Title: Geographies of Exclusion: Street drinking, gentrification and contests over public space

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Abstract

Laws prohibiting the consumption of alcohol on the street have proliferated in Australia over the past 15 years. It is no coincidence that these laws have been implemented at the same time that significant advancements in urban renewal and gentrification have occurred in metropolitan cities. Drawing on observational research as well as interviews and/or focus groups with street drinkers, residents and service providers (police, council workers, health workers and traders), we describe how environmental, economic and social changes that have occurred through gentrification are central to ongoing debates around the use of public space in urban areas. The geographical exclusion of street drinkers that has occurred as a result of these laws warrants the consideration of a more socially responsible strategy than the current legislative approach.

Introduction

The urban environment is a mosaic of cultural, political and territorial spaces inhabited by diverse and mobile populations (Duff, 2009). As a consequence, social and political struggles over space regularly take place across contemporary cities (Hodgetts et al., 2008; Mitchell, 2003). This paper explores one of these urban struggles – that of street drinking, and the recent development of policies in Australia that have resulted in the geographical exclusion of street drinkers from urban streets. We argue that developments in urban renewal and gentrification have played an important role in the implementation and enforcement of street drinking laws in Australia.

Gentrification and the privatisation of inner-city land have been occurring at a rapid rate in western cities since the 1980s, across small and large cities from Europe to Australia, in different ways across neighbourhoods according to varying social, cultural, economic and political influences (Smith, 2002). In Australia, considerable gentrification has taken place since the 1990s, particularly in the inner-city suburbs of large metropolitan cities (Baum, Haynes, Van Gellicum, & Han, 2005).

Gentrification and its impact on social welfare and public health has provoked a significant amount of social analysis and commentary. For example, it has been argued that gentrification has seen an extreme bifurcation of wealth and poverty and a dramatic realignment of class relations (Amin, 2007; Smith, 2002; Swyngedouw, Moulaert, & Rodriguez, 2002). This is true of Australia, where despite significant economic growth, social polarisation has worsened (Baum, et al., 2005; Forster, 2006). The result of gentrification in the inner-city suburbs of major cities such as Melbourne, is that low-income residents are increasingly marginalised in high rise public housing estates, boarding houses or other

government-assisted accommodation, with their wealthy neighbours living in close proximity.

In this paper we draw on the work of human geographers (i.e., Amin, 2006, 2007; Blomley, 2004; Harvey, 1973; Jayne, Valentine, & Holloway, 2008; Mitchell, 2003; Sibley, 1981, 1995; Smith, 2002; Swyngedouw, et al., 2002) in discussing the way in which developments in urban renewal and gentrification have created ‘geographies of exclusion’ (Sibley, 1995) across urban areas in Melbourne, Australia. Geographies of exclusion occur as a consequence of social and spatial practices that contribute to the oppression of marginalised or non-mainstream populations (Sibley, 1995). For Sibley, practices of exclusion provide clues about the operation of power relations across society, and particular spaces have symbolic importance in terms of the reproduction of these power relations. Through a range of inclusionary and exclusionary practices that operate within these spaces, particular boundaries emerge that enable the development of ideologies of ‘good’ and ‘bad’ or ‘right’ and ‘wrong’ behaviour (Sibley, 1995).

While the relationship between globalisation, social dislocation and substance use is common across accounts of many populations and many urban environments (Duff, 2009), the oppositional politics that have arisen as a consequence of gentrification have been ignored in debates about street drinking in Australia. We explore the way in which gentrification has created increasing social and spatial segregation in Melbourne, and in doing so created tension around people’s use of alcohol in certain spaces, and led to the subsequent implementation of street drinking laws.

Street drinking laws

Laws prohibiting the consumption of alcohol on the street have proliferated in many western countries over the past 20 years (Dixon, Levine, & McAuley, 2006; Pennay & Room, 2012;

Webb, Marriott-Lloyd, & Grenfell, 2004). In the Australian city of Melbourne, street drinking laws have now been established in all 31 local government areas (LGAs) of the city (the first in 1999 and the last in 2010). These laws, which vary in their specification from one municipality to the next, generally designate an area (or multiple areas) where it is illegal to consume alcohol or carry an open container of alcohol, and give police the power to issue drinkers with a fine. Previously, street drinking laws have been described as a ‘wicked problem’ (Pennay, 2012) due to their intractable nature, and the challenging social and political issues that are inherent in their formulation and proposed responses. Previous evaluations of street drinking laws have shown that they are strongly supported by many residents, traders and police, but negatively impact socioeconomically marginalised street drinkers who consume alcohol in public for complex social, cultural and economic reasons (Pennay & Room, 2012).

The impact of gentrification on street drinking has been the subject of limited social and political discussion in Australia and elsewhere. However, there has been some attention to the way in which the issue of social class and street drinking has influenced urban design in the United Kingdom (UK). For example, Jayne et al. (2008, p. 83) argued that alcohol policy agendas were being constructed through models of citizenship and particular ‘classed and gendered visions of “ways of behaving”’ that contrasted binge drinking and disorder with ‘middle-class, cosmopolitan and civilised European drinking practices’. The way that these constructions were operationalised, they argued, was through the regulation of public spaces including alcohol exclusion zones, quartering and segmentation, and targeted or discretionary policing. Jayne et al. (2008, p. 98) suggested that discourses relating to alcohol can be ‘considered as an important constitutive element of broader revanchist agendas of urban social and spatial segregation’.

Johnsen and Fitzpatrick (2010) have also written of the ‘revanchist’ strategies of cities with the intention of removing the ‘undesirables’ from the streets so the space can be redeveloped to maximise capital investment and the undesirables can be replaced by people who possess economic capital. However, Johnsen and Fitzpatrick concluded that while on face value it appeared as though revanchist sanitisation strategies were employed to safeguard the attractiveness of the city for capital investment, laws such as those prohibiting street drinking are actually an attempt to ‘combat public disorder’ arising from ‘associated chaotic behaviour’ and are targeted towards those who ‘harm the public’ (p. 1717). This is done for the benefit of the public, and also themselves (some have ‘benefited personally from enforcement’ [p. 1717]), and is done so with compassion by well intentioned street level bureaucrats and police.

It is worth pointing out that ‘public drunkenness’ was decriminalised widely in most western countries in the 1960s and 1970s in response to concerns about the inherently discriminatory nature of the law (particularly targeted at socioeconomically disadvantaged drinkers), and its violation of basic civil liberties (Pennay & Room, 2012; Room, 1976). However, this decriminalisation has not been uniformly applied. For example, in two states of Australia, including Victoria where the current research was undertaken, a law prohibiting public drunkenness remains in place (Swensen, 2011). Some scholars have suggested that the decriminalisation of public drunkenness minimised the powers that local and state governments possessed to maintain order on the street (Room, 1976), and for this reason, it has been suggested that street drinking laws have become a replacement strategy for local governments and police to manage the public presence of street drinkers (Dwyer, Horyniak, Aitken, Higgs, & Dietze, 2007).

In this paper, we draw on qualitative data gathered from observational research and interviews and/or focus groups with street drinkers, residents and service providers (police,

council workers, health workers and traders) in three LGAs in Melbourne to explore these issues within an Australian context. We focus on day-time street drinkers who sit outside the mainstream as opposed to other groups of public drinkers such as young people who drink on the street in the context of the night-time economy (see also Manton, Pennay, & Savic, 2013). We extend previous work on street drinking by specifically exploring how gentrification has influenced contests over public space in relation to public drinking in urban areas.

Methods

Study context

Data for this study were collected in three LGAs of Melbourne: the City of Yarra, the City of Darebin and the City of Maribyrnong. The locations were selected due to the sustained social and political attention to street drinking in these environments. Each of the three municipalities had implemented a street drinking law in the past and a number of evaluations of the impacts of these laws have been undertaken in these areas (i.e., Capire Consulting Group, 2011; Darebin City Council, 2010, 2011; Dwyer, et al., 2007; Henley, 2004; Papanastasiou, Higgs, & Dietze, 2012; Pennay & Berends, 2010). The data drawn upon in this paper were collected for a further evaluation of the impacts and effectiveness of street drinking laws in these three areas (Pennay et al., 2013).

The City of Yarra is located in the inner-east of Melbourne and is one of the busiest and most vibrant areas of the city. Yarra has many restaurants, cafes and bars, as well as parks, sporting and concert venues, which attract people from other areas of the city. Today Yarra is an affluent community, but this has not always been the case; historically it was one of Melbourne's working class areas. Currently Yarra has the fifth highest average salary of all

LGAs in the state of Victoria; however, remnants of its working class origins remain, with 13% of Yarra's dwellings comprising government assisted public housing, meaning that the area has more high and low income households than other areas of the city (ABS, 2010). The City of Yarra was established on the traditional lands of the Wurundjeri, an Australian Aboriginal tribe. As a consequence, many Aboriginal people live in, and visit the Yarra area. In particular, street drinking has incurred the most political attention in Yarra in relation to a group of Aboriginal street drinkers. A public drinking law was implemented in Yarra in 2010 and the law applies across the whole municipality but parks and reserves are exempt during daylight hours (see Figure 1).

Insert Figure 1 about here

The City of Darebin is located in the inner-north of Melbourne. Darebin is a much larger LGA than Yarra and, despite having many more residents, is less densely populated. Darebin has many parks and reserves and is a mostly residential area. Despite significant gentrification in Darebin, it is the fifth most socioeconomically disadvantaged LGA in Victoria. Darebin is socioeconomically polarised, comprised of suburbs with very high house prices (located closer to the inner city) and suburbs with very low house values (located further north, away from the city). Approximately 35% of Darebin residents are migrants and 40% speak a language other than English at home (ABS, 2011a). A law prohibiting street drinking was introduced in Darebin in 2009 in two selected hotspots – both around shopping precinct areas – in response to specific groups of ethnically-diverse street drinkers congregating in these areas (see Figure 2). This means that it is legal to drink in public in Darebin outside of these two 'alcohol free zones'.

Insert Figure 2 about here

The City of Maribyrnong is located to the west of Melbourne and is the smallest and most densely populated LGA in Melbourne. The City of Maribyrnong is the third most socioeconomically disadvantaged municipality in Victoria and, despite some gentrification, has not experienced the same increase in house prices as Yarra and Darebin, and has not encountered the same level of urban renewal; however, there are currently large scale commercial and residential developments taking place in the area. Maribyrnong also has a significant migrant population, with refugee populations from Southeast Asia, the Middle-East, Central and South Africa and Eastern and Southern Europe (ABS, 2011b). The law prohibiting street drinking was introduced in Maribyrnong in 2003 in one selected geographical hotspot – the main shopping precinct of the suburb of Footscray (see Figure 3). Despite the law being in place for over 10 years, street drinking in the Footscray shopping precinct remains an issue of public concern (Papanastasiou, et al., 2012; Pennay, et al., 2013).

Insert Figure 3 about here

Data collection

The data we present in this paper were drawn from approximately 80 hours of observational research across the three LGAs, qualitative interviews with 23 street drinkers and 54 service providers and three focus groups with 24 residents, collected between October 2011 and August 2012. Observational data were collected on different days of the week, including weekends, different times of the day including day and night, and across seasons. The observational work was undertaken by all three authors, typically in pairs, but sometimes individually during the day and in threes at night, and most sessions of observational data collection occurred over two or three hours. The authors paid particular attention to the presence or evidence of street drinking, and the presence and actions of drinkers, police and the community. Observational research was non-participatory and fieldnotes were scribed

immediately following data collection (Chiseri-Strater & Sunstein, 1997). The major usefulness of the observational work was in confirming key informant perspectives, thereby adding rigour to the findings.

Interviews with service providers (n=54) took place in private and confidential settings either at the offices of the authors or the interviewees. Potential participants were contacted after initial scoping of the three urban environments. For example, traders (n=13) in close proximity to groups of drinkers were approached and invited to participate, as were police (n=16) from stations in closest proximity to groups of drinkers, and health workers who had contact with drinkers (n=16). Local government officials from these municipalities were also invited to participate (n=9).

It was through interviews with health workers that access to street drinkers (n=23) was facilitated. In Yarra, the authors were invited to attend a community barbeque where drinkers were approached; in Darebin, a local health worker passed on the researcher's contact details to potential participants; and in Maribyrnong, access to one drinker occurred through a research contact, and snowballing occurred from the first drinker. Interviews took place in the local environment (i.e., on a park bench, a cafe or at the local barbeque). Drinkers were aged between 20 and 70 years, were predominantly men (n=20) and had a broad range of ethnic backgrounds including Anglo, European, Asian, Indian, Middle Eastern and Aboriginal Australian.

Residents who participated in focus groups (n=24) were recruited through a household survey that aimed to measure community attitudes to street drinking (Pennay, et al., 2013).

Participants who were interested in participating in focus groups provided their contact details and a selection of people (randomised based on age, gender and suburb of residence) from each LGA were invited to participate. Three focus groups took place at the authors'

organisation after business hours and were facilitated by the lead author (AP). Residents were aged between 18 and 75 and were divided equally by gender.

The interviews and focus groups were semi-structured and an interview schedule was used to guide the discussion. The interview schedules were informed by the primary aims of the evaluation, which were to investigate the implementation, effectiveness and impacts of the street drinking laws in the three jurisdictions. With the exception of five occasions, interviews and focus groups were audio-recorded and transcribed verbatim. Thorough notes were taken in instances where participants declined audio-recording. All interview and focus group participants signed a participant information and consent form prior to involvement and drinkers and residents were reimbursed for out-of-pocket expenses with AUD\$30 supermarket vouchers. The research was approved by Eastern Health Research and Ethics Committee (project reference number E14-1112).

Analysis

Qualitative data ascertained through observations, interviews and focus groups were stored and analysed using Nvivo9 (QSR International). Given the policy focus of the evaluation, framework analysis (Ritchie & Spencer, 1994) was employed. Framework analysis is a matrix-based method involving the construction of thematic categories into which data can be coded. Framework analysis allows themes or concepts to be specified prior to analysis (deductive reasoning), and to be combined with other themes or concepts that emerge during analysis (inductive reasoning). The benefit of this approach was that it allowed us to fulfil the requirements of the evaluation while also allowing the flexibility to detect and characterise issues that emerged from the data (Dixon-Woods, 2011). All three authors coded the data, cross-checking with one another to ensure consistency. Early into the analysis it became apparent that gentrification and contests over public space was emerging as a key theme

despite not being one of the concepts specified prior to analysis. The theme was identified by all three authors and was evident in each locality. Our interpretation of the data relating to this theme was informed by readings in human geography, as well as policy and alcohol and other drug (AOD) research.

Results

During analysis, three major research themes emerged in relation to gentrification across all sources of data. The first was that only particular geographical locations arose as hotspots for contests over public space, and the location of these spaces was strongly influenced by developments in urban renewal and gentrification. The second key finding was that key actors drew on stigmatising language to construct some types of public drinking and drinkers as ‘good’ and some as ‘bad’ and these stereotypes were used to form boundaries of inclusion and exclusion. The final theme to arise from our analysis was that the implementation and enforcement of policies around public drinking influenced the production of space and use of key hotspots and led to the exclusion and displacement of drinkers, but also the practice of strategies of resistance. These three themes are explored in detail below. We conclude by proposing some alternative strategies to the current legislative approach.

Contests over public space

Geographical hotspots for contestation

In each of the three LGAs, the primary concerns about street drinking occurred around busy shopping precincts during daylight hours. These areas were popular for drinkers (and non-drinkers) due to their centrality to public transport, the services available (including retail and other services such as health and welfare organisations), the lively atmosphere that

accompanied the general hustle and bustle of these spaces, and specific cultural and historical reasons.

In Yarra, observations confirmed that a group of Aboriginal drinkers often congregated and consumed alcohol on one of the busiest shopping strips in the municipality. They chose this location because it was a traditional meeting place for them:

First and foremost, it's not a place to go and get drunk and that, it's a meeting spot or a meeting place for the inner city mobs and even the folks from the outer suburbs come in for the day and hang out (Drinker).

In Darebin, the street drinking law was implemented in two zones, a busy market district and a shopping strip in a neighbouring suburb. Drinkers favoured these areas because they were dynamic and central, but also because they could access a range of services there:

That was historically their meeting point in regards to socialisation, but also probably accessing an outreach service (Health Worker).

In Maribyrnong, the Footscray central business district (CBD) was the only location in the municipality that the public drinking law applied, yet remained the location where public drinking occurred because it was perceived as vibrant and lively:

Because it's all happening there. Footscray is vibrant ... the CBD, it's like a television show in front of you. There's always something happening, it's like entertainment for you and they mix with their people (Police Officer).

However, in each of these locations, other groups of stakeholders also wanted to use these spaces for shopping, business and recreational activities and the conflict that led to the implementation of the street drinking law arose as a consequence of these competing demands over the space.

Gentrification

Sibley (1995) has suggested that urban spaces that generate conflict around use are symbolically important, and a range of inclusionary and exclusionary practices operate within these spaces that subtly or overtly reproduce social hierarchies. That is, the marginal are excluded from these spaces and the dominant are included. In each of the LGAs concerns about the public consumption of alcohol had grown over time, in some part as a result of gentrification and growing socioeconomic disparity in the three areas. Yarra, for example, was a traditionally working class area:

The Fitzroy area, Collingwood area [neighbourhoods in Yarra] ... back in the '70s and '80s was deemed the cheapest little slum area to live and people were forced to live here, particularly our [Aboriginal] people (Outreach Worker).

However, over time, the transformation of Yarra from a working class to a trendy and 'bohemian' municipality (Council Officer) meant that the area had become a major drawcard for would-be retailers and visitors:

Gertrude Street's [a trendy shopping strip in Yarra] cleaned up a hell of a lot but that's nothing to do with any law, that's to do with a different demographic and the fact that there are different shops and there's boutiques and there's cafes instead of rough worker pubs and shops that weren't even open (Resident).

In Darebin too, it was the changing nature of the area and an influx of new residents that contributed to concerns about the street drinkers. In Maribyrnong, it could be argued that gentrification was less well advanced. Due to its inner-city location and being on a well serviced public train line, Footscray was recognised as a 'central activities district by the State Government' and a 'transport hub', which meant that it was earmarked for significant

investment (Council Officer). But progress was identified as being stymied by the presence of public drinkers:

[It] was also about increasing residential development and office space and there was a view ... that the level of perception of safety caused by the drinkers was a significant impediment to development in Footscray. They were the major reason why developers weren't coming in knocking at our door (Council Officer).

The influx of wealthier residents and the desire for an upgrading of the landscape had created new demands on the use of public space, and drinkers were seen to disrupt the pace at which the area was evolving and businesses were transforming by bringing down the amenity of the area. The three main concerns that were raised as the grounds for the need for a street drinking law from all stakeholders were the negative influence of drinkers on trade, as well as concerns about safety and amenity.

Trade, aesthetics and safety

One of the notable practices of exclusion practiced in contemporary cities is that minorities are moved out of the public gaze especially to free up the space for consumers. Particular policies of exclusion, in this case street drinking, are driven by pro-business choices with little regard for the needs of the local population, particularly those with limited market power (Amin, 2007; Sibley, 1995; Swyngedouw, et al., 2002). Street drinking was constructed by traders as a barrier to securing capital:

When it [drinking] does get unruly there's a problem and I don't think it does anything for the street at all, I think the shopkeepers that are around that area will tell you that they lose business as a result of that (Trader).

Sibley (1995) has also argued that particular stereotypes are used by powerful and mainstream groups to justify processes of exclusion and this is done through constructing 'the other' as threatening, either to safety, order or normative values. The two ways in which this was evident was through constructing drinkers as disrupting order (aesthetics) or threatening safety. In terms of aesthetics, this was related not only to the visibility of the drinkers, but also the empty containers, as we observed during the course of our research and were told by key informants:

You don't get the smashed bottles, you don't get fights with glass everywhere, you don't get the abuse from the people in the street. It's a nicer society because everyone knows it's a dry area (Police Officer).

In some areas, the visibility of drinkers was magnified by issues relating to race and ethnicity. In Footscray there was a diverse community of Africans and a small sector of Sudanese youths who were also street drinkers, and who were feared by some residents, according to a Council Officer:

I think there's also the broader community who see a group of African young guys together and get really scared because they've got dark skin or they speak in a different language (Council Officer).

Gender and age were also referred to in relation to safety concerns, with young white Anglo males, who were often both drinkers and drug takers, also identified as intimidating:

In the [Footscray] CBD people walk and drink, you know those young white males, they walk from spot to spot drinking and they're loud and gruff and stuff (Council Officer).

Most protesting about street drinking was couched in terms of its risk to safety:

They weren't causing any trouble or they weren't boisterous or out of control.

It's just people that shopped there or walked passed there, getting intimidated by the fact that there's a group of men drinking (Police Officer).

But it was generally recognised that this was more of a perception than any real threat to personal wellbeing:

The crime rate is going down but so [is] the community's perception of feeling safe (Outreach Worker).

Data collected from each of the municipalities clearly show that different stakeholders variably perceived how the space could, and should, be used. The drinkers generally perceived public areas to be accessible to everyone, and the objectors saw the drinkers as objects that needed to be removed. This conflict created the need for a regulatory strategy to move the drinkers out of the public gaze (see also Demant & Landolt, 2013).

Constructions of drinkers

It was evident from interviews with residents and key informants that the acceptability of certain forms of alcohol consumption was class-specific (see also Pennay, 2012). For example, socioeconomically disadvantaged street drinkers were described as 'lower income sort of people', 'unemployed obviously', 'fairly itinerant no hoppers, down and outers, just alcoholics', 'addicts' or 'drunks' (Police Officers).

On the other hand, consistent with Jayne et al. (2008), middle class street drinkers were described using very different language:

It's terrible seeing people being wasted on the streets and drunk and drugged and all the rest of it, but then at the same time you know on New Year's Eve ... it's nice to have a glass of champagne ... with your neighbours (Resident).

Sibley (2001) has argued that western cities are characterised by binary divisions such as inside-outside, private-public and good-bad. This distinction was neatly captured by one Council Officer who distinguished between 'good' and 'bad' drinking:

Of course we have public drinking but there's good public drinking and bad public drinking (Council Officer).

Drinking on the footpaths of licensed venues was considered to be acceptable drinking:

There's always people, particularly late at night, congregating out there. But they're outside a drinking establishment ... hopefully there's a few nibbles and there's a social thing for being there and they are licensed to do that. I consider that a bit different to just congregating and drinking (Trader).

While there was no doubt that the 'good drinkers' were the middle class people who wished to enjoy their wine in parks or outside cafes, 'bad drinking' was drinking that threatened normative values:

It's about setting some parameters, I mean ... if you want to take your kids to the park ... you don't want to be confronted by ... people who've been drinking since 9am (Resident).

Interestingly, even among drinkers, there was a recognised spectrum of good and bad. For example, in Footscray the European public drinkers were universally perceived by council officers, outreach workers, police and traders not to be causing any trouble, even though they were still subjected to enforcement of the law:

You've got the old Europeans that have got nothing else to do and don't want to be sitting home with mum in their ear all day, so they get out and they have a ... beer or wine or something and they just sit there amongst themselves and cause no trouble (Police Officer).

While residents positioned themselves and constructed their behaviour differently to drinkers, some drinkers also engaged in this practice with one another. For example, in Maribyrnong, groups of public drinkers had historically congregated in a park that was outside the prohibited zone. However, when a group of young Sudanese drinkers began drinking in the park, the previous occupiers of the space moved into the busy shopping precinct area that was in the prohibited zone because of concerns they had for their own safety:

A lot of binge drinking and a lot of fights erupt like Sudanese go down there and ... not saying this in a racist way but it's more like they will not like us. And that's a bit hard sometimes because they're living in our community, which I'm fine with, but I should be able to go anywhere though (Drinker).

During the course of the research this park closed because of one of the new residential developments. This resulted in the Sudanese moving into a small square within the prohibited street drinking area, again putting pressure on other drinkers to move:

Our friends were there first but they've taken over and now they're coming up here and they're trying to kick us out of here ... they're only kids, it's just hard because there's a pack of them, you can't do anything (Drinker).

This added another dimension to the contests over public space that occurred in these areas, and may reflect a deliberate attempt by the excluded (the Sudanese drinkers) to exert power over those groups that they perceived to be even more marginal. Sibley (1995) notes that the

oppressed sometimes devise their own strategies to challenge the domination of space, although these are often locally prescribed and fleeting.

Regulatory strategies and enforcement

The strategies employed by police, council officers and health workers influence the 'production of space' in urban areas (Demant & Landolt, 2013). Johnsen and Fitzpatrick (2010) suggest that these strategies include *legislation* – criminalising the behaviour of the undesirables; *physical* – 'designing out' the landscape so it is less habitable for the undesirables; *surveillance* – such as policing and CCTV; and/or *discursive* – emphasising the views of desirable residents and traders over the needs of the undesirables. We have so far outlined the legislative strategy (the street drinking laws) and the discursive strategies (views presented that construct drinking as more acceptable when it is practiced by middle class residents), and here we present evidence that physical strategies and surveillance techniques were also employed in the three municipalities. For example, in both Darebin and Maribyrnong, one urban design strategy that had been implemented was to remove public seating to discourage drinkers from congregating in that area:

Sometimes there would be five, six of them [drinkers] sitting in front of the seats where [bakery] is but the seats have been removed so now there's nowhere for them to sit and we've put the seats closer to bus stops and they're gone (Trader).

Blomley (2004) has argued that as a result of urban renewal, public space is subject to intense policing, often motivated by a class-based revanchism. Indeed, police officers in some of the LGAs reported deliberately targeting drinkers in an effort to remove their presence from the streets:

When it first came out we used to hit them pretty hard. We used to go down there and just issue them with the notices for drinking in the exclusion zones (Police Officer).

These regulatory strategies – both the physical ‘designing out’ of spaces and surveillance techniques led to further exclusion and marginalisation of some street drinkers, but also to strategies of resistance.

Exclusion and displacement

Following the introduction of the law in Darebin in 2009, there was a significant reduction in the presence of street drinking. This was generally perceived by both drinkers and other stakeholders to be the result of a combination of police presence and other factors such as some drinkers moving out of the area. One drinker reported that a group of ‘regulars’ were still drinking in public, but concealing themselves from police by congregating in alleyways and underground areas near the railway station. However, other drinkers (most of whom lived in government assisted accommodation such as boarding houses), shifted their drinking to private settings. Some participants perceived the public-private shift in drinking to result in a range of harms for drinkers. These reportedly included drinking greater quantities of alcohol in private settings; injuries, assaults and safety concerns as a result of drinking in small overcrowded apartment spaces; and potential legal issues for a group of drinkers who had begun congregating on an abandoned private property.

A number of drinkers in Darebin also reported feeling upset and lonely as a result of their network collapsing over time. A majority of the group were unemployed and disconnected from their family and so they acted as a social and familial network for one another. In essence, some of the drinkers reported loss of social connection (see also Manton, et al., 2013), increased drinking and worse outcomes as a result of the law. Health workers also

expressed concern about worse health outcomes for drinkers, with some services unable to access their clients after the law change given that most of their clients did not have mobile phones. This meant that health workers were not able to check on the physical health of their clients, escort them to medical and legal appointments and notify them when housing opportunities arose, putting the drinkers at further risk of health-related marginalisation.

Strategies of resistance

In contrast to the Darebin experience, in Maribyrnong, street drinking continued post the implementation of the law in 2003 and remained frequent and highly visible, and in Yarra, street drinking continued but has reduced since the law's inception in 2010. One strategy of resistance employed by public drinkers was to continue drinking in the same spaces despite the law's implementation, and our observations of public drinking hotspots confirmed this:

In the space of 10 minutes the group grew from about 5 to 15 people. It was a mixed group containing Aboriginal and Caucasian drinkers, as well as young and old, male and female. They were passing drinks around. One of the drinkers in his thirties looked pretty unsteady. Another appeared to ask a guy in a suit for money. Apart from this, the atmosphere of the group seemed quite festive and non-threatening. A man was playing a didgeridoo [native Australian wooden instrument], another played a harmonica and a third played a guitar (Fieldnote March 2012).

Rather than 'keeping quiet' to avert the gaze of the authorities, this example illustrates how drinkers cultivated a festive atmosphere in a place where they had always congregated – using sound and music to affirm their continued presence despite the introduction of street drinking bans.

Some of these drinkers received fines, but simply refused to pay them. Some Aboriginal drinkers in Yarra reported ignoring the laws and returning to drink in certain spaces so as to resist losing their important cultural meeting spots to commercial development. These acts of resistance illustrate how some drinkers exercised their agency and attempted to challenge the domination of space by the majority, despite exclusionary pressures. However, in doing so they risked the possibility of incurring more fines, which placed them at greater risk of economic and legal marginalisation.

Proposed Alternative Solutions

Many council officers, police, health workers and residents acknowledged that street drinking laws unfairly targeted socioeconomically disadvantaged groups, yet very few were able to propose alternative solutions that would meet the needs of drinkers, residents and traders:

When they redesign that place it's going to be an extremely good looking place to be. It's going to be shops, it's going to be cafes, the park's going to get a lick [of paint] as well, so it's going to be very good ... the eyesore of drugs and antisocial behaviour, they're going to have to go somewhere else, but I don't know where they're going to go (Police Officer).

Nevertheless, stakeholders in each of the LGAs were constantly searching for local solutions, in part informed by the numerous commissioned evaluations of the impacts of street drinking in these localities. In Yarra and Darebin, most of the proposed solutions related to service development, such as increasing the number of alcohol and drug programs (particularly Aboriginal specific services) or broader alcohol policy changes such as reduced accessibility of alcohol or 'changing Australia's culture of drinking' (Resident). However, in

Maribyrnong, local council officers did propose a number of solutions specifically in relation to urban design. One suggestion was to make amenity improvements that would attract more people into the area so that the impact of the street drinkers would be diluted, and coexistence could be a realistic option:

Activation of the streets, better lighting, festivals, a whole lot of amenity improvements ... to give ordinary folk, our shoppers, a level of improving their resilience and confidence by having ambassadors and a greater physical presence of people around ... Our recommendation to Council that we need to provide a much more friendly atmosphere within the [Footscray] CBD ... There are lots of other inner city municipalities where public drinking and ordinary shoppers and retailers coexist much better ... because the amount of street activity and liveliness is much higher it's a bit more hidden (Council Officer).

Another proposed strategy was to acknowledge the need for a dedicated space where public drinking could take place either formally or informally, such as a 'wet zone'. Formal wet zones are designated spaces run by health services that allow controlled consumption of alcohol in conjunction with the provision of other healthcare services. While such services have been implemented in the UK (Crane & Warnes, 2003; Davies, 2006), they have yet to be adopted in Australia. However, in Maribyrnong and Yarra, a number of informal 'wet zones' operated. For example, in Maribyrnong, a particular park was deliberately excluded from the boundary of the street drinking law so that drinkers could congregate there and health workers could access them (see also Manton, et al., 2013):

There needs to be a space where people can congregate and meet and Railway Reserve [the park where Sudanese drinkers congregated] has traditionally been a space where people meet ... This is where they've come when they've come out

of jail or when they've come out of hospital ... So there's that real need for that kind of space and often that is around drinking and often that holds people together, so it's a trying to juggle that need to come together in a meaningful space in a way that is not harmful (Outreach Worker).

However, this approach had not proved successful in Yarra where, although the law applied to the entire municipality, parks and reserves were exempt from the law during daylight hours. Instead, the Aboriginal drinkers in Yarra chose to continue congregating at a busy shopping strip, both because it was their traditional meeting place and the area was more lively and dynamic.

Discussion

Street drinking bans have proliferated over the past 15 years in Melbourne at a time when there have been significant advancements in urban renewal and gentrification. Our findings suggest that concerns about the public consumption of alcohol have arisen partly as a result of gentrification and growing socio-economic disparity in inner-urban areas. An increasing influx of wealthier residents has created new demands on the use of public space, and street drinkers, many of whom have been drinking in public for many years and have become 'part of the landscape' (Pennay & Berends, 2010:41), are held responsible for halting the potential for urban development and profitable local economies by bringing down the amenity of the area.

The recent and widespread implementation of street drinking laws across Australian LGAs provides important clues about the power relations that operate across urban areas in developed countries. As Sibley (1995) points out, contests over public space provide

evidence of societal power structures, with some spaces having particular symbolic importance in terms of how these power relations are practiced. The prime hotspots that arose as key sites for contests over public space in the three LGAs that were the foci of this study were all central and lively areas that were in high demand for use by drinkers, residents, visitors to the area and traders. In particular, as we have highlighted, issues related to trade and the desire for more upmarket retail options underpinned much of the concerns around street drinking in these specific locations.

We have suggested that the implementation of street drinking laws support the needs of groups with considerable market power, with exclusion practices reflecting pressures from commercial interests (Harvey, 1973; Sibley, 1981). A discursive strategy intentionally or unintentionally employed by key power brokers to justify the need for street drinking laws was to create and draw on particular social constructions of drinkers, such as ‘good’ and ‘bad’ street drinkers. Difference was emphasised through the production of boundaries and stereotypes were used to create an ‘us’ and ‘them’ mentality (Sibley, 1981; Wilton, 1998). This was one way of both positioning drinkers as the ‘other’ and justifying forms of middle class drinking such as picnics and drinking outside licensed cafes. The construction of these forms of drinking as more appropriate than other forms of street drinking exacerbates the exclusion that has occurred as a result of street drinking laws. As pointed out by Jayne et al. (2006; 2008), gentrification and urban regeneration have been driven by a middle class vision that constructs particular behaviours that threaten this vision as unacceptable.

By drawing on particular stereotypes, traders, residents and police justified processes of exclusion by constructing street drinkers as threatening, either to trade, safety, amenity, order or normative values (Sibley, 1995). This point has also been made by Dixon et al. (2006), who have argued that a range of behaviours are becoming redefined as transgression because they either violate consumerist norms, threaten normative values in relation to behaviour,

create concerns about safety or make the streets less governable, and street drinking is one such behaviour. Dixon et al. argue that through policies such as these, public space is becoming 'sanitised', while Sibley (1981) argues that this an attempt at 'purifying' space. The result is that non-conformers or populations who are extraneous to the dominant mode of production are relegated to marginal space (Sibley, 1981).

As has also been pointed out by Fischer and Poland in relation to the regulation of smoking in outdoor spaces (1998, p. 190) we identified that targeted policing practices were undertaken that focused on "removing the problem people" for the purpose of "spatial cosmetics". Other tactics, such as the removal of seating were undertaken in the interests of making spaces 'safer' and more inhabitable. People judged as deviants or non-conformists were excluded from areas so it could be accessed by wealthier populations. As we have shown, this 'not in my backyard' approach displaced these groups to even less safe spaces. This exclusion, while justified in the rhetoric of maximising community safety and health, is likely to foster a greater intolerance to diversity (see also Fischer & Poland, 1998).

The final point we have made in this paper is that a range of key stakeholders play a role in the contests that occur over public space, the regulation of this space and ultimately the production of the space. These stakeholders (aside from the drinkers themselves) include police, local government officers, traders, residents, and to a lesser degree health workers. Urban regeneration has seen the subordination of formal government structures and redistribution of policy responsibilities and this has resulted in an increase in stakeholder participation in policy decision making (Swyngedouw, et al., 2002). These forms of urban governance involve representation from a variety of groups with less accountability and less pressure to adhere to social expectations such as inclusion. Many exclusionary processes emerge through these informal processes that avoid the potential scrutiny of formal checks and balances (Fischer & Poland, 1998). Swyngedouw et al. argue that accountability, as a

consequence, is less formal and transparent, and decisions are made by key power brokers and private actors who learn to negotiate the system for their own benefit. This results in a regulatory environment that ‘produces a particular imagination of the urban in line with the demands, dreams, and aspirations of the included, while marginalised or otherwise excluded groups remain symptomatically absent’ (Swyngedouw, et al., 2002, p. 561).

The changing urban environment has seen a need for more negotiation between different levels of government. As is evident from this study, community groups have strong influence in policy decisions, and the relationships that are established between traders and other community members (including police and local government officers) become important in influencing decisions. While drinkers’ views are considered in the context of commissioned evaluations by local councils that seek to understand the impacts on them, they are not represented meaningfully at council meetings in the same way that residents, traders and police are. This creates a situation where private interests are supported while the disenfranchised become further marginalised.

The forms of exclusion experienced by drinkers interviewed in this study extended beyond geography, to legal and health marginalisation; some could not pay their fines and were introduced into the criminal justice system, others were displaced to less safe spaces, where there was less access to health care, marginalising them further. However, some drinkers also practiced strategies of resistance, drawing on their own constructions of ‘good’ and ‘bad’ drinking by positioning themselves against other drinkers, and by continuing to drink in spaces they deemed important for social and cultural reasons. This was one way in which they challenged the domination of space by the powerful, with varying degrees of success.

Implications

The marginalisation and oppression of street drinkers that has occurred as a result of street drinking laws warrants the consideration of a more socially responsible strategy than the current legislative approach. Targeted policies directed at the marginalised distracts attention from the structural problems that people face and the policies that aggravate these problems. It also makes it harder to organise efforts to challenge these structural problems (Friedman, 1998).

The basic notion of human rights is that everyone has the right to use public space if they are not in any way harming another. A sense of belonging and citizenry is cultivated through the use of public spaces. In particular, using public spaces can help disadvantaged populations move out from marginal and hidden spaces and allow them to feel part of society. As a consequence, restricting disadvantaged groups' use of public space positions them further as outsiders and non-members of the public (Hodgetts, et al., 2008). It is also important to consider that some spaces are important for the construction of the individual's sense of identity. For example, in the case of Yarra, a group of Aboriginal drinkers consumed alcohol in a particular space for important cultural reasons.

Not all drinkers have homes in which to drink and not all consumers are welcome in licensed venues – this is a reality of the distribution of economic and social capital (Demant & Landolt, 2013). Low-income residents feel entitled to access and use public spaces (Blomley, 2004) and some populations rely on public spaces to conduct aspects of their private lives (Fischer & Poland, 1998). In addition, public spaces are important locations for gathering among some groups and important sites for the performance of culture (Amin, 2006). As such, to celebrate street drinking in the form of carnivals, picnics or outside licensed venues, but not among other groups of drinkers who are also drinking primarily as a means of social interaction is unjust, particularly in the context of cities such as Melbourne where laws such

as ‘public drunkenness’ and ‘drunk and disorderly’ remain in place to manage unsafe behaviour associated with intoxication.

We recognise the challenges inherent in the complex issue of street drinking, particularly for well-intentioned local government officers who are constantly looking for sensitive solutions that will meet the needs of socioeconomically disadvantaged groups as well as other stakeholders such as residents and traders. However, ‘harm reduction’ efforts that largely involve exclusion processes targeting marginalised groups must be recognised as exacerbating social inequality (Fischer & Poland, 1998). Class segregation and suspicion or fear of ‘others’, particularly the most visible and vulnerable, are all markers of urban existence and local politicians and other key stakeholders are constantly pressured to find a solution. This is why we have seen increasing use of legislation such as street drinking laws and surveillance in the form of police patrolling and measures such as CCTV. However, as rightly pointed out by Amin (2006), it is important to be aware that such approaches silently re-engineer social hierarchies.

Potential solutions must be directed towards achieving social and economic equality (Mitchell, 2003). If the boundaries between ‘us’ and ‘them’ are weakened, people will likely become more tolerant of diversity (Sibley, 1981). In considering the way forward, local governments should consider solutions that require acknowledging multiple connectivity, celebrating difference, and representing public space as something to be shared and used by different people for different purposes. Assumptions must be made about the equivalence of rights between the mainstream and marginalised, regardless of fiscally driven decisions (Amin, 2006, 2007). While formal and informal ‘wet zones’ have been touted as one solution, such an approach still separates the drinkers (‘them’) from the non-drinkers (‘us’). A more ideal approach would be to encourage the shared use of key hotspots and create an atmosphere of acceptance and conviviality. For example, local governments could encourage

a greater physical presence of a diversity of people by running festivals, markets and other events targeted at a broad population, providing grants or other types of assistance to traders to fund shop front improvements and higher quality street furniture, paying for graffiti removal and syringe sweeps, and providing attractive shared spaces.

Gentrification and urban renewal are likely to remain key challenges for social and public health policy in the future. It is important that geographies of exclusion do not become taken-for-granted ways of life, and the views of those in powerful positions do not override the implementation of socially and ethically just policies.

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Figures

Figure 1. The City of Yarra

The street drinking law applies across the whole City of Yarra municipality but there was one particular contested space. as

Figure 2. The City of Darebin

Figure 3. The City of Maribyrnong

The street drinking law only applies to one geographical hotspot in the City of Maribyrnong - the main shopping precinct of the suburb of Footscray.

Highlights:

Street drinking bans have proliferated over the past 15 years in Melbourne

Concerns about public alcohol consumption have arisen partly as a result of gentrification and increasing socio-economic disparity

Street drinkers are constructed as responsible for halting the potential for urban development and profitable local economies

A more socially responsible strategy than the current legislative approach is needed

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