

# Flexible Hours Report

## Seattle Nightlife Initiative

### July 12, 2010



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REPORT ON FLEXIBLE HOURS  
PREPARED BY RESPONSIBLE HOSPITALITY INSTITUTE  
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## TRANSITIONING FROM A 9-5 TO 24/7 MINDSET

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This report is prepared at the request of the City of Seattle to examine the potential impact of a shift from the current 2 am closing requirement for alcoholic beverage licenses to a “flexible hours” system. Recommendations are made with the intent of providing guidance on how to implement a flexible hours system, rather than recommend whether or not such a system should be implemented.

Finally, this report was prepared so as to not duplicate the Seattle Nightlife Initiative recommendations, or replace the current process in place in Seattle and Washington, but rather to present a suggested model that could be adapted to current systems and procedures.

There are three sections to the report:

- ◆ **Seattle as a 24/7 City:** Underlying the shift to 24/7 licensing is the question of whether or not there is a market for extended hours service. This section explores the facets of Seattle that could justify the change in policy.
- ◆ **Research Review:** The scientific literature on extended hours in the United States is limited, but there have been studies conducted in other countries, with the recent 2003 legislation in the United Kingdom shifting to a 24/7 licensing policy. This section will provide an overview and analysis of the research studies undertaken over the past 20 years.
- ◆ **Recommendations:** RHI conducted formal interviews with representatives from throughout the world with diverse perspectives including research, education, alcohol policy advocacy, elected officials, hospitality industry businesses and associations, alcohol regulatory and law enforcement. This section blends their insights, RHI’s expertise from working with cities worldwide on nightlife issues and lessons learned from studies documented in the bibliography to present a suggested process for implementation of a flexible hours system

### RHI’s History with Seattle

The Responsible Hospitality Institute’s association with the City of Seattle began in 2003 when Seattle was one of four pilot cities in a study of trends and issues in the nighttime economy. Three other cities included Philadelphia, Tallahassee and San Diego.

RHI dedicated staffing and consultation in conducting a series of Roundtables, resulting in a report with a five point action plan. Representatives from Seattle attended a 2004 RHI Leadership Summit in San Diego to present results, and continued to be represented at future RHI events and on-line webinars.

More recently, Seattle representatives have presented progressive models at RHI’s 2007 Networking Conference in New Orleans, 2008 Networking Conference in San Francisco, 2009 Networking Conference in Austin, 2010 Leadership Summit in Washington, DC and 2010 Sociable City Forums in Pennsylvania and California.

# THE DYNAMICS OF SEATTLE AND FLEXIBLE HOURS

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## Complementing Urban Design

More cities nationwide are seeking efficient urban design, such as transit-oriented, mixed-use and infill development, that efficiently provides services and amenities to citizens and visitors. Such Smart Growth initiatives offer flexibility as cities grow and evolve. Seattle has already garnered international respect in this regard, noted by Smarter Cities as America's most sustainable city and by Forbes as second cleanest in terms of carbon footprint size.

Seattle's strategy to create a City of Villages further enables its residents to work and play within the neighborhood in which they live. However, another trend plays against that. A common national trend in recent years is the evolution of a neighborhood or district to become a dining and entertainment hub. Often not planned, these concentrations of social opportunities become a destination, drawing residents away from their own neighborhoods. Such consumer behavior plays against the live/work/play concept, drains dollars from neighborhood businesses and puts further strain on the destination neighborhoods.

## The Low-Risk Psyche of Seattle

While other cities have explored or implemented some form of flexible hours as they pertain to alcohol licensing, it could be argued that some cities are at higher risk than others for potential problems to accompany it. Just as a human with mental or physical dysfunction may not adapt well to change, similarly a city with failing systems may not acclimate to a modern transformation. It is RHI's experience in working with Seattle and other cities, that the psyche of Seattle and its people exhibit a healthy balance, and an adaptable, progressive nature that would well support it as the City evolves.

The lifestyles of Seattle citizens seems to demonstrate a congruency with lower risk behaviors. Seattle increasingly takes high rankings as a city that boasts the smartest people, topping the list as most literate city and as the most educated U.S. city identified by the U.S. Census. Similarly, it is a city that supports health and fitness and whose residents and visitors embrace it as a lifestyle. The American College of Sports Medicine ranked Seattle the second fittest City in America, Bicycling Magazine dubbed it #1 most bikable city, and Walk Score rated Seattle sixth most walkable city in the U.S. Further, the focus of Seattle's economic investment seems to draw this type of citizen.

## Supporting and Capturing Economic Diversity

Economically sustainable cities nurture and invest in diverse economic opportunities. Seattle's diverse economic focuses include a number of industries that attract and employ workers that expand beyond traditional working hours. These include healthcare, biotechnology, film and music, tourism and information technology. Relocating corporations more frequently consider quality of life to attract and retain employees. Providing for social opportunities for these workers on alternative schedules gives Seattle a competitive edge in the global economy.

With Seattle lauded as one of the top Global Cities by Urban Land Institute, it is truly an international destination for both business and leisure. Seattle commands a healthy convention and meeting trade, ranking in the top 20 convention destinations in the U.S. However, convention attendees and visitors travel from different time zones, sometimes not staying long enough to adapt to Seattle's Pacific time zone. Business travelers in general, no matter what city their destination, often arrive hungry, only to find local food and social amenities closed – even room service. Cities such as Las Vegas, New Orleans and London capture visitor dollars on the visitors' schedules, and thereby remain at the top of preferred meeting destinations.

Investment in diverse economies supports a city's financial well-being as one industry temporarily flourishes and another temporarily wanes. Visitor and convention industry activity is characterized by similar periods of boon and scarcity. Within the tourism industry, food and beverage businesses rely on a diverse customer base where the out-of-town customer supplements income from local patrons. Affording these businesses the ability to adjust to capture visitor dollars when they are available offsets the business risk during lulls.

## Investing in the Social Economy

More cities are recognizing the importance of community and are taking a leadership role in facilitating social interaction. Seattle has taken steps to create a city of villages where a sense of community can be experienced by its residents. The Mayor's Office has embraced music and nightlife as a means to connect human beings and as a legitimate economic engine. A progressive, adaptable city peopled by intelligent, creative, healthy individuals, Seattle is well-suited to support a flexible urban policy that promotes sociability amidst technological change in a 24/7 global economy.

## RESEARCH REVIEW

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Ontario, Canada, England, New Zealand, Australia, and Minnesota have all implemented some form of extended hour policy changes and all provide case study research on some of the effects of extending the closing hours for bars and eateries. These studies examine policy shifts that allow businesses to remain open one or two hours later, as in the case of Canada and Minnesota, while case studies of the UK examine the impact of complete deregulation of closing hours. However, one of the difficulties in utilizing studies examining the impact of extended hour policies is that they are based primarily on a “harm” perspective. That is, they examine alcohol policy from the perspective of interrogating the harmful impacts of alcohol consumption without consideration or measurement of positive impacts of the nighttime economy. The primary variables examined are: DUI arrests, violent crime, hospital admittance arrests, and residential complaints. Some of the significant variables examined are density of alcohol availability, off-premise/on-premise comparisons, and differences in consumption patterns by race, ethnicity, and gender. These studies did not examine the economic impact of extended hours, such as increased beverage and food sales, service employee hours, and the impact to secondary services like taxis, parking lots or public transportation. This section reviews the relevant literature about extended hours and makes recommendations for future research.

Vingilis et. al. (2008) argue that in two Canadian cities, Ontario-London and Windsor, there was a significant overall reduction in impaired driving and no change in the rate of assault charges during the 11pm-4am window before and after the extended drinking hours.

Hough and Hunter (2008) find that in England and Wales the shift in policy had little effect on alcohol consumption and alcohol-related problem behaviors. They claim that the new law did not increase crime and note that these findings are different than in research findings in Australia, New Zealand, Scotland, Ireland and Iceland. They note that it is difficult to compare previous research findings due to the variability in evaluation methods.

Kosfeld (2000) tackles the question of why some businesses shift their closing hours after closing time deregulation while other businesses maintain their previous closing times. Kosfeld examined retail businesses in Germany; however, his work helps to elucidate the relationship between customer and business owner behavior given changes to closing hour policies. Using “evolutionary game theory,” Kosfeld notes that storeowners tended to return to previous hours when they were uncertain of the long-term changes in customer behavior. Rather than measuring the actual economic impact of deregulation, Kosfeld examines the ways in which perceptions of customer behavior affect the likelihood a shop will continue to stay open during the extended hours.

Kosfeld argues that there are two important factors in determining the likelihood that a store will be able to take advantage of extended hours – the role of advertising and the effect of location. In looking at extended retail shopping hours in Germany, Kosfeld finds that a strong advertising effort led to greater shop owner confidence in the economic benefit of extended shopping hours regardless of its impact on customer behavior. However, a stronger predictor for acceptance of extended hours is the density of retail shops. Shops located in more clustered locations had less uncertainty about their ability to attract customers during the later hours.

Treno et al. (1999) examine demographic factors, such as gender, age, and ethnicity in drinking behaviors. They posit that these factors help explain non-economically based differences in the selection of drinking locations. Unlike studies that examine drinking behavior from a harm perspective, this study looks at drinking as a complex good. Further, the study authors argue that regardless of social category, people tend to drink less at bars and restaurants. However, they also find that drinkers who consumed only at bars and restaurants were 25% more likely to drive while intoxicated relative to those who consume at home (550). The study concludes by arguing that demographic factors, particularly race and ethnicity, create different cultural attitudes and behaviors around drinking. These differing attitudes translate into different preferences for drinking location.

Freisthler et. al. (2003) explore the importance of service and neighborhood characteristics on underage access to alcoholic beverages. In highlighting the role of the server in illegal drinking behavior, the authors argue that increased server education and responsible beverage service programs can help reduce binge and underage drinking.

Plant and Plant (2005) argue that the Licensing Act of 2003 in the United Kingdom was not motivated by proof that extended hours would mitigate the harmful behaviors of over intoxication, but rather it was supported by the assumption that harmful drinking behaviors are primarily motivated by “drinking against the clock,” that is, drinking to excess shortly before closing time (363). The study authors argue that increased availability of alcohol through extended hours can lead to increased consumption. They cite previous research in Australia, Canada, West Australia, and Ireland that asserts extending hours leads to an increase in casualty traffic accidents and binge drinking; however, the study authors point out that in the cases of Canada, where only a modest increase in closing hours was implemented, the extension had no significant impact on blood-alcohol-positive road fatalities. The authors point out that each country has a particular drinking culture. Many of the problematic behaviors associated with alcohol

consumption are deeply rooted in drinking patterns and in social expectations. These cultural factors are important to note when looking at research across different national contexts.

Stockwell and Chikritzhs (2009) and Popova et. al. (2009) provide a systematic review of existing literature on relaxed drinking hours for bars and clubs and the impact on alcohol consumption and damage. Stockwell and Chikritzhs review case study literature from the UK, Australia, New Zealand and North America, concluding that the extension of late-night trading hours led to an increase in alcohol consumption and related harms. Although there are several well-controlled studies that confirm this conclusion, there are difficulties in comparing cases. The reviewed articles did not take into account overlapping policy changes, such as increased police patrols available for enforcement. Thus the oft-cited conclusion that an increase in alcohol sale hours causes an increase in harms, such as driving while under the influence, fail to recognize confounding variables. “Those [studies] with a cross-sectional design provide noteworthy findings with regard to associations between key variables, but they cannot provide a clear answer about the causal linkage or causal direction... modifications in how alcohol is managed may involve concurrent or partially overlapping changes...” (Popova et. al. 2009; 515). Studies that show a relationship between increases in DUI arrests or alcohol-related accidents cannot verify that these increases are the result of extended hours.

The review performed by Popova et. al. also concludes that extending availability increases alcohol-related harms; however, this review, like many of the extended hours studies, begins from the position that alcohol consumption, in and of itself, is a high-risk activity and a contributing factor in increases in disease, disability and mortality. In absence of an in-depth examination of the positive features of alcohol consumption, such as sociability, relaxation, as well as economic factors such as increased food and beverage sales and tickets to entertainment venues, these studies are limited by their narrow focus on the negative factors associated with alcohol consumption.

In contrast to the literature that fails to account for overlapping policy initiatives, Bouffard et. al. (2007) found that Minnesota’s extension of the closing time for eating and social establishments that serve alcohol did lead to an increase in police stops for DUIs; however, they suggest that the increase is caused by the increased police response concurrent with the study and not increased consumption.

Future studies will need to expand upon metrics to include other relevant measurements, and to look at both the possible harms, as well as the economic and social benefits of extended hours. Any study that examines the impact of hours on drinking behavior must take into account the demographic and cultural contexts of the drinkers and drinking environment. In addition, future studies must be careful to examine the influence of concurrent policy shifts, such as increased policing.

## RECOMMENDATIONS FOR IMPLEMENTATION

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*“Singing and the making of noise in these establishments as a rule only starts around 10 o’clock and lasts until 2 or 3 o’clock in the morning, when the greater part of the company comes out drunk in order to continue the scandal on the street and insult the police.” - Mayor of Berlin, 1843*

### A Historic Continuum

The regulation of alcoholic beverages in the United States evolved from standards established in Europe, and in particular the United Kingdom. The first rule recorded in 1381 regulated price to prevent inflation, while many regulations from the fifteenth century and beyond were designed to manage consumption and labor discipline (Talbot, 2007). This pattern continued to be a focus of regulations including early twentieth century regulations on saloons, often the organizing centers of labor unions.

The underlying philosophy of these early regulations included a belief that drinking and entertainment were viewed as an impediment to a longer, more regular working week and the intensification of work required by industrialization. Regulations were not established to prohibit consumption of alcohol so much as regulate the conditions of its use in what were perceived as acceptable outlets for supply.

The evolution and institutionalization of licensing law in regulating supply falls into four primary areas:

1. Taxes and fees for manufacturing, distribution and sale
2. Providing public notice on licenses
3. Number and location of businesses
4. Rules and conditions of operation

Just as many city functions still revolve around a structured 9-5 schedule developed during the industrial era, control of alcoholic beverage sales and service continues to remain tied to the 1933 repeal of prohibition when states established rules and regulations. While many regulations have been updated, remnants of a “temperance” standard applied following Prohibition continue to this day. These are in contrast to changes in the economy, lifestyles and general values associated with drinking and entertainment.

## HARM REDUCTION

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There is universal recognition of the potential harm of alcohol intoxication and risk of driving crash injuries and fatalities, risk of aggressive and disorderly behavior, disturbances to residents and cost of police services to maintain order.

Underage drinking and youth access are also high priorities and their prevention are instrumental factors in decisions relating to licensing businesses to sell or serve alcoholic beverages.

Studies of the relationship of licensed beverage businesses to these risks frequently cite density of outlets and hours of service as contributing factors. Few studies separate risk associated with off-premise and on-premise sales, but studies of drinking patterns indicate youth access and high risk drinking occurs more frequently in private social settings than in on-premise licensed venues.

More significantly, public policy on Smart Growth and mixed use development with dense housing in city centers is a recent trend, and integration of dining and entertainment venues in areas with residential living is a factor extending beyond public safety. Concerns requiring dedicated city resources are associated with quality of life of impacts on residents, including sound issues, trash and litter, parking, traffic, deliveries and public disorder.

Evolving changes in lifestyles, work schedules and urban living feeds demand for more places to meet, socialize, share food and drink, and engage in music and dance. To balance risks and benefits requires an examination of the effectiveness of current application of regulations.

### Policing Considerations

Among the primary concerns with changes to the current closing time schedule is the impact on police services. The “push-out” at 2 am places greater demand on police to respond to crowds, manage potential aggressive behavior, and disperse crowds to reduce noise complaints and public disorder. Yet some believe changing the closing schedule can result in at least as many or even more impacts and demand for greater compliance resources.

Perceptions about impacts of a shift to flexible hours fall in three categories:

- ◆ **Maintain Status Quo:** Although the current system creates a peak demand of services, there is predictability. It is possible to schedule police shifts to manage the short intervention, enforcement of alcohol regulations is easier, and disruption to residents is limited to the period of closing. Scheduling DUI enforcement is also possible for the greatest impact during the post closing time period.
- ◆ **Against Extended Hours:** Extending hours, with staggered closing by different businesses could result in the same problems but over a longer period of time, with less public transit options, a requirement for additional police during the extended time period, more impacts on residents from street sound, greater chance of increased alcohol consumption and associated risk from driving.
- ◆ **For Extended Hours:** Extending hours can reduce the need for police and allow for better coverage throughout the city. With opportunity for a more even dispersal of crowds, transportation can better handle demand. Without people waiting for transportation, the district is cleared in a more orderly fashion, reducing impacts on residents.

As the research summary indicates, there is no conclusive evidence supporting any of these perspectives, and in fact, depending upon individual bias, any of the three can be supported. More importantly, in evaluating the impact from extended hours, the question is whether or not the change was implemented as a remedy for existing conflicts, and if so, were these a symptom of systemic business management and policing tactics or just due to the existing closing time.

Simply put, changing closing time without adjusting the poor management or policing tactics will most likely extend the same problems in the longer period. Changing management practices and improving policing tactics will reduce impacts regardless of the closing time.

### Shared Responsibility

One of the essential questions is whether business and patron behavior is influenced most by regulations or by other contributing factors. Can harm be mitigated in ways other than through regulations? Can businesses be more engaged in monitoring and reducing risk among their patrons? Can patrons be motivated to assume more responsibility for their own behavior and assure the privileges they seek for flexibility in social venue options to match their lifestyle?

Studying the implementation of the 24/7 licensing in the UK and approach to policing provides important lessons for consideration of a flexible hours system in Seattle.

- ◆ **Setting Standards:** Rather than defining operational conditions, four basic principles were written into the legislation (a fifth added in Ireland), and one that could be added to reflect economic and social benefits.
  - The prevention of crime and disorder
  - Upholding public safety
  - The prevention of public nuisance
  - The protection of children from harm (underage drinking)
  - The promotion of public health (Ireland)
  - Meet a community/market need for freedom and choice in leisure time (additional option)
- ◆ **Collaborative Policing:** Spreading responsibility for patron behavior and closing time crowds can be dispersed through greater involvement of venue management and staff. The UK implemented two licensing systems, one for the operator/manager on duty and one for the security personnel. Regular meetings among businesses, residents and police contribute to collaborative problem solving.
- ◆ **Behave or Be Banned:** Businesses network to other businesses in the district to share information about problem patrons. Working with police, problem patrons are identified and added to a “ban list” which prevents them from entering all licensed establishments.
- ◆ **Expedited Transportation:** In high activity zones taxi stands are established. Information kiosks distribute awareness about transportation options early in the evening. As patrons leave later at night, an expeditor can facilitate shared rides, order more taxis when required and manage lines for service.

## Dedicated Unit

Another evolving pattern in managing hospitality zones is creation of a dedicated policing unit, often in conjunction with a code compliance team (involving fire, health, alcohol regulatory and other enforcement agencies).

As an example, Chicago’s 18<sup>th</sup> District has five “hospitality zones” and 1,000 licensed businesses with a total venue occupancy of more than 100,000 seats. The police staff is comprised of a captain, three sergeants and three teams with about 40 officers. One team is motorized, a second is beat/bicycle and the third is plain clothes. Officers are selected for their experience, ability to work in a hospitality environment, and are trained in the specifics of alcohol regulations and other code requirements on occupancy and safety.

In addition, in the five concentrated hospitality zones, a community policing officer works with businesses in coordinating monthly information meetings to review incidents, problem solve and forecast policing needs for upcoming events or activities.

## Measuring Harm Reduction Change

Implementing flexible hours can serve as an important study and perhaps set an example on procedures that could be applicable to other Washington cities. To account for any positive changes or to document any negative impacts, it is important to first establish baseline data for comparison. This could include:

### Public Safety Data

- ◆ Calls for service – location, time, alcohol involvement
- ◆ Police/Compliance Staffing by day, time, location
- ◆ Common violations of venues whether participating or not participating in the flexible hours
  - Inspections (fire, health)
  - Property damage (insurance claims)
  - Assaults (alcohol and non-alcohol)
- ◆ Density of activity – in areas with flexible hours and areas without, shifts from one area to another

### Social Impacts

- ◆ DUI Arrests – Crashes – Fatalities
- ◆ Fights – Acts of Violence
- ◆ Public Nuisance – Sound – Vandalism – Social Disorder
- ◆ Emergency Room Intakes – Alcohol Related



## HOSPITALITY ZONES

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Seattle, like many cities, is a collection of neighborhoods, each with its own character and mix of businesses and residents. Each area is prone to cyclical patterns, as dynamics of the economy, public policy and community standards evolve.

Hospitality zones are concentrated areas of dining and entertainment activity, often with transitional periods catering to different clientele. These areas often evolve through four distinct stages, emerging (or re-emerging), developing, mature and declining.

Each stage requires a different approach to allocation of city resources and policing strategies. Emerging districts are often unsettled or transitional areas (unused factories/warehouses) appealing to risk taking entrepreneurs investing in creative dining and entertainment venues. When successful, these businesses can attract others as well as a mix of retail and professional services businesses, leading to demand for residential development. Mature districts maintain a balance, and as real estate values rise, the mix of independents and regional/national businesses changes. Declining districts evolve from changing economic conditions, poor management of the district resulting in increased criminal activity, or shift in markets to new emerging districts.

Depending upon the stage of a district, city resources, licensing processes, compliance monitoring and enforcement all require adjustment and adaptation to meet the requirements of businesses in each phase of the cycle.

### Smart Growth and Sociability

An outcome of the contemporary evolution of Smart Growth and mixed use planning is the potential concentration of people living in close proximity to nightlife activity. It is this convenience of a concentration of dining and entertainment options that are an appealing factor for people choosing to live in the city.

Progressive cities are beginning to understand that beyond the basic physical planning of housing, transportation, streetscape, public space and other infrastructure elements of mixed use development is consideration of social interaction and impact from dining and entertainment venues.

Seattle is in the forefront of many cities in coordinating resources as its neighborhoods evolve, integrating the services of code compliance agencies, business district development organizations and neighborhood networks. While the integration of dining and entertainment venues in residential areas always pose challenges, the existing and planned systems in Seattle presents an opportunity to demonstrated planned development that minimizes the challenges.

Determining the compatibility of the business to the area in which it will operate is one component of approval for a license, as is the ability of the operator to manage the type of activity in the venue. Increasingly, more consideration is given to city resources required to support the venue, especially when there is a large occupancy. These include:

- ◆ **Parking:** Is there sufficient parking or will additional parking be required? Will patrons create parking conflicts with residents or businesses expecting access to parking as well? Is there parking enforcement during peak periods?
- ◆ **Transportation:** Is there convenient public transportation that corresponds to business hours? Taxi service? Is a taxi stand required for the volume of activity?
- ◆ **Sidewalk:** Are the sidewalks capable of expected crowds? Will there be increased risk to pedestrian safety? Can the venue properly establish outdoor seating? Coordinate patron lines at entrance? Exterior smoking areas?
- ◆ **Residents:** Are there residential units near or within close proximity of the venue? Is there an organized neighborhood or resident organization?
- ◆ **Diversity:** Is there a diversity of sociability options for multi-generational and multi-cultural populations.
- ◆ **Public Facilities:** Are there public restrooms accessible during peak periods?
- ◆ **Crime Prevention through Environmental Design:** Is there a process to apply the principles of CPTED to a hospitality zone to evaluate variables that could contribute to or be factors to reduce crime?
- ◆ **Utilities:** Dining and entertainment businesses are consumers of energy and producers of waste greater than many other business sectors. Anticipating the need for water, sewage, power and increased frequency of deliveries and trash removal is part of developing a hospitality zone.

There are also trends to streamline the licensing process, and for businesses selling alcoholic beverages, defining licensing standards more in tune with the dynamics of an extended economic period, encompassing, day, evening and late-night, each often with a different clientele and product and service expectations, and each requiring a different operational plan for safety and security.

## Premises and Operations: Best Practices

In countries transitioning to a 24/7 licensing system, there is a shift to institute more local control of the licensing process, with recognition that there are two components to successful businesses with the least impact on public safety and quality of life.

For instance, in the UK, as part of the 2003 legislation, six licenses were reduced to two, one for the venue and one for the operator, recognizing that while a venue is suitable in an area, negative impacts can emerge from poor management practices. Rather than removing the business, it is recommended that the operator (day-to-day manager) be changed.

The licensing function was shifted to local authorities, and while the early years of the legislation created problems when local authorities weren't prepared for the responsibility, experience and more formalized exchanges among town centre management groups is resulting in adoption of best practices, and more recently, awards for the best managed districts.

There are many other examples of strategies to promote responsibility and harm reduction.

- ◆ **Host Responsibility:** In New Zealand, as part of the 1989 regulatory reform, a “host responsibility” standard was introduced in the legislation focusing on generally accepted principles of responsible service – food, non-alcoholic beverage alternatives, staff training, transportation options, etc. – as well as a formal training and certification of the on-site manager.
- ◆ **Alcohol Management Plan:** Recent recommendations in New Zealand require cities have an alcohol management plan (in the same way licensed beverage businesses are required), off-premise businesses will be required to close at 11 pm (reducing pre-loading) and on-premise hours extended until 5 am with a revolving door policy restricting entrance after 2 am to prevent impact from street activity. This policy is often part of extended hours (without alcohol) licensed in some US cities.
- ◆ **Business Incentive Programs:** Business incentive programs, such as the UK's Best Bar None Program, now being implemented in Canada and the United States, provides a formal voluntary review process of a business operations, and those with exemplary practices are recognized at an annual awards program.
- ◆ **Responsible Beverage Service and Security Training:** While responsible beverage service training is becoming a norm, and often a requirement, security training is rapidly becoming an essential component of nightlife venue operations. Some cities, such as Providence, Rhode Island, require the training, while states are also instituting security licensing, with California gearing up to have all security staff in on-premise nightlife venues licensed in 2011.
- ◆ **Patron Responsibility:** Patron responsibility campaigns are also becoming more commonplace. Traditional public awareness programs in licensed beverage businesses on drunk driving are expanding to include awareness of club drugs, violence prevention and getting home safely.
- ◆ **Community Outreach:** Community outreach by businesses is emerging as a new conflict resolution strategy. By joining in community forums and discussions, business owners can hear the concerns of residents while also presenting information on steps being taken by the venue to reduce impacts.
- ◆ **Nightlife Association:** Central to many of these efforts is the establishment of a formal nightlife association. While restaurant associations are commonplace, organization of nightlife venues has not been as common. By joining together, nightlife venue owners and managers are able to share strategies, gain a more unified voice to demonstrate their concerns, and coordinate staff training and community outreach initiatives. As restaurants are adapting to the changing economy, extending hours into the late-night and transitioning from dining to social venues, these nightlife associations provide peer support in navigating through the special requirements of managing a late-night venue. In New York, where a nightlife association formed in New York City, the state restaurant association recognized the need many of their members had, and merged the two groups with the nightlife association operating as a specialized group within the association.

## Merging Resources for Hospitality Zone Development

The melding of these various approaches in hospitality zone development and management is central to the transition to not only a flexible hour system, but greater enhancement of socializing options for residents and visitors to Seattle. Combined they can be consolidated into a three phase process for assuring the most opportunity with the least risk.

- ◆ **Localized Process:** As the dynamics of city living changes with continued public policies on Smart Growth and sustainability, planning and managing the evolution and growth of hospitality zones requires a closer examination of individual venues and their impact on the areas where they are located. Many factors have to come together to support an expansion of venue occupancy in an area, and creating a mechanism to unite code compliance agencies, business associations and neighborhood organizations into a decision making process is an important step.

- ◆ **Professional Development:** The ability of nightlife venues operators to demonstrate their commitment and ability to properly manage additional responsibilities associated with extended hours requires development of a more formalized process to recognize and reward operators and managements with the experience, training, and demonstrated record of compliance as part of the licensing process.
- ◆ **Compatibility of Uses:** Hospitality zones can be defined by intensity of activity, with low intensity activity in a predominately residential area to high intensity that could cater to a late-night clientele with minimal impact on residents and city services. Determining areas of the city more conducive to expanded development, areas already at maximum capacity, or areas in transition can facilitate better informed and more coordinated introduction of new businesses, or adjustments to existing business hours of operation.

## Measuring Hospitality Zone Change

Transitioning to a flexible hours system is an opportunity to document the economic and social benefits as well as measure changes in public safety and quality of life.

A more comprehensive examination of current hospitality zones can facilitate better strategic planning and adjustments to city resources, perhaps resulting in cost savings with more efficiencies.

Among the potential milestones to monitor are:

- ◆ Number of businesses by type
  - Dining (primarily food service)
  - Social (food secondary, bar, tavern)
  - Entertainment (live, DJ, dancing)
  - All of the above
- ◆ Occupancy of businesses by type
- ◆ Combined occupancy and occupancy by hospitality zone
- ◆ Current hours including breakdown for after 10 and between 1 and 2 am (with occupancy)
- ◆ Current staffing (identification of percentage trained in responsible beverage service and security)
- ◆ Businesses seeking extended hours if available (with occupancy and by hospitality zone)
- ◆ Survey of patrons before and after extended hours – current patrons staying longer, new patrons not previously served, etc.
- ◆ Alcohol beverage consumption – general consumption as well as individual consumption patterns. For instance, are current patrons staying later and drinking more or are they spreading their drinking over the extended period?

## CONCLUDING RECOMMENDATIONS

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Seattle is a model city to pilot a flexible hour system. Unlike many of the cities referenced in the research review, the introduction of extended hours for alcoholic beverage service in Seattle is part of a comprehensive, citywide nightlife management initiative that addresses many of the concerns and potential impacts from the change.

Based upon literature review and interviews with researchers and practitioners, the following are recommendations to assure maximum benefits and minimal risks if the flexible hour system is implemented.

- ◆ **Pilot Study:** It is recommended that the first stage of implementation be a pilot study that extends over a three year period.
  - **Year One:** Dedicate the first year to collection of baseline data, development of the systems, orienting the public, and implementation of the application process prior to awarding any new licenses.
  - **Year Two:** Launch the flexible hours with regular assessments of any conflicts. Utilize collaborative problem solving to keep the process on track.
  - **Year Three:** Determine how effective the process is, if it should be continued, expanded or modified.
- ◆ **Centralized Data Collection:** Identify current data sources and establish a process for collection of new data to measure harm reduction and hospitality zone change. Consider utilizing a local college or university researchers as a resource for monitoring and analyzing changes during the period of the pilot study.

- ◆ **Hospitality and Nightlife Resource Panel:** Utilize the current Code Compliance Team with an ad hoc advisory panel with representatives from the nightlife industry and neighborhood organizations to determine: appropriate areas to pilot the flexible hour system; the application process for license approval; and the systems for monitoring impacts and taking corrective action when conflicts arise.
- ◆ **Application Criteria:** It is recommended there be a three part process for application review, with specifics determined by the Hospitality and Nightlife Resource Panel and other relevant city and state organizations. The following are to be considered as part of the application process.
  - **Business Plan:** Documentation of the market need for extended hours, products and services to be offered, and ability of the business to maintain extra costs associated with extended hours. (Note: It was recommended through interviews with hospitality association representatives and business owners that there is risk if a business' current operation is in financial jeopardy and extending hours is an attempt to correct what might be a lack of market or poor management practices.)
  - **Alcohol Management Plan:** Among the risks cited by those opposed to extended hours is increased consumption by those already intoxicated, creating an even greater risk of impaired driving and disorder. An alcohol management plan would document steps to be taken to reduce risk, avoid late-night promotions of alcoholic beverages, and intervention strategies with at-risk individuals.
  - **Security and Safety Plan:** Document the process for maintaining the premises as well as mediating conflicts with patrons when they leave to avoid public disorder and public safety risks. The plan could include procedures for managing interior sound levels, crowd management as patrons leave the venue, arrangements for access to transportation, and procedures for reducing intoxication.
- ◆ **Community Engagement:** At any point in the process, residents that may be impacted or are impacted by the extended hours will be engaged, either directly or indirectly. Establishing a process for their involvement, addressing their concerns and providing for a conflict resolution strategy are ways to assure the greatest success of the pilot. Among the strategies to achieve this are:
  - **Regular Forums:** Require businesses participating in the extended hour system to attend periodic meetings with residents and code compliance agents to review any incidents and discuss remedial strategies.
  - **Hospitality Zone Liaison:** Establish a designated point of contact for connection to monitor changes, impacts and assign resources for conflict resolution.
  - **Patron Responsibility:** Coordinate public awareness and education of individual responsibility for behavior in venues and when leaving venues, especially when moving through residential areas. Maintain regular enforcement of public disorder and respond to complaints in a timely manner.
- ◆ **Coordinated Training:** Streamline the process for management and staff to receive training in responsible beverage service, security and safety, marketing and risk management. Consider creating a centralized recruitment job bank with individuals who have participated in training and job postings for businesses seeking qualified employees.
- ◆ **Incentives for Compliance:** Establish a process to recognize businesses for exemplary performance in management of their operations, similar to the Best Bar None Program, as well as Seattle's neighborhoods for their efforts in creating safe and vibrant hospitality zones.

In conclusion, the transition of 9-5 institutional systems to a 24/7 global economy has begun across North America. Some cities, such as Seattle, are embracing the transition and capitalizing on the growth of the city as a place to live, work, study and play.

Central to this transition is a comprehensive, dedicated process to create places for people to meet and socialize, sharing food, drinks, music and dance. The challenges associated with increased density and diversity of lifestyles is what makes city development a fine balance of complex needs.

## APPENDIX 1: BIBLIOGRAPHY

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## APPENDIX 2: INTERVIEWS

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In preparing recommendations for flexible hours, the following individuals were interviewed for their insights and perspectives on the challenges of extended hours, recommendations for implementation of change, and measurements to evaluate the impacts. They were selected because of their leadership in research, public policy, policing and training. Participation in the interviews does not indicate support for an extended hours change.

- ◆ Ernest Collins, Executive Director Arts and Entertainment, New Orleans
- ◆ Paul Davies, Consultant, Association of Town Centre Management, London, England
- ◆ Laurie Gabites, Manager City Safety, Wellington City Council, New Zealand
- ◆ Norman Giesbrecht, PhD, Senior Scientist, Centre for Addiction and Mental Health, Toronto, Canada
- ◆ Jocelyn Kane, Deputy Director, San Francisco Entertainment Commission
- ◆ Phillip Kolvin, Barrister, 2-3 Gray Inn's Square, London, England
- ◆ Linda Major, Assistant to the Vice Chancellor, University of Nebraska
- ◆ Brenda A Miller, PhD, Senior Scientist, Prevention Research Center, Berkeley, California
- ◆ Murphy J. Painter, Commissioner, Louisiana Office of Alcohol and Tobacco Control
- ◆ Elizabeth Peterson, President, EPG, Inc., Los Angeles, California
- ◆ Jason Paterson, Owner, Snug Harbor, New Orleans
- ◆ Robert Pomplun, President, Loss Control Services, Minneapolis, Minnesota
- ◆ Janice Solomon, Executive Director, Toronto Entertainment District Business Improvement Area
- ◆ Hubert Williams, President, The Police Foundation, Washington, DC
- ◆ Friedner D Wittman, PhD, President, CLEW Associates, Berkeley, California
- ◆ Steve A. Zolezzi, Executive Vice President, Food & Beverage Association of San Diego County

## APPENDIX 3: STATE AND CANADIAN PROVINCE CLOSING TIMES

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Source: Wikipedia

### Canada

- ◆ British Columbia - Last call is 2:00 a.m. provincially, however municipalities can raise last call up to 4 a.m. if they so choose. Downtown Vancouver's last call was moved to 4:00 a.m. but was subsequently lowered to 3 a.m. People may purchase "off sales" bottled beer and the like from local Pubs until 11:00 p.m.
- ◆ Alberta - Last call and sale of alcohol from a store or establishment is 2 a.m. province wide. In an establishment, a customer may have no more than two drinks in possession after 1 a.m. or last call, whatever comes first.
- ◆ Manitoba - Last call and the sale of alcohol from a store or establishment is 2 a.m. province wide. During special events, establishments are permitted to serve alcohol until 3 a.m.
- ◆ Ontario - Last call is 2 a.m. province wide, although the province has the authority to grant waivers to allow closing at 4 a.m. during special events. Alcohol sales occur only within regulated stores which will always close either between 9pm or 11 pm depending on location or store (LCBO, Beer Store or Wine Rack)
- ◆ Quebec - Last call is 3 a.m. province wide for establishments serving alcohol, while the sale of alcohol from a store is restricted after 11 p.m.

### United States

Last call laws vary widely from state to state, and in most states, cities and towns are free to impose more restrictive regulations. Large metropolitan areas with many towns may have different laws for areas that are only a short distance apart. The following lists should not be considered exhaustive.

#### US State specific laws

- ◆ Alabama - In Birmingham and Mobile, bars serve alcohol 24 hours a day, seven days a week, 365 days a year. Varies in other cities.
- ◆ Alaska - 5 a.m.; while most cities restrict this further, some do not (primarily smaller Matanuska-Susitna Valley towns), and some villages are dry.
- ◆ Arizona - 2 a.m.
- ◆ Arkansas - 2 a.m.
- ◆ California - Last call statewide is 2 a.m., except San Jose, where the city council ruled that last drinks are served at 1:30 am, but patrons can remain in the bars until 3am.
- ◆ Colorado - 2 a.m.
- ◆ Connecticut - 2 a.m. Friday and Saturday nights. 1 a.m. Sunday through Thursday
- ◆ Delaware - 1 a.m.
- ◆ Florida - Last call set statewide to 2 a.m., some cities have passed exemptions to the law, notably Tampa (3 a.m.), Broward county (4 a.m.) and Miami (24 hours in the Miami Entertainment District). Liquor store closing times vary by county.
- ◆ Georgia - Varies by county (most are set at 2 a.m., while others may have different times or no time at all). In Atlanta most bars are allowed to close at 2:30 a.m., but Underground Atlanta can operate until 4 a.m.
- ◆ Hawaii - 4 a.m., however not all bars qualify for a 4 a.m. license and must close at 2 a.m.
- ◆ Idaho - 2 a.m.
- ◆ Illinois - 1 a.m. through 3:00 a.m., varies by county. Some counties can serve 24 hours.
- ◆ Indiana - 3 a.m., 12:30 a.m. on Sundays. (A state law has recently been passed that will soon do away with the earlier Sunday closing time and push it back to 3 a.m.)
- ◆ Iowa - 2 a.m.
- ◆ Kansas - 2 a.m. (in the 17 counties which allow bars without limitation)
- ◆ Louisiana - There is no set statewide closing time. Bars may remain open 24 hours a day, 7 days a week. Except, Louisiana law provides: "The governing authority of any municipality within a parish (Louisiana refers to its counties as parishes) with a population between fifty-three thousand and fifty-seven thousand persons according to the most recent federal decennial census may enact ordinances to regulate the closing times of bars located within the municipality, subject to approval by a majority of the qualified electors of the municipality voting at an election held for the purpose."
- ◆ Maine - 1 a.m.
- ◆ Maryland - 2 a.m.

- ◆ Massachusetts - 2 a.m, although cities and towns can (and frequently do) set last call earlier. 2 a.m. in Boston, Lowell, Springfield, and Worcester, 1 a.m. elsewhere including the resort area of Cape Cod[citation needed]. Alcohol sales stop 30 minutes prior to closing time.
- ◆ Michigan - 2 a.m.
- ◆ Minnesota - 1 a.m. in most of the state; 2 a.m. in Minneapolis and St. Paul; Liquor Stores Closed on Sundays, 3.2% alcohol beer may be bought in most grocery stores.
- ◆ Mississippi - 12:00 Midnight or 1:00 A.M.; depending on city. Larger metro areas usually adhere to "After Midnight" policy.
- ◆ Missouri - 1:30 a.m. in most of the state; 3:00 a.m. in specially-licensed establishments in the two largest metropolises of St. Louis and Kansas City, and their surrounding areas.
- ◆ Montana - Last call for bars and taverns is around 1:30 a.m. However, one can purchase beer from many local gas stations and grocery stores until 2 a.m. State law reads, "Agency liquor stores may remain open during the period between 8 a.m. and 2 a.m.". In spite of this, most liquor stores close on or before 10 p.m. with the exception of casino/liquor stores.
- ◆ Nebraska - 1 a.m.
- ◆ Nevada - There is no set statewide closing time. Bars may remain open 24 hours a day, 7 days a week.
- ◆ New Hampshire - 12:45 a.m.
- ◆ New Jersey - While state law is 3 a.m. certain areas on the Jersey shore are considered resort areas and are allowed to serve alcohol up until 5 a.m.
- ◆ New Mexico - 2 a.m.
- ◆ New York - Under state law, establishments must stop serving alcohol by 4am, however the actual closing time is left up to each of New York's 62 counties. The 4 a.m. time holds in New York City, Buffalo, and Albany. Binghamton has a last call of 3 a.m., Syracuse and Rochester have a time of 2 a.m., and Elmira, Geneva, and Ithaca have a time of 1 a.m. Rural counties may be even earlier.
- ◆ North Carolina - Last Call is 2 a.m. statewide. On weekdays and Saturday alcohol can be sold beginning at 7 a.m., on Sunday alcohol sales begin at noon. Liquor Stores (ABC) Closed on Sundays.
- ◆ North Dakota - 1 a.m., however recent legislation allows each county and city by local option to set a 2 a.m. closing time. North Dakota's closing time is strict. All drinks must be off the tables and the bar closed by the mandatory closing time.
- ◆ Ohio - Last call is 2 a.m. statewide, although establishments may acquire licenses that allow them to serve until 2:30 a.m. Store-bought beer & wine sales stop at 1 a.m. Liquor over 40 proof may only be purchased in state-approved stores — sales stop at 10 p.m.
- ◆ Oklahoma - 2 a.m
- ◆ Pennsylvania - 2 a.m. in taverns, 3 a.m. in membership-only clubs statewide. Sales may begin as early as 7 a.m. Pennsylvania Liquor Control Board-operated liquor stores (known as "Wine & Spirits Shoppes", or commonly called "state stores") operate various hours, but never open before 9 a.m. and never close later than 10 p.m. About ten percent of state stores, most of which are near the borders of the Commonwealth, are open from 12 p.m. to 5 p.m. on Sundays.
- ◆ Rhode Island - 1 a.m. seven days a week. 2 a.m. in Providence only on Friday and Saturday nights and nights before a state-recognized holiday.
- ◆ South Carolina - Set by county or municipality. No alcohol sales (on or off premises) is permitted on Sundays, except in Columbia, Charleston, Greenville / Spartanburg, and the Myrtle Beach area.
- ◆ South Dakota - 3 a.m.
- ◆ Tennessee - 3 a.m. (24 - 7 in Memphis)
- ◆ Texas - 2 a.m.
- ◆ Vermont - 2 a.m.
- ◆ Virginia - 2 a.m.
- ◆ Washington - 2 a.m.
- ◆ Wisconsin - 2 a.m. Weeknights, 2:30 a.m. Weekends

### US City specific laws

- ◆ Albany, New York - 4 a.m.
- ◆ Atlanta - 2:30 a.m.; 4:00 a.m. in Underground Atlanta. Midnight on Sunday night/Monday morning.
- ◆ Atlantic City, New Jersey - 24 hours
- ◆ Austin - 2 a.m.
- ◆ Bloomington and Normal, Illinois - 1 a.m. on weeknights, 2 a.m. on weekends
- ◆ Bloomington, Indiana - 3 a.m.
- ◆ Boston - 2 a.m.
- ◆ Buffalo - 4 a.m.
- ◆ Champaign, Illinois - 2 a.m.



- ◆ Chicago - Some bars may choose to close at 2 a.m. or earlier. They may alternately get an extension which allows them to close at 4 a.m. or earlier. On Saturdays, closing times are shifted an hour back to 3 and 5 a.m.
- ◆ Cleveland - 2:30 a.m.
- ◆ Columbus - 2:30 a.m.
- ◆ Denver - 2 a.m.
- ◆ Florence, South Carolina - 2 a.m. for hard liquor, 3 a.m. for beer. This includes Sundays where any bar that is defined as a private club may operate 7 days a week, otherwise last call is midnight Saturday night, until the establishment reopens for business on Monday.
- ◆ Granite City, Illinois - Weeknights 2 a.m. Weekends 3 a.m.
- ◆ Houston - 2:00 a.m.
- ◆ Indianapolis - 3 a.m.
- ◆ Kansas City, Missouri - 1:30 a.m. for most bars, 3:00 a.m. for specially licensed bars in certain geographic areas. 6:00 a.m. for one bar only, the Mutual Musicians Foundation.
- ◆ Las Vegas, Nevada - Bars may stay open 24 hours a day, 7 days a week.
- ◆ Los Angeles - 2 a.m.
- ◆ Lexington, Kentucky - 2:30 a.m.
- ◆ Louisville - 4 a.m.
- ◆ Miami - 5 a.m.; Bars may stay open 24 hours, 7 days a week in the Downtown Entertainment District
- ◆ Minneapolis / Saint Paul - 2 a.m.
- ◆ New Orleans - Bars may stay open 24 hours, 7 days a week.
- ◆ New York City - 4 a.m.
- ◆ Pensacola, Florida - 3 a.m. (within city limits, 2 a.m. for county)
- ◆ Peoria - 4 a.m.
- ◆ Phoenix / Scottsdale - 2 a.m.
- ◆ Philadelphia - 2 a.m.
- ◆ Pittsburgh - 2 a.m.
- ◆ Providence - 2 a.m. on Weekends, 1 a.m. on Weeknights
- ◆ Rochester, New York - 2 a.m.
- ◆ Salt Lake City - 1 a.m.
- ◆ San Francisco - 2 a.m.
- ◆ San Marcos, Texas - 2 a.m.
- ◆ Savannah, Georgia - 3 a.m.
- ◆ St. Louis - 2 a.m. on Weeknights, 3 a.m. on Weekends
- ◆ Tampa - 3 a.m.
- ◆ Tuscaloosa, Alabama - 2 a.m. Monday-Thursday and Saturday. Close at 3 a.m. on Friday nights. Closed on Sundays.
- ◆ Washington, D.C. - 3:00 a.m. on Friday and Saturday night, 2:00 a.m. other nights.