

**BEFORE THE HEARINGS PANEL  
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

**IN THE MATTER** of the Resource  
Management Act 1991

**AND**

**IN THE MATTER** of Hearing Stream 08 –  
Business Zones (in  
relation to the  
Queenstown and  
Wanaka Town Centre  
zones only)

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**STATEMENT OF EVIDENCE OF SIAN HELENE SWINNEY  
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

**ALCOHOL LICENSING**

**2 November 2016**

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## 1. INTRODUCTION

- 1.1 My full name is Sian Helene Swinney. I am the Team Leader Alcohol Licensing at Queenstown Lakes District Council (**QLDC**) and have been in this position since July 2016. I have over five and a half years' experience in alcohol licensing, with over five of those as a licensing inspector.
- 1.2 I have undertaken the role of licensing inspector in both Queenstown and in Tauranga for Tauranga City Council and was the Alcohol Administration Officer for six months at Western Bay of Plenty District Council, also in Tauranga. I have been employed in Local Government for a little over nine years in various capacities including roles such as LIM co-ordinator at the now defunct Lakes Environmental and duty planner at Western Bay of Plenty District Council.
- 1.3 I have been asked by QLDC to provide evidence in relation to the Queenstown and Wanaka Town Centre Zone chapters of the Proposed District Plan (**PDP**).
- 1.4 Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.
- 1.5 QLDC, as my employer, has agreed to me giving expert evidence on its behalf in accordance with my duties under the Code of Conduct.
- 1.6 The key documents I have used, or referred to, in forming my view while preparing this brief of evidence are.
- (a) The Sale and Supply of Alcohol Act 2012 (**SSAA**);
  - (b) The Sale and Supply of Alcohol Regulations 2013;
  - (c) Queenstown Lakes District Alcohol Ban Bylaw 2014; and
  - (d) Queenstown Lakes District Council Liquor Licensing Policy 2007.
- 1.7 I have attached to this evidence the following:

- (a) Alcohol Management Plan (**AMP**) template at **Appendix A**;
- (b) Example AMP from the World Bar at **Appendix B**; and
- (c) Crime Prevention through Environmental Design (**CPTED**) for Licensed Premises document at **Appendix C**.

## 2. SCOPE

**2.1** In addressing notified Rules 12.4.4, 12.4.5 and 13.4.5 and matters raised by submitters in relation to alcohol, my evidence covers the following matters:

- (a) a background to policy and licensing in the District;
- (b) in relation to licensed premises:
  - (i) controlled versus restricted discretionary activity;
  - (ii) the Local Alcohol Policy (**LAP**) - concerns and process;
  - (iii) restrictions on licence numbers;
  - (iv) the Steamer Wharf;
  - (v) Wanaka licence times;
  - (vi) design controls of premises;
  - (vii) outdoor dining consideration; and
- (c) the regulation of off-licences.

**2.2** This evidence is intended to provide the Hearings Panel (**Panel**) with an understanding of the full raft of legislation and tools that QLDC has in its toolbox for managing the sale of alcohol (and the effects of that) in order to assist the Panel in its role of determining the appropriate role that the District Plan should play in that. I note also that this raises some legal issues as well.

## 3. EXECUTIVE SUMMARY

**3.1** The key conclusions in my evidence are that:

- (a) Demand for longer outside licensed hours has been occurring for many years with licensees continually seeking extensions to potentially improve business and meet the demand for later al fresco dining from customers. I therefore accept the 12.00 am provision for customers to be able to utilise outside areas;

- (b) Aspects of the recommended provisions are already covered in the SSAA such as maximum trading hours, amenity and good order of the locality and certain amenity and good order considerations of licenced premises (noting the SSAA's different purpose);
- (c) Controlled activity status is appropriate for those applicants seeking to operate a licensed premises to sell alcohol past 11.00 pm; and
- (d) A resource consent should be required within the Steamer Wharf precinct, for operations in outside areas until 12.00 am.

## 4. BACKGROUND

### Sale of Liquor Act 1989 regime

- 4.1 In May 2007 QLDC adopted the "Liquor Licensing Policy" (**Policy**). In the Policy trading hours for premises, other than hotels and restaurants in the Queenstown Town Centre Zone, were limited to 7.00 am to 4.00 am. In the remainder of the Queenstown Lakes District (**District**), hours were limited to 7.00 am to 2.30 am. The hours were subject to the provisions of the Operative District Plan and the Resource Management Act 1991 (**RMA**).
- 4.2 For restaurants, the maximum trading hours in the District were 7.00 am to 2.00 am, with off-licence premises hours restricted to 7.00 am to 12.00 midnight, and club licences restricted to 7.00 am to 1.00 am.
- 4.3 Use of outside spaces was not covered under the Policy. However, as part of the application process, a certificate was necessary (and is still required under section 100(f) of the SSAA) in order to show that the proposed use of the premises meets the requirements of the RMA and the Building Code.
- 4.4 Under the Operative District Plan (**ODP**), premises wishing to principally sell or supply alcohol after 11.00 pm are required to apply for and obtain resource consent to allow the activity to take place. At this stage, the majority of existing businesses in the District that trade past 11.00 pm have these consents in place. However, given the considerable growth of the District, QLDC is receiving and issuing more and more new licenses for new businesses. How QLDC will regulate this into the future is an important consideration.

**4.5** In April 2010 the Law Commission published its final report on the regulatory framework for the sale and supply of alcohol entitled "Alcohol in Our Lives: Curbing the Harm".<sup>1</sup> The report contained 153 recommendations to the Government. The report covers matters such as proliferation of specific outlets, how the licensing system should be structured, age for purchase of alcohol, advertising, fees and many other areas within the range of harm to individuals and society are also discussed at length. In Part 2 of the Issues Paper as part of the Law Commission review document, it was suggested a new Act should be put in place to make the law "as clear and accessible as possible".<sup>2</sup>

### **Sale and Supply of Alcohol Act 2012 regime**

**4.6** On 18 December 2012 the SSAA was given Royal assent. The full Act and associated regulations are now in force following a staged commencement process,<sup>3</sup> and the Sale of Liquor Act 1989 has been repealed. The legislative regime now refers to "alcohol" rather than "liquor".

**4.7** The purpose of the SSAA (through section 3) is to put in place a new system of control over the sale and supply of alcohol and to reform the law relating to the sale, supply, and consumption of alcohol.

**4.8** Further, section 4 of the SSAA sets out the object of the Act, which is that the sale, supply, and consumption of alcohol should be undertaken safely and responsibly, and the harm caused by the excessive or inappropriate consumption of alcohol should be minimised. For the purposes of the object of the SSAA, "harm caused" includes crime, damage, death, injury, disorderly behaviour, disease and illness.

**4.9** The key way in which the purpose and object are given effect to is through the licensing system in the SSAA, including most relevantly provision for on and off-licenses. These provisions must also be seen in the context of other provisions in the SSAA relating to:

1 NZLC R114, Wellington 2010

2 "Alcohol in our Lives" – A Summary of the Law Commission's Issues Paper on the Reform of New Zealand's Liquor Laws – page 7

3 SSAA, section 2

- (a) permitted trading hours, including default maximum trading hours,<sup>4</sup> permitted trading hours with a LAP in force,<sup>5</sup> and permitted trading hours with a LAP not in force;<sup>6</sup>
- (b) restrictions on sale and supply of alcohol on certain specific days;<sup>7</sup>
- (c) one way door restrictions;<sup>8</sup> and
- (d) requirements as to the availability of non-alcoholic drinks, low alcohol drinks and food.<sup>9</sup>

**4.10** Any application for a license under the SSAA must be accompanied by a certificate of the territorial authority that the proposed use of the premises meets the requirements of the RMA and Building Code. Section 105 of the SSAA relates to the criteria for the issue of licenses. Of particular relevance are sections 105(1)(c), (d), (h) and (i):

- (c) *any relevant local alcohol policy;*
- (d) *the days on which and the hours during which the applicant proposes to sell alcohol;*
- ...
- (h) *whether (in its opinion) the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence;*
- (i) *whether (in its opinion) the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licenses that-*
  - (i) *they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the license; but*
  - (ii) *it is nevertheless desirable not to issue any further license;*
- ...

4 SSAA, section 43  
 5 SSAA, section 44  
 6 SSAA, section 45  
 7 SSAA, section 47  
 8 SSAA, section 48  
 9 SSAA, sections 51 to 53

- 4.11** Sections 106(a) to 110 then go on to give further explanation and requirements as to the processing of licenses.
- 4.12** As mentioned, now that the SSAA is in force, the previous Policy is defunct with the hours overruled by the SSAA default national maximum trading hours which are 8.00 am to 4.00 am for premises which hold an on-licence or a club licence, and 7.00 am to 11.00 pm for off-licence premises.
- 4.13** Two submitters (Peter Fleming (599) and Warren Cooper and Associates (654)) seek a 10.00 pm limit on outside drinking and dining. Although under the ODP, the limit is 11.00 pm, 10.00 pm has been routinely imposed by QLDC through conditions of resource consents in the past. This limit has generally been imposed due to a decrease at 10.00 pm in the noise levels around the District. Conditions of consents typically prevent speakers from being mounted outside the premises, require doors and windows to be closed at 10.00 pm with all customers moved inside, and prevent the consumption of alcohol outside after 10.00 pm. The only use of the outside area after 10.00 pm is generally restricted to smokers.
- 4.14** Along with growth of the hospitality industry in the District has come the growing request to allow premises to provide their patrons and guests the opportunity to sit outside to dine and drink later than 10.00 pm. Queenstown is a popular tourist destination which often sees tourists dining late as a result of longer summer daylight hours in this part of the country and the number of activities and attractions on offer.
- 4.15** Another consideration is applicants who wish to use outside spaces are required to prove tenure to be able to use the space. Obtaining Table and Chair Permits is required in some instances from QLDC.

### **Resource Management Act 1991**

- 4.16** The RMA has a different purpose. The purpose of the RMA is the promotion of the sustainable management of natural and physical resources.<sup>10</sup> Section 5(2) of the RMA sets out a wide breadth of considerations, which include avoiding remedying or mitigating any adverse effects on the environment.



- 4.17** District Plans include provisions which enable adverse effects such as noise to be managed by way of permitted activity status or resource consent. In terms of resource consent applications, it is necessary to have regard to any actual and potential effects on the environment of allowing an activity.<sup>11</sup> Equally in terms of district plans, I understand it is a function of territorial authorities to control any actual or potential adverse effects on the use, development or protection of land.<sup>12</sup>

## **5. LICENSED PREMISES**

### **Controlled or Restricted Discretionary activity status - notified Rule 12.4.4**

- 5.1** Submitter 544 (Good Group Limited) has requested that the restricted discretionary activity status for the operation of licensed premises in the Queenstown Town Centre after 11.00 pm is changed to controlled activity status.
- 5.2** Good Group Limited also seek controlled activity status after 6.00 pm for premises within the Town Centre Transition status. Submitter 714 (Kopuwai Investments Limited) requests that licensed premises be permitted until 11.00 pm in the Transition subzone and become a restricted discretionary activity thereafter, as opposed to requiring a restricted discretionary activity consent for such activity to occur between 6.00 pm and 11.00 pm and a full discretionary consent thereafter.
- 5.3** The key difference between a restricted discretionary and controlled activity status is that a local authority must grant consent for a controlled activity.<sup>13</sup> The council's power to impose conditions is restricted to the matters over which control is reserved, therefore careful drafting of those conditions is. This is largely a planning matter and therefore outside my area of expertise, but in order to assist the Panel I have been asked to comment on the coverage of issues when applying for a license under the SSAA.
- 5.4** Through the application for a license under the SSAA, matters such as amenity and good order of the locality of the premises, nuisance, noise, litter

11 RMA, section 104(1)(a)

12 RMA, section 30(1)(b)

13 Unless s 106 of the RMA applies, or s 55(2) of the Marine and Coastal Area (Takutai Moana) Act 2011 applies: see s 87A(2)(a) of the RMA

and density are relevant considerations. AMPs are also required to be provided by applicants where the principal purpose of the business is the sale and supply of alcohol.

- 5.5** Due to the added control provided by the SSAA, I cannot envisage a situation where QLDC would want the ability to decline such a consent, and therefore from my point of view, I consider controlled activity status to be sufficient throughout the Town Centre Zone, including the Town Centre Transition Subzone.
- 5.6** As mentioned in section 4 above, section 100(f) of the SSAA requires that an application for a licence<sup>14</sup> must be accompanied by a certificate by the territorial authority, showing that the proposed use of the premises meets requirements of the RMA and the Building Code. The certificate application is sent to the QLDC building and planning teams to assess the days and hours, location, type of activity being applied for and whether a building consent is required or waiting to be signed off. At this stage, if a resource consent is required and has not been applied for, then an application needs to be lodged. The certificate will not be signed off without all required approvals being met. Without a certificate being signed by both the building and planning teams, the alcohol licence cannot be granted by the District Licensing Committee.

### **Local Alcohol Policy (LAP)**

- 5.7** Submitter 599.4 (Peter Fleming) states that "There is no liquor policy".
- 5.8** Under section 75 of the SSAA a territorial authority may elect to introduce a Local Alcohol Policy (**LAP**) relating to the sale, supply and consumption of alcohol within its district. A LAP may only include policies on certain specified matters, which include maximum trading hours, one way door restrictions, and the issue of licences subject to discretionary conditions.<sup>15</sup> For example, such conditions could include imposing a patron to security ratio, no service of shots, or particular types of drinks after certain times.
- 5.9** Section 76 of the SSAA states that two or more territorial authorities may adopt a single LAP for their districts. During my time in Tauranga I was

14  
15

Except in the case of an application relating to a conveyance  
SSAA, ss 77(1) and 109

involved in the Joint Governance Local Alcohol Policy process between Western Bay of Plenty District Council and Tauranga City Council. This process took several years from inception to completion due to factors such as public consultation requirements, over 1,000 submissions, change of Councils with local body elections and commencing some of the process again as a result, submission hearings, legal consultation, and re-drafting processes.

- 5.10** Currently there are eight LAPs in place in New Zealand which account for 13 territorial authorities. Five have a shared LAP. There are a further 15 Provisional Local Alcohol Policies (**PLAPs**) which are awaiting appeals to the Alcohol Regulatory and Licensing Authority (**ARLA**) to determine their outcome.
- 5.11** Where a LAP is developed, section 97 of the SSAA requires that it must be reviewed no later than 6 years after it came into force, and no later than 6 years after the most recent review was completed. None of the eight LAPs in place have been reviewed to determine the success to date.
- 5.12** Following a QLDC meeting on 30 June 2015, a working party was established consisting of Police, Councillors, the (former) Mayor, an Alcohol Licensing Inspector and licensees. The working party has met once since the 30 June 2015 meeting discussing what can be included in a LAP. An email was sent by Manager: Regulatory, Lee Webster in May 2016 requesting any other aspects for consideration and no items or matters were raised.
- 5.13** The Police attended a QLDC Workshop on 8 March 2016 to advise QLDC of the Police position regarding LAPs and understanding the need for local information to support and LAP. The Police were undertaking work to obtain information that may assist QLDC in its decision making on this matter. The Health Promotion Agency (**HPA**) are also currently undertaking research regarding density and the level of impact that an increased density of licensed premises can have on a community. This research is expected to be released in the coming months, and is expected to have national significance.
- 5.14** I do not consider the lack of a LAP to be an issue or to have resulted in inadequate regulation of alcohol related issues.

## **Restrictions on Licence Numbers**

- 5.15** Submitter 217.24 (Jay Berriman) requests that the number of licenses in the Town Centre should be restricted, with the intent to decrease noise levels or further anti-social behaviour. Although this could have some merit, attempts to include similar policies in LAPs elsewhere have been challenged.
- 5.16** The joint Provisional LAP with Western Bay of Plenty District Council and Tauranga City Council and also Wellington City Council's LAP initially had a "cap" on the number of premises that were in the District. A "sinking lid" approach was suggested to be undertaken which would see no increase in the number of licensed premises in the district.
- 5.17** Both LAPs were successfully appealed. The ARLA ordered Western Bay of Plenty District and Tauranga City Councils and Wellington City Council to reconsider certain elements of their respective LAPs which included density elements, as ARLA deemed these aspects of their LAPs unreasonable in light of the SSAA.
- 5.18** Western Bay of Plenty District Council and Tauranga City Council re-submitted their LAP having deleted the clause relating to density (regarding where off-licensed premises can be located). Wellington City Council is still in the process of reconsidering the density element.

## **Steamer Wharf Trial consent**

- 5.19** Submitters 587.6 (Simple Simon Suck Fizzle Soup and Gourmet Pie Company Trading as The Atlas Beer Café), 589.6 (Goose Cherry Cod Catering Company Limited Trading as Ivy and Lola's) request standards in the PDP that allow outdoor drinking and dining at the Steamer Wharf until 1.00 am. Submitter 714 (Kopuwai Investments Limited) seeks that operators in this area be permitted until 12.00 am.
- 5.20** On 3 March 2015 resource consent RM140850 was issued to Kopuwai Investments Ltd for a 12 month period to enable the outdoor areas of the Steamer Wharf Complex to breach the noise levels until 12.00 am. The consent lapsed on 2 March 2016.

- 5.21** In my opinion the Steamer Wharf Complex should not be able to operate outside until 1.00 am without the requirement to obtain consent. If consent were to be granted, allowing alcohol to be served to diners up to 12.00 am would be consistent with the times proposed in the PDP. Conditions need to be set in relation to the types of noise related activities that could potentially take place. I consider there is potential for noise related nuisance to be caused to the Crowne Plaza Hotel located across from the Complex, and to the residentially zoned Lake Street residences beyond that. Premises who currently wish to operate past 11.00 pm are required to have all customers come inside at 10.00 pm and close all windows and doors in order to comply with the ODP noise levels, which drop at 10.00 pm.
- 5.22** I consider a robust Noise Management Plan should be required. This would provide further enforcement tools if breaches of the noise conditions were to take place. Enforcement could be either through the consent monitoring team or through the alcohol licence process when assessing amenity and good order.

#### **Wanaka licence times**

- 5.23** Submitter 156 (Roger North of Kai Whakapai) seeks that the curfew for outside drinking/dining is either extended to 11.00 pm, or that conditions of liquor licence applications reflect the circumstances of each individual case.
- 5.24** The latter request is a matter for a licensing application under the SSAA.
- 5.25** If the new PDP noise levels were implemented and licensees could show that they will not breach noise levels outside, then it may be that conditions on alcohol licences could reflect the same hours depending on the zone they were located in. Mr North's premises, Kai Whakapai, has no residential dwellings or accommodation located in the near vicinity. The premises is licensed until 11.00 pm for inside hours. Mr North could request longer outside hours at the time of renewing his alcohol licence provided he could show how he would meet the district plan noise levels.
- 5.26** The requirement then to obtain a resource consent to allow Mr North to operate one additional hour outside would not be required under the PDP.

## **Design controls of premises**

**5.27** Submitter 714 (Kopuwai Investments Limited) requests the deletion of the following matters of discretion:

- (a) car parking and traffic generation;
- (b) the configuration of activities within the building and site (e.g. outdoor seating, entrances); and
- (c) any alcohol policy or bylaw.

**5.28** Point b above is one of the considerations under CPTED. CPTED is based on one simple idea – that crime results partly from the opportunities presented by the physical environment. There are four principles for licensed premises that could be considered:

- (a) surveillance (people are present and can see what is going on);
- (b) access management (methods used to attract people and vehicles to some places and restrict them from others);
- (c) territorial reinforcement (clear boundaries encourage community ownership of the space); and
- (d) quality environments (good quality, well maintained places attract people and support surveillance).

**5.29** In terms of a licensing application under the SSAA, in some cases buildings are in the process of being built by the time an application for a new alcohol licence is lodged. No section of the SSAA enables inspectors to have a say on the design or layout of a premise or the outside area. Issue of licences which cover an outside area are reliant on the applicant proving they have tenure to occupy the proposed outdoor space. Tenure is normally provided under the table and chair permits issued by Council.

**5.30** Section 106 of the SSAA does however cover amenity and good order of the locality. Under s 106(2), when forming an opinion on whether the amenity and good order of a locality would be likely to be increased, by more than a minor extent, by the effects of a refusal to renew a licence, the licensing authority or a licensing committee must have regard to current and possible future noise levels and current and possible future levels of nuisance and vandalism.

- 5.31** Given the limited ability to influence the design of premises through the SSAA, for buildings that are being constructed or altered at the same time as consent is being sought for a licenced premises, I support retaining control over the configuration of activities within the building and site (e.g. outdoor seating, entrances) in the PDP, as that can have an effect on safety.
- 5.32** I do support removing the discretion over car parking and traffic generation (as people are generally walking within the town centre) and over consideration of any policy and bylaw (as there is currently no policy in place and breach of any bylaw could see enforcement action undertaken).

**Outdoor dining considerations and permitting or regulating licensed premises serving diners after 12.00 am (midnight)**

- 5.33** Submitters 654 (Warren Cooper & Associates), FS1043 (Grand Lakes Management Limited), FS1063 (Peter Fleming and Others), and FS1318 (Imperium Group) request that the status quo be retained in regards to outside dining hours. Submitter 774.2 (Queenstown Chamber of Commerce) specifically requests that the rules provide for extended outdoor trading to allow patrons to enjoy the evenings until 11.00 pm.
- 5.34** As set out above in paragraph 4.9, the current 'status quo' relates to the fact that under many current resource consents for licensed premises, operators must move customers inside at 10.00 pm and all windows and doors are to remain closed, unless customers are coming and going from the business or to enter and exit for smoking purposes.
- 5.35** Submitter 544 (Good Group Limited) requests that the status of notified Rule 12.4.4.1 be changed from restricted discretionary to controlled and that there be no time restriction on the serving of alcohol to diners. I note that I support changing the status to "controlled" for the reasons outlined above.
- 5.36** The ODP enables alcohol to be served to diners 24/7 without resource consent whereas the PDP limits this to 12.00 am on the basis that it is a reasonable time for people to have finished dining.

**5.37** I am of the view that very few people would be eating a full meal at 2.00, 3.00 or 4.00 am. I am aware of the following case law. In *Re Sheard* the High Court commented:<sup>16</sup>

*Where a tavern licensee wishes to supply liquor beyond the hours authorised for the ordinary tavern, on a Sunday, for instance, dining is the operative word. In the event of the authority's decision being intended to authorise the supply of liquor in a tavern beyond the ordinary hours of a tavern then adequate dining facilities must be available.*

**5.38** In *Sargent V B & M Entertainment Limited* the Authority stated:<sup>17</sup>

In light of the wording of ss.3 and 4 and the clear intent of Parliament, in our view to adopt an even broader interpretation of "to dine" as urged upon us by counsel for the respondent, would be untenable. We accept that it is the role of the Authority and the Courts to interpret and apply the law in the light of social change and communities and environments. We accept that as Tipping J said "*The law should be as simple as possible and as close to common sense as possible*". However, in our view the phrase "*to dine*" should be given its ordinary meaning. "*Dine*" is defined in the New Zealand Oxford dictionary, first edition 2005 as:

*1 Eat dinner.*

*2 Give dinner to – dine out, dine away from home.*

*Diner:*

*1 A person who dines espec [sic] in a restaurant.*

*2 A railway dining car.*

*Dinner:*

*1. The main meal of the day, taken either at midday or especially in the evening.*

*2. A meal eaten at midday, but not the principal meal of the day; a formal evening meal often in honour of a person or event.*

**5.39** The SSAA allows restaurants to have casual drinkers in their premises. Some restaurants hold tavern style licences but operate with the appearance of being a restaurant. There is no definition of "dining" in the SSAA, but "restaurant" is defined in s 5 as follows:

<sup>16</sup> *Re Sheard* [1996] 1 NZLR 751 (HC) at [754]

<sup>17</sup> *Sargent v B & M Entertainment Limited* [2015] NZARLA 618 (13 November 2015) at [60]



**restaurant** means premises that –

- (a) are not a conveyance; and
- (b) are used or intended to be used in the course of business principally for supplying meals to the public for eating on the premises

**5.40** Section 47(3)(b) provides further guidance on what it means for a person to be present on premises to dine, but only in relation to Good Friday, Easter Sunday, or Christmas Day, or before 1.00 pm on Anzac Day. On those days, a person is "not present on licensed premises to dine" if he or she is there at a time more than an hour before he or she starts (or is due to start) eating a meal, or more than an hour after he or she finishes eating a meal.

**5.41** Many districts around the country allow the use of outside areas in central town and city areas after 10.00 pm such as Christchurch, Upper Hutt, Wellington, Tauranga and Ashburton. I am of the view that by allowing dining outside until 12.00 am under the PDP, in conjunction with the SSAA, the ability to impose any "reasonable condition" on a licence, the fact that premises are monitored frequently and the fact amenity and good order is assessed with all applications, there would be adequate control over the use of these outside spaces.

## **6. THE REGULATION OF OFF-LICENSES**

**6.1** Submitter 621 (Real Journey's Limited) has requested that notified Rule 12.4.4 also apply to premises hosting off-licences.

**6.2** Section 43(1)(b) of the SSAA sets default national maximum trading hours for off-licenses. Off-licence premises cannot open past 11.00 pm and are unable to trade at all on Anzac Day before 1.00 pm, Good Friday, Easter Sunday, and Christmas Day. These premises cannot allow customers to purchase alcohol to consume on site and cannot undertake delivery of goods on these days either. Given the fact the SSAA sets the off-licence hours, I recommend that the default hours in accordance with section 43 of the SSAA apply.

**6.3** Submitter 621.49 (Real Journeys Limited) requests that off-licenses operating after 11.00 pm in the Queenstown Town Centre Zone (or 6.00 pm in the Transition subzone) should also require resource consent.

- 6.4** As off-licenses are only able to operate to 11.00 pm pursuant to the SSAA, it is unnecessary to regulate them in the Town Centre Zone. In terms of whether any premises operating within the transition subzone between 6.00 pm and 11.00 pm should have to obtain resource consent, I am of the view that the effects can be adequately managed under the SSAA and that it is not necessary for applicants to obtain resource consent for such activities.
- 6.5** Under the SSAA the general public also have greater powers under which to lodge objections to applications. Where public objections are received for applications, the District Licensing Committee must hold a public hearing unless the objection is withdrawn, the objection is considered vexatious or the objector requires no hearing.<sup>18</sup>
- 6.6** An example of this occurred in the suburb of Bethlehem in Tauranga. An application by a company called Nine Orchids Limited was made for a Super Liquor bottle store to open beside a Hell's Pizza store. There were already four other off-licences within the suburb. The application received 456 public objections to the application and a public hearing was held as a result.
- 6.7** Factors in the decision to decline the application included the considerable number of objections, the number of members of the public who attended the hearing to speak to their objections, and the location of three schools and two places of worship in the vicinity of the proposed premises.



**Sian Helene Swinney**  
**2 November 2016**

**APPENDIX A**  
**ALCOHOL MANAGEMENT PLAN TEMPLATE**

# ALCOHOL MANAGEMENT PLAN TEMPLATE

Risk	Level of Risk	Risk Components	Strategies	Actions	Responsibility	KPIs/Measures
Intoxication	High	Patrons arrive intoxicated	Refuse entry	Dedicated security observations at entry	Security provider	Intoxicated patrons do not enter the venue
			Communication	Communication between entry points	Security provider	Security staff have communications
			Set expectations	Information and signage	Event organiser	Information and signage are present
Underage drinking						
Injury from drink containers						
Use of temporary (volunteer) security and bar staff						
Etc...						

To be used in conjunction with the resource *Managing Alcohol at Large Events*. Available from [www.alac.org.nz](http://www.alac.org.nz)

**APPENDIX B**

**EXAMPLE - ALCOHOL MANAGEMENT PLAN FROM THE WORLD BAR**

# ALCOHOL MANAGEMENT PLAN

Risk	Level of Risk	Risk Components	Strategies	Actions	Responsibility	KPIs/Measures
Intoxication	Moderate	Patrons arrive intoxicated	Refuse entry	Observation at entry	Event Manager, Bar managers and staff.	Intoxicated patrons do not enter the premises.
Intoxication	High	Patrons drink excessively	Provide safe transport options to/from the site.	<p>Patrons will be encouraged to match wine and food, and water will be available free of charge.</p> <p>Limit the number of tastings per person.</p> <p>Implement a no tolerance policy for intoxicated people. 100% refusal to serve any intoxicated persons.</p> <p>Confiscation of wine glass.</p> <p>Use of ALAC signage, host and</p>	Event Manager, Bar managers and staff.	Monitored throughout the day.

				<p>personal responsibility.</p> <p>Spitoons on display/ encourage visitors to use;</p>		
<b>Underage drinking</b>	Low	Minors consuming alcohol		Bar Staff to ask for ID for all patrons attempting to buy alcohol that look under 25.	Event Manager, Bar managers and staff.	<p>Zero tolerance to underage drinkers.</p> <p>Confiscation of alcohol in all areas.</p>
<b>Injury from drink containers</b>	High	Broken Glass	Staff will be dedicated to ensure rubbish is dealt with correctly at all times.	<p>Any broken glasses will be cleaned up with immediately and appropriately discharged of.</p> <p>Glasses will be taken off intoxicated persons.</p>	Event Manager, Bar managers and staff.	The staff will clean away rubbish throughout the day.
<b>Drink Driving</b>	Moderate	Patrons drink then drive	<p>Patrons will be reminded of safe travel options.</p> <p>Alternative transport options will be encouraged.</p>	<p>Water will be available free of charge. Alternative transport options will be promoted.</p> <p>Spitoons on display/visitors encouraged to use;</p>	Event manager, Bar Manager and staff.	Information provided on the importance of safe driving.

**APPENDIX C**

**CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN FOR LICENSED PREMISES**





# Guidelines for CPTED Crime Prevention through Environmental Design for Licensed Premises

OCTOBER 2015



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# Introduction

*These guidelines have been developed by the Health Promotion Agency (HPA) to establish and maintain a safe and secure environment in all licensed premises. The guidelines should assist those involved in the design, development and refurbishment of licensed premises, as well as those wishing to implement their principles in existing premises. While the best time to consider such issues is at an early stage in the design process, even at an advanced stage it can be possible to make minor changes which can make a positive impact.*

The main aim is to reduce opportunities for crime and anti-social behaviour both in and around licensed premises and in doing so, enhance the safety of customers and staff as well as the security of the buildings and facilities.

## Aims and objectives

- to raise awareness of crime prevention and safety, and their relationship to the environment in and around licensed premises
- to promote the value of crime prevention design in licensed premises
- to continue to improve the standards in licensed premises.

The guidelines are not intended to be prescriptive and the recommended actions should be interpreted to meet those risks specific to each type of licensed premises. They focus on key issues to consider in relation to the needs of each local setting. It is also important to note that the guidelines seek to address the design of licensed premises only and do not address the management of the premises. However, responsible management is crucial to delivering a safe drinking environment.

These guidelines supplement the Ministry of Justice's National Guidelines for Crime Prevention Through Environmental Design in New Zealand, (2005).

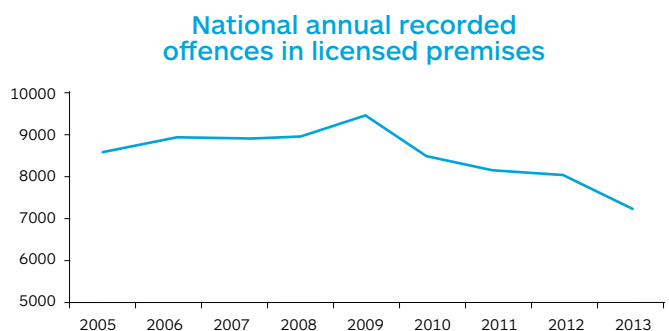
## Why do we need the guidelines?

Crime and the fear of crime are real and important issues for people in New Zealand (Ministry of Justice, 2005). They affect people's quality of life – people may avoid going out at night or stay away from particular areas because of their fear of crime. This in turn has important economic consequences as people choose to avoid certain retail and entertainment areas in favour of those that are safer or perceived as safer.

There is a general acceptance that the design of buildings and their surroundings are major factors affecting crime and, in particular, alcohol-related disorder (Association of Chief Police Officers, 2005). It is recognised that certain elements in the design of licensed premises can promote or dissuade criminal behaviour at or near licensed premises and also assist the ability of a licensee to exercise control over their premises. The principles recommended in these guidelines seek to reduce or eliminate risks through the design or redesign of a licensed premises and the immediate surrounding area.

Evidence shows that 6,957 offences were recorded nationally in 2013 as occurring on premises licensed for the sale of alcohol, including on-, off- and club-licensed premises (Statistics New Zealand, 2014). Although since 2009 there has been a gradual decline in the number of recorded offences, they remain significantly high. The recorded offences included robbery, theft, assault, harassment and property damage. Two homicides were recorded on licensed premises for each of the years 2007–2009 and one in 2012.

For those recorded offences on licensed premises, alcohol may or may not have been consumed by the offender. However, during 2007–2008, for all recorded offences where the offender had consumed alcohol, 11% of all offences occurred in commercial settings, 42% of which were on licensed premises (New Zealand Police, 2009).



## Who are the guidelines for?

### Regulatory agencies

The Police, licensing inspectors and Public Health Services all have a responsibility in reducing alcohol-related harm; ensuring licensed premises comply with licensing requirements and improving standards in licensed premises in general. This includes working with licensees to reduce aggression, assault, violence and crime in licensed premises. When licensing premises for the sale and supply of alcohol, the regulatory agencies are particularly interested in premises with a history of anti-social behaviour. The Police are further tasked with reducing crime in general.

### Licensees

Licensees have a responsibility not to allow anti-social behaviour in licensed premises. It is also in their own interest to reduce aggression, assault, violence and crime in their premises for personal safety, financial security and in generally making the premises more attractive to customers.

### Safety planners

Safety planners are interested in the wider aspects of reducing crime across their region including in and around licensed premises.

### Security providers

Door staff and other security providers are tasked with monitoring and enforcement of alcohol licensing requirements such as preventing intoxication and the illegal presence of minors, as well as dealing with aggression and violence in licensed premises.

### Alcohol accords and alcohol licensing/liaison groups

Alcohol accords and alcohol licensing/liaison groups work together to reduce problems associated with alcohol across a designated area(s). This includes assault, violence and crime in and around licensed premises.

*The Police, licensing inspectors and Public Health Services all have a responsibility in reducing alcohol-related harm.*





↑ Way out



EXIT









# Background

*Crime Prevention through Environmental Design (CPTED) is a well researched crime prevention method which has been shown to reduce opportunities for crime and anti-social behaviour (Queensland Government, 2007). It provides positive community safety benefits by improving planning and design decisions in ways that provide organisations, communities and businesses with practical crime prevention tools. The fundamental idea of CPTED is that it is possible to use knowledge and creativity to design built environments in ways that lessen or prevent the incidence of crime.*

## What is CPTED?

C R Jeffrey's Crime Prevention through Environmental Design (1971) introduced a new era in criminological thought centred on the environment surrounding a crime rather than the criminal. It is he who is credited with first using the term 'CPTED'. Jeffrey, a criminologist, was supported by architect Oscar Newman with his Defensible Space: Crime Prevention through Urban Design (1972) in which he highlighted the physical design ingredients of territoriality and surveillance as contributing to a secure environment, both internally and externally.

CPTED is an acronym for crime prevention through environmental design which asserts that 'the proper design and effective use of the built environment can lead to a reduction in the fear and incidence of crime, and an improvement in the quality of life' (Crowe, 2000). It is a crime prevention philosophy based on proper design and effective use of the built environment leading to a reduction in the incidence and fear of crime, as well as an improvement in quality of life (Ministry of Justice, 2005). CPTED reduces criminal opportunity and fosters positive social interaction among legitimate users of space. The emphasis is on prevention rather than apprehension and punishment. It is an advanced approach and is being implemented on a global scale (Cozens et al., 2005).

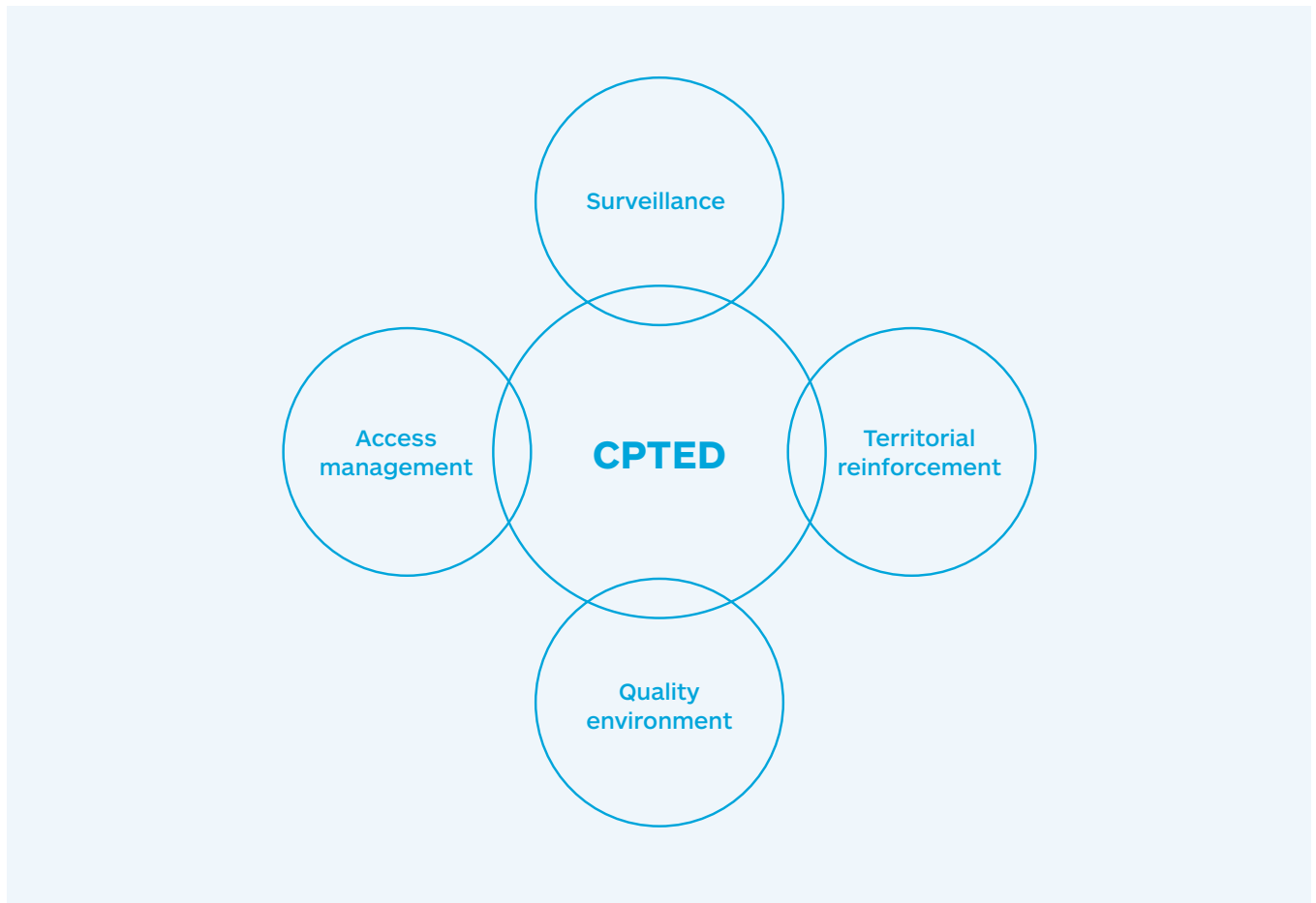
CPTED provides three approaches to managing the physical environment in ways that will reduce the opportunity for crime (Ministry of Justice, 2005):

- **Natural** – the integration of security and behavioural concepts into how human and physical resources are designed and used (e.g. border definition, windows)
- **Organised** – the introduction of labour-intensive security (e.g. guards, police, security patrols)
- **Mechanical** – the introduction of capital or hardware-intensive security (e.g. locks, closed circuit television, lighting).

As a result of these approaches, there are four key overlapping CPTED principles (Ministry of Justice, 2005):

1. **Surveillance** – people are present and can see what is going on
2. **Access management** – methods are used to attract people and vehicles to some places and restrict them from others
3. **Territorial reinforcement** – clear boundaries encourage community ownership of the space
4. **Quality environments** – good quality, well maintained places attract people and support surveillance.

## The four principles of CPTED<sup>1</sup>



How might physical features influence behaviour? Offenders often operate in a rational fashion (National Institute of Justice, 1996). They prefer to commit crimes that require the least effort, provide the highest rewards and pose the lowest risks. This view suggests that crimes are most likely to occur when potential offenders come into contact with a suitable crime target where the chances of detection by others are thought to be low or the criminal, if detected, will be able to exit without being identified or apprehended. In short, the crime site lacks a natural guardian.

Physical environment features can influence the chances of a crime occurring. They affect potential offenders' perceptions about a possible crime site, their evaluations of the circumstances surrounding a potential crime site, and the availability and visibility of one or more natural guardians at or near a site. Offenders may decide whether or not to commit a crime in a location after they determine the following (National Institute of Justice, 1996):

- How easy will it be to enter the area?
- How visible, attractive, or vulnerable do targets appear?
- What are the chances of being seen?
- If seen, will the people in the area do something about it?
- Is there a quick, direct route for leaving the location after the crime is committed?

<sup>1</sup> Adapted from National Guidelines for Crime Prevention through Environmental Design in New Zealand – Part 1: Seven Qualities of Safer Places. (Ministry of Justice, 2005).

## What are the benefits of CPTED?

The theory of crime prevention through environmental design is based on one simple idea – that crime results partly from the opportunities presented by the physical environment (Clarke, 2002). This being the case it should be possible to alter the physical environment so that crime is less likely to occur.

The overarching main benefits of adopting a CPTED approach are (Ministry of Justice, 2005):

### 1. Safety and security are essential to successful communities

Successful communities are places where people live, work and enjoy life in the knowledge that they can do so safely. Places that are safe and feel safe are vibrant and attract people, activity and investment.

### 2. Safe design enhances the quality of the environment

Safe design not only enhances public safety, it also adds to the attractiveness and use of the environment. Many safe design principles reinforce fundamental principles of good urban design. Safe design can improve the quality of the environment in many ways.

### 3. Planning for safety makes sense financially

Integrating safety at the outset of a development's design brings long-term social and economic benefits. Getting it right first time saves future costs of correcting or managing badly designed development. Safe popular places with high pedestrian counts are better for business, reflected in higher turnover, employment, profit, rents, capital values and rates.

### 4. Integrated planning makes a significant contribution to tackling crime

Good design alone cannot be expected to solve crime. However, considered positive planning, particularly when co-ordinated with other measures, can make a significant contribution to safety. Taking an integrated approach to each development, where professional disciplines and key stakeholders work together, is important.

## *Good design of licensed premises can make a significant contribution to reducing the likelihood of disorder or criminal activities.*

There is a growing body of research that supports the assertion that crime prevention through environmental design is effective in reducing both crime and fear of crime in the community (Cozens et al., 2005). A review of the effectiveness of CPTED in reducing robberies (Casteel & Peek-Asa, 2000) found that of the 16 intervention programs evaluated, all 16 interventions experienced a percentage reduction in robberies ranging from 30–84% fewer robberies.

While the strongest tool in preventing disorder is alert and firm management, good design of licensed premises can make a significant contribution to reducing the likelihood of disorder or criminal activities (Portman Group, 2000).

The hospitality industry is vibrant, dynamic and continually changing to meet the aspirations of contemporary consumers (British Beer and Pub Association & Metropolitan Police, 2003). Nowhere is this truer than in bars where feeling relaxed and safe is vital to customers and staff. Security, therefore, is a vital element in any professionally run outlet.



# Licensed premises and CPTED

*The broad nature of the CPTED approach allows its adaptation to any setting including licensed premises.*

There is no single design formula that can be applied to all licensed premises as every location should be looked at as a unique site. But there are certain principles that need to be considered in all cases such as the trading style, typical patronage, location and basic physical features of the premises (Portman Group, 2000). Also, with the increasing trend towards providing drinking areas outside the premises e.g. tables on the pavement, it is important to try to use a consistent approach inside and out.

## Designing licensed premises

The aim when designing licensed premises should be (Portman Group, 2000):

- To meet reasonable customer expectations
- To achieve an optimal balance in terms of stimulation
- To provide an environment that maximises ease of monitoring and management
- To avoid creating spaces that serve as 'poser platforms' for macho display

## The environment contributing to the aggression

It is well accepted that characteristics of a bar itself can increase the risk of violence by providing situations and conditions that promote aggressive behaviour (Quigley et al., 2003). Characteristics of a bar that may promote violence can be categorised as either physical or social in nature. Physical characteristics associated with negative effects such as high temperatures, poor lighting and ventilation, noise etc. have been found to be related to bar violence (Graham et al., 1980). These and other physical characteristics increase the likelihood of aggression by creating an environment in which individuals are more likely to come into conflict. Crowding around the bar area creates the risk of accidental bumping and irritation and can also lead to conflict (Scott & Dedel, 2006).

Specific factors that have been linked to a higher likelihood of aggression in licensed premises include (Institute of Alcohol Studies, 2010):

- Crowding
- Poor bar layout and traffic flow
- Inadequate seating or inconvenient bar access
- Dim lighting, noise, poor ventilation or unclean conditions
- Discount drinks and promotions that encourage excessive consumption (e.g. happy hours)
- Lack of availability of food
- A 'permissive' environment that turns a blind eye to anti-social behaviour
- Patrons with a history of aggression and who binge drink
- Bar workers who do not practice responsible serving
- Aggression/intimidation by door and security staff

## Factors of aggression

The potential for these features to be problematic is heightened when they co-exist with the consumption of alcohol, as occurs in licensed premises (Doherty & Roche, 2003). For example, licensed premises are often associated with crowding. Crowding increases the chance of accidental contact and alcohol affects the ability of individuals to appropriately deal with this contact. Poor bar layout and design within crowded premises increases the potential for aggression to occur (Institute of Alcohol Studies, 2010).

Frustration arises when customers are prevented from doing what they want or getting what they expected to and if triggered in some way, can result in aggression (Portman Group, 2000). Frustration is often directly linked to design factors, including insufficient bar serving areas; poor lay-out; inappropriate temperatures, sound and light levels; poor-quality fittings that are easily damaged; and fittings in toilets that are easily vandalised or damaged. The solutions to many of these problems can be simple and cost-effective.

Dilapidated decor, seating in rows and poor lighting have also been identified as factors which increase the risk of physical aggression in licensed premises (Graham & Homel, 2008). A comfortable and entertaining atmosphere reduces both frustration and boredom among patrons, which can reduce aggression levels. Furthermore, attractive, well-maintained bars suggest to patrons that the owners care about their property and will not tolerate disorderly and violent conduct that might destroy it (Deehan, 2004).





SALON

SALON

Small white label with illegible text.

Small text at the bottom of the sign, possibly a date or reference number.

# CPTED strategies for on- and club-licensed premises

The selection and implementation of the following strategies will depend on:

- the perceived hazard, risk and likelihood of incidents arising
- the persons at risk
- the value of property at risk
- the cost of installing recommended measures, and
- the likely reduction in risk.

## Bar area

The level of the floor behind the bar counter is a significant factor to consider. This has the effect of raising staff above customers, making them appear more imposing and in control. It also makes it easier for staff to see customers who are waiting to be served; provides a better vantage point from which to spot potential problems; and provides a safer environment for bar staff. Viewing from the bar should be maximised by not closing down the space with glass racks, low canopies, screens, pillars etc.

A further issue is the practice of suspending glasses above the bar. While the intention may be to enable the staff to maintain eye contact with a customer while selecting a glass, poor design can result in customers being able to reach glasses for use as weapons.

Cash registers should be positioned away from customers' reach. Registers fronting customers are preferable as they enable staff to maintain vision of the serving area and beyond. If they are placed rear facing, mirrors can be installed to facilitate staff monitoring. Any safes on the premises should be positioned out of public view.



Example of raised bar area

## Internal layout

There is a basic design conflict between the need of licensees and their staff to be able to monitor the behaviour of customers and the preference of many customers for a secluded area for themselves and their friends. Open-plan designs often meet the needs of the licensee but fail to satisfy customers. Optimal designs may include an open-plan space that is divided in such a way that groups of customers are visually, or psychologically, separated but the licensee and staff can monitor the activities of everyone in the bar. The devices used to achieve such separation can include solid partitions where they do not obstruct the licensee's view, trellis or mesh partitions where blind spots would otherwise be created and differentiated lighting effects.

Where blind spots are inevitable, many licensees and their staff favour the use of carefully positioned decorative mirrors rather than more obvious security devices. However, closed circuit television (CCTV) with a monitor behind the bar is also an option which is increasingly used. If separate rooms or mezzanine floors are provided, the use of CCTV is even more important to consider.

The anticipated flow of customers within the premises is a significant element. Customers must be able to approach the bar and return to their seats with the minimum of physical contact with others, especially those who are seated. Flows to and from toilets should similarly be unobstructed. By reducing the potential for jostling, spillage of drinks, etc., many sources of conflict and aggression can be avoided from the outset.



Example of good internal layout

Research shows (Association of Chief Police Officers, 2005) that bars that are primarily dedicated to 'vertical' (i.e. stand up) drinking are more likely to generate problems of drunkenness and assaults. An imbalance of standing areas over seating areas is therefore discouraged. There should be no design features that allow climbing and access to potentially more vulnerable parts of the premises.

See Appendix 1: *Examples of On-licence bar layouts.*

## Crowding

Crowding contributes directly and indirectly to alcohol-related aggression and violence in licensed venues. A number of factors contribute to aggression and violence including accidental contact between patrons, and also increases in temperature and noise within the premises. Patrons drink more alcohol to overcome discomfort associated with crowding and increased consumption can lead to a lowered tolerance to social and environmental irritants. Crowding also interferes with the ability of staff to monitor for intoxicated patrons.

The maximum number of patrons for licensed premises is determined primarily by territorial authorities in accordance with the Building Act 2004. Imposing an upper limit on patron numbers is intended to limit or reduce the negative effects of crowding such as intoxicated frustration and aggression. It also helps emergency service personnel to manage emergency incidents and facilitates safe exit from the premises. Door staff play a key role in regulating patron numbers. They should regulate entry and exit points in maintaining control over patron numbers.



*Example of poor lighting*

## Lighting

### Internal lighting

Lighting in licensed premises can play a significant role in creating the right atmosphere. Extremes of lighting, e.g. too bright or too dim should be avoided. Very bright lighting is cold and unwelcoming, and can create irritation for customers. Whereas, lighting which is too dim makes it difficult for bar and security staff to monitor the behaviour of customers effectively, particularly for the signs of intoxication and the checking of IDs.

In the section on layout, the need to break up large, open areas into smaller units was noted. Directional lighting, which creates pools of light interspersed with less brightly lit areas, can help to achieve the effect of divisions.

Installing dimmer switches increases control of areas from behind the bar. An override allows, in the case of an incident occurring, the lighting level to be raised and is an important element of control. This will also assist at the end of trading such that patrons are easily made aware that the premises are closing.

### External lighting

Lighting levels should be appropriate for the users, activities and tasks of an external area. In areas outside licensed venues such as alleyways etc., good quality lighting discourages loitering thereby reducing congregations of people who may engage in conflict, noise, disorderly behaviour and criminal offending. The objective of security



lighting is to deny offenders the advantage of being able to operate unobserved. However, if an area cannot be overlooked or viewed at night, then lighting will only help an offender see what they are doing, rather than deter them. In this case other security measures will be required such as CCTV, or the monitoring of the area by security staff. Higher lighting levels may be required for more vulnerable areas.



*Example of unlit rear of a bar*

## Ventilation

Poor ventilation and inefficient air-conditioning contribute to the amount of heat in a drinking location. Heat exacerbates physical discomfort, which heightens irritation and also leads to increased alcohol consumption. The consequence is increased risk of intoxication, aggression, social disruption and violence. Therefore, the premises should be well ventilated with effective climate control to prevent the premises from becoming too hot (or too cold).

## Outdoor drinking areas

The consumption of alcohol needs to be properly controlled in outdoor drinking areas as well as inside the licensed premises. In many cases outdoor drinking areas cannot be seen by staff working behind the bar. Consequently proper monitoring of patrons in these areas should be carried out frequently by bar and/or security staff. There should be suitable lighting to allow staff to monitor the behaviour of the customers. CCTV may be installed to assist with such monitoring as well as to deter misbehaviour (see CCTV).

The siting of furniture and screens should be carefully considered so as not to cause an obstruction to the flow of customers within the outdoor drinking areas and thereby reduce the potential for conflict and aggression.

The interface of the outdoor drinking area with the immediate surrounding environment should be properly managed. It is important to avoid 'pavement creep' so as to reduce the potential for conflict between patrons and pedestrians. Boundaries and interconnecting spaces adjacent to the premises need to be properly managed and there should be clear border definition between pavement drinking/dining areas and the public footpath.



*Example of a well designed outdoor drinking area*



*Example of good demarcation of outdoor drinking area*



*Example of poor demarcation of outdoor drinking area*

Drinking must be contained in outdoor areas that are part of the licensed premises and overcrowding should be avoided to ensure this occurs. Overcrowding should also be avoided so as to reduce the likelihood of alcohol-related aggression and violence (see Crowding).

In most cases, a street trading licence or equivalent issued by the local council is required for outdoor dining and drinking. It will specify its own requirements such as maintaining a minimum unobstructed pedestrian clearway and the siting of furniture and screens, etc.

For more information on general areas surrounding licensed premises, see the Ministry of Justice's National Guidelines for Crime Prevention Through Environmental Design in New Zealand – Part 1: Seven Qualities of Safer Places, (2005), available at [www.justice.govt.nz](http://www.justice.govt.nz).

## CCTV

In the last decade, CCTV technology has improved enormously and has become cheaper and easier to use. While highly sophisticated systems are still expensive and so, realistically, are only available to public authorities or major businesses, small business owners and even individuals can now install and use basic CCTV systems with ease. The result is that CCTV is now commonplace in New Zealand. However, the use of CCTV needs to be carefully thought through in terms of what is wanted from the system, e.g. if its purpose is to deter then it should be highly visible but if it is to provide intelligence for identification purposes then it should be more discreet.



*Example of CCTV surveillance at the entrance/exit of a bar*

It is particularly useful for observing areas that cannot be easily or naturally observed within and around licensed premises. This acts as a deterrent to misbehaviour, particularly where the public is aware that they are monitored and action may be taken for deviance disclosed via this medium.

CCTV can:

- Increase the accountability of security staff and others
- Assist in identifying offenders
- Provide evidence of violence occurring in and around the premises
- Provide evidence of any other serious crimes occurring in or involving people at the premises
- Assist in identifying physical hazards and guide improved premises design.

It is important that staff understand how to operate the equipment and how to view and download footage. Because CCTV captures images of people, which can be used, stored, manipulated and disseminated, those who operate the systems need to be aware of how to manage privacy issues. Good management of personal information is essential to the effective running of CCTV systems.

[For more information, see Appendix 4: Privacy and CCTV.](#)



*Example of poor entranceway to a nightclub*

## Entrances and exits

Consideration given to the positioning and number of entry and exit points is an important part of reducing opportunities for crime. It allows bar and security staff to monitor who is entering and leaving the premises. Entrances including emergency exits should be easily viewed from behind the bar or serving area. If this is not possible, use of CCTV should be considered to monitor blind spots. It may be best to minimise the number of entrances although this must be in accordance with fire safety requirements. Where door staff are used, space should be provided for them so as to avoid congestion in the doorways which can lead to conflict. This area should be covered with good lighting to assess those entering and leaving. Where customers may need to queue to gain access to the premises, there should be sufficient space so as those queuing do not obstruct the footpath or other local businesses.

## Toilets

Toilet facility entrances should be clearly visible from the bar. Where this is not possible, compensatory factors such as CCTV can be incorporated. There are three types of toilet entrance: totally separate male and female facilities; entrance to male and female facilities next to each other; and shared entrance with separate doors to each facility behind the first entrance. The third type is most difficult to control and CCTV may be considered.

## Staff

To prevent alcohol-related problems, including violence, a shift in thinking is required from considering offenders and their motivations to understanding offences and the settings in which they occur. In the case of licensed premises, this requires a focus on the role of internal management practices that contribute to unsafe and problematic environments.

Effective management of licensed premises involves the following:

- There are sufficient numbers of staff, particularly management and security staff, to manage the volume of people and any potential problems
- There are sufficient numbers of bar staff to avoid customer frustration in waiting to be served
- Staff are visible and accessible to patrons in need of assistance
- Staff are proactive in encouraging patrons to seek assistance if they experience offensive or aggressive behaviour. This may include signage encouraging customers to report any bad behaviour.
- Staff are trained to deal with complaints positively rather than dismiss them.

Security staff may be a positive or negative factor in the incidence and severity of harm arising from aggression and violence. A number of studies have found that security staff contribute to a high proportion of violent incidents (Doherty & Roche, 2003). They were witnessed either creating violence, using excessive physical force, shifting the problem to the street and observing or participating in the continuance of violence.

Security staff should therefore be properly trained and certified for their role and possess good conflict resolution and crowd control skills.

*See Appendix 3: CPTED checklist for on- and club-licensed premises.*







# CPTED strategies for off-licensed premises

The selection and implementation of the following strategies will depend on:

- quick and ready access to cash and stock
- quick 'surprise' access to the premises and a speedy means of escape
- minimal chance that the robbery will be observed
- minimal chance of being detected and identified.

The overall benefits of a CPTED approach in off-licensed premises include:

- increased personal safety of staff and customers
- a reduced risk of robbery and loss of finance
- a reduced risk of being targeted for other types of crime such as shoplifting
- a brighter and more visible store is more inviting for customers.

## Windows

Robbers prefer to work unobserved. Improving the visibility into the premises from outside reduces the risk for robbery. People walking by should see as much of the premises' interior as possible. There should be at least 50% transparency in the front of the premises so there is good visibility to and from the premises and the street. Reducing the number of advertising signs on windows and keeping windows clear of shelving and displays increases visibility. There should be clear lines of sight into and out of the premises from surrounding areas. Any external trees and plants should be kept trimmed so as not to impede visibility into and out of the premises.



Example of obstructed visibility into store



Example of good visibility into store

## Lighting

Transition lighting and awning lighting ensure customers can see and be seen when entering and leaving the premises. Installing bright lighting inside the premises assists with being seen from outside on the street as well as improving visibility of customers inside the premises. Internal lighting which is too dim makes it difficult for staff to monitor for the signs of intoxication and the checking of IDs.

In outside areas good quality lighting discourages loitering thereby reducing congregations of people who may engage in conflict, disorderly behaviour and criminal offending. The objective of security lighting is to deny offenders the advantage of being able to operate unobserved. However, if an area cannot be overlooked or viewed at night, then lighting will only help an offender see what they are doing, rather than deter them. In this case other security measures will be required such as CCTV. External areas such as car parks, rear loading areas, etc. should be well lit, and street lighting outside the premises working properly.



Example of good entrance and internal lighting



Example of poor internal lighting



Example of good visibility of interior of store

## Internal layout

The cash register and staff should be positioned to ensure good control over the premises. The counter and cash register are best positioned near the entrance to allow staff to monitor who is entering and leaving premises. The cash register should however be positioned so as to reduce visibility of the amount of cash in the drawer. Any safes on the premises should be positioned out of public view.

Raising the platform behind the service counter gives staff a better view of the interior of the premises and shelving/displays, as well as the exterior of the premises and the street outside. No stock displays should be higher than 1.3m so as not to cause blind spots so that the cashier can always see customers in the store. Internal open space design with divisions will also reduce blind spots and assist with the use of CCTV. Cold stores should have clear glass frontage and low displays to give clear visibility of potential shoplifting. Where blind spots are inevitable, the use of carefully positioned mirrors and/or CCTV with a monitor behind the bar is an option which is increasingly used.

See Appendix 2: *Examples of off-licence store layouts.*



Example of cash register near entrance

## Security

The use of roller shutters detracts from the visual appearance of the premises and should be avoided. These can also attract graffiti. If graffiti or tagging occurs, it is prudent to remove this as soon as possible (within 24 hours) since its rapid removal has proven to be the best deterrent in combating graffiti and it sends a clear message that graffiti will not be tolerated. Some councils offer a free removal service. In some cases, doors and windows may be reinforced with interior screens and anti-shatter film or laminated glass. Anything which may facilitate loitering in front of the premises, e.g. recessed front entrances, notice boards, etc. should be avoided.

The installation of an intruder alarm with an associated silent panic/duress facility can immediately alert the alarm monitoring centre of an armed robbery. A panic button positioned in the cold store is also good practice should an offender restrain an employee there. Integrating the intruder alarm with premises lighting, such that when the alarm activates, the lights come on automatically can have the effect of driving the offenders out, as well as improving the quality of CCTV images captured.





Example of roller shutters



Example of CCTV monitor

## CCTV

In the last decade, CCTV technology has improved enormously and has become cheaper and easier to use. While highly sophisticated systems are still expensive and so, realistically, are only available to public authorities or major businesses, small business owners and even individuals can now install and use basic CCTV systems with ease. The result is that CCTV is now commonplace in New Zealand.

The use of CCTV in off-licensed premises is encouraged as part of an overall crime prevention strategy. Making its use highly visible will deter a robber, as well as assist with their detection and identification should a robbery occur.

CCTV can:

- Increase the accountability of staff
- Assist in identifying offenders
- Provide evidence of other crimes occurring
- Assist in identifying physical hazards and guide improved premises design

It is important that staff understand how to operate the equipment and how to view and download footage. Because CCTV captures images of people, which can be used, stored, manipulated and disseminated, those who operate the systems need to be aware of how to manage privacy issues. Good management of personal information is essential to the effective running of CCTV systems.

For more information, see [Appendix 4: Privacy and CCTV](#).



Example of CCTV at rear of premises

## Staff

There should be a sufficient number of staff to ensure control of the premises. Having two or more workers on the premises after dark can deter an offender from committing a crime. Staff should be immediately visible to customers upon entering the store. Having staff greet (i.e. acknowledge) customers as they enter the store, advises any potential offenders that they have been seen and are being watched. The use of a door buzzer alerts staff to someone entering or leaving the store, particularly if staff are not at the checkout.

See [Appendix 3: CPTED checklist for on- and club-licensed premises](#).



# General requirements of an effective strategy

*The following responses provide a foundation of ideas for the implementation of strategies to address the problem:<sup>2</sup>*

## 1. Enlisting community support

Broad-based coalitions that incorporate the interests of the community and other local licensed premises are recommended. Alcohol Accords are an important media to promote responsible premises management. These incorporate the interests of bar owners, as well as community members, regularly coming together to discuss incidents that have occurred in the local area, and to jointly craft solutions. While recruiting members can be difficult, the key is to keep all parties motivated and actively involved for extended periods. All parties should come to accept ownership for the problem, and for responses to it.

## 2. Implementing multifaceted, comprehensive strategies

Multifaceted, comprehensive strategies are more effective than those that address only one or a few of the conditions that increase the risks of aggression and violence. Any response should address as many known risk factors as possible, rather than focusing on the contributions of alcohol alone.

## 3. Getting cooperation and support from bar owners and managers

It is important to secure the cooperation and involvement of all licensed premises in the area to guard against merely moving the problem somewhere else, and against losing the support of owners who feel unfairly targeted. Bar owners should agree on policies and establish ways to enforce them. Rogue bar owners can easily undermine these agreements by refusing to follow such policies. This creates pressure on other operators to do likewise.

## 4. Informally monitoring bar policies and practices

It is important to use voluntary safety audits and risk assessments to identify high-risk locations and conditions. Monitoring systems should use data to measure effectiveness.

## 5. Enforcing relevant alcohol licensing laws

In addition to the implementation of a CPTED approach within licensed premises, the responsible management and proper enforcement of alcohol licensing laws are crucial in delivering a safe drinking environment. Providing a safe drinking environment is the overall aim of host responsibility.

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<sup>2</sup> Adapted from Assaults in and Around Bars. (Scott & Dedel, 2006).

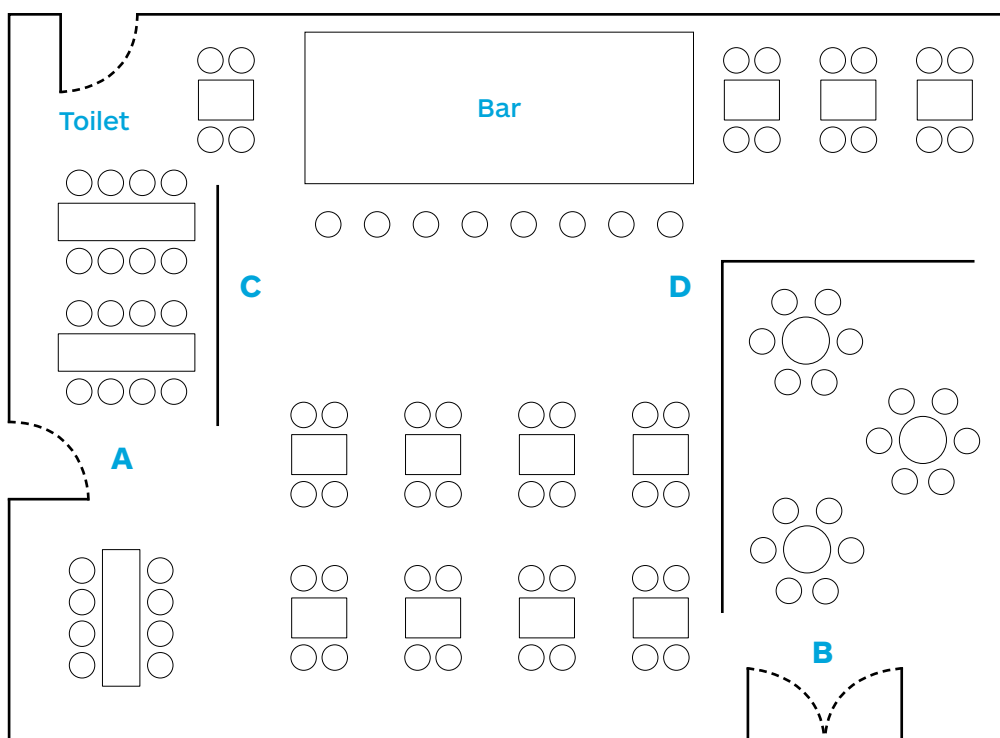




# Appendix 1: Examples of on- and club licence bar layouts

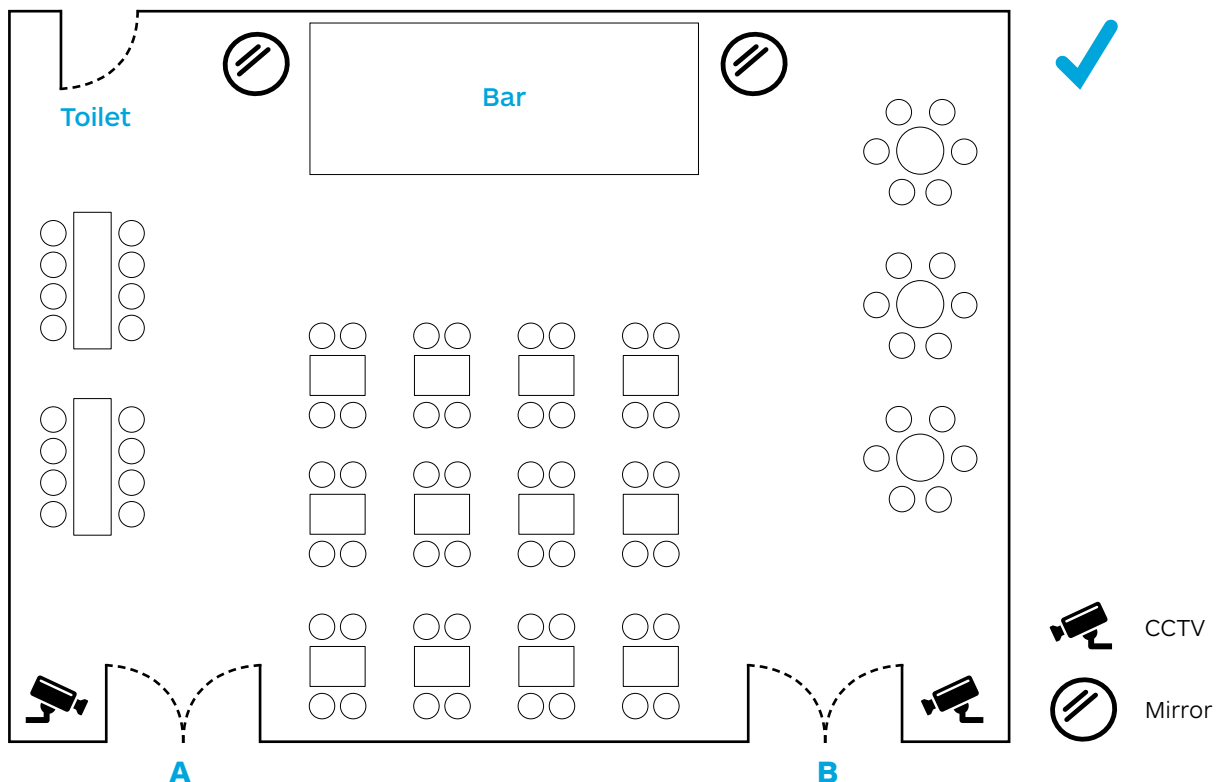
## Example of a poorly designed bar

- The bar area is obstructed by bar stools, and tables and chairs positioned close by it. Customers will have difficulty being seen and getting served
- The entrance to the toilets is obstructed and difficult to access. It cannot be seen by bar staff
- The layout of the premises does not provide an unobstructed flow for customers
- Bar staff have a limited view of the premises
- Entrances A & B cannot be monitored by bar staff as their view is obstructed by partitions C & D
- There are blind spots in areas behind partitions C & D
- There is no use of mirrors to assist with blind spots
- There is no CCTV installed
- There is no room for door staff to operate inside both entrances



### Example of a well designed bar

- The bar area is clear and customers can be easily seen and served
- The entrance to the toilets is clear, easy to access and can be seen by bar staff
- The layout of the premises provides an unobstructed flow for customers
- The bar area is raised and bar staff have an unobstructed view of the premises
- Entrances A & B can be seen from the bar area by bar staff and are easily monitored
- There are no blind spots in the premises
- Mirrors assist bar staff when facing away from customers
- CCTV is installed
- Staff can move freely through the premises to monitor for intoxication
- There is room for door staff to operate inside both entrances



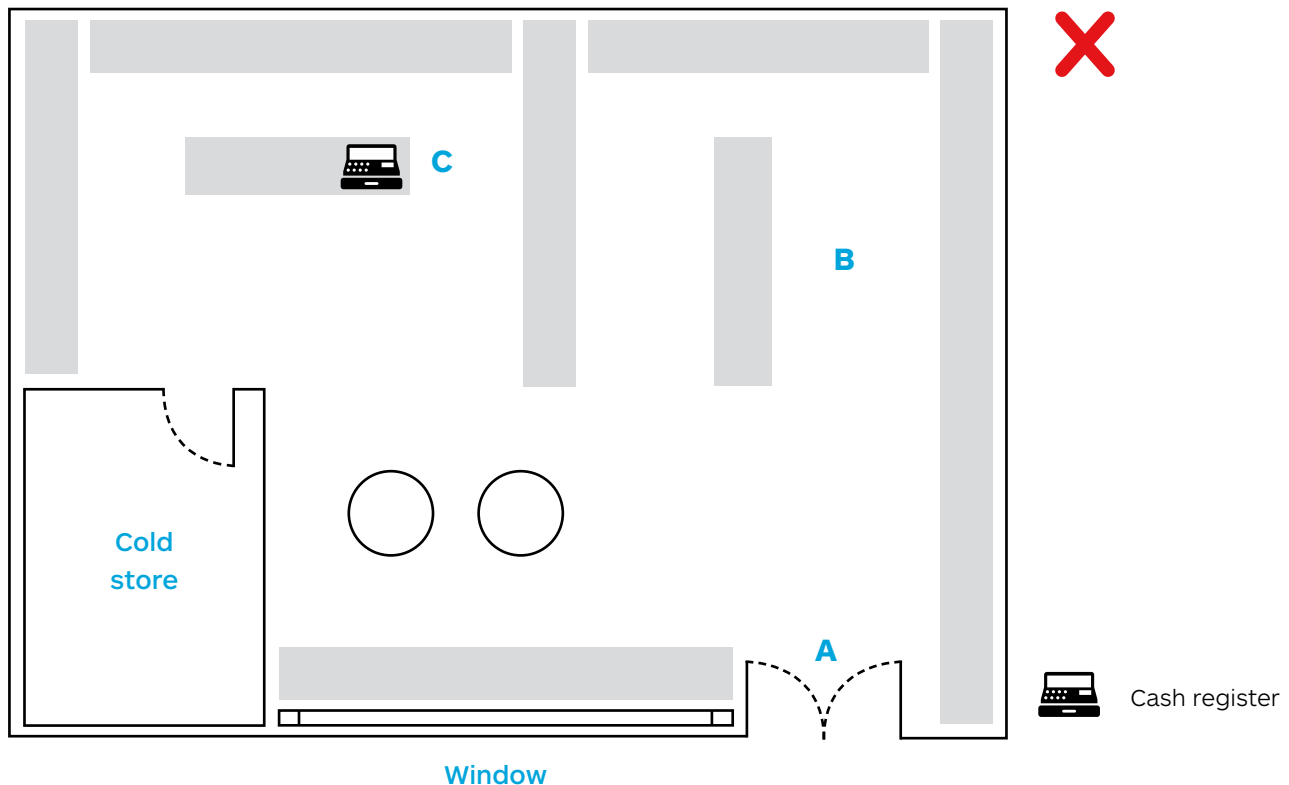




# Appendix 2: Examples of off-licence store layouts

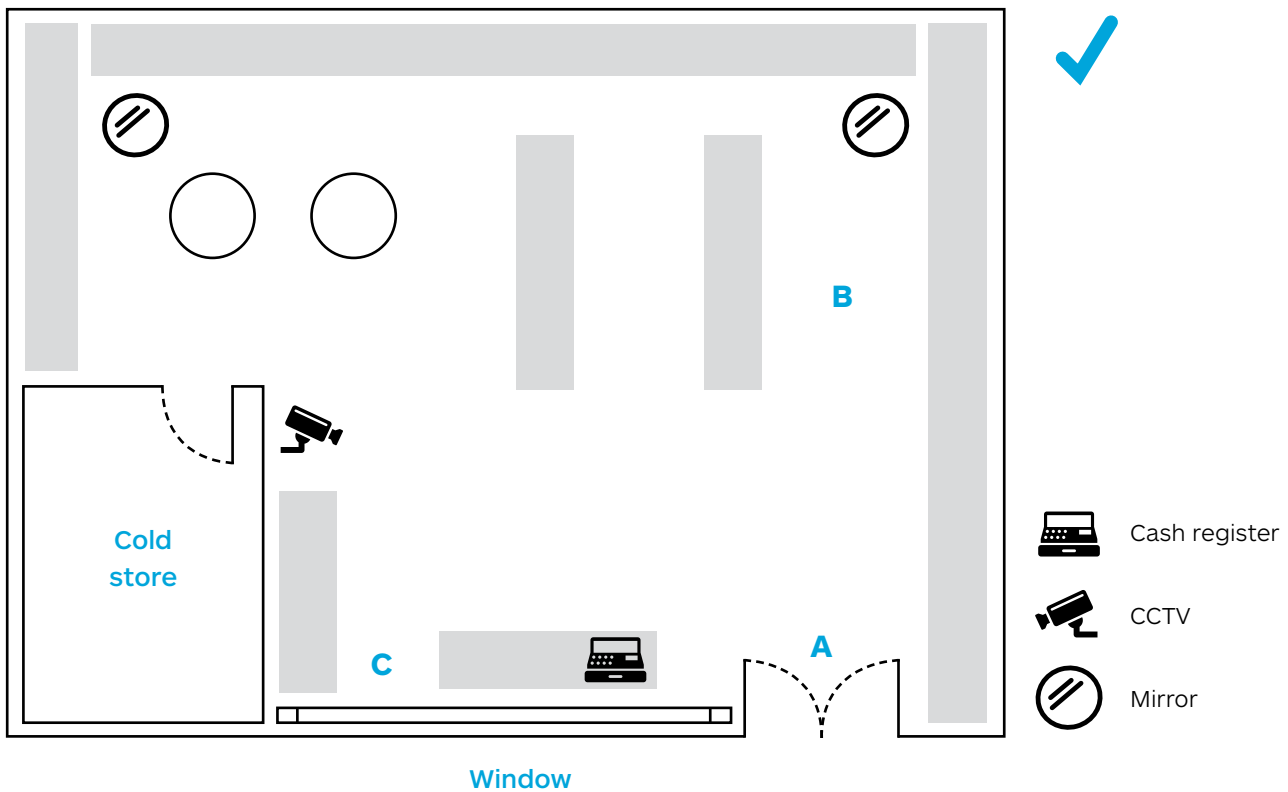
## Example of a poorly designed store

- A person entering the premises at site A cannot be seen by the cashier and has a good view of the entire store
- The cashier has limited view of the store
- The person may wait unseen at site B for the best opportunity to strike
- The person has a good view of the store entrance
- A robbery at site C is unseen from outside due to the windows being obstructed by shelving and posters
- The robbery is hidden from view and the person feels more confident
- There is also an increased risk of shoplifting at site B



## Example of a well designed store

- Clear windows with few posters and no shelving improve visibility into and out of the store
- Improved lighting increases visibility into the store
- The cash register positioned close to the door at site C allows staff to see persons enter and leave the store at site A
- The cash register is raised to improve visibility within the store
- Improved shelving layout ensures site B is now visible to cashier
- Use of mirrors ensures staff can see the entire store
- CCTV installed acts as a deterrent and aids in identification if a robbery occurs



# Appendix 3: CPTED Checklist

CPTED checklist for on- and club-licensed premises	Yes	No	N/A
<b>Bar area</b>			
Bar staff have good visibility of entire premises			
Area behind the bar is raised to improve visibility			
Bar area is open with no obstructions affecting monitoring of premises			
Cash registers are front facing			
If cash registers are not front facing, mirrors are installed for monitoring customers			
Safe is out of public view			
<b>Internal layout</b>			
Premises is laid out so staff can monitor all patrons at all times			
There are no obstructions within the bar causing blind spots			
Where there may be blind spots, mirrors or CCTV are installed			
Bar is easily approached by customers			
Customers can easily move around the premises			
Sufficient seating is provided			
Customers cannot climb on structures or fittings			
<b>Crowding</b>			
The premises are not overcrowded			
The maximum number of patrons for the premises is displayed and complied with			
<b>Lighting</b>			
Internal lighting is suitable			
Lighting allows door staff to check IDs etc.			
Lighting allows staff to monitor patrons inside the premises			
No areas are too dark inside the premises			
Internal lighting can be raised in an emergency or incident and at closing time			
External lighting is suitable			
External security lighting is installed			
<b>Ventilation</b>			
A ventilation system is installed			
The premises are maintained at a suitable temperature			

CPTED checklist for on- and club-licensed premises (continued)	Yes	No	N/A
<b>Outdoor drinking areas</b>			
Outdoor drinking areas are monitored by bar and/or security staff			
Lighting allows staff to monitor patrons			
Customers can move easily around the outdoor drinking areas			
Outdoor drinking areas are well defined from surrounding external environment			
Pavement creep is not evident			
Outdoor drinking areas are not overcrowded			
A street trading licence or equivalent is held and is current			
<b>CCTV</b>			
CCTV is installed			
CCTV is positioned to monitor vulnerable areas			
Patrons are aware of the CCTV system			
Staff understand its operation			
<b>Entrances and exits</b>			
Entrances and exits are visible from behind the bar area			
CCTV is installed to monitor blind entrances and exits			
Door staff monitor entrances and exits			
Where queuing occurs outside the premises, there is sufficient space			
<b>Toilets</b>			
Toilet facility entrances are visible from the bar area			
Toilets are inspected regularly			
<b>Staff</b>			
There are sufficient numbers of staff to ensure control of the premises			
Staff are visible to patrons			
Staff monitor the premises for conflict and crime			
Security staff are properly trained and certified			



CPTED checklist for off-licensed premises	Yes	No	N/A
<b>Windows</b>			
There is at least 50% transparency in the front of the premises			
There is good visibility to and from the premises and the street			
<b>Lighting</b>			
Internal lighting inside the premises is suitable			
Lighting allows customers to be seen as they enter the premises			
Lighting allows staff to check IDs etc.			
Lighting outside the premises is suitable			
Lighting outside the premises discourages loitering			
Car parks and loading bays are well lit			
Street lighting outside the premises is working properly			
<b>Internal layout</b>			
The cash register is positioned near the main entrance			
The cash register area is raised to improve visibility			
Safe is out of public view			
No stock displays are greater than 1.3m			
The entire premises can be seen by the cashier			
There is good visibility into cold stores			
Where there may be blind spots, mirrors or CCTV are installed			
<b>Security</b>			
Doors and windows are reinforced			
Nothing encourages loitering outside the premises (e.g. notice boards etc.)			
There are no recessed entrances to the premises			
Intruder alarm is installed			
Alarm is monitored by monitoring centre			
Panic buttons are linked to intruder alarm			
<b>CCTV</b>			
CCTV is installed			
CCTV is positioned to monitor vulnerable areas			
Customers are aware of the CCTV system			
Staff understand its operation			
<b>Staff</b>			
There are sufficient numbers of staff to ensure control of the premises			
Two or more workers are on duty after dark			
Staff are visible to customers upon entering the store			
Staff greet/acknowledge customers entering the store			
A door buzzer notifies staff of customers entering the store			

CH1

CH2

CH3

CH4

CH5

CH10  
CH14  
LOSS

CH15

# Appendix 4: Privacy and CCTV

## A guide to the principles of the Privacy Act 1993

### Principle 1: Deciding whether CCTV is right for you

Before you install CCTV, you need to make an informed decision about whether it is really necessary. This fits in with Principle 1 of the Privacy Act, which says that personal information shall not be collected unless:

- The information is collected for a lawful purpose connected with a function or activity, and
- The collection of the information is necessary for that purpose.

(Principles 10 and 11 also say you may only use and disclose personal information for the purpose that you collected it).

### Principle 2: Have a clear plan

Develop a business plan for the CCTV system, setting out:

- The purpose of the system
- The outcome(s) that you expect
- The type of technology and equipment that will be used
- How the system will be operated, and
- How privacy impacts will be minimised.

Appoint a person to be responsible for the operation of the CCTV system; develop a clear policy on how images collected by CCTV will be handled; and train staff in your policies and procedures for the CCTV system.

### Principle 3: Selecting and positioning cameras

Choose equipment which will achieve the purpose of your system in the most privacy friendly way. For example, position cameras in a way that will not intrude to an unreasonable extent on the privacy of individuals, e.g. do not position cameras in toilets, etc. You need to take privacy into account when you choose your equipment. Some types of systems have relatively little effect on privacy, and others are highly intrusive. The more privacy intrusive your system is, the more careful you will have to be with managing it. Where feasible, also use 'privacy enhancing technologies' i.e. technologies specifically designed to help to protect individuals' privacy and personal information. For example, encryption protects personal information from being seen by others who are not the intended owners of the information, such as CCTV images stored on your system.

### Principle 4: Make people aware of the CCTV

Under Principle 4 of the Privacy Act, you need to make individuals aware that you are collecting their personal information and why. Erect signs both near the CCTV cameras and at the perimeter of the CCTV system's range (before individuals enter the range of the cameras) to notify people that cameras are operating. The signs should make clear who owns and operates the CCTV system and contact details (if this information is not already obvious). Make sure there is a full privacy notice available on the premises to let the public know more about the operation of the CCTV cameras and ensure your staff can answer questions from the public about the system.

### Principle 5: Collecting only necessary images

Collecting only necessary information can be a challenge with CCTV cameras, because you usually do not know when a particular incident of interest might happen. Ideally, limit the hours that the CCTV cameras operate to times where it is necessary (such as opening hours, or days and times during the week when crime peaks).

### Principle 6: Using the CCTV images

Take reasonable steps to check CCTV images are accurate, complete, relevant and not misleading before you use them. Only use or disclose the images you collect with CCTV cameras for the original purpose you collected them. Do not publicly disclose images collected using CCTV unless you have the consent of the individual(s) shown in the footage or you have consulted the Police.

### Principle 7: Storage and retention of images

Ensure that CCTV images are protected from loss and unauthorised access, use, modification and disclosure. Only keep CCTV images for a specified time. This time period must not be longer than is necessary to achieve your purpose. In other words, if you collected personal information for a particular purpose and that purpose has passed or you have finished using the information, you must delete or destroy it.

### Principle 8: Controlling who can see the images

One of your obligations is to protect personal information from unauthorised access. This means protecting both stored CCTV footage and the area where monitoring of CCTV takes place. Ensure that the control or monitoring room is only accessible by authorised staff members. You must establish procedures for individuals to access images of themselves captured by your CCTV cameras. Establish procedures for when and how you disclose your CCTV images to the Police. Keep a log of all accesses to CCTV images by external parties.

### Principle 9: Audit and evaluation

You should continue to evaluate the need for CCTV and how you are running it to ensure you continue to comply with the privacy principles. Audits and evaluations are a good business practice to ensure you are getting value from your investment, and ensure good information handling and identification of problems.

Collect statistics about your CCTV system to allow you to assess its strengths and weaknesses, e.g.

- The number of incidents captured by the cameras.
- The types of incidents recorded by the cameras.
- The time/days of the week when incidents occurred.
- At regular intervals evaluate the operation of the system to determine its effectiveness and continuing viability. Do regular audits of your equipment and procedures to ensure the system is operating smoothly. Check that your staff or CCTV operators are complying with your policies, and retrain as required.
- For more information, see the Privacy Commissioner's Privacy and CCTV – A Guide to the Privacy Act for Businesses, Agencies and Organisations, (2009), available at [www.privacy.org.nz](http://www.privacy.org.nz).



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