

Early impact of the Sale and Supply of Alcohol Act 2012 in and around licensed premises

November 2016

Allen + Clarke and Axist Consulting
A report commissioned by the Health Promotion Agency

COMMENTS

The Health Promotion Agency (HPA) commissioned Allen + Clarke and Axist Consulting NZ Ltd to undertake this research as part of an HPA alcohol research investment round. This research focused on observations of behaviour in and around licensed premises in Wellington and Queenstown undertaken within the second half of 2014. The observations were complemented by interviews with licenced premises staff, regulatory agency staff, and industry staff. Findings were compared with similar prior research undertaken in the same areas.

This report has not undergone external peer review.

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SUMMARY

PURPOSE AND APPROACH

This study examined early impacts of the *Sale and Supply of Alcohol Act 2012* (The Act) in Wellington and Queenstown by conducting observations in and around licensed premises, interviewing key stakeholders, and analysing alcohol-related harm indicator statistics. The fieldwork was conducted from June to early December in 2014.

ALCOHOL-RELATED CRIME INDICATORS

Police crime data were used for proxy quantitative indicators of alcohol-related harm (assault, disorder and property damage offences). A lengthy time series from January 2006 to September 2014 was examined to provide insight into trends over a number of years.

Analysis of the offence data was undertaken primarily to provide context for the qualitative part of the study. Wellington data shows there has been a decreasing trend in alcohol-related offences since 2009. This trend has continued since the introduction of the new legislation. Alcohol-related harm in Queenstown had been trending up since 2008 until 2013, and began to decrease in 2014. These different trends probably arise because of a wide variety of local factors - as diverse as local economics, different regulatory agency approaches, patron demographics, and culture.

QUALITATIVE FINDINGS

The research found observed and reported improvements in factors and practices associated with alcohol-related harm reduction within licensed premises.

NON-PARTICIPANT OBSERVATIONS¹

Observations were conducted in and around licensed premises between June and December 2014 - a time stakeholders described as “early days”, since they were still coming to terms with the impact of the changes to the legislation. Comparisons with earlier studies involving observations at each site revealed improvements in bar management and security at most venues including:

- Better management of patrons by door staff
- Improved monitoring of intoxication levels within premises

¹ Non-participant observations were undertaken in order to minimise the chance that research subjects would alter their behaviour due to the presence of the researchers in the research environment. This approach is particularly appropriate for busy public venues, such as licensed premises.

- Improvements to bar layout and design (CPTED)²
- Some improvement in host responsibility requirements (e.g., provision of free water).

Observations of patrons being denied entry or refused service and removed from the premises were more common in this study compared to two earlier studies undertaken by the researchers at the same sites (Sim *et al*, 2005). In both sites (Queenstown and Wellington), intoxicated people were observed across the different studies. Observations in this study revealed intoxicated people were mostly observed outside premises rather than within them. However, on very busy nights, intoxicated patrons were observed within some premises as well as outside them.

Pre-loading (pre-drinking) was evident at both sites and there appeared to be little improvement in the behaviour of patrons outside premises after closing times, although there were observed changes in the way licensed premises staff and police managed the transition from licensed premises to public spaces at these times.

Promotion and advertising of special offers appeared more prevalent in the Queenstown site with specials prominently advertised within and outside venues.

Overall, observations indicated that there was considerable improvement in most aspects of premises management and compliance since the previous studies in both locations. In Queenstown, there was also a noticeable improvement in bar staff supervision and patron management within licensed premises. However, not all observed premises exhibited these improvements.

STAKEHOLDER INTERVIEWS

Participant feedback from regulatory agency staff, licensees, bar staff, and from members of the community supported the observed improvements. Interview participants described changes to policy and practice, and new training practices, since the introduction of the new legislation. Police staff considered that the default hours established in the Act (8am to 4am for on-licences) had a positive impact to reduce alcohol-related problems in Wellington where trading hours had been longer. In Queenstown, bar closing times had been changed to 4am (reduced from 24 hour trading) by a local council policy decision made five years prior to the new legislation.

While some of these improvements had been initiated well in advance of the new legislation, participants reported that the introduction of new penalties had resulted in an increased focus on monitoring and managing intoxication within premises,

² Crime Prevention Through Environmental Design

including preventing the admission of underage or intoxicated patrons. Feedback from regulatory agency staff supported previous research, which has shown that sustainable change is difficult to achieve and requires ongoing perception of penalties for non-compliance by licensees and bar staff (Grube & Nygaard, 2005).

Knowledge of the key changes to the legislation was high amongst almost all stakeholders, particularly hospitality industry and regulatory staff. Community stakeholders' knowledge was less focused on the licensed premises environment and more likely to encompass aspects of the changes that had received substantial media coverage, such as pre-loading and binge drinking.

While regulatory agency staff appreciated the new 'levers' to reduce harm, licensed premises staff saw the changes as an opportunity for poor performers to lift their game, while community stakeholders were more cautious and less optimistic about the impact of the changes on alcohol-related harm.

Interviews revealed four key themes among stakeholders:

- Continuing the conversation
- Shared understanding
- Level playing field for licensed premises
- Off-licence purchasing, price and 'pre-loading'.

Participants felt that the changes resulting from the 2012 legislation were part of a much longer 'conversation' about alcohol in New Zealand. The increased focus on harm reduction was identified as a key feature of the 2012 legislation.

Bar staff interviewed in both locations wanted to work collaboratively with regulatory agency staff, but had concerns about ensuring a shared understanding of intoxication assessment, and worried about being punished if an intoxicated person 'slipped through the net'. Participants saw the introduction of the 2012 legislation as an opportunity for regulatory agencies, the hospitality industry, and communities to develop a shared understanding and to develop better relationships among regulatory agencies and hospitality industry staff. Licensee and bar staff comments reflected a more mature attitude towards the role licensed premises play in reducing alcohol-related harm when compared with earlier interviews at each location.

Some licensed premises staff felt that the new legislation could help poorly performing licensed premises to 'lift their game', providing a fairer competitive environment. Regulatory agency staff, and licensed premises managers and staff, as well as community interviewees, expressed concern about the availability of cheap

alcohol through off-licences, which encouraged ‘pre-loading’ before arrival at licensed premises and contributed to alcohol-related harm.³

Respondents from all participant groups felt that it was still ‘early days’ for the new Act and that they were still familiarising themselves with the changes, but were positive about the potential for a reduction in harm. Other respondents were less positive about the impact of the Act and questioned whether it went far enough to address all the issues related to alcohol-related harm. Some described “missed opportunities” in implementing the recommendations from the Law Commission’s 2010 report.

Key stakeholders, whose perceptions and attitudes had historically been at opposite ends of the harm prevention spectrum, appeared to be moving in the same direction in terms of reducing harm, although stakeholders still disagreed on how best to approach achieving the aims of the new Act. For example, regulatory approaches (in particular, more frequent licensed premises compliance checks) that were vigorously opposed by industry respondents in earlier studies have now become accepted practice. The study also highlighted opportunities for improving the environment around licensed premises to reduce harm, particularly in managing the critical periods around closing times.

OPPORTUNITIES

Observations and participant feedback identified a number of potential improvements that could be made to regulatory practice. Improvement opportunities that were identified by interviewees included:

- Regulatory staff and industry staff working collaboratively to improve intoxication assessments and reduce alcohol-related harm
- More national level publicity campaigns focusing on individual responsibility to reduce alcohol-related harm, with particular reference to patron behaviour in and around licensed premises. These campaigns could include a ‘whole of population’ approach and a specific tourist focus (e.g., for visitors to Queenstown)
- Local elected representatives taking a firmer stance against pressure from the alcohol industry, particularly with regard to the density of alcohol outlets and off-licence sales which contribute to ‘pre-loading’

³ In Queenstown, the aggressive marketing of alcohol to international passengers at the airport’s duty-free store was also highlighted. Alcohol sales at international airports are exempted from the *Sale and Supply of Alcohol Act 2012* and subject to section 96 of the Civil Aviation Act 1990.

- Improving management and monitoring of the environment outside and around licensed premises in order to improve public safety and amenity; and
- Clarification of some aspects of the new Act and more support from central government agencies by providing guidance.

CONCLUSION

This study set out to understand the impact of changes to policy and practice amongst key stakeholders in and around licensed premises, following the introduction of the *Sale and Supply of Alcohol Act 2012*.

Interviews with stakeholders revealed most had a comprehensive knowledge of the key changes to the legislation that had an impact on their work. Also evident was an awareness of the purpose of these changes, in particular the heightened focus on reducing alcohol-related harm. Both regulatory agencies and industry staff saw benefits in the changes, while community stakeholders were less sure of whether the changes had or would reduce harm in their communities.

Observations and participant feedback indicated that the introduction of the new legislation had increased the perception of risk of sanctions amongst licensees in both sites. Hospitality industry staff reported a heightened awareness of new penalties had increased their focus on monitoring and managing intoxication within premises. Comparisons of observations with similar field work in earlier studies also revealed improvements in bar security processes and management of intoxicated patrons. Some bars in both locations appeared to have adopted CPTED principles, and host responsibility requirements were more evident than in earlier studies.

There was no indication from statistical analysis of crime data that the new Act led to a decrease in alcohol-related harm arising from licensed premises.

Most participants felt that more time was needed for the changes introduced by the new Act to be embedded. Most participants felt that they were managing their premises better to prevent harm, or in the case of regulatory agencies, that they were better equipped with the new 'tools' or 'levers' to prevent harm. All participants expressed concerns about the off-licence environment and the impact of 'pre-loading' (pre-drinking) on patron behaviour, both within licensed premises and in the public spaces adjoining them. This was identified as the biggest obstacle to achieving the harm reduction aim of the new legislation and most felt that this had not been addressed fully or impacted by the new Act.

Previous studies indicated that maintaining the benefits of changes to legislation over the long term requires that heightened enforcement activities and improvements in licensed premises management need to become normalised. Observed and reported improvements on licensed premises may have been influenced by regulatory agency practices that had become 'normalised' before the

Act's introduction, and the more 'mature' attitudes and perceptions among regulatory agencies and industry staff may reflect this. However, the introduction of the new legislation also enabled a renewed focus on harm reduction as part of the 'ongoing conversation' between key stakeholders in this domain. Almost all stakeholders were united in their view that efforts to reduce harm in and around licensed premises need to be accompanied by changes to the availability of cheap alcohol from off-licensed premises, as well as cultural change in attitudes and behaviours among the public.

INTRODUCTION

The Health Promotion Agency commissioned this research to explore early impacts arising from the introduction of the *Sale and Supply of Alcohol Act 2012* within the context of licensed premises.

There has already been a considerable amount of research in New Zealand and overseas about alcohol consumption patterns and related harms, and alcohol regulation and its enforcement, as well as attitudes and behaviours in relation to alcohol.

The present study seeks to build on that knowledge base by focusing on the perceptions and behaviours of individuals, community, industry, and regulatory groups, and the complex relationships between them. This provides 'grounded' information that captures the practice, perceptions, and attitudinal changes of key stakeholders in response to the new Act.

The Act introduced a number of new features to curb the service of alcohol to intoxicated patrons and underage persons. These include a new framework to restrict trading hours, on-the-spot infringement notices for service of intoxicated or underage patrons, a 'three strikes' policy for licensed premises staff, the development of local alcohol policies by local authorities, and changes to requirements governing the display of alcohol on licensed premises.

PURPOSE OF RESEARCH

The purpose of the present study was to test whether or not the *Sale and Supply of Alcohol Act 2012* affected the service of alcohol to intoxicated and underage patrons on licensed premises. Specifically, the research aimed to explore:

- Current practice, as well as understanding whether and how practices and behaviour may have changed with the introduction of the new Act
- Service practice and drinking behaviour changes in, and in the vicinity of, licensed premises (including risky drinking behaviour, service of intoxicated patrons and underage patrons, behaviour near premises)
- Stakeholder knowledge of legislative changes, how they know about the changes introduced by the new Act, and attitudes towards the new Act
- Perceptions of what has changed, how it has changed, and impacts on behaviour and harm
- Changes in crime and public order statistics, and enforcement activity.

The research provides insight into whether or not alcohol service practices have changed in licensed premises, and the reasons why. This information will assist the licensing industry and regulatory agencies to develop strategies to improve

compliance and reduce alcohol-related harm within the context of the new legislative framework.

BACKGROUND

THE SALE AND SUPPLY OF ALCOHOL ACT 2012

In 2008, the Law Commission undertook a broad and comprehensive review of the role of alcohol in New Zealand.⁴ This review was undertaken after nearly twenty years of liquor law liberalisation that occurred as a result of a review of liquor laws in the mid-1980s. This earlier review resulted in the *Sale of Liquor Act 1989*, which instituted the most radical reform of New Zealand's liquor laws in over a century. This reform made licensing less complex, ended 'dry' areas, and removed local objection polls and other barriers to competition, resulting in several thousand new bars and licensed restaurants and cafes, and allowing supermarkets to sell wine. More reforms followed in the late 1990s allowing supermarkets to also sell beer, and lowering the drinking age from 20 to 18 years. By the early 2000s, anecdotal evidence from law enforcement and health professionals suggested an increase in harms associated with alcohol consumption, whilst community and other stakeholders expressed concern at rising alcohol consumption, particularly among young people.

The 2008 New Zealand Law Commission's review aimed "to examine and evaluate the laws and policies relating to the sale, supply and consumption of liquor in New Zealand". In July 2009, the Commission published an issues paper for public consultation (NZ Law Commission, 2009). This was followed by the final report on the review of the regulatory framework for the sale and supply of liquor on 27 April 2010 (NZ Law Commission, 2010). The report to Parliament, 'Alcohol in our Lives: Curbing the Harm', signalled significant changes to the sale and supply of liquor. The report's author, Sir Geoffrey Palmer, said while there had been many benefits associated with the liberalisation of New Zealand's liquor laws in 1989, the resounding message the Commission had received from the public was that the pendulum had swung too far (NZ Law Commission, 2010).

The recommendations of the Law Commission addressed key areas for reform, including: licensing (including age and hours); price; advertising; enforcement; promotion; and alcohol treatment.

⁴ The New Zealand Law Commission is an independent government organisation that reviews New Zealand laws. From 2008, the Commission engaged in a wide programme of public consultation involving more than 50 meetings around New Zealand and 3000 submissions from members of the public.

Key policy recommendations included:

- the introduction of a new Alcohol Harm Reduction Act;
- raising the price of alcohol by an average of 10% through excise tax increases;
- regulating irresponsible promotions that encourage the excessive consumption, or purchase, of alcohol;
- returning the minimum purchase age for alcohol to 20;
- strengthening the rights and responsibilities of parents for the supply of alcohol to minors;
- introducing national maximum closing hours for both on and off-licences; (4am and 10pm respectively)
- increasing the ability of local people to influence how and where alcohol is sold in their communities;
- increasing personal responsibility for unacceptable or harmful behaviours induced by alcohol, including a civil cost-recovery regime for those picked up by the police when grossly intoxicated;
- moving overtime to regulate alcohol advertising and sponsorship.

Sir Geoffrey also emphasised the need for Parliament to treat the Commission's recommendations as an integrated package rather than 'cherry-picking' the more politically palatable elements.

In the initial stages of the Parliamentary process, the legislation was known as the Alcohol Reform Bill, but it was split into the three bills, and now comprises three Acts:

- Sale and Supply of Alcohol Act
- Local Government (Alcohol Reform) Amendment Act
- Summary Offences (Alcohol Reform) Amendment Act.

Key features of the *Sale and Supply of Alcohol Act 2012* include:

- introducing maximum default trading hours for licensed premises
- a new range of sanctions for non-compliance, including infringement notices, and a 'three strikes' approach, which can result in cancellation of alcohol licences
- allowing local-level decision-making for all licence applications
- strengthening the rules around the types of stores eligible to sell alcohol
- restricting supermarket and grocery store alcohol displays to a single area
- increasing the ability of communities to have a say on local alcohol licensing matters

- requiring express consent of a parent or guardian before supplying alcohol to a person under 18 years of age
- requiring anyone who supplies alcohol to persons under 18 to do so responsibly.

A key feature of the new Act is that it clearly defines the term "intoxicated", an issue that had been identified as contentious in earlier stakeholder interviews (Sim *et al*, 2005). Whereas the previous Act focused on a "reasonable system of control over the sale and supply of liquor", the new Act is focused on the safe sale, supply, and consumption of alcohol in order to reduce excessive consumption and minimise alcohol-related harm.

ALCOHOL HARM REDUCTION STRATEGIES

The harm minimisation approach in New Zealand involves three key areas:

- supply control (e.g., legislative restrictions, enforcement, host responsibility initiatives, planning based approaches)
- demand reduction (e.g., increasing taxation, restricting advertising, social marketing)
- problem limitation (e.g., intervention).

While the NZ Law Commission's July 2009 'Issues Paper' stated that a range of measures was required from each of the three areas of supply controls, demand reduction, and problem limitation, there is little local research regarding what mix of these 'policy levers' achieves the best result.

ENFORCEMENT ACTIVITY TARGETING LICENSED PREMISES

This study concerns the licensed premises environment. Supply control strategies in New Zealand are based on the effective enforcement of the *Sale and Supply of Alcohol Act 2012* in its application to licensed premises. The main regulatory agencies working on supply issues are police, licensing inspectors, and regional public health services.

Licensed premises offer a prime target for reducing alcohol-related problems. Further, these locations are implicated as a high-risk setting for harmful drinking (Fitzgerald *et al*, 2010; Graham & Homel, 2008). Licensed premises also represent an often predictable and recurring source of problems, which offer considerable opportunities to address the reduction of violent crime and other forms of alcohol-related harm. Intoxication and aggression are more likely to occur in some licensed premises than others, presenting an opportunity to utilise regulatory resources more effectively by targeting these premises (Quigley *et al*, 2003). Interventions targeting

compliance have an advantage over those that are targeted towards drinkers themselves, as they are not reliant on the judgment of alcohol-impaired persons.

Enforcement of the Act by police, local authorities, and public health agencies involves undertaking monitoring visits to licensed premises with a focus on identifying compliance issues. Compliance visits are primarily directed towards identifying underage patrons and intoxicated persons, but can also include other *Sale and Supply of Alcohol Act* requirements (such as responsible service, provision of food, advertising, and promotion). Visits may either be compliance-focused, educational-focused, or a combination of the two. Educative visits tend to occur more frequently in the afternoon or early evening, whereas monitoring targeting licensed premises occurs during peak business hours. Educative visits are also favoured immediately following the introduction of new legislation as regulatory agencies and industry staff adapt to changes. Both visit styles are thought to have an effect without requiring additional prosecutorial or licensing action; however, other studies have shown enforcement interventions to be effective dependent on subsequent penalties (Jeff & Saunders, 1983).

In addition to educative and monitoring visits to licensed premises, the introduction of the *Sale and Supply of Alcohol Act 2012* includes a new approach to penalties. Under the previous *Sale of Liquor Act 1989*, if compliance issues were identified, the visits could be followed up with warnings, prosecution and/or licensing action. Under the new Act, there are 'on-the-spot' infringement notices for bar staff and members of the public, and a 'three strikes in three years' policy, which will lead to further sanctions against premises. If the manager or licensee has committed any of the specified offences three times within three years, their manager or licensee certificates can be cancelled, and the holder(s) disallowed from re-applying for a five-year period.

Increased publicity and/or communication about the new regulatory regime should result in more communication and visibility of regulatory staff. A mix of visibility, publicity, and perceptions of risk of penalties have collectively been shown to increase compliance in compliance-based approaches (McKnight & Streff, 1994; Weatherburn, 2000; Stockwell, 2001b).

METHODOLOGY

APPROACH

The methodological approach adopted in this study was predominantly qualitative. This approach was chosen because the research involves an understanding of complex phenomena and the interrelationships of different stakeholder groups within a broader social context.

The research aimed to assess the practices, behaviours, approaches, and attitudes of the following key stakeholders in relation to the *Sale and Supply of Alcohol Act 2012*:

- licence-holders, bar managers, and staff
- staff in regulatory divisions at territorial authorities and enforcement agencies (police, public health, and council liquor licensing)
- other community stakeholders (including council workers and contractors, and taxi drivers).

Three research methodologies were used to collect data. The qualitative approach involved two types of data capture:

- participant observations in and around licensed premises
- stakeholder interviews/focus groups.

The quantitative approach involved regression analysis of trends in proxy indicators of alcohol-related harm (crime data and vehicle crash data). While the proxy indicators provided a measure for whether the new legislation was having an impact on alcohol-related harm, the other alcohol measures reflected police practices in each location. This quantitative data provided a contextual framework for the observations of licensed premises environments, and the perceptions and attitudes of key stakeholders examined in the qualitative component.

THE RESEARCH SITES

The research was conducted in two sites: Queenstown and Wellington. The two sites shared some characteristics, such as a concentrated central entertainment location, and the quantity and types of premises involved. The researchers had conducted similar research in both sites in 2005 and 2008 (Sim *et al*, 2005), which enabled some comparison of qualitative and quantitative data. Both sites exhibited a high level of media interest in alcohol-related issues in the CBD, albeit for different reasons. In Queenstown, the 'party town' nature of the resort, previous alcohol-related harm research, and several high profile alcohol-related deaths meant alcohol harm was a regular topic in local media sources. In Wellington, the local authority was in the process of developing a Local Alcohol Policy (LAP). Regulatory 'partners' and community interest groups were challenging the proposed policy in the court, and

this attracted a high level of media interest. There were differences in enforcement at each site, although there were similarities with the earlier studies at each location. Plainclothes police officers were introduced in Queenstown during the research period, which may have reduced visibility of police to observers and the public, but did not reduce ‘awareness’ of regulatory activity for licensees and bar staff, since all bars were notified of the plainclothes operation.

The earlier studies (Sim *et al*, 2005) had shown a reduction in alcohol-related harm as a result of an increased focus on regulatory visits at these locations, and both locations had been subject to scrutiny as part of the Law Commission review of the regulatory framework for the sale and supply of liquor.

QUEENSTOWN

Queenstown markets itself as “the Southern Hemisphere’s premier four season lake and alpine resort” and has around 150 bars and restaurants, including bars in hotel accommodation. This study includes observations of more than thirty bars, restaurants, or nightclubs, open to the public in the CBD (excluding bars in hotel accommodation). Some restaurants are open throughout the day, while many bars start opening from around mid-afternoon. Bars and pubs appear to close from around midnight to 3am. Nightclubs will typically open after 8pm and close at 4am. Queenstown has a reputation as being a ‘party town’, particularly among the younger demographic (18-34 years of age).

Regulatory agencies within Queenstown have established relationships and collaborative practices, resulting in a history of close liaison in monitoring licensed premises and undertaking related regulatory activity.

Alcohol issues receive a high level of attention in the local news media and regulatory agencies often engage with the media about licensing and alcohol-related harm issues. Bar opening hours had been restricted in 2008 with all bars closing by 4am. The local authority is the Queenstown Lakes District Council (QLDC), and this council was in the early stages of development of an LAP during the research period. The Council has stated that it is awaiting the development of LAPs by other authorities before establishing its own policy. In the meantime, some licensees have set up a Bar Accord to address alcohol-related harm. QLDC has recently updated its Liquor Bylaw to reflect the language of the new Act.⁵

WELLINGTON

Wellington markets itself as the world’s “coolest little capital” and boasts “more cafes, bars and restaurants than New York City”. This study focused on bars and

⁵ Both of these changes occurred in late 2014, after the field research was conducted for this study.

restaurants open from late afternoon to early morning in the Wellington central business district, including (but not limited to) the Courtenay Place late-night entertainment area. Regulatory agencies in Wellington also have a history of working collaboratively, and at the time of the study were developing a LAP. For most of the observational period, hearings were in progress, with police and Regional Public Health opposing the Wellington City Council's proposal to extend the default 4am closing to 5am. Wellington City Council formally resolved not to resubmit the provisional LAP in 2016, and the Council has resolved to consider whether to initiate a new LAP process in 2017.

QUALITATIVE METHODOLOGY

The qualitative research replicated methodologies used in earlier research into alcohol-related harm in Queenstown and Wellington (Sim *et al*, 2005). It included non-participant observations⁶ of the licensed premises environment, and interviews with stakeholders. Observational data were collected in licensed premises for more than forty hours in each location, from June 2014 through to early October 2014. This involved trained observers visiting licensed premises and the surrounding environment in the entertainment areas of both Queenstown and Wellington, to observe and record the behaviour of regulatory staff, bar management staff, serving staff, and patrons.

Key informant and focus group interviews were conducted with 42 stakeholders, including licensees, bar managers, serving staff, regulatory staff (local council, health, and police staff), and community members (see *Appendix B*). Interviews involved identifying any perceived or reported changes in behaviour or attitudes among stakeholders at each site since the introduction of the legislative changes.

The qualitative analysis followed an iterative process based on grounded theory. A set of generative questions was developed after discussions with research staff at the Health Promotion Agency, and an interview guide was created to ensure areas of significant change in the new legislation were covered in stakeholder interviews. For the observations in and around licensed premises, an observational guideline was developed based on observations in previous studies and discussions with the research team. However, both guides were designed as prompts, and observers were encouraged not to confine themselves to the 'SERVICE' mnemonic developed as part of the observation guide.⁷ Interviewees were asked open-ended questions about their knowledge and experience of the new legislation. The principal

⁶ Observations were undertaken in a manner in which contact with industry and regulatory staff was minimised. Industry and regulatory agency staff were not notified in advance of the observations.

⁷ The 'SERVICE' mnemonic device was developed as an aide de memoire for observers in the field. See OBSERVATIONAL GUIDELINES section, p23.

researcher clarified and verified data at the time of the observations or interviews and, where necessary, by way of follow-up telephone interviews with key informants. Data was coded and summarised, and linkages developed and mapped.

The 'grounded theory' is presented in the report with much of the collected contextually relevant detail, including full descriptions of observations in each location, and comprehensive use of participant comments.

OBSERVATION OF LICENSED PREMISES

Non-participant observations were carried out to examine the behaviour of patrons and bar staff. Team members also observed the licensed premises environment and the areas adjacent to licensed premises. The 'complete' or 'non-participant' observational method was considered suitable for this research project, as alcohol-related behaviour occurs openly and in public places. This method is preferable to other, more invasive observational strategies because the level of associated 'reactivity' is minimised. That is, non-participant observation minimises the chance that research subjects will alter their behaviour due to the presence of the researchers in the research environment. This approach is particularly appropriate for busy, public venues such as licensed premises, because, as Schutt (2001) notes:

"In social settings involving many people, in which observing while standing or sitting does not attract attention, the complete observer is less likely to have much effect on social processes."

Ethical concerns surrounding the research project are also minimised with this approach as compared to observational strategies involving more researcher involvement (Schutt, 2001).

Thus, although observers were present in the field of study (i.e., drinking establishments), reactivity concerns were minimal, as observers made every effort to exercise discretion in their observation and recording, and avoid any direct interaction with other patrons. Contact with servers, outside of ordering beverages and food, was also kept to a minimum.

RECRUITMENT, TRAINING AND MANAGEMENT OF OBSERVERS

In total, seven observers undertook observations. Six observers were recruited, all with social science or legal backgrounds and familiarity with anthropological methods. Observers had no contact with police, licensing agency, or public health staff involved in the study during the course of the observational research.

Methodology and procedures for the observations were discussed with observers as part of their induction process⁸. An observer protocol was developed and delivered as part of their training process. Observers understood that the details of the study, and in particular, where they would be conducting their observations, were to be kept confidential.

Observers were supervised by an experienced research coordinator throughout the study, and the research coordinator was either present or in contact by mobile phone while observers were in the field.

OBSERVATIONAL PROCESS TRAINING

The observational process was developed in conjunction with observers and project managers to ensure a consistent and safe approach. The process was reviewed and approved by the research team after presentation to and feedback from HPA. Workshops with observers were held in advance of observations, with a specific focus on ensuring the safety of observers. An experienced observer accompanied observers for their first and some subsequent observational sessions, and feedback was sought throughout the observational period.

Observations were documented by observers taking brief notes, based on the observational guidelines, while they worked, mostly by saving text messages into their phones or jotting notes between visits to prompt their recall for their written records. These notes were written up as soon as practicable after making the observation (e.g., later that night/morning). Observers were encouraged to seek clarification or note anything unusual, and to identify any health and safety issues or ethical concerns as soon as possible after each observation.

Observations for each site were then entered into an interview template for each location, and then collated prior to thematic analysis to identify key themes.

TIMING OF OBSERVATIONAL WORK

In Queenstown, the first set of observations coincided with the busy Queenstown Winter festival period (June - July), while the second period included Gay Ski Week (August -September). Observations in Wellington occurred over a number of weekends between August and October, and major events during these periods included the Beervana festival, a rugby test, and a football match. Schedules of premises to be visited and the timing of observations were agreed in advance, with the proviso that the schedule could be varied as required (for example, if there were too few patrons at a venue to observe, or if the observers had safety concerns).

⁸ Observers attended one formal health and safety seminar as part of their induction at the outset of the study. Feedback sessions allowed observers to discuss any issues that had arisen in the course of their observations.

Observations lasted between twenty minutes and one hour, depending on the type of bar, how busy a bar was, and any safety concerns.

SCHEDULING OF VISITS

Visits to licensed premises were scheduled weekly using information from local media to identify suitable or unsuitable times (for example, some venues had ticketed events during the winter festival in Queenstown), and adjustments were made immediately prior to the observations or during a particular observational session. If a venue was unable to be observed at the scheduled time, the environment outside the licensed premises was observed, and observers visited the bar at a later time. The schedule of observations can be seen in *Appendix A*.

OBSERVATIONAL PROCEDURE

Observers were provided with details of the locations of the premises they were scheduled to visit. Because the majority of both Queenstown and Wellingtons' bars and nightclubs are focused in a relatively small area of their CBDs, observers were able to move between premises on foot. Information about the environment outside licensed premises provided context for the observational data collected inside premises.

Upon entering each bar/nightclub, observers undertook a thorough walk-through in order to identify intoxicated or underage patrons, and to familiarise themselves with the premises⁹. Observers identified the most suitable place(s) to locate themselves in the establishment. This decision was made by finding a location that represented the best balance of unobtrusiveness, suitability for observing the subjects of interest (selection took into account visibility of subjects, visibility of the bar, and whether a large portion of the establishment could be observed), and safety of the observers.

OBSERVATIONAL GUIDELINES

A set of guidelines was developed in consultation with the observers and wider research team. The guidelines were refined following feedback from observers, and the 'SERVICE' mnemonic was developed as an aide de memoire to make it easier for observers to remember all the observational components in the field without having to refer to a template on their phone.

- **Security, supervision, and serving practices** (including if people are turned away at door, and if so, why; whether staff appeared to have oversight of drinking

⁹ In both Queenstown and Wellington, there are a number of venues that are so small that a full 'walkthrough' wasn't always possible.

areas; whether patrons were denied service; and if patrons were provided drinks by their associates)

- **Environment**, external and internal (including crowding, visibility and noisiness)
- **Regulatory visits** (including any changes in patron behaviour during or following each visit, changes in serving behaviour during or following each visit, and any changes in supervision of bars)¹⁰
- **Venue** (layout, music/band, cleanliness)
- **Intoxication** (including aggression and physical co-ordination, using the Intoxication Assessment Tool – see *Appendix B*)
- **Crowd dynamic** (including group size, behaviour within or among groups, and interaction with others on premises)
- **Extraordinary?** Anything unusual (e.g., gimmicks/giveaways, strange behaviour).

ASSESSMENT OF INTOXICATION

Observers were instructed to use the same intoxication indicators used by regulatory agencies to assess whether any person appeared observably affected by alcohol or other drugs to the extent that their speech, balance, coordination, or behaviour was clearly impaired. Observers did not directly engage patrons to assess speech and eye contact, although they located themselves nearby to make assessments of these factors. However, there were limitations to such assessments, so observational results cannot be regarded as equivalent to any assessments conducted by police staff or by the staff employed by each licensed venue. Observers also relied on their own visual assessments of minors¹¹. The observers provided written reports of their observations based on the criteria as outlined above.

PARTICIPANT FEEDBACK

Towards the end of the study, participant feedback was sought in focus groups involving police officers, licensing inspectors, public health staff, licensees, bar managers, bar staff, bar security staff, and a range of community stakeholders (including taxi staff, town custodians, 'local hosts', and business owners – see

¹⁰ This study differed from the two earlier studies in that regulatory visits were not coordinated with the research team. In the earlier studies, police had provided the research team with a schedule of visits in advance of each observational period. Regulatory visits were expected to occur 'naturally' during the current study.

¹¹ This methodology is consistent with observer practice in the earlier 2005 and 2008 studies.

Appendix A). These focus groups were supplemented by key informant interviews in cases where participants were unable to attend the organised focus group meetings.

Focus group interviews were chosen because they are particularly suited to obtaining several perspectives on the same topic. These interviews were designed to obtain information about participants' perceptions of regulatory agency interventions. Such interviews are not intended to generalise findings to a whole population, given that they involve a small number of participants and the likelihood that participants will not be a representative sample. They represent the views of the particular participants involved in this study.

Participants for the regulatory agency focus groups were selected on the basis of availability. Participants in the licensees/general managers' interviews were drawn from a list of premises that had been visited frequently during the interventions.

The focus groups followed a similar format. The format involved discussion around the following key areas:

- what they knew about the *Sale and Supply of Alcohol Act 2012*,
- what had changed
- what they liked about the changes
- what they didn't like about the changes
- what had improved or any potential improvements
- agreement on key points to summarise.

Focus groups and key stakeholder interviews provided descriptive data about the impact of changes to the legislation, particularly since stakeholders have quite different interests and roles in relation to the legislation. Participants were provided with information about the research and confidentiality¹². Recruitment of participants included a mix of regulatory staff and industry/community stakeholders to allow a fair representation of the views of the different stakeholders.

Interviews and focus groups were semi-structured to enable open-ended responses focusing on the 'what', 'how' and 'who' of the changes. It was usually not necessary to prompt participants to discuss particular changes, although the mix of changes discussed tended to depend on the respondent type.

Interviews were transcribed into an interview template, and any additional issues arising in interviews were included (e.g., a common theme that arose was ambiguity in the legislation). The material was then collated and emerging themes identified.

¹² It is difficult to ensure complete anonymity for staff of regulatory agencies, particularly in smaller New Zealand communities, with participants likely to be well-known in their communities.

QUANTITATIVE METHODOLOGY

ALCOHOL-RELATED HARM INDICATORS

Quantitative data collection and analysis focused on collating and analysing crime and traffic crash data. Alcohol infringement data¹³ and ambulance attendance information¹⁴ was also sought but was unable to be provided.

CRIMINAL OFFENCE AND OFFENDER DATA

Recorded criminal offence and offender data were obtained from police. This covered three offence categories commonly associated with alcohol-affected offenders and/or victims:

- assault offences
- disorder offences
- property damage offences.

These offence categories were chosen because alcohol has been identified as a potential aggravating factor in all these types of crimes. Other studies of alcohol-related harm have utilised similar offence data (Huckle *et al*, 2006). New Zealand and international research shows links between alcohol and street crimes such as violence, disorder and property damage (Casswell & Zhang, 1997; Makkai, 1998; Quigley *et al*, 2003; Teece & Williams, 2000).

Data was drawn from the police incident and offence database and matched with geographic attributes from another police database, using the unique occurrence identifier for each offence.

The researchers were supplied with data for recorded offences and apprehensions covering the period 1 January 2006 through to 30 September 2014 for Wellington and Queenstown police stations. The time series was chosen to provide sufficient monthly data points (more than 100 data points) to enable trend analyses to be performed and to provide a link to previous baseline observational work carried out in Wellington and Queenstown in 2006 and 2008 respectively.

PROVISIONAL DATA

The data provided by police were “provisional”. Provisional data differs from official statistics in that provisional data is updated on an ongoing basis in police databases as case information is entered into the database. The provisional data was drawn five months after 30 September 2014, and is unlikely to suffer from significant

¹³ from New Zealand Police records

¹⁴ from St John Ambulance records

undercounting, given the offence types involved (assault, disorder, and property damage).

Provisional data does contain errors arising from miscoding related to data entry. These errors are usually addressed in official data sets through quality control processes. The most obvious coding errors in provisional data are the miscoding of offences to an incorrect location. Data with miscoded non-Queenstown or non-Wellington locations were removed from the data set by screening of easting and northing coordinates. Other coding errors that may exist in the data were not addressed.

AREA UNIT ASSIGNMENT

To make the indicators as sensitive as possible to alcohol consumption on licensed premises within the two locations' CBDs, we filtered all data geographically using Statistics New Zealand's Area Units. This included offences that occurred in area units located within, or adjacent to, each of the two central business districts. The area units that were used are listed in the following table:

Area units in or adjacent to central business districts in each location

Wellington	Queenstown
Thorndon-Tinakori Road	Queenstown Bay
Willis Street-Cambridge Terrace	Queenstown Hill
Mt Cook-Wallace Street	
Kelburn	
Lambton	
Mt Victoria West	
Oriental Bay	
Aro Street-Nairn Street	
Adelaide	

Some data did not have geocoding and could not be assigned to an area unit (7% of the Wellington data and 10% of the Queenstown data). Data without geocoding was omitted from the analysis. The percentage of data without geocoding in each location was relatively consistent year-on-year.

DATA SUBSETS

The offence data were separated into two subsets for some analysis. The first subset comprised offences recorded in public places, including streets and licensed

premises. The second subset comprised offences recorded at night, between 10pm and 5am.¹⁵

TRAFFIC CRASH DATA

Traffic crash data was obtained from data tables published by the New Zealand Transport Agency's Crash Analysis System (CAS).

These files contain crash information for local body areas (Territorial Authorities (TAs)). Data was collected from 2006 to 2014 for the Wellington TA and Queenstown Lakes District TA. The data was filtered to identify crashes where alcohol was an identified factor. The data was not narrowed more precisely than the TA boundary because of the small number of crashes each month and because it was not possible to attribute alcohol consumption of drivers involved in crashes to precise locations with the TA.

Non-injury crashes were not fully coded for driver crash factors across all of NZ until 2007, which may affect the first two years of the time series.

A limitation of using the CAS data to indicate the level of alcohol-related harm is that motor vehicle crashes recorded as involving alcohol are not solely influenced by the number of drunk drivers on the road. Traffic crashes occur for a variety of reasons – sometimes with multiple reasons for a particular crash. Weather may have an effect, as well as driver behaviour and vehicle condition. The numbers of motor vehicle crashes in each site were relatively small, making it more difficult to detect significant trends. Another limitation of the CAS data is the difficulty of focusing the measure on alcohol issues arising from consumption on licensed premises, as opposed to consumption in other settings.

SALE OF LIQUOR ACT AND LIQUOR BAN OFFENCES

To assess the wider alcohol context, data pertaining to *Sale of Liquor Act 1989* (SOLA) offences and Liquor Bylaw offences were obtained for each site, as well as more recent *Sale and Supply of Alcohol Act 2012* offences. Data for breach of the liquor ban and licensed premises manager offences (SOLA) was available up until December 2013.

Time series analysis was not conducted on the alcohol offence data, as they were not considered to be reliable indicators of alcohol-related harm. Instead, they are likely to more strongly reflect the level of regulatory activity undertaken by police.

¹⁵ There are some uncertainties introduced by using this approach, as offences are recorded in a time band (start time – finish time). Start time was used as the determinant. Certain offences such as property damage may not have precise (narrow) time bands due to being discovered some time after an offence may have been committed.

The alcohol offence data covers offences such as sale of alcohol to minors and sale to intoxicated persons, among other types of offences. There are two problems using this data to infer the level of compliance among on-licence premises:

1. The data covers offences occurring at different types of locations, such as on-licence premises, clubs, and off-licence premises. Offences occurring at each type of location could not be separated.
2. Local police practice dictates the extent to which alcohol offences are recorded as crimes in official offence statistics. If breaches of the Act are either resolved by informal means or resolved by referral to a licensing authority, then those breaches may not always be recorded in official crime statistics.

The liquor bylaw offences identify when police have recorded breaches of local liquor bans. These are offences in public places (and not on licensed premises). However, they do provide insight into environmental factors, such as the extent of broader issues, public place alcohol consumption, and the level of police enforcement of liquor bylaws.

Data was obtained relating to Sale of Liquor Act offences (such as the illegal sale of liquor to minors). However, it was not possible to accurately separate the on-licence events from the off-licence events for Sale of Liquor offences. Also, because police often address Sale of Liquor Act violations using licensing processes (rather than pursuing court prosecutions), official offence data does not always include information about some Sale of Liquor Act offending. These limitations precluded the use of Sale of Liquor Act data as an outcome indicator.

In December 2013, new alcohol infringement offences commenced, replacing offences for breach of a liquor ban. The new infringement data was requested but was not able to be provided by police.

OTHER DATA SETS CONSIDERED

Police traffic offence data was not used in the study. It was considered that traffic offence data is a poor indicator of alcohol outcomes, primarily because recorded traffic alcohol offences are expected to show a high dependence on the frequency and location of proactive police traffic alcohol operations.

Alcolink data,¹⁶ which was used in the earlier studies, was requested by the researchers but was not able to be provided by police.

¹⁶ Since 2005, New Zealand Police officers have recorded whether the offenders had been drinking, an estimated level of intoxication (nil, slight, moderate, extreme), and where they had had their last drink.

Licensing enforcement records were not able to be provided by police, therefore an in-depth analysis of regulatory activity was not feasible.¹⁷ Qualitative evidence gained from licensing staff helps to augment this topic area.

ANALYSIS OF TIME SERIES DATA USING LOESS TREND DECOMPOSITION

To identify the underlying trends in each time series, we used a method of seasonal trend decomposition based on LOESS regression. LOESS is a nonparametric regression technique developed by Cleveland (1979), and refined by Cleveland and Devlin, (1988).

The method has the advantage of not requiring any prior assumptions about the form of the overall regression model. Instead, the method fits segments of data (termed a “span”) using a weighted quadratic least squares method. The quadratic polynomial is fitted giving more weight to points near the span centre.

The technique decomposes a time series (X_t) into seasonal (S_t), trend (T_t), and irregular components (remainder e_t). The remainder component being $e_t = X_t - (S_t + T_t)$. The technique is iterative, with each of these components being recalculated until minimisation is achieved.

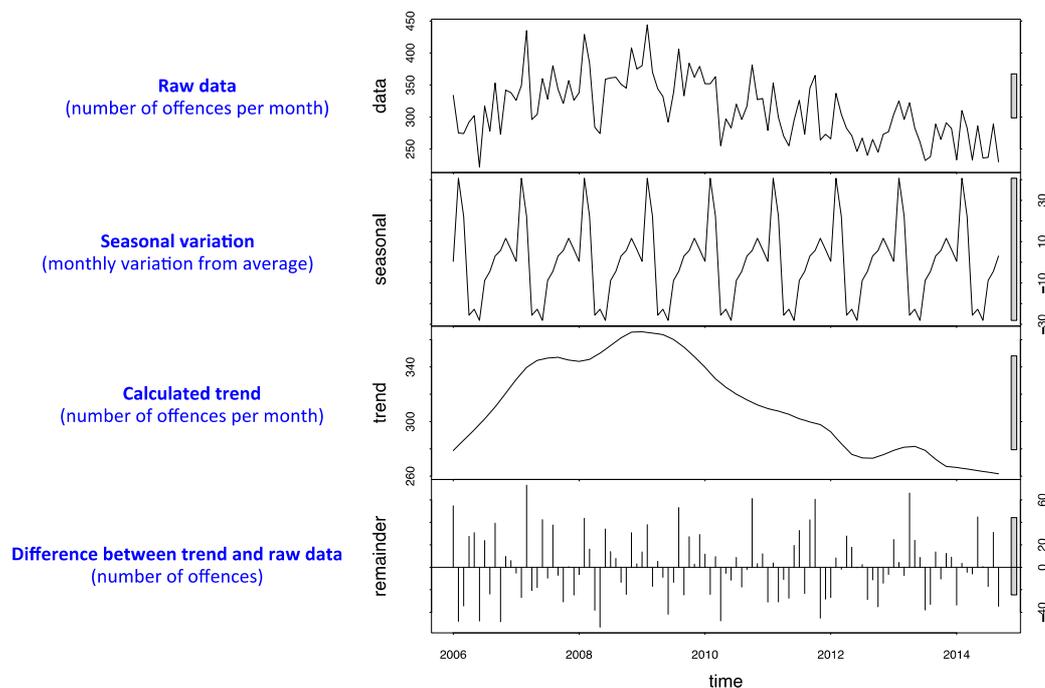
In the present study, each time series contained 105 monthly data points (covering the period January 2006 to September 2014). The LOESS calculation was performed using a span of 18 data points in order to obtain sufficient separation from seasonal effects arising from a recurring 12-month annual cycle.

The LOESS computations were performed using the statistical package *R*.¹⁸

Each of the resultant data series, seasonal, trend, and remainder components are displayed in the following format:

¹⁷ These records were held at a local level, not in a national database. Police did not provide the researchers with access to these local records.

¹⁸ <http://www.r-project.org>



LOESS analysis example

Each of the bars to the right of each chart is the same data interval and is plotted to illustrate the strength of the contribution of each individual component. A relatively short bar indicates a strong contribution. In the example above, the seasonal component is relatively weak (indicated by a relatively long bar) and the remainders are a relatively strong component of the data (indicated by a shorter bar).

ARIMA MODELLING

We undertook ARIMA modelling of the offence data to assess statistically whether or not the 2012 Act may have had an effect on alcohol-related harm indicators in the short time the legislation had been in force.

To obtain stationary data series in mean and variance prior to the ARIMA modelling we differenced each series twice to address the seasonal and trend components. To address the seasonal component, we differenced the data using a lag of 12 months. To address the trend component, we used a lag of one month. We used plots of autocorrelation functions (ACF) and partial autocorrelation functions (PACF) to confirm the differenced data was stationary.

We used the statistical package R to fit ARIMA models to the differenced time series, using monthly data up to and including December 2014 to fit the ARIMA models.

We forecast future values of each time series from January 2015 using the forecast (ARIMA) function in the R (forecast) package. We estimated 99.5% confidence intervals on these forecasts. We compared actual data from 2015 to the forecast values to determine whether or not the actual data fell within or outside the calculated confidence limits.

ETHICAL REVIEW AND OTHER APPROVALS

Approval for access to police staff for stakeholder feedback and for access to police data was sought and obtained from the New Zealand Police Research and Evaluation Steering Committee. Ethical approval was not required for the 'non-participant' observations, since interactions with patrons, industry staff, and regulatory staff were minimal. The researchers followed the Australasian Evaluation Society's ethical standards.

RESULTS

INDICATORS OF ALCOHOL-RELATED HARM

Results and analysis of recorded offence data and other alcohol offences are presented in this section. We primarily use assault, disorder, and property damage offences to indicate levels of alcohol-related harm in areas around licensed premises. We also use data for motor vehicle crashes involving alcohol as an indicator; however, that data is less indicative of harm associated with licensed premises, as crashes are dispersed across a much wider geographic area. We also examine other alcohol offences, such as liquor ban offences, to provide insight into the broader alcohol use context in the study areas (for a breakdown of offender type by age, see *Appendix C*).

RECORDED OFFENCE DATA

The data is presented in charts which show (1) the number of recorded offences per month (labelled data), (2) the seasonal component (pattern of monthly changes), (3) a fitted line showing the trend in offending, and (4) remainder from the fitted line plus seasonal variation. The commentary below is primarily based on the fitted trend lines (3) unless otherwise indicated. Note that the seasonal, trend, and remainder components are fitted curves. The LOESS fitting method is non-parametric, with the fitted curve being obtained empirically. The fitting process does not rely on any prior specification of any structure within the data, nor does it involve applying any statistical test against a particular model. As such, LOESS is an empirical analysis, and is not used to imply any statistical significance. The purpose of undertaking this type of analysis is to provide context by illustrating trends and patterns in the underlying data.

**Chart 1: Assault, disorder, and property damage (all scene types, all times):
Queenstown**

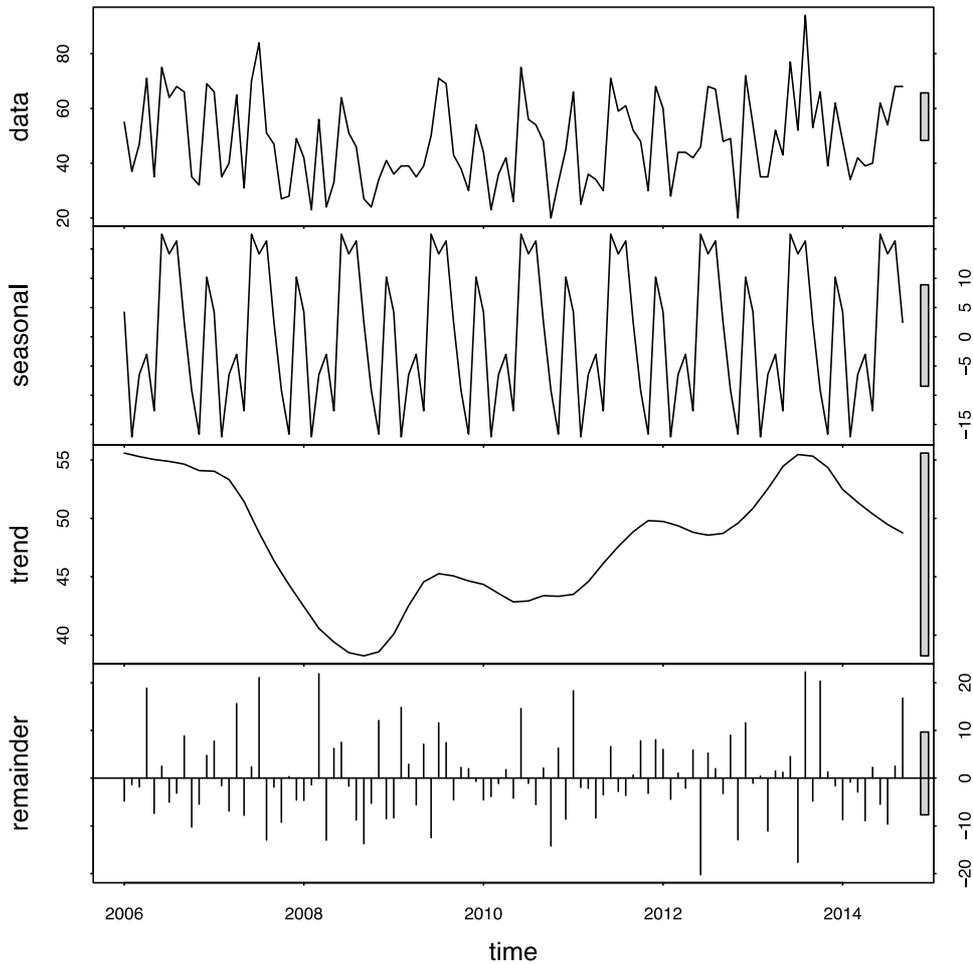


Chart 1 shows monthly assault, disorder, and property damage offences in and around the Queenstown CBD decreasing steadily from 2006 to mid 2009, before increasing steadily from 2009. This increasing trend is reversed in late 2013 when a decreasing trend begins. In 2014, the monthly figure is still higher than the 2008/09 figures.

Analysis for different scene types and times was also undertaken and showed similar trends.¹⁹ Statistical testing (ARIMA) was conducted on the offence data (as used in Chart 1 above) covering all time periods and all Queenstown scene locations.

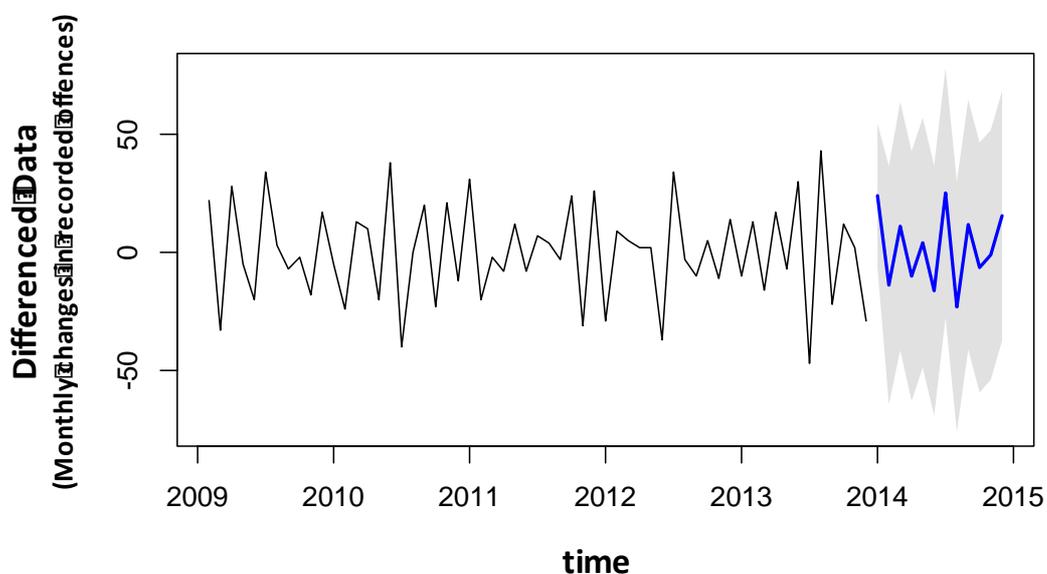
¹⁹ Charts for assault, disorder, and property damage offences on licensed premises, in public places, and occurring between 10pm to 5am (all scenes) for both sites can be found in *Appendix D*.

ARIMA - Queenstown

ARIMA modelling did not indicate there was a statistically significant decline in recorded indicator offences in Queenstown after the new Act took effect in December 2013 (Chart 2).

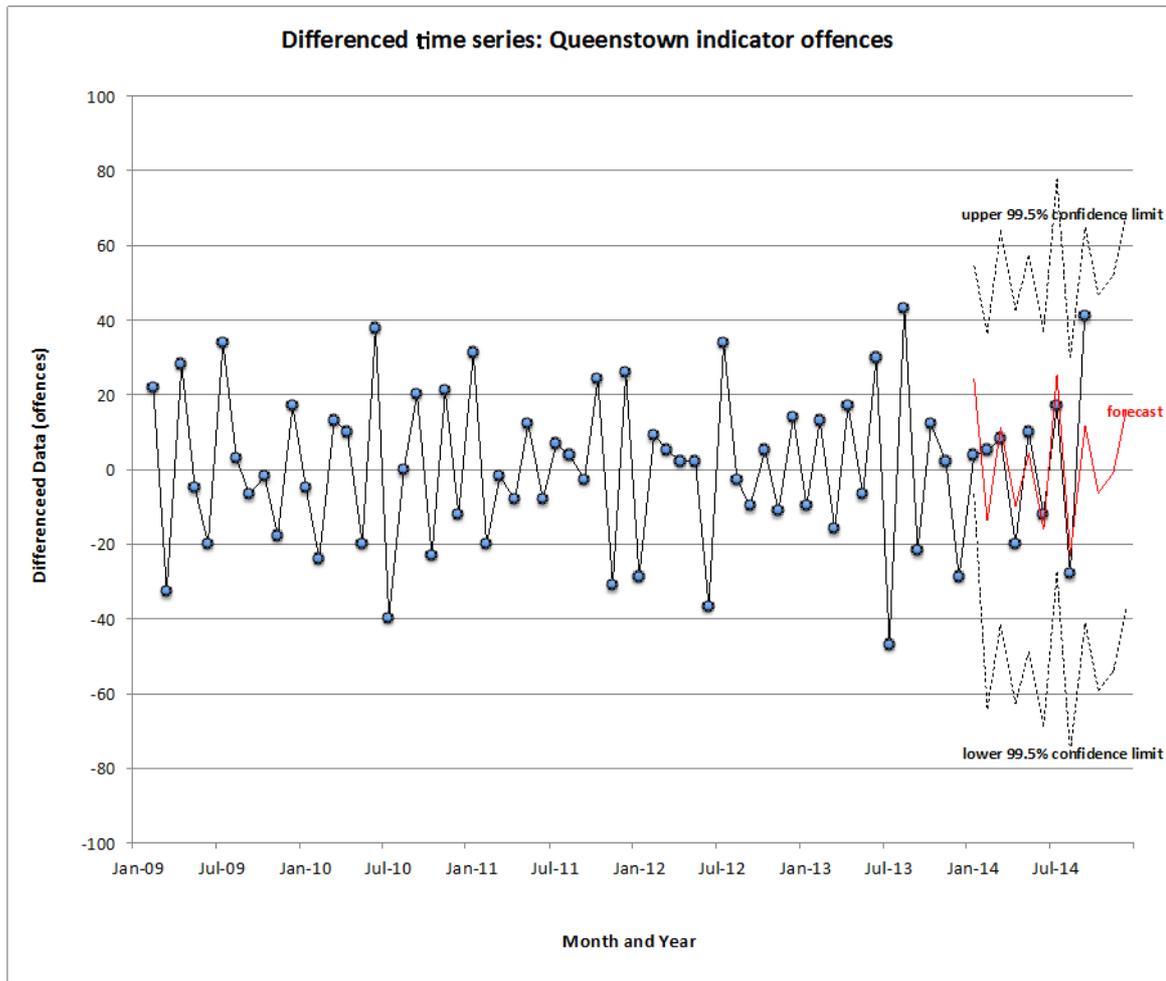
The ARIMA modelling covered the period from January 2008 to December 2013. That time period was chosen as it appeared to show a relatively linear trend of increasing offending (see earlier Chart 1). The Auto.Arima function in the statistics package R was used to identify a best fit ARIMA model for the differenced times series, and that was then used to forecast future values of these series using the forecast.ARIMA() function. The forecast was made for the 12 months following the Act taking effect (January 2014 to December 2014). 99.5% confidence limits were calculated on the forecasts.

Chart 2: Time series plot for differenced seasonally adjusted assault, disorder, and property damage data, together with forecast from ARIMA model: Queenstown



We compared the actual crime levels recorded by police for the time period from January 2014 to September 2014 to the forecasts (Chart 3). Actual recorded crime was found to fall within the confidence limits of the forecast, indicating there was not any statistically significant change detected in the level of offending during 2014 compared with previous years.

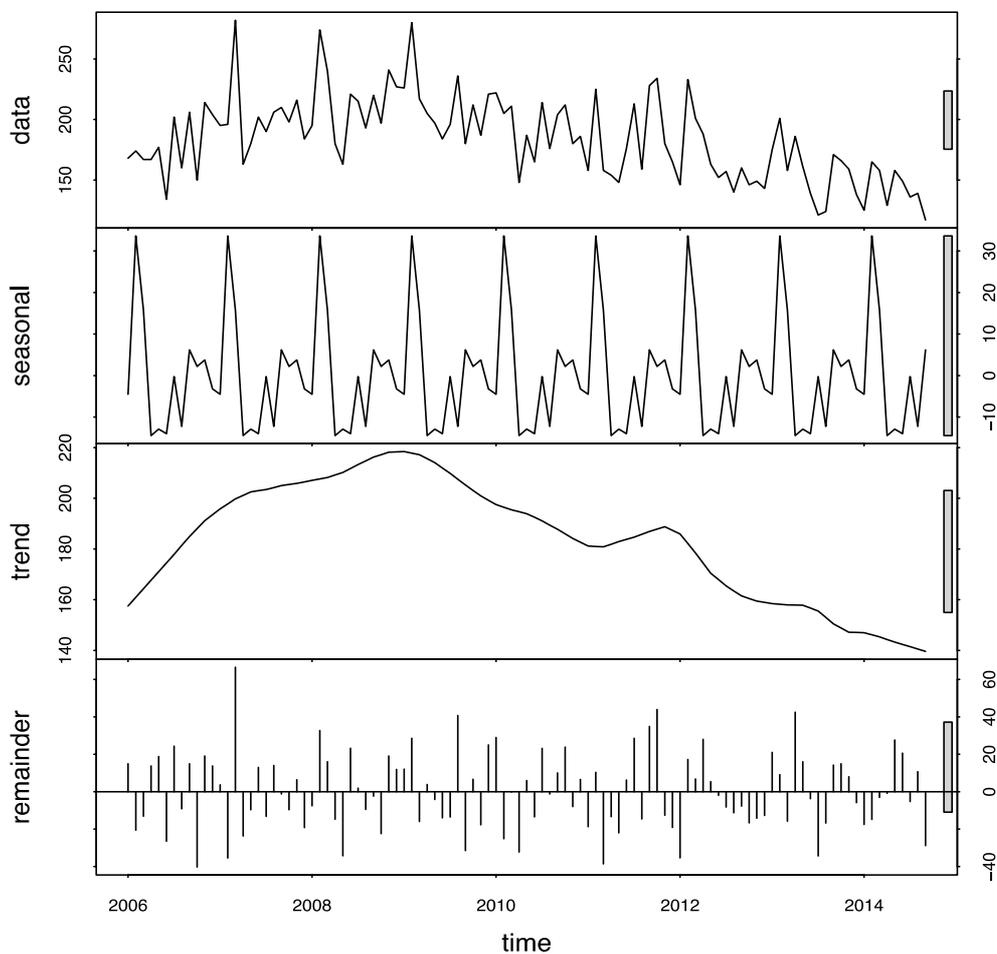
Chart 3: Time series plot for differenced seasonally adjusted assault, disorder, and property damage data, forecast from ARIMA model, and overlay of 2014 observed data: Queenstown



WELLINGTON

Chart 4 below shows a LOESS decomposition²⁰ for assault, disorder, and property damage offences in and around the Wellington CBD. The trend line illustrates that these offences increased steadily from 2006, before decreasing steadily from 2009. From around September 2009, recorded alcohol-related offences have decreased further, to well below the 2006 benchmark in September 2014. The trend from December 2013, when the new Act was implemented, shows a continuation of the decreasing trend since 2009 with monthly figures at their lowest since 2006.

Chart 4: Assault, disorder, and property damage (all scene types, all times): Wellington



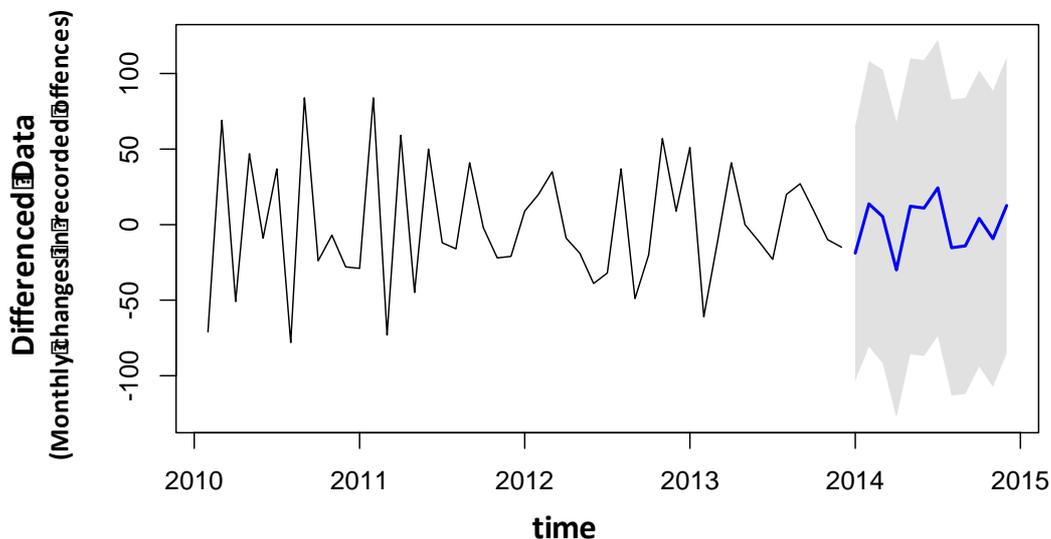
Analysis for different scene types and times in Wellington was also undertaken and can be found in *Appendix D*.

²⁰ Refer to prior comments about the LOESS technique. The decomposition is not indicative of statistical significance.

ARIMA - Wellington

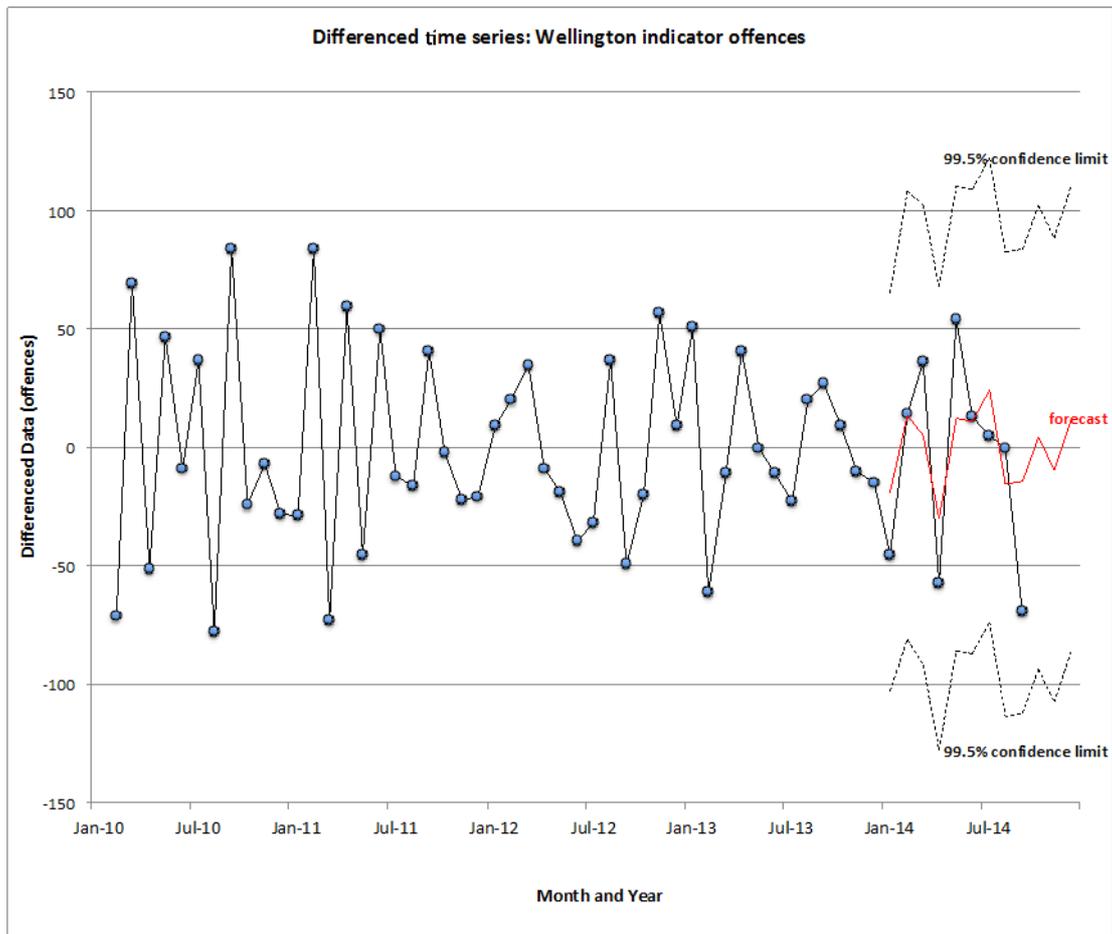
We analysed Wellington's assault, disorder, and property offence data from January 2008 to December 2013 (covering all time periods and all scene locations) using ARIMA to test whether there was any significant change in offending during 2014, after the new Act took effect. We used the autocorrelation function in the statistics package R to identify a best fit ARIMA model for the differenced times series, and used that model to forecast future values of these series, using the forecast.ARIMA() function. The forecast was made for the following 12 months (January 2014 to December 2014). We calculated 99.5% confidence limits on these forecasts (Chart 5).

Chart 5: Time series plot for differenced seasonally adjusted assault, disorder, and property damage data, together with forecast from ARIMA model: Wellington



Actual data from January 2014 to September 2014 falls within the confidence limits of the ARIMA forecasts, indicating that no significant change in offending coincided with the new Act. (See Chart 6 on following page).

Chart 6: Time series plot for differenced seasonally adjusted assault, disorder, and property damage data, forecast from ARIMA model, and overlay of 2014 observed data: Wellington



ALCOHOL-RELATED MOTOR VEHICLE CRASH DATA

Chart 7 below shows vehicle crashes involving alcohol each month since January 2006. The monthly numbers are low in Queenstown (no more than eight crashes per month with alcohol identified as a factor), which makes inferring any meaning from the fluctuations in annual crash rates difficult.

Chart 7: Vehicle crashes (per month) involving alcohol, Queenstown, Jan 2006 to Sep 2014

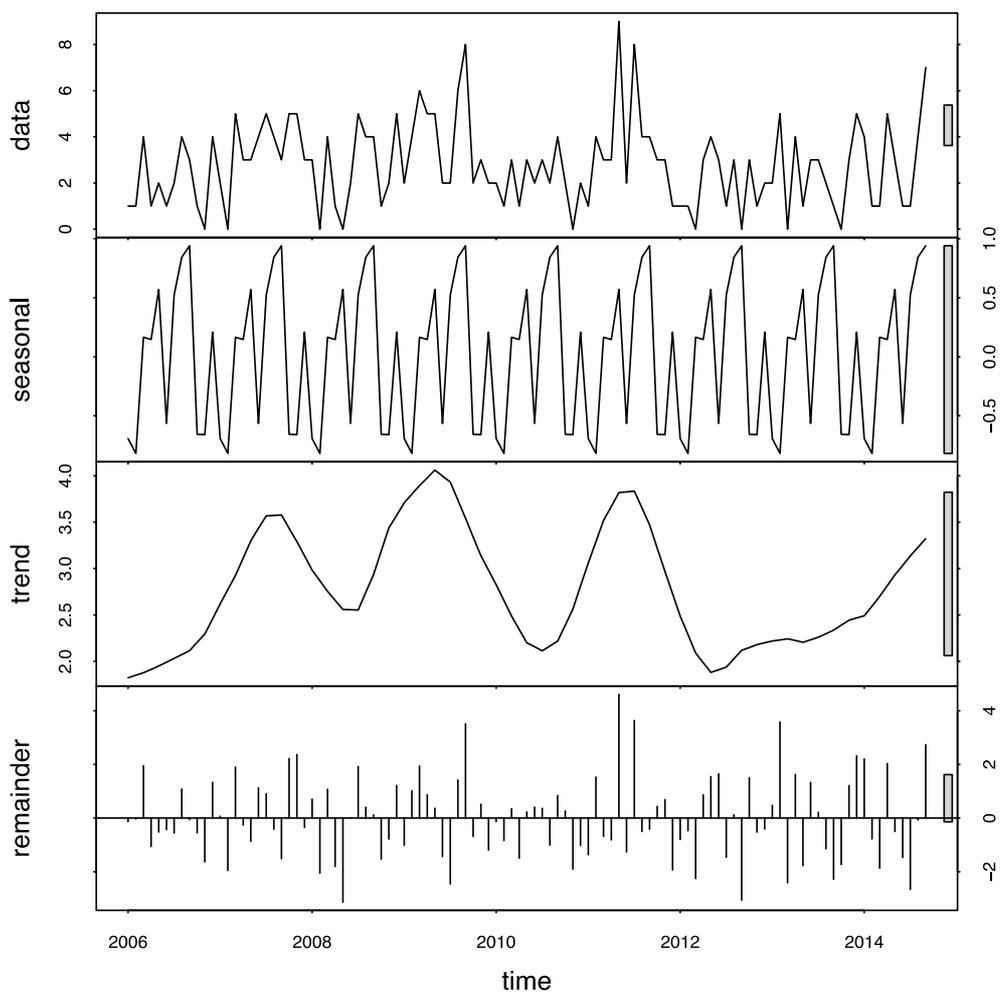
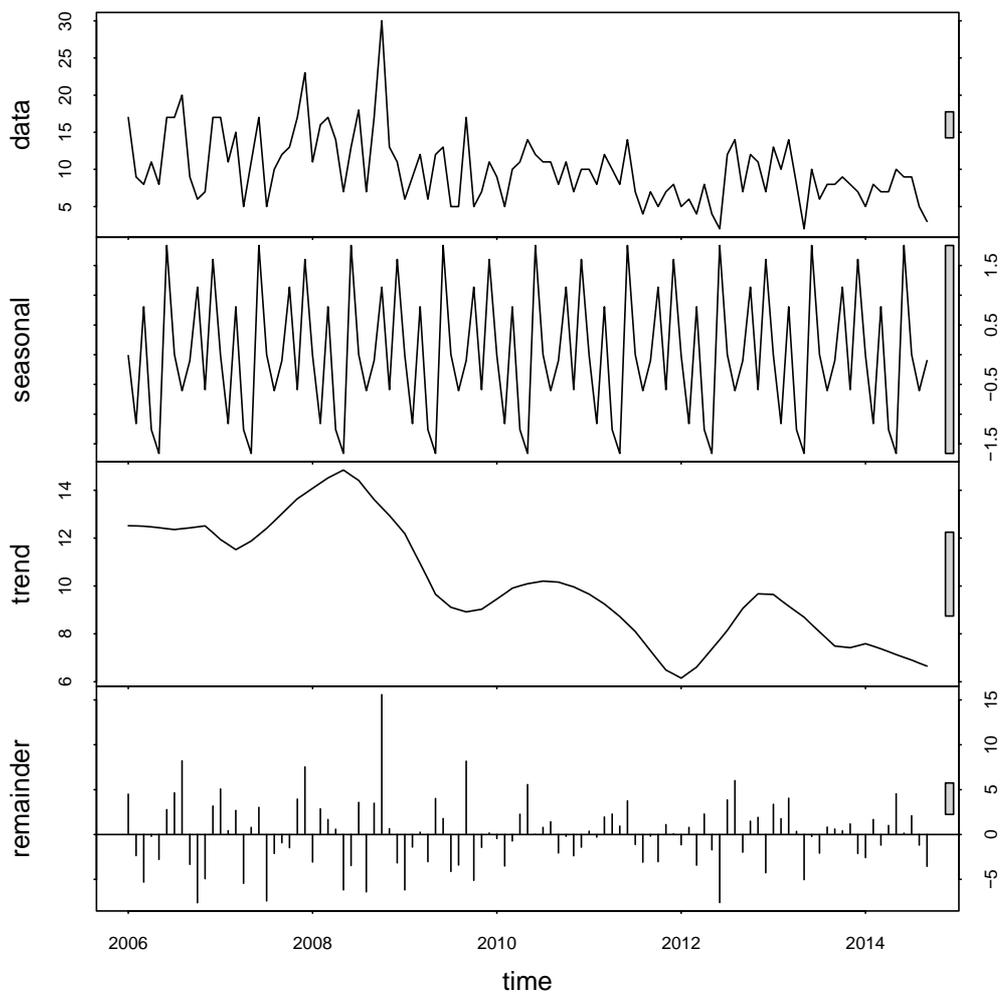


Chart 8 below shows vehicle crashes involving alcohol each month since January 2006 in Wellington. The data for Wellington shows a mostly decreasing trend since 2006, though there are only a small number of crashes each month with alcohol as a factor (fewer than 14 crashes per month involving alcohol).

Chart 8: Vehicle crashes (per month) involving alcohol, Wellington, Jan 2006 to Sep 2014

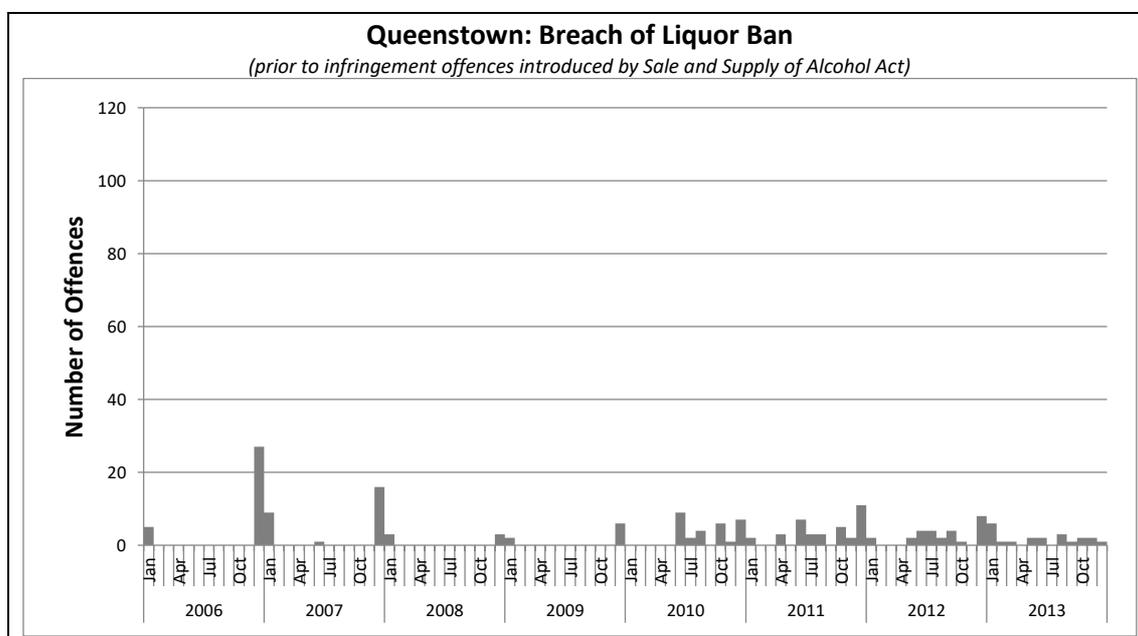


ALCOHOL OFFENCES

Police in Wellington and Queenstown are responsible for policing the local liquor bylaws for designated liquor ban areas.²¹ The following two charts show a noticeable difference in the number of liquor ban offences recorded from 2006 to 2013 in the two areas.

These differences may reflect differences in the public place environment in the two locations (e.g., less alcohol consumption occurring in Queenstown streets, parks, and other public places compared to Wellington). However, it is more likely that the differences reflect different conditions of the bylaws created by each TA and the local police response to deployment of resources in each location.

Chart 9: Queenstown breach of liquor ban (per month) from Jan 2006 to Dec 2013



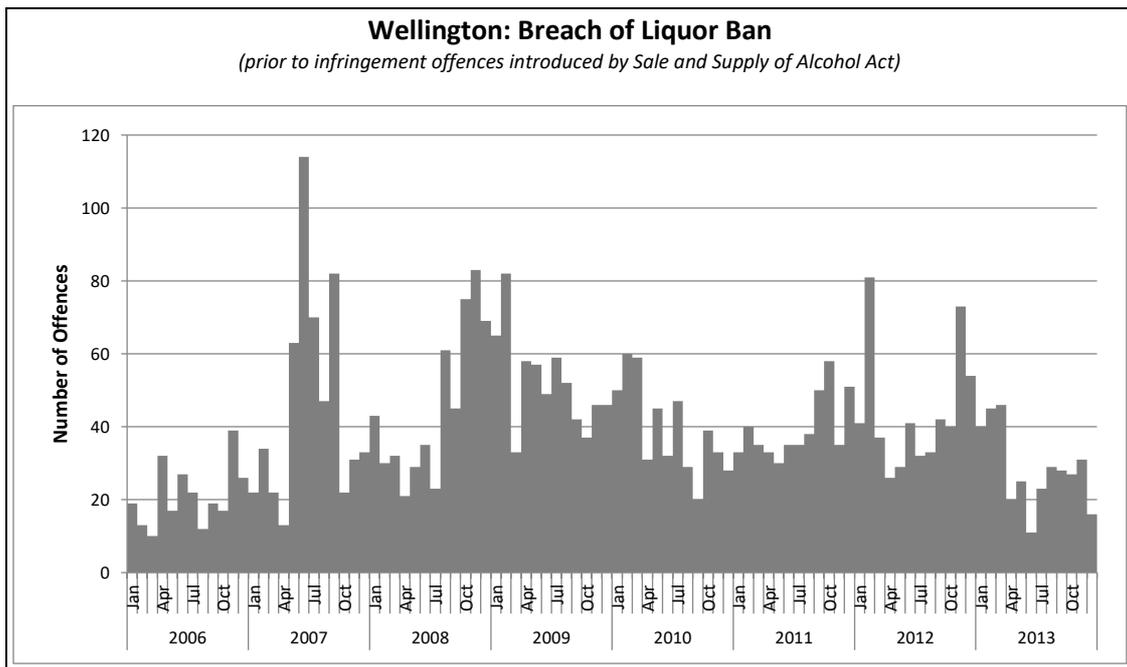
A concentration of liquor ban offences during the summer months in Queenstown prior to mid-2010 may reflect police practice up to this point, with Liquor Ban enforcement occurring over the busiest period (summer Christmas/New Year). The pattern changes in Queenstown in 2010 may reflect changes in police resourcing and practice in response to the introduction of the Queenstown Lakes District Council's Control of Alcohol in Public Places Bylaw 2009.²²

²¹ Liquor bans in New Zealand were established through Section 147 of the Local Government Act 2002. This section was replaced on 18 December 2013, with the passing of [Section 4](#) of the Local Government (Alcohol Reform) Amendment Act 2012 (2012 No 121).

²² The 2009 bylaw was revoked in December 2014 (after the fieldwork for this study) and replaced with the QLDC Alcohol Ban Bylaw 2014.

The Queenstown liquor bylaw prohibits the consumption of alcohol in the designated areas between 10pm and 8am every day, and 24-hour liquor bans are put in place over the Christmas and New Year period, from 6am, 27 December, to 6am, 6 January. They also apply during the Winter Festival, from 6am on the opening day of the festival to 6am the day after the last day of the festival.

Chart 10: Wellington breach of liquor ban (per month) from Jan 2006 to Dec 2013



The pattern of offences recorded in Wellington does illustrate that consistent and focused liquor ban enforcement has occurred throughout the year in Wellington over a number of years.

The Wellington liquor bylaw has been in place in central Wellington since 2003, and was later extended to include Mt Victoria, Oriental Bay and Aro Valley, then Newtown and Mount Cook in 2010.

MANAGER OFFENCES UNDER THE SALE AND SUPPLY OF LIQUOR ACT (1989)

The following two charts show recorded offences for managers of licenced premises since January 2006. Manager offences are relatively low for both sites; however, there is an increasing trend in these offences in Wellington from mid-2012. This may reflect a change in police practice or an increased focus on licensed premises compliance visits as a result of an increased focus on alcohol-related harm around large sporting events, including the establishment of safe zones in Courtenay Place, set up to triage people to reduce demand on Wellington Hospital’s emergency

department.²³ Manager offence data were not available covering the 2014 year, so can only be used here to provide context for the years leading up to the transition to the new Act.

Chart 11: Manager offences in Queenstown from 2006 to Dec 2013

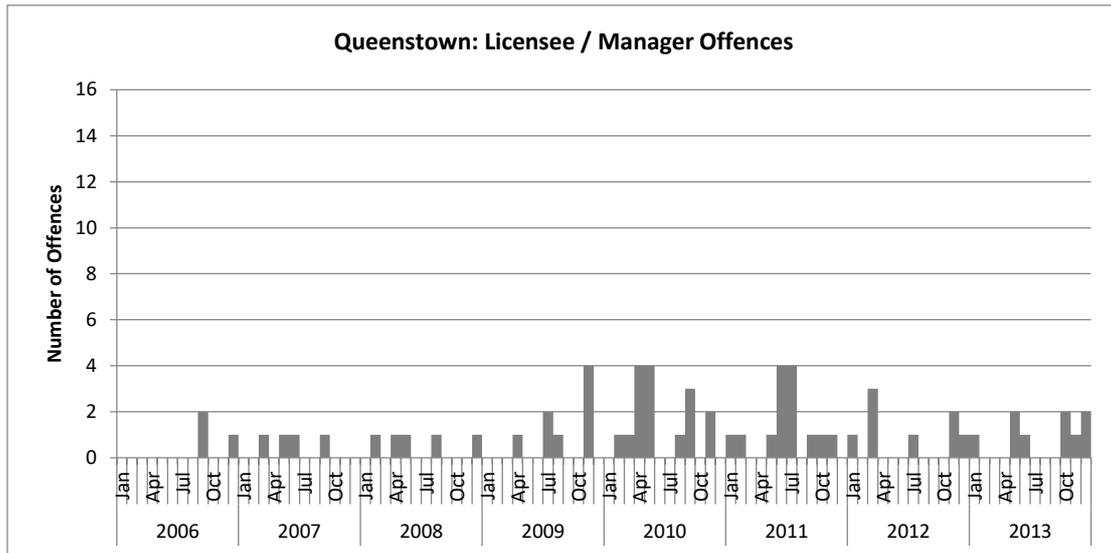
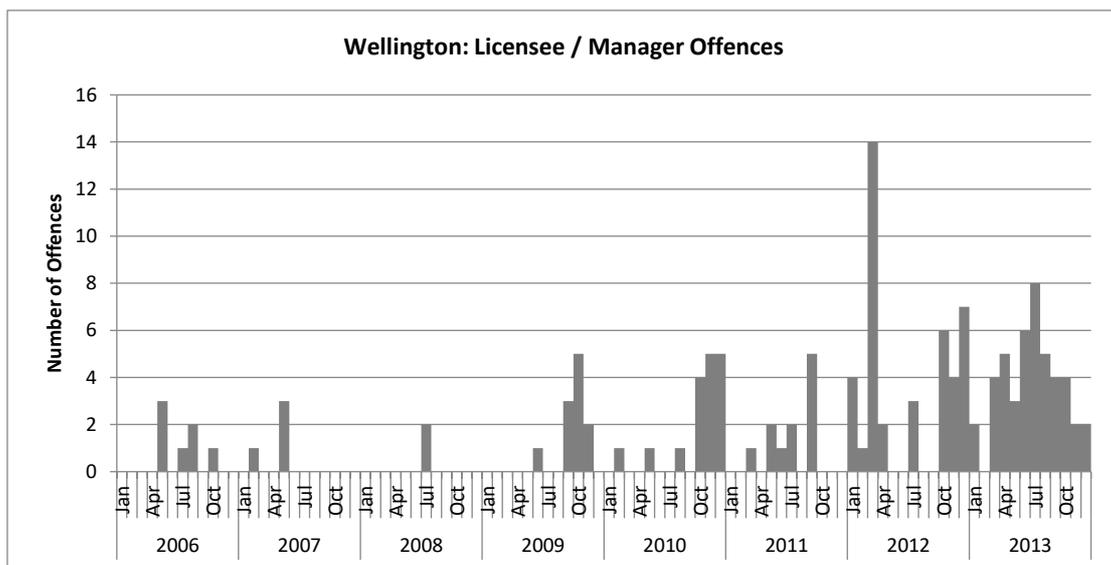


Chart 12: Manager offences in Wellington from 2006 to Dec 2013



SUMMARY OF INDICATOR DATA

The disorder, assault, and damage offence data illustrates that the two study areas

²³ Wellington Free Ambulance was also filmed in Courtenay Place over the summer of 2012/13 for a reality show, *Street Hospital*, and police were, at times, involved in filmed segments.

have different alcohol harm trends.²⁴

In Queenstown, alcohol-related harm appears to have increased in recent years. After a reduction in disorder, assault, and damage offences from 2006 to 2008, which may have been linked to the global financial crisis' effect on the local economy, there has been an increase in these offences. The new Act does not appear to have led to a reversal of this increase, with no statistically significant reduction in disorder, assault, and damage offences evident.

Indicators of proactive policing of alcohol (manager offences and liquor ban offences) do not reveal there has been a strong focus on alcohol in the area in the years prior to the introduction of the new Act, with recorded liquor ban and manager offences consistently at low levels across the entire time series. However, the researchers did not have access to other information regarding licensing activity to draw firm conclusions regarding the extent of alcohol regulatory activity by police.

In contrast to Queenstown, Wellington has seen a steady decrease in alcohol-related harm since 2009. This may be due to consistent policing of licensed premises, evidenced by steady levels of alcohol policing (bar manager and liquor ban offences have been consistently high). Consistent with the trend of decreasing violence, disorder, and property damage appears to be a reduction in road crashes involving alcohol across the Wellington TA (noting however that there is only a weak correlation between offence and crash data in this study).

NON-PARTICIPANT OBSERVATIONS

Trained observers collected observational data in and around licensed premises in the entertainment areas at each location from June 2014 through to early October 2014, to observe and record the behaviour of regulatory staff, bar management staff, serving staff, and patrons.²⁵

QUEENSTOWN

LICENSED PREMISES ENVIRONMENT

There were more than 40 on-licence premises (excluding hotel bars) within the Queenstown central business area during the study period. These ranged in size from small wine bars that normally cater to fewer than 20 patrons at any time to large venues with capacities exceeding 200-300 patrons. Multiple observations were undertaken in 38 bars or clubs in the Queenstown central business district.

²⁴ Alcohol offence data (bylaw offences and manager offences) illustrate levels of regulatory enforcement (and compliance) but are not used to infer levels of alcohol-related harm.

²⁵ See *Appendix B* for timing of observations in each location.

Opening hours of each premises varied. Many premises opened during the middle of each day and closed between midnight and 4am. Queenstown has had a liquor control bylaw in place since 2009.²⁶

The venues cater for a variety of different types of patrons. Observers noted that some premises appeared to be frequented predominantly by local residents and 'seasonal' residents. The majority of premises, however, appeared to cater largely for visitors to Queenstown. The style of each bar (e.g., quiet venues versus dance venues, versus upmarket wine and cocktail bars) largely governed the age ranges of patrons attracted to each venue, with quieter and smaller bars often attracting an older patronage than the larger and more entertainment-oriented venues. Generally, there were fewer intoxicated patrons observed in the smaller, more upmarket bars, although this varied, and on busy nights, intoxicated patrons could be observed in most venues. The likelihood of observing intoxicated patrons increased in the early hours of the morning; however, it wasn't unusual to see intoxicated people on the streets as early as 9pm

There were several drink promotions available in the bars, with drink purchases giving entry to competitions. There were also drink specials, with shots for \$2, and standard prices were not advertised or available, making it difficult to calculate the discount from the bars' normal prices. Some bars also offered 'happy hours' (although some of these appeared to be more than an hour long).

SERVER BEHAVIOUR

Observers noted examples of good and bad server behaviour throughout the observations. Server behaviour varied according to a number of key factors. The most significant variables appeared to be the style and size of bar (which affected the number and type of clientele), the layout of the bar²⁷, and how busy the bar staff were.

Servers were sometimes observed denying highly intoxicated patrons service throughout the observational period, but it was rare to see bar staff actively discouraging moderately intoxicated people from consuming more alcohol. Many bar staff in Queenstown appeared surprised when people ordered non-alcoholic drinks. It was more likely for intoxicated people to be identified at point of entry than at the bar.

²⁶ In December 2014, a new bylaw was adopted to update the existing bylaw to reflect the language of the *Sale and Supply of Alcohol Act 2012*. See [QLDC Alcohol Ban Bylaw 2014](#).

²⁷ Several of the larger Queenstown bars had made changes to their layout and décor since the earlier studies, and appeared to have adopted some CPTED principles prior to the introduction of the Act.

There were several examples of poor server behaviour observed throughout the observational period. It was not uncommon for bar staff to line up multiple shots or drinks in some venues. This was particularly evident in bars when 'bar crawls' were present.²⁸ Shots were lined up, and bar staff and the 'host' would encourage participants to drink.²⁹ On one occasion, a 'body shot' was observed, which involved a woman reclining on the bar while a server stood on the bar and poured salt into the woman's navel, then poured a tequila shot for a male patron who 'downed' the shot, then retrieved a slice of lemon from the reclining woman's mouth.³⁰

In other bars, staff did not appear to have any difficulty assessing the intoxicated state of patrons and routinely asked younger patrons for identification. This was more difficult when servers were busy, but managers appeared to be communicating with their staff and encouraging them to 'err on the side of caution'. The volume of patrons and the 'crush' at the bar affected the ability of bar staff to assess patron intoxication when they were busy.

Changes observed in serving behaviour appeared to be related to the volume of drinks being served. When bars were quieter, the ability of bar staff to interact with patrons and monitor levels of intoxication appeared to become easier. However, in some bars, there was little interaction with patrons at the bar or observation of them on the dance floor, and the layout of some of the bar areas (particularly in dark venues) was not conducive to staff assessing patrons' state of intoxication.

There were few observed changes in server behaviour during the police visits, apart from the bar staff being very aware of police presence in the bar. Service sometimes slowed during visits, usually as a result of patrons not approaching the bar while police were present.

SUPERVISION AND MANAGEMENT OF PREMISES

Observers noted in some venues that bar managers/security people actively mingled with patrons, which gave them opportunities to assess degree of intoxication. 'Glassies' were also busy in a number of venues, but not all of them interacted with patrons to assess intoxication. In Queenstown, bar managers were observed

²⁸ Guided bar crawls involved paying an up-front fee to the crawl company, which entitled participants to a 'free' drink at a number of bars, other discounted drinks, and pizza. Patrons were escorted by a 'host' who took registrations and the fee, then guided people to the scheduled bars. The number of people in a 'crawl' varied from about 10 to up to about 40 or more on busier nights.

²⁹ The line-up of drinks was usually for the bar crawl participants, rather than multiple drinks for an individual as observed in earlier studies.

³⁰ Urban Dictionary definition: "A body shot is a sexual way of doing shots of tequila. Your lime is held in your partner's mouth and the salt put on a body part (stomach, neck, breasts, etc.). You lick the salt off of them, take your shot, and then eat the lime out of their mouth."

discussing intoxication with staff and patrons.³¹ Patrons questioned their imminent removal, and bar managers or security staff could be heard explaining the law and the penalties. On one occasion, observers noted that a manager spent approximately five minutes encouraging a patron, identified by police during a regulatory visit, to leave the bar. The bar manager patiently explained to the patron that he could no longer remain on the premises and that there would be severe consequences for the bar if he was allowed to remain. At all times, managers and bar staff appeared to cooperate fully with police, and appeared to be more vigilant after regulatory visits, often reiterating the regulatory requirements to their staff.

Some host responsibility practices were evident in many of the bars in the study, particularly during the busy Winter Festival. All bars had water available, although it wasn't always prominently displayed. The majority of bars had no food available from about 10pm onwards, and where food was available it often consisted of a microwaved pie or pizza. Very few premises offered food on request after 9pm.

Non-alcoholic drinks and low-strength beers were not often advertised and were often more expensive than shots or other 'specials' at some Queenstown venues. It was rare to be given a free non-alcoholic drink and staff sometimes appeared incredulous when soda or tonic was ordered without vodka. In one venue, the server added alcohol to soda despite it not being requested.

Security staff were observed refusing entry to intoxicated patrons on a number of occasions, but at a couple of venues, they also admitted patrons who were obviously intoxicated. On one occasion, four people were staggering, slurring their words, and bumping into others in the queue, yet were still admitted and served in the bar.³² However, this was one incident among many observations of good security practices. The majority of bars with security personnel were very thorough, very strict, and skilled at refusing entry to intoxicated patrons. There was evidence of communication between security staff, particularly in the busy Searle Lane area. On quiet nights, security staff also appeared to 'cover' other small bars in this area. A noticeable difference between the Queenstown CBD of 2014 when compared with observations in Queenstown in the 2008 study was the absence of minors in the CBD at night, and in particular, the absence of minors within bars. There also appeared

³¹ This was during a weekend where bar managers had been warned that there would be plainclothes police officers in bars, and they seemed particularly diligent and anxious not to be 'caught out', compared to other observational periods.

³² This incident seemed to involve 'locals' who all worked for the same company and were well-known to the security staff member (used his name, laughing and joking while queuing, and badgering him to reduce the queue).

to be an increase in the number of security staff and the frequency of their employment (most nights).

REGULATORY VISITS

The majority of regulatory visits observed during the research period were made solely by uniformed police staff, although other agencies may have visited during the day (all observations were after normal business hours). Police were not very visible early in the week on the 'quieter' nights, and because the snow was quite poor at the beginning of the Winter Festival period, many bars were not busy, even on their usually busy nights. Police were sometimes observed in cars, patrolling the streets, but lacked a visible presence in the pedestrian areas surrounding bars, except for on very busy nights. On one particularly busy night, one police officer was stationed in the Searle Lane area. He didn't seem to be entering bars (other police were), but instead was standing in place and observing the environment. Because of the concentration of licensed premises in this location, it was possible for police to visit bars more than once a night, although this was not observed. The first week of observations in Queenstown included a weekend where plainclothes police staff were visiting bars.

WELLINGTON

LICENSED PREMISES ENVIRONMENT

Observations were undertaken in and around 50 on-licence premises within the Wellington central business district and entertainment area during the study period. These ranged in size from small bars that normally cater to up to 50 patrons at any one time to large venues with capacities exceeding 200-300 patrons. Wellington offered a wide variety of licensed premises, catering for a range of different patron preferences. Observations were undertaken over three weekend periods (Thursday to Sunday nights) from August-October. The majority of observations were conducted between 10pm and 4am.

The style of each bar largely governed the demographics of patrons attracted to each venue (e.g., quiet 'boutique' venue versus dance venues, versus upmarket wine and cocktail bars, craft beer bars, and late-night music venues). Quieter and smaller bars often attracted an older patronage than the larger and more entertainment-oriented venues; however, there were many small bars that attracted younger patrons, and older patrons could also be found at the larger venues.

Opening hours of each premises varied. Many more traditional tavern style 'local pub' venues opened during the day and closed around midnight. The majority of bars either stopped serving or closed by 2am, with the exception of the Courtenay entertainment precinct, where there were a number of nightclub-style premises. Some of these premises did not get busy until after many other bars had closed,

when patrons migrated towards the venues that were open later, which resulted in long queues forming.

A number of large events occurred during the observational periods, including an international rugby test, the Beervana beer festival and an A-League football match. Patronage of licensed premises varied slightly for the periods observed, with the only significant difference being an increase in patrons in the 40-59 years age range on the evening of the rugby test. Observers noted that many of these older patrons self-identified or were identifiable as visitors to Wellington.³³

Wellington City is served by a Council initiative called Local Hosts³⁴, who can help with directions, information about city events, and emergencies. Their stated aims are to:

- assist the public and visitors to the city
- support the police presence on the street, particularly at night
- liaise with bar and restaurant staff, and retailers
- keep an eye out for what's going on
- report safety hazards, graffiti, or issues with city infrastructure.

Observers noted the presence of these 'street ambassadors' walking through the entertainment precinct. It was noted that their uniform (winter jackets) made them look like ambulance staff. Ambulance staff were also seen on one night (when a large event was on). Local Hosts were visible most nights, and seemed to be deployed in greater numbers on busier nights.

Wellington City has had a 24/7 liquor ban in place since 2008. This bylaw prohibits the consumption or possession of liquor in any public place (including while in a vehicle) within the Wellington Central area, Oriental Bay, Mt Victoria Lookout, Aro Valley, Central Park, Mt Cook, and Newtown (the control area).³⁵

While the majority of observations were conducted inside licensed premises, there were many opportunities to observe patrons outside premises as observers moved between venues. This involved observation of patron behaviour, door staff behaviour, and some visibility of police and health regulatory activity. Observers

³³ Identified where they were from by either shouting it out, or wearing jackets or shirts with evidence of their home province (e.g., Taranaki fleece jacket.)

³⁴ These Local Host street ambassadors replaced the earlier Walkwise initiative that was observed in the earlier Wellington study (2005).

³⁵ Liquor Ban Area Map available at www.wcc.govt.nz

used the intoxication assessment tool³⁶ to assess intoxication levels of patrons both within and around licensed premises, and noted that there were large numbers of intoxicated people on the streets, particularly on busy nights.

SERVER BEHAVIOUR

Observers noted mostly good server behaviour throughout the observations in Wellington; however, there were also a number of intoxicated people, particularly in the larger and noisier bars. This suggests that intoxication assessments by bar staff either weren't happening or weren't effective. In the smaller boutique-style bars, there were often three to six staff serving 60 people, with diligent bar staff who supplied water and kept water topped up while clearing and cleaning. Many 'glassies' or servers took the opportunity to engage with patrons in these types of venues, increasing their opportunities to assess intoxication levels. Glassies were also quick to remove any broken glass.

The most significant variables affecting server behaviour appeared to be the style and size of bar (which affected the number and type of clientele), the layout of the bar, and how busy the bar staff were. The likelihood of observing intoxicated patrons increased in the early hours of the morning, particularly in and around bars in the Courtenay precinct. The promotion of drink specials and shots was not obvious within the majority of Wellington bars. There were one or two bars that had drink promotions within the bar and where observers noted intoxicated people. Intoxication was mostly noted after 12am, and observers noted a number of patrons being removed from premises after midnight.

SUPERVISION AND MANAGEMENT OF PREMISES

Host responsibility practices were evident in many of the bars during the observations. It was rare to enter a bar that didn't have water available, and water was prominently displayed. Some bars had no food available from about 10pm, but the majority had menus visible and food available, despite the proliferation of food outlets open late nearby in Courtenay Place. Not only was food available in bars, but people were also buying it. Non-alcoholic drinks were not always advertised, but were sometimes provided at no cost.

Observers noted that bar managers/security staff actively mingled with patrons (or walked through premises frequently), which gave them opportunities to assess patron intoxication levels. Managers also spent a lot of time liaising with their security staff, and in some bars, had conversations with serving staff that looked like discussions of assessing intoxication. In some bars, the server-to-patron ratio was

³⁶ See *Appendix B*.

quite high, and bar staff were more likely to engage with customers, giving more opportunity for assessing their state of intoxication.

Security staff were generally very diligent. At some venues, they would engage waiting patrons in conversation to prolong their assessment before admitting patrons to the venue. They also patiently explained to patrons who were denied entry why they were being refused and what the law was. Some door staff insisted on making sustained eye contact with observers before making a decision to allow entry to venue. As queues developed for the more popular late-night venues, security staff had more time to notice signs of intoxication (and intoxication levels increased after midnight), which resulted in more patrons being denied entry. The number of taxis available at this time of night also increased, and there was a steady stream of departing taxis as many of the bars closed between 2am and 3am, or people were denied service and would 'stagger and sway' towards the nearby taxis.

REGULATORY VISITS

There were very few regulatory visits observed in Wellington bars during the observational periods. On quieter nights, police were observed driving slowly around the streets in cars, but this was usually later in the evening. One person wearing a Public Health 'high visibility' vest and carrying a clipboard was observed speaking to a bar manager outside a bar. Police were also observed in another venue that was emptying out for the night.

There was a noticeable police presence (foot patrols and in vehicles) later in the evening on very busy nights after large events. Police on foot engaged with door security as well as patrons. Observers didn't note any regulatory visits inside bars or clubs in the early hours of busy mornings.

FOCUS GROUP FEEDBACK

As described earlier in the Methodology section, participants in focus groups or individual stakeholder interviews can be grouped into three main respondent types: regulatory agency staff (police, public health, and local councils); industry stakeholders (bar owners, managers, staff, and security staff); and community stakeholders (local business owners, community workers, and other participants in the nighttime licensed premises environment).

The views of participants from both research sites are presented below by the three stakeholder groupings.

Although there were some differences in responses from each site, many of the themes emerging were shared in both locations. Differences will be addressed in the discussion section.

REGULATORY AND ENFORCEMENT AGENCIES

Regulatory staff from police, health, and local government took part in either small group interviews or individual interviews. Interviews were conducted to fit with work commitments and availability, resulting in a mix of individual in-depth interviews and small group interviews (two to five participants.) Key themes identified in 26 interviews with regulatory and enforcement agencies are presented below. Verbatim comments elaborating on these key themes can be found at the end of each section.

KNOWLEDGE

Most of those interviewed from regulatory agencies were very aware and knowledgeable about changes to the law regulating alcohol sale and supply in and around licensed premises. Police staff who were tasked with policing alcohol-related harm specifically were aware of the changes, but described a lower level of knowledge for those of their colleagues who were not *solely* tasked with alcohol work. Many participants noted that they were still learning as they went and described some of the resources that had been developed (in-house) to assist with the changes and to ensure consistency in their approach. Regulatory staff appreciated the broadening of the purpose of the Act, which was seen to have shifted the focus from preventing excessive consumption to reducing or preventing harm.

SHARED UNDERSTANDING OF INTOXICATION

Enforcement agency staff were united in their praise of the object of the Act, which many felt provided agencies with more 'levers' to reduce alcohol-related harm. The definition of intoxication was also lauded as it provided an opportunity for a shared understanding of intoxication among all stakeholders. The intoxication assessment

tool in particular was seen as being particularly useful for police staff who may not be in a dedicated alcohol enforcement group, as it would enable staff and licensees to all be 'singing from the same song sheet'.

However, some regulatory agency staff felt the new Act hadn't gone far enough in that it left intoxication in public places up to councils to create separate bylaws and didn't address the issue of bar staff having their judgment impaired by drinking on premises.

AMBIGUITY

All regulatory agency stakeholders identified ambiguity in some sections of the Act. Key areas that were felt to be ambiguous included sections relating to the display and promotion of alcohol in supermarkets and grocery stores. Most expressed the view that, with time, some of the ambiguity would be addressed by testing with Case Law.

Another concern for regulatory agencies was a lack of clarity or lack of a definition of 'outlet density'. While there is a requirement in the Act to consider the amenity and good order of the locality, some regulatory staff felt a definition of outlet density would assist in determining how many licensed premises ('on' or 'off') were too many. Cameron *et al*, (2013) provide important local insight into the use of outlet density as a 'yardstick'.

Regulatory respondents also described a lack of clarity in some of the wording, and felt that more support could be provided to clarify any areas they were still coming to terms with. Many participants also felt that staff were just getting to know the Act and that it would become easier to interpret in time.

INCREASED WORKLOAD

All regulatory staff mentioned that the Act required them to work collaboratively, and almost all described an increased workload, particularly in relation to new licensing requirements. Staff from all three regulatory agencies reported an increase in administrative tasks. An increase in applications for special licences was identified as contributing to an increased workload for regulatory agencies.

While most felt this was likely to decrease slightly once the changes were 'bedded in', the increases described were substantial and had not been accompanied by an increase in resources in most cases.

An increase in workload had resulted in a division of labour for regulatory agencies working together under the new Act. Regulatory agencies reported that they were concentrating on different aspects in order to manage their workload (for example, in Wellington, health staff dealt with regulation of off-licences, while police dealt with on-licence regulation.)

SPECIAL DAYS AND SPECIAL LICENCES

Special days and special licences were also seen as an additional burden in terms of increased paperwork and administrative work. Regulatory staff felt this was an area of contention, with views of what constituted a special event differing between authorities and applicants. This was also an area identified as potentially lacking consistency between District Licensing Committees (DLCs).

DISTRICT LICENSING COMMITTEES

The establishment of more local DLCs was seen as having mixed benefits. While bringing together a wider range of people than the Liquor Licensing Authority system under the previous legislation was seen as a positive, both police and health staff felt there was potential for inconsistencies in the approach of DLCs.

Others felt that the independence of the DLC was a strength of the new Act, but that this varied considerably depending on the territorial authority. There was also a benefit in terms of the time taken to deal with contentious applications when dealt with locally.

LOCAL ALCOHOL POLICIES

The development of a local alcohol policy was one area in which there were obvious differences between the research sites. In Queenstown, the local authority had adopted a 'wait and see' approach following community consultation in 2013.³⁷ In Wellington, the local authority had developed a draft Local Alcohol Policy proposing an extension to the default hours. Police and Regional Public Health were challenging the proposed plan during the research fieldwork period. By the time the interviews with regulatory staff were conducted, the hearings had finished and stakeholders were awaiting a decision from the Alcohol Regulatory and Licensing Authority (ARLA).³⁸

Participants felt this highlighted an anomaly in the development of local alcohol policies, with the legislation designed to give more say to communities, yet some felt individual and community opposition to the Wellington Local Alcohol Policy had been limited due to the high financial cost. Some regulatory staff felt the cost of legal representation was a barrier for communities wanting to have a say in their local alcohol policy development, particularly with the predominance of legal

³⁷ See [QLDC local alcohol policy survey 2013](#)

³⁸ In January 2015, ARLA rejected the Council's policy, ruling that the Council's proposal to allow some bars to stay open to 5am was putting too much focus on city vibrancy, rather than reducing alcohol-related harm. The situation was reassessed in early March 2016, with the Council deciding to continue to monitor alcohol-related data in Wellington, work with key stakeholders, and consider decisions on other PLAP appeals, prior to determining if the Council wishes to re-engage with/requires a LAP.

representation for alcohol industry representatives, and regulatory agency representatives.

INFRINGEMENT NOTICES AND NEW PENALTIES

There was widespread support for infringement notices and the 'three strikes' approach to premises management, with police staff, in particular, seeing infringement notices and new penalties as useful tools in their compliance toolbox. The key benefit was that the offending could be dealt with immediately, reducing the administrative burden and freeing up more police staff for preventative activity.

Changes in the legislation relating to the provision of alcohol to minors were seen as problematic in that they would be difficult to police (since it is more likely to occur in a private setting than a public setting), but were seen as part of a broader approach to educating the public about alcohol harm reduction.

REGULATORY AGENCY STAFF COMMENTS

These comments reflect the views and perspectives of participants during the research period (June to October 2014).

Intoxication Clearly Defined

"Intoxication assessment is now well defined in the Act, which helps in stopping the bar staff from stretching the boundaries. Clear definition also helps everyone to be on the same page. It also helps lowering the threshold of intoxication."

"Provides us with a legal definition using assessment tool ... has defined what intoxication is and lowered the level for intoxication. Useful for police staff as resource, improved practice - more consistent."

Factors Affecting Workload

"Introduction of infringements (instant fines handled by PIB) dealt with immediately, on the spot. Previously there were five offences under Summary Offences (e.g., fake ID), which would result in minor prosecution or Youth Court."

"Breach of alcohol ban most common offence. Previously had to arrest and process and prepare file - can deal with liquor ban offences quickly as opposed to 9-10 hours of police time."

"No extra funding to regulatory agencies... Participating in all eight District Licensing Committees [means] an increased workload."

"It takes longer to do things and there is more work ... there's an expectation of more monitoring and a closer relationship with other agencies ... increased cost for applicants, increased turnaround time."

“There is now the requirement to get special licenses for one-off events. These new regulations can be cumbersome and take a long time to process. This can be confusing and off-putting for people. More so, these regulations can be unfair to small communities as they require engagement with a high level of procedural requirement for a very small event (e.g., small luxury lodge that wants to serve alcohol to its small number of guests but [pays] the same amount of fees as a large event).”

Missed opportunities

“The Act does not make it an offence to be intoxicated in public – this is very surprising as most problems indeed happen on the streets. Something strong like this is needed to change the culture of the way alcohol is perceived in New Zealand.”

“The Act says that the employees and managers of the licenced premises cannot be intoxicated while on job. It should be “cannot be influenced” ... as even small levels of alcohol could impact on the staff’s cognitive abilities, especially if there is an incident and they are required to recall specific things. It would have been more appropriate to prohibit managers from consuming any alcohol while on duty.”

Other

“The aim of the Act is to give communities more say, but hearings are agency-driven, communities feel marginalised. DLC expects high-quality information. For example, in the Wellington Local Alcohol Policy, the community voice was expected to be heard a lot more, but the cost is quite prohibitive.”

“The Act has given Council the ability to create their own document but not how to achieve this - no standards have been set (e.g., hospital admissions, outlet density) some things can be measured like hospital admissions.”

IMPACT OF THE CHANGES

Apart from the impact of the changes on their own work, participants were also asked about the impact on others and their perception of the overall impact on alcohol-related harm. The increased work burden was a key personal impact noted by the majority of regulatory agency staff.

Participants felt the changes to the Act had formalised the collaborative relationship of the regulatory agencies. Others were concerned about emerging issues that weren’t covered by the Act, but may have an effect on alcohol-related harm.

EFFECT ON HARM REDUCTION

In terms of overall impact on alcohol-related harm, police, in particular, felt there had been a reduction in crime in public places. Public health professionals were less certain about the reduction in alcohol-related harm, and felt the new Act had missed an opportunity to implement some of the key recommendations from the Law

Commission report. At the time of the interviews, some police also felt it had improved the relationship between police and bar staff, and that the changes had made bar owners “lift their game”, while others agreed that the relationship with industry staff had improved, but cited other factors influencing alcohol-related harm.

The availability of cheap alcohol and pre-loading were identified as influential at both sites, but in Queenstown, an additional issue was the aggressive promotion aimed at selling the maximum duty-free alcohol allowance to international visitors. Guided pub crawls operating outside the existing legislation were also of concern in Queenstown.

Others felt it was still ‘early days’, but hadn’t noticed any real change in the behaviour of patrons.

AGENCY STAFF COMMENTS ON IMPACT OF LEGISLATION

The comments below reflect the views and perspectives of participants during the research period (June to October 2014).

Limited impact in first year

“The Act has not has its full impact yet – but it is on its way. The general public’s knowledge regarding the Act has not increased.”

“Although it is too early to tell, there haven’t been many changes in the one year the Act has been in place. There hasn’t really been much change in behaviour of patrons – there are still many who start drinking very early into the night and those that are out till 5 in the morning.”

Availability and pre-loading

“Nothing in the legislation has really changed anything in terms of availability ... Government doesn’t want to rock the boat (economy vs. peoples’ health and well-being) ... A lot of missed opportunities (from Law Commission report recommendations) ... Alcohol is so cheap ... Can still be advertised and glamorised, supermarket sales (alcohol still easily accessible), and missed opportunity to increase minimum age.”

“Issue of preloading has not been addressed. The Act has not helped in changing the social and cultural acceptability of alcohol. Alcohol is readily available, particularly duty-free at airport – where it is almost promoted as a requirement to enter Queenstown.”

“The new Act has hardly had any impact on alcohol harm reduction. It does not affect the binge drinking culture which is particularly enhanced in Queenstown as it is a tourist destination and people visit the place with the intention of going out and drinking. The promotion of alcohol starts as soon as they enter Queenstown – at the airport. However, it has helped in getting everyone on the same page and has initiated a dialogue between the bar staff and the police around intoxication.”

Industry response

“Bar owners were apprehensive about how earlier closing would impact on business, but a year down the track, haven't seen bars forced to close - fears allayed and public have adapted, less people hanging around in public ... Violence with 4am closing hasn't happened.”

“I think there is an improved relationship between police and bar staff ... Although it's good to see the increase in security guards outside bars, these security guards are often under pressure from the bar owners/managers to let people through.”

“There are many good operators of premises who have picked up on the changes and are, in fact, doing their best to comply with them.”

INDUSTRY FEEDBACK

Invitations were extended to more than 20 industry staff. Individual interviews were preferred due to work commitments and availability, and in-depth interviews were conducted with 10 industry staff (seven individual interviews and one group interview).

Key themes identified in interviews with industry staff are presented below.

Verbatim comments elaborating on these key themes can be found at the end of each section. These comments reflect the views and the perspectives of participants during the research period.

Responses from licensees, managers, and bar staff (including security staff) varied in each site, and the interviews did tend to attract managers and staff from bars that were established and 'good performers'; however, there were differences in the way the Act had been introduced in each site, which had an impact on stakeholder perspectives.

KNOWLEDGE

Knowledge of changes affecting licensed premises in the new legislation was high among those interviewed. Licensees, bar managers, and bar staff were able to identify the key changes affecting their roles in the sale and supply of alcohol on licensed premises. Most were aware of other changes relating to other types of licences, including restaurants, cafés, off-licences, special licences, and the enforcement of local liquor bylaws. Participants were also aware of changes relating to the provision of alcohol to minors, infringement offences for licensees, staff and the public, and the consequences of repeat offending by managers and licensees ('three strikes'.) Licensee and bar staff knowledge of the changes came through industry, government, local government, and media communications. Information about the changes was disseminated through industry or council workshops or, for some larger premises, in-house staff training sessions.

INTOXICATION DEFINED

Managers and bar staff found the definition of intoxication to be useful, and the fact that regulatory agencies and industry staff were using the same assessment tool was also helpful. Industry participants had some concerns about the interpretation and use of the tool by less experienced officers. Participants seemed content with the dedicated alcohol officers' use of the tool, but felt that some police were still learning, and that there should be room for negotiation while the changes were 'bedding in'.

NEW LICENSING CRITERIA

Knowledge of new licensing criteria was high in both locations and was seen as a good thing by most industry participants, in that it could contribute to 'raising the bar' and would help to weed out poor operators. In both locations, interviewees were, for the most part, people who had been involved in the industry for many years, and who were able to describe the most recent changes to licensing criteria and were supportive of these.

One issue relating to the new licensing criteria that generated much discussion among participants in Queenstown was the high bar staff turnover due to the 'resort' nature of the town. Awareness of the new requirements for general manager's certificate-holders, licensing criteria, community and neighbourhood impact, facilities, and staff training were all seen as challenging in an employment environment with such high turnover. This was felt to be particularly important in Queenstown with many itinerant, young bar staff that may be unaware of the laws relating to alcohol in New Zealand.

Some participants felt that this kind of staff, when coupled with overseas or absent bar owners, resulted in a lack of 'social investment' or personal responsibility in the business. Some participants felt it was still too easy to get a licence, and that while they were trying to operate responsibly, they had to compete with bars that were operating purely for profit. They felt that the Act appeared to be written with a particular type of licensed premise in mind (local, community pub) and respondents suggested a possible improvement could be to make it harder to get a licence by introducing a bond.

While absentee licence-holders were less of a concern for Wellington participants, industry staff in both locations expressed concerns about the tightening of the rules around special licences under the new legislation (particularly international sporting events televised outside of the new default hours.) This was felt to be unduly restrictive and punishing to those licensees or smaller operators who had run events in the past with no problems.

RAISING THE BAR AND A LEVEL PLAYING FIELD

Licenses interviewed generally represented established premises and felt they had a good record of compliance with the Act. Participants described how they had already been following best practice before the introduction of the *Sale and Supply of Alcohol Act*. The changes were seen as positive, as those bars that hadn't been following best practice were seen to have been operating at an unfair advantage, particularly around irresponsible promotion and supply of drink specials.

Licenses also found the introduction of the new Act meant they had to train staff, which resulted in improvements in serving alcohol within their establishments. There was some concern that while most bars took the opportunity to attend training or information sessions provided by the regulatory authorities, these were not mandatory, and some felt that follow-up sessions were required. There was no penalty for bars that didn't participate. One participant thought that these sessions should be compulsory.

Licenses described improving security at their venues in advance of the law changes, and security staff described the professionalisation of door staff over the past few years. Many licensed premises in both locations had introduced initiatives, including increased security and better engagement with patrons, to assess intoxication levels, but were worried that they would be caught out if an intoxicated patron slipped through the net and they were penalised. 'Pre-loading' was of particular concern in Queenstown, where international visitors were encouraged to buy their full alcohol quota in duty-free stores (despite only being in New Zealand for a few days), then got 'tanked up' every night before going to bars. Drinking in public places before entering a bar was also seen as a problem in Queenstown.

Licenses and bar managers in both locations expressed frustration that despite their best efforts to comply with the law, pre-loading was a big issue, and they felt that the new legislation did little to level the playing field for on-licence premises who were improving their responsible supply of alcohol. While regulation of on-licences had become more restrictive, participants felt they were being treated unfairly at the same time as off-licence venues had been allowed to lower the price and increase the availability of alcohol.

LOCAL ALCOHOL POLICIES AND DEFAULT HOURS

In Wellington, the default trading hours were a prominent issue, with high awareness of the proposed Local Alcohol Policy and, in particular, the extension of default hours, which was being proposed by the council and opposed by police and public health authorities.

One bar manager felt that the approach of police had 'hardened' as a result of their opposition to the Council's proposed relaxation of the default hours. The respondent

felt that this had damaged some earlier collaborative work between the industry and police.

In Queenstown, too, there had also been a focus on reducing alcohol-related harm, and a joint review and needs analysis undertaken by the Council and the Ministry of Justice in 2007 (Queenstown Lakes District Council & Ministry of Justice, 2007) was followed by the adoption of 4am closing for licensed premises in 2008.³⁹ For Queenstown licensees, the new 2012 default hours were less of an issue, and the Council was taking a 'wait and see' approach to development of its Local Alcohol Policy. However, Queenstown industry staff also had concerns about the impact of the new legislation on the police approach to compliance.

PROMOTION AND ADVERTISING

Awareness of changes to advertising and promotion of alcohol were also prominent in respondents' minds, particularly in Queenstown, where competition for patron business was high in a community with a concentration of pubs and bars in close proximity in the CBD. Participants felt that the restriction on advertising was not really working, because bars were finding 'workarounds' - ways of advertising and promoting alcohol which didn't break the rules - or reduced their prices straight after the law change. Others took a different approach by changing their target market, rather than lowering prices.

Queenstown-based bar crawl companies were another example of workarounds where bars provided drink specials that weren't specifically advertised by the business. The bar crawls (guided drinking tours) did not require a licence, but provided an 'ambassador' who led participants (who had paid a fee) on a guided tour of licensed premises.

Bar managers and bar staff noted that they could be assisted in delivering better service, in accordance with the Act, if the government and its agencies could broaden messages about the changes to include more about peoples' individual responsibilities on licensed premises. Bar staff were often greeted with disbelief when they explained to people that it was illegal to be intoxicated in a bar.

IMPACT ON OTHERS

Queenstown bar staff and licensees did comment on the increased financial burden for new or renewing licences, the additional paperwork required and, in particular, the burden for Council staff in dealing with all the changes, which was resulting in delays in processing licence renewals.

³⁹ Following the introduction of the liquor policy to reduce trading hours to 4am in the Queenstown Lakes District, the liquor policy was unsuccessfully challenged through the judicial system to the Court of Appeal.

Industry staff also felt that the burden of the costs associated with alcohol-related harm fell on the resident or ratepayer, and that the legislation could be improved by allowing for a tax that would go back to the community to cover some of the costs of alcohol-related harm.

INDUSTRY STAFF COMMENTS

The comments below reflect the views and perspectives of participants during the research period (June to October 2014.)

Shared understanding

“The Act introduces new definitions, and this helps with clarity and helps in getting everyone on the same page.”

“Another big change is in terms of the definition of intoxication – this change has initiated a better conversation between licenced premises staff and authorities.”

“Finally had a definition of what people were looking for (defined loosely before). Still quite subjective (e.g., people talking loudly, personality traits).”

“Better communication between authorities is needed. When the Act came out, there was a local briefing between bar staff and council, but it wasn’t sufficient, everyone is still in the process of understanding the Act and coming to terms with it. This information session should have been followed up with more training.”

“Still can be disparity between police interpretation and bar staff and managers ... but definition was not clear before.”

Improving service behaviour

“Definition has changed, retraining staff (using Assessment Tool). We have stricter bars (e.g., shots at bar only ... where they can be supervised) ... When we are busy, we don't allow bulk buying (as it's too difficult to monitor). Have increased table service, and provision of water.”

“It makes it easier for the bar staff to know when to intervene. The Act is easy to interpret and implement.”

“[Security staff] engage more with customers in order to assess intoxication. Intervene early. Sometimes security staff will see people back to their accommodation.”

“Have had to train the staff – a good thing, so everyone is following best practice.”

“This (high staff turnover) can also be attributed to the transient nature of the bar staff. Most staff working are on working holiday and treat the bar strictly as a business. Also, these transient workers tend to be 20 to 30-year-olds who are employed by owners who may not even be in the country. This can lead to lack of ownership and responsibility, and lack of understanding of the Act.”

“The Act was implemented with a different setting in mind – where the bar owner is usually the manager – usually on site, also staff is in the same job for extended periods of time. Queenstown is very different, where the bar owners are often living

overseas and staff turnover is very high with transient population coming in to work for a season. This often results in lack of responsibility and lack of thorough understanding of the Act. Also, in terms of the patrons – very different from other parts of New Zealand, as most patrons are tourists. A tourist tax could be used to hire more police staff.”

Regulatory activity and compliance

“Our bars have been following best practice from before the legislation came into place. Now it is entrenched in the legislation so everyone has to pull their socks up.”

“There should be prosecution or higher fines - and should be implemented – to ensure that everyone pulls their socks up. Warnings don’t cut it. Currently it is unfair to those who actually follow the rules and do the work.”

“All trying to work together, but not sure we all have the same agenda (often unsure of where the police stand). Implementing systems to ensure we catch people most of the time (not 100%). [Police adopt] informal rules (e.g., police increase scrutiny of premises if don't conform to their preference). Council doesn't want to write bylaws/use perceived threat of bylaws to change behaviour.”

“Police have become more aggressive ... Has been disconnect because of Local Alcohol Policy. Confrontational approach of police - drawing a line in sand. Police have taken an ‘our way or the highway’ approach.”

“Police approach is to come in about once every six weeks and ‘raid’. Normally just one to two officers, whereas ‘raid’ is five to six officers and the licensing person (council) sit at each end of bar watching people (scaring people – intimidating customers. Whereas ‘undercover’ are great, wouldn't know they are there. However, some undercover staff don't talk to people, so their assessments of intoxication are not necessarily as accurate as could be.”

“Licenced premises are highly regulated but are not accounted for. Most of the binge drinking takes place outside of the licenced premises, but it is the licenced premises that have to carry the burden of intoxicated people when they enter the premises.”

“The Council is understaffed – dealing with the new Act, assessing licenses. This has led to many delays in renewing licences.”

“There remains the problem of liquor ban – which is not regulated properly. In Queenstown, it is normal to see people drinking around the lake, and this is not necessarily attached to the Act, and is up to the local councils.”

“Perhaps introduce a bond of \$50,000, where anyone applying for a licence would have to pay, and if they breach the legislation, then they don’t get the bond back. This can also be an effective way to limit the number of licences in Queenstown.”

Promotions and advertising

“The Act has introduced major changes in the promotion of alcohol. There is now a greater restriction on promotion of alcohol and this is limiting bars from discounting price, and the bars now have to come up with clever ideas to promote and concentrate on other things – such as entertainment to get customers.”

“At first, everyone [was] unaware of what stance people would take. [We] were persuaded to do things to keep under the radar (e.g., pulled promos - couldn't give away bar tab, but could give away a food and beverage voucher). Couldn't have 2-for-1 (50%), but could drop price by 50% so long as we didn't advertise it. Some bars dropped prices straight after law change (\$5 drinks). We raised ours and changed target market (from backpackers to short-term locals).”

“The restriction in promotion has led some bars from not promoting alcohol at all and just providing cheap alcohol (e.g., where there is happy hour all the time), but they do not promote it, yet the word gets around and they get customers.”

“Although pub crawls are very good for the business, they do need to be regulated and should be covered under the Act in the future.”

Overall impact of changes

“The new Act has an element of making bar staff ‘fun police’. This is mainly due to the lack of public awareness of alcohol harm and the new legislation.”

“Publicity for general public is lacking (about intoxication and fines for fake IDs).”

“Still working through the changes. Taking on national policies - confusing - local versus national rules. Everywhere is different - challenge is working collaboratively with police, but at times is a 'no win' situation, goalposts keep changing.”

COMMUNITY/BUSINESS OWNER FEEDBACK

Responses in this section relate mainly to Queenstown, due to low participant numbers in Wellington for community focus groups.

Representatives from community groups, late-night business owners, managers, and workers took part in either small group interviews or individual interviews. Eight interviews were conducted to fit with work commitments and availability, resulting in mostly individual in-depth interviews. The comments below reflect the views and the perspectives of participants during the research period. Only one participant had made a submission to their TA relating to the proposed LAP. Community participants' discussions included areas not directly related to licensed premises (for example, comments relating to supply of alcohol to minors and 'pre-loading' arose as part of a discussion about youth drinking in the CBD).

KNOWLEDGE OF ACT

Knowledge of the new legislation mostly related to opening hours and enforcement of local bylaws. For most community stakeholders, the 4am closing default hours were seen as too liberal, and some suggested no bars should be open after 2am.

Knowledge of changes relating to supply of alcohol by parents and guardians was also good, with participants aware of high-profile media campaigns beginning in 2013. Attitudes towards this part of the legislation were mixed: some thought it

might be useful for parents to supervise drinking of under-18s, if parental drinking habits were responsible. However, ideas about what is acceptable vary, and depend on when the decision is made (in advance, or by an adult who may themselves be intoxicated)

While this section of the Act is not directly related to licensed premises, these comments arose in relation to discussion about youth drinking in the CBD (which had been observed in previous study). As mentioned previously, very few minors were identified by observers in the Queenstown CBD or on licensed premises in 2014.

ALCOHOL AND YOUNG PEOPLE

Community respondents also had concerns about the availability and accessibility of alcohol in young peoples' lives. Community workers, business owners, and accommodation providers shared this concern. Most participants didn't think the new Act had done anything to change this situation. Community respondents mentioned the pervasiveness of alcohol sponsorship of large sporting events, the 'normalisation' of alcohol (just another commodity), and widespread 'pre-loading'. Participants felt the promotion of alcohol in supermarkets and other off-licence sales contributed to this 'normalisation'.

ALCOHOL TOURISM

Queenstown's reputation (and marketing) as a party town was also seen as contributing to alcohol-related harm. There was no sense that this had improved at all as a result of the new legislation; in fact, some felt the law failed to prevent new 'alcohol tourism'-related businesses for the youth or backpacker market, at the expense of local residents and potentially 'high-end/high-spend' tourists. At the time of the interviews, there was much discussion about the local council's promotion of a convention centre for Queenstown, and respondents wondered how convention delegates would be compatible with the 'boozy party town' reality of Queenstown.

Residents in Queenstown wanted to be able to socialise in the town centre, but because their experience of the CBD after 10pm involved drunken, vomiting young people, they felt it was no longer their town. Many local business owners or workers had their impressions of the night-time environment confirmed by the debris and mess outside their businesses when they went to work in the morning.

Some participants felt the 2012 Act had missed an opportunity to address important sources of alcohol-related harm and felt that a tourist tax could recover some of the cost associated with the alcohol-related harm. This was an important issue for community participants in Queenstown.

Participants described the Queenstown 'party town' culture and the type of people they thought were the main perpetrators of alcohol-related harm in the resort. This usually involved tourists from other countries (including backpackers), people from

other parts of New Zealand, and itinerant workers (mostly from abroad) who were likely staying for the ski season, before moving on⁴⁰.

These participants were also concerned that most of the perpetrators of alcohol-related harm in Queenstown had little 'stake' in the area. They were neither permanent residents nor NZ residents, yet a large amount of resource was expended by health services, police, and local council 'picking up the pieces'.

ENFORCEMENT

Visibility of police in the CBD was a concern for residents and business owners, with discussions about foot patrols vs patrolling in cars (with a preference for foot patrols). Lack of enforcement of the liquor bylaw was also seen as an issue in Queenstown. There was also a perception that in the absence of police presence, bars were staying open longer than the mandatory 4am closing time, and that Queenstown police were hard to get hold of late at night (with the station phone diverted to Dunedin).

OVERALL IMPACT ON HARM REDUCTION

Members of the community did not think anything had changed since the introduction of the legislation. Queenstown after 10pm became a 'no-go zone'. One respondent explained how he and his friends no longer went into town after 10pm, as the CBD was too unpleasant to take friends or visitors. This was a common comment from all participants, particularly those in the 40 to 50+ age group in Queenstown, who described how the boozy party town image impacted on their own social lives.

Wellington participants also felt there had been little improvement in the CBD and, in particular, the Courtenay entertainment precinct; however, Wellington offered more choice in terms of alternative types of venues, away from the main entertainment area.

Some community respondents also felt the new Act had missed an opportunity to reduce harm by not changing the 'drinking age' back to 20. In Queenstown, community participants felt that advertising and promotion of alcohol had not been curbed by the new legislation, evidenced by bar crawls and the 'hard sell' to tourists at Queenstown Airport duty-free stores. Most community participants felt that the

⁴⁰ Residents and business owners also described the visitor experience of arriving at Queenstown Airport's international gates as contributing to the 'party town' image and encouraging irresponsible drinking. Duty-free stores are exempt from the Act, and international arrivals at Queenstown Airport are 'funneled' through the duty-free shop's alcohol-laden shelves on the way to the baggage reclaim, with salespeople explaining the generous alcohol allowances to passengers.

'normalisation' of alcohol (by being available in supermarkets, and the continuing proliferation of off-licences) had not been impacted by the new legislation.

COMMUNITY STAKEHOLDER COMMENTS

N.B. These comments relate mainly to Queenstown due to a low turnout of focus group participants in Wellington.

'Party Town' image

"Party atmosphere in Queenstown - people come in for five-day visit to get smashed and have a good time."

"It's dysfunctional - alcohol isn't meant to tear a society down. Cost-driven - pre-loading, buy at supermarket then leave for town at 10, 11 or 12 at night and drink water in bars - shouldn't be allowed in, why can't bars breath test them?"

"Queenstown promotes itself as a party town, bar-to-person ratio in Queenstown is very high. A business started up (bar crawls) that takes people to lots of bars - shot at every venue, get 'totalled', and promoting the binge drinking culture. All hotels have bars too."

"Vomiting, going to wrong rooms (in accommodation), night fighting. Pre-load at accommodation, 16 to 17-year-olds from Gore and Invercargill, buck's party (AUS), hen's Party = vomit and crime on a daily basis (e.g., outside chemist)."

"Party atmosphere in Queenstown - people come in for 5-day visit to get smashed and have a good time"

"Three subsets in Queenstown - locals, visitors, and workers. Working visitors earn \$400, spend \$600. Run out of money and go to the Sallies (Salvation Army)."

"Taxi drivers put up with a lot more crap (alcohol-fuelled behaviour), see a lot more assaults. It's getting worse ... See and hear a lot about younger people ... 'Out-of-towners' cause a lot of problems (e.g., Dunedin, Invercargill, people from overseas, Australian, Irish...)."

"Council talk about 'high quality' convention centre – they'll (delegates) walk down to Fergburger and what will they see?"

"It's just not our town after 10pm ... People over 50 in Queenstown just don't go out after midnight."

Missed opportunities

"Off-licence purchasing too easy, people legless when they walk into town, RTDs, education in schools, put age back up."

"Bars often stay open longer than 4am. Close bars a bit earlier - most of the bad behaviour occurs later at night. Anytime after midnight - depending on what's on (conferences etc)."

Regulatory agency activity

“Boundaries are there in the Act, but not being enforced ... Police not consistently policing alcohol - see them at New Year and Winter Festival - not consistent at all (lack of resources). Police presence not obvious except for road policing (stopping people in early hours and morning).”

“Police don't actively enforce liquor ban [at New Year's] (e.g., will tip drinks out while five others walk past). Confiscate, pre-charge warnings, fined ... No change in vomit and people staggering around in the early hours ... throughout the week (increases at peak times, especially Thursday to Sunday). Policing of liquor bans could be improved if strictly enforced - would require more foot patrols (police are usually driving around or doing CBTs rather than in CBD. Only one police section proactively polices alcohol.”

“Urinating in public on a Sunday afternoon equals (results in) a pre-charge warning, sergeant walking up and down at 11pm, young people swearing - no consequences ... Word is out that they will just get a pre-charge warning for disorderly behaviour and violence. Is a powder keg ... only way is supervision and control. Police run compulsory breath testing at 1 mile and Arrowtown junction, [but they] need more of a presence [in town], like in Europe. Only time we see a police officer in Queenstown, they are in a vehicle. They don't approach young people - it's not safe to walk in the mall...”

“Police would say under-resourced, council reactive rather than proactive. Bar owners want the council to improve the business area, to beautify it, but there is no control over people at night.”

“Police should have more visibility. Community liaison people (mellow yellow?) were assaulted. If police coordinated four weeks in a row, and locked people up, and put people through courts, word would be out - would change environment. Need a crackdown, a will to do it, not growth for growth's sake.”

“Used to be local ambassadors in 'hi-viz' jackets, now if you fall down drunk in Queenstown, could suffer exposure (hypothermia). We rely on police but hard to get through to them, [they] never see anything.”

“Standards from bar owners/operators not being controlled ... Expectations too low - the moment try to restrict sale of alcohol, licensees are up in arms, council defensive - Police should have final say - the mayor isn't out at night. Shouldn't be just enforcing the law, but acting in the spirit of the law. Some managers of bar are too young, [in their] 20s. Bar managers are more interested in revenue ... Qualifications too easy, too slack ... [Need] fewer bars and better quality bars.”

Other

“[New law about supplying alcohol to minors] could be useful tool for some parents, but for those who drink a lot and allow their children to drink, not so good. But what is considered acceptable? People have different values, people lack information about how detrimental alcohol is to their brains at that age.”

Impact of Act

“No real improvements, same if not more assaults and stupidity, no reduction in harm. Types of assaults (more brutal) reported in local media ... New Zealand has gone from one extreme to another (from 6pm closing to 4am). Every inch given is a mile taken. [The result of] cultural shift in NZ and Australia.”

“In terms of our job, nothing [has changed], but bar managers are more vigilant (yet still mayhem.) Level of arrests hasn't decreased (based on local media coverage and personal experience).”

“Don't see anything has changed, has not reduced harm. Queenstown is known as boozy party place ... Asked council to change image. New laws are not harsh enough. Need to change things within council. Need strong-minded councillors. Who is going to make that stand? Otherwise, what are we going to change? The Act is wishy-washy ... Scooting around the big issues, not much faith in it.”

DISCUSSION

This research sought to examine the early impact of the introduction of the *Sale and Supply of Alcohol Act 2012* on alcohol-related harm in and around licensed premises in Queenstown and Wellington by examining:

- alcohol service practice
- licensed premises management
- patron behaviour in and near licensed premises, and
- by exploring attitudes, perceptions, and knowledge of the Act among stakeholders.

The three key methodologies used replicated elements of earlier studies by some of the current research team. Quantitative proxy alcohol-related harm indicators were used to measure whether the new legislation was having an impact on alcohol-related harm, while other alcohol measures reflected police practices in each location. This quantitative data also provided a contextual framework for the predominantly qualitative analysis of observations of licensed premises environments, and the perceptions and attitudes of key stakeholders examined in the qualitative component.

The earlier studies focused on the impact of regulatory activity in the research sites, whereas the present study involved a broader analysis of all 'actors' in the licensed premises 'space' in order to explore the impact of the new legislation.

ALCOHOL-RELATED HARM INDICATORS

Assaults, disorder, and property damage offences were used as proxy indicators of alcohol-related crime for this study.

In Wellington, the timing of the *Sale and Supply of Alcohol Act 2012* coming into effect in December 2013 coincided with a decreasing trend in violence, disorder, and property offences. The downward trend in these offences started in 2009, well before the new Act was introduced.

Conversely, in Queenstown, the Act came into effect during an increasing trend in violence, disorder and property offences.

In 2007, alcohol-related harm in Queenstown had a high profile, with the establishment of the Ministry of Justice's Curbing Alcohol-related Violence (CARV) project. This resulted in the introduction of a 4am closing time, which was considered to have had an impact on 17 of CBD bars that had held later licences. A study commissioned by the Council suggested that the clustering of these 17 premises in the Queenstown CBD might have had a magnifying effect. However, the trading hours for licensed premises in Queenstown have remained mostly

unchanged since 2008, yet there was a steady growth in these offence classes, before the decline from mid-2013 onwards. Also worth considering is the reported decrease in the number of licensed premises over this period, with a 3% reduction per year between 2004 and 2009, and 6% and 18% increases in 2010 and 2011. These changes may be due to economic factors, but the increase in the proxy-indicator offences since 2009 goes against a decline in the number of on-licence premises nationally.

Early indications of a decrease in indicator offences in both locations at the end of 2013 may reflect the increased monitoring and enforcement activity, and publicity about alcohol issues associated with the introduction of the new Act. However, statistical testing showed that actual recorded crime fell within the confidence limits of forecasts, indicating changes detected in the level of offending during 2014 compared with previous years were not statistically significant.

The stakeholder feedback certainly suggested a renewed focus on industry awareness of responsibilities and new penalties. High levels of media coverage of alcohol issues in both locations, coupled with national media campaigns - such as 'Cool Dad' and 'No More Beersies' - may have contributed to a decline in alcohol-harm proxy measures as they raised awareness of alcohol-related harm issues among licensees, bar staff, and patrons. However, given the large drinking population from other countries in Queenstown, we might expect a lesser effect there.

Monthly vehicle crashes involving alcohol in Wellington showed a decrease since a peak in 2008, but the numbers are small, so it is not possible to determine if this is significant. The numbers are even smaller in Queenstown, so no conclusions can be drawn about any trends.

Other data for alcohol-related offences, such as breach of liquor ban and manager offences, may reflect police tasking for these periods. The low numbers of liquor ban breaches in Queenstown reflect participant observations regarding the relatively light police enforcement of the liquor bylaw in Queenstown.

HEIGHTENED AWARENESS

Awareness of the changes to the law was high among almost all stakeholders. Regulatory staff were most familiar with the changes in the new Act, while bar managers, owners, and security staff were very aware of the changes relating to licensed premises. Heightened awareness was most evident in Queenstown, both through observation of bar staff behaviours and responses from bar staff in interviews. Bar staff reported industry-training opportunities and local territorial authority workshops, and central Queenstown bars had been notified of the police plainclothes operation. Queenstown also has a history of strong media interest in alcohol-related issues in the town centre, with several deaths of young people

affected by alcohol in the resort town since 2008. Bar managers and security staff in Queenstown were also observed explaining why they couldn't serve someone or had to remove the patron from the premises.

Wellington bar staff and security staff also exhibited high awareness of the changes, and observers noted the professional approach of security staff in assessing intoxication before admission.

In the previous studies, bar managers and licensees reported that they were aware of their responsibilities under the old 1989 Act. However, in this study, bar staff not only reported that they were aware, but were also observed communicating with their 'frontline' bar and security staff about their responsibilities under the new *Sale and Supply of Alcohol Act 2012*.

Both police and industry respondent groups reported that they were still learning about the details of the changes, and some reported developing specific training programmes. There was a high awareness of the new 'three strikes' penalties among all respondents, with the exception of the community group, who were more likely to know about the aspects that had been promoted through mass media (e.g., supply by adults to minors).

CHARACTERISTICS OF PREMISES

Observers noted that characteristics of the venue appeared to impact on drinking behaviours. Studies have shown that the 'type' of venue can influence the prevalence of alcohol-related harm, and that the characteristics of a bar can increase the risk of violence by providing situations and conditions that can encourage aggressive behaviour. These characteristics can be either physical or social in nature.

Specific physical characteristics linked to a higher likelihood of aggression by increasing the likelihood of conflict in licensed premises include: crowding, bar layout and traffic flow, inadequate seating or inconvenient bar access, lighting, noise, poor ventilation, and unclean conditions. Crowding around the bar area, in particular, creates the risk of accidental bumping and irritation leading to conflict.

Social conditions can include: heavy drinking and high levels of intoxication, high levels of rowdy behaviour, macho culture, underage drinking, competitive games, dancing, sexual activity, contact and competition, drink promotions, and limited availability of food.

While none of the premises visited exhibited all of the physical and social conditions listed above, observers noted the type of venue affected the likelihood of intoxicated patrons being present, and noted improvements in the 'character' of premises from observations in the previous studies. In Wellington, there was a wider range of types of bars, with many more upmarket bars. Queenstown, too, had some 'respectable' venues, and in both locations, these premises had better quality

furnishings and amenities, more lighting, and were cleaner than their high-patron noisy neighbours. While the more upmarket bars generally had fewer intoxicated patrons compared to the larger venues, in Wellington, on the busiest weekend, observers noted intoxicated patrons in these smaller, more upmarket bars.

The number of licensed premises observed at each site was similar, and many of the premises had been observed in the two earlier studies. Some premises were largely unchanged from earlier observations, but venues at both sites had changed their name, décor, layout, or ownership. Observers noted - and bar staff identified - improvements that had been made that had resulted in either better monitoring of premises or a change in the target market, which encouraged more responsible drinking. There were some obvious changes from the two earlier observational studies. Almost all venues provided free tap water in a prominent position in their bars, whereas previously, in many venues, water was not prominent. In one Wellington bar, in particular, bar staff consistently offered patrons a glass of water on arrival and kept their water glasses topped up. In Queenstown, one venue had moved the location of the bar, enabling better monitoring of patron behaviour by bar staff. There was a noticeable improvement in managing patron numbers to avoid crowding in some venues, and management of 'last orders' and the way patrons left the premises at closing time had also improved.

Bar managers in both locations talked about changing their marketing to attract a different type of customer, rather than relying on the 'heavy volume, cheap drink' type of patron. These managers were interested in 'local and loyal' patrons who returned again and again, and who didn't cause problems. One bar had changed its marketing and layout to attract a broader demographic and encourage food consumption with alcohol. Some respondents reported making some of these changes before the introduction of the Act, but reported changes relating to pricing and promotion, in particular, had been made as a response to the new legislation.

PREMISES MANAGEMENT OF INTOXICATION

There are a number of characteristics of premises management that are associated with poor management of intoxication. These characteristics include:

- Low staff-to-patron ratio
- Lack of responsible serving practices
- Service to already-intoxicated patrons
- Drinking by staff
- Confrontational approach to venue management
- Aggressive security staff
- Poor coordination of staff
- Poor monitoring and control of minor incidents
- Lack of professionalism of, or younger, security staff.

A noticeable change in the management of premises from the earlier studies was the increase in door staff, as well as increased security within premises, particularly for larger venues. Managers seemed more engaged with both security and serving staff. Observers were sometimes privy to managers' discussions with staff about preventing intoxication and explaining how to deal with intoxicated patrons. This was particularly evident in Queenstown, where police were conducting a plainclothes operation and had notified bar owners and staff in advance. Security staff appeared to be on 'high alert'. In some busy bars, security staff wore clearly marked clothing and moved throughout the bar all night. Door staff appeared to be well-trained at almost all venues. In Wellington, in particular, security staff were more likely to engage with patrons before admitting them, and in all venues, identification was checked thoroughly. In one Wellington bar, observers noted no security on the door, but were asked for identification at the bar. It was unusual in both locations to not be asked for ID.

Observations revealed an improvement in 'engagement' with patrons from the earlier studies. In most bars, bar staff were attentive and staff regularly moved among patrons, collecting glasses. Sometimes, these staff would engage with customers, but in some bars, the "glassies" kept their heads down (missing an opportunity to assess intoxication levels). Broken glass and spilt drinks were mostly attended to quickly in bars in both locations, and most bars were reasonably clean. However, a number of venues had sticky floors (from spilt drinks) and toilets in poor condition, and these were often predictable indicators of the intoxication levels of patrons. A noticeable feature in Wellington was the increase in 'older' (45+) intoxicated people on the very busy night after the rugby test.

Compared with the earlier studies, most bars had improved their premises management, particularly in Queenstown. However, there were still some bars that allowed and even encouraged risky drinking behaviours, particularly among patrons who were involved in the 'bar crawl' groups. Intoxicated patrons were identified and removed by staff at a number of venues in Queenstown.

Another noticeable change in Queenstown was the way in which venues were closed down in the early hours. Bar staff in some high-volume bars, which previously were observed to 'push' patrons to drink until closing time in the earlier observational studies, had adopted strategies which included slowing or stopping bar sales, and increasing the lighting about thirty minutes before patrons had to leave. Security staff moved through the venue, collecting glasses, cleaning tables, and engaging with patrons, and removing people who looked intoxicated.

OUTSIDE THE LICENSED PREMISES ENVIRONMENT

Observations in earlier studies highlighted the importance of the areas around licensed premises as sites for alcohol-related harm, and a particular focus of the

current study was the observation of areas adjacent to licensed premises before, during, and after the main 'nighttime economy' hours. Both sites have central and quite compact entertainment 'precincts', although in the hours before midnight (most nights) in Wellington, the area includes the Cuba quarter. On busy nights, some of these 'outlier' venues remain open longer, but for the most part, Courtenay precinct venues dominate the 'late late-night' entertainment area, with a particular concentration of late-night venues in the vicinity of Blair and Allen streets. Patrons from bars closing in other parts of the Wellington CBD tend to 'migrate' (or, on busy nights, 'flock') towards this area.

This 'migration' was also a feature of the Queenstown environment, and in both cities, the same phenomenon was observed. Those who were still capable of standing upright in a queue generally queued for admission to the venues that were open until 4am, while others stumbled to the nearest food outlet. In Wellington, there was a range of late-night takeaway or fast-food options, while in Queenstown, options were more limited, and most outlets had very limited seating for customers, forcing patrons to crowd onto footpaths and streets.

The behaviour and management of patrons when 'released' onto the streets was interesting when compared with the earlier studies. There were more taxis available (and fewer people driving themselves home) in both locations. However, patron behaviour changed as people exited venues. People who had been unable to move much in the busy venues were observed staggering and stumbling, and for many younger patrons, there almost appeared to be an expectation of 'letting go' once out on the street. For some older patrons, too, the street became a site for aggression and arguments, as well as displays of drunkenness. Many people were observed staggering towards a food establishment or a taxi, or (in Wellington) joined a long queue at the late-night venues.

The management of alcohol-impaired patrons leaving bars seems to be the prerogative of bar security staff, taxi drivers, and the patrons themselves. On very busy nights, there was a visible police presence (on foot, but also in cars) near some premises in the early hours of the morning. However, on quieter nights, it was rare to see police at all as patrons exited venues and headed for food or taxis. Similarly, the Local Host street 'ambassadors' were more visible on busy nights. Bar security staff were observed assisting people who had been refused entry to bars, helping them get to taxi stands or night buses.

The behaviour of patrons had not observably improved since the earlier studies; however, the 'exodus' did occur slightly earlier than in previous studies, due to the 4am closing time. There did not seem to be any observable change to the management by police of patrons leaving bars as a result of the new legislation. However, police staff interviewed reported improvements in the nighttime environment following the introduction of the new legislation, and reported a 20%

decrease in alcohol-related incidents in Wellington following the change to the default closing times for licensed premises.

ENFORCEMENT

Visibility of police had been identified as important in the two previous studies at these sites, and was identified in the focus group feedback as being important in this study. While bar managers were not enthusiastic about a visible police presence within their bars, community members, late-night business owners, and observers noted the lack of a visible police presence at both sites, particularly in the earlier part of the evening.

Police reported rostering and tasking that involved more of a presence on the street in the early hours of the morning, which fits with observer and community perceptions. In both locations, the police presence was more noticeable on busy nights, and police were often seen in cars rather than on foot. Police visits were longer, on average, than in previous studies; however, fewer visits to premises were observed.

Bar staff and police reported that the nature of enforcement visits could vary depending on the experience of the particular officer(s) involved and their knowledge of the new Act. One late-night public health regulatory visit was observed (there were none in the previous studies). Health and TA staff reported being more likely to visit premises during normal business hours, due to resourcing issues, and at one location, the division of labour for such visits saw different agencies taking responsibility for different types of licences.

LIMITATIONS – FACTORS AFFECTING OUTCOMES

The first set of observations in Queenstown occurred during a period when police were introducing a new strategy of 'plainclothes cops' in bars. While plainclothes police were only deployed for a small proportion of the observational period, licensees and bar managers were aware that plainclothes officers could be deployed. Observers noted a heightened awareness among bar managers and staff, who appeared to be constantly on the lookout for police, and were vigilant in assessing intoxication before admission to their premises, and closely monitoring patrons within premises.

The Queenstown community is very aware of alcohol-related issues in their CBD. Local police have a regular column in the Mountain Scene newspaper, and stories about alcohol-related crime feature regularly in local publications (often front page). Queenstown respondents also reported two high-profile deaths linked to excessive consumption of alcohol in the resort. There was also additional attention on local police in the media due to a high-profile prosecution of a police officer for racially abusing a taxi driver after a night out in the town.

In Wellington, observations and interviews coincided with a period in which the Council's Provisional LAP was being opposed by police, Regional Public Health, and others in hearings before the Alcohol Regulatory and Licensing Authority (ARLA). The Authority rejected parts of the Council's policy which would have given Wellington the most liberal drinking hours in the country. In January 2015, the authority ruled that the council's proposal to allow some bars to stay open until 5am was putting too much focus on city vibrancy, rather than reducing alcohol-related harm.

Limitations affecting the quantitative analysis were outlined in the Quantitative Methodology section. These included:

- Problems gaining access to certain data sets (such as ambulance attendance data and police regulatory data)
- Inherent limitations associated with police provisional data (potential coding errors)
- The absence of geographic attribution for some indicator offences (affecting approximately 10% of the offence data set)
- Limitations associated with attribution of NZTA's CAS data to alcohol.

Low participant numbers for industry staff and community members in Wellington was also a limitation, in that the stakeholder feedback for these groups mostly reflects the views of Queenstown participants. Invitations were extended by email, by telephone, and by personal approach, but many late night business staff responded that they were unavailable for interviews during the day, and too busy late at night.

CONCLUSIONS

This study aimed to examine and understand current service practice and customer behaviour in and near licensed premises, including attitudes, perceptions, and knowledge of the *Sale and Supply of Alcohol Act 2012*, and test whether the new legislation may have reduced the service of intoxicated and underage patrons on licensed premises in two New Zealand locations.

Different trends in alcohol-related harm indicators were identified in each location. These different trends probably arise because of a wide variety of local factors - as diverse as local economics, different regulatory agency approaches, patron demographics, and culture. Both Queenstown and Wellington have very 'concentrated' late-night entertainment 'precincts'; however, Wellington, with more venues, offers a wider variety of type of venue, and this was reflected in a wider variety of patrons observed in and around premises in Wellington. Differences may also reflect different bar ownership patterns in each location. For example, interviews in Queenstown revealed multiple bar ownership, including some absentee overseas owners.

The quantitative trends should, therefore, be interpreted in the context of the qualitative information that has been collected to understand these local conditions.

ALCOHOL-RELATED CRIME AND PUBLIC ORDER STATISTICS

Quantitative indicators showed two very different alcohol harm trends in the two research locations. Alcohol-related harm in Queenstown has been trending up since 2008, whereas in Wellington, since 2009, it has been trending down.

MEASUREMENT OF ALCOHOL-HARM INDICATORS

There was no clear indication from the statistical analysis of crime data that the introduction of the Act led to a decrease in alcohol-related harm arising from licensed premises. However, there were observable (but not statistically significant) decreases in alcohol-related offences.

In Wellington, the LOESS decomposition illustrated that the period since the introduction of the *Sale and Supply of Alcohol Act 2012* in December of 2013 coincided with a continued reduction in the overall level of violence, disorder, and property offences. This reduction was a continuation of a decrease in these offences, which started in 2009, then saw a small increase during 2011 before it again trended downward throughout 2012, 2013 and the nine months of 2014 within the study period. There is no statistical significance between the pre- and post-December 2013 trends.

In Queenstown, the picture was different, with a decreasing trend from mid-2013, which followed a mostly steady increase since the lowest recorded point for these offences in 2008. The decrease in 2007-2008 coincided with the introduction of a 4am closing time, which had an impact on the CBD bars that had held later licences prior to the trading hour change. There is no statistical significance between the pre- and post-December 2013 trends.

STAKEHOLDER KNOWLEDGE, PERCEPTIONS AND BEHAVIOUR

Knowledge of the changes to the legislation was high among almost all stakeholder participants. Community members interviewed were less likely to be aware of the detail in the changes to licensed premises, but high-profile local media activity, and national-level advertising and promotion of some key changes, meant these participants had good knowledge of default hours, development of LAPs, and changes relating to parental permissions regarding supply to minors. Training programmes and material provided before and following the start date of the new legislation meant most industry and regulatory agency staff interviewed had a thorough understanding of the legislation relating to on-licence and off-licence premises. That understanding varied depending on the role of the staff member and the organisation. Most participants reported that they were still coming to terms with all the changes, as it was still 'early days'. There was an expectation that the ambiguity of interpretation that some participants experienced would be clarified once there had been more case law and testing in the courts.

INTOXICATION AND PREMISES MANAGEMENT

Observations revealed some intoxicated patrons within licensed premises; however, there were fewer examples of this than in the earlier studies at each site. Most intoxication was observed on very busy nights and in busy bars. Observers noted that bar staff in Queenstown engaged with patrons and discussed the consequences or penalties with intoxicated patrons in order to persuade them to leave premises. There appeared to be more communication with patrons by bar staff than in the earlier studies.

In Wellington, it appeared the focus was on preventing intoxicated or even 'influenced' patrons from entering bars, with some very professional approaches taken by bar security staff. In both locations, observers noted the calm and reasonable manner of bar staff when explaining why entry to the venue was being denied or when removing patrons.

There appeared to be fewer staff joining in and drinking with the patrons than in previous studies, and it was unusual to observe a bar manager drinking at all. In Queenstown, some interviewees had concerns about young people coming from abroad to work in bars without a thorough knowledge of New Zealand laws. However, industry staff felt that the new requirements for licence-holders could

improve this. This was less of a concern in Wellington where bar staff were more likely to be 'local'.

Of note was the absence of minors within venues at each location when compared with earlier studies. This was particularly noticeable in Queenstown. Even the streets surrounding the bars were, for the most part, an 18+ environment, whereas minors had been identified in earlier observations at both these sites. In Wellington, on busy nights, there were more minors (13 to 17-year-olds) on the streets than in Queenstown, but again, within premises, there were no obviously underage patrons.

This may be a consequence of improved door security measures since the earlier studies. There appeared to be more door security staff (at more venues), and the staff were mostly very thorough in both ID-checking and in assessing patrons for intoxication levels. Other improvements in venues in Queenstown were observed and reported, including obvious efforts by managers and door staff to prevent the overcrowding that had been prevalent in the earlier studies, and some bars had improved the management of patrons' transition from the bar to the street at closing time. It is difficult to determine how much of this improvement to bar security is attributable to the new legislation, as industry players reported some changes in training of door staff and a 'professionalisation' of bar security staff in advance of the changes in the new Act. However, interviewees also reported the new Act had made them more vigilant and had provided clearer guidelines for assessing intoxication levels.

Some interviewees in Queenstown expressed concern about the development of bar crawl businesses that were able to operate outside the legislation, while encouraging risky drinking practices. These bar crawls seem similar to the 'party buses' observed in the earlier MALES (Multi-Agency Liquor Enforcement) study (Allen & Clarke *et al*, 2008), which attracted a younger crowd and, at times, placed pressure on bar and security staff. Observers noted that patrons who participated in these 'alcohol-fuelled walking buses' behaved differently to other patrons, in that a kind of 'groupthink' was evident, in which members participated in drinking activities that perhaps they wouldn't have, if not part of the group. Some participants felt that the promotion of free and discounted drinks at licensed premises for the duration of their stay in Queenstown seemed 'out of step' with the object of the Act and the restrictions on promotion in the new legislation. This kind of business was not observed in Wellington, although there were noticeable groups moving between craft beer bars during the Beervana festival, but patrons in these groups did not stand out from other patrons, and many of these venues provided substantial food options to patrons.

Industry staff in both locations reported that they were more vigilant as a result of the new Act, and were aware of, and diligent in, training their staff to be aware of the new penalties introduced under the new legislation.

TYPE OF PREMISES

Observers noted that the physical and social characteristics of the licensed venue affected the behaviour of patrons within the venue. While none of the premises visited exhibited all of the physical and social conditions likely to contribute to the likelihood of violence, observers noted some of these features were present in many bars, and that intoxicated patrons were more likely to be present at these types of venue.

However, in some venues, there had been improvements in the 'character' of premises since the earlier studies, which had changed the demographics of patrons. There appeared to be fewer underage or intoxicated patrons at venues that had made these improvements. Some bar staff also reported making changes to the bar environment to attract a different demographic. Many of these changes had taken place before the introduction of the new legislation, but bar managers discussed how these contributed to the harm reduction focus of the new legislation.

REGULATORY ACTIVITY

Qualitative observations and participant feedback revealed that changes to the legislation and the concomitant increase in publicity about the new requirements and penalties had increased the 'perception of risk' of enforcement action among licensees in both sites. However, this seemed more pronounced in Queenstown, where licensees and managers had been notified in advance of the plainclothes operation.

While the plainclothes operation had bar staff on 'high alert', patrons appeared to be unaware and unaffected by the police presence in the entertainment precincts, except when police staff were in uniform. In Queenstown, residents and late-night business owners commented on the lack of police walking the streets earlier in the evening, "before things get messy". Police staff cruising in cars were visible on busier nights in both locations, but community and business participants were sceptical about the prevention effect this might have. Participants felt that visible foot patrols to maintain a perception of risk to patrons could contribute to safer premises with potential to reduce alcohol-related harm.

Licensees in Queenstown and Wellington were positive about the potential to ensure good practice and 'raise the bar', as well as weeding out any 'dodgy' operators that gave licensed premises a bad name. The style and manner of the police and other regulatory staff was important to all participants, with relaxed and friendly discussions preferred to authoritative and punitive approaches. This was felt to be particularly important in the 'learning phase' of the new legislation, where both police staff and bar staff had to become familiar with the new rules, and practised at using the new 'tools' to assess and manage intoxication.

COLLABORATIVE APPROACH

For the agencies themselves, there was a new requirement to work together collaboratively, and for some, this meant a division of labour in order to cope with the increased administrative tasks and workload. Regulatory staff reported familiarising themselves with the changes, updating their policies and processes, coping with an increased burden of licence renewals and special licences, and having to prepare for a large number of District Licensing Committee meetings. Police also reported developing training materials and providing training to the wide range of police staff as they learnt the new requirements.

Licensees and bar staff spoke more about industry training and working with regulatory agencies to prevent intoxication and reduce harm. A collaborative approach with regulatory agencies was seen as important among industry staff to meet the aims of the Act. The intoxication assessment tool and definition of intoxication in the Act meant that it was not only the regulatory agencies 'all singing from the same song sheet', but the industry players were also willing to sing along, too.

OVERALL IMPACT ON ALCOHOL-RELATED HARM

While police and licensees were positive about the potential to reduce alcohol-related harm, community members and health staff felt that the new Act did not go far enough and had been a missed opportunity to really have an impact on alcohol-related harm. Some participants were disappointed that not all of the recommendations in the 2010 report on the comprehensive review by the Law Commission had survived the parliamentary process, and felt that the recommendations had indeed been 'cherry-picked'. Key omissions included returning the drinking age to 20, and excise tax increases. All participants felt that it was still 'early days' and that a review in a year or so would provide a better picture of the law's effectiveness.

SUMMARY OF KEY FINDINGS

There is an observable improvement in premises management and compliance since the earlier 2005 and 2008 studies, particularly management of door security and supervision of bar staff. Observations and feedback suggested a slightly lower effect of the new legislation on serving practices, particularly in Queenstown, where some servers were young and bar staff were more transient, but bar managers in both locations described an increased focus on bar supervision and server knowledge of their responsibilities. Although some bar security improvements may have been initiated in advance of the new legislation, the high awareness of new sanctions for non-compliance, and changes to bar staff training and monitoring, suggest the legislation has had a positive impact. The clear definition of 'intoxication' and, in particular, the Intoxication Assessment Tool, has provided industry participants and

regulatory agency staff with a shared understanding of intoxication, which has enabled improvements to preventing, monitoring, and managing intoxication on licensed premises.

Management of the public spaces adjacent to licensed premises is also important, and police foot patrols, combined with local bylaws being enforced, was seen as the most effective way of preventing harm around licensed premises.

Almost all stakeholders had a comprehensive knowledge of the key changes to the legislation. While some agency staff appreciated the new 'levers' to reduce harm, and licensed premises staff saw the changes as an opportunity to lift their game, community stakeholders were more cautious. All participants expressed concerns about the off-licence environment and the impact of 'pre-loading' or 'pre-drinking' on the behaviour of patrons, both at licensed premises and in the public spaces adjoining licensed premises.

Participants in the stakeholder interviews were mostly supportive of the changes to the Act, but opinions varied on the impact of the changes, with many participants saying that the Act didn't go far enough, and that it had missed an opportunity to enact some reforms and would only be effective if accompanied by significant cultural change.

Qualitative observations and stakeholder feedback identified a number of possible improvements to reduce alcohol-related harm. These included:

- Maintaining a heightened awareness of compliance with the new legislation, with regulatory and licensed premises staff working collaboratively to improve intoxication assessments and reduce alcohol-related harm
- Increasing visibility of enforcement officers (police) patrolling public spaces near licensed premises and enforcing local bylaws
- Developing broader government strategies that educate the public about their individual responsibility to reduce alcohol-related harm, with particular reference to patron behaviour in and around licensed premises
- Community and some regulatory staff identified a need for local elected representatives to take a firm stance against pressure from the alcohol industry, particularly with regard to outlet density and off-licence sales, which contributed to 'pre-loading'
- Clarification of some aspects of the new legislation (which most felt would result from case law), and more support from central government agencies in this area to provide guidance
- There are early signs of a reduction in the police offence codes for the proxy alcohol-related harm measures, but further measurement and evaluation of local approaches is required to see if the reduction can be sustained.

Previous studies indicated that maintaining the benefits of changes over the long term requires that heightened enforcement activities and improvements in licensed premises management become normalised. It is likely that the more 'mature' attitudes and perceptions amongst stakeholders may reflect regulatory agency practices that had become 'normalised' before the introduction of the 2012 Act. However, it was clear from the stakeholder feedback that the changes as a result of the new legislation had enabled a renewed focus on harm reduction as part of the 'ongoing conversation' between key stakeholders in this domain.

The availability of alcohol from off-licensed premises, and heavily-discounted supermarket sales, in particular, presented challenges to all stakeholders in reducing alcohol-related harm. All participants thought that more time was needed for the changes to be embedded, and felt this could only be achieved if accompanied by cultural change.

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APPENDIX A: OBSERVATION SCHEDULE AND INTERVIEW SAMPLE

TIMING OF OBSERVATIONS

	17:00	17:30	18:00	18:30	19:00	19:30	20:00	20:30	21:00	21:30	22:00	22:30	23:00	23:30	0:00	0:30	1:00	1:30	2:00	2:30	3:00	3:30	4:00	4:30	5:00	
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Thursday, 11 September 2014																										
Friday, 12 September 2014																										
Friday, 12 September 2014																										
Saturday, 13 September 2014																										
Sunday, 12 October 2014																										

■ Observations in Queenstown ■ Observations in Wellington

INTERVIEW PARTICIPANTS BY STAKEHOLDER GROUP



NB. Participation numbers were low for industry and community members at both locations. In Wellington, only two community stakeholders attended interviews, resulting in the majority of comments from community stakeholders reflecting the perspective of Queenstown community members.

APPENDIX B: INTOXICATION ASSESSMENT RESOURCES

These and other resources are available at www.hpa.org.nz

[Intoxication-assessment-tool-a6](#)

Intoxication Assessment Tool

Indicators may include but are not limited to:

	SOBER	INFLUENCED	INTOXICATED
S peech	Coherent, clear speech, normal tone/volume, may be talkative.	May be overly talkative, opinionated and interrupts, may stumble over words, becoming loud, inappropriate language, jokes, comments.	Slurring, difficulty forming words, loud, repetitive, loses train of thought, nonsensical, unintelligible.
C oordination	Coordinated, balanced, standing without help or support.	Slowed or delayed reactions, swagger or occasional staggers or sways.	Spills drinks, stumbles, trips, weaves, walks into objects, unable to stand un-aided or sit straight.
A pppearance	Tidy, clear eyes, alert.	Vacant or blank expression, smell of alcohol on breath, may look untidy.	Bloodshot eyes, eyes glazed, inability to focus, tired, asleep, dishevelled.
B ehaviour	Behaving sensibly but may be more relaxed.	Over friendly or withdrawn, inappropriate or risky actions, argumentative, annoying, fading attention, increased consumption rate.	Seriously inappropriate actions or language, aggressive, rude, belligerent, obnoxious behaviour affecting other customers.
	Monitor & serve responsibly	Intervene	Deny & remove

Intoxication definition
 INTOXICATED means observably affected by alcohol, other drugs, or other substances (or a combination of two or all of those things) to such a degree that two or more of the following are evident: (a) appearance is affected; (b) behaviour is impaired; (c) coordination is impaired; (d) speech is impaired.

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[intoxication-prevention-tool-a3](#)

Intoxication Prevention Tool

1 SOBER MONITOR



2 INFLUENCED INTERVENE



3 INTOXICATED DENY AND REMOVE



1 SOBER MONITOR

CUSTOMER BEHAVIOUR

- Coherent, clear speech, normal tone and volume, may be talkative
- Coordinated, balanced, standing without help or support
- Clear eyes, tidy, alert
- Behaving sensibly

SERVER'S ROLE

- MONITOR CUSTOMER CONSUMPTION**
 - All staff have a role in monitoring the effect of alcohol on patrons
 - Talk with the customer – this will build rapport and give insight into their condition
 - Use unobtrusive monitoring techniques such as glass collection
- ESTABLISH CLEAR AND CONSISTENT STANDARDS**
 - Management and staff are responsible for setting the tone of the premises
 - Create a sociable, friendly atmosphere where intoxication will be out of place and unacceptable
- IDENTIFY CUSTOMER INTENTIONS**
 - Recognise that a minority of customers on your premises intend becoming intoxicated
 - Identify and actively manage those who appear to be high risk
 - Be aware that high-risk people include those celebrating, ordering in quick succession, and ordering shots
- OFFER LOW-ALCOHOL AND NON-ALCOHOLIC DRINKS AND FOOD OPTIONS**
 - Provide a range of alternatives to alcohol
 - Actively promote and encourage other products as part of the broader customer experience

2 INFLUENCED INTERVENE

CUSTOMER BEHAVIOUR

- May be overly talkative, opinionated, stumble over words, loud, inappropriate language or comments
- Slowed or delayed reactions, swagger or occasional staggers or sways
- Vacant or blank expression, smell of alcohol on breath, may look untidy
- Overly friendly or withdrawn, inappropriate or risky actions, argumentative, fading attention, increased consumption rate

SERVER'S ROLE

- COMMUNICATE WITH TEAM**
 - Inform your manager and team about what's going on and anyone to keep an eye on
 - Maintain communication and regularly follow up on those identified
- SLOW OR STOP ALCOHOL SERVICE**
 - Talk to the customer – intervene early and tactfully
 - Offer non-alcoholic drinks and food options
 - Don't offer refills – wait till they ask; be busy serving other customers
 - Serve their next drink with water on the side
 - If possible, use the customer's friends to rein in their drinking
- BE ASSERTIVE, NOT AGGRESSIVE**
 - Make your requirements clear and allow customers the chance to comply without losing face
 - Never respond to provocation; stay calm and employ calming strategies

3 INTOXICATED DENY AND REMOVE

CUSTOMER BEHAVIOUR

- Slurring, difficulty forming words, loud, repetitive, loses train of thought, nonsensical
- Spills drinks, stumbles, trips, weaves, walks into objects, unable to stand unaided or sit straight
- Eyes glazed or bloodshot, inability to focus, tired, asleep, dishevelled
- Seriously inappropriate actions or language, aggressive, rude, belligerent, obnoxious behaviour affecting other customers

SERVER'S ROLE

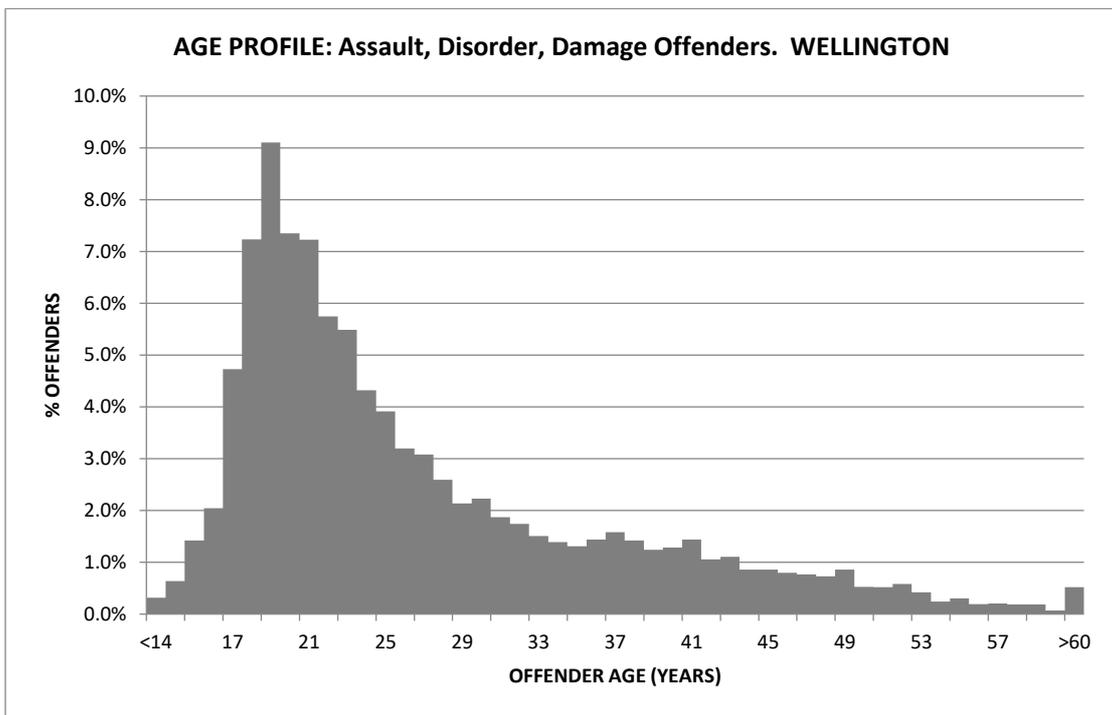
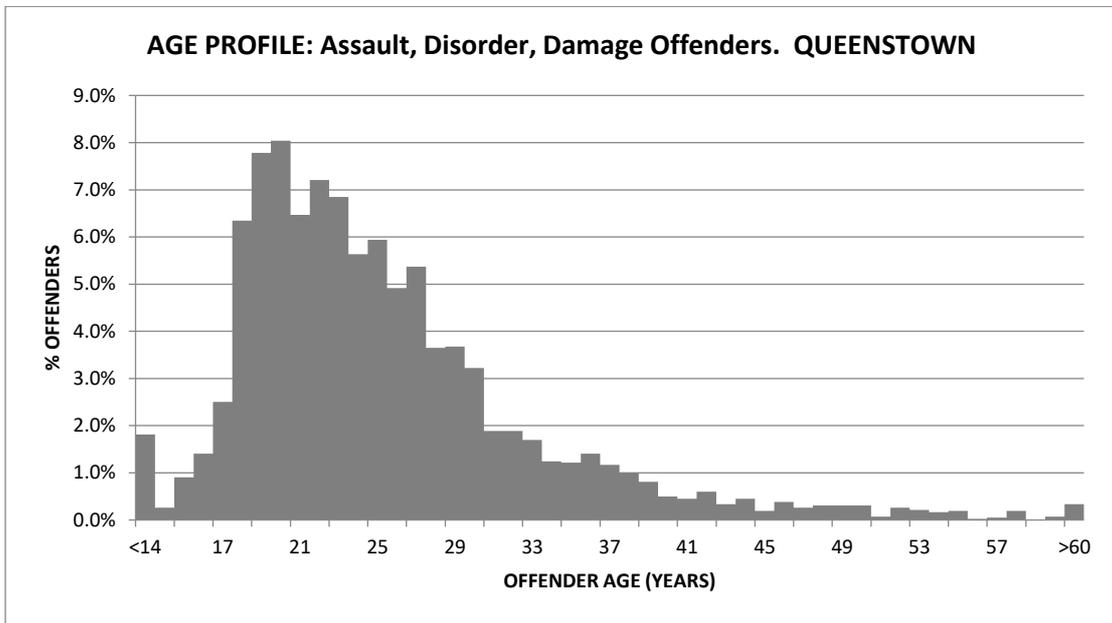
- COMMUNICATE WITH TEAM AND MANAGER**
 - Inform your manager and team of issues so they can support an intervention
 - House policy will determine who should remove the customer from the premises
- REMOVE CUSTOMER FROM PREMISES**
 - Remove the audience effect
 - Consider your own personal safety
 - Enter the incident in the logbook
 - Consider customer safety – mates or a taxi
 - Customers are not allowed to remain on the premises except in a place of safety



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APPENDIX C: AGE PROFILES

The charts below show the age profile for those committing assault, disorder, and property damage offences at both research sites. We see the profiles are similar, with the majority of offenders in Queenstown in the 18-30 age range, and the majority of offenders in Wellington in the 18-25 age range. Older offenders are more common in Wellington, with a 'thicker tail' of offenders in the 30-50 year age range. This appears to reflect the observed CBD population demographics in each site, with older patrons being more common on licensed premises in Wellington than in Queenstown, which appears to service a younger tourist market.



APPENDIX D: ADDITIONAL INDICATOR ANALYSIS

ADDITIONAL INDICATOR ANALYSIS - QUEENSTOWN

Chart D1: Assault, disorder, and property damage (licensed premises scene type)

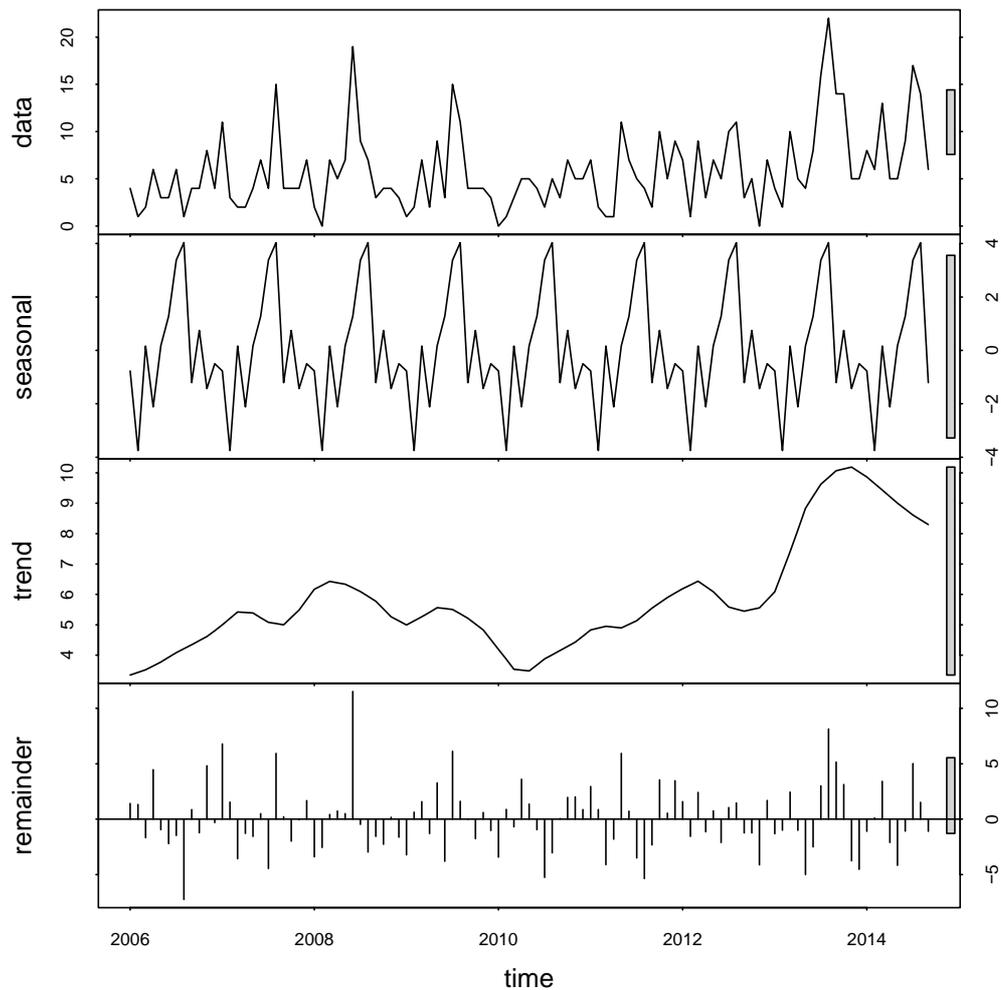


Chart D1 shows the indicator offences that were recorded in Queenstown CBD at **licenced premises scenes only**. These have steadily increased over the time series, with some reduction in the 2014 year. Note, though, the small number of offences in this series (10 or fewer offences per month).

Chart D2 : Assault, disorder and property damage (public places scene type)

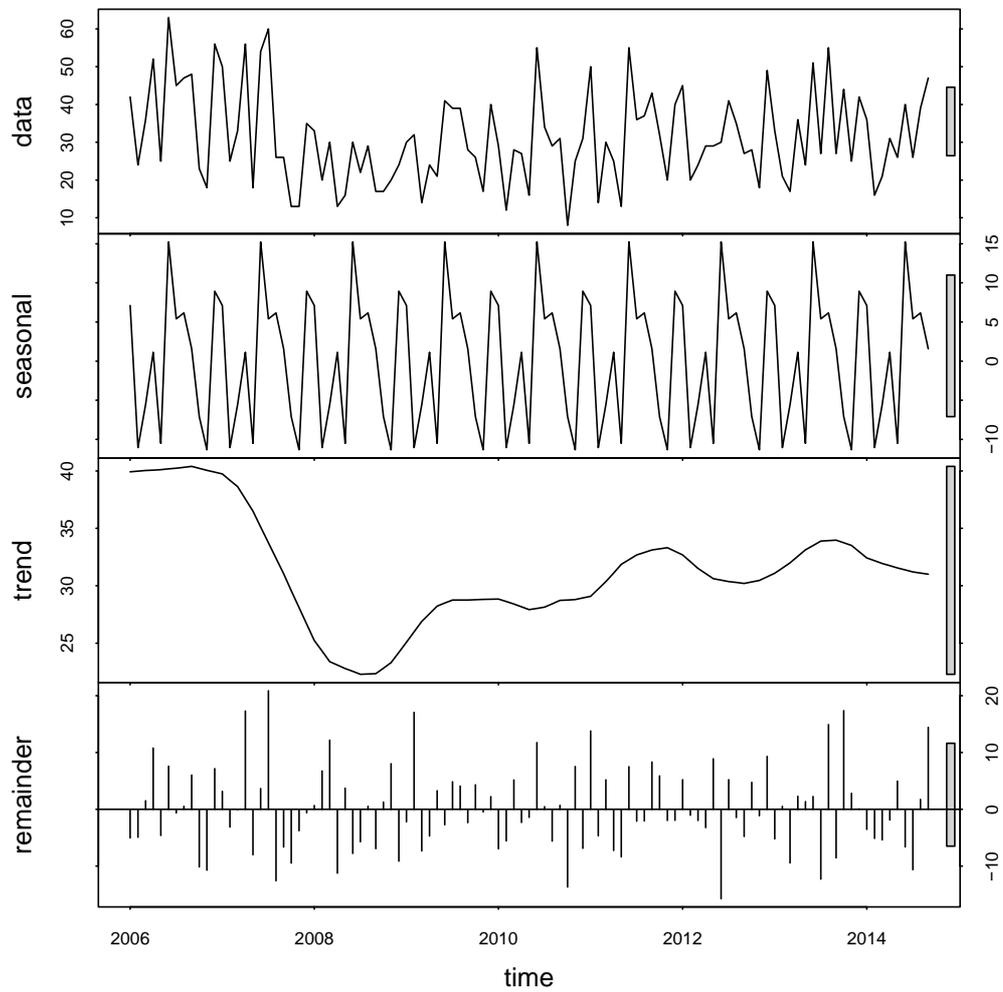


Chart D2 shows the indicator offences that were recorded in the Queenstown CBD at **public place scenes only**. These decreased from 2006 to 2008, and then have slowly increased from 2008 to 2014.

Chart D3: Assault, disorder and property damage (10pm to 5am – all scenes)

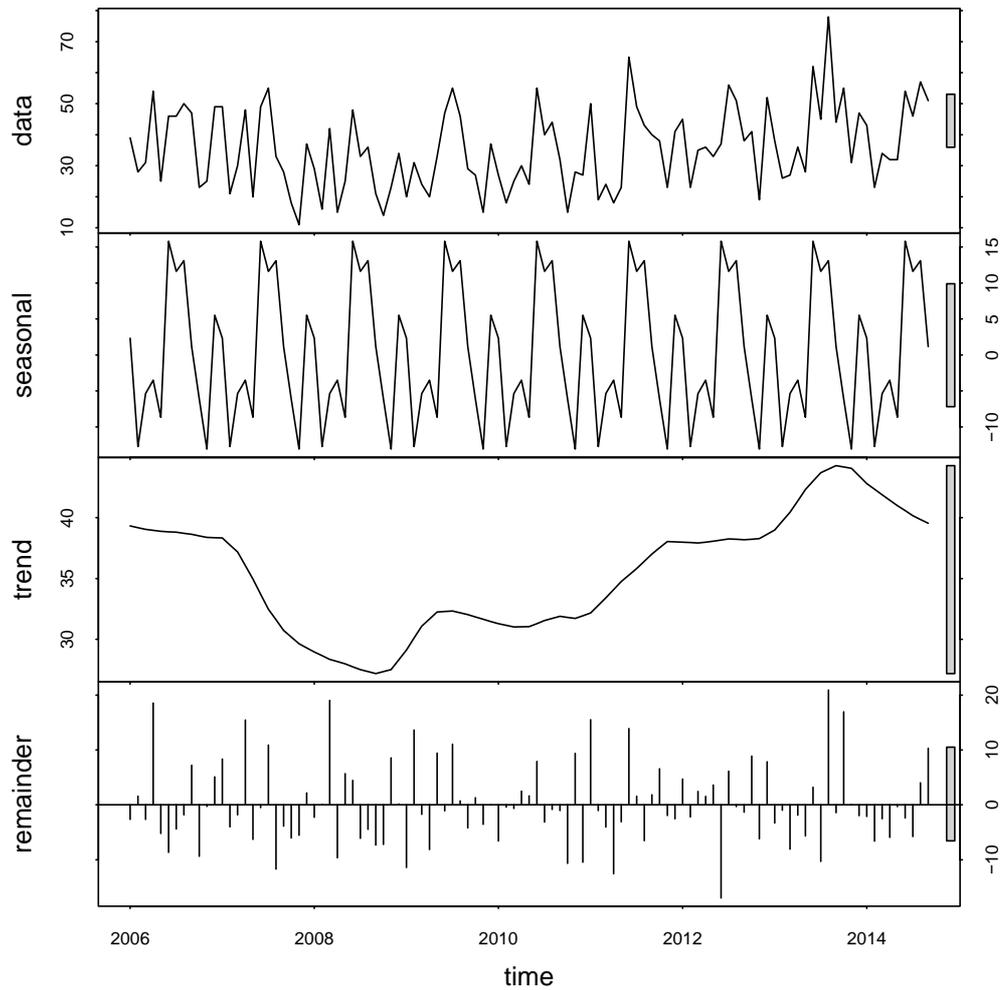


Chart D3 shows the indicator offences that were recorded at all scene types in the Queenstown CBD from 10pm to 5am each day. These decreased from 2006 to 2008, then steadily increased from 2008 to 2013, before reducing in 2014.

ADDITIONAL INDICATOR ANALYSIS - WELLINGTON

Chart D4: Assault, disorder and property damage (licensed premises scene type)

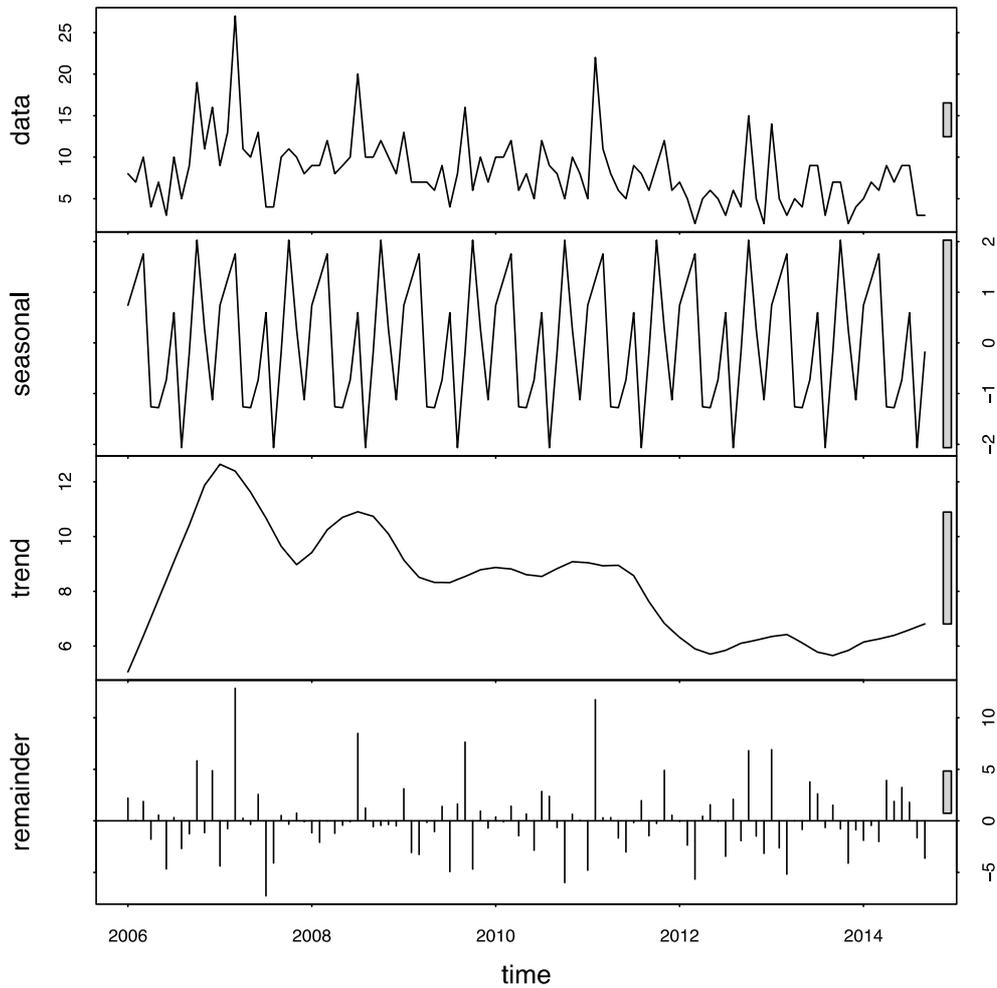


Chart D4 shows the indicator offences that were recorded in and around the Wellington CBD at licenced premises scenes only. From 2007, these steadily decreased through to 2012, and then remained at a similar level. Note, though, the small number of offences in this series (12 or fewer offences per month).

Chart D5: Assault, disorder and property damage (public places scene type)

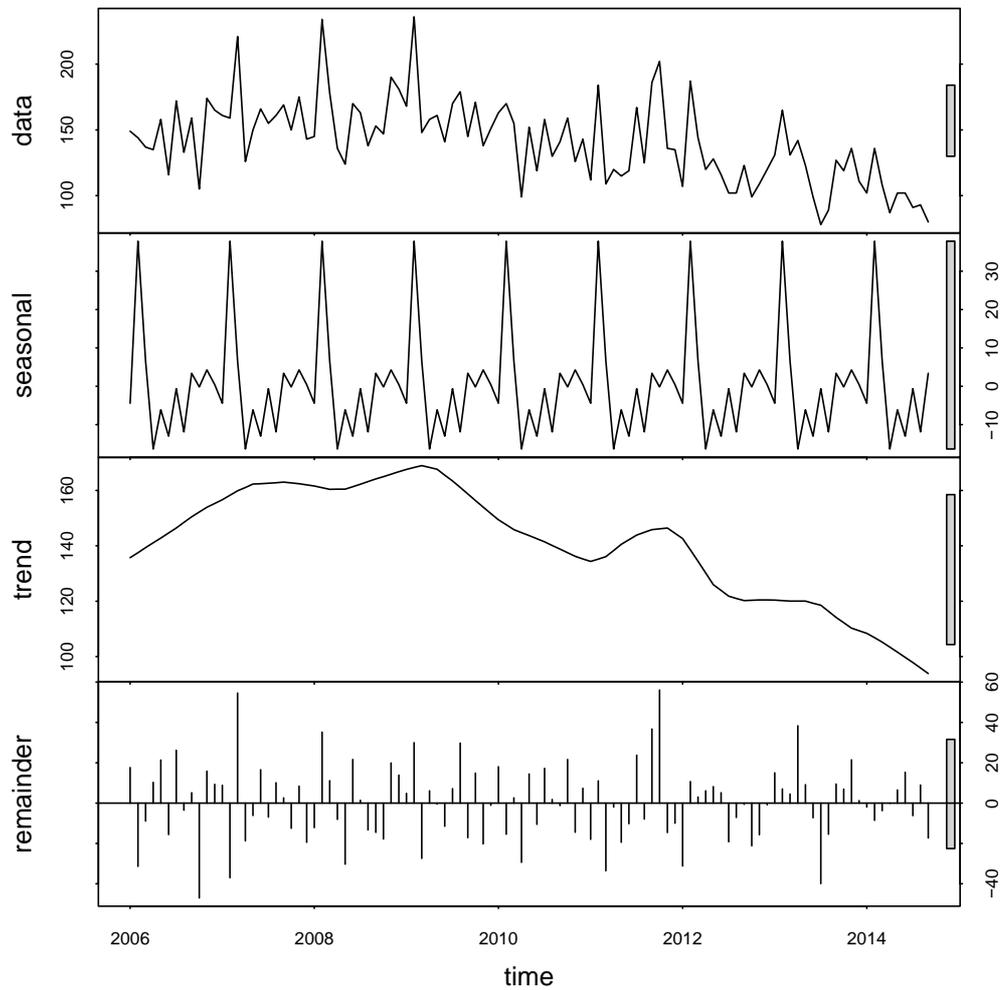


Chart D5 shows the indicator offences recorded in and around the Wellington CBD at public place scene types. These increased from 2006 to 2009, and then decreased to 2014.

Chart D6: Assault, disorder and property damage (10pm to 5am – all scenes)

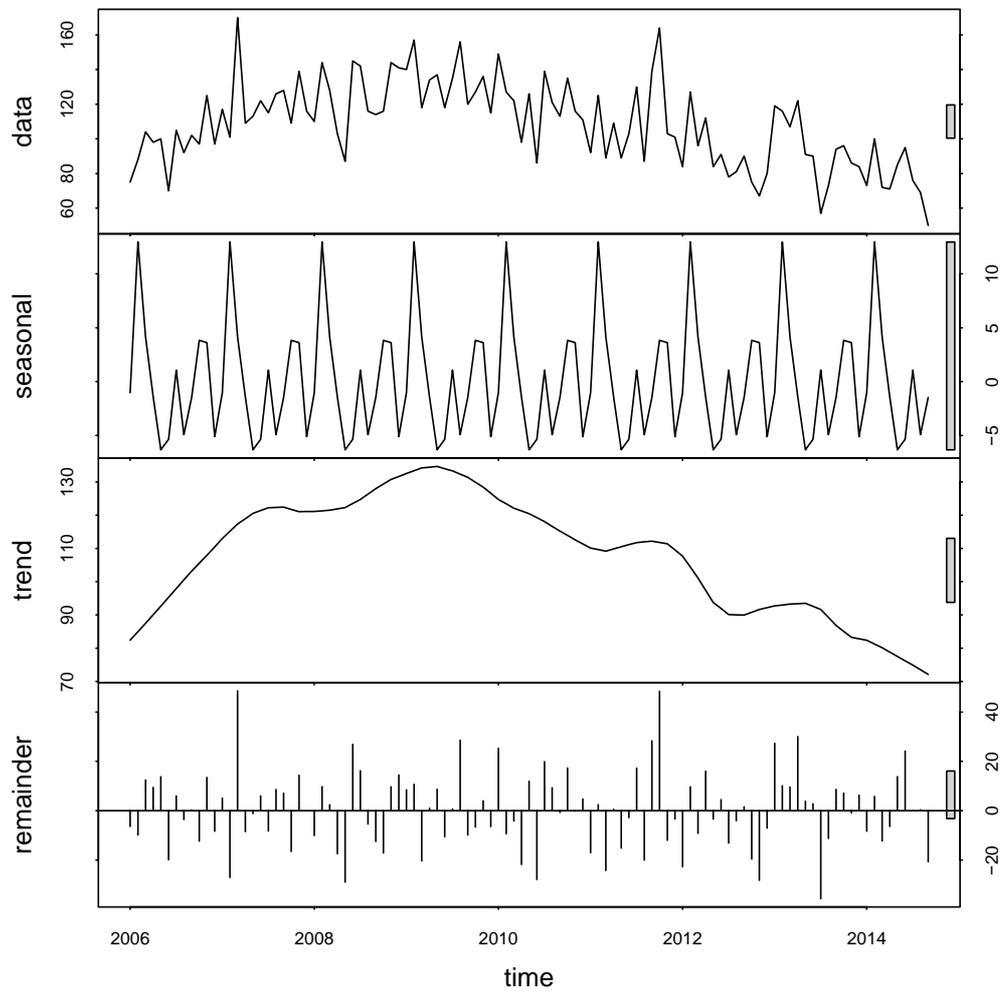


Chart D6 shows indicator offences that recorded in and around the Wellington CBD, at all scene types, from 10pm to 5am each day. These offences increased from 2006 to 2009, and then steadily decreased from 2009 to 2014.

