonable force or initiate violence, be ineffective in defusing violent situations, have sexist and predatory attitudes to females, tolerant of offending like drug dealing, territorial in their approach, and prefer ‘smash and bash’ to ‘meet and greet’.

### *Drinker characteristics*

As outlined above in the discussion about type of venue, the characteristics of the drinker play an important role. Some types of establishments tend to attract certain groups of drinker while others do not. Much attention is devoted to young drinkers, particularly males with characteristics that predispose them to seek out drinking opportunities as a way to express their masculinity (Green and Plant 2007, Graham and Wells 2001). Social class, type of occupation, culture and ethnic factors also play a role (Green and Plant 2007). Another factor identified by Green and Plant (2007) is whether the drinker is part of a social group, and hence open to the influences of group norms about drinking and behaviour, or drinking alone, possibly indicating a problem of dependency.

Type of customer and layout or physical feature of the establishment can also interact in a way that generates discord or dispute. Graham and Wells (2012) found that for young people, certain milieu factors may encourage competition and jealousies to boil over, or elicit strong reactions to unwanted body contact. Similarly arguments could erupt around pool tables, particularly if staff are permissive. This was usually observed to involve older males.

### 3. Types of interventions

Potential discretionary conditions can be identified by examining how various risk factors are dealt with in a number of different settings, in the light of how successful these interventions appear to be. Having identified risk factors, attention is now turned to how these are managed.

Alcohol-related offences include violence and other behavioural problems due to alcohol consumption, public intoxication, traffic offences, theft and property damage. Many of these are related to poorly-run licensed premises (Babor et al. 2010, Bolier et al. 2011, Doherty and Roche, 2003):

- The way alcohol is being served;
- The physical environment in which alcohol is served;
- The ways in which relevant regulatory frameworks are enforced.

The various types of intervention are designed to address one or more of these factors.

Various studies have identified the settings where alcohol is served (crowding, poor entertainment, cheap drinks), manner of service, the demographics of patrons (young, male, and single in particular), and levels of intoxication as major contributors to alcohol-related problems (Babor, et al. 2010; Bieler and Roman, 2013; Doherty and Roche, 2003; Graham, et al. 2012; Green and Plant, 2007; Graham and Wells, 2001; Jones, et al. 2011; Stockwell 2001). Many of these factors provide opportunities for intervention (Doherty and Roche 2003). These authors note that while intervention tools have been identified, there is no “one size fits all” solution, as local conditions vary.

Babor et al. (2010) note that interventions tend to be applied in combination, and may be classified into three distinct categories which describe their scope rather than their focus:

- 1) Interventions directed at drinking establishment and staff, covering aspects of service, and at other problem factors independent of service including physical layout and manner of operation.
- 2) Enforcement strategies which use both regulations and broader prevention measures to target higher risk establishments in particular.
- 3) Comprehensive community approaches directed to a specific area (city, district) and involving community stakeholders attending to area-wide issues as

well as service and enforcement, including safer cities and other community aspects of the drinking environment

This section describes interventions within drinking establishments. These relate to improvements in the way bar staff interact with customers, the service culture and standards of the establishments, and attention to elements of design and physical layout. Included are both aspects of best management practice for licensed establishments, and the social and regulatory context in which the alcohol supply business is conducted. Their implementation and evaluations are discussed in the following sections.

### **3.1 Interventions directed at establishments and bar employees**

#### *Responsible Beverage Service/ Host Responsibility Programmes*

Responsible beverage service (RBS) programmes are widely used in Australia, Britain, Canada, USA, and Sweden and also in New Zealand, where it is known as “Host Responsibility” (Health Promotion Agency/ ALAC 2008). Examples from Australia and Britain are discussed in Babor et al. (2010); Green and Plant (2007); and Bolier and Voorham (2011). RBS programmes focus on the knowledge, skills and attitudes of those serving alcohol in drinking establishments, and are also referred to as ‘server training’ or ‘server intervention’ programmes. The primary aim is to prevent customers drinking to intoxication and serving underage persons. Therefore, much depends on their ability to detect and assess those situations, and having the skills to deter customers who, on many occasions, would be potentially hostile to being refused service.

RBS programmes typically include four components (Babor et al. 2010);

- *Attitude change*: understanding the benefits of the intervention and take to heart the responsibilities of preventing intoxication and refusing service to under-aged persons;
- *Knowledge*: Knowing health and safety issues, the effects of intoxication on the drinker and the amount of drinking involved, laws and regulations on serving alcohol, legal liability, and ways of dealing with intoxicated or underage persons and when to refuse service;
- *Skills*: Ability to recognise intoxication, service refusal, and managing difficult and intoxicated persons;

- *Practice*: Checking ages of young patrons, preventing intoxication, refusing service to intoxicated patrons, and arranging safe transport for intoxicated persons.

### *Other staff training*

RBS (although implemented to varying degrees) represent a more comprehensive approach to good practice in serving alcohol. Other training programmes focus on specific problem areas and practices. Examples include specific training or even licensing for door staff on refusing admission to intoxicated persons, training to contain or reduce patron intoxication, and programmes dealing with aggression and its prevention (Bolier and Voorham 2011, Babor et al. 2010).

Although RBS training has been widely advocated and implemented, many establishments opt for a minimal approach of training staff around the minimum requirements of not serving underage drinkers or intoxicated patrons.

It has been suggested that training should be made a condition for any licensee and manager (Green and Plant 2007).

### *In-house policies and codes of practice*

It has been recognised that well-run establishments have explicit policies which guide management and service practice, including RBS. In effect, these are licensees' own initiatives at raising standards. In general terms, management policies ensure that management practices comply with legislative requirements, and reduce risk of harm to staff and patrons (Doherty and Roche 2003). Policies generally tend to be voluntary, and to be effective, require management support and staff buy-in. As a result, and partly due to the demands of local conditions, policy content is varied. Policies tend to include a mix of the following elements (Green and Plant 2007, Babor et al. 2010, Doherty and Roche 2003):

- Slowing drinking rates by providing full meals, free snacks and low-alcohol or non-alcoholic beverages, and providing entertainment;
- Prevention of underage drinking by prioritising identification checks;
- Slowing service to patrons who are becoming more intoxicated;
- Prevention of drink-driving including provision of breath testers and in-house advertising and promotions around drink-driving, designated drivers and safe ride schemes.
- Avoiding incentives to drink larger amounts (such as price specials)

- Managing risk due to broken glass including using toughened glass (with mixed results), prompt clearing of empty bottles
- Restricting days and times of alcohol sales to reduce availability
- Responding to the movement of patrons between venues.

### *Best practice in establishment design and physical layout*

Interventions around establishment design and physical layout are directed to minimising the risks outlined in Section 1.2. Guidelines may be found in Doherty and Roche (2003) and ALAC (2012). Many of the ideas are based on the concept of “Crime Prevention through Environmental Design” (CPTED). This is a preventative approach. These interventions are also directed to reducing criminal opportunity, and fostering positive social interactions, such as by having all areas in full view of staff and patrons, appropriate use of security locks, addressing foot traffic and access issues, showing clear physical boundaries, and being well-maintained. Similar principles are applicable to off-licences (ALAC 2012). Glassware bans are also enforced in some locations, with replacement by toughened glass or polycarbonate (Babor et al. 2010, Doherty and Roche 2003).

Another less tangible domain is the atmosphere of the establishment. Good maintenance has benefits in communicating to patrons that standards are important and need to be sustained. Aspects of atmosphere are outlined in Section 1.2 above and discussed in Green and Plant (2007).

Risk assessments have been proposed to identify specific risk factors in each establishment and most appropriate interventions (Babor et al. 2010, Doherty and Roche 2003). These focus on assessing the risk potentials of the physical layout of the premises, characteristics of server staff, closing times, and other environmental and community factors including the context in which laws and regulations are created and enforced.

Doherty and Roche (2003) point out that problem solving through physical design extends beyond the confines of the establishment to include the immediate external environment, including roads, footpaths, open spaces and lighting. Since this involves both aspects of urban planning and design and enforcement of alcohol regulations, they advocate that both councils and police should be involved with drinking establishments to generate integrated and comprehensive solutions.

## 3.2 Community-level approaches

Stockwell (2001) argues that it is not enough to expect licensees alone to lift serving standards to avoid harms. It needs the sustained, concerted effort of a political and social climate to support the responsible service of alcohol, and hence support the enactment and enforcement of alcohol laws and regulations. Constructive community involvement is an important component of a more integrated approach as described in section 3.5 below.

Membership of community-level groups varies according to the necessary knowledge skills and resources required to solve a local problem. It could include the local authority, the police, the licensing authority (if not the local authority), representatives of the licensed trade (both on- and off-sales), others related to the alcohol-supply industry and its broader context, including transport, health agencies and others related to dealing with alcohol harms, local residents and residents' groups, and the general public. However, not all community-level groups are constructive. They have the potential to vary considerably in their approach to dealing with alcohol-related problems, depending on the extent of achieving a common view amongst all stakeholders. This creates a significant challenge to achieve a well-co-ordinated, integrated approach (Hadfield and Measham, 2011).

Community-level approaches have been in widespread use in Britain, Scandinavia and Australia (Babor et al. 2010, Hadfield and Measham 2011, Jones et al. 2011). One of the most comprehensive is the ten-year STAD project in Sweden (Babor et al. 2010). This involved representatives from the county council, the licensing board, public health, and proprietors of bars and restaurants. The contributions of the group members were formalised into a binding agreement which specified their respective responsibilities within the ten-year timeframe. The key focus was on refusal of service to intoxicated people in an area-wide zone, not just single premises. The project was supported by championing from within the group, positive media coverage, sharing of evidence, close monitoring, and enforcement by the police (Babor et al. 2010, Hadfield 2011).

Community mobilisation programmes ('community action projects') have been used to address problems emanating from particular drinking establishments and develop solutions to alcohol-related problems including noise and disorder, by pressuring licensees to deal with those problems. Interventions sometimes included responsible service training for staff of drinking establishments (Babor et al. 2010).

## *Voluntary accords*

Voluntary accords are not as comprehensive as community mobilization approaches, but involve voluntary agreements or “Codes of Practice” in the local hospitality industry and among licensees to limit activities and promotions associated with alcohol-related harms. They typically involve fewer stakeholders, such as the licensing authority, the local authority (if not the licensing authority), police, and participating drinking establishments within a defined area. For their success they are critically dependent on the continued co-operation and mutual support of the accord members. Voluntary accords and collaborative approaches are discussed in Babor et al. (2010) and Doherty and Roche (2003). The scope of the accords vary from place to place, ranging from comprehensive initiatives to promote responsible alcohol sales and use, to those aimed at specific problems, such as youth underage drinking. The scope of influence of an accord extends beyond licensed premises to include a district, and so enables intervention with alcohol-related problems occurring in the streets.

A major incentive to licensees is that it provides support which enables them to lift service standards and prevent harms (Stockwell 2001). If effective, self-regulation by licensees places less demand on the resources of the council (in terms of monitoring), police (in terms of monitoring and enforcement). The practice of responsible management also lessens the need for further, possibly more restrictive law reform or regulation in response to alcohol-related problems, as they would be in compliance with the intent of the SSAA (2012) that the “sale, supply and consumption of alcohol should be undertaken safely and responsibly”.

There are hundreds of liquor accords in operation in Australia.<sup>2</sup> Examples include the following:

Brisbane Valley Liquor Accord (VLA): This group is a partnership between Brisbane City Council, the Queensland State Government, licensees, other local businesses, and other community stakeholders (including public transport). The focus is on improving community safety outcomes through the responsible service of alcohol, monitoring and enforcement, and improvement in amenity. Their action plan involves (1) a co-operative approach to the development of solutions by focusing on education of licensees to provide a consistent approach to alcohol management in wider precincts, promotions to people aged 18 to 25 years about alcohol harms and the responsibilities of all parties on licensed premises, development of alcohol plans by event organisers, identifying risk factors in spatial design, and responding to drug issues; (2) developing an integrated approach to public transport solutions focusing on access and signage (taxis and

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<sup>2</sup> See for example [www.liquoraccord.org/liquor-accords/nsw](http://www.liquoraccord.org/liquor-accords/nsw) for accords in New South Wales.

buses), (3) advocating for a range of harm-minimisation strategies by off-licences in order to promote the responsible sale of alcohol.

Adelaide City Council has established a voluntary accord<sup>3</sup> under their safer city strategy which promotes practices in licensed premises that minimise anti-social behaviour and disturbance to neighbours, and better manage crowds gathering outside drinking establishments. Its membership includes licensees, police, the Office of the Liquor and Gambling Commissioner, Adelaide City Council, and trader and precinct groups and associations. At times, appropriate advisors are invited to join over specific issues (including the ambulance service, Drug and Alcohol Services SA, SA Metropolitan Fire Service, Office of Consumer and Business Affairs, and the Drug and Alcohol Policy Section of the police). The four governing principles are (1) ensuring the responsible service of alcohol; (2) providing a safe and secure environment; (3) giving a commitment to “being good neighbours” (improving local amenity, and acting in consideration of others ); (4) working co-operatively and maintaining close working relationships with accord members. The detailed responsibilities of all stakeholders under each of the four headings (totalling 68 items) are clearly specified. Training options are provided.

Accords have also been established to deal with specific local problems. The Geelong Accord was initiated by local police and licensees to minimise the practice of “pub-hopping” and put curbs on underage drinking. Restrictions were placed on unlimited re-entry and cover charges introduced. Promotions encouraging heavy consumption were banned, and age restrictions and drinking in public places more vigorously enforced (Babor et al. 2010, Felson et al. 1997).

Accords with similar membership structures and aims can be found in every state in Australia.

In Britain there are partnership agreements such as the Crime and Disorder Reduction Partnerships (CDRP). These reflect the growth in non-contractual ‘memoranda of agreement’ between licensees, council and the police over adoption of a range of preventative security measures (Hadfield et al. 2009).

### **3.4 Policy and regulatory approaches**

Within limits set by central government through its enactment of alcohol supply laws, local authorities are given discretion on how the national law is to be implemented at the local level. Sometimes responses are required to unforeseen consequences of the laws.

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<sup>3</sup> [www.olgc.sa.gov.au/general/latest\\_news/ALA.pdf](http://www.olgc.sa.gov.au/general/latest_news/ALA.pdf)

For example, Hadfield et al. (2009) have documented changes in the night-time economy in Britain over a decade, including changes in the way alcohol is offered to the public, such as 'themed' pubs, 'designer' bars and new drinking precincts with their own particular character and appeal. But these changes have also been accompanied by rises in social disorder, public drunkenness and criminal damage. One outcome has been the perception that the freedom of access to alcohol had got out of control, that alcohol-suppliers had failed in self-regulation, and that new powers should be given to the police and councils to remedy the situation.

The case in England and Wales illustrates these trends. Here, the Licensing Act 2003 changed the emphasis from market liberalisation to the prevention of crime and disorder and public nuisance and maintenance of public safety (Scotland and Northern Ireland followed with similar objectives). The law change was expressed as a change in approach from merely reacting to problems to taking actions aimed at maintaining safety where alcohol is involved. This has resulted in initiatives focused on individual drinkers and controlling areas in and around where drinking occurs.

The new powers were focused on dealing with the immediate effects of excessive drinking (rather than addressing root causes) and on enforcement around drinking and supply (Hadfield et al. 2009). Recently introduced legislative powers and sanctions in England and Wales are divided between police (enforcement tools) and local authorities (regulatory tools). They appear in three forms:

*Person based:* These are the domain of the police and confer powers to deal with civil disorder or the risk of civil disorder. Directed at the individual, these include powers to impose spot fines for low level offences and to ban individuals from a location for set periods of time.

*Place-based:* These powers are shared between councils and the police, where councils have the power to designate alcohol-free areas, use past records to affect licensing decisions and variations, and develop action plans for specific areas which experience problems. The police have powers to enforce these regulations, and can also eject people found in breach of the regulations from specific areas, and exclude people deemed to be anti-social.

*Venue-based:* These powers allow councils to specify how premises will be run, including the required introduction of crime-prevention measures, request a review of licence conditions, and use 'test purchase' techniques<sup>4</sup> without notification to identify

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<sup>4</sup> Similar Controlled Purchase Operations in New Zealand <http://www.parliament.nz/resource/0000169896>

outlets selling to minors and intoxicated drinkers. The police are given the power to temporarily close certain premises if there is actual or anticipated disorder, including noise nuisance.

Since councils hold jurisdiction over land use planning for leisure venues, in principle this puts them in a position to be able to regulate alcohol supply and consumption, particularly in the night-time economy (NTE) in both form and content (trading hours, physical design and capacity, managerial methods, licensable activities, outlet density controls). However there are still significant constraints due to regulatory checks and balances, appeals and precedent. Police, however, have potentially gained greater leverage. As a “responsible authority” they are in a strong position to be involved in the licensing process, with the power to make representation to the licensing committee over applications, instigate reviews, and propose mandatory conditions. The statutory levers in England and Wales are summarised in Appendix A. These provide a more detailed context for illustrating the allocation of powers between police and councils in England and Wales. However, despite comprehensive specification of enforcement powers, Hadfield and Measham (2011) point out that there are variations in enforcement regimes within as well as between metropolitan areas, cities and other areas, and that there is indeed a need to build in greater flexibility to meet local needs.

Examples of how these changes are expressed and their consequences include Drinking Banning Orders (directed at individuals, and which stimulated greater partnerships between licensees, police and councils), and place-based measures such as Cumulative Impact Policies (CIP). These recognise that premises concentrated in one area may cumulatively contribute to impacts that may undermine licensing objectives about maintenance of public order and safety. Thus the onus was put on applicants to prove that what they proposed (e.g. licence extension) would not add to problems. The intent of this regulation is to act as a barrier to new market entrants Hadfield et al. (2009).

In Australia, policies are generally directed towards compliance with the alcohol laws enacted by states. Apart from alcohol laws, outlets are required to comply with the provisions of a number of other pieces of legislation. For example, in Victoria, relevant legislation includes the Liquor Control Reform Act 1998, and other Acts associated with the business of running liquor business. Additionally, regulations include reference to, but is not limited to nine different Acts, not including health regulations.<sup>5</sup>

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<sup>5</sup> City of Melbourne: Run a Better Venue: Responsible practice guidelines for Licensees within the City of Melbourne. <http://www.melbourne.vic.gov.au/enterprisemelbourne/industries/hospitality/licenseesforum/Documents/RunABetterVenue.pdf>

The City of Sydney “In House Responsible Service of Alcohol Policy” specifies in some detail what is expected of licensees and provides advice on how to achieve this. It also specifies sanctions for licensees who fail to meet these requirements. In contrast, the City of Melbourne takes a more advisory approach and includes a checklist to enable licensees to conduct their own assessments of their needs.<sup>6</sup>

Despite variations between states, three principles are held in common in governing licensee obligations in Australia:

1. Minimising harms associated with liquor abuse.
2. Encouraging responsible attitudes towards the sale and consumption of liquor.
3. Ensuring the sale and consumption of liquor contributes to, and does not detract from, the amenity of community life, including liquor harm minimisation.<sup>7</sup>

Since these principles underlie the SSAA, these Australian examples may be useful to inform the development of the Local Alcohol Plan in Auckland.

### 3.5 Multi-component programmes

As mentioned in section 3.2 above, Stockwell (2001) argues that the responsible service of alcohol and minimisation of harms requires the support of a wider group of suppliers, agencies, organisations and individuals within multi-component programmes. These offer major advantages over more fragmented interventions (Hadfield 2011). For example, there is the problem of *displacement*, where drinking establishments may solve problems locally within the bar only to have problem drinkers move to another areas. Problems like these require concerted, co-ordinated effort to fully deter problem drinkers (Hadfield and Measham 2011).

Stockwell (2001; 263) emphasises that properly structured intervention must involve the balanced interplay of three domains:

1. **Legal structures**, incorporating well-drafted legislation with clear harm minimisation objectives, mandatory conditions that the supplier must comply with, local controls over hours of trading and conditions, and legal responsibilities of licensees for the behaviour of their patrons, even when they have left the premises.
2. **Regulatory structures and processes** based on goals of harm minimisation, and including incentives for good practice by licensees, comprehensive training, diligent monitoring, and a graded system of penalties and incentives.

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<sup>6</sup> City of Melbourne: Run a Better Venue.

<sup>7</sup> City of Sydney. In House Responsible Service of Alcohol Policy: Identifying the context of responsible service of alcohol. [http://development.cityofsydney.nsw.gov.au/Datasource/DANotifications/1099251\\_006.pdf](http://development.cityofsydney.nsw.gov.au/Datasource/DANotifications/1099251_006.pdf)

3. **Promoting supportive socio-political environment** in which wider social norms on health issues are promoted with the inputs of both the industry and the community, publically disseminated data on harm and licensed premises, and public health advocacy on alcohol and licensing issues.

Multi-component community-based programmes typically combine the goal of harm reduction in the community and organisational mobilisation with RBS training, clear management policies and stricter, more diligent enforcement of licensing laws over a sustained period of time (Hadfield 2011).

The implication is that discretionary conditions are unlikely to be effective in harm reduction while maintaining the amenity value of alcohol in the community unless they are part of a comprehensive approach.

### 3.6 Summary

The need for an integrated response suggests that good practice combines elements of the following:

- Licensing policies (aimed at safety and emergency procedures);
- Management policies and alignment of practices with legislative requirements;
- Staff training on legal obligations and managing problem behaviours;
- Responsible server practices;
- Premises design policies to eliminate or limit problems (crowding, noise, smoke, heat) and ensuring clear lines of sight and obstruction-free access ways;
- Responsible marketing policies which don't encourage excessive drinking or disorderly behaviour;
- Communication policies requiring licensees to keep in touch with other licensees in the area as well as the police over incidents and problem patrons;
- Community education policies to raise public awareness of responsibilities of all parties, limits to service, and consideration of others;
- Public transport policies, such as making alternative transport available, and prevention of drink-driving;
- Collaborative crime reduction policies involving partnerships and collaboration between licensees, police, local authorities and the community to develop agreed approaches, with all parties being held accountable for their roles;
- Bans and restrictions on problem areas, venues and patrons; and
- Enforcement policies which ensure a visible police presence and enforcement of liquor and other legislation.

The mix of elements included will depend on local needs and conditions. This is discussed in this next section.

## 4. Implementation issues: evaluations and discussion

Evaluations of interventions at both the drinking establishment level and the wider community indicate that some interventions appear to work better than others at curbing harms. In some cases results are mixed. This section examines the factors for which there is consensus of efficacy. It begins with a discussion of interventions directed at drinking establishments and management practice, the way staff work and training programmes to improve service standards. A discussion of collaborative approaches, accords and partnerships follows, giving indications of factors which support and inhibit effectiveness. Finally, recognising that interventions are governed by regulatory and policy regimes, there is a discussion of factors influencing policy development and how policies establish goals and priorities, and allocate powers for intervention.

Clear and rigorous proofs of the effectiveness of specific interventions are quite difficult to come by. There are several reasons for this. Evaluations tend to be less than rigorous due to both the lack of controlled studies, reliance on observer judgements, and variations in quality of programme implementation. These can include differences in quality of implementation, differences in local conditions including type of clientele and staffing levels, and differing levels of enforcement (Bolier and Voorham 2011).

Isolating causes and effects can also be a challenge. Several sources recommend that an effective approach requires a number of interventions involving multiple components and a range of different stakeholders, including community members “with an interest” (ALAC 2012, Jones et al. 2011). Local conditions create demands for tailored solutions, with the implication that outcomes of programmes and schemes will vary, possibly considerably, from one location to another. This makes it difficult to identify cause and effect relations clearly. Indeed, the paucity of rigorously controlled studies coupled with the difficulty of teasing out the effects of specific interventions is a reflection of the nature of intervention where multi-faceted approaches are the norm (Babor et al. 2010).

Differences in establishments also matter. It has been found that some establishments are more associated with problems than others, with a relatively few premises accounting for most of the problems. The magnitude of problems depends on differences in drinking patterns and locations and by social, cultural and geographic factors (Doherty and Roche 2003, Briscoe and Donnelly 2003).

Choice of what to measure is also a factor. Babor et al. (2010) discuss how measures of alcohol consumption are not necessarily good proxies for harms – harms can be reduced while consumption levels are unchanged. In some cases, alcohol may not be a

direct cause, for example, of violence. Violence needs to be seen in the broader context of other factors, such as provocation, with alcohol as a contributory factor.

Evaluations therefore need to account for differences in local contexts, including time period (Babor et al. 2010, Hadfield 2011). This also highlights the importance of using knowledge based on experience (of both the regulators and the regulated) and local evidence to develop pragmatic responses to local conditions (Hadfield and Measham 2011).

Where the evidence is clear, certain factors may be considered as suitable to apply as discretionary conditions. For example, Green and Plant (2007) suggest that server training should be made a mandatory condition for any liquor licensee and manager. Premises-directed powers are effectively a means of “governing at a distance” by making licensees responsible for the control of crime and disorder in their premises and increasingly, in the surrounding areas. However, if these are formalised as compliance requirements, in some cases, sanctions for non-compliance might jeopardize the commercial viability of the business. Hadfield and Measham (2011) report from research in England that licensees felt that “over-zealous” regulation and costs of compliance would stifle the economic benefits brought by the industry. Cost of compliance might include such things as having to provide various security features. They also argue that interpretations of licensing laws should reflect “local cultures of regulation”, provided that local implementation is based on sound evidence, and is not simply a reflection of “personal or political reasons”.

#### **4.1 Interventions directed at establishments and bar employees**

The first context for consideration is the operation of the drinking environment itself. This subsection reviews available evidence on the effectiveness of interventions directed at the drinking environment, including the manner in which the drinking establishment is run and the kind of environment which is sought, and interventions directed at staff, including training for responsible beverage service (RBS), service to intoxicated patrons, and quality of staff-patron contact.

##### *Responsible Beverage Service/ Host Responsibility Programmes*

Responsible Beverage Service (RBS) schemes tend to vary in duration, content and who participates in the training. The schemes range from a narrow focus of simply providing information to managers, to comprehensive involvement of serving staff with integration into other types of intervention, including drink-driving reduction, limitation of alcohol sales, and community involvement (Green and Plant 2007). Most provide

information, such as alcohol and the law, health and safety issues, factors leading to intoxication, and rate of alcohol absorption. Some develop skills, including recognition of intoxication, service refusal and managing difficult customers. Where managers but not service staff receive training, it is expected that managers will pass on all knowledge to their staff, and provide supervision. Some schemes vary in content in different serving contexts (e.g. frequency of encounters with intoxicated patrons).

RBS schemes tend to receive higher police and public support than other interventions, including availability restrictions (shorter opening hours, higher prices). They are also reported as being cost-effective (Green and Plant 2007).

Evaluations of RBS programmes tend to show mixed or modest results overall (Green and Plant 2007, Babor et al. 2010, Bolier and Voorham 2011). Positive outcomes include better atmosphere in premises with trained servers (Green and Plant 2007) and reduction in road accidents (Bolier and Voorham 2011). Stockwell (2001) in an extensive review of US and Australian establishments found that positive results were associated with willingness of establishments to participate. Babor et al. (2010) note increases in knowledge and good practice (including not pushing drinks, slowing service, and suggesting food), were associated with lower blood alcohol levels where measured, fewer intoxicated persons, and fewer single-injury night-time vehicle crashes. However, they note limited effects on service refusal to intoxicated patrons. These findings are similar to those found in the controlled conditions of the STAD project. Service to intoxicated patrons has also been noted by Green and Plant (2007), Bieler and Roman (2013), and Stockwell (2001). The issue of recognising and dealing with intoxication is discussed further below.

There are a variety of suggested explanations for the modest or poor performance or failure of RBS schemes (Doherty and Roche 2003, Green and Plant 2007, Bolier and Voorham 2011, Jones et al. 2011, Stockwell 2001). These include:

- differences in extent of training,
- poor implementation,
- lack of compliance in the pursuit of sales,
- lack of incentive due to lack of prosecutions for serving intoxicated people,
- risks of loss of customer goodwill generally or retaliation by aggressive customers,
- only the most heavily intoxicated patrons being targeted,
- poor levels of management support and supervision,
- high staff turnover with inadequate training for new staff.

The more successful schemes are linked to the presence of legal sanctions, enforcement, and management support (internal and external) (Doherty and Roche 2003, Stockwell 2001, Wylie 1997). Babor et al. (2010) and Jones et al. (2011) suggest that mandatory RBS training improves outcomes. One prominent factor is the level of enforcement. Stockwell (2001: 260) concluded that training alone has little effect, and that there needs to be enforcement accompanied by high publicity and visibility sufficient to create deterrence. He states:

“a determined law enforcement approach in which penalties are applied to licensees breaking the law has a far more significant impact on the responsible service of alcohol at a community-wide level than does RBS training alone,”

and goes on to suggest,

“the failure to adopt RBS practices is more a problem of motivation than of knowledge and skill”.

Thus for RBS to be effective, strong backup from management is required, as well as enforcement. Stockwell (2001) suggests that in order to offset the profit motive there would need to be powerful disincentives, such as significant penalties for serving alcohol to drunk and under age patrons.

#### *The central problem of recognising and responding to intoxication*

Intoxication has a clear causal role in problem behaviours. Therefore it seems the simple solution is to prevent intoxication. Regulations and sanctions are already in place, in that it is an offence to serve intoxicated persons. Patrons who become intoxicated on the premises and those arriving intoxicated, either from other establishments or from pre-loading could be dealt with by refusal of service. Doherty and Roche (2003) point out that policing strategies around denial of service to intoxicated and underage people have been shown to be effective. Yet, as indicated above, a number of studies have shown that in many instances, patrons judged by observers to be intoxicated, continue to be served.

The reluctance of police to prosecute licensees has been noted by several reviewers in several countries, including Australia (Doherty and Roche 2003), in the USA (Bieler and Roman 2013) and in the UK (Hadfield and Measham 2011). Key informant interviews reported by Hadfield and Measham show that detection of patron intoxication by police was extremely challenging, centring on the difficulty in deciding if a person was

intoxicated to the extent that a conviction could be obtained in the courts. Bieler and Roman (2013) and Roche and Doherty (2003) concur with this assessment from experiences in the United States and Australia respectively. They conclude that the amount of effort put into prosecution results in very little benefit in terms of curbing service to intoxicated patrons.

Although the role of preventative policing has been advocated in more high risk areas (as outlined above), police seem generally reluctant to resort to prosecution, and prefer instead a “softly-softly” approach which avoids driving a wedge between themselves and licensees (Hadfield and Measham 2011). Green and Plant (2007) note a preference among police for education over enforcement of responsible serving in some places. Cost of monitoring is also a factor. Hadfield and Measham (2011) report that although monitoring by police is essential to detect offending, lack of funding limits these kinds of operations.

The difficulty in deciding if a patron is too intoxicated to serve can be even more challenging for bar service staff, particularly for those who are young and inexperienced (Green and Plant 2007). Training of service staff is not mandatory even though serving to intoxicated or underage patrons is prohibited. Bieler and Roman (2013) using data generated in Washington DC argue that the demands of having to achieve a profitable operation and public pressuring for service on the one hand, and lack of training and supervision on the other, leave staff exposed to risk of error. Staff often have very little time to decide if a patron is drunk except in extreme cases, especially if the bar is crowded. It is especially difficult in crowded bars for even highly trained staff to monitor consumption levels. When faced with the likelihood of strongly negative responses from customers if service is refused, serving staff simply continue to serve. Hadfield and Measham (2011) report similar findings in England and Wales.

### *Other staffing issues*

Apart from service to intoxicated and underage patrons, which is the general focus of RBS schemes, staff have other challenges to meet. Bieler and Roman (2013) report that a number of incidents in bars are the result of behaviours of untrained, aggressive or unfair staff that aggravate rather than alleviate problems. This indicates the need for staff to have competence and skills in negotiation, in managing intoxicated people and defusing aggression (Doherty and Roche 2003, Green and Plant 2007, Bieler and Roman 2013, Graham and Wells 2001).

Door staff (“bouncers”) are in a particularly sensitive position. Some researchers report instances of door staff adding to the problem by using unreasonable force, encouraging

aggression, and being ineffective in defusing violent situations (Bolier et al. 2011, Briscoe and Donnelly 2003, Hadfield and Measham 2011, Green and Plant 2007). However in other cases door staff played a valuable role by exhibiting the personal characteristics, skills, and ability to react appropriately and defuse threatening situations, in other words, the qualities ideally required for that job. There is some suggestion that underlying philosophies may account for some of the difference (“smash and bash” or “meet and greet”). These differences in philosophies may reflect management expectations of how door staff are meant to behave and the kinds of personal qualities they should be selected for (on size physical strength versus skills in diplomacy and control skills) (Green and Plant 2007, Doherty and Roche 2003). Better recruitment processes, training and use of surveillance methods including CCTV can improve outcomes. Licensing door staff has been suggested but not evaluated (Doherty and Roche 2003, Babor et al. 2010).

Most training of security personnel has not been evaluated. However, in one well designed Canadian programme, training was rigorously demonstrated to be effective in reducing physical aggression. A training programme in Australia for door and serving staff aimed at managing violence was also shown to reduce violence. It also changed practice, resulting in friendlier but less permissive staff, better age and identity checking on entry, and improved control of areas inside the bar. A controlled study in Stockholm (STAD programme) showed similar benefits (Babor et al. 2010).

### *Informing the public*

In-house promotions of responsible drinking have been tried but appear to have had limited impact (Jones et al. 2011, Bolier et al. 2011). More focused communications may be better received. Wyllie (1997) notes that some of the difficulties over refusal of service to intoxicated patrons may be ascribed to patrons being unaware of server obligations not to serve. Following a promotional campaign using television commercials and posters it was found that residual awareness remained well above baseline after some 17 months of no advertising. Licensees welcomed the initiative, but it was still acknowledged that enforcement practices, based on high probability of offenders being caught, would still be required.

### *Issues around in-house policies and codes of practice*

Having in-house policies clearly signals to staff what is expected of them. However, highly variable content makes it difficult to evaluate if policies make a difference. Partly this is due to an inability to control other factors that affect outcomes. For example, improvements associated with serving full meals, free snacks and non-alcoholic

beverages may be a result of slower rates of drinking, but may also be due to the type of customer attracted to those premises (Green and Plant 2007).

Policies need to be carefully evaluated to avoid supporting measures with unintended consequences, leading to mixed results. For example, “Designated Driver” schemes seem to be challenging to implement owing to the pressures put on designated drivers; and replacement of glassware with toughened glass showed increases in injury in some cases (Green and Plant 2007).

Bolier and Voorham (2011) evaluated in-house policy interventions and found positive outcomes in some cases but not in others. Combined enforcement checks and management training programmes were effective in reducing the service to underage drinkers. A number of licensed premises adopted responsible service policies. But in many cases there was no reduction in sales to intoxicated people in the absence of enforcement. Furthermore, the effects of enforcement checks decayed over time. Bolier and Voorham maintain that enforcement increases effectiveness. This suggests that in-house policies should include guidance on effective enforcement as well as elements of good practice.

## **4.2 Partnerships, collaborative approaches, and accords**

As outlined previously, accords are formal agreement amongst a group of stakeholders usually involving licensees, local authorities and the police within some defined precinct. Their use is widespread, and have been employed for some time (Doherty and Roche 2003).

Babor et al. (2010) and Stockwell (2001) maintain that overall, the evidence suggests that community action approaches can be effective, but the levels of effort to be maintained over a long timeframe. However, where accords were successful, other components were also in play (staff training, public pressure, formal and informal regulation). It appears that voluntary accords on their own are unlikely to have an impact.

Nevertheless effective enforcement depends on collaboration with local authorities in conjunction with police, such as over design, elimination of crowding, congestion, excessive noise, and smoke. Collaboration can also be used to introduce best practice and enforcement (Doherty and Roche, 2003). They emphasise the importance of accountability to agreed actions.

Stockwell (2001) argues that accords have been shown to be effective when there is commitment from all parties, but tend to fail otherwise. Reluctance on the part of the police to prosecute cases of service to intoxicated patrons and lack of monitoring also contribute to failure. He argues also that since many stakeholders are involved (local community concerns, rival publicans, police, media, etc., and that some of them have competing interests) that it would take the establishment of a means of keeping everything in focus and on track (“institutionalising”). Hadfield and Measham (2011) point out that despite their being many partnership agreements, many agencies tended to work in “silos”. They know their own capabilities very well, but often lacked appreciation of what their partners could contribute. Answer is needed to the question “who does what” before a more holistic approach could be achieved.

Advocacy, such as to encourage for change in legislation, may also have more success if it is championed by an accord. This leads to the suggestion that dedicated advocacy groups should be set up to monitor the effectiveness of liquor laws and regulations, together with an up-to-date publicly accessible database on levels of alcohol harms in local areas and regions.

Accords are an expression of approaches which emphasise co-ordination and integration of effort across a number of agencies which contribute to various facets of the reduction of alcohol-related harms. Hadfield and Measham (2011) report that key informants working in the field of alcohol-related social problems tend to advocate broader, community-based multi-component programmes that integrate regulation and enforcement practice with local efforts to influence drinking culture and social norms, diversity of local facilities, urban design and services. Bolier et al. (2011) concur. Hadfield and Measham argue that this integrated approach, if well designed, is likely to be more effective than interventions targeting the more obvious alcohol-related problems as they present themselves. The latter seem to have greater appeal to legislators, but may be less effective in the long run, mainly due to not getting to the root of the problem which is to identify and monitor problem drinkers and channelling them into treatment. They argue that focus on offending and punishment merely embeds problem behaviour. They suggest that problems of displacement (where problem drinkers merely migrate to other locations if they are thwarted) are better addressed by treatment than enforcement. This reinforces the need for information sharing, which could be more efficiently and reliably managed within collaborative approaches.

### *Challenges to maintaining working accords*

Some general principles can be deduced based on these accounts of accords. Accords require a high level of commitment from each of the parties, and should share these qualities:

- Agreement on what is to be achieved, i.e. shared goals;
- Recognition that the means of achieving those shared goals depends on agreed carefully constructed strategies, alliances and ways of working, i.e. no “loose cannons”;
- Clear understanding of the symptoms and underlying causes of alcohol-related harms, agreement on remediation, and delegations of responsibilities for dealing with them;
- Awareness and acknowledgement of what the differing interests of the various stakeholders are and the need to work to a common goal despite these differences,
- Achieving common interest while recognising the interests of the various participants,
- Trust and openness, hence,
- No surprises.

Trust is fundamental to the success of accords. Any threats to trust can be destructive to the relationship. An example is unannounced surveillance (which effectively signals lack of trust) (Hadfield and Measham 2011). Controlled purchase operations, if handled badly, can be a risk. This does not imply that licensees should be notified prior to a visit and so defeat its purpose. Rather, it is better that licensees clearly understood that a visit could happen at any time. In the event that inappropriate serving is detected, it can be dealt with as an opportunity for licensees to identify shortcomings and improve service standards, rather than as a routinely punishable offence.

### **4.3 Issues around policies and regulations as they affect interventions**

Most of the following reports the situation in England and Wales, based on papers by Hadfield and his associates (Hadfield et al. 2009, Hadfield and Measham 2011). Their findings, based on their extensive field research, indicate possible issues around policy formulation and enforcement. They are illustrative of the kinds of consequences, both planned and unplanned, which can result from policy implementation.

### *Allocation of powers and responsibilities*

Hadfield and others have reviewed the impact of the introduction of new powers for local authorities and police in Britain (Hadfield, Lister and Traynor 2009, Hadfield and Measham 2011). They track the change in legislation from being essentially reactive to being more proactive by taking actions aimed at maintaining public safety. Much of this was in response to increased disorder experienced along with the liberation of drinking, particularly in accompaniment with the growth of the "night-time economy" (NTE). Because councils hold jurisdiction over land use planning for leisure venues, in principle they are enabled to control the NTE in both form and content (trading hours, physical design and capacity, managerial methods, licensable activities, outlet density controls). However there are significant constraints due to regulatory checks and balances, appeals and legal precedent.

On the other hand, the police had gained sweeping discretionary powers from the 2003 Act. Although initially welcomed, concerns arose about how these powers could be fairly and consistently applied, and also about issues of problem displacement<sup>8</sup> rather than treating root causes such as dealing with what causes drinkers to become problematic.

Drinking Banning Orders (directed at individuals) were more positively received as this assisted in premise management. Partnership mechanisms (e.g. "Pubwatch") where police and publicans share information useful for crime prevention, including shared implementation of banning orders, which have a flow-on deterrence effects on drinkers who might otherwise want to exceed limits, were widely adopted.

### *Issues around enforcement*

As discussed previously, many researchers agree that enforcement is essential to achieving effective implementation. However, further consideration needs to be given to the range of consequences for breaches of regulation permitted by legislation and available to enforcement agencies (Hadfield et al. 2009). In England and Wales, prior to the Act of 2003 the range of enforcement actions was limited: either the licence was cancelled or it was not. Authorities tended to act on the lenient side and ignore problems rather than deprive livelihoods for less serious offences. The introduction of discretion in implementation now tends to encourage compliance. It meant that there could be tough laws but with the element of discretion they did not have to be enforced. Regulators were now able to encourage licensees to be more co-operative, often on a

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<sup>8</sup> Offenders deterred in one area simply move to another area and continue offending.

long term basis. This has facilitated the growth in non-contractual ‘memoranda of agreement’ between licensees, local authorities and the police over adoption of a range of preventative security measures (Crime and Disorder Reduction Partnerships – CDRP). This staved off the more exhausting review proceedings unless the licensee was deemed to have become recalcitrant, recidivist or defiant. On the other hand, grey areas stemming from discretionary powers could make costly appeals more likely.

Hadfield also highlights the role of information sharing as a key ingredient of enforcement. In any area, apart from licensees themselves, monitoring could involve a number of different inspectors from local authorities, licensing authorities, police, or people with delegated authority (including controlled purchase operations). For example, data sharing enables the compilation of a ‘problem premises register’ (premises deemed to have a high risk of hosting crime and disorder) based on evidence of being ‘poorly operated’ (high levels of drunkenness and violence, noise nuisance, glass injuries, slippery floors, etc.). This creates opportunity for more efficient monitoring and enforcement (Hadfield et al. 2009, Hadfield and Measham 2011). Doherty and Roche (2003) maintain that police especially must have good information to underpin best policing practice. The effectiveness of precinct-based agreements and accords depends on information sharing amongst licensees, for example, in order to enforce banning orders on individuals.

Reflecting local contexts and management practices, some establishments are more trouble-prone than others (Doherty and Roche 2003, Briscoe and Donnelly 2001). Premises like these tend to attract closer and more frequent monitoring and intervention.

Although self-regulation has advantages of efficiency and autonomy (as long as regulations are complied with), it also has dilemmas and challenges. Hadfield and Measham (2011) found that some publicans felt that it would penalise the establishment to involve the police, even though they themselves were not at fault. This can arise when a patron commits an offence, and the police record a crime statistic against the premises (Hadfield and Measham 2011).

### *Drivers of policy and unintended outcomes*

There appear to be three types of driver of alcohol policy development:

1. reviews of effectiveness of measures in meeting objectives of the Act;
2. anomalies and unintended side effects of regulatory measures; and
3. public pressure and pressures from various interest groups.

This produces a complex interplay of influences, which has consequences for the definition and allocation of powers and responsibilities, and hence on licensing conditions, as illustrated below.

According to Hadfield and others (Hadfield, Lister and Traynor 2009, Hadfield and Measham 2011), in Britain, public pressure played a significant part in the development of new regulations to address alcohol-related social disorder. Many new regulatory measures focused on the immediate presenting symptoms of crime and social disorder, resulting in significant shifts of power towards the police and to local authorities, as outlined in Section 3.4. It is clear however that effectiveness is mixed or limited, and policies need to be changed if new unanticipated problems arising from regulations become apparent. Examples include the ease with which CIPs<sup>9</sup> could be sidestepped, suggesting the need for more suitable measures. Another was the establishment of Alcohol Disorder Zones (ADZs). This idea arose from the success of Crime and Disorder Reduction Partnerships (CDRP), a type of formalised accord involving licensees, except that membership within a given precinct was to be compulsory and required a fee. ADZs were based on the idea that it is not always possible to demonstrate a direct link between crime and disorder and any specific licensed premises. Rather, negative outcomes might involve offenders visiting several premises in the area. ADZs aimed for improvements by making it mandatory for all licensees to contribute to the costs of setting up a CDRP. This scheme was soon abandoned as being unworkable<sup>10</sup>, owing to the perceived unfairness of the scheme by licensees. It also went against other broader council-led initiatives to encourage businesses to collaborate on behalf of their districts (e.g. BIDs<sup>11</sup>), as well as violating the basic principles of accords, which were based on mutual co-operation and trust. Issues like this and further anomalies for example in relation to closing times have prompted a further major review of England's Licensing Act.<sup>12</sup> Other cases of unintended consequences of policy are found also in Australia. Felson et al. (1997) point to the increases in "pub-hopping, especially by intoxicated young drinkers late at night following the introduction of the previous liquor control policies. Mc Ewan et al. (2010) report that the lowering of drinking age in New Zealand to 18 years saw an increase in off-licence alcohol misuse amongst youth.

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<sup>9</sup> Cumulative Impact Policies: These put the onus on licence applicants to prove that there will not be a negative impact on the local area.

<sup>10</sup> Home Office: <https://www.gov.uk/government/news/alcohol-licensing-regime-to-be-overhauled>

<sup>11</sup> Business Improvement Districts. These involve partnerships between local authorities and businesses of all kind in a district to work towards enhancing the business environment and promoting economic growth. See for example: <http://www.aucklandcouncil.govt.nz/EN/planspoliciesprojects/councilpolicies/bidpolicy/Pages/home.aspx>

<sup>12</sup> UK Government *Written ministerial statement by Andy Burnham on the Evaluation of the impact of the Licensing Act 2003* <https://www.gov.uk/government/publications/written-ministerial-statement-by-andy-burnham-on-the-evaluation-of-the-impact-of-the-licensing-act-2003>

## 4.4 General considerations

### *Achieving agreement amongst stakeholders*

Hadfield and Measham (2011), following extensive interviewing, report the views of a range of advocates for including public participation in decision making over regulating licensed premises. This particularly includes residents in the area, as they are designated as 'interested parties' under the Licensing Act 2003. This is seen as an expression of healthy democracy at work. However in practice a number of difficulties became apparent. One is that local residents lack the information, resources and support to be able to make a convincing case. Another difficulty is when public involvement is seen to be poorly thought out and act as a "loose cannon" in an otherwise carefully constructed system of operating (with mutual understandings taking into account local complexities built up with goodwill by agencies, police and licensees over time). The public on the other hand may see this as a conspiracy by sectoral interests to keep them side-lined.

The subjective nature of assessing whether a person is drunk or not, discussed previously has wider implications. Among many drinkers, intoxication is an accepted social norm. With others in the community is definitely not acceptable. This creates tensions at a societal level where regulators are faced with the task of generating solutions that take into account a balancing of the interests of many different sectors in the community. For example, what one group considers is a vibrant nightlife might be considered as an offensive disturbance of peace and order by another group, and different groups may therefore desire quite different regulatory frameworks. Hadfield et al. (2009: 481) conclude that "...the art of urban security governance involves attempts to balance the seductions of the market, consumer freedoms and civil liberties, with surveillance, securitisation and repression. While the relative power of the various stakeholders may ebb and flow, it seems likely to remain ever thus."

The challenges to achieving agreement on what the problems are may be a significant impediment to achieving widely supported discretionary conditions.

### *Objectives of alcohol laws and regulations*

Hadfield and Measham (2011) advise there is a need to achieve balance between symptoms-focus (maintenance of order and public safety through enforcement and crime prevention) and longer term remediation by directing problem drinkers to appropriate services. Clearly there is a need for both, if a long term solution is to be obtained. However, the balance of legislative and regulatory effort (in England anyway)

is towards the maintenance of public safety, in line with statute. An outcome of this is that enforcement is directed towards drinking establishments rather than problem drinkers (although English laws on managing social disorder do give police powers in this regard, these only deal with anti-social offences). Another outcome of this point of balance is that funding tends to be predominantly directed towards criminal justice solutions which don't help or may even aggravate the problems of drinkers, leaving less for problem drinking remediation. Hadfield and Measham recommend that enforcement as well as protecting the public, should also take into account directing the problem drinker to appropriate remedial services rather than simply administering punishments. On the other hand, Babor et al. (2010) argue that primary focus should be on high risk drinking environments, because this could have broader impact than focusing on high-risk individuals. This suggests that when considering choice of discretionary conditions that there should be agreement on what outcomes are to be achieved.

Given any regulatory regime in a democracy, the question arises whether regulations can be improved. In their fieldwork, Hadfield and Measham (2011) found that various stakeholders maintained that there were 'enough tools in the box' to regulate alcohol consumption effectively. They suggest that, given the complexities of both the legislation and the alcohol supply environment, what was needed before contemplating changes to regulations was to make the existing legislation work.

#### *Need for integrated approaches and strategies*

As pointed out by Babor et al. (2010), Doherty and Roche (2003) and Hadfield (2011), reduction of alcohol-related crime requires intervention both inside alcohol premises, and in surrounding areas. Standalone or short-term interventions do not have proven effectiveness. They argue that the most effective interventions strategies involve the design and implementation of long-term "multi-component" programmes tailored to local needs and priorities. Further evidence supporting this conclusion is provided by Jones et al. (2011) and Bolier et al. (2011). To illustrate this point, Hadfield lists components that have worked elsewhere. These include greater control over the operation of licensed premises, improved late-night transport, enhanced regulation of fast food outlets, arrest referral schemes, drink banning orders, street pastors, radio link schemes, and restrictions of sales of alcohol at heavily discounted prices. Babor et al. (2010) suggest focus on such things as training, enforcements and reduction of environmental risk factors. Both stress the importance of community collaborative approaches and working partnerships, but express concerns about this approach around obstacles to all members responding in a co-ordinated way.

### *Need for long time scales*

Many interventions (including mixed interventions) take many years to show positive results, due to the complexities that need to be worked through to achieve their aims and the slow pace at which local drinking cultures change to align with these interventions (Doherty and Roche 2003, Jones et al. 2011, Hadfield and Measham 2011). An example is the STAD program run for a decade in Stockholm. This case illustrated complexities in running a multi-member, multi-component programme which take time to emerge and work through (Babor et al. 2010). The implications of this are that programmes should not be abandoned too early, and should be systematically evaluated. Lack of success should result in examining the evidence diagnostically, with an analytic, problem solving approach.

## 5. Conclusions

This review highlights a number of interventions which can be considered as discretionary conditions.

However, it should be noted that many are context-specific. Interventions that work in one area may not work in another.

Interventions tend to be effective if part of a multi-component approach rather than being implemented in isolation. This is because a combination of interventions may be necessary to solve specific, local problems. The mix of interventions is therefore likely to differ depending on local conditions and how problems present themselves locally.

Multi-component solutions often involve the use of partnerships and accords. To be effective they may have to operate consistently over a long time frame. While potentially very effective in preventing and reducing alcohol-related harms, partnerships and accords can be challenging to manage and co-ordinate.

Diligent monitoring and enforcement are essential to effective intervention.

Discretionary conditions may be thought of as being local solutions to local problems rather than having region-wide application.

## References

ALAC (2012). *Guidelines for crime prevention through environmental design (CPTED) for licensed premises*.

Babor T, et al. (2010). *Alcohol: No ordinary commodity – research and public policy* Oxford University Press Second Edition.

Bieler S and Roman J. (2013). *Addressing violence and disorder around alcohol outlets*. District of Columbia Crime Policy Institute. January 2013.

Bolier L, Voorham L, Monshouwer K, van Hasselt N, and Bellis M (2011). Alcohol and drug prevention in nightlife settings: a review of experimental studies. *Substance Use and Misuse* 46: 1569-1591.

Briscoe S and Donnelly N (2001). Problematic licensed premises for assault in inner Sydney, Newcastle, and Wollongong. *The Australian and New Zealand Journal of Criminology* 36 (1); 18-33.

Doherty SJ and Roche AM (2003). Alcohol and licensed premises: best practice in policing. *A Monograph for Police and Policy Makers*, published by The Australasian Centre for Policing Research on behalf of the National Drug Law Enforcement Research Fund.

Felson M, Berends R, Richardson B, and Veno A. (1997). Reducing pub hopping and related crime. In Homel R (ed) *Policy for prevention: Reducing crime, public intoxication and injury*. Vol 7; 115-132. Monsey, NY: Criminal Justice Press.

Graham K and Wells S (2001). Aggression among young adults in the social context of the bar. *Addiction Research & Theory* 9 (3); 193-219.

Graham K, Bernards S, Osgood DW and Wells S. (2012). 'Hotspots' for aggression in licensed drinking venues. *Drug and Alcohol Review* 31; 377-384.

Green J, and Plant M A (2007). Bad bars: A review of risk factors. *Journal of Substance Abuse* 12 (3): 257-189.

Hadfield P. (2011). *Night-time economy management: international research and practice*. A review for the City of Sydney, September 2011.

Hadfield P, Lister S, Traynor P. (2009). 'This town's a different town today': Policing and regulating the night-time economy. *Criminology and Criminal Justice* 9(4): 465-485.

Hadfield P and Measham F (2011). *Lost Orders?: Law enforcement and alcohol in England and Wales*. Final report to the Portman Group.

Health Promotion Agency (formerly ALAC) (2008). *Creating a responsible drinking environment. Host Responsibility: Guidelines for Licensed premises*

Jones L, Hughes K, Atkinson AM, and Bellis M (2011). Reducing harm in drinking environments: a systematic review of effective approaches. *Health and Place* 17(2011) 508-518.

McEwan B, Campbell M, Swain D. (2010). New Zealand Culture of Intoxication: Local and Global Influences. *New Zealand Sociology* 15 (2); 15-37.

Ministry of Justice. (2013a). *Frequently asked questions, Local Alcohol Policies: Policies within a LAP.*

<http://www.justice.govt.nz/policy/sale-and-supply-of-alcohol/frequently-asked-questions>

Ministry of Justice (2013b). *Establishing a new fee regime for the alcohol licensing system.*

Rowe S, Wiggers JH, Wolfenden L and Francis JL. (2010). Establishments licensed to serve alcohol and their contribution to police-recorded crime in Australia: further opportunities for crime reduction. *J. Stud. Alcohol Drugs.* 71; 909-916.

Stockwell T. (2001). Responsible alcohol service: lessons from evaluations of server training and policing initiatives. *Drug and Alcohol Review* (20); 257-265.

Wyllie A (1997). Evaluation of a New Zealand campaign towards reduction of intoxication on licensed premises. *Health Promotion International* 12 (3); 197-207.

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## Appendix: Legislative powers available in England and Wales (as at October 2010)<sup>13</sup>

Nature	Type	Enabling legislation	Power/ sanction
<b>Person- based</b>	Anti-Social Behaviour Orders	Crime and Disorder Act 1998, s.1	Civil orders widely used to exclude persons from public space, including night-time drinking areas
	Penalty Notices for Disorder	Criminal Justice and Police Act 2001 s.1	Summary fines which police and accredited persons can issue for a range of low-level disorder offences, often associated with the offence of causing 'harassment, alarm or distress' (Section 5 of the Public Order Act 1986)
	Drinking Banning Orders	Violent Crime Reduction Act 2006 s.1-14	A civil order excluding 'risky' individuals from licensed premises within a defined geographical area
	Police confiscation of alcohol from under 18s	Policing and Crime Act 2009	From 29 January 2010 police no longer need to prove that an individual 'intended' to consume the alcohol being confiscated.
	Illegal alcohol purchases	Licensing Act 2003	To 'knowingly...obtain alcohol for a person who is drunk' is an offence under s142 of the LA2003.  Prosecution of under-18s who have purchased alcohol and adults who have purchased alcohol on their behalf ('proxy sales') (offence of the 'purchase of alcohol by or on behalf of children' - s149 Licensing Act 2003.

..continued

<sup>13</sup> From Hadfield and Measham (2011)

<b>Nature</b>	<b>Type</b>	<b>Enabling legislation</b>	<b>Power/ sanction</b>
<b>Place- based</b>	Directions to Leave a Locality	Violent Crime Reduction Act 2006 s.27  Policing and Crime Act 2009	Police can require persons to leave a specified locality if that person is judged likely to contribute to alcohol-related crime and disorder.  Directions can now be issued to people aged 10-15 years
	Underage Drinking in public	Policing and Crime Act 2009	Creates an offence of persistently possessing alcohol in a public place by under- 18s. Strengthens police powers in relation to the confiscation of alcohol.
	Dispersal Orders	Anti-Social Behaviour Act 2003 s.30-36	Police can exclude groups of two or more persons from a designated area, where their behaviour or presence is likely to be perceived by others as antisocial
	Designated Public Places Orders	Criminal Justice and Police Act 2001 s.13	Allows councils to identify public places in which the consumption of alcohol is prohibited and alcohol can be confiscated by the police
	Cumulative Impact Policies	Guidance to the Licensing Act 2003	Allows for a refutable presumption against the granting of new Premises Licences, or variations to licences, eg. so as to extend opening hours, within a given area
	Alcohol-Disorder Zones	Violent Crime Reduction Act 2006 s.15-20	Allows licensing authorities to design an action plan to remedy alcohol-related problems within a specified area with the potential for mandatory financial levies to be imposed upon licensed premises

*..continued*

<b>Nature</b>	<b>Type</b>	<b>Enabling legislation</b>	<b>Power/ sanction</b>
<b>Venue- based</b>	Licensing Conditions	Licensing Act 2003	Allows licensing authorities to specify how premises will be run, including the required introduction of various crime prevention measures
	National Mandatory Licensing Conditions	Policing and Crime Act 2009	Phase 1 (from 6 April 2010) bans certain types of drinks promotion.  Licensed premises must offer free tap water  Phase 2 (from 1 October 2010) licensed premises must offer small measures (125ml of wine, 25ml or 35ml spirits) and have an age-check system in place.
	Licence Review	Licensing Act 2003 s.51  Policing and Crime Act 2009 s33	Allows a responsible authority or an 'interested party' to request a review of the licence conditions  Amends the definition of "interested parties". s13(3) Licensing Act 2003 to include all members of local authorities that are also licensing authorities, so that elected councillors of the licensing authority can now make representations or seek a review in their own right.
	Licensing Enforcement Powers	Licensing Act 2003 Pt. 7  Policing and Crime Act 2009	Section 147A restates the offences of supplying alcohol to an under-18.  To 'knowingly sell or attempt to sell alcohol to a person who is drunk' is an offence under s141 of the Licensing Act 2003.  Part 7 of the LA2003 allows authorities to check compliance by test-purchases.  A premises licence holder is guilty of an offence if on 2 or more different occasions within a period of 3 consecutive months alcohol is unlawfully sold on the same licensed premises to an individual aged under-18.
	Closure Powers	Licensing Act 2003 Pt 8	Allows police to close temporarily certain premises, or all premises in a specific area, where there is actual or anticipated disorder, or to abate noise-related nuisance.