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**CORRA**

**Confederation of Resident & Ratepayer  
Associations in Toronto**

Written on behalf of the  
Confederation of Resident and Ratepayers Associations in Toronto and  
Supports the Presentation of the Swansea Area Association & Group

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## **PH8.2 - Recommended Amendments to Zoning By-laws for Bars, Restaurants and Entertainment Venues as part of the Night Economy Review - Final Report**

**CORRA is a not-for-profit Confederation that reaches out as an umbrella organization to approximately 60 resident associations from Etobicoke to Scarborough and the former City of Toronto to North York.**

**The purpose of this presentation is to ensure that Our Neighbourhoods are protected by amending the New Zoning By-Law as follows:**

## **The new Zoning By-Law shall Identify and retain the existing restrictions indicating**

- 1. Specific numbers of arcade machines allowed and**
- 2. The distance required for the Amusement Arcades to be from schools and neighbourhoods.**
- 3. Amusement Arcades and Night Clubs shall not be located next to our Schools and Neighbourhoods.**

City Planners have thrown our neighbourhoods into a state of chaos so that they can confuse and wear us down with their policies, plans, EHON, siloed initiatives with subsequent contorted, ambiguous consultation, commercialisation of neighbourhoods which now includes the Night Time Economy.

These issues started with Laneway Suites, then onto Garden Suites, Multiplexes, Midrise Buildings leading to the final prize, Low Rise Apartment buildings on neighbourhood 'major' streets and backing onto local streets with a second exit and entrance. These initiatives have been siloed so that our attention was diminished until they reached the final objective which is low-rise 6-Storey apartment buildings on Major streets within neighbourhoods which are a far cry from the Provincial requirement of only 3 units on a lot.

The same can be said of the introduction of Commercial Retail businesses to Neighbourhoods. How could a neighbourhood sustain commercial or retail business unless they were destination retail/commercial? Now we have the advent of the Night Economy bringing amusement arcades and night clubs to join the planning chaos.

## **Major Impacts of the Night Economy on our Neighbourhoods.**

### **Zoning By-Law**

On November 30, 2023 the Planning and Housing Committee pass the following contentious zoning:

- 1. Allowed Amusement Arcades to locate near schools in our neighbourhoods;**
- 2. Allowed Restaurants/Bars to increase dance floor area from 6% to 25% (about 1,000 sq ft); and,**
- 3. Allowed 4000 sq ft Night Clubs next to neighbourhoods & unlimited dance floor area**

Staff recommend the following zoning by-law amendments to support the night economy:

- Increase the permitted maximum ancillary entertainment area inside eating establishments from 6% to 25%;
- Permit nightclubs outside the downtown area in certain commercial zones, subject to conditions including the requirement to be in a non-residential building;
- Reduce amusement arcade restrictions;
- Remove amusement device restrictions;
- Harmonize reductions for the calculation of interior floor area; and
- Modernize entertainment-related use definitions and align those definitions with Toronto Municipal Code Chapter 545, Licensing.

## **The Omissions of Consultation**

- 1. City Planners omitted to include School Trustees, School Administrators, Community Groups, Resident Associations and Local Neighbourhood Leaders working Health Care and CAMH etc.**

2. The following City Divisions, Agencies, Boards and Commissions were consulted in the preparation of this report: Municipal Licensing and Standards, Economic Development and Culture, Toronto Building, Toronto Fire, Toronto Paramedic Services, Toronto Police Service, Toronto Public Health, Transportation Services, Toronto Transit Commission and the Alcohol and Gaming Commission of Ontario.

## **The Crux of the matter in Toronto & Amsterdam**

### **In Toronto**

The problem is mainly associated with the new Zoning by-law. The new By-Law removes the limitations, protections and restrictions on the number of machines allowed in each arcade and the distance that these Arcades and Night Clubs should be located from schools and neighbourhoods.

Without these numbers and limitations written into the new by-law, the developers and amusement arcade owners can apply to increase the number of machines and minimize the distance from the schools and neighbourhoods without the requirement to give any notice to consult with the General Public, School Boards and Neighbourhoods about the changes.

Notice hasn't been given to site specific zoning exceptions such as has been included in Swansea. The presumption is that these exceptions still stand.

About two decades ago, the Councillors had to impose the current restrictions and limitations because the presence of these arcades close to the schools was having serious negative impacts on the students. For many it became an addiction with students skipping school, spending their lunch hours and after school time with their friends playing the machines in the Arcades.

### **Learning the lessons from Amsterdam and Rotterdam**

#### **Urban Surveillance-the Struggle between Safe and Exciting Nightlife Districts' See Article attached**

This article highlights the difficulties of maintaining a safe and secure environment in Amsterdam's night Economy with lessons to be learned by Toronto:

- The impact of the Nightlife hours on the workers and their ability to work productively with the 'hangover' of not enough sleep time
- Manufacturing and construction industries on the downturn because they are losing workers to the tourist industry.
- The inability to control and enforce a 4 am or 6 am closure of Amsterdam's night life and being forced into making it a 24/7 economy allowing customers to leave when they want rather than enforcing a proscribed time.
- The overwhelming organization of a second economy proved too much work for one Mayor to manage so they created the position of the Night Mayor (Nightmare?)

These are just a few thoughts to ensure that City Planners, Councillors and Staff are looking at the big picture of the Toronto economy and why tourists visit our City. Perhaps they might want to get away from the Night Economy of their home towns and just relax in 'The City in the Park' or the Switzerland of North America. With this perspective on the table, we request the following that:

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Yours truly,  
*V Wynne*  
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Nightlife Safety and  
Security IMpacts in A

### **'URBAN SURVEILLANCE-THE STRUGGLE BETWEEN SAFE AND EXCITING NIGHTLIFE DISTRICTS'**

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### Abstract

Cities attract vast numbers of people at night (Roberts and Eldridge 2009). In recent decades the evening economy has started to play a significant role in city centre regeneration, with alcohol related establishments as the driving force (Hollands and Chatterton 2003). Concerns about personal safety and fear of crime increasingly determine the success of these leisure-based inner-city areas (Judd 2003; Bannister et al. 2006). This attitude is also reflected in academic work, where most studies explore the late night economy in terms of alcohol consumption and disorder (Hobbs et al. 2003; Hadfield 2006; Monaghan 2002; Plant and Plant 2006; Winlow and Hall 2006). Nightlife districts are, however, favoured by visitors for their adventure and excitement (Hubbard 2005). The question raised in this paper is how surveillance measures in different nightlife districts are legitimized, taking into account the fact that these districts need not only to be safe but also exciting. Based on an analysis of policy documents, nighttime observations and expert interviews with stakeholders in the Safe Nightlife Programmes of Rotterdam and Utrecht, different local safety measures, their legitimizations and their outcomes in different local urban settings will be analysed.

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### The Rise of Nighttime Economies

From the early 1990s onwards the evening and nighttime economy and, more broadly, the 24-hour city (Heath and Stickland 1997; Lovatt and O'Connor 1995) started to develop, with many cities including the nightlife sector in their regeneration plans. Just like the daytime economy, the nighttime economy has thus become vital for the regeneration of city centres (Bianchini 1995; Lovatt and O'Connor 1995). In some cities the nighttime economy has literally filled the vacuum left by the waning industrial and manufacturing sectors (Hobbs et al. 2003; Lippert 2007; Roberts and Eldridge 2009). In other cities nightlife districts with a variety of restaurants, bars and clubs have started to develop, providing jobs and attracting tourists and visitors. This revitalization of nightlife districts is also expected to help make cities competitive and attract certain types of tourists/visitors. For example, in 'Rotterdam in your pocket 2011', a tourist guide offered by the city's marketing office, the city's nightlife district Stadhuisplein is promoted as a place that never sleeps. '*... For lighter pursuits, every night's a party in the cafes that line the Stadhuisplein*' (Rzine, Rotterdam in your pocket 2011, p. 20).<sup>1</sup>

Hollands and Chatterton (2003) point out that the nighttime economy grew not only due to these broad economic changes but also due to cultural factors. The greater participation of women in the workforce,

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<sup>1</sup> <http://www.rotterdam.info/cms.php?langid=2&cmspageid=321>



new bars and clubs aimed at women and gay men, the expansion of higher education and the subsequent rise in student numbers, and increasing age at marriage have also helped to generate a flourishing nighttime economy. Moreover, Wittel (2001) adds to this that bars and cafes are no longer sites of shared rhetoric and familiarity but nowadays also function as spaces to network with colleagues and clients, turning nightlife districts into spaces of work as well.

Whilst stimulated for economic reasons nightlife districts are also kept under (increasingly tight) control in an attempt to mitigate real and imagined excesses. The emphasis is usually on the negative, involving cultural signifiers such as drinking, making noise and hanging out in groups (Bromley and Nelson 2002; Jayne et al. 2008; Roberts and Eldridge 2009). And the most common governmental response has been the intensification of surveillance and policing (Helms 2008). This tension between the narrative of the *urban renaissance*, where city centres are imagined as comfortable and safe places to live, visit, play and consume and the narrative of violence and crime constitutes a real challenge for cities (see also Bannister et al. 2006; Eldridge 2010; Harvey 1989; Helms 2008; Judd 2003). What is often overlooked is the fact that nightlife districts are often favoured by its visitors for exactly their adventurous, edgy and exciting character (Hubbard 2005). And that nightlife districts allow forms of sociality and conviviality to emerge that are not normally encountered during daylight what makes these places in the city unique (see also Jayne et al. 2011). As such the urban night is a distinctive space-time (Hubbard 2005) as it offers more intense experiences across the full spectre of emotions – from pleasure, excitement and adventure to fear and distress – as well as opportunities for the transgression of social norms that are taken for granted during the daytime.

The question we raise in this article is how safety and security is guaranteed in nightlife districts and how these measures are legitimized in different cities taking into account the fact that these areas not only need to be safe but also stimulating and exciting. Very little is known about the rationalisations and legitimizations of installing video cameras in nightlife districts, let alone about newer safety measures that have been implemented in nightlife districts recently. The empirical basis of this paper is a discourse analysis of policy documents prepared by city-level and national authorities, nighttime observations and expert interviews with stakeholders involved in the Safe Nightlife Programmes of Rotterdam and Utrecht, two cities in the Netherlands.

### **Safe Nightlife Programmes in the Netherlands**

City centres have always had late-night culture in some form, but it is only since de-industrialisation that concrete policies have been designed to regenerate specific areas as nightlife districts. The main focus of policies aimed at regenerating nightlife districts is safety. In the Netherlands it was a violent incident in Amsterdam's nightlife district that was the start of a long political discussion on *safe* nightlife districts. In the summer of 1996 a man named Joes Kloppenburg was kicked to death after he intervened when a group of drunken men first kicked a homeless person and then began attacking two students. Kloppenburg died in hospital from his injuries and became the symbol for a large social and media movement against what was called 'mindless violence' (*zinloos geweld* in Dutch). When similar incidents happened in the next few years they were all framed in line with this movement. It was in this context that special policies to promote Safe Nightlife districts came about in the Netherlands. Currently violent incidents in nightlife districts are generally referred to as 'violence related to going out' (*uitgaansgeweld* in Dutch). The police are also increasingly registering this type of violence as a separate category what is an important part of the legitimization of Safe Nightlife policies.

In 1998 the first national Safe Nightlife guidelines were published by the Dutch Ministry of Justice (van Erp 1998). These guidelines were foremost a plea for a more structured collaboration between the various partners in nightlife districts (the city council, the nightlife industry and the police). It was also decided

that the different responsibilities and intentions to make nightlife districts safer had to be specified and laid down in Covenants for Safe Nightlife as well as agreements on concrete partnerships.

By 2002, 75 of 163 middle-sized Dutch cities with a nightlife district had signed a Covenant for Safe Nightlife (Algemene Rekenkamer 2002). These agreements were, however, not binding and after the first evaluation in 2003 a Quality Indicator for Safe Nightlife (*Kwaliteitsmeter Veilig Uitgaan*) was introduced by the Dutch Centre for Criminality Prevention and Safety.<sup>2</sup> This indicator was supposed to help form more concrete agreements between different partners in various cities and in evaluating existing programmes. The recently established Ministry of Safety and Justice (2010) has embraced the Quality Indicator for Safe Nightlife in its safety policy. Riots at a beach party in Hoek van Holland (near Rotterdam)<sup>3</sup> have been a major influence on making Safe Nightlife (again) a political priority in the Netherlands.

Safe Nightlife Programmes in general fit with the larger context of Dutch crime policies, which since the mid 1990s have been extended to include Public-Private Partnerships. These ‘partnerships’ are informed by the realization that (local) government cannot monitor and police nightlife districts on its own. And private security governance, as performed by pubs and clubs, is necessary, but insufficient to tackle the problems of (dis)order generated. As a result, responses to crime and disorder in the streets include an increasingly diverse mix of agencies (see also Hadfield et al. 2009). City governments cooperate with the police, but also with the licensed trade, private security, residents and visitors of nightlife districts who are all expected to take their responsibility for safe nightlife districts. Sometimes even the mass media is involved to persuade citizens to assist the police in solving crimes (Lippert and Wilkinson 2010). This ‘responsibilisation strategy’ is meant to result in an ‘enhanced network of more or less informal crime control, complementing and extending the formal controls of the criminal justice state... The primary objective is to spread responsibility for crime control onto agencies, organisations and individuals that operate outside the criminal justice state and to persuade them to act appropriately’ (Garland 2001: 124-5).

Little is known however about the exact nature of local partnerships in Safe Nightlife Policies and how they work out on the ground in different nightlife districts. Safety issues differ from one nightlife district to the other as well as the precise nature, composition and performance of these partnerships, which are very much influenced by local power relationships. This paper examines different types of safety measures in different nightlife districts as well as different partnerships and different local rationales behind the implementation of these measures. The focus on discourses follows from the recognition that concepts such as safe nightlife policies cannot be imposed in a top-down way and are contested in struggles about their meaning, interpretation and implementation. Any discourse, i.e. the ideas, meanings and practices through which surveillance is made understandable is multiple and differentiated (Foucault 2002 [1969]; Hajer 2005). As such the fact that multiple actors debate safe nightlife in shared terms does not mean that they all have the same ideas and understanding about it. It is argued in this article that the assumption of mutual understanding that is at the base of these policies is often misplaced, concealing discursive complexity and local differences.

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<sup>2</sup> This Centre is funded by the Dutch Ministries of Safety and Justice and Internal Affairs to promote public private partnerships to reduce crime.

<sup>3</sup> In the summer of 2009 a Dance beach party in Hoek van Holland (Rotterdam beach) got seriously out of hand. Football hooligans attacked the police and a police officer shot a young man and several other visitors got wounded in this situation of panic (Muller et al. 2009).

## Rotterdam's tough policies: an example for many other Dutch cities

Rotterdam is the second largest city in the Netherlands and currently has a population of around 600,000. It is the city with the highest percentage of youth and immigrants in the Netherlands ([www.cos.rotterdam.nl](http://www.cos.rotterdam.nl)). With the largest harbour of Europe, Rotterdam is traditionally the most industrial of the major Dutch cities (Burgers and van der Waal 2006). The city is currently going through a transformation, with urban architecture projects, the promotion of a vibrant nightlife, and many festivals celebrating the city's multicultural identity, such as the Caribbean-inspired Summer Carnival. Another characteristic of the city is that the local political landscape has shifted drastically in the last decade, with a populist party (*Leefbaar Rotterdam*) changing the city's strong socio-democratic tradition. Pim Fortuyn, who was shot dead in 2002, started his political career in the city of Rotterdam and had a major influence on the city's political landscape. He, together with the former major and current minister of Safety and Justice, nicknamed 'the Dutch Giuliani', promoted a policy of 'zero tolerance'<sup>4</sup> to make the city of Rotterdam safer. Zero tolerance is not unique to Rotterdam, but the city is one of the few in the Netherlands that is openly communicating and embracing this new approach (van Liempt and Veldboer 2009). Since 2003 the city of Rotterdam has introduced so called City Marines (*Stadsmariniers*)<sup>5</sup> who have the power and the financial means to solve concrete problems and/or to manage unsafe areas. City Marines are strongly result-driven (Tops 2007). Rotterdam's tough policies and its slogan 'Rotterdam Presses On' is a point of reference for many other Dutch cities who want to implement restrictive safety policies, during the day as well as at night. Rotterdam's nightlife facilities are spread out and concentrated in different districts. Our research focuses on the area around *Stadhuisplein*, a square with a large concentration of pubs and clubs in the city centre. In the summer of 2000 the mayor, the chief of police, the chief public prosecutor and a representative of *Promotie Stadhuisplein* signed the first Covenant for Safe Nightlife for the *Stadhuisplein* area. The Covenant contains agreements to increase safety on the square. In the same year the first cameras were installed in public space. The Euro 2000 and preceding football riots speeded this decision and convinced critics of its necessity. Currently, Rotterdam is the city with the largest number of publicly installed CCTV cameras (350) in the Netherlands<sup>6</sup> (van Schijndel et al. 2010). Empirical research on CCTV practices shows that it is not only the number of cameras that makes a difference, the technical design of different camera systems, the *modus operandi* in the control room and the institutional embeddedness of camera surveillance are also important markers that distinguishes camera projects from each other (Dubeld 2004; McCahill 2002; Norris and Armstrong 1999). Webster (2004) distinguishes three types of CCTV systems: those that are proactive, where the images are watched live, those that are reactive, where images are recorded and one can play them back, and those that are inactive, where fake or 'dummy' cameras are used. In Rotterdam camera images are watched 24 hours a day, seven days a week. The rationale behind this policy is a discourse of no-nonsense, pragmatism and efficiency.

*'In Rotterdam we do not want to create an illusion of safety. We do not have a policy of empty boxes like in other cities. One very important pillar of our safety policy is that we watch the video images 24/7. If we think a camera is needed we put one and if one is there we use it'.*

(Municipal official Rotterdam)

<sup>4</sup> The policy of Zero Tolerance was first adopted by the New York Police Department in 1994 and exported all over the world. It is centred on the idea that an authoritative use of coercive police powers towards low level public disorder offences such as graffiti, vandalism and public drunkenness can prevent more serious types of crime and disorder (Innes 2002).

<sup>5</sup> The Dutch word 'stadsmarinier' has been invented by a Dutch psychologist, Diekstra, who argued that when policing unsafe areas the City Council should deploy the best people who should be given authority, power and financial support. He made the comparison with the military which also sends its best people to the front.

<sup>6</sup> Although CCTV (Closed Circuit Television) surveillance is not as common in the Netherlands as in the United Kingdom, the number of Dutch cities that have installed cameras in public places is growing rapidly. In 2003 1/5 of the Dutch municipalities had cameras. By 2009 this number was already 1/3 (van Schijndel et al. 2010).

During clubbing nights, in Rotterdam this is Friday and Saturday, there is constant contact between the control room and police officers on the ground. For the Stadhuisplein area the number of incidents observed in the control room is around 4 a day with 14 cameras.<sup>7</sup> The majority of these incidents are traffic-related (driving under influence, dangerous driving etc), violence (threats and fights) and alcohol related (public drunkenness and drinking in public) and most of them (2/3) were followed up by immediate assistance teams (Schijndel et al. 2010). Since the Covenant for Safe Nightlife has been implemented a special police team has been put in place for the nightlife district Stadhuisplein. On Friday and Saturday nights 13 policemen, usually in yellow reflective safety vests, are on duty in this nightlife district, supported by two mounted police. In 2009 this police team for the nightlife district was renamed the *Horeca Preventie Team*, the main difference being that policemen working in the nightlife district are now accompanied by two street wardens and two 'youth stewards'.

*'They [the youth stewards] act as a buffer between bouncers and the police. Young people do not want to be seen with the police who correct or arrest them. The police often make youth even more aggressive. When the youth stewards see frustrated boys walking around with aggressive attitudes, you know guys who may have been rejected at the door earlier on, they approach them and have a word to calm them down. It is amazing to see them actually doing the job. They have a lot of credibility. It is all about respect'.*

(Municipal official Rotterdam)

From the municipality to the police to nightlife venue owners, everybody we interviewed was positive about the youth steward project. Similar conclusions are drawn for self-policing programmes<sup>8</sup> which are believed to have a positive effect on the reduction of violence (Algemene Rekenkamer 2002). Funding for the youth steward project is however currently under discussion because there is no concrete evidence regarding the extent to which this programme reduces crime (interview with City Marine responsible for project funding). The focus on 'hard numbers' and results make it difficult for projects like this to survive.

A relatively new safety measure that is gaining popularity in Dutch cities, following British example, are AntiSocial Behaviour Orders (ASBO's) (Stokkom 2009). Using this legal instrument people can be excluded from public space but also from more particular places such as shops, pubs or clubs. Shop, pub and club owners can issue these bans, often in collaboration with the police. Since 2009 a *collective* pub and club banning system<sup>9</sup> has been implemented in the nightlife district of Rotterdam. Under this new rule people who misbehave can be rejected by all the venues that are part of the collective ban. People's details are entered into a database that can be accessed by the city council, the police as well as the pub and club owners who are part of the system. So far 11 nightlife venues in Rotterdam have started to collaborate. However, a collective ban has only been issued three times in Rotterdam because nightlife venue owners are not very cooperative. It is a clear attempt by the council to 'govern at a distance' by 'responsibilizing' license holders for the control of crime and disorder in (and around) their pub/club. In Rotterdam police officers often need to persuade entrepreneurs to start the procedure.

*'These three bans were only issued because I persuaded the club owners to fill in the form'.*

(Police officer Rotterdam)

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<sup>7</sup> In the city as a whole around 60 incidents are observed every day by 281 cameras.

<sup>8</sup> In the Netherlands there are no known self-policing initiatives specifically aimed at nightlife districts. Charitable organisations such as the UK's Street Pastors who voluntarily patrol in nightlife districts, helping and caring for people (Middleton 2011) are also absent.

<sup>9</sup> This safety measure is directly translated from a daytime security measure, the collective shopping ban that has been implemented in Rotterdam since 2006.

The administrative procedure takes time and the police need to be called, whereas bar and pub owners have the authority to reject people without going through this bureaucracy.

*'They think this measure is useless for people from outside of town and the ones they know, well they refuse them anyway, and they do not see the added value of putting them in a database, they know exactly who they are and how to deal with them'.*

(Police officer Rotterdam)

A related safety measure already implemented in some Dutch nightlife districts is the 'Weekend Away Arrangement'. Under this regulation violators arrested during the weekend can be detained for the whole weekend and their court case scheduled for Monday morning. The rationale for this is that when people are released in a sober state, this increases their understanding of what they have done. Moreover, they are forced to explain to their employer why they could not show up for work on Monday morning. This practice is an arrangement between the police and the local prosecutor. There have been several court cases where the judge has decided that the Weekend Away Arrangement was a violation of human rights. In most of these cases it was clear from the start what had happened during the night and no further investigation was needed (for example LJN: BI0732, Rechtbank Breda, 02/605873-08). In these cases the legal grounds to detain somebody for a fixed period of time were missing. Rotterdam has decided not to implement this Weekend Away Arrangement because of this criticism. Besides, there are special procedures that can be used to detain somebody over the weekend if necessary, making it unnecessary to implement or communicate this new arrangement.

This reluctance to implement the Weekend Away Arrangement in Rotterdam does not mean the city has hesitated to introduce new safety measures or spends below its means on safety. After a violent night in Hoek van Holland in the summer of 2009, fear of escalation of trouble during public events in the city and the level of force has increased considerably.

*'I thought this was post-Hoek van Holland, but we are still in the midst of it. It is killing us. I need to inform everybody about everything we do, even about really minor things. People are completely stressed out. Nothing can go wrong... In the past when I organised an event and I called for a riot squad because I thought we needed it, the public prosecutor often decided it was unnecessary. Now, when I ask for one I get two squads'.*

(Police officer Rotterdam)

Next to an expansion of control the directions are also more explicitly focused on specific types of disorder. This is demonstrated by the fact that since 2010 all events requiring permits are subjected to a 'risk analysis' that categorises them into different risk levels. The classification is based on spatial, audience and activity profiles and determines the exact level and type of safety measure required.

*'Hoek van Holland has taught us that it is not the amount of people per se but rather the type of audience that determines the risk of an event'.*

(Municipal official Rotterdam)

Nature of measures	Rotterdam	Utrecht
<b>Place-based</b>	On-site patrol <ul style="list-style-type: none"> <li>▪ Policing Partnership: <i>Horeca Preventie Team</i></li> <li>▪ CCTV: Live watching - 24/7</li> <li>▪ Mobile cameras on roofs of surveillance vans</li> <li>▪ Presence of Social Safety Lighting, Urilifts</li> <li>▪ City centre appointed as 'safety risk area': stop and search permitted</li> <li>▪ Risk analysis for every permit required event</li> </ul>	On-site patrol <ul style="list-style-type: none"> <li>▪ Policing Partnership: <i>Uitgaan Interventie Team</i></li> <li>▪ CCTV: Live watching during specific times</li> <li>▪ -</li> <li>▪ Presence of Social Safety Lighting, Plastic street urinals</li> <li>▪ -</li> <li>▪ -</li> </ul>
<b>Venue-specific</b>	<ul style="list-style-type: none"> <li>▪ Restricted opening hours/ closing times</li> </ul>	<ul style="list-style-type: none"> <li>▪ No restrictions on closing times</li> <li>▪ Ban on 'happy hours' and 'special promotions'</li> </ul>
<b>Person-based</b>	Anti-social behavior Orders: <ul style="list-style-type: none"> <li>▪ Fast-track detention procedures</li> <li>▪ Collective Pub and Club bans</li> <li>▪ Area bans</li> <li>▪ Local prohibitions in public spaces: public urinating, public drinking and fighting</li> </ul>	Anti-social behavior Orders: <ul style="list-style-type: none"> <li>▪ Weekend Away Arrangement</li> <li>▪ Collective Pub and Club bans</li> <li>▪ -</li> <li>▪ Local prohibitions in public spaces: public urinating, public drinking and fighting</li> </ul>

**Table 1:** Safe Nightlife Measures in Rotterdam and Utrecht since 2000

### Utrecht: not in favor of large scale CCTV projects

Utrecht is a historic city with a population of around 310,000; it is the fourth largest city in the Netherlands. Like Rotterdam it has a young population, with many inhabitants between 20 and 30, mainly due to the presence of a large university. Utrecht has the second highest number of cultural events in the Netherlands after Amsterdam (<http://www.utrecht.nl/smartsite.dws?id=13353>). Its nightlife facilities are clustered in a small area in the city centre. Utrecht's municipal council consists of a coalition between the social democrats (PvdA), the social liberal democrats (D66) and the Green Party (Groen Links), and is more reluctant to implement safety measures than the city of Rotterdam. Local political discussions about CCTV have clearly been dominated by privacy arguments whereas *'in most Dutch cities that ship has sailed and privacy is no longer a topic when CCTV is discussed'* ( Expert on CCTV evaluations in the Netherlands). In 2001, one year before the first Covenant for Safe Nightlife was implemented, the first public camera was installed in the city centre of Utrecht. The difference with Rotterdam was that CCTV images were only actively watched during club nights, which in Utrecht are Thursday, Friday and Saturday. This local camera policy was backed up by the following argument:

*'In Utrecht we do not want to spy on innocent citizens, we only watch camera images if there is a considerable risk that something might happen'.*

(Municipal official Utrecht)

The rate of violence related to clubbing in Utrecht's nightlife districts was relatively low for the city's size (Snippe et al. 2006). Nevertheless, the city council reported in its first report on camera surveillance that crime figures were expected to drop by 10% in the two years following the instalment of CCTV. Expectations for CCTV were high, as in many other cities, but in this case they were even concretely quantified by the city council. When the first evaluation showed that the crime reduction target had not been met (Gemeente Utrecht 2002), this finding was publicised and openly discussed in a very critical manner. However, when in 2008 during student induction week a student was partially paralysed as a result of a serious fight CCTV was immediately presented as a solution to fight these types of crime again. The boy's parents claimed in the media that their son could have been saved had a camera been there. In fact there had been a camera covering the location of the accident, but on a Wednesday evening the images were not watched live. After this incident the mayor increased the surveillance hours for CCTV so that now images are also watched in the evening on non-clubbing nights (Mo-Wed 18.00-2.00, Thu-Sa 14.00-6.00, Su 14.00-2.00).

There are currently 87 cameras in Utrecht, and in 2009 Utrecht's city council decided to freeze this number and discuss more intensively their necessity, effectiveness, and the safeguarding of legal rights. The general impression that after installation cameras were never removed was an important trigger for this ruling. In 2010 there were around eight incidents observed each day by the city's 87 CCTV cameras. The majority of these incidents are violence (conflicts) and disorder related (public urinating and public drunkenness). Around a fifth of these incidents have resulted in arrests, fines or verbal corrections (Unpublished data from Utrecht police). This is not a very high number. According to the police officer responsible for collecting the data this relatively low rate of follow-up in Utrecht (a fifth) can be explained by the high number of observations of 'low priority' incidents in the control room. Regardless of the question of priority police officers working on the ground in the nightlife district in Utrecht are quite positive about collaborations with the control room.

*'These people in the control room, they are trained, they know patterns, they know how it goes. It is usually pulling, pushing, fighting, so when someone gets physical they immediately call us and we can intervene straight away'.*

(Police officer Utrecht)

These immediate actions clearly communicate a message that antisocial behaviour is not tolerated in Utrecht's nightlife district. Like Rotterdam, the city of Utrecht decided in its first Safe Nightlife Covenant (2002-2006) that it would need a special police team to patrol the nightlife district. Unlike in Rotterdam, these teams consist only of 'traditional' policemen, numbering six on Thursday and Friday nights and eight on Saturdays. Coinciding with the aim of making nightlife districts safer it was also explicitly stated that 'a good balance between a lively, safe and liveable area was striven for' (Gemeente Utrecht 2002: 3). No reference is however made to how exactly this balance is found.

Despite Utrecht's reluctance to install public cameras and its rather traditional way of policing on the ground, it is one of the few cities that has implemented the Weekend Away Arrangement and is very proud of its successful implementation of a collective club and pub ban. Currently 61 venues are collaborating to try to keep 'troublemakers' out, and after some discussions with the Dutch Data Protection Authority the city council has now amended an approved Protocol on collective bans to the second Covenant for Safe Nightlife. Since March 2009, 23 collective bans have been issued in Utrecht, the majority of the offenders being young men who become violent while going out. Punishment ranges from several months to five years (Interview with Municipal official Utrecht in December 2010).

## Legitimising Surveillance at Night

Both Rotterdam and Utrecht have implemented a broad variety of safety measures in their nightlife districts. City councils have invested in the physical environment of these districts to make them safer and more attractive to visitors. Following Oscar Newman's concept of 'defensible space' (1972) changes have been made to the built environment in both Rotterdam's and Utrecht's nightlife districts to maximize its natural surveillance potential. According to the defensible space approach, alterations to the physical environment will not only increase detection and deter potential criminals but also improve people's sense of safety. There is very little existing research on the effects of low-tech measures such as lighting on curtailing crime, but it has been shown that good lighting programmes may be very effective in creating feelings of safety in public space (Custers and Dubbeld 2008). Farrington and Welsh (2002) were the first to systematically review the effects of improved street lighting on crime. They found a 20% reduction in crime (property as well as violent crimes, in both day/night studies), and in British cities one as high as 30%. Only 3 out of the 13 studies reported some evidence that lighting improvements caused crimes to be displaced to surrounding areas. Yet street lighting improvement measures do not make up part of the UK government's crime prevention policy. In both Rotterdam and Utrecht so called 'social safe lighting' is part of Safe nightlife Programs.

Another very visible physical measure taken in nightlife districts has been public urinals. Local residents of nightlife districts and club and bar owners often complain about public urination by clubbers and drinkers. In Utrecht six plastic urinals have been placed in hot spots in the nightlife district to prevent public urination. In summertime and during weekends extra urinals are added. Rotterdam has found a more aesthetic solution to tackle the problem of public urination, installing its first *urilift* in 2001. *Urilifts* are urinals that can disappear underground during the day and can be 'lifted' at night when public toilets are less accessible and the needs often higher. The city currently has the highest number of *urilifts* operating in the Netherlands (15). Street wardens and cleaners, but in some cases also bar owners, operate these lifts. In policy reports and interviews conducted with experts in Rotterdam and Utrecht, lighting and public urinals did not appear to be topics that are discussed intensively. This limited discussion around physical measures is in sharp contrast with the discussions around CCTV.

Even though there is very little substantive evidence to suggest that CCTV works to reduce crime there is a real rush to install cameras in public space in the Netherlands (though discussions differ from city to city, as shown above). Welsh and Farrington (2003) conducted a meta evaluation of 22 British and US analyses and found half the studies included showed a positive effect, while the other half showed no or negative effects. The tremendous popularity of CCTV is legitimised by consistently overplaying the general effectiveness of cameras (Welsh and Farrington 2003, Norris et al. 2004). The literature on CCTV raises many questions about the assumed link between CCTV use and crime reduction, since research shows that it works in certain circumstances. It is, for example, proven effective in closed locations such as car parks and when it involves more rational forms of crime (such as burglaries). This type of location is easy to surveil, and criminals who are actively trying to avoid detection are often aware of cameras. For the same reasons CCTV has proven not to be very effective in curtailing street crime and violence that occurs impulsively, such as when alcohol and/or drugs are involved (Welsh and Farrington 2009). This is a remarkable finding since most city councils have introduced CCTV at first in their nightlife districts with the purpose of deterring alcohol related violence and disorder.

How do cities legitimise the installment of CCTV in nightlife districts despite the fact that research shows that it only has limited effects on impulse-driven violence and crime? Local incidents and the media play an important role in CCTV's popularity. When a student was beaten up during the student induction period in Utrecht, the live monitoring of CCTV images was immediately increased, regardless of local political actors' critical attitude toward the cameras. Second, cameras are very popular with the public but when first installed in Utrecht in 2001, the city council was reluctant and communicated its criticism.



Arguments in favour of proceeding with implementation despite local criticism and the disappointing crime reduction figures were drawn from a local survey that showed that Utrecht's residents were largely in favor of CCTV. The strong symbolism of CCTV in solving crime often results in 'quick fix' thinking. There seems to be a general opinion that cameras work to prevent crime regardless of the nuanced conclusions of research in this field. The discourse around CCTV is, however, not static and recently the disappointing preventive effects of CCTV in nightlife districts are incorporated in the discourse more often. Arguments in favor of helping find perpetrators and policing certain 'risky' areas are now more often put forward. Experts in the field also pointed out that CCTV images in nightlife districts are increasingly often used to deter anti social behavior (much less serious offences than originally aimed for), such as public urination and littering.

Both Rotterdam and Utrecht have adopted a *zero tolerance policy* toward 'disorder' in nightlife districts. The increase in fines for not behaving 'appropriately' in public space (such as public urination or drunkenness) is illustrative of this approach. Both Rotterdam and Utrecht have amended a ban on fighting in their local bylaws since 2009. This was implemented to avoid discussions on the spot between police officers and visitors to nightlife districts whether a given fight was real or not and/or who started it. Moreover getting physical in public space is a sign for operators in the control room to warn police officers on the ground that something is about to happen. Direct communication lines between police officers on the ground and operators in control rooms help to increase the number of fines for disorderly behaviour.

These types of safety measures in nightlife districts are legitimised by arguing that sending out a strong message that certain behaviour will not be accepted is needed to keep these districts liveable and comfortable. But these attempts to regulate the night time economy through restricting access and excluding the 'undesirable' seriously challenges key criminal justice values and principles. This 'new-style crime prevention' (Belina and Helms 2003) posits a quasi-natural distinction between law abiders and criminals and refers to the enforcement of codes, standards and moral ideals held by society (Johnston and Shearing 2003). It raises questions about the definition of 'disorder' and 'anti-social behaviour' and the power dynamics behind it. Boutellier (2005) talks about a 'semantic dragnet' for all sorts of issues that are considered morally wrong but are not necessarily connected with crime. This dragnet primarily represents a desire for order.

It is striking that in the city of Utrecht, where privacy was such a hot topic when CCTV was discussed, the collective pub and club ban is legitimized by exactly its ability to remove anonymity.

*'The good thing about this regulation is that it allows us to break down the anonymity of potential troublemakers'.*

(Club owner Utrecht)

Despite the critical attitude toward CCTV with regard to privacy the collective club and pub ban is implemented without much opposition in Utrecht. Interviews show that there is a view that by excluding the 'wrong type of visitor', problems in nightlife districts will be resolved.

*'It is very simple, these troublemakers, nobody really wants them in the area'.*

(Municipal official Utrecht)

These specific safety measures, however, raise important questions about the role of the nightlife industry in defining 'potential troublemakers'. Club and pub owners' interests in excluding people may differ from those of the police and/or the city council in focusing on a specific type of consumer. One club owner in Utrecht was very clear about the type of customer he preferred:

*'I like students to come to my bar, they know how to handle alcohol, they know their limits, they are quite mature and they know how to make a good party'.*

He did not mention how much they spent, but this probably also plays a role in his preference. Thus nightlife has the potential to become like the daytime economy, 'a bland consumerist playground of chain stores and fast food outlets in which new forms of exclusion take place' (Lovatt and O'Connor 1995: 133). There is a danger that nightlife districts may become homogenised spaces geared towards people who can spend - excluding the poor. This 'justice of exclusion' is increasingly viewed as a necessary condition for securing the safety and pleasure of consumers and 'decent' citizens (Helms 2008). It poses serious questions about what sort of behaviour is defined as 'undesirable', by whom and what type of visitor is envisioned when cities' night-life districts are, as part of urban regeneration processes, designed, managed and policed to foster the comfort and sense of well-being of their visitors.

## Conclusion

Based on empirical evidence in two nightlife districts in the Netherlands this paper shows that policing the nighttime economy is a delicate balance between maintaining order and giving enough space to the very conditions that attract so many customers to nightlife areas. We have shown that there is a paradox when late night consumption is expanded, often as part of urban regeneration policies, and when the effects of this expansion are simultaneously criminalised. An analysis of the local safety measures in the nightlife districts of Rotterdam and Utrecht shows that there has been a steady increase in safety measures since the end of the nineties. It also shows that attention has clearly shifted from traditional crime prevention to tackling disorder and anti-social behaviour. Public urination, fighting and public drunkenness, rather than crime reduction, have become the centre of attention of Safe Nightlife Policies. Some of the recent measures introduced in Dutch nightlife districts under Safe Nightlife Programmes to discipline and control visitors who do not behave, such as 'Weekend Away Arrangements' and area, pub and club bans, were initially introduced as exceptional measures but have quickly become routinised and adopted in many other nightlife districts in Dutch cities. By reclaiming 'civility' and remoralizing nightlife districts for a particular 'responsible' citizen these new forms of governance reveal different ways of controlling public space than traditional ways of policing.

The inter-agency partnerships behind Safe Nightlife Programs that many cities in the Netherlands have instituted also reflect a broader change in crime control, from the sole duty of the police officer to a shared responsibility. These 'partnerships' underlying Safe Nightlife Policies have created a common sense morality of public space that constructs 'responsible' and 'irresponsible' uses of city spaces. These constructions complement and reinforce the broader vision for order in the entrepreneurial city and bring under punitive control target groups and individuals who are deemed 'incompatible' with the neoliberal urban vision. This narrative of a 'common interest' is, however, celebrated without much realism about its limits or local variations. In this article we show that the nature of 'partnerships' is different in each nightlife district, that there are different local policy drivers and we show the strong influence of implementation conditions that are different in each city. In Utrecht Safe Nightlife policies are most of all a marketing tool for promoting the city centre as a safe and exciting nightlife district. Pub and club owners collaborate closely with the city council and the police to promote this positive view of the city's nightlife district. In Rotterdam, Safe Nightlife policies are much more embedded in the wider safety policies of the city, accompanied by forceful rhetoric. The local struggle in Rotterdam around the 'weekend away' arrangement and the collective pub and club ban illustrates that there are also inconsistencies and concerns over implementation and interpretation of the legal framework around Safe Nightlife policies.

Even though various Safe Nightlife measures have been legitimised by arguing that visitors' feelings of safety will increase, very little research has actually been conducted on this. Much is unclear to what extent surveillance and policing in nightlife districts contribute to the production of safe and enjoyable

nightlife spaces. It is striking that in the formulation of Safe Nightlife policies visitors to nightlife districts hardly have been consulted. This raises questions about how 'inclusive' and 'responsive' these policies really are, and who represents the consumer's side. Nightlife districts are not experienced in the same way by everyone. Police patrols, private security and club bouncers for example can increase safety in nightlife areas, but at the same time can cause unease amongst clubbers. A quick scan of Rotterdam clubbers (COS 2010) showed that stop and search programmes and fines for smoking marijuana and drinking alcohol in public space lead to the highest level of annoyance. Earlier research on feelings of safety in the nightlife districts of two Dutch cities (Arnhem and Apeldoorn) show that the presence of police and public security leads to ambiguous feelings (van Aalst and Schwanen 2009). For some, more surveillance can lead to feelings of certainty, security and trust because immediate action can be taken. For others, it has a negative effect on the atmosphere and increases feelings of mistrust and insecurity. Moreover, aiming for complete safety in nightlife districts may result in the exclusion of certain types of users, may marginalise spaces that are deemed risky and may result in sterile, predictable public spaces where everyone is watched by security guards and nothing unpredictable happens. In the urban literature these spaces where urbanity is to a great extent ignored are called *urbanoid environments* (Goldberger 1996; Hannigan 1998). Going out in a city must not only be safe but must also remain exciting and fun (Hubbard 2005).

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