SOCIAL POLICY

LIVING AFTER MIDNIGHT

For a better night-time environment

Natanael Rother with Jenesa Jeram

THE NEW ZEALAND INITIATIVE

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The New Zealand Initiative is an independent public policy think tank supported by chief executives of major New Zealand businesses. We believe in evidence-based policy and are committed to developing policies that work for all New Zealanders.

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Executive Summary

New Zealand's way of regulating nightlife often restricts the opportunities for night owls. This has made nights overly tedious without improving issues of public health and security.

The prohibitionist's approach here stands in contradiction to success stories abroad. Numerous cities have chosen a pro-active way of enabling a thriving nightlife. Melbourne, for example, found a way to deal with the colliding interests of residents and bar owners. Its agent of change principle makes sure that new venues and housing property are fit for the respective neighbourhood; Amsterdam has become famous for appointing a night mayor. Contrary to common belief, empowering nightlife has not only brought about solutions for some cities, but also a positive way of facing problems of nuisance, crimes and alcohol abuse.

Some of New Zealand's troubles with the night-time are inherently due to the regulatory framework: So far, cities have been given neither the right tools nor the right incentives to work out their visions and strategies for a more thriving nightlife. To the contrary, the sole purpose of local alcohol policies, the most debated policies in the nightlife context recently, has been to minimise harm without weighing the benefits of the night-time economy. Measures in the nature of prohibistic times, such as reducing opening hours, have failed over and over again.

It is for this lack of modernity that New Zealand is partly missing the opportunity to express its rich culture after dark. Besides being dull in some (but not all) places, the current approach fails to make use of the economic and social opportunities a neatly managed nightlife can offer. The number of bars and taverns, for example, has decreased nationwide since 2008, when New Zealand had 600,000 fewer inhabitants than today. Relative to the population, the number of bars and clubs has even decreased between 2000 and 2018 by -2% and -7%, respectively.

It gets worse. Only 10% of people in New Zealand's cities feel "very safe" in their city centre after dark. The only way to change this is to have more people out on the streets at night. Backstreet corners and shadowy figures do not disappear by sending clubbers home.

Recent trends regarding cafes, restaurants and takeaway food services indicate what would be possible if only New Zealand's nightlife were given a supportive environment. Relative to population, the number of venues has increased by over 50% and 35%, respectively. This has increased opportunities not only for foodies but also for people looking for work in this sector.

Some relatively modest policy changes would help make New Zealand's nightlife more exciting and safer at the same time. First, appointing a night mayor ensures that all relevant interests are heard, whereas today, the benefits of nightlife are often left out of the conversation. It is about bringing people together and talking. "Name all the elephants [in the room], even if it is a really small one stacked away under the table," said Mirik Milan, former night mayor of Amsterdam. We should make this a habit.

Second, local policies to enable local visions for nightlife should be set up in a fruitful way. Incentives for the authorities would especially increase in a more decentralised framework. Cities that have a direct interest in their long-term economic wellbeing may think twice before implementing lockout laws to restrict

the nightlife. Whatever strategy councils choose, they should be accountable to sound processes to ensure everyone is heard. At the same time, appeals processes have to be reassessed to make sure they stop being endless lawsuits.

Third, issues of public health should be tackled with specific programmes to help people in need of help instead of inconveniencing the rest of the population. The average alcohol consumption in New Zealand showed a substantially downward trend from the early 1980s and was flat over the past 20 years. In 2018, the average Kiwi over 15 consumed just shy of 9 litres of alcohol, which is not out of step with other OECD countries. Misuse of alcohol is not a nationwide problem but one of certain groups. More targeted initiatives can do good. The South Dakota Sobriety project, for example, helps those whose unhealthy relationship with alcohol resulted in criminal activity. Probation conditions that required no alcohol consumption resulted in sharp drops in re-arrest numbers – and in domestic violence. This kind of initiative could be trialled through New Zealand's Drug and Alcohol Courts.

In times of ever-increasing population density in cities, today's problems will become even more pressing for policymakers tomorrow. Clearly, our proposals and the international experience described in this report will not solve every problem of New Zealand's nightlife. We believe, however, that they are the first steps towards a more balanced way to deal with the nightlife.

CHAPTER 1

Introduction

No one would have suspected the importance for New Zealand's drinking culture and nightlife in the summer of 1873 when 11-year-old Tommy Taylor arrived in Lyttelton Harbour after a long trip on the *Cardigan Castle* from London. Young Tommy turned out to be a talented lecturer but too belligerent to enter ministry. So he went into politics and soon rose into national prominence as a prohibitionist.[1]

Fast forward to 2019. More than 100 years after Tommy Taylor died from a gastric ulcer when in office as mayor of Christchurch, his legacy of teetotalism remains active throughout New Zealand.

Undoubtedly, things are different now than they were in his times. Home brewers are no longer forced to ferment alcohol in the backroom due to closed-down markets but enjoy nurturing their kombucha scoby[2] or their latest batch of self-made amber. These days, it is easy to set up shop in New Zealand as a new brewer or distiller – and many home brewers do.[3]

It is the policymaking mindset that reflects Tommy's legacy. While European cities – Amsterdam, for example – have had great success with a modern and more liberal 24/7 approach, New Zealand acts just as it were in the olden days.

Restricting people's opportunities remains the wowser's first reaction to debates about nightlife. The most recent example are the local alcohol policies. Instead of enabling councils to create their own visions and strategies for New Zealand's nightlife, they were given a tool whose sole purpose has been to minimise harm without weighing the benefits of the night-time economy.

New Zealand's antiquated way of restricting life after dark comes with a price tag. Relative to the population the number of bars and clubs, for example, has decreased nationwide between 2000 and 2018. And despite being home to lots of culture vultures, streets on Friday nights in major cities too often look like Sunday mornings.

It is worse than being dull. Excessive regulation can reinforce perceptions rather than address them.[4] Only 10% of people in New Zealand's cities feel "very safe" in their city centre after dark, according to a recent survey.[5] The only way to change this is to have more people out on the streets at night. Backstreet corners and shadowy figures do not disappear by sending clubbers home. And the "out of sight, out of mind" thinking behind restricting access to alcohol in bars and other public places just drives consumption towards the home. Behind closed doors, addiction is less visible and addicts are left dealing with their problems on their own.

New Zealand needs a modern approach to its night-time economy. Those who behave responsibly should be allowed to act as they wish. Those who need help can be offered care in a more targeted way. Some of the aspects of the night-time will always require negotiations between the involved parties, such as nuisance behaviour and noise from clubs in residential areas. We propose processes designed for a positive way of dealing with issues like that.

To be clear, this report is not meant to explain every aspect of the economic and social actions between 6 pm and 6 am.[6] And it would be far beyond its scope to solve all issues of public health, such as drug abuse. Our focus is on the interests of different stakeholders

and constructive proposals to solve existing difficulties and bring about a much-needed change in mentality.

Puritanical Tommy Taylor would not agree with all our ideas to foster New Zealand's night-time economy. But just as prohibition did not work in his times, overly strict regulation does not work in ours. It is time to try out a new policy approach to nightlife.

CHAPTER 2

Three visions for the night

Urban nightlife ecosystems are complex. Participants have different roles. Some of them enjoy the night, others work in bars and clubs, while yet others like officials and the police manage night-time activities. The groups are not exclusive, and some people incorporate more than one role.[7]

Too often in talking numbers and policies, we lose sight what kind of humans stand behind these aggregated groups. This report aims to include diverse perspectives on the nightlife.

For a start, night-time visions from three different groups of people are illustrated below. They are inspired by real human beings. Surely they only show excerpts of New Zealand's society and are meant for purely illustrative purposes. Each vision is followed by an author's note to contrast their view with related data.

Then, experiences from different cities abroad are showcased. The examples of Amsterdam, Sydney and Melbourne show that a proactive approach for nightlife is promising.

Like some other countries, New Zealand has also taken legislative actions to change the nightlife environment. The local alcohol policies were meant to give cities a tool to create a customised legal framework. As we show, experience with it has been disappointing.

Based on this local and international experience, we propose future steps to foster New Zealand's life after midnight.

The young professionals

Laura, Anika and Josh (professionals)

Flatmates Laura (25), Anika (28) and Josh (30) cannot think of any other way to live than in central Wellington. They are putting a lot of effort into pursuing their professional dreams. Nightlife is a much-welcome distraction from a busy work life.

On a typical Saturday evening, all three foodies cook dinner and enjoy it over wine they discovered in nearby wineries. After that, they like to visit their favourite bars in the city. Laura and Anika love to dance and Josh, even though lacking every sense of rhythm, likes to strut his stuff anyway. Ideally, they find a place that has live music on, but this can be a hard task sometimes, not just after midnight but in general.

If only there were more options to choose from, they think.

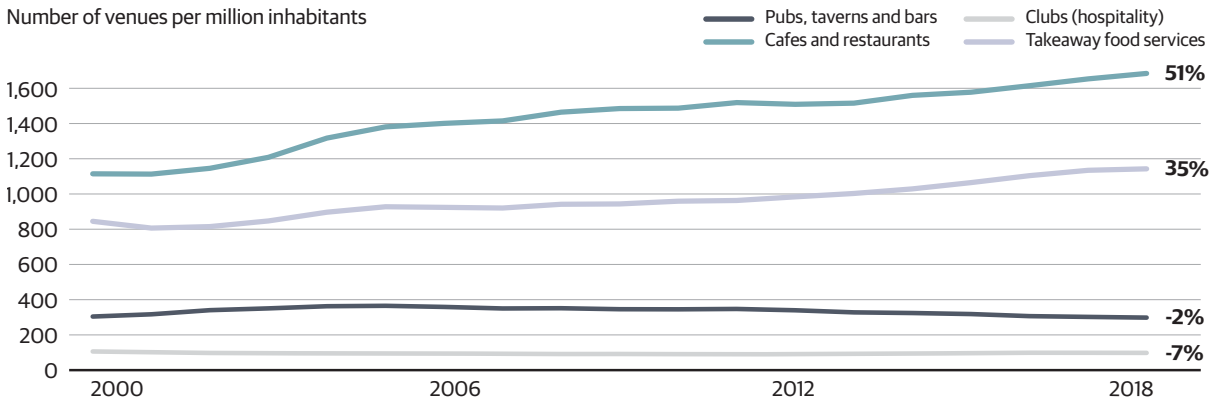
Author's notes

The three young professionals do not live in the best of times for nightlife. Relative to the population, the number of bars and clubs has decreased between 2000 and 2018 by -2% and -7%, respectively (see Figure 1). In 2008, New Zealand had more bars and taverns than today. This was in times when there were 600,000 fewer inhabitants in New Zealand. And while the number of bars was increasing recently, it could not keep up with the increase in population.

It is likely that not every age group visits night venues equally often. An ageing society might mean fewer bars and clubs are used by a smaller share of young people. For New Zealand, the share of elderly (65 and older) has increased from 12% to 15% between 2001 and 2018. However, the share of other relevant consumer groups to the total population has remained relatively stable over time. The share of 15- to 39-year-olds decreased only slightly from 36% to 34% while 40- to 64-year-olds now make for 31% of the total population (up from 30%). It is mostly the portion of children up to 14 years that has declined, but this hardly has a negative impact on possible bar visitors.

Unsurprisingly, night lovers like Laura, Anika and Josh would find the greatest absolute variety of pubs and clubs in Auckland (see Table 1). Relative to the number of inhabitants, however, they are better off in their hometown Wellington where they find nearly twice as many bars per 100,000 inhabitants. Per capita happiness for clubbers might even be highest in up-and-coming Christchurch. The 54 clubs there count for more than 14 clubs per 100,000 inhabitants. That is twice the ratio of Wellington and around 50% more than in Auckland and Dunedin.[8]

Figure 1: For foodies, not for drinkers



Source: Statistics New Zealand.

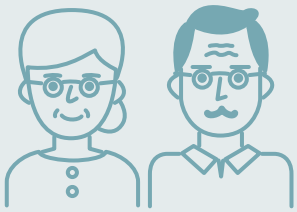
Table 1: New Zealand's clubs and bars in numbers

	Units	Units per 100,000 inhabitants	Jobs	Jobs per 100,000 inhabitants
Auckland				
Pubs, taverns and bars	429	29	4,100	279
Clubs	126	9	1,000	68
Christchurch				
Pubs, taverns and bars	138	37	1,250	331
Clubs	54	14	490	130
Dunedin				
Pubs, taverns and bars	60	57	640	612
Clubs	9	9	85	81
Wellington				
Pubs, taverns and bars	117	54	1,450	673
Clubs	15	7	120	56

Source: Statistics New Zealand.

The elderly

Marie and Matthew (retirees)



Marie and Matthew (65 and 70) have returned to their family home in Auckland after having rented it out for a couple of years. Life in the city suits them well as everything they need is close, from the pensioner-yoga class for Marie to the physiotherapist for Matthew.

The two retirees love to eat out. And it is much more convenient to meet their friends without having to worry about cooking and cleaning.

To make better use of their family home, they rent the extra rooms to travellers on Airbnb.

But the city has become noisier for Marie and Matthew. Sure, the increasingly vibrant neighbourhood makes their house attractive for their guests, they say. But the noise travels easily from party venues. And walking the dog at night does not feel as safe as it did in the past.

Author's notes

The two retirees live in the best of times for foodies. Overall, the number of restaurants and cafes per inhabitant has increased by more than 50% in less than two decades.

Auckland offers the most options (3,630 restaurants and cafes). Relative to the population, however, Dunedin and Wellington would be equally good homes for Marie and Matthew (247 venues per 100,000 inhabitants).

Marie and Matthew do not have to be overly worried about safety at night: In nearly 70% of all New Zealand's regions, overall crimes do not peak during night-times. Naturally, fewer people are awake during night-times. Rates per not-asleep, therefore, may differ.

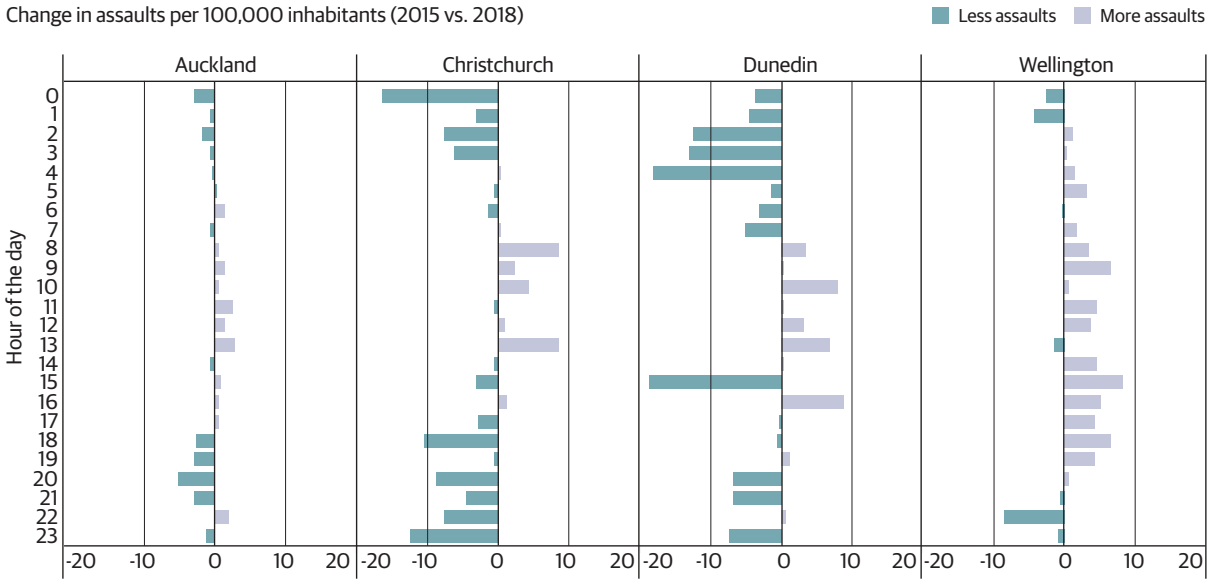
Comparison over time and data for specific crimes that could frighten Marie and Matthew, therefore, is relevant to gain more insights. Figure 2 shows the change in number of assaults (common assaults, serious assaults with and without injury) for Auckland, Christchurch, Dunedin and Wellington between 2015 and 2018. Measures are per 100,000 inhabitants by hours of the day. Blue bars indicate decreasing trends, and red bars show increasing trends.

Table 2: New Zealand's food offerings in numbers

	Units	Units per 100,000 inhabitants	Jobs	Jobs per 100,000 inhabitants
Auckland				
Cafes and restaurants	3,630	247	28,900	1,969
Takeaway food services	2,493	170	10,100	688
Christchurch				
Cafes and restaurants	780	207	6,700	1,776
Takeaway food services	585	155	2,300	610
Dunedin				
Cafes and restaurants	258	247	2,150	2,057
Takeaway food services	129	123	500	478
Wellington				
Cafes and restaurants	531	247	5,300	2,461
Takeaway food services	309	143	1,600	743

Source: Statistics New Zealand.

Figure 2: Mostly, night-times got safer



Source: New Zealand Police.

Auckland, Christchurch and Dunedin have decreasing trends of assaults in late hours overall. In Auckland and Dunedin, there are minor increases at 10 pm. If Marie and Matthew were to move from Auckland to Wellington, they would be advised to train their dog to go for night-walks between 9 pm and 1 am, during which time the number of crimes per inhabitants is decreasing in Wellington as well (see Figure 2). From 2 am till 5 am there are minor increases. All in all, there were 23 more assaults between 2 am and 5 am in 2018 than in 2015 in Wellington.

The cautious

Adam (social care worker)

Adam (42) lives in the outskirts of the city. Together with his wife and three kids, he enjoys time closer to nature. It is his job as a social worker that brings him to town.

Life in cities has become tougher for the less lucky among us, he says. Every night, his team and he look after around 100 people. Or at least they try to, with the few staff they have. For Adam, it is hard to accept the budget constraints when dealing with all the misery alcohol has brought to so many men and women. The youngest of them is just 21. He is missing a life full of joy and opportunities. The oldest turned 75 last week.

People need to realise that not everyone is as lucky as they are. Even if new rules prevent even a single person from becoming an alcoholic, it is worthwhile, Adam says.

Author's note

As a social worker, Adam is mostly worried by the ongoing troubles his clients of heavy drinkers are facing. Who could blame him for feeling despondent?

But Adam's role inherently includes the risk of missing the bigger picture. Overall, New Zealand's per capita alcohol consumption has decreased over time and is not out of step with other OECD countries. The average Kiwi over 15 consumed just shy of 9 litres of alcohol in 2018. This is a substantially downwards trend from the early 1980s and flat over the past 20 years (see Figure 3).

International data does not indicate a small group of people consuming a lot more than the rest, the OECD showed based on international health survey data. New Zealand's top 20% of drinkers consume less than 60% of total consumption, which is relatively low by international comparison. Others like Canada (68%) or Hungary (91%) are worse. Drinking inequality is only lower in three countries covered by the OECD report: France, Switzerland and Spain.[9]

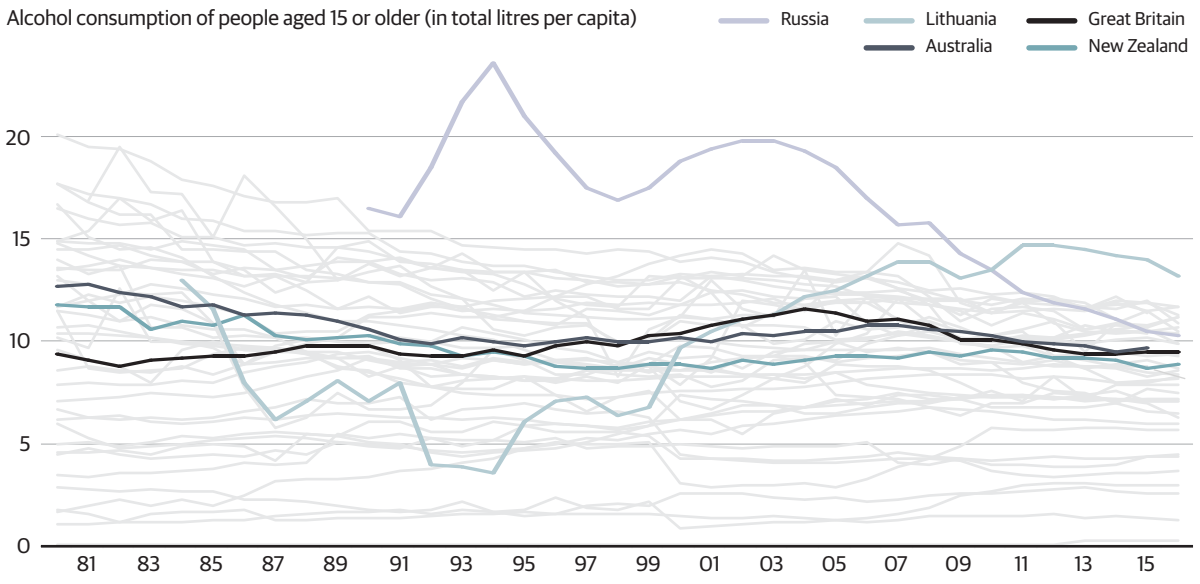
Adam's discomfort has its roots in hazardous drinking behaviour. Here, besides the actual numbers the definitions are also critical.

WHO collects data on heavy episodic drinking,[10] defined as consumption of 60 or more grams of pure alcohol on at least one single occasion at least once per month.[11] The standard definition, therefore, would equal six standard drinks, which would be around two 500 ml bottles of good craft beer with 7% alcohol, or about three-fourths of a wine bottle with 14% alcohol.[12]

Most recent numbers measuring heavy drinking defined as above are slightly above 32% for New Zealand. This puts us close to Australia (36%), Germany (34%) and the UK (30%).[13] Rates for males are substantially higher than for women (in New Zealand 49% and 16%, respectively). But again, if heavy drinking simply means a bit more than two 500 ml glasses of beer in an evening, a lot of people are hitting that threshold quickly.

Alcohol consumption differs between different groups within New Zealand. The numbers below are based on measures using a 10-question

Figure 3: Decreasing drinking patterns in New Zealand



Source: OECD, "Alcohol consumption," Website.

alcohol use disorders identification test. Scores above 8 are defined as hazardous. But it is not that hard to rack up a score of 8.[14]

In 2016/17, one in five adults were hazardous drinkers. Rates of hazardous drinking vary by sex, age, ethnic group and socioeconomic deprivation:[15]

- Men were at least twice as likely to be hazardous drinkers than women (27% and 12%, respectively)
- Hazardous drinking rates peaked among those between 18 and 24 years (33%)
- Māori adults were more likely than non-Māori adults to be hazardous drinkers, after adjusting for age and sex differences.

Due to new measures, no trend over time can be described. Earlier data from 2006/07 to 2015/16 shows a substantially decreasing trend of hazardous drinkers among people between 18 and 24 years of age (approximately minus 10 percentage points). So, while Adam has every right to be concerned about what he sees at work, the numbers imply that the problems are limited to a set of people rather than New Zealand as a whole. Although the problem still deserves attention, targeted policies are more appropriate.

Everyone as he wishes

Nightlife is about balance. There is always more than one side to a story. Laura, Anika and Josh have every right to party once in a while; Marie and Matthew deserve a calm neighbourhood; and Adam is right in being worried about the effects of harmful drinking. The remainder of this report shows how to deal with all these issues. But before that, having seen a snapshot of nightlife in New Zealand, let us see how other famous nightspots around the world fare.

CHAPTER 3

Nights around the world

Balancing nightlife and residential interests are global issues. New Zealand usually takes a cautious approach to harm minimisation. Other more balanced approaches are worth considering. Learning from international experience could help improve our policy on nightlife. Each of the three city case studies below stands for one example of either best or worst practice.

Mayor of the night: Amsterdam's local partnership approach

Before the turn of the millennium, Amsterdam's nightlife was violent at times. One tragic casualty was Joes Kloppenberg, who was kicked to death in 1996 after he tried to stop a rowdy group of drunks from picking on a homeless person first and then some students.[16]

At the time, several actions were taken by the officials to calm nights down. The longest track record is of a policy proposal that was put on the political agenda in 2002. The political group 'Groenlinks' conceived of a night mayor. The night mayor is an active discussion partner for all stakeholders of the night-time economy, such as public authorities, entrepreneurs and residents. He or she acts as a mediator between the two worlds of days and nights and communicates with both. The idea was implemented in 2003, and Amsterdam has been a role model for nightlife since.[17]

Amsterdam's night mayor has experienced several life stages. At first, eight people formed the collective "De Nachtwacht" or The Nightwatch. Unlike in the *Game of Thrones*, where The Night's Watch is a military order that holds and guards the Wall to keep the wildlings and White Walkers from crossing into the Seven Kingdoms, The Nightwatch in Amsterdam existed to protect the nightlife.[18] In their first year, the group presented the "Nachtnota", a memorandum about their vision for Amsterdam's nightlife. Their successors built on that step by step. While they still were working as a team, the role of the night mayor went to a single person subsequently. After being a relatively informal position at the beginning, the night mayor soon became an established partner to various stakeholders throughout Amsterdam's life at night. Since 2012, for example, the night mayor has had a seat in Amsterdam's expert group managing 24-hour permits.

Building on the seeds sowed by his predecessor, former Amsterdam Night Mayor Mirik Milan and his core team of two professionalised the institution by setting up the N8BM A'DAM Foundation as an umbrella organisation in 2014.

Today, the night mayor is embedded in an organisational structure:

1. The **board** executes the work and acts as a strategic body. At the moment, there are four members of the board but they do not represent any stakeholders: Shamiro van der Geld (chairman), Chahida Bouataouan (secretary), Ramon de Lima (project leader), and Tim Verhoeven (treasurer). Van der Geld was unanimously elected in 2018 by a five-member professional jury and the public. He then was free to put together the board.[19]
2. The **supervisory board** overviews the work of the board. It consists of people who either have work relations with the sector or have ties to politics. The supervisory board acts as a mediator between the board and the council

(see below). If necessary, the supervisory board can overrule the board and is allowed to even remove board members.

3. The **night council** comprises 12 members who all have an active role in the local nightlife. They form four sub-councils (night clubs, festivals, safety and regulation, and night culture and diversity). The night council acts as an advisory board. It can report on current or pressing topics to the board. The board has to then consider possible proposals coming from the night council. However, it remains independent in the actions it chooses to take.

The N8BM A'DAM Foundation now works as an interest group for the sector and the wider public. When Milan started to professionalise the night mayor role, he was out and about on behalf of the city for 20 hours a week, voluntarily and without his own office or budget.[20] Nowadays, the small NGO is funded jointly by city hall and the business community.[21] No details about the budget are published. Milan noted a subsidy from the public purse of 12,000 euros in 2016 to get things going.[22] Besides this, the foundation has set up the 'club of 100', a supporters' club. The club consists of 100 cultural or creative entrepreneurs. There are three types of memberships: a sole membership for 125 euros per year, one for organisations with fewer than eight full-time workers for 300 euros, and one for organisations with more than eight full-time workers for 450 euros. If the hundred members were equally distributed among these three categories, it would add up to around 30,000 euros per year in membership fees. Besides being a philanthropic activity and an interest group, the members get further returns like networking events, access to collective insurances, and legal support.[23]

Voluntary work and enthusiasm are very important for the foundation: They are looking for a communications officer – approximately 10 hours of work per week would be compensated by 30 euros per week.[24]

The N8BM A'DAM Foundation has collaborated on various improvements for the public. Under the square hosts project, Milan said: "Every Friday and Saturday 10 people walk the street to help de-escalate any problems. They're not police or security; they're also your friend, but they're still trying to explain to you the rules. Sometimes people aren't aware that they have anti-social behaviour, so they come out of a nightclub and don't realize they're shouting."[25] The hosts received salaries that are funded equally by local businesses and city hall.[26] In some districts, police force could even be cut back with this approach. Smartphone apps have been set up to report noise nuisances. To make the environment more enjoyable, the Dutch electronic multinational Philips was persuaded to invest in significantly more subdued, even refined, lighting for the elegant townhouses that line the square, replacing garish neon.[27] Most notably, in Rembrantplein, a bar and club mecca in Amsterdam, nuisance complaints dropped by 30% and alcohol-related incidents by 20%.[28] While is it difficult to establish clear causality, it seems plausible that parts of this success were due to the night mayor's contribution.

These programmes are not only examples of successful collaboration but also how the sector can voluntarily take more responsibility for improving nightlife.

Lockouts do not work: Sydney's night-time lesson to the world

Young Thomas Kelly, just 18 years of age, was knocked out in a one-punch attack on Kings Cross in Sydney in 2012. He was walking hand-in-hand with his girlfriend. Daniel Christie, also 18, was attacked unprovoked on Sydney's Kings Cross on New Year's Eve in 2013.

They both never got to see their families again consciously and died in the aftermath of the attacks. Two young people lost their lives for literally no reason.

In early 2014, Barry O'Farrell, Premier of New South Wales, said, "Recent violent incidents have demanded strong actions" and tackling alcohol abuse.[29] He pushed legislation through the democratic institutions quickly.

Who could blame O'Farrell for being proactive and demanding stricter regulation of the nightlife?

On 24 February 2014, 1.30 am lockouts and 3 am last drinks began in the Sydney CBD Entertainment and Kings Cross precincts. The regulations transformed Sydney's bustling nightlife.

What happened in the aftermath of the reform?

While anecdotal evidence showed a negative impact of the new regulation on the nightlife, measuring the causal impact of the reform was difficult.

Social scientists and (other) smart people among us know this is far from easy to answer. How can we tell it is the new policy and not ongoing trends that are shaping changes? What if other factors had an impact as well? What if there is no suitable control group to spot the difference? What if people vote with their feet and party outside the CBD instead?

The Bureau of Crime Statistics and Research (BOCSAR) evaluated the policy in more sophisticated terms that should consider the difficulties mentioned earlier.[30] They estimated the number of assaults that may have happened without the reform. Their estimates show a reduction in non-domestic assaults in both the Kings Cross (-49%; 553 fewer non-domestic assaults) and the CBD Entertainment (-13%; 613 fewer non-domestic assaults) precincts. Reductions were partly due to a crowding out to other parts of Sydney, where assaults went up with a total of around 300 additional cases during the 32-month post-law reform period. Overall, the number of assaults in Sydney in absolute numbers was reduced by more than 800 cases.

However, recent research raises doubts about these earlier findings. A Sydney University preliminary research suggests that the laws may only have had an indirect result because the overnight visitors to the precincts almost halved.[31]

There is a difference between making nightlife more secure and shutting it down. Sydney did the latter.

Pedestrian traffic in Sydney CBD decreased drastically. From 2012 to 2015, foot traffic in two major places (Kings Cross and Oxford Street) is said to have gone down by over 80% (the exact figure is debatable). More than 40 bars, clubs and small businesses closed.[32] Business and vibrancy plummeted,[33] leading to a self-enforcing trend:[34]

> When people stop coming, then other people do not want to come because the vibe is not there for them... I do not think the intention was ever to drive 85 per cent of total business away from the Cross, but once it gets to 30 per cent it keeps dropping and dropping, and the snowball effect is that people have stopped coming altogether.

Could the last one please turn the lights off, Mattie Barrie, a local hospitality professional, jokingly said about the impending doom of Sydney's nightlife if nothing is done to revive it.[35]

Recognising the need to discard the legislative strategy of lockouts, the city of Sydney held an extensive consultation process in 2018, where around 10,000 people put forward their views on bringing back the inner city culture.[36] Big plans are underway to revitalise Sydney's city centre, including introducing 24/7 trading hours in the CBD.[37]

O'Farrell's regulatory approach shows the difference between making nightlife safer and just shutting it down.[38] It is a valuable starting point for politicians and officials to remember.

Box 1: Museums at night: How Vienna brought its historical assets to modernity

Staring at paintings or watching lanky people stretching in the opera ranks is low on most people's to-do list. Especially not in the first half of their life. Vienna's 70,000 theatre and concert seats, 450 balls per year[39] and more than 100 museums cannot change this reality.

It is not about the assets but what you make out of it.

Vienna has found a way to bring its cultural assets from history to modernity. "Lange Nacht der Museen", they call it. The idea is simple: Cultural venues open their doors during the night once a year. Among the institutions taking part in the event are predominantly but not solely museums.

The trick is to make it a wide-scale event. The 19th edition in 2018 covered 700 museums (110 of them were in Vienna) and art galleries nationwide and attracted nearly 400,000 visitors (around half in Vienna).[40] The great variety of participating venues covers diverse preferences.

It is like a puzzle: The sum is more than its parts. People come here also because of the social surroundings. Meeting others, having a drink on the way to the next exhibition, or eating out is an integral part of the experience. The customised public transport routes are a convenient way to integrate second tier museums that would otherwise be in the shadow of the household names just as during the rest of the year.

Agent of change: Melbourne's solution to NIMBYISM

Living in urban areas is complicated. As soon as places get hip, more and more people want to live there, and the hassle begins. Young professionals who like to stay in their natural habitat after graduating suddenly complain about their successors partying in the middle of the week. And the annoyance will get worse if these young professionals decide to have kids and keep on living in the thriving places they call home. Bars and clubs have been driven out of business by this process worldwide. Nightlife becomes a victim of its success.

Melbourne has found a way to protect venues from residential over-encroachment. The solution did not come easily, though.

Like many cities, Melbourne tried a paternalistic approach to tackle the problems of its night-time economy. In 2008, the Victorian Government implemented a 2 am lockout.[41]

It only lasted for three months. Crime rates went up; thousands protested on the streets.[42] "We cannot arrest our way out of this," the local police chief told the mayor of Melbourne.[43]

After the problems persisted, public authorities were urged to come up with a plan.[44]

The agent of change principle was part of their holistic approach for a 24/7 city. It means the party bringing new use or developments to an existing environment is responsible for noise attenuation. For example, the developer of a residential area close to an existing music performance venue needs to plan appropriate noise measures for their future tenants and buyers. Party enthusiasts opening a new site close to residential areas have to act accordingly and are responsible for dealing with any noise effects caused by their businesses.[45] The scheme is applied on any new housing within 50 metres[46] of live music entertainment venues[47] and asks for a 45dB maximum noise level,[48] about as loud as a bird song.[49]

The beauty of the agent of change principle lies in its efficiency. You see, conflicts between bar owners and land developers can leave both

parties worse off: the landlords because they might not manage to have the bar shut down totally and hence still suffer from nuisance, and the bar owner because they find their economic opportunities restrained by legislatory conditions such as opening hours.

As we learn from Nobel laureate Roland Coase, these two-sided externalities can be resolved when property rights are clear. In this case, it means a solution between the bar owner and the developer is possible when it is clear who owns status quo.

The agent of change concept establishes a rule about who has to adapt to the existing environment. Investors build new housing and bars/clubs only if it is worth making them suitable to the existing environment. A developer can choose whether it is cheaper to insulate their own buildings or to soundproof the party venue to reach the goal.[50]

Nimbys who like to live close to urban adventures and are happy for others to bear the burden that comes with it (hence the term not in my backyard) can no longer appeal for pre-existing noise levels. Existing local inhabitants, on the other hand, will no longer lose sleep unsure whether their environment will substantially change due to new party locations.

Sure, this does not solve all problems. Party animals still have to commute to and from the premises (even the best-behaved will make some noise). And don't we all like those fancy pop-up bars that exist just for a short while? Most likely it would be too expensive for them to isolate their premises for the short period of their existence. There might not be enough time to generate surpluses to cover the additional investments.

We should not let "perfect" get in the way of "better". Nightlife cannot exist in a bubble. We must integrate it into the rest of our lives. Melbourne is a music city in a creative state, as Martin Foley, Victoria's state Minister for Creative Industries, put it. This should be a reminder that total silence must not be the goal. Some nuisances will always occur. For the night-time economy to flourish, flexibility and collaboration of all stakeholders is crucial.

CHAPTER 4

The current stoush with local alcohol policies

New Zealand's attempt to facilitate local alcohol policies (LAPs) brought a new option for cities to regulate their nightlife according to their preferences.[51]

More specifically, communities were given a tool to influence decisions to:

- limit the location of licences in particular areas or near certain types of facilities
- limit the density of licences
- impose conditions on groups of licences, such as a 'one-way door' condition that would allow patrons to leave premises but not enter or re-enter after a particular time restriction, or
- extend the maximum opening hours set in the *Sale and Supply of Alcohol Act 2012*.[52]

The expectations of what LAPs could achieve were high, a survey from the Health Promotion Agency found in 2018. Interviewees were hoping for fewer incidents of domestic violence and alcohol-related crimes, improved blood pressure, and fewer instances of heart disease, strokes and liver disease. Besides that, they expected more responsible alcohol consumption, reduced availability of alcohol, and better inclusion of community concerns.[53]

While the attempt of enabling local policies to tackle local difficulties was entirely sensible, it only worked in theory.

Overall, the vast majority of local alcohol policies were appealed and could not be implemented. Even some of our most senior bureaucrats and politicians have lost confidence in legislative processes after this experience and are choosing to wait and see instead of pushing forward their ideas for the future of Kiwi nightlife.

We have chosen four cities to gather experiences about the implementation of the newly formed LAPs: Auckland, Wellington, Christchurch and Dunedin. Based on this, we have worked out general types of frustrations to lay the ground for policy proposals.

Case studies

Auckland

Auckland City Council notified its Provisional Local Alcohol Policy (PLAP) in 2015 but is yet to adopt the policy.[54] Amendments were made to the PLAP after a process of submissions and hearings, with the amended PLAP publicly notified in October 2017.[55] There were organised campaigns in response to the PLAP, including one by the Alcohol Healthwatch, which provided pro-forma postcards with a series of statements that submitters could tick based on their policy preferences.[56] In Auckland, a coalition of more than 100 DJs also ran a campaign called 'Dance till Dawn' to protest against more restrictive regulations aimed at the night-time economy.[57]

Auckland's PLAP has proposed policies for the city centre and at-risk areas (referred to as the Priority Overlay in the PLAP). The PLAP sets a two-year freeze on any new off-licence liquor outlets in the city centre and the Priority Overlay areas.[58] The maximum trading hours for central city on-licence premises are until 4 am, and premises outside the central city can operate until 3 am.

Box 2: Availability theorem

The 'alcohol availability' theory underpins the philosophy of making access to alcohol harder for a broad group of people. Proponents hope that through more restrictive opening hours, fewer licences or higher prices, overall harm from alcohol misuse will be reduced.

What sounds logical at first sight is not so upon further thought. The evidence behind the availability theory is far from settled. Even worse, research suggests that these policies bear costs on moderate drinkers while mainly being ignored by at-risk drinkers.[59] Cities have experienced great success not by restricting opening hours but by deregulating them to make sure not everyone gets sent home at the exact same time. Nonetheless, its influence on much of today's thinking about alcohol licensing and regulation is palpable.[60]

The following main points cast doubt on the availability theorem:

- Attempts to reduce heavy drinking are promising to reduce overall consumption. However, reducing total consumption will not necessarily reduce heavy drinking.[61] Sometimes, drinking habits are hard to change. Joshua Byrnes, et al., using Australian data, reported that heavy drinkers did respond to price hikes by curbing consumption, but that they did so by cutting back consumption on their lower drinking days. Heavy drinking was not affected.[62]
- A change in consumption opportunities does not automatically lead to a shift in consumption in the same direction. In New Zealand, the *Sale of Liquor Act 1989* doubled the number of licensed premises. Yet, this did not translate into an increase in alcohol consumption at a population level. Per capita consumption of pure alcohol initially tracked down.[63]
- Removing restrictions on opening hours for alcohol outlets does not necessarily lead to an increase in crimes. An assessment of a natural experiment by the English and Welsh governments to deregulate opening hours in the city of Manchester showed no evidence of any immediate, temporary or delayed change in harms due to the policy change.[64]
- The link between overall consumption and alcohol-related harm is not straightforward. In Norway and Ireland, for example, liver cirrhosis fell while per capita consumption rose.[65] It depends on which drinkers are changing their habits.
- The effects of alcohol are diverse. Research in the UK, for example, showed that while per capita consumption was highest among the wealthiest groups and lowest among the poorest groups, alcohol-related harm was divided precisely the other way around.[66]

Several appeals have been made against Auckland Council's PLAP. In July 2017, the Alcohol Regulatory and Licensing Authority (ARLA) issued its decision on these appeals. The council had to reconsider some clauses. Also, juridical reviews against the process itself have been filed.

The clauses the council deleted included "restricting delivery hours for remote sellers, requirements for local impacts reports for off-licence renewals, and additional discretionary conditions for single sales and afternoon closing near education facilities."[67] The council also changed trading hours for off-licences from a proposed 9am–9pm to 7am–9pm.

New Zealand's major supermarket chains are challenging the LAP in the courts.[68] Though only parts of the LAP are being contested, the uncontested components cannot come into force until legal proceedings finish.[69] In fact, having different opening hours for alcohol and for the rest of the shopping list is an unnecessary

inconvenience for thousands of shoppers nationwide. They would either have to do their alcohol shopping on the weekend or change their shopping behaviour totally. The latter might be difficult for professionals, and both options certainly would not help public health.

Wellington

Officials publicly notified Wellington's Provisional LAP in 2014, but it is yet to be adopted. In 2016, it was reported that the council had so far spent $105,000 defending its policy against appeals.[70] Wellington City Council is also reviewing its Alcohol Management Strategy, with the outcome due to be released in 2019.[71]

Wellington City Council was the only major city council to propose extending, rather than restricting, the opening hours for selected on-licences from the national default of 4 am to 5 am in the central city. On-licences in the southern or suburban zones would have to close earlier at 1 am.[72] As a way of managing the density of alcohol outlets, new licences in the centre of the southern zone would be subject to a public hearing as they are classified as high-risk zones. Additionally, "in all other cases where public opposition is lodged to the issue or renewal of a licence, and density or proximity is raised, the matter will be dealt with by way of public hearing."[73] With an expected population increase of nearly 40,000 people in the next few decades, restricting licences does not seem sensible as venues per inhabitants continue to decrease.[74]

The value of the night-time economy to Wellington was originally included in its LAP along with consideration of "the promotion of a dynamic night time economy, the creation of a safe and welcoming city, and the building of an accessible city."[75] ARLA has suggested that consideration of 'such strategic settings' be avoided in LAPs.

Wellington City Council's bid to extend opening times for on-licences to 5 am has been rejected on the grounds that the goals of promoting a dynamic and people-centred city were outside the object of the *Sale and Supply of Alcohol Act 2012*, which is to reduce alcohol-related harm.[76] It was the police and health authorities who campaigned for a reduction of closing hours to 3 am.[77]

In the absence of an LAP, there have been recent accusations that the police are trying to influence alcohol outlet closing times by threatening to oppose licence renewals for those outlets that do not agree to the police's suggested conditions.[78]

Christchurch

Christchurch has spent a great deal of time and money on the LAP process. Christchurch's LAP attracted the second greatest number of submissions (4,060), after Dunedin (4,262). To put this in perspective, Auckland's LAP attracted 2,688 submissions, Wellington 1,883, and Hamilton 93.[79] After more than five years and $1 million of council's money spent developing the Christchurch LAP and going through the Provisional LAP appeals process, it was scrapped by the court. In 2017, city councillors decided to have a new LAP developed and operational within 18 months.[80]

Christchurch's original LAP proposed a closing time of 3 am for on-licences in the central city, with a one-way door policy from 1 am.[81] On-licences outside the central city would face a 1 am closing time. Originally, the proposed trading hours for off-licences were 9am–9pm, but this was extended to 7am–10pm following the appeals process.

The area classified as the "central city precinct" was also extended following appeals. An additional zone (Victoria Street, between Salisbury Street and Bealey Avenue) would have a temporary closing time of 3 am, but this would be reduced to 1 am after three years.[82]

Box 3: Twilight zones

Councils wanting to make nightlife a bit easier to manage can be tempted to set geographically restricted areas within which venues can run longer hours.

But those kinds of designations can come at a cost – especially if the so-restricted area is fairly small. While it can be easier to police a more constrained area, restricting nightlife can lead to a less dynamic nightlife. It can also be challenging to change the rules later if they do not prove fit-for-purpose.

Before the Christchurch earthquakes, nightlife was relatively concentrated in the downtown strip district near the river – and growing moribund. Bars along the strip were owned by a small number of owners and the area had a worsening vibe.

Fortunately, the city did not constrain nightlife to any one area. New areas for nightlife emerged a few blocks away in redeveloped old brick warehouses at SOL Square and Lichfield Lanes, with a mix of shops, restaurants, bars and upper-floor apartments. Competition to be the new area to go to late at night made everyone lift their game. Restricting nightlife to the strip district would have prevented that kind of competition.

Worse, geographic restrictions have a way of entrenching themselves. Imagine restricting late-night venues to a small part of a town. Anyone wanting to run a late-night bar will be willing to pay more for properties in that area. Restrictions on the number of venues able to operate late at night will mean less competition and higher potential profits. The price of properties in that area will bid up until any incoming owners cannot expect to earn abnormal profits.

Imagine if the Christchurch strip district had enjoyed that kind of protection prior to the earthquakes. SOL Square and Lichfield Lanes could never have emerged without a change to the rules. But if council wanted to change the rules, because the strip had gotten just a little seedy, they would have faced massive opposition from bar owners on the strip. Getting rid of the restriction would have imposed capital losses on property owners with regulatory permission to operate late at night – and they would have been willing to invest a lot in lobbying efforts to maintain their privileged permission.

Economist Gordon Tullock calls this kind of situation a *Transitional Gains Trap*. People who own properties at the time the regulatory restrictions are put in place earn a capital gain during the transition to the new regulatory regime, but owners after that only earn a normal profit. The value of the regulatory restriction is capitalised into property prices. This is a trap because owners will be willing to spend up to the capitalised value of the regulatory restriction in lobbying to maintain the restriction.

Tullock argues that because it is near impossible to get out of transitional gains traps, the best advice is to avoid getting into them in the first place. Designated night zones otherwise risk becoming twilight zones.

Dr Eric Crampton is Chief Economist with The New Zealand Initiative, and lived in Christchurch from 2003 through 2014.

In the end, various groups were not happy with the process of the proposed regulation:

- An organised residents' group, the Victoria Neighbourhood Association, were concerned that the LAP's 'central city zone', which would allow bars to stay open longer, was too inclusive. Complaints included "endless noise, vandalism and urinating and vomiting outside their homes."[83]
- The University of Canterbury Students' Association expressed concern from its

members that the LAP would make it more difficult to attract students and young people to the city.[84]
- Bars and clubs in the central city zone opposed the one-way door policy, while bars, taverns and restaurant owners outside the central city zone opposed the 1 am closing time.
- Off-licence owners (mainly supermarkets and bottle stores) were also against the earlier closing time.

Dunedin

Dunedin City Council's revised LAP came into force in February 2019. The LAP sets the closing time for on-licences in non-residential areas at 3 am with a 2:30 am one-way door policy, and a closing time of 1 am for on-licence cafes and restaurants in residential areas. Entertainment premises in non-residential areas can stay open until 4 am if they host live entertainment, require a door charge, and have a one-way door policy from 2:30 am. On-licences outside the CBD would also have limited trading hours from 9 am to 11 pm from Sunday to Thursday, and 9 am to midnight on Friday and Saturday. Off-licence trading hours are set at 7am–10pm.[85]

The original PLAP had proposed off-licence trading hours to be between 9 am and 9 pm; a moratorium on most bottle stores in North Dunedin; close outdoor areas at 11 pm; no shots after midnight; and a one-way door policy from 1 am.[86]

Dunedin Mayor Dave Cull expressed his disappointment with the watered down policies, claiming the system is a "farce" that puts commercial interests before the community's.[87] He also suggested that "if you were cynical, you would say they have been set up to fail."[88]

The Dunedin police have welcomed the LAP, acknowledging that they have been advocating earlier closing times for a long time.[89]

Though the LAP is undoubtedly intended to address student hazardous drinking, some argue that the LAP could do the complete opposite. The Otago University Students' Association recognised Dunedin's night-time economy as contributing to the city's "vibrant and diverse social scene". The students' association was also concerned that enforcing early closing times or other restrictions could negatively affect the safety of students: "The main reason we are opposed to the bulk of the proposals is because as a whole they tend to discourage alcohol consumption in bars and force it into less safe environments."[90]

Suburban bars also believe the LAP is poorly targeted, and seven suburban licensed premises are appealing the earlier closing times.[91] Their opposition is reasonable. It remains unclear why citizens living in suburbs should be forced to leave their natural habitat and community to have a night out.

General frustrations

Despite high expectations, the reality of LAP implementation has been complicated. We have identified five core difficulties:

1. **No contribution to positive night-time vision:** At least some of the frustration with LAPs has to do with its original character. An LAP must be reasonable in light of the object of the Act, which is to "encourage the safe and responsible consumption of alcohol so that alcohol-related harm caused by excessive or inappropriate consumption is minimised."[92] This in itself frames the discussion of the night-time economy policy through one lens: minimising alcohol-related harm. The Act does not include considerations of the cultural and economic value of the night-time economy, or the benefits enjoyed by individuals.
2. **Missing advocate:** Most of the parties involved in the process of regulating the

night-time economy have a reasonable interest against it.

The police, daytime businesses and local government mostly must deal with challenging aspects of a bustling night-time. Police and councils might prefer not having to deal with drunk drivers and the mess left behind by late-night partiers.

On the other hand, the interests of night-time lovers are not well represented among voters. In Auckland's 2013 local elections, for example, less than 30% of young people between 18 and 24 showed up at the ballot box, while around 90% of those aged 65 or older voted.[93]

3. **Lack of data foundation:** Three cases are problematic. First, elements of an LAP do not need to be supported by evidence that they will minimise alcohol-related harm. Instead, councils can use a precautionary approach based on possible damages.[94] The costs of regulation on nightlife are not taken into account. Harm-reduction is the objection and it does not matter whether that comes at the expense of a lot of night-time enjoyment or not. Second, anecdotal evidence provided by police, medical officers or residents has been rated higher than facts.[95] Third, the value of international experience has been downplayed. When looked at cautiously to filter out dodgy statistics, studies from abroad can provide valuable insights.
4. **Much ado about nothing for democracy:** The experience with the implementation of LAPs is not convincing. Most provisional LAPs have been appealed by stakeholders that would have been affected negatively or did not support the proposal generally. Councils appeals are both expensive and time-consuming to defend. Often, these discussions are resolved, leaving the councils nothing but to start from scratch or just use the national default laws.[96] The process has left the industry and other stakeholders unhappy by raising too high expectations for local solutions and leaving the industry in uncertainty.
5. **Real drinking problem unsolved:** Of particular frustration is that many LAP policies are poorly targeted, also affecting and inconveniencing those who drink responsibly. The crackdown on bars and nightclubs in the night-time economy also seems wrong, given most alcohol-related harm occurs in uncontrolled drinking environments, as a Christchurch police sergeant acknowledged in 2011.[97]

CHAPTER 5

Easing tensions and creating opportunities

Sometimes the biggest obstacle to reform is neither a lack of money nor a lack of problem awareness. It may simply be a dearth of imagination.
— OLIVER HARTWICH[98]

Our proposals are meant to provide new or forgotten ideas. By no means are they silver bullets. We hope, however, that they help move the process forward rather than let it stagnate.

Night time mayor: Mediator for everyone

The usual ways of communication are made for daytimes, not for nights. The differences between day and night are more than just of different rhythms. It is of a different culture, and even as all parties speak the same language, they do not understand each other. Focus on life and interests are too different.

Not talking to each other is a foundation for problems. When in doubt, everyone will always have "no" as a default option.

With not enough collaboration regarding trade-offs in nightlife, everyone ends up being unhappy: Neighbours are sick of hearing the drums beating through their windows, bar owners feel put off by the police campaigning against them, and police officers could tell a few stories about how it feels to run after teens skylarking all night long.

It does not need to be like this. Some of the existing pressure can be taken away by a night mayor, like in Amsterdam, acting as a go-between for different parties in the city. There are different models to this role (see Appendix). Different parties in a night-time economy can each have the most freedom when night mayors are not in an elected position but are independent of public authorities.

Clearly, the goal for a night mayor is not to solve all the problems of nightlife or legitimate conflicts of interests. As we have shown, it takes clarity about who has the rights to efficiently resolve nuisance issues. The night mayor as described here aims to establish a voice in favour of the night-time economy while also listening to other interests, such as the ones from residents. It is about bringing people together and talking. "Name all the elephants [in the room], even if it is a really small one stacked away under the table," said Mirik Milan, former night mayor of Amsterdam.[99] We should make this a habit.

This collaborative approach has worked well in Amsterdam. It has given the night-time a voice and the people an option to talk to industry representatives. Night-time industry came together to provide security teams, easing the pressure on the police force. A smartphone app has been developed to make it easier for people to complain about nuisance (and for police to respond). All these ideas would not have come about if stakeholders did not meet and brainstorm.

We propose for New Zealand to implement this idea step by step, just as Amsterdam did. At first, setting up a constant exchange and debating on visions is critical. Later, the goal must be to make the institution a household name and a reliable partner for all stakeholders involved.

Grassroots politics: How to improve local alcohol policies

As cultures and problems differ between different cities in New Zealand, needs for the regulation of alcohol certainly are different as well. Unfortunately, the localist's hopes for new possibilities through local alcohol policies were shattered by overruling courts or endless appealing processes in courts.

It should not be that way. For local alcohol policies to work the following steps need to be taken:

- **Fix incentives:** Incentives for the authorities would especially increase in a more decentralised framework.[100] Cities that have a direct interest in their long-term economic wellbeing may think twice before implementing lockout laws to restrict nightlife. A growing region sending more revenue to central government could receive a portion of that increase. Ideally, this would be a share of increased income tax, GST and company tax remittances.[101]
- **Refocus decision-making:** A consolidation process to include opinions and insights from all relevant stakeholders is essential for a balanced approach to regulation. In the past, public authorities, like the police, have used their veto power and resources to prolong the licensing process and put pressure on parties trying to renew their licences. As this goes beyond their attempted role as stakeholders, it should be reassessed.
- **Involve the industry:** Councils and police sometimes see not enough value in supporting the night-time economy in today's environment. More involvement from the industry – for example, cleaning up stinky leftovers from a busy night – would help. Clearly, public authorities are showing great effort in taking care of it today, but taking away from them some of today's burden of the nightlife would certainly free up some of their resources to be used in their core competences.

Proceeding towards the three steps mentioned above would open minds to focus on providing a broader vision for the nightlife. Having different local entities implementing different policies at different times would not only make for an excellent research field. It would more importantly be an excellent way of trying out what makes cities an exciting and enjoyable place to live for all of us.

Tests and sanctions: What would help alcohol addicts

There are primarily two reasons people might want to clamp down on the night-time economy: they perceive it as dangerous, and that such danger is mostly fuelled by alcohol.

While it is doubtful whether these perceptions are correct, addressing issues of public health certainly is a relevant task. The question, therefore, is whether there are ways of mitigating costs from heavy alcohol usage while not depriving those having harmless fun. And can it be done in a way that is not massively punitive? Jail time is extremely expensive, costing around $100,000 per prisoner per year[102] and comes with social costs.

If there are more efficient ways of helping people in need than just locking them up for a certain amount of time, New Zealand should try them.

The South Dakota 24/7 Sobriety project is a possible inspiration to increase the efficiency of law enforcement.[103] The project includes an innovative practice for arrestees with repeat DUI (driving under the influence of alcohol) and other alcohol-related offences. "Rather than face traditionally uncertain, delayed, and possibly expensive or lengthy sanctions for a crime,

individuals arrested for an alcohol-related crime are subjected to high-frequency testing and an immediate, but short, stay in jail if they violate," said Greg Midgette, now Assistant Professor of Criminology and Criminal Justice at the University of Maryland.[104]

Participants are controlled by either preliminary breath tests twice a day, use an ignition interlock device on their vehicle, or wear a secure continuous remote alcohol monitor bracelet that monitors alcohol intake up to every 30 minutes.

Between 2005 and 2013, around 25,000 drinkers had participated in the project.

Anecdotal evidence was corroborated with empirical studies. Results are promising.

First, testing was done to check whether the 24/7 regime had an influence on alcohol-related crimes (measured as count of repeat driver under the influence of alcohol and domestic violence charges). At a county level, the action led to a 12% reduction in repeat driving under the influence of alcohol arrests and a 9% reduction in domestic violence. Results regarding traffic crashes were mixed; there was, however, evidence suggesting that the 24/7 regime may have modestly reduced traffic crashes for male drivers aged 18 to 40 years.

The second test measured the difference between the effects of continuous monitoring alone and continuous monitoring combined with immediate, moderate and certain sanctions. Immediate, moderate and certain sanctions combined with continuous alcohol monitoring results in longer periods without a violation than continuous monitoring alone.[105]

In a third step, costs of the programme were analysed. Based on the Attorney General's Office and line item costs as well as the estimated revenues, 24/7 covers its budgeted costs overall. The most expensive of the three control types of testing with an ankle measure comes with a daily cost of $6. The majority of the testing is offender funded, and a state indigent fund subsidises costs for qualified participants.

These saving effects, however, might underestimate the project's success. Based on the findings of reduced crime rates, the 24/7 project "may actually reduce jail occupancy despite nearly half of participants spending at least some time behind bars while enrolled," Midgette said.[106] In the otherwise in-depth RAND study, this hypothesis could not be tested due to data limitations. Descriptive evidence looks promising, though. Minnehaha and Pennington counties reported that their average jail populations fell by roughly 100 occupants per night shortly after instituting 24/7. The RAND study did not include research to check whether these changes were due to the 24/7 project or external factors.[107]

To be clear, the measure imposed by the 24/7 Sobriety project is only suitable for heavy drinkers where all other measures did not work. For them, however, it would be a neat solution to reduce monetary and social costs of repeated criminal behaviour while the rest is left alone. New Zealand should set up a properly designed trial through the drug and alcohol courts to see whether a similar project would be beneficial here as well.

Conclusion

New Zealand's night-time economy provides professional opportunities for at least 20,000 people working in bars and clubs and generates $2 billion in yearly revenue.[108] Clearly, a supporting regulatory framework is essential.

But the value of fostering New Zealand's nightlife goes far beyond dollars and cents. Night-time also is the time when emotions rise, when we meet, drink, fall in love (or break up again)[109] and sometimes act as if there were no tomorrow. New Zealanders deserve to do all of this in an inspiring and vibrant environment.

Life after dark, however, is not all moonlight and roses. Sometimes conflicting interests between residents and clubbers are tough to resolve, and not everyone knows their drinking limits. In times of ever-increasing population density in cities, these problems will become more pressing for policymakers in the future.

We believe it is the appropriate time to develop a positive approach to regulate the night-times. The puritanical tradition initiated by Tommy Taylor and his comrades more than a century ago has influenced New Zealand's approach to regulation for too long without providing real support for people in need. Those who behave normally do not need to be guided. The others deserve real support through public health policies.

Many of the challenges will not be easy to sort out; cultural and regulatory adaptations need long-term approaches. Our three proposals described in this report are a first step towards a more up-to-date approach to regulating night-time:

1. Appoint night mayors to balance various legitimate interests
2. Improve local decision-making to implement processes that support resolution of difficulties
3. Offer heavy drinkers targeted support. South Dakota's 24/7 sobriety project provides valid inspiration for this.

We have used three prototypes to illustrate very different and legitimate sets of interests: the young professionals Laura, Anika and Josh; the two retirees Marie and Matthew; and Adam the social worker. We encourage our readers to think of their own visions and archetypes that should be the basis for future night-time policies.

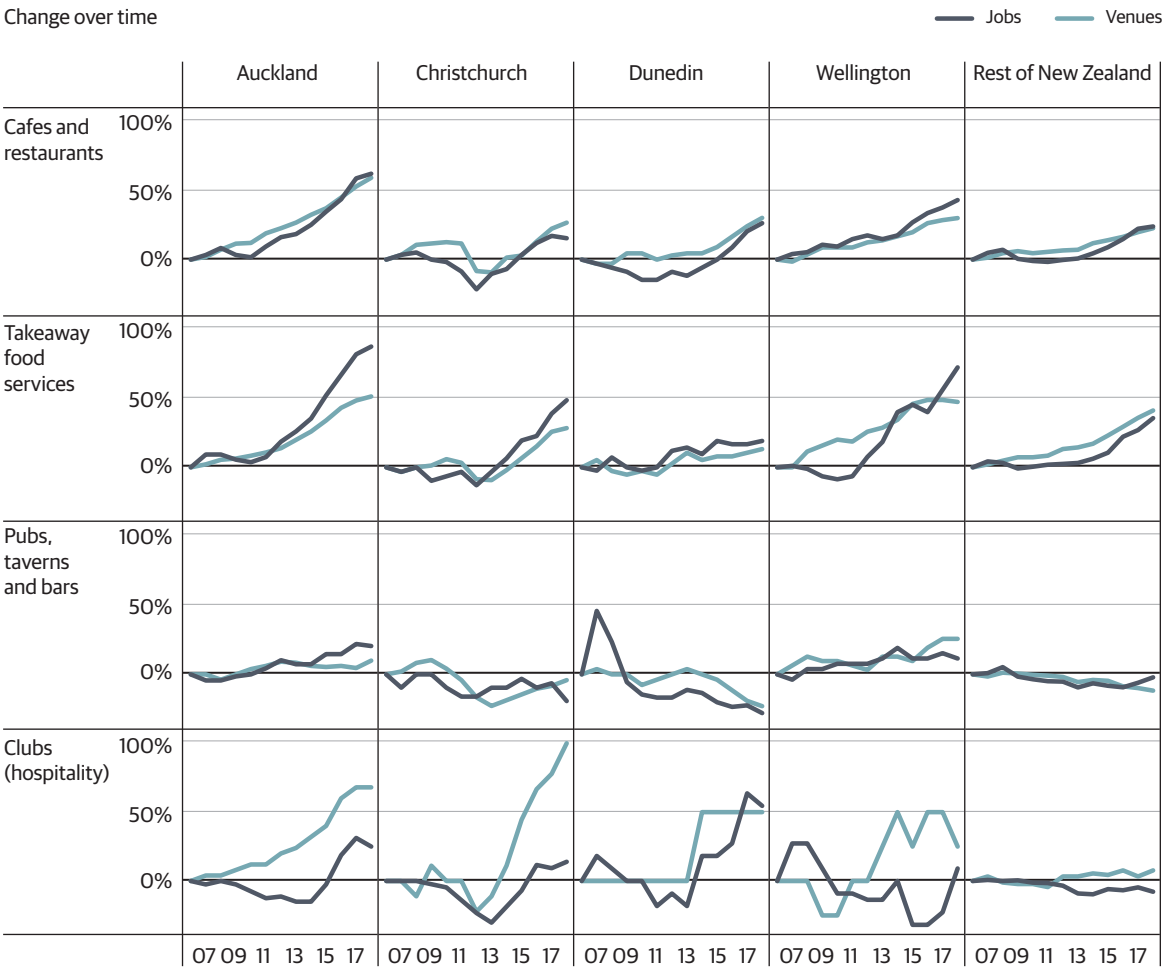
Addressing different visions of life after dark naturally will cover negative and positive aspects of New Zealand's nightlife. This balanced approach, we believe, would be the start of a new thriving era for New Zealand's night-time economy, regardless of political preferences.

Appendix

Different cities

In all four major New Zealand cities, the number of clubs and jobs in clubs has increased between 2006 and 2018. In Auckland, Wellington and Christchurch, data indicates there are more smaller clubs now as the number of jobs has increased less than the number of venues. Christchurch has doubled its clubs between 2006 and 2018 with a remarkable increase after the 2010–11 earthquakes. The number of bars has increased slightly in Auckland and Wellington. In Dunedin and Christchurch, the number of bars and jobs in bars has decreased (see Figure 4).

Figure 4: Jobs and number of venues (2006–18)



Source: Statistics New Zealand.

The state of play is different in different cities within New Zealand. This report looks at the night-time economies of four CBDs that have somewhat different characteristics.

Auckland is a tourist hotspot and is the leading business hub for New Zealand's economy. The night-time economy physically spreads across a few main zones, including the waterfront, Queen Street, Karangahape Road and Ponsonby.

Wellington City Council recognises Wellington's unique night-time economy as a popular domestic tourist attraction.

Christchurch's CBD, on the other hand, has been in a state of rebuilding and development after the Canterbury earthquakes.

Dunedin's CBD is different again, as it hosts a disproportionate amount of young people who are students at the local university.

Timing of crime

While night-times are perceived as being dangerous, the absolute numbers do not support this assumption for the vast majority of regions. Only in Marlborough District, Nelson, Otago, Southland, Otago and West Coast were total victimisation rates highest during night-times.

Night mayor

There are different ways of implementing a night mayor role with regards to the institutional setting. The most essential differences are with regards to the government. While some are integrated with public authorities, others remain independent.

Table 3: Timing of crime: Total victimisations (July 2014 – November 2017)

Region	Day and time most victimisations occurred
Auckland	Monday, 3 pm
Bay of Plenty	Monday, noon
Canterbury	Monday, 4 pm
Gisborne	Tuesday, 2 pm
Hawkes Bay	Sunday, 2 pm
Manawatu – Wanganui	Wednesday, 3 pm
Marlborough District	Sunday, 2 am; Friday, 3 pm
Nelson City	Sunday, 3 am
Northland	Monday, 3 pm
Otago	Saturday, midnight
Southland	Sunday, 1 am
Taranaki	Thursday, 2 pm
Tasman District	Wednesday, 2 pm
Waikato	Monday, 3 pm
Wellington	Thursday, 3 pm
West Coast	Sunday, 1 am

Source: Leith Huffadine, "Where and when a crime's most likely to happen to you," *Stuff* (25 January 2018).

Table 4: Structure of night-time champion positions around the world

Jurisdiction	Title (English translation)	Relationship to government	Funding	Notable policies/achievements
Amsterdam	Night mayor	Not-for-profit NGO	City Hall and business community	• "Square hosts": soft enforcement to de-escalate potential problems, ensure safety, reduce the need for police presence. • 24-hour licensing in outer-city suburbs. • Improving public infrastructure: adequate lighting, transport options. • Pilot app launched to allow local residents to lodge noise complaints/ other concerns that can be responded to by private security guards in real time.
London	Night czar	Within local government	Local government	• 'Agent of change' principle: developers building around late-night venues must consider and adjust for noise levels; residents who move to nuisance areas can no longer force venues to shut down. • 24-hour tube rides.
Manchester	Night-time economy advisor	Appointed by mayor	Not paid	• Holds separate conversations with employers and employees in the hospitality sector, with a special focus on workers' safety and concerns.
Berlin	Club commission	Association of Berlin clubs, party and cultural event organisers		• Berlin government provided funding for clubs to equip themselves with proper noise protection. • Created an algorithm to calculate the economic and social impact of the night-time economy.
Paris	Nightlife mayor	Outside of government		• Flexible closing hours.
San Francisco	Entertainment commission director	Within the Office of the City Administrator	Paid by city government	• Onus on developers and residents 'coming to the nuisance'.
New York	Nightlife mayor	Inside government. Legislated Office of Nightlife and Nightlife Advisory Board	Paid by city government	

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In New Zealand, restricting people's opportunities remains the wowser's first reaction to debates about nightlife. The most recent example are the local alcohol policies. Instead of enabling councils to create their own visions for New Zealand's nightlife, councils were given a tool whose sole purpose has been to minimise harm without weighing the benefits of the night-time economy.

The overly prohibitionist's approach here stands in contradiction to success stories abroad. Melbourne, for example, found a way to deal with the colliding interests of residents and bar owners. Amsterdam has become famous for its collaborative approach of supporting nightlife and residents' interests at the same time.

With some relatively modest policy changes, New Zealand's night-time economy could become a success story too. First, appointing a night-time mayor assures that all the relevant interests are heard. Second, local policies to enable local visions for nightlife should be set up in a fruitful way. Cities that have a direct interest in their long-term economic wellbeing may think twice before implementing lockout laws to restrict nightlife. Third, New Zealand should run trials through its drug and alcohol courts to see whether innovative treatments for harmful drinkers would work here, too.

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