
**TITLE**

Prohibiting public drinking in urban public spaces: a review of the evidence

**RUNNING HEAD**

Prohibiting public drinking in urban spaces

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ABSTRACT

Aims: The purpose of this paper is to review community based evaluations of street drinking bans, with a view to understanding the effectiveness of these laws in reducing alcohol-related harm and benefitting the community. Methods: Sixteen evaluations across 13 locations (in the U.K., New Zealand and Australia) were identified. Nine themes were drawn out of the content and thematic analysis. Findings: Street drinking bans often: 1) negatively impact marginalised groups; 2) result in displacement; 3) improve perceptions of safety; 4) are enforced inconsistently; 5) improve perceptions of environment/amenity; and 6) are supported by police, traders and older people. It is unclear whether street drinking bans: 7) reduce public drinking; 8) reduce alcohol-related crime or harm; and 9) are understood and adhered to. Conclusions: There is no evidence that street drinking bans reduce alcohol-related harm or benefit the community in the other ways (aside from perceptions of safety and improvement to amenity). However the methodological limitations of the evaluations reviewed make it difficult to draw conclusions about the effectiveness or otherwise of street drinking bans. More rigorous evaluations of the effectiveness and impacts of street drinking laws need to be undertaken given their continued proliferation across Australia and other Western countries.
INTRODUCTION

Public Drinking

Policies that restrict the spaces in which alcohol can be consumed are widely implemented around the world, but are not often discussed and have been little studied. Bans on the public consumption of alcohol are common in anglophone countries; for example, they function in Australia, New Zealand, the U.S., the U.K. and some other parts of Europe (such as the Nordic countries and areas of Spain). In Australia, partial or complete bans on drinking in public operate to some degree in all major cities, as well as in many regional and rural towns (Webb, Marriott-Lloyd, & Grenfell, 2004). What literature exists on them is primarily from Australia, New Zealand and the U.K.

Public drinking bans are described by many different names, including dry areas, restricted areas, liquor bans and open container laws (Chikritzhs, Gray, Lyons, & Saggers, 2007; d’Abbs, Martin, & Chenhall, 2008; Mast, Benson, & Rasmussen, 1999; Webb, et al., 2004). In this paper we are specifically concerned with what we will hereafter refer to as ‘street drinking bans’ – as distinct from ‘dry communities’ which are bans on public drinking in entire communities (and often include the banning of alcohol sales) and ‘alcohol exclusion zones’ or ‘alcohol free zones’, which are bans in specific places such as car parks, beaches, shopping centres, churches or schools (Chikritzhs, et al., 2007; Webb, et al., 2004).

There are long traditions of street drinking spread across many societies. For example, street drinking occasions are common during carnivals, fiestas, or public celebrations (a sporting victory for instance), when large portions of the community will join in public drinking (Brownlee, 2002; Sargent, 1987). However, street drinking most often comes to attention when it involves marginalised populations such as homeless people and Indigenous or other
visible minority groups (Dwyer, Horyniak, Aitken, Higgs, & Dietze, 2007). Young people are also heavily represented among street drinkers (Clark, 1988; Galloway, Forsyth, & Shewan, 2007). A U.S. general-population study in the mid-1980s found that adults classified as “streetcorner regulars” were more likely to be under 21, to be unmarried, and more likely to be African or Hispanic than other groups of drinkers (Clark, 1988).

Homeless people are over-represented among those drinking on the street for simple reasons: because they are unlikely to have access to a private home in which to consume alcohol and because they are unlikely to be able to afford the price of alcohol in licensed venues (Dyb, 2006). Socioeconomically disadvantaged groups, Indigenous people and other ethnic groups may engage in street drinking for these same reasons (limited access to private homes and being unable to afford to pay for alcohol in licensed premises); but also for more complex reasons, such as not feeling welcome in licensed venues or not wanting to drink in confined spaces (Brady, 2010). Young people might not be permitted to drink alcohol in their home (or others’ homes) and are legally forbidden to drink in licensed premises (Galloway, et al., 2007).

Further to these reasons, it has long been acknowledged that some groups of drinkers, particularly Indigenous Australians and socioeconomically disadvantaged groups, prefer drinking in spaces other than licensed premises because these venues are restricting in a number of ways, including size, smell, noise, permissible behaviour and type of entertainment provided (Brady, 2010). In addition, because licensed premises are open to the general public, patrons cannot always be selective about who they are drinking with, and sometimes find it difficult to remain together as a group with their chosen companions. It is also important to acknowledge that some groups of people like being outside; in Australia
this is particularly true of Indigenous people who feel a strong connection to the land (Brady, 2010).

Reference to earlier bans on street drinking can be found (the first in the U.K. was apparently in 1988; Herring, 1997; Ramsay, 1989), but it is only really in the past ten to fifteen years that street drinking bans have proliferated in urban centres in Australia. What is interesting about this timing, is that this is also the timeframe in which public drinking on the street has become increasingly legitimated in the form of licensed restaurant/bar/hotel footpath trading. Over the past twenty years many cities have opened up the alcohol market to what is often presented as ‘continental-style drinking’ (Room, 2010), resulting in a significant increase of restaurants, bars and hotels obtaining ‘footpath’ trading licenses. As such, bans on street drinking are often in the interest of on-premise alcohol sellers, because they restrict opportunities to consume off-premise alcohol (although they are not generally in the interests of off-premise licenses, also known as liquor stores or bottle shops).

The advent of footpath trading poses in stark terms the contrasting treatment of drinkers, often of different social classes – the street drinkers on one side of the street are outside the law, while those on the other side, within the pub’s or restaurant’s permitted use of public space, are within the law. According to Jayne et al (2008), the “Europeanisation” of cafe culture has become a key issue in local debates around urban restructuring, drinking and drunkenness, and is “central to the reimagining of urban citizenship and the production and consumption of public space” (pg. 84-85).

**Public Drunkenness**

In the 19th century and first half of the 20th century, public drunkenness was highly visible in Australia (Room, 1988). Indeed, some early Australian cities were notorious for the level of
public drunkenness on their streets, and police and judges were quite despairing about the endless parade of “repeat offenders” through their institutions. In particular, Australian Aborigines were greatly overrepresented in convictions for public drunkenness (Room, 1988). According to Room, the high rates of arrest for public drunkenness in Australia could be understood as part of the “long struggle to establish the peace and decorum on the streets felt to be appropriate to a progressive suburban society” (pg. 415).

However, all over the English-speaking world, as well as in the Nordic countries, public drunkenness laws came to be seen as discriminatory against socioeconomically disadvantaged drinkers, and as an intrusion on civil liberties, and in the course of the 1960s and 1970s public drunkenness was decriminalised in many places, although there was often still some provision that those who were drunk in public would be taken by the police or an alternative service somewhere to sober up (Room, 1976). However, this decriminalisation did not happen everywhere. In Australia, decriminalisation came relatively late (first in 1974 in the Northern Territory; as late as 1990 in Western Australia), and it remains a crime to be publicly drunk in the states of Victoria and Queensland (Swensen, 2011).

Where public drunkenness was decriminalised, it left the police without a useful ‘tool’, from their point of view, for keeping streets orderly and quiet. In the U.S., this was particularly so because ‘vagrancy’ laws came under attack at the same time – thus it was no longer so easy for police to legally order someone to ‘move along’ (Room, 1976). Room argues that public drunkenness laws have often served as a kind of “civic beautification scheme ... which keeps out of sight classes of people whose presence, whether drunk or sober, may offend or disturb sensibilities” (pg. 137-138). For this reason, it has been argued that prohibiting street drinking has become an alternative strategy for police and local governments to manage drinking in public spaces (Dwyer, et al., 2007).
Public space is generally understood as a place in which all citizens have access. It is
generally differentiated from private space in terms of accessibility, controls around entry,
sanctioned behaviour and rules of conduct (Dyb, 2006). But as Dyb has pointed out, access
and use of public space is still regulated by legislation, rules of conduct, norms and culture.
Much has been written about the ‘democracy of public places’ (Webb, et al., 2004) and the
‘ideological dilemma’ (Dixon, Levine, & McAuley, 2006) presented by street drinking bans.
One criticism that has been levelled at street drinking bans is that people should have the
right to congregate and socialise while drinking if they are not causing any harm to others.

While there are evidently complex social and cultural factors that underlie street drinking,
many citizens are fearful of street drinkers. A survey conducted prior to the first street
drinking ban enacted in the U.K. in Coventry in 1988 (Ramsay, 1989), which attempted to
assess the extent of public concern about street drinking in the area, showed that while
relatively few survey respondents had been insulted or bothered by strangers who had been
drinking in the past year (9%), up to 60% of respondents were fearful of being insulted,
mugged or assaulted by strangers who were drinking, and over 60% of respondents reported
avoiding areas of the city (including, open, well-lit spaces), where street drinkers
congregated. Two thirds of this sample reported that “unruly groups of young people” (pg. 9)
were a ‘problem’ and over half felt that people drinking in public represented a ‘problem’.

Similarly, in a recent survey of adult Australians, 41.6% reported that in the previous year
they had “gone out of [their] way to avoid drunk people or places where drinkers are known
to hang out”, and 24.3% that they had felt unsafe in a public place because of someone’s
drinking (Laslett et al., 2011). These findings present one of the primary tensions of street
drinking bans – that the needs and desires of different groups of people, namely the drinkers
themselves and those who are anxious about the practice, clearly conflict with one another.
Jayne et al (2008), in their analysis of the way that two different local government areas in England managed public drinking practices (both through urban renewal and various alcohol policies), argued that “binge drinking in public spaces [is] constructed in terms of particular ‘classed’ and gendered visions of ‘ways of behaving’, in contrast to middle-class, cosmopolitan and ‘civilised’ drinking practices” (pg 83). These authors argue that such social constructions of drinkers are central to the battles over ownership of public space.

In this context, street drinking bans can serve to increase perceptions of safety among some people and restore perceptions of moral order. In their analysis of attitudes towards street drinking in Lancaster, England, Dixon et al. (2006) reported that community members constructed street drinking as disrupting the socio-spatial order, and thus a morally offensive activity. Thus, similarly to public drunkenness laws, street drinking bans have been conceived of as a way of “helping police sweep the streets of undesirables” (Webb, et al., 2004:11) or “purifying space ... via the identification and removal of unsightly people” (Dixon, et al., 2006:202).

Despite the long tradition of street drinking in Western societies, very little research has been conducted into street drinking in a wider frame. This is in contrast, as Dwyer et al (2007) also point out, to the substantial body of research conducted among drinkers on ‘skid row’ in the U.S. in the 1960s and 70s. Modern studies also tend to focus on the problematised end of street drinking, as in the British discussions of ‘persistent street drinkers’, a term which replaced the earlier ‘persistent drunken offenders’ (Herring, 1997). And despite the widespread implementation of street drinking laws in urban areas over the past ten to fifteen years, research in terms of effectiveness or community impact is limited. The purpose of this paper is to review the available evidence on street drinking bans enacted in urban centres, both in Australia and internationally. A particular focus of this review is the evidence of the
effectiveness of these laws in reducing alcohol-related harm and also the impacts of these policies on the community.

METHODS

In order to review the effectiveness of street drinking bans enacted in urban zones, and determine the impacts of these policies on the community, we specifically attempted to source evaluation reports and/or academic literature summarising the findings of specific evaluations. While there is a substantial literature available on the social contexts and cultural practices associated with street drinking (for example, see Archard, 1979; Blumberg, Shipley, & Barsky, 1978; Brady, 2010; Dixon, et al., 2006; Galloway, et al., 2007), our focus was specifically on the community based outcomes of street drinking bans. We did not find any academic literature (i.e., peer-review journal articles) reporting on specific evaluations, so in this review we largely draw on ‘grey literature’ – research that has been published as reports. It appears that findings from evaluation reports that are often commissioned by local or state governments are rarely adapted for peer-review journals. As such, there is an absence of academic evidence, which has led to a lack of academic debate, around the effectiveness and impacts of street drinking laws enacted in urban areas (although it should be recognised that a debate has existed for many years around dry communities and dry areas enacted in rural or regional Indigenous communities in Australia - see Brady, 2010; d'Abbs, 1987, 1989; Hedges, 1986).

Two researchers conducted independent literature searches, first using electronic databases including PubMed and Web of Science (both coming up with no street drinking policy evaluation studies), before a ‘google’ search was performed which elicited much more useful
material, including a range of evaluations conducted in the U.K., New Zealand and Australia. In some cases an evaluation was reported but the electronic file was not available, and in these instances we contacted the local government responsible for commissioning the research and asked for a copy of the evaluation (in all cases, the evaluations were forwarded to us). Finally, the reference lists of all documents were examined.

Sixteen evaluations were identified across thirteen locations (two evaluations were conducted in three of the districts at different time points). These included two evaluations from the U.K. (in Lancaster and Winchester); four evaluations from New Zealand (Christchurch, Wellington, Havelock North and Auckland), and ten from Australia (Melbourne [two in the City of Yarra, two in Footscray and one in the City of Darebin], Adelaide [two in the City of Adelaide and one in Glenelg], New South Wales [a review of street drinking bans across the entire state] and Port Augusta).

Content and thematic analyses were deemed the most suitable way of systematically analysing key themes and outcomes across evaluations. The content analysis involved establishing a list of categories or themes that were commonly identified across the evaluations and then counting the number of times that these themes were evident in each evaluation (Joffe & Yardley, 2003). In keeping with the focus of our paper, themes were based on particular outcomes, changes, or effects of street drinking bans. Following content analysis we sought to explore in more depth the importance and meaning of each of the themes through a process of thematic analysis (Braun & Clarke, 2006). The thematic analysis allowed us to investigate the quality and strength of each of theme, as well as the importance placed on the theme by the evaluators. In summarising the weight of evidence on each theme,

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1We are aware that research from the U.S. is conspicuously absent from this paper; however, we were not able to identify any evaluations from the U.S, nor any literature discussing bans on street drinking in the U.S. as a social or political issue.
we use two ticks to indicate that a theme was strongly supported, one to indicate it was supported but not strongly and a question mark to indicate mixed support.

*A note on methods*

Unfortunately a major obstacle in our efforts to understand the effectiveness and impacts of street drinking bans was the lack of methodological rigor in all evaluations reviewed. There were numerous limitations evident (and generally acknowledged by the authors). Specifically these included:

- Concerns about objectivity: with four of the evaluations conducted internally (by the local government body itself, presumably by staff who were not professional researchers).
- Data collection techniques: all evaluations used one or more of the following data collection methods: surveys, in-depth interviews, focus groups, observations, and to a lesser extent, police data and hospital statistics. There was often scarce information about sampling approach and response rates, and in some cases even missing information about sample size.
- Sample bias and subject representativeness: while some evaluations gathered information via general community surveys, the interviews with drinkers, traders, police and other key informants were all convenience samples and depended on the researcher’s contacts, the presence/visibility of groups of people and the desire/interest of the respondent to participate.
- Missing baseline data: aside from police and hospital data (analysed in only five of the evaluations), no baseline data was collected prior to the street drinking bans coming into effect, and therefore survey data and information gathered through other data sources could not be contrasted pre- and post-intervention.
Limited funding, resourcing and time frame: most evaluations were conducted in a short time-frame (three to six months), with insufficient resources (including staff time and fieldwork costs) restricting the quantity and quality of the data. This also meant that in all evaluations seasonal changes could not be evaluated.

RESULTS

Negative impacts to marginalised groups

The most common theme identified across the evaluations (in at least seven of the thirteen locations) was that the introduction of a street drinking ban resulted in negative impacts to marginalised groups, particularly homeless and Indigenous people, as well as young people. This theme, interestingly, was not identified in New Zealand, but was identified in both U.K. evaluations and all but one Australian evaluation. Qualitative data showed that the impacts to particular groups of drinkers varied from these drinkers being unable to congregate in the same space with the same people they had been drinking with for a long time – contributing further to their social marginalisation (!!! INVALID CITATION !!!); through being over-represented among those who had received fines – contributing further to their economic marginalisation (Dwyer, et al., 2007; Hunter, Harvey, O’Brien, & Wundersitz, 2004; Pennay & Berends, 2010); and to receiving less medical, health and welfare treatment because their community health workers were unable to locate them once they no longer congregated in the same space – contributing further to their health-related marginalisation (Darebin City Council, 2010; Pennay & Berends, 2010).

In Melbourne’s City of Yarra evaluation, focus group data revealed that a group of Indigenous drinkers were distressed that they could not locate each other after the ban
because their friends and family were not congregating in the same space and they did not have mobile telephones to contact one another. They also expressed concern that family visiting from other areas would not know how to find them, as they had been ‘moved on’ from their ‘traditional meeting place’, which had been their meeting place since their tribe occupied the land prior to white settlement. Also in Yarra, and also based on focus group data, a group of homeless drinkers reported feeling discriminated against by the law, and saw it as inequitable that people who could afford to drink on the footpaths of restaurants and bars were allowed to consume alcohol in public and they were not. One focus group participant commented:

“Rich people are inclined to get drunk and do whatever they want, so this law is divisive, it divides society between those that have and those that don’t. Everyone drinks to excess, upper-class and lower-class. This prevents one class from continuing to do so and not the other” (Pennay & Berends, 2010, p. 42).

In New South Wales, there were some reports of police discrimination towards young people (i.e. targeting), and interview data revealed that both young people and Indigenous groups generally felt that they had not been sufficiently involved in consultation around street drinking laws; for example:

“No consultation was undertaken with anyone in this group regarding the recent review of alcohol free zones or any time in [the] previous seven years. Aboriginal people should be consulted” (Department of Local Government, 2007, p. 20).

In Port Augusta, Indigenous respondents stated that underlying social and cultural problems had not been adequately addressed by street drinking bans. Interviewees essentially felt as though the law was a form of social control, and not coupled with any attempts to treat
alcohol misuse, such as Indigenous-specific treatment or sobering up facilities (South Australian State Aboriginal Affairs, 1990).

**Displacement**

Unsurprisingly, displacement was also a common theme observed across the evaluations (in seven of the thirteen locations). Coupled with this was the finding that in at least three cases, displacement led to drinkers moving to more covert and less safe spaces to drink. In Yarra, observational research showed displacement effects in the first evaluation (Pennay & Berends, 2010), but not the second (Capire Consulting Group, 2011), because drinkers had returned to their original drinking space after the first six months of the ban, as a result of police presence and community attention decreasing. Displacement was particularly common in Australia, but was also noted in the U.K. and New Zealand. The Winchester and Adelaide evaluations reported that street drinkers had moved and were congregating on the edges of the zone, which essentially shifted the ‘problem’ elsewhere (Davies, 2006; Plexus Strategic Solutions, 2003). In Havelock North, Footscray and Port Augusta, drinkers had found covert places to drink where police rarely patrolled (Dwyer, et al., 2007; Hart, 2004; South Australian State Aboriginal Affairs, 1990). In Darebin, 69% of respondents who completed a community intercept survey said that the ban had resulted in displacement:

“Drinkers are now congregating in a covert manner behind and inside the toilet blocks and other facilities in and around Preston Oval. Preston Bullants [football team] have contacted Council regarding concerns of public drinkers congregating inside the oval and consequent concerns that they have for their staff working on the site” (Darebin City Council, 2010, p. 5).
After a group of drinkers in Footscray moved to a more concealed location near a railway track, it was reported anecdotally by both drinkers and police that there was an increasing number of assaults reported in this area over time (Henley, 2004). In Yarra, a group of street drinkers had moved to a public housing estate, negatively affecting residents of the estate, and there were reports of more ‘at home’ drinking which was anecdotally linked to increased domestic violence (Pennay & Berends, 2010).

*Perceptions of safety improved ✈ ✈*

Another common theme identified (in at least six of the locations) was that perceptions of safety among community members improved following the implementation of a street drinking ban, although it should be noted that this was not the case in three of the evaluations, where low perceptions of safety remained. Improvements in perceptions of safety were particularly common in the U.K. and New Zealand, but not in Australia. Improved perceptions of safety in New Zealand were more related to increased police presence than decreases in congregations of drinkers (Boerson, 2003; Hart, 2004; MacGibbon, 2003). For example:

“In Auckland, respondents indicated they felt safer in the liquor ban area because of a more visible police presence, personal avoidance of unsafe areas and a stronger security presence” (Alcohol Advisory Council of New Zealand, 2005, p. 41).

Where perceptions of safety did not improve (in Footscray and Darebin), this was because there were no reductions in the visibility of street drinking following the establishment of the law (Darebin City Council, 2010; Henley, 2004). In the City of Adelaide perceptions of safety were mixed – having increased in the restriction zone but decreased around the
boundaries of the zone, where drinkers had moved to (Plexus Strategic Solutions, 2003). In Yarra, perceptions of safety increased among community members but decreased among health workers, who felt less safe visiting drinkers in their homes and on housing estates where they were congregating in larger groups with injecting drug users (Pennay & Berends, 2010).

**Concerns about police enforcement and consistency ✔**

In five of the evaluations there were some concerns about police under-enforcing the law, and targeting certain groups. This was a particularly common theme in Australia and New Zealand. The Havelock North evaluation reported that street drinking continued after the ban was introduced due to inadequate police enforcement (Hart, 2004). In Darebin, Footscray and Yarra, it was reported that groups of marginalised street drinkers received the bulk of the fines issued (Darebin City Council, 2010; Dwyer, et al., 2007; Pennay & Berends, 2010). One regular drinker from Footscray commented:

“I just tell them [the police], 'You know I’m an alcoholic. I can't pay this. How can I buy a drink and pay this too? ... I’ve got about $6000 worth of fines”

(Dwyer, et al., 2007, p. 16).

In the first evaluation in Yarra, more than half of the 30 fines that were issued in the first six months of the law had been issued prior to 8pm in the evening, indicating that day-time street drinkers were receiving more fines that those drinking around entertainment precincts in the evening (Pennay & Berends, 2010). In Darebin, 28 infringements were issued in the first six months of the law (including numerous fines to a number of ‘repeat offenders’), but only one was paid. It was reported that drinkers disregarded the law and their infringements, commenting that they would continue to congregate and incur fines due to the priority they
placed on having a space in which they could socialise and connect with others (Darebin City Council, 2010).

**Improvement to the environment and visibility of the area**

In one location in the U.K. and Australia and two in New Zealand, residents, traders and police reported improvements in environmental factors, most notably reduced litter and broken glass following the implementation of a street drinking ban (Boerson, 2003; Dixon, Levine, & McAuley, 2003; MacGibbon, 2003; Pennay & Berends, 2010). In Lancaster and Yarra (the first evaluation), community members and traders praised improvements in the ‘look’ and ‘feel’ of the town square and a busy street (respectively) due to the absence of a group of street drinkers who were previously located in these spaces (Dixon, et al., 2003; Pennay & Berends, 2010). One community member in Lancaster commented:

“It has changed because there was quite a few winos that were sitting round here [the city square] normally but I think since they've banned drinking from all the area they've moved them out ... now since the winos have been moved or moved on you get more public in the Square, sitting down ... it seems a lot better because you can see a lot more public” (Dixon, et al., 2003, p. 14).

It should be noted that in at least two locations in Australia, there were no reported improvements in the environment and visibility of an area, but this was due to continued congregations of people and street drinking after the law had been established (Capire Consulting Group, 2011; Henley, 2004). In the first Yarra evaluation, some community members noted ‘missing’ the presence of drinkers who had become part of the geographical landscape of the area (Pennay & Berends, 2010).
Support for the law

Interviews revealed that there was a high level of support for street drinking bans across the evaluations, particularly among police and traders. In Glenelg, local police supported the law because it provided a way of diffusing potentially dangerous situations (South Australian State Aboriginal Affairs, 1990). In Yarra, police were supportive of the law particularly in relation to the benefits of deterring public drunkenness and avoiding injury. For example:

“Unless you’re out at 2am and 3am in the morning, you don’t see the young blokes that are fairly cut and they’re still wanting the stubbies [cans of beer] and suddenly they’ve got glass in their hands, where if something goes on, they’ve got a weapon, they were starting to cut people and all sorts of things so that’s when it can get a bit ugly and that was a really good tool to try and prevent all that occurring” (Pennay & Berends, 2010, p. 35).

In Winchester, ten of fourteen service providers interviewed supported the law from a treatment and service perspective (Davies, 2006). In Yarra, traders were highly supportive of the law because groups of people were no longer drinking out the front of their stores (Pennay & Berends, 2010).

In three evaluations community members were generally supportive of the street drinking ban (Boerson, 2003; Darebin City Council, 2010; Davies, 2006), but in a further two evaluations, only 50% of general community members were supportive of the law (Dixon, et al., 2003; Pennay & Berends, 2010). There was a tendency for older community members to support
the law more than younger members (Dixon, et al., 2003; Pennay & Berends, 2010). Groups that generally did not support the law were young people, homeless people and Indigenous people. In the Lancaster and Yarra evaluations, there was a moderate to positive score of community support for the law, but around a quarter of community members opposed the law (Dixon, et al., 2003; Pennay & Berends, 2010). In general, those who supported the law did so because of increased feelings of safety, reduced litter and other amenity problems and because it enabled them to use the space previously occupied by day-time drinkers. Those who opposed the law did so because they wanted to be able to drink alcohol in public themselves, because they were concerned about the negative impacts to themselves and marginalised groups, or because they believed that the law was a violation of human rights.

**Reduction in street drinkers?**

There were mixed findings on whether there was a reduction in the visibility of street drinking following the implementation of a street drinking ban. In five evaluations there was a noticeable reduction in street drinking (Department of Local Government, 2007; Dixon, et al., 2003; Plexus Strategic Solutions, 2003; South Australian State Aboriginal Affairs, 1990; Wellington City Council, 2004), for example: “the objectives have been met by the alcohol free zone – conspicuous drinking has almost disappeared” (Department of Local Government, 2007, p. 35); and in five there was no impact on the visibility of street drinking (Capire Consulting Group, 2011; Darebin City Council, 2010; Davies, 2006; Hart, 2004; Henley, 2004), for example: “the researchers observed continued street drinking in areas identified as public drinking ‘hot spots’ ... consultation with traders, licensees, police and service providers confirms high levels of public drinking in these ‘hot spots’” (Capire Consulting Group, 2011, p. 5).
There were varying explanations offered as to why street drinking continued in some areas, from inadequate police enforcement (Hart, 2004), through disregard for the law among drinkers because they privileged socialising over receiving fines (Darebin City Council, 2010), to continued visibility of drinking on the footpaths of licensed venues during the day and in the evening (Pennay & Berends, 2010).

**Reduction in alcohol-related crime and harm?**

There were some reports of reduction in crime following an implementation of a street drinking ban, but in most cases the findings could not be causally related to the establishment of the law (Boerson, 2003; Pennay & Berends, 2010; Plexus Strategic Solutions, 2003; South Australian State Aboriginal Affairs, 1990). In Port Augusta, there was an immediate decrease in arrests and detainment for public intoxication following the law, which levelled out over time. There was a 12% decrease in the number of Indigenous detainees following the establishment of the law, which was maintained over time, and hospital inpatient admissions for alcohol-related issues decreased by 50% in the year following the ban. However, the evaluators were reluctant to draw any causal relationship to the street drinking law (South Australian State Aboriginal Affairs, 1990).

In Yarra, a community survey showed reported experience of verbal abuse as a result of someone else’s drinking had reduced from 14.3% before to 6.3% after the law was implemented, the experience of physical abuse from someone else’s drinking had reduced from 2.3% to 0.6%, and the experience of ‘being threatened’ had reduced from 8.2% to 3.5% (Pennay & Berends, 2010). In Adelaide, there were no changes in alcohol-related crime overall in the city following the ban; however, there was a noticeable decrease in offences and police call-outs in the city square, where a big group of drinkers had previously congregated (Hunter, et al., 2004).
In three evaluations, alcohol-related crime increased following a street drinking ban (Henley, 2004; MacGibbon, 2003; South Australian State Aboriginal Affairs, 1990). Anecdotal evidence gathered from community members and police in Footscray reported an increase in assaults over time due to drinkers moving to a more secluded space to drink and liaising with other groups of street drinkers and drug users (Henley, 2004). In Port Augusta, street offences and public order offences increased by over 50% in the year after the street drinking ban came into effect, which again could not be causally related in any way to the law (South Australian State Aboriginal Affairs, 1990).

**Good awareness of the law?**

Awareness of street drinking laws was generally mixed – with up to 60% of survey respondents in some communities either not knowing that the law existed (Darebin City Council, 2010; Dixon, et al., 2003; Pennay & Berends, 2010), or being confused about its provisions, such as which areas were included and exempt from the law and during what hours the law operated (Boerson, 2003; Pennay & Berends, 2010; Wellington City Council, 2004). The four New Zealand evaluations showed the highest level of public awareness, and these were the places in which most effort was placed into advertising the law (through street signs, fliers, public notices, print advertising, media releases and word of mouth) (Boerson, 2003; Hart, 2004; MacGibbon, 2003; Wellington City Council, 2004). Two reports explicitly reported the need for improved signage to combat the confusion experienced by community members in relation to street drinking laws, particularly given that these laws are likely to vary from one jurisdiction to the next (Department of Local Government, 2007; Pennay & Berends, 2010).
DISCUSSION

This review paper has attempted to gauge the evidence of the effectiveness of street drinking bans enacted in urban spaces and to explore the impacts of such laws on the community. We identified only sixteen evaluations of urban street drinking bans (in thirteen locations), none of which have been translated into a peer-review publication. The absence of an academic dialogue on the effectiveness and impacts of street drinking laws enacted in urban areas is surprising.

The evaluations reviewed here were all lacking methodological rigor, making it difficult to understand whether street drinking bans implemented in urban spaces have been effective or not. The limitations of the evaluations were multidimensional, including issues of objectivity and conflict of interest (with four of the evaluations conducted by local council staff themselves); limited funding, resources and evaluation time-frames; methodological concerns such as sampling approach, response rates, small sample sizes, sample bias, and subject representativeness; and study design issues, such as the absence of pre-ban data at which to compare post-ban data. Given these limitations, the ‘results’ of our thematic analysis should be interpreted with caution.

It is also difficult to evaluate the effectiveness of street drinking bans when it is unclear how ‘effectiveness’ is and should be measured. In none of the evaluations did the authors prioritise an outcome(s) that success would be measured by. For example, one local government may have considered the ban a success if alcohol-related crime or harm was reduced following the ban, while another may have considered community satisfaction a better measure of success; however, the issue of multiple and sometimes conflicting potential goals was not discussed in any of the evaluations.
Nevertheless, we believe that it is useful to reflect on the common themes or issues that have arisen as a consequence of enacting street drinking bans in an urban space. The most common themes were that street drinking bans often result in negative impacts to marginalised groups, often result in displacement and often improve perceptions of safety among the community. Themes that were noted but less pervasively were concerns about police enforcement and consistency, improvement in the aesthetics of an area (by removing drinkers and/or litter and glass), and variation between stakeholder groups in support of street drinking bans, ranging from strong support from police, traders and older people, through equivocal support from general community members, to disapproval from young people and Indigenous people. Finally, there was little or no evidence that street drinking bans reduced congregations of drinkers, reduced alcohol-related crime or harm or were understood and adhered to by the community.

Though they were not oriented to any single dimension of effectiveness, the studies thus do provide a range of findings on the various impacts of street drinking laws. This range of impacts should be carefully considered by local governments when making decisions about whether street drinking bans should be enacted. These impacts are also useful for attempting to understand the philosophies and ideologies that underpin street drinking laws. As we discussed in the introduction of this paper, street drinking laws are likely to impact marginalised groups who either prefer to drink outside, or have limited options for drinking spaces. On the other side of the balance, street drinking bans are in the interest of community members who feel unsafe around groups of drinkers, as well as police and traders who privilege dimensions such as street ‘cleanliness’ and preventing public drunkenness. The thematic analysis presented here only further highlights the competing demands, and needs, of these two groupings in the community.
Like any other public measure that intrudes on individual autonomy, alcohol policies should be formulated on clear ethical principles and with solid evidence concerning effects and side-effects. But street drinking bans have proliferated across urban areas despite the lack of an evidence base. In Australia and New Zealand, at least, the spread has been like an unnoticed tide. This is despite the fact that of the 11 restrictions on the sale and supply of alcohol in Australia reviewed by Chikritzhs et al. (2007), street drinking laws are the only restriction for which no evidence of effectiveness exists. Likewise, a review of the four New Zealand street drinking bans conducted by the Alcohol Advisory Council of New Zealand (2005), concluded that the proliferation of street drinking bans in New Zealand occurred despite a lack of evidence on the causal connection between street drinking and adverse social consequences, and despite the concerning effects of street drinking bans.

If street drinking bans are going to continue to be implemented in urban areas of such societies, there are also some other points to consider. In the first instance, many cities have opened up the alcohol market to what is often presented as ‘continental-style drinking’ (Room, 2010), resulting in an explosion of cafes, restaurants, bars and hotels obtaining ‘footpath’ trading licenses. The inequity involved in street drinking bans in this context should be taken into consideration, in a situation where people who can afford to drink in licensed venues are allowed to drink on the street and others are not.

More attention might also be paid to the concerns about discrimination which drove the decriminalisation of public drunkenness in much of the Western world over thirty years ago. Street drinking bans are in some ways a stronger tool of discrimination than public drunkenness laws. Firstly, they are radically preventative – you do not have to already be drunk to be within the ban’s ambit. Secondly, those who get drunk in licensed drinking places
are excluded from their reach, thus privileging the serving of alcohol in those places, and the better-off member of the community who can afford to drink on-premise.

We hope that this paper ignites more academic debate about the issue of street drinking, and encourages local governments to consider their implications carefully.

As an important first step, we would encourage more evaluation research into street drinking bans so that the themes identified here can be tested in larger samples, and the methodological limitations identified in previous evaluations can be overcome. In particular, we would encourage some larger scale trends analysis of alcohol-related harms and crime in specific geographical zones where a street drinking ban has been enacted, both before and after the ban, and also investigating whether any reductions might be matched with increases in other areas as a result of displacement effects. This could potentially involve much larger numbers of cases than the sixteen case studies we have presented here. Furthermore, future evaluation research on street drinking bans should gather pre-ban data, so that perceptions of safety and other measures can be realistically measured at two time points, rather than relying on retrospective answers influenced by recall bias. Sample size, bias, subject representativeness and response rates also need to be taken into consideration in future evaluations. The time dimensions needs to be extended, to take account of seasonal changes and to understand ways that effects, perceptions and street drinking practices might change over time, often with a difference between immediate and longer-term effects.

Finally, future research should include more objective measures of effectiveness, such as whether there are reductions in alcohol-related crime and harm. Subjective perceptions of safety and reduced visibility of street drinking are not sufficient as outcome variables, particularly since displacement effects may have simply moved the problems around.
ACKNOWLEDGEMENTS

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REFERENCES


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