



LION BEER SPIRITS & WINE NZ
Submission on Wairarapa Local Alcohol
Policy 2014

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2 EXECUTIVE SUMMARY

Lion is the largest food and beverage company in Australasia and is New Zealand's biggest beer, wine, spirits and cider manufacturer and distributor. Our core purpose is to: *Enrich our world everyday by championing sociability and helping people to live well.* We aim to play a leading role in promoting a positive drinking culture and we are highly supportive of genuine, evidence-based initiatives, both regulatory and non-regulatory.

Lion believes that it is valuable for Wairarapa to have a local alcohol policy (LAP) in place to ensure that there is a clear and well-understood policy benchmark for licensing decisions. The LAP should be considered as just one element of a range of initiatives where the combined Councils, working with national government, stakeholders and the public, can make a positive impact of safe and sociable consumption of alcoholic beverages.

Our objective in making this submission is to ensure that Wairarapa has an LAP that is: reasonable; consistent with the broader legal and planning frameworks; representative of best regulatory practice; and part of a wider harm reduction strategy.

Lion is generally supportive of the Wairarapa Local Alcohol Policy (WLAP), but believes that more emphasis should be placed on good quality licensing practices in preference to restrictions on licensed businesses that are not grounded in evidence. In particular:

- Lion supports the decision not to impose new restrictions on the general location or density of licensed premises over and above the provisions of the Wairarapa Combined District Plan. However we do not believe that the restrictions on proximity to "sensitive locations" are justified.
- Lion does not support the severe restrictions on trading hours for all types of licensed premises because they are not supported by evidence and may create unforeseen negative consequences.
- Lion believes that a number of proposed discretionary conditions, including one-way door policies, are not justified by the available evidence and/or are outside the scope of the LAP.
- Lion recommends that the Council look at measures outside the LAP to reinforce personal responsibility.

Lion would like to appear before the Councils to speak to this submission.

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3 LION'S BUSINESS AND STRATEGY

3.1 LION IS COMMITTED TO SAFE AND SOCIABLE CONSUMPTION

Lion is the largest food and beverage company in Australasia and is New Zealand's biggest beer, wine, spirits and cider manufacturer and distributor.

Our products are a positive accompaniment to sociability, providing enjoyment for those who consume them. At Lion, we believe in being a responsible producer, distributor and retailer. We want a high value, high quality alcohol market that supports a vibrant hospitality and retail industry. That is good for our business and it is good for New Zealand's economic and social wellbeing.

The misuse of our products undermines sociability and is therefore at odds with our core purpose, which is to: *Enrich our world everyday by championing sociability and helping people to live well.*

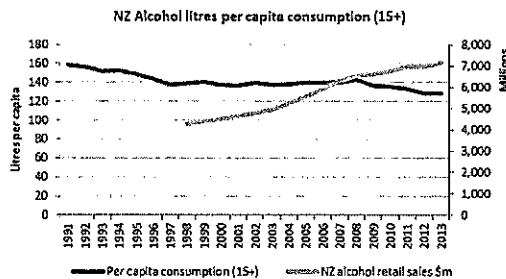
We take this commitment very seriously. It is the single-most important guide to how we do business and we go to great lengths to ensure we do not contribute to the problem of misuse. Rather, we aim to play a leading role in promoting a positive drinking culture. We see this as an important element in a broad-based approach to minimizing harmful alcohol consumption. We are highly supportive of genuine, evidence-based initiatives, both regulatory and non-regulatory.

3.2 OUR STRATEGY IS VALUE, NOT VOLUME

Lion's success has been built on high quality branded products. We operate in a mature market. While per capita consumption of alcohol in New Zealand has trended down since the 1980s, the value of the retail market (excluding taxation) has increased from \$4.3 billion in 1998 to \$7.2 billion in 2013.

Given that the majority of New Zealanders consume alcohol responsibly and in moderation, reduction of per capita consumption should not be the primary focus of alcohol policy. Nevertheless, the table below demonstrates that Lion does not need to increase per capita consumption to achieve growth. In any case, should all adult New Zealanders drink responsibly, Lion's volume would actually increase.

In a mature market, we are not playing a volume game. Lion's strategy is to invest in premium brands and to innovate. We aim to win market share from competitors and encourage consumers to trade up to higher value brands.¹



¹ Euromonitor *Alcoholic Drinks* (total value Retail Selling Price ('RSP') NZ \$m); Per capita consumption (Statistics NZ: Population by Age; Alcohol Available for Consumption)

3.3 WE ARE PART OF THE COMMUNITY AND THE ECONOMY

Lion produces and distributes beer, spirits, wine, cider and RTDs in New Zealand and internationally. We are an integral part of the country's retail and hospitality industries, and own and operate 40 Liquor King retail liquor stores throughout New Zealand – of which one is located in Masterton.

Lion makes a significant contribution to the New Zealand economy generating about \$818m worth of economic activity for the country and employing around 1,160 people directly. Indirectly, Lion's operations create employment for 3494 full time equivalents. We are one of New Zealand's largest purchasers of agricultural products buying approximately \$96m worth of inputs from New Zealand farmers each year.

4 LION AND THE WAIRARAPA CITY LAP

4.1 OUR INTEREST IN THE LAP

Lion has a direct interest in the Wairarapa Local Alcohol Policy because we want Wairarapa to be a vibrant and responsible retail and hospitality market in which our beverage brands can thrive and adult New Zealanders can enjoy our products when and where they want to, responsibly and sociably.

Achieving this relies on an environment for the sale and supply of alcohol that strikes the appropriate balance between measures that reduce harmful drinking without constraining the opportunity for adult New Zealanders to enjoy great hospitality and entertainment venues, or buy a range of alcohol products from responsible retailers.

Lion believes that we have an important contribution to make to the development of an LAP for Wairarapa. Our objectives in making this submission are to support an LAP for Wairarapa that is:

- *reasonable* in achieving the objects of the SSAA;
- *consistent* with the SSAA, the vision and strategies of the combined District Plan and other legal obligations;
- representative of *best regulatory practice*;
- part of a *wider harm reduction strategy*.

4.1.1 The LAP should be "reasonable"

Lion supports the objects of the Sale and Supply of Alcohol Act 2012 (SSAA), namely that:

- the sale, supply and consumption of alcohol should be undertaken safely and responsibly; and
- the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.²

In achieving those objects, a measure such as an LAP must be reasonable.³ In our view this standard requires not simply an assessment against the perceptions of a theoretical Wairarapa resident. This standard requires that controls on the sale and supply of alcohol must be proportionate and not unduly

² SSAA, s4.

³ SSAA, s3, s81(4).

restrictive; thoroughly considered and not arbitrary; supported by evidence and not simply by good intentions.⁴

In relation to the question of evidence, we feel it is important to underline that, for any measure to be considered reasonable, it must be grounded in sound evidence of effectiveness in promoting the safe and responsible behaviours and/or minimizing the harm caused by misuse of alcohol. Evidence of harm can establish that action is needed; but this is not the same as establishing that a given policy will be effective in addressing that problem.

4.1.2 The LAP should be consistent with existing frameworks

In addition to being reasonable, LAPs must be consistent with the specific provisions of the SSAA under which the LAPs are developed.⁵ They must also align with district plans to the extent that they should not contain policies that are more restrictive than the relevant district plan or authorise anything forbidden by the relevant district plan.⁵

Further, the SSAA requires that LAPs must be consistent with the general law.⁷ In this respect, there are a number of additional legal obligations that need to be taken into account including: the New Zealand Bill of Rights Act 1990; the Commerce Act 1986; and international obligations including the General Agreement on Trade in Services.

4.1.3 The LAP should represent best regulatory practice

As a new and important policy, Lion believes that the WLAP should be a model of best regulatory practice. Lion's reference point is the 2012 Treasury document *The Best Practice Regulation Model: Principles and Assessment*⁸ which sets out the following principles which regulatory agencies are encouraged to use in regulatory design and implementation:

- proportionality;
- certainty;
- flexibility;
- durability;
- transparency and accountability;
- capable regulators;
- growth supporting.

These principles can be seen as another way of measuring the reasonableness of the LAP. In this respect, we would like to emphasise in particular the principle of proportionality i.e.: that the burden of rules and their enforcement should be proportionate to the benefits that are expected to result. This principle requires a risk-based, cost-benefit framework for both rule-making and enforcement and an empirical foundation to regulatory judgements

⁴ In the Cabinet Paper introducing the Alcohol Reform Bill (as the SSAA was originally known), it is noted that: "LAPs would need to be consistent with the primary legislation. This means that any restriction included in an LAP would need to be a reasonable control and not unduly restrict the sale and supply of alcohol. For example, the creation of dry areas could be deemed to be an unreasonable control." See: <http://www.justice.govt.nz/policy/commercial-property-and-regulatory/alcohol/documents/alcohol-law-reform-cabinet-paper-final.pdf> p 16.

⁵ SSAA, s94.

⁶ SSAA, s93.

⁷ SSAA, s94.

⁸ <http://www.treasury.govt.nz/economy/regulation/bestpractice/bpregmodel-jui12.pdf>

4.1.4 The LAP should be part of a wider harm reduction strategy

Lion agrees that controlling the sale and supply of alcohol is an important mechanism to manage harmful consumption. However, it should never be seen as a complete solution. The drivers of harm are highly complex. They are fundamentally economic, social and cultural. Consequently a range of regulatory and non-regulatory mechanisms are needed to form an effective harm reduction strategy.

There are many measures in place at a national scale that will contribute to the minimization of harmful consumption. Lion itself participates in a number of programmes that contribute to this objective.

The LAP process, by its nature, tends to place a spotlight on licensing as a harm reduction mechanism which can outshine other potentially useful mechanisms. It can also lead to the LAP process being seen in isolation from the highly restrictive set of laws and regulations that already surround the sale and supply of alcohol.

Lion believes that the broader context must be kept in mind throughout the LAP development process and that the Council must develop other harm reduction mechanisms alongside the LAP process.

4.2 OUR OVERALL VIEW OF THE LAP

Overall, we believe that it is valuable for Wairarapa to have an LAP in place to ensure that there is a clear and well-understood policy benchmark for licensing decisions. The LAP should be considered as just one element of a range of necessary initiatives where the Council can make a positive impact on safe and sociable consumption of alcoholic beverages.

Lion takes the view is that, to the extent that licences can contribute to harm, the real issue is not their number or the hours of trade. It is their quality: how seriously they take their obligations, what systems they have in place to manage harm and what sort of experience they offer their clients.

In Lion's view, encouraging good quality licensing is an area where the WLAP could make a significant contribution to Wairarapa. For example, we see discretionary conditions around prohibited persons, host responsibility, display of information about safe transport, CCTV and exterior lighting as reasonable measures that are part of good retail and venue management.

We are concerned however that, rather than promoting good quality practices, much of the focus of the WLAP is on restricting trade using a set of fairly blunt measures that are not supported by evidence of their effectiveness in reducing harm. Our specific submissions are summarized as follows:

- Lion supports the decision not to impose new restrictions on the general location or density of licensed premises over and above the provisions of the Wairarapa Combined District Plan. However we do not believe that restrictions on proximity to "sensitive locations" are justified.
- Lion does not support the severe restrictions on trading hours for all types of licensed premises because they are not supported by evidence and may create unforeseen negative consequences.
- Lion believes that a number of proposed discretionary conditions, including the one-way door policy, are not justified by the available evidence and/or are outside the scope of the LAP.
- Lion recommends that the Council look at measures outside the LAP to reinforce personal responsibility.

In the following sections we outline the reasoning behind our views.

5 LOCATION OF LICENSED PREMISES

Lion agrees that decisions on the location of licensed premises should generally be aligned with the provisions of the Wairarapa Combined District Plan and compliant with the conditions of any Resource Consent. However, the WLAP is unclear and/or contradictor in relation to possible limitations on proximity to “sensitive facilities”.

The Summary document states:

Schools, children’s playgrounds/recreation facilities, health/social services and high deprivation areas have been identified as sensitive sites and will be considered when assessing the effects of new resource consent and licence applications.

*Applications for new licences that are assessed as high risk may be declined.*⁹

The Summary goes on to offer the following rationale:

- *The majority of sensitive locations identified in the LAP would be covered via the WCDP resource consent process. Amenity/parking considerations etc. would offer protection to any sensitive locations within the permitted zones. New retail applications would need to meet amenity standards before they could proceed. New retail applications would also need to gain a licence to sell alcohol which also considers amenity effects.*
- *WAWG feel there is sufficient protection for sensitive sites within the existing regulatory framework.*¹⁰

It is not clear whether the statement that: “Applications for new licences that are assessed as high risk may be declined” is intended as a description of the resource consent process or as a policy within the WLAP. If the statement is intended as an explanation of the resource consent process then it should be removed from the WLAP since it is not a licensing matter.

In any event, we note that restrictions on “sensitive sites” in general are not supported by the existing evidence.

To justify such limitations, the question must be asked: is there a link between the “exposure of alcohol” due to the existence of liquor outlets near certain facilities and harmful consumption by young or vulnerable sections of the population? If so, can the resulting harm can be effectively addressed by imposing an “exclusion zone” around such facilities?

In both cases, based on existing evidence, the answer must be “no”. There is no compelling evidence to suggest that ‘exposure’ to alcohol marketing outside stores or venues is in any way a driver of harmful drinking.¹¹ On the contrary, international research indicates that by far the major influences on underage drinking are deep-seated cultural factors, most notably, peer group norms, parental drinking behaviours and their ability to access alcohol (which is quite a different matter to them simply seeing

⁹ Summary at p.11

¹⁰ Summary at p.17

¹¹ “A Review of the Evidence for Restrictions on Alcohol Retailing: The impact of trading hours, license density, one-way door policies, store location and the underlying causes of violent and anti-social behaviour.”

stores or pubs in the neighbourhood and is properly addressed by effective enforcement of the purchase age).¹²

With regard to ability to access alcohol, 85% of alcohol supplied to minors is supplied by friends and family.¹³ Hopefully the new offences in the SSAA dealing with these issue will prove an effective curb on this phenomenon. But at the same time, it clearly reinforces that socio-cultural factors drive underage drinking and that underage drinkers can be resourceful in acquiring alcohol informally.

In other LAP processes, we have heard advocacy groups arguing for the inclusion of proximity restrictions on the grounds that regulatory measures are necessary to “de-normalise” consumption of alcoholic beverages. However, “de-normalisation” of alcohol is not an object of the SSAA and the “de-normalisation” argument is based on emotion rather than evidence. Indeed, the latest evidence from the major, Europe-wide AMPHORA research project concludes that certain socio-demographic and economic factors showed a far greater overall major impact on consumption changes than regulatory control policies, and that impacts on harm from regulatory control policies were very difficult to conclusively determine.¹⁴

6 OFF-LICENCES

6.1 TRADING HOURS

Lion opposes the proposed closing time of 9pm for off-licence premises because it is not reasonable or justified by evidence. The *Summary of Information and Statement of Proposal* gives the rationale for the proposed closing time as follows:

Off-licence premises are associated with issues such as pre-loading that can contribute to binge drinking and intoxication.

- *For example, people choose to drink cheaper alcohol purchased from off-licences before ‘going out’ to on-licence premises.*

Bottle stores, in particular, were considered to present a greater harm risk, especially for younger people.

- *Young people completing the community survey indicated that they bought most of the alcohol they consume in bottle stores followed by supermarkets, and*
- *National research and feedback from local youth forums suggests spirit based drinks such as RTDs and shots are ‘drinks of preference’ for many young people. These can only be purchased from bottle stores.¹⁵*

As a rationale for a policy with very a broad impact, this is deeply flawed. It is based on assumptions that are completely unsupported by evidence and/or are irrelevant.

¹² “[T]he most consistent antecedent risk factors for starting to drink in adolescence were parental and peer approval and models for drinking”. Donovan, J.E. (2004), Adolescent alcohol initiation: a review of psychosocial risk factors. *Journal of Adolescent Health*, 35(6):529.e7-18:

¹³ ALAC Drinking Behaviours Report (2008)

¹⁴ AMPHORA (2014) “Report of an analysis of European alcohol-related cultural, social and policy interactions and their impact on alcohol consumption and alcohol-related harm” http://amphoraproject.net/w2box/data/Deliverables/AMPHORA_WP3_D3.2.pdf

¹⁵ Summary, Part C

No evidence has been presented about the nature or extent of pre-loading in the area or its impact on harmful consumption of alcohol. No link has been established or even argued between the issue of pre-loading and the time at which alcohol has been purchased from off-licence premises. No evidence has been presented indicating that reducing the closing time to 9pm would be effective in reducing harm.

Evidence that off-licences are a greater source of risk to younger people is also absent. As above, statistics indicate that the vast majority of underage drinkers obtain alcohol from family or friends rather than purchasing it themselves. Consequently, policing new laws regarding this phenomenon is a far more effective measure of targeting such harm than closing off-licences two hours earlier.

Lion's own experience indicates that a closing time of 10pm is optimal for off-licence premises.

6.2 DISCRETIONARY CONDITIONS

With regard to the proposed discretionary condition to require "supervised designation of all bottle stores to ensure unaccompanied minors do not enter bottle stores", Lion believes that this is outside the scope of the combined Councils' powers under section 77 of the SSAA because it is not correctly considered a discretionary condition. Section 119 of the SSAA, which deals with restricted and supervised areas, grants this as a stand alone power of the DLC/ARLA that is entirely separate from the power to impose discretionary conditions. As a designation, it is an integral part of the licence rather than a condition under which the licence will be granted.

Lion is also concerned that the proposal to impose restrictions on "advertisement or display of alcohol that is visible from outside and/or the entrance to the premises" is outside the scope of section 77 of the SSAA because it is not a matter related to licensing. The Summary document itself acknowledges that "alcohol advertising" is not a matter related to licensing.

Issues relating to irresponsible promotion are already comprehensively dealt with instead through the provisions of section 237 of the SSAA. There are a range of offences, including encouraging people to consume alcohol to excess and targeting young people.

There was no intent on the part of legislators to allow Councils to add extra restrictions regarding advertising through the LAP process. On the contrary, the reason that the provisions on the content of LAPs was specifically restricted to licensing matters in section 77 of the SSAA was in response to concerns that, among other things, Councils might seek to impose their own advertising restrictions.

7 ON-LICENCES

7.1 TRADING HOURS

Lion opposes the proposed closing time of 1am for on-licence premises as this is not justified by evidence and could result in negative unforeseen consequences.

The rationale for the proposed 1am closing time is given in the Summary as follows:

There was consensus in feedback from licensing officers, police and the Medical Officer of Health that 1am closing would reduce the level of alcohol related harm experienced in our community.

- *Feedback from the community survey indicated support for earlier closing*

As with the proposed trading hours for off-licences, this appears to be an extremely weak justification for a measure with such broad impact. While we respect the views of licensing officers, police and the Medical Officer of Health, there has not been any substantive evidence produced to support those views. This omission is particularly concerning given that 1am is an unusually early closing time by both New Zealand and global standards, and there is nothing in the international literature to support such an early closing time.

There are real issues that need to be seriously considered in relation to displacement effects, harm and crime that may result from such an early closing time. Licensed premises are controlled establishments that should provide a safe environment from consumption if operated in accordance with the legislation. Closing such premises at an artificially early time does not mean that people will necessarily stop wanting to drink or socialize. Instead, it displaces everyone, including potentially risky drinkers, to uncontrolled environments where the risk of harm is likely to be higher.

Enforcing an earlier closure time is likely to have the additional effect of sending a wave of patrons onto the streets at the same time. It is overly simplistic to say that the same issue would exist whether the closing time was 1am or 4am. The later closing time allows for a natural staggering of patrons' departure times (which have already been compressed by the introduction of the mandatory 4am closing time in 2012).

Particular caution is needed in coupling the introduction of this policy with the one-way door policy. The one-way door policy may have the effect of incentivizing patrons to remain inside a given venue, thereby exacerbating the effect of departure from a licensed premise *en masse*.

There are also concerns about the impact on licensed businesses. Bars, cafés and restaurants are an essential element of a vibrant local community. They offer convenience, vibrancy and local employment. Without them, residents find themselves travelling between local and city centres to access a full range of services when there are good policy reasons for encouraging people to socialize closer to their homes. Operators of such premises need to make the most of the opportunities available to them in order to remain viable. This policy will have an important impact on the economic sustainability of such businesses.

7.2 ONE-WAY DOOR POLICY

The WLAP proposes the use of a one-way door policy from midnight as a discretionary condition for on-licence premises.¹⁶

Lion does not support the proposal for a one-way door policy as it does not believe that such policies are supported by the available evidence. On the contrary, there is evidence that the policy may in fact increase risk; a concern that does not appear in the WLAP or supporting documents.

The Summary document provides the following rationale for the one-way door policy:

- *Feedback from community consultation has indicated popular support for one way door policies from one hour before closing.*

¹⁶ WLAP 3.3.2

- *While national and international research on the effectiveness of one-way door policies is mixed, our local Police, supported by Regional Public Health Wairarapa, do believe one-way door policies will reduce alcohol related harm in our communities.*¹⁷

While we respect the views of the local Police and Regional Public Health Wairarapa, no evidence has been presented in support of those views. This is concerning in view of the fact that the weight of available evidence does not support the effectiveness of one-way door policies.

Auckland Council considered the issue in its detailed literature review. After noting the significant methodological limitations of the relevant studies, the author went on to summarize the findings in the following terms:

*The evaluations identified in this review found some evidence for reductions in alcohol-related harms, including violent incidents, alcohol-related disturbances, and personal trauma (Centre for Health Research and Practice, 2004, Mazerolle et al., 2012, Palk et al., 2012, Palk et al., 2010). However, several evaluations identified increases in some types of alcohol-related harm, including damage to licensed establishments and vehicle-related offences (Centre for Health Research and Practice, 2004, Palk et al., 2012). Several studies report the temporal or spatial displacement of harms to later in the evening or the area outside licensed premises (Centre for Health Research and Practice, 2004, Palk et al., 2012). These evaluations highlight the conflicting nature of evidence on the effectiveness of lockouts. While Palk et al. (2012) found that Queensland's lockout policy had resulted in a reduction in harms in the Gold Coast, these effects were not found in Brisbane. Evaluations of the lockout policy in Ballarat have reported similarly conflicting results (cf. Centre for Health Research and Practice, 2004, Miller et al., 2012).*¹⁸

The Auckland Council did not recommend the use of one-way door policies.

Lion's own research also indicates that there is no convincing evidence in support of one-way door policies. The results of the trial in Christchurch trial was inconclusive and, as above, the results of Australian trials have been conflicting and inconclusive.

A Deakin University study, for example, found there was no evidence to suggest one-way-door policies are effective in their own right.¹⁹ It also found the policies had no long-term effect on assaults or violence. It did, however, find that the policy harmed smaller bars and venues that trade earlier.

Similarly, a KPMG assessment of Melbourne's three-month one-way-door trial (June 2008 to September 2008) found alcohol-related presentations as a proportion of total hospital emergency presentations on Friday and Saturday nights increased and continued during the temporary lockout period. The policy was subsequently discontinued.²⁰

¹⁷ Summary at p.17

¹⁸ McFarlane, K (2013). Literature review of mechanisms to regulate the supply of alcohol for the development of Auckland Council's local alcohol policy. Auckland Council technical report, TR2013/021 at p.55

¹⁹ Miller et al (2012) Dealing with alcohol-related harm and the night-time economy (DANTE), NDLERF Monograph no. 43, Deakin University

²⁰ KPMG (2008) Evaluation of the Temporary Late Night Entry Declaration

Recently in response to an introduction of lock-outs and trading restrictions in Sydney, Nick Reece, who was Deputy Chief of Staff to premier John Brumby at the time of the trial and now an policy academic called it "a failed Victorian policy" saying:

We had KPMG review its effectiveness after the first three months and they found that both assaults recorded by police and ambulance trips to hospitals went up in the hours before and after it ... when thousands of people – of different social milieu, gender and states of intoxication – surge onto the streets, it creates a violent flashpoint. In Sydney this could occur twice – once at the lock-out and then at last drinks at 3am.²¹

In view of the above, it is difficult to see that one-way door policies provide an effective means of controlling harmful consumption on balance.

7.3 OTHER DISCRETIONARY CONDITIONS

The WLAP proposes a number of discretionary conditions that may be applied to on-licences. Lion believes that several of these conditions are unreasonable and/or outside the scope of the Council's powers under section 77 of the SSAA.

7.3.1 Range of food, non-alcohol or low-alcohol drinks to be provided

The WLAP proposes discretionary conditions to "Specify the range of food, non-alcohol and low-alcohol drinks to be provided". It is already a mandatory condition of both on- and club-licences that:

- a reasonable range of non-alcoholic drinks are available for sale and consumption on the premises, at reasonable prices;²²
- low alcohol drinks (less than 2.5% alc./vol.) are available for sale and consumption (with an exception for cellar-door type premises);²³
- a reasonable range of food is available for sale and consumption on the premises, in portions suitable for a single customer, at reasonable prices and within a reasonable time of being ordered.²⁴

It is an offence to fail to comply with these requirements.²⁵

Lion believes that it would be unnecessarily restrictive for the DLC/ARLA to go further and specify precise products that should be stocked or types of food that should be served. The intent of the legislation in making references to the concept of "reasonableness" in these sections was to allow a margin of flexibility for different types of premise rather than imposing a one-size-fits-all approach.

For example, the report of the Ministry of Justice to the Select Committee, in discussing what this concept means in the context of section 53, said that: "*reasonableness provides flexibility for decision-makers to take into account factors such as the premises being a high-value operation when considering what a "reasonable" price for food is.*"²⁶ Similarly, whether or not a range of low/non-alcoholic drinks or

²¹ Australian Financial Review – O'Farrell blind to Victoria's lockout failures, 26 February 2014

²² SSAA s51

²³ SSAA s52

²⁴ SSAA s53

²⁵ SSAA s259

²⁶ Ministry of Justice (2012) Alcohol Reform Bill, Departmental Report for the Justice and Electoral Committee, Part One at p. 48

food is “reasonable” should take into account the nature of the premises and not be a source of arbitrary and unsuitable requirements.

7.3.2 Limits on the number of drinks per customer at specified times

The WLAP proposes discretionary conditions to “Specify the number of drinks per customer at specified times”. Lion agrees that purchasing an excessive amount of alcohol for consumption by one person should not be condoned, but does not support this proposed condition because it is outside the scope of an LAP.

The SSAA specifies that a local alcohol policy must not include policies on any matter not relating to licensing.²⁷ The licensing provisions of the SSAA address the “what”, “where” and “who” of the sale and supply of alcoholic beverages; they do not deal with “how much” because that is not a licensing matter.²⁸ Therefore, the proposed condition is outside the scope of the Council’s powers in respect of the LAP.

Additionally, such a condition is not necessary in view of the regulatory context in which licensees operate. It is now an offence to:

- allow people to become intoxicated on licensed premises;²⁹
- sell or supply alcohol to an intoxicated person;³⁰
- allow an intoxicated person to be or remain on licensed premises;³¹
- do anything that encourages people, or is likely to encourage people, to consume alcohol to an excessive extent, whether on licensed premises or at any other place.³²

By definition, serving an excessive number of drinks such as would encourage excessive consumption is an offence. Imposing arbitrary limits on the number of drinks would therefore achieve no additional benefit. It could, however, act as an artificial constraint on behaviours that are not inherently harmful such as shouting a round of drinks for colleagues or purchasing a bottle of wine to be shared between a group of friends.

7.3.3 Restriction on serving in glass containers at specified times

The WLAP proposes discretionary conditions preventing service in glass containers at specified times. No rationale is offered for the imposition of this restriction. In the absence of evidence that the type of container is linked to alcohol related harm and that preventing service in glass containers is an effective and proportionate measure, this condition cannot be considered reasonable.

7.3.4 Restrictions on the wearing and/or display of gang paraphernalia

The WLAP proposes discretionary conditions restricting the wearing and/or display of gang paraphernalia. Lion’s view is that this is also not a licensing matter and nor does it align with the objects of the Sale & Supply of Alcohol Act, and is therefore not appropriate for inclusion in an LAP. No rationale is offered for the imposition of this condition and restrictions of this nature have implications for the

²⁷ SSAA, s77(3).

²⁸ While s254 makes it an offence to serve spirits in vessels of more than 500ml in on-licensed premises, this not a condition of the license. Indeed, the fact that this restriction is found in the offence provisions underscores that it was not Parliament’s intent to limit the number or size of units of sale through licence conditions.

²⁹ SSAA s249

³⁰ SSAA s248

³¹ SSAA s252

³² SSAA s237(1)(a)

New Zealand Bill of Rights Act 1990 that do not appear to have been considered by the combined Councils.

7.3.5 Restriction on the use of outdoor areas

The WLAP proposes discretionary conditions restricting the use of outdoor areas after a specified time, such as restrictions on the use of outdoor sound systems. Lion's view is that this is a resource management matter rather than a licensing matter.

To the extent that noise levels are relevant to the SSAA, this is only in respect of the "amenity and good order" considerations in section 106. These are matters to be considered by the DLC/ARLA in relation to license applications on a case-by-case basis. It is not necessary or appropriate to include region-wide policies on this within the WLAP.

8 CLUB LICENCES

8.1 TRADING HOURS

Lion repeats its comments regarding trading hours for on-licence premises at 7.1 above. Lion also questions the earlier closing time for sports clubs. Where clubs are located in residential areas that is more appropriately considered on a case-by-case basis by the DLC/ARLA under the "amenity and good order" provisions of section 106. It is also unclear whether an LAP can impose maximum trading hours based on the identity of the licensee (i.e. a sports club).

8.2 DISCRETIONARY CONDITIONS

Lion repeats its comments on discretionary conditions regarding the range of food, non-alcohol and low-alcohol drinks to be provided at 7.3.1 above.

9 SPECIAL LICENCES

9.1 DISCRETIONARY CONDITIONS

Lion considers that the discretionary conditions specified in the WLAP are unnecessary in view of the provisions of section 147 of the SSAA. Lion also offers the following specific comments:

- In respect of conditions to specify the range of food, non-alcohol and low-alcohol drinks to be provided, Lion repeats its comments at 7.3.1 above.
- In respect of the conditions requiring wine to be sold by the glass or plastic container only, Lion draws the combined Councils' attention to the joint HPA/New Zealand Winegrowers publication *Premium Experiences - Guidelines for Hosting Safe and Successful Large-scale Wine Events*³³ which contains guidance on appropriate management of glass, including wine bottles, at large-scale events.
- In respect of one-way door policies, Lion repeats its comments at 7.2 above.

³³ http://www.alcohol.org.nz/sites/default/files/04657_HPA_Wine_Events_online_FA_Resupply.pdf

10 THE WIDER CONTEXT OF ALCOHOL HARM REDUCTION

In the context of a project that is focused solely on licensing as a means of managing harmful consumption, it is easy to lose sight of the fact that the majority of New Zealanders affected by the licensing regime enjoy alcoholic beverages in a responsible way.

It is also easy to lose sight of the fact that licensing is just one of a suite of complementary measures that are needed to reduce harmful consumption. We encourage the combined Councils to follow the lead of other territorial authorities and develop a more holistic strategy for reduction of harmful consumption of alcohol that sets out a wide range of measures that the Councils will take in this area.

Clearly, no one expects that the combined Councils should take sole responsibility for reducing harmful consumption. The solution requires concerted input from central and local government, civil society and stakeholders. However, we do believe that there is one area where the combined Councils could do more; they could underscore personal responsibility for unacceptable behaviour through enforcement of by-laws.

10.1 HARMFUL CONSUMPTION IN CONTEXT

Most adult New Zealanders drink alcohol and, according to the Ministry of Health's *2011/12 New Zealand Health Survey*, 81% of people who consume alcoholic beverages do so responsibly.

Overall, harmful consumption is tending downwards in New Zealand. Between 2006-07 and 2011-12 there was a significant drop in consumption among 15-17 year-olds. Between 2009 and 2011, the number of 18-24 year-olds identifying as non-drinkers doubled and the rate of hazardous drinking among young people aged 18-24 has also reduced in recent years.³⁴ Further, there has been a substantial delay in the "age of alcohol initiation" between 2003 and 2009/10.³⁵

While it is important to keep in mind that per capita consumption and misuse are two different things, it is still a reflection of the trend that overall per capita consumption has been trending down since the 1980s.³⁶ One in three New Zealanders report that they are actively cutting back on their drinking, while 40% of drinkers reported they were drinking less than the prior year.³⁷

The evidence therefore suggests the majority of New Zealanders do not have a problem with alcohol. These trends have occurred despite continued advertising and promotion and a significant increase in the number of alcohol licenses over the last two decades.

There is a wealth of scientific evidence demonstrating that the moderate consumption of alcohol may afford many potential health benefits. The evidence suggests that for many people it is more beneficial to drink moderately than to abstain.³⁸

³⁴ Attitudes & Behaviours Towards Alcohol Survey, Health Protection Agency (HPA Survey); 2012 Hazardous Drinking in NZ Report, Ministry of Health (MoH Survey)

³⁵ ALAC Monitor, 2011

³⁶ Per capita consumption (Statistics NZ: Popn by Age; Alcohol Available for Consumption)

³⁷ Attitudes & Behaviours Towards Alcohol Survey, Health Protection Agency (HPA Survey); 2012 Hazardous Drinking in NZ Report, Ministry of Health (MoH Survey)

³⁸ The burden of death, disease and disability due to alcohol in New Zealand, ALAC Occasional Publication No. 23 February 2005; R Doll, R Peto, E Hall, K Wheatley, R Gray, Mortality in Relation to Consumption of Alcohol: 13 Years' Observations on Male British Doctors BMJ 1994;309:911-

This is not to downplay the significance of harmful consumption or the need to take steps to minimise harm. However, it does underscore the need to distinguish between misuse of alcohol and moderate consumption, which is a normal, enjoyable part of life for most adults. Consumption and misuse are not one in the same and policy should not view them as such. Measures should be targeted at harmful consumption, and not all consumption of alcoholic beverages.

Measures must also be directed at strengthening positive drinking behaviors, rather than misguidedly attempting to “de-normalise” all consumption. Settings that tend to strengthen a positive culture should be recognised and encouraged, for example the consumption of alcoholic beverages with food, the consumption of alcoholic beverages in controlled environments and positive social settings, the promotion of a wider consumption experience, and the enforcement of individual consequences for harmful drinking decisions.

In this respect, we draw the combined Councils’ attention to the findings of the 2006 report by Research New Zealand published by ALAC entitled *A Healthy Drinking Culture: A Search and Review of International and New Zealand Literature (Final Report)* at page 9:

“Research has shown that the cultures that are most successful in preventing alcohol abuse and minimising alcohol related harms are those that:

- tend to view alcohol as a natural normal part of life about which they have no ambivalence;
- teach their young by example how to drink in moderation;
- encourage drinking among family and friends rather than same gender settings;
- discourage heavy, episodic drinking;
- sanction negatively and promptly any unacceptable drinking behaviours;
- respect the decision of those who choose not to drink and do not pressure them to drink;
- are free of the belief that alcohol can solve problems, signify adulthood, grant power or confirm ‘manhood’.”

It is these positive behaviours that should be encouraged if Auckland wishes to have a drinking culture that contributes to its ambition of being the world’s most liveable city.

10.2 OTHER MEASURES: ADDRESSING PERSONAL RESPONSIBILITY

One of the key elements of a positive drinking culture outlined above is to “sanction negatively and promptly any unacceptable drinking behaviours”. Just as it is important to encourage positive behaviours and sanction negative behaviours in the sale and supply of alcohol, it is equally important to

918; Leon A Simons, John McCallum, Yechiel Friedlander, Michael Ortiz and Judith Simons Moderate Alcohol Intake is Associated with Survival in the Elderly: the Dubbo Study MJA 2000; 173: 121-124

ensure that the same is done in respect of consumers. A vibrant community is one where people know that it's OK to have a good time, but it's not OK to spoil other people's good time.

In the context of the development of an LAP for Wellington City, Hospitality NZ commissioned a legal opinion outlining ways in which the Wellington City Council could reinforce a culture of personal responsibility around alcohol consumption in that district. A copy of the opinion can be found online here: http://www.hospitalitynz.org.nz/industry/New_Alcohol_Law/newalcohollaw

The opinion suggests that both by-laws and a local bill aimed at making consumers responsible for anti-social behaviour are possible mechanisms. It proposes the use of infringement notices as a means of ensuring that sanctions are swift but do not create an undue burden for the enforcement agencies. If, for example, the issue of side-loading is shown to be of particular concern, this would be a more appropriate way of addressing that conduct than the single unit restriction.

We recommend that the combined Councils consider the proposals outlined in this opinion as part of its wider harm reduction strategy, ensuring that the right signals are in place around behaviour as well as supply.

11 CONCLUSION

Overall, we believe that it is important for Wairarapa to have an LAP in place to ensure that there is a clear and well-understood policy benchmark for licensing decisions. The LAP should be considered as just one element of a range of necessary initiatives where the combined Councils can make a positive impact of safe and sociable consumption of alcoholic beverages.

In this submission, we have made a number of comments or suggestions regarding the WLAP as follows:

- Lion supports the decision not to impose new restrictions on the general location or density of licensed premises over and above the provisions of the Wairarapa Combined District Plan. However we do not believe that restrictions on proximity to "sensitive locations" are justified.
- Lion does not support the severe restrictions on trading hours for all types of licensed premises because they are not supported by evidence and may create unforeseen negative consequences.
- Lion believes that a number of proposed discretionary conditions, including the one-way door policy, are not justified by the available evidence and/or are outside the scope of the LAP.
- Lion recommends that the Council look at measures outside the LAP to reinforce personal responsibility.

With these modifications, we believe that Wairarapa will be a long way towards achieving a LAP that is:

- reasonable in achieving the objects of the SSAA;
- consistent with the SSAA, the District Plan and other legal obligations;
- representative of best regulatory practice;
- part of a wider harm reduction strategy.

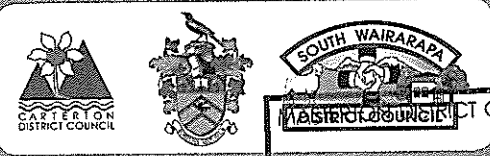
If any further information is required in relation to our submission, please contact:

Liz Read, External Relations Director, Lion – Beer, Spirits & Wine NZ;

P: 09 347 2023

M: 0274 701 447

E: liz.read@lionco.com



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REC'D 10 OCT 2014 PA

DRAFT LOCAL ALCOHOL POLICY (LAP)

300076

Submission Form

30.18

Submissions close on 10th October 2014 at 4.30pm.

Name: Judi Harding

Address: 22 Garrison St
Carterton

Telephone: Home: 3795126 Work: 0272287138

Email: _____

Fax: _____

If you represent a community group, organisation or business, please state it below:

I / we would like to make the following comments on the Draft Local Alcohol Policy.

(Attach additional sheets if required)

There are far too many outlets selling alcohol. I do not agree with sales through dairies & supermarkets. Also need to look at sites close to educational facilities (schools, ECECs) social services, churches, addiction services, health services, playgrounds. & ban sale of alcohol near these venues.

I ~~would~~ / would not like to discuss my submission with the Hearings Committee

(Delete as applicable)

Please return your completed submission form by email to mdc@mstn.govt.nz or post to:

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DRAFT LOCAL ALCOHOL POLICY (LAP) 300077

Submission Form

30.18

Submissions close on 10th October 2014 at 4.30pm.

Name: Gareth McEwen

Address: 92 Hillcrest Street Masterton

Telephone: Home: 027433819 | Work:

Email: gnmcewene@gmail.com

If you represent a community group, organisation or business, please state it below:

Lamsdowne Cricket Club

I/we would like to make the following comments on the Draft Local Alcohol Policy.

(Attach additional sheets if required)

The proposal to reduce sports club licensing hours to 11pm with the summer sports occurring during daylight saving hours - club rooms often not utilised until 8pm to 9pm on a Saturday if license can only operate until 11pm this has a large impact on revenue

I would like to discuss my submission with the Hearings Committee

(Delete as applicable)

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to be able to be made and this could jeopardise the viability of our club.



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10 OCT 2014
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Summary of major topics

Following are some topics from the policy that you may want to have your say on. To see the details of all topics please refer to the full draft LAP, which is available online at www.mstn.govt.nz and at the offices of Carterton, Masterton and South Wairarapa district councils.

Number of places that sell alcohol

Whether or not there should be limits on the number of places that can sell alcohol, either across the whole Wairarapa, or in specific parts of the region.

The draft policy does not set limits on the number of places that can sell alcohol anywhere in the region. The draft policy outlines criteria and a process to set limits.

Where alcohol can be sold

Whether there should be rules about the location of places that sell alcohol.

No further licences are to be issued for any premises unless its location complies with the provisions of the Wairarapa Combined District Plan or a Resource Consent has been granted.

The Act requires DLCs consider the effects of proposed new premises on the amenity and good order of the locality when considering a licence application. Schools, children's playgrounds/recreation facilities, health/social services and high deprivation areas have been identified as sensitive sites and will be considered when assessing the effects of new resource consent and licence applications.

Applications for new licences that are assessed as high risk may be declined.

When alcohol can be sold

What hours should on-licences (clubs, bars, cafes, and restaurants) be open?

In the draft policy on-licences may sell alcohol from:

- Bars, cafes and restaurants: 8am-1am
- Hotel mini bars: all hours
- Sports Clubs: 10am-11pm
- Other Clubs: 8am-1am

What hours should off-licences (supermarkets and bottle stores) be open?

- Bottle stores: 7am-9pm
- Supermarkets: 7am-9pm

One-way door policies

One-way door policies apply to all on-licence pubs, bars and nightclubs from 12midnight. This requires all premises to prohibit new patrons from entering after this time.

Deadline

Written submissions on the draft Local Alcohol Policy are due by 4.30pm, 10th October 2014.

DRAFT LOCAL ALCOHOL POLICY (LAP)

300078

Submission Form

30.18

Submissions close on 10th October 2014 at 4.30pm.

Name: *Kylie Blyth*

Address: *1543 Annedale Rd*

Timu, Masterton

Telephone: Home:

063726646

Work:

Email:

Fax:

If you represent a community group, organisation or business, please state it below:

No.

I / we would like to make the following comments on the Draft Local Alcohol Policy.

(Attach additional sheets if required)

Restricting number of outlets esp alcohol attached to dairies and community related resources ie hospitals, schools.

Opening hours off-licences do not need to open @ 7am. 14 hrs.

~~I would~~ / would not like to discuss my submission with the Hearings Committee

(Delete as applicable)

Please return your completed submission form by email to mdc@mstn.govt.nz or post to:

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10 OCT 2014
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DRAFT LOCAL ALCOHOL POLICY (LAP)

300079

30.18

Submission Form

Submissions close on 10th October 2014 at 4.30pm.

Name: Corinne Oliver

Address: 1377 Opaki Kaipara Rd, RD2, Mauriceville.

Telephone: Home: 027-294-9027 Work: 06-377-3081

Email: pnky@stra.co.nz Fax:

If you represent a community group, organisation or business, please state it below:

I / we would like to make the following comments on the Draft Local Alcohol Policy.

(Attach additional sheets if required)

Alcohol should not be available until at least 11am -

I would / would not like to discuss my submission with the Hearings Committee

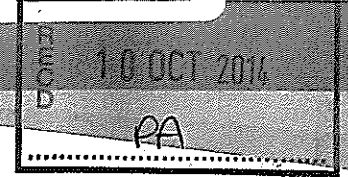
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Please return your completed submission form by email to mdc@mstn.govt.nz or post to:

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DRAFT LOCAL ALCOHOL POLICY (LAP)

300080

30.18

Submission Form

Submissions close on 10th October 2014 at 4.30pm.

Name: Julie Warner

Address: 39 Watt St
Featherston

Telephone: Home: (06) 308-8080 Work: N/A

Email: jandj_lateforbreakfast@xtra.co.nz Fax: N/A

If you represent a community group, organisation or business, please state it below:

I / we would like to make the following comments on the Draft Local Alcohol Policy.

(Attach additional sheets if required)

As a person that used to drink a lot of alcohol (straight vodka @ 4am) it would, not have helped by having easy access at a bottle store or supermarket @ 7am. Nobody should need to purchase alcohol at this hour.

I ~~do~~ would like to discuss my submission with the Hearings Committee

(Delete as applicable)

Please return your completed submission form by email to mdc@mstn.govt.nz or post to:

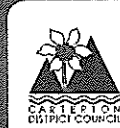
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Deadline

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DRAFT LOCAL ALCOHOL POLICY (LAP)

300081
30.8

Submission Form

Submissions close on 10th October 2014 at 4.30pm.

Name: Campbell Gillam

Address: 1 Vogel Crescent Masterton.

Telephone: Home: 063775605 Work: 027 2415906

Email: gillam.c@xtra.co.nz Fax: .

If you represent a community group, organisation or business, please state it below:

I/we would like to make the following comments on the Draft Local Alcohol Policy.
I support ~~of~~ one way door policies
(Attach additional sheets if required)

I agree there should limits on the number of places that sell alcohol Alcohol should not be sold near Schools ECC, Playgrounds, Addiction Treatment Services or Health Services I agree that Bottle Stores AND Supermarket hours should be 7am to 9pm I agree with opening hours for Bars Taverns, Restaurants hours of 8am to 1am the following day

I would / would not like to discuss my submission with the Hearings Committee

(Delete as applicable)

Please return your completed submission form by email to mdc@mstn.govt.nz or post to:

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Masterton District Council
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MASTERTON 5840



Summary of major topics

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Deadline

Written submissions on the draft Local Alcohol Policy are due by 4.30pm, 10th October 2014.

DRAFT LOCAL ALCOHOL POLICY (LAP)

Submission Form

300082
30.18

Submissions close on 10th October 2014 at 4.30pm.

Name: *Clare McLennan-Kissel*

Address: *18 Devon St, Solway, Mstr*

Telephone: Home:

Work: *377 9131*

Email: *clare.rosemary@gmail.com*

Fax:

If you represent a community group, organisation or business, please state it below:

I / we would like to make the following comments on the Draft Local Alcohol Policy.

(Attach additional sheets if required)

I think that the social and health impact of new venues is really important to be considered and I am pleased to see this form part of the LAP.

I think reducing the hours that bars & restaurants can sell alcohol would also reduce harm, e.g. later than 8am (probably more like 10am). Similarly not allowing supermarkets + bottle stores to sell until at least 9am would reduce harm.

I would / would not like to discuss my submission with the Hearings Committee

(Delete as applicable)

Please return your completed submission form by email to mdc@mstn.govt.nz or post to:

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Masterton District Council

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136

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SOUTH WAIRARAPA DISTRICT COUNCIL

RECD

10 OCT 2014

PA

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DRAFT LOCAL ALCOHOL POLICY (LAP)

300083

Submission Form

30-18

Submissions close on 10th October 2014 at 4.30pm.

Name: LAURA MULLER

Address: 191 HIGH STREET, SOLWAY
MASTERTON

Telephone: Home: 06 3789736 Work: 06 3700115

Email: laura.muller@acc.co.nz Fax:

If you represent a community group, organisation or business, please state it below:

Individual submission

I / we would like to make the following comments on the Draft Local Alcohol Policy.

(Attach additional sheets if required)

I support the draft policy and all the recommendations. It is a valuable and necessary tool to influence the culture of drinking in the Wairarapa.

See attached.

I would / would not like to discuss my submission with the Hearings Committee

(Delete as applicable)

Please return your completed submission form by email to mdc@mstrn.govt.nz or post to:

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Masterton District Council
P O Box 444
MASTERTON 5840

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Good alcohol policy can lead to better community outcomes

There is compelling research and evidence that support well thought through alcohol policy and legislation that can influence drinking behaviour and subsequent alcohol related harm and injuries in communities. Alcohol policy used to produce structural changes in the drinking environment has an influence and changes drinking behaviour in that community.

Alcohol consumption occurs largely within the community contexts, and structures, (zoning, licence conditions, hours of opening etc.) making alcohol available for communities to access. Therefore any subsequent harm arising out of these structures is a collective cost to that community at large. The burden of social costs including productivity- Economics; health- DHB, injury- ACC and offending- Police, etc. directly or indirectly is carried by the whole community.

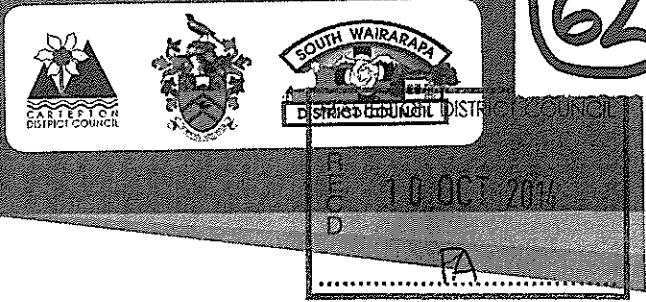
Research supports legislation as a tool rather than directly targeting individuals (own responsibility) and problem drinkers with education and or treatment. It is directed at policy makers that have an influence to affect change that will reduce collective risks.

I would like to expand on this topic with evidenced based research and useful data at the hearing.

Thanks

Laura





Summary of major topics

Following are some topics from the policy that you may want to have your say on. To see the details of all topics please refer to the full draft LAP, which is available online at www.mstn.govt.nz and at the offices of Carterton, Masterton and South Wairarapa district councils.

Number of places that sell alcohol

Whether or not there should be limits on the number of places that can sell alcohol, either across the whole Wairarapa, or in specific parts of the region.

The draft policy does not set limits on the number of places that can sell alcohol anywhere in the region. The draft policy outlines criteria and a process to set limits.

Where alcohol can be sold

Whether there should be rules about the location of places that sell alcohol.

No further licences are to be issued for any premises unless its location complies with the provisions of the Wairarapa Combined District Plan or a Resource Consent has been granted.

The Act requires DLCs consider the effects of proposed new premises on the amenity and good order of the locality when considering a licence application. Schools, children's playgrounds/recreation facilities, health/social services and high deprivation areas have been identified as sensitive sites and will be considered when assessing the effects of new resource consent and licence applications.

Applications for new licences that are assessed as high risk may be declined.

When alcohol can be sold

What hours should on-licences (clubs, bars, cafes, and restaurants) be open?

In the draft policy on-licences may sell alcohol from:

- Bars, cafes and restaurants: 8am-1am
- Hotel mini bars: all hours
- Sports Clubs: 10am-11pm
- Other Clubs: 8am-1am

What hours should off-licences (supermarkets and bottle stores) be open?

- Bottle stores: 7am-9pm
- Supermarkets: 7am-9pm

One-way door policies

One-way door policies apply to all on-licence pubs, bars and nightclubs from 12midnight. This requires all premises to prohibit new patrons from entering after this time.

Deadline

Written submissions on the draft Local Alcohol Policy are due by 4.30pm, 10th October 2014.

DRAFT LOCAL ALCOHOL POLICY (LAP)

Submission Form

300084
30-18

Submissions close on 10th October 2014 at 4.30pm.

Name: *R Morgan*
 Address: *160 E. Taratahi Rd*
 Telephone: Home: *0211496996* Work:
 Email: Fax:

If you represent a community group, organisation or business, please state it below:

I / we would like to make the following comments on the Draft Local Alcohol Policy.

(Attach additional sheets if required)

Statement on limits not clear - will LAP set limits on numbers or not? Surely that is for the market?

How & by whom will rules be assessed? Every provider is distinct in their own way

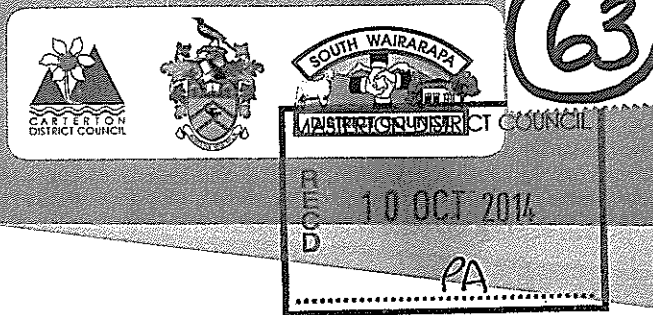
Licensed hours seem very restrictive and out-of-step with rest of country. forcing "swill" closing will cause other problems

I would / would not like to discuss my submission with the Hearings Committee *Who is the Hearings Committee?*

(Delete as applicable) *what is their background and experience in the subject?*

Please return your completed submission form by email to mdc@mstn.govt.nz or post to:

Draft LAP Submissions
Masterton District Council
P O Box 444
MASTERTON 5840



Summary of major topics

Following are some topics from the policy that you may want to have your say on. To see the details of all topics please refer to the full draft LAP, which is available online at www.mstn.govt.nz and at the offices of Carterton, Masterton and South Wairarapa district councils.

Number of places that sell alcohol

Whether or not there should be limits on the number of places that can sell alcohol, either across the whole Wairarapa, or in specific parts of the region.

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Where alcohol can be sold

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No further licences are to be issued for any premises unless its location complies with the provisions of the Wairarapa Combined District Plan or a Resource Consent has been granted.

The Act requires DLCs consider the effects of proposed new premises on the amenity and good order of the locality when considering a licence application. Schools, children's playgrounds/recreation facilities, health/social services and high deprivation areas have been identified as sensitive sites and will be considered when assessing the effects of new resource consent and licence applications.

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One-way door policies apply to all on-licence pubs, bars and nightclubs from 12midnight. This requires all premises to prohibit new patrons from entering after this time.

Deadline

Written submissions on the draft Local Alcohol Policy are due by 4.30pm, 10th October 2014.

DRAFT LOCAL ALCOHOL POLICY (LAP) 300085 30-18

Submission Form

Submissions close on 10th October 2014 at 4.30pm.

Name: JOHN KENNEDY

Address: 20 MEMORIAL SQUARE
CARTERTON

Telephone: Home: 0214460924 Work: 06 319 7972

Email: jk@buckhorn.co.nz Fax: 06 319 7958

If you represent a community group, organisation or business, please state it below:

BUCKHORN BAR & GEM 2008 LTD

I / we would like to make the following comments on the Draft Local Alcohol Policy.

(Attach additional sheets if required)

SEE ATTACHED DRAFT LAP.

WOULD LIKE CLARIFICATION ON MARKED SUBJECTS

I would / ~~would not~~ like to discuss my submission with the Hearings Committee

(Delete as applicable)

Please return your completed submission form by email to mdc@mstn.govt.nz or post to:

Draft LAP Submissions
Masterton District Council
P O Box 444
MASTERTON 5840

140

JK Bickerton

WAIRARAPA

DRAFT LOCAL ALCOHOL POLICY

Overview

General Framework

- ✓ 1.1 The Sale and Supply of Alcohol Act 2012 (the Act) puts in place a system to manage the sale and supply of alcohol and achieve the objectives of the Act. The key principles which drive this system of management are:
 - ✓ (a) that the sale, supply and consumption of alcohol should be undertaken safely and responsibly; and
 - ✓ (b) harm caused by the excessive or inappropriate consumption of alcohol should be minimised.
- ✓ 1.2 Harm is defined widely and includes crime, damage, death, disease, disorderly behaviour, illness or injury, and harm to individuals or the community, either directly or indirectly caused by excessive or inappropriate alcohol consumption.
- ✓ 1.3 The Act also sets out national rules for the sale and supply of alcohol which provide a baseline for the management of alcohol. Some of these rules are mandatory including national maximum trading hours, the drinking age, manager training and vetting, and actions to minimise the risk of alcohol related harm such as providing free drinking water, ensuring food and low or non-alcoholic beverages are available, and providing information about transport options.
- ✓ 1.5 In addition to the national rules framework, the Act allows territorial authorities to develop and adopt a local alcohol policy (LAP).
- X 1.6 A LAP is a set of policies, made by the Council in consultation with its community, about the sale and supply of alcohol in its geographical area. It can modify and refine some of the national rules to reflect the particular circumstances of the local area and introduce other local requirements.
- X 1.7 The Act allows for territorial authorities to work together to develop a combined LAP. Masterton, Carterton and South Wairarapa District Councils have decided to develop a LAP together for the Wairarapa.
- ✓ 1.8 Once a LAP comes into force, each Council's District Licensing Committee (DLC) along with the Alcohol Regulatory Licensing Authority (ARLA) must have regard to the policy when they make decisions on licence applications.
- ✓ 1.9 A LAP must be reasonable and consistent with the purpose of the Act.

Consideration for well managed venues ie past history

AS ABOVE.

- ✓ 1.10 It must be developed in consultation with the Medical Officer of Health, the NZ Police, Council's Licensing Inspectors and the community, including those who own and operate licenced premises.
- ✓ 1.11 The following matters have been considered in preparing this LAP (*please refer to the draft Wairarapa LAP appendices for more information*):
 - Objectives and policies of the Wairarapa Combined District Plan
 - The number of licences of each kind in the District and location and opening hours of premises.
 - Liquor bans that are in force
 - The demographic profile of residents and tourists
 - Overall health indicators of residents
 - The nature and severity of alcohol-related problems
- ✗ 1.12 In the future the LAP can be amended or revoked at any time subject to appropriate consultation processes being followed. It must be reviewed at least every 6 years. ?

The Meaning of Terms used in this LAP

- ✓ 1.13 For further details refer to the section of the Act that is referenced.

Types of Licences

- ✓ • **on-licences** where the licensee can sell and supply alcohol for consumption on the premises and can let people consume alcohol there (see section 14 of the Act)
- ✓ • **off-licences** where the licensee sells alcohol from a premises for consumption somewhere else (see section 17 of the Act);
- ✓ • **club licences** where the licensee (e.g. a club) can sell and supply alcohol for consumption on the club premises by authorised customers (see section 21 of the Act); and
- ✓ • **special licences** which can be either on-site or off-site special licences. With an on-site special, the licensee can sell or supply alcohol for consumption there to people attending an event described in it. With an off-site special, the licensee can sell the licensee's alcohol, for consumption somewhere else to people attending an event described in it (see section 22 of the Act).

✓ Reasonable

For the purpose of this Local Alcohol Policy, reasonable is defined as a position that the average Wairarapa resident would perceive to be fair, sensible and balanced.

Other Terms

- ✓ **act** means the Sale and Supply of Alcohol Act 2012
- ✓ **bottle store** means retail premises where (generally speaking) at least 85% of the annual sale revenue is expected to be earned from the sale of alcohol for consumption somewhere else (refer section 32(1))
- ✓ **bar** in relation to a hotel or tavern, means a part of the hotel or tavern used principally or exclusively for the sale or consumption of alcohol (refer section 5(1))
- ✓ **café** has the same meaning as restaurant in terms of the licence
- ✓ **club** means a body that—
(a) is a body corporate having as its object (or as one of its objects) participating in or promoting a sport or other recreational activity, otherwise than for gain; or
(b) is a body corporate whose object is not (or none of whose objects is) gain; or
(c) holds a permanent club charter (refer section 5(1))
- ✓ **DLC** means the District Licensing Committee as appointed by each of the three Wairarapa Councils pursuant to section 186 of the Act.
- ✓ **grocery store** grocery store means a shop that—
(a) has the characteristics normally associated with shops of the kind commonly thought of as grocery shops; and
(b) comprises premises where—
(i) a range of food products and other household items is sold; but
(ii) the principal business carried on is or will be the sale of food products (refer sections 5(1) and 33(1))
- ✓ **hotel** means premises used or intended to be used in the course of business principally for providing to the public—
(a) lodging; and
(b) alcohol, meals, and refreshments for consumption on the premises (refer section 5(1))
- ✓ **reasonable** for the purpose of this Local Alcohol Policy, reasonable is defined as a position that the average Wairarapa resident would perceive to be fair, sensible and balanced.
- ✓ **restaurant** means premises that—
(a) are not a conveyance; and
(b) are used or intended to be used in the course of business principally for supplying meals to the public for eating on the premises (refer section 5(1))

- ✓ **night-club** a place of entertainment open at night which normally provides music and space for dancing and may provide a show e.g. of comedy or other 'acts'
- ✓ **supermarket** means premises with a floor area of at least 1000 m2 (including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables, and delicatessen items) (refer section 5(1))
- ✓ **tavern** (a) means premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public; but
(b) does not include an airport bar (refer section 5(1)) i.e. an airport bar is not treated as a tavern for alcohol licensing purposes).
- ✓ **Wairarapa** for the purpose of this Local Alcohol Policy, Wairarapa refers to the territorial areas made up of the Masterton, Carterton and South Wairarapa District Councils.

Purpose, Aims & Scope

PURPOSE

- ✓ 2.1 This LAP provides local guidance for the three Council's District Licensing Committees so that licensing decisions:
 - Contribute to a safe and healthy district
 - Reflect the character and values, preferences and needs identified as being important to our communities;
 - Foster positive, responsible drinking behaviours and alcohol-related harm is reduced.

AIMS

- ✓ 2.2 The aims of this LAP are to:
 - Promote safe and responsible sale, supply and consumption of alcohol.
 - Reflect the views of our communities regarding the appropriate location, number, hours and conditions that apply to licensed premises;
 - Provide certainty and clarity for applicants and the public as to whether a proposed license application meets the criteria in the LAP;
 - Provide effective guidance for the decisions of the District Licensing Committee and the Alcohol Regulatory Licensing Authority.

SCOPE

- ✓ 2.3 A LAP can only deal with matters relating to licensing. Through a LAP the community is able to:

- ✓ • Restrict the location of licensed premises in particular areas or near certain types of facilities, such as in specific neighbourhoods or near schools or churches;
 - Limit the density of licensed premises by specifying whether new licences or types of licences should be issued in a particular area;
 - Require the imposition of conditions on groups of licences, such as a "one-way door" condition that would allow patrons to leave premises but not enter or re-enter after a certain time;
 - ? — • Recommend discretionary conditions for licences;
 - ✓ • Restrict or extend the default maximum trading hours set in the Act, which are:
 - 8am - 4am for on-licences (such as pubs and restaurants)
 - 7am - 11pm for off-licences (such as bottle stores and supermarkets).
- ✓ 2.4 For special licences, policies can be set on maximum trading hours, discretionary conditions and one-way door restrictions only.
- ✓ 2.5 Where the LAP does set maximum trading hours, the District Licensing Committee has discretion to set the permitted trading hours as more restrictive than the maximum trading hours in the LAP.
- ✓ 2.6 The LAP can be more restrictive in its provisions relating to licensed premises, but cannot permit activities not allowed by the District Plan. The Wairarapa Combined District Plan provides for licensed premises within Commercial and Industrial zones, and in rural areas when accessory to another use e.g. vineyard, or by resource consent.
- 2.7 Section 117 of the Act permits the District Licensing Committee and the Alcohol Regulatory Licensing Authority to issue any licence subject to "any reasonable conditions not inconsistent with this Act". LAPs can include policies to guide the District Licensing Committee and Alcohol Regulatory Licensing Authority as to the discretionary conditions that may be appropriate.

HOW A POLICY IS APPLIED

- ✓ 2.8 Policies will apply to all applications for new licences after the date that the policy comes into force.
- ✓ 2.9 Except that maximum trading hours in this policy will apply to all licences issued before the date this policy comes into force.
- X 2.10 Conditions under this policy regarding one-way door restrictions come into force 3 months after the day on which public notice is given of the adoption of ^{cost} _{liability} ?
- 2.11 The LAP applies to renewals of licences in accordance with section 133 of the Act.

CRITERIA FOR CONSIDERING LICENSING APPLICATIONS

- ✓ 2.12 Decisions on applications for licences are made by District Licensing Committees.
- ✓ 2.13 Under section 105 of the Act the District Licensing Committee must consider each application in accordance with the criteria set out in the Act. The criteria includes whether the application complies with a LAP. Other criteria are:
- the objectives of the Act;
 - the suitability of the applicant;
 - the design and layout of the premises;
 - whether the applicant provides goods and services other than those related to the sale of alcoholic and non-alcoholic refreshments and food;
 - whether (in its opinion) the amenity and good order of the locality is likely to be reduced by more than a minor extent, by the issue of a licence;
 - whether the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that it is desirable not to issue any further licences;
 - whether the applicant has the appropriate systems, staff and training to comply with the law.
- ✓ 2.14 The Act states that a licence may be refused or conditions applied if the issue of the licence, or the consequences of the issue of the licence, would be inconsistent with the LAP (section 108 and 109). Where a licence is renewed and it will be inconsistent with the provisions of the LAP, conditions may be imposed (section 133).

Policies

GENERAL

3.1 LOCATION OF LICENSED PREMISES

From the date this LAP comes into force, no further licences are to be issued for any premises unless the location of that premise complies with the provisions of the Wairarapa Combined District Plan or a Resource Consent has been granted.

The Act requires DLCs consider the effects of proposed new premises on the amenity and good order of the locality when considering a licence application.

Schools, children's playgrounds/recreation facilities, health/social services and high deprivation areas have been identified as sensitive sites and will be considered when assessing the effects of new resource consent and licence applications.

Applications for new licences that are assessed as high risk may be declined.

SPECIFIC

3.2 OFF-LICENCES

3.2.1 Maximum Trading Hours

The following maximum trading hours apply to off-licence premises in the Wairarapa region and include all off-licence sales including over the counter sales:

	Opening	Closing
All Districts – Bottle Stores	7.00am	9.00pm
All Districts – Supermarkets	7.00am	9.00pm

3.2.2 Discretionary conditions for off-licences

Conditions relating to the following matters **may** be appropriate for off licences:

- ✓ Supervised designation of all bottle stores to ensure unaccompanied minors do not enter bottle stores.
- ✓ Restriction on advertisement or display of alcohol that is visible from outside and/or the entrance to the premises.
- ✓ Require signage and display of alcohol to be consistent with CPTED guidelines.

3.3 ON-LICENCES

3.3.1 Maximum Trading Hours

The following maximum trading hours apply to all on-licensed premises in the Wairarapa region (other than hotel in-bedroom (mini-bar) sales):

	Opening	Closing
All Districts – All On-Licence Premises	8.00am	1.00am the following day

The following hours apply to hotel in-bedroom (mini-bar) sales:

Hotel Mini Bars and/or Lodgers	24 hour
--------------------------------	---------

x ?
3.3.2 One way door policies

One way door policies apply to all on-licence pubs, bars and nightclubs from Midnight.

?
3.3.3 Other Discretionary conditions for on-licences

Conditions relating to the following matters may be appropriate for on-licences:

- ✓ • Specify the range of food, non-alcohol and low-alcohol drinks to be provided.
- • Specify limits on the number of drinks per customer at specified times.
- • No serving in glass containers at specified times.
- ✓ • Restrictions on the wearing and/or display of gang paraphernalia.
- ✓ • Restrictions on the use of outdoor areas after 'x' hour, e.g. outdoor speakers are prohibited after 'x' hour.
- • Require licenced outside areas to be monitored.
- • Require a management plan for the management of patrons in outdoor areas to minimise impacts on the amenity of near-by properties.
- ✓ • Conditions relating to management such as:
 - ✓ ○ certificated staff required if the maximum occupancy exceeds a prescribed number or if recommended by Police or the Inspector
 - ✓ ○ requirement for multiple managers for large events and/or establishments

The following conditions may be appropriate for on-licensed premises such as BYO restaurants:

- ✓ • The holder of a manager's certificate to be on duty during busy periods e.g. Thursday, Friday and Saturday nights

3.4 CLUB LICENCES

3.4.1 Maximum Trading Hours

The following maximum trading hours apply to club-licensed premises in the Wairarapa region:

	Opening	Closing
All Districts – Sports Clubs	10.00am	11.00pm
All Districts – Other Clubs	8.00am 6.00am on ANZAC Day only for those involved in ANZAC celebrations subject to section 47 of the Act.	1.00am the following day

✓
✓

? ✓ **3.4.2 Discretionary conditions for club licences:**

Conditions relating to the following matters may be appropriate for Club licensed premises depending on the size and nature of the club:

- ✓• Specify the range of food, non-alcohol and low-alcohol drinks to be provided.
- Require licenced outside areas to be monitored.
- Require a management plan for the management of patrons in outdoor areas to minimise impacts on the amenity of near-by properties.
- ?•/ Require the holder of a managers certificate to be present when alcohol is available for sale during busy periods e.g. more than X people are on the Club premises. For large events or establishments, a number of licenced managers may be specified.

✓ **3.5 SPECIAL LICENCES**

3.5.1 Special licences may be issued both for off-site consumption (e.g. wine sales from a market stall) or for on-site consumption (e.g. at a community event or when a bar has a special licence to open earlier/close later for significant events).

✓ **3.5.2 Maximum Trading Hours**

The hours (opening and closing) and duration of a special licence are set at the discretion of the District Licensing Committee for each event, having regard to the nature of the event or series of events, as assessed on a case by case basis.

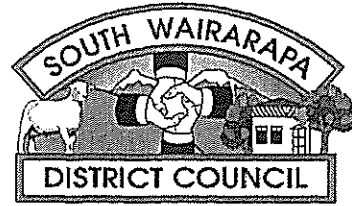
Special Licences	Maximum trading hours for special licences will be considered on a case by case basis.
------------------	--

3.5.3 Discretionary conditions for special licences

Conditions relating to the following matters may be appropriate for special licences depending on the size and nature of the event:

- ✓• Specify the range of food, non-alcohol and low-alcohol drinks to be provided.
- ✓• Wine to be sold by the glass or plastic container only.
- ✓•? Areas to be clearly defined/ cordoned off/ demarcated where alcohol is being sold/consumed outside of the building e.g. beer tent. Where appropriate people are to remain within the defined area.
- ✓• Require licenced outside areas to be monitored.
- ✓•? Require a management plan for the management of patrons in outdoor areas to minimise impacts on the amenity of nearby properties.
- ?•• One way door restrictions.
- ✓• The holder of a manager's certificate is to be present when alcohol is available for sale. For large events or establishments, multiple managers may be specified.

- ✓• Restrict BYO alcohol and require security to check the public for alcohol/contraband as they arrive and confiscate any alcohol/ contraband found.
- ✓• Where an event is taking place within a liquor ban area require signage at the event exit to remind the public that when they leave the event they will be entering a liquor ban area.
- ✓• For events with over 400 attendees, or as otherwise considered appropriate:
 - Require an Alcohol Management Plan in a form acceptable to the District Licensing Committee. The Plan should identify alcohol related risks as they apply to the event and state how these will be mitigated.
 - Specify the maximum number of alcoholic drinks per sale transaction, as appropriate.
- ✓• Careful consideration of the appropriateness of alcohol associated with driving events shall be undertaken and such applications may be refused.



DRAFT LOCAL ALCOHOL POLICY (LAP) Submission Form

Submissions close on 10th October 2014 at 4.30pm.

Name:.....Kevin
Beange.....

Address:68 Westbush rd RD 8
Masterton.....

Telephone Numbers: Home:063786494.....
Work:.....

Email:dawnbeange@xtra.co.nz.....
Fax:.....

If you represent a community group, organisation or business, please state it below:

.....Masterton Club
Inc......

I / we would like to make the following comments on the Draft Local Alcohol Policy.
(Attach additional sheets if required)

----I have read the draft policy—and I think it is reasonable. There is little that we could argue with. However I would mention that under section 3.4.2 'specify the range of food' This would need to be more precise as to what the LAP expects as most clubs already have good bar food available.--

65



DRAFT LOCAL ALCOHOL POLICY (LAP)

Submission Form

Submissions close on 10th October 2014 at 4.30pm.

Name: Michael Taylor

Address: 700 Homewood Road RD12
MASTERTON 5872

Telephone: Home: 063723500 Work: 063723700

Email: beaumaris@wise.net.nz Fax: 063723700

If you represent a community group, organisation or business, please state it below:

I/we would like to make the following comments on the Draft Local Alcohol Policy.

(Attach additional sheets if required)

I wonder if Bars/Labs/Restaurants closing at 1AM is a bit restrictive in the modern climate. The ~~rest~~ could create discussion but is on the right track. The one way door policy might need some assistance to work properly.

I ~~would~~ would not like to discuss my submission with the Hearings Committee

(Delete as applicable)

Please return your completed submission form by email to mdc@mstn.govt.nz or post to:

Draft LAP Submissions
Masterton District Council
P O Box 444
MASTERTON 5840

CBRE House | 112 Tuam St
Christchurch 8011
PO Box 2688
Christchurch 8140
New Zealand
Ph 03 963 0218

10 October 2014

Draft LAP Submissions
Masterton District Council
PO Box 444
Masterton 5840

To Whom It May Concern

Wairarapa Draft Local Alcohol Policy

Thank you for providing the opportunity for the Health Promotion Agency (HPA) to comment on the Wairarapa draft Local Alcohol Policy (LAP).

We wish to speak to this submission.

INTRODUCTION

HPA has the statutory function of giving advice and making recommendations on the sale, supply, consumption, misuse and harm from alcohol. Since 1 July 2012 HPA assumed the functions of the former Alcohol Advisory Council of New Zealand and Health Sponsorship Council and some functions of the Ministry of Health.

We congratulate Masterton, Carterton and South Wairarapa Councils on their commitment to develop a LAP. The development of a LAP provides an opportunity for communities to become involved in how alcohol is sold in their neighbourhoods. A joint LAP is an excellent way to ensure consistency across the region.

The object of the Sale and Supply of Alcohol Act 2012 is that the sale, supply, and consumption of alcohol should be undertaken safely and responsibly, and the harm caused by the excessive or inappropriate consumption of alcohol should be minimised. LAPs play an important role in meeting these objectives and provide councils with a mechanism to reflect the needs of the community and minimise the harm locally.

BACKGROUND PAPERS

We would also like to commend the Wairarapa Councils on their background reports. The HPA is aware that many councils are finding it difficult to source good data, especially local data. Given these constraints we note that the Wairarapa Councils have provided useful information to assist with the development of the LAP.

ENGAGEMENT

HPA encourages and supports territorial authorities to develop policies that are well consulted and reflect local community views. We thought that the development of a working group comprising Councillors from the three Wairarapa Councils and representatives from Police and the Medical Officer of Health was an excellent way to gain input from those required to be consulted under the Act. We were pleased to see that the Working Group has sought the views of the Wairarapa community about alcohol licensing matters through a community survey, youth forums, a licensee and managers' survey and a letter to key stakeholders, including health and social service providers, Iwi and alcohol industry representatives. We believe that this wider engagement, if reflected in the final policy, will provide the Councils with a policy that meets the desires of the local community.

POLICY PURPOSE, AIMS AND SCOPE

LAPs not only provide guidance to District Licensing Committees (DLCs), the Alcohol Regulatory and Licensing Authority (ARLA) and local alcohol retailers, but they also provide an opportunity for communities to be involved in shaping the trading hours, location and density of licences and conditions on licensed premises in ways that fit with community desires. HPA is supportive of the policy aims of the draft LAP and we think they relate well to the objectives of the Act.

TRADING HOURS

HPA supports a reduction in trading hours for licensed premises because national and international research indicates there is a relationship between the hours of sale of alcohol and alcohol-related harm. Findings show both an increase in harm when trading hours are increased and a decrease in harm when trading hours are reduced.¹ We encourage territorial authorities to set maximum trading hours that are appropriate for the community and take into account the

¹ Babor T., Caetano, R., Casswell, S., Edwards, G., Giesbrecht, N., Graham, K., Grube, J., Hill, L., Holder, H., Homel, R., Livingston, M., Osterberg, E., Rehm, J., Room, R., Rossow, I. (2010). *Alcohol: No Ordinary Commodity: Research and public policy*, 2nd edn. Oxford: Oxford University Press.

views of the community through good engagement and consultation on the development of the policy.

Recently, Ministry of Justice undertook research as part of the development of the risk-based fees regime. The findings indicate that the rate of attributable alcohol-related offences associated with licensed premises increases with later closing times. Compared with expected offences when premises close at midnight, the rate is 1.6 times higher when they close at 1am rising to 8.9 times when they close at 5am.²

In the same report, the Ministry of Justice presented empirical data suggesting a link between off-licence premises and alcohol-related harm. Findings included:

- seventy six percent of alcohol is sold through off-licences³
- sixty percent of alcohol-related offences are linked to home and public consumption which in turn is linked to off-licence purchase⁴
- a high level of alcohol-related harm occurs between the hours of 10pm and 5am, and the growing differential in prices between off-licence and on-licence premises has led to the phenomenon of pre-loading and side-loading, where people consume large quantities of alcohol before entering an on-licence premises or leave to top up before re-entering. Off-licence premises with later trading hours are more likely to be associated with pre-loading and side-loading, thus contributing to alcohol-related harm.⁵

Ministry of Justice's research provides further support that limiting trading hours for the sale of alcohol is a key policy lever for reducing alcohol-related harm.

We support the trading hours proposed for all on-licences. We also support the proposed trading hours for club and off-licences.

SPECIAL LICENCES

The draft LAP provides very little guidance to the DLC around the issuing of special licences. As we do not support 24-hour-trading we think that special licences should not exceed beyond the national maximum trading hours of 8am to 4am.

² Ministry of Justice. (2013). *Risk-based licensing fees. Identifying risk factors for the New Zealand context*. Wellington: Ministry of Justice.

³ SHORE and Whariki Research Centre

⁴ Police POLD data

⁵ Ministry of Justice. (2013). *Risk-based licensing fees: Identifying risk factors for the New Zealand context*. Wellington: Ministry of Justice.

HPA believes that there should be limits on the maximum number of events included in special licences. We suggest that for on-licensed premises, a series of events be limited to six, and for any other special licence there be a limit of 12.

LOCATION OF PREMISES

The Law Commission's consultation found that communities feel strongly about the location of premises where alcohol is sold.⁶ LAPs are the main mechanism for people to have a say about how alcohol is sold in their communities so we are disappointed to see that the draft LAP does not have a clear policy around the proximity of licensed premises to sensitive sites. Reliance on compliance with the District Plan and Resource Consents may not be sufficient to mitigate the harmful effects of particular locations and is unlikely to meet community concerns in this area.

Many councils have clear policies around the location of premises within their draft LAPs, such as requiring impact assessments and buffer zones around sensitive sites for new applications. We think that the draft LAP would be enhanced if it included such policies and we are happy to provide some examples of policies from other councils if useful.

Recommendation

HPA recommends that the Wairarapa Councils consider a specific policy on the location of licensed premises.

DENSITY PROVISIONS

The Law Commission's consultation also found that outlet density is one of the most pressing issues around the sale of alcohol for many communities. Studies have suggested an association between the number of outlets and increased levels of alcohol consumption at a neighbourhood level. Research undertaken by the University of Waikato National Institute of Demographic and Economic Analysis looked at the impacts of liquor outlets in Manukau City. The research found that:

- on-licence outlets are most dense in areas with good transport links, such as in town centres and areas with high amenity value. This is because these outlets cater to consumers who are looking for a destination at which to drink, or where drinking is incidental to some other activity such as eating a meal

⁶ Law Commission. (2010). *Alcohol in our Lives: Curbing the Harm: A report on the review of the regulatory framework for the sale and supply of liquor*. Wellington: Law Commission.

- off-licence outlet density is not only related to population density, (a higher population density is associated with a higher density of off-licence outlets), but also to relative deprivation (higher relative deprivation is associated with higher density of off-licence outlets)
- further, off-licence outlets are not typically gathered together in clusters but are distributed throughout the area. While this reduces local competition it also increases access to alcohol at a neighbourhood level
- areas with more off-licence outlets have higher levels of competition between those outlets, leading to lower prices, longer operating hours and later weekend closing times ⁷
- higher numbers of off- and on-licences were associated with a higher number of police events. In particular, off-licence density was associated with higher levels of anti-social behaviours, drug and alcohol offences, family violence, property abuse, property damage, traffic offences and motor vehicle accidents. Density of clubs and bars was associated with higher levels of anti-social behaviour, dishonesty offences, drug and alcohol offences, property abuse, property damage, sexual offences, traffic offences and violent offences. Density of restaurants and cafes was associated with higher levels of dishonesty offences, property abuse, traffic offences and motor vehicle accidents.⁸

More recently the University of Waikato has released an extension of this study looking at the geographically specific relationships between alcohol outlet density (by type of outlet) and social harms (specifically different types of police events, and motor vehicle accidents) in the North Island of New Zealand from 2006 to 2011.

Its results show that in global terms, bar and nightclub density has a significant positive association with all categories of police events and with motor vehicle accidents. Supermarket and grocery store density has significant positive association with police events, but not motor vehicle accidents. Licensed club and other on-licence density are positively related to many of the categories of police event. The nature of the relationships between alcohol outlet density and

⁷ Cameron, M.P., Cochrane, W., McNeill, K., Melbourne, P., Morrison, S. L., Robertson, N. (2010b). *The spatial and other characteristics of liquor outlets in Manukau City: The impacts of liquor outlets report no. 3*. Wellington: Alcohol Advisory Council of New Zealand.

⁸ Cameron, M.P., Cochrane, W., McNeill, K., Melbourne, P., Morrison, S. L., Robertson, N. (2011). *A spatial econometric analysis of selected impacts of liquor outlet density in Manukau City: The impacts of liquor outlets report no. 4*. Wellington: Alcohol Advisory Council of New Zealand

social harms are context sensitive and they vary by geographic location throughout the North Island by outlet type.⁹

Overall, the evidence behind decreasing the number of alcohol outlets to decrease alcohol-related harm is strong, and we therefore support the use of tools that will assist with limiting the density of outlets. A number of councils around New Zealand have developed measures for reducing density within their draft LAPs, especially in communities where there is already high community stress and/or alcohol-related harm. We encourage the Wairarapa Councils to consider the views from your community, Medical Officer of Health and Police on this subject. We are happy to provide some examples of policies from other councils if the Wairarapa would find them useful.

Recommendation

HPA encourages the Wairarapa Councils to ensure community views on including a policy to manage the density of licensed premises are given appropriate weight.

DISCRETIONARY CONDITIONS

We were pleased to see that the Wairarapa Councils have considered the addition of discretionary conditions. However the conditions listed could be expanded in order to provide useful guidance to the DLCs and reporting agencies. For example other LAPs have suggested:

On-licences

- The provision of additional security staff after a particular hour
- Host responsibility policy in place
- CCTV cameras
- Exterior lighting
- Queue management
- Minimum seating
- Training requirements for bar staff
- Incident register
- Cleaning public areas adjacent to premises

Off-licence

- Suitable designation of all bottle stores to ensure unaccompanied minors do not enter bottle stores

⁹ Cameron, M. P., Cochrane, W., Gordon, C., & Livingston, M. (2013). *The locally-specific impacts of alcohol outlet density in the North Island of New Zealand, 2006-2011*. Research report commissioned by the Health Promotion Agency. Wellington: Health Promotion Agency.

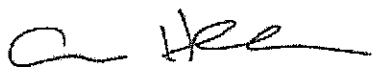
- Prominent display of signage
- Incident register
- Cleaning public areas adjacent to premises
- CCTV cameras
- Exterior lighting

An indicative list does not fetter the discretion of the DLC to impose '...any reasonable condition' on a licence as set out in section 117(1) of the Act, and is very helpful in cases where reporting agencies or members of the public may be asked by the DLC to consider what conditions they think might minimise any negative impacts if the licence were to be granted. HPA believes that carefully considered licence conditions can be an effective measure to promote safe, responsible sale and supply of alcohol and to minimise the harm caused by its excessive or inappropriate consumption in line with the object of the Sale and Supply of Alcohol Act 2012.

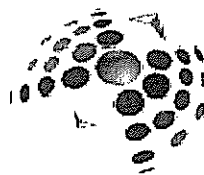
CONCLUSION

Once again, thank you for the opportunity to comment on the Masterton, Carterton and South Wairarapa District Councils draft LAP. Please do not hesitate to contact Cathy Bruce, Principal Advisor Local Government, e-mail c.bruce@hpa.org.nz, phone 03 963 0218 if you would like to discuss any parts of this submission further.

Yours sincerely



Andrew Hearn
General Manager Policy, Research and Advice



Yvette Grace
Manager
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8 October 2014

As Manager of Compass Health I appreciate the opportunity to comment on the Wairarapa Draft Local Alcohol Policy (LAP).

The alcohol related issues in our community are many, from health problems due to over consumption, personal injuries, anti - social behaviour, violent assaults, family violence and traffic crashes. Many of these issues result in health care costs to primary and secondary care. Another impact is the financial burden, loss of income, inability to finance the necessities of life due to an individual having an alcohol problem and regularly consuming alcohol in large amounts at a considerable cost.

Compass Health commend the development of a Wairarapa Local Alcohol Policy (LAP).

The draft LAP policy states that *"This policy aims to help to encourage the responsible sale, supply and consumption of alcohol and will focus on reducing alcohol related harm. It will create environments across the Wairarapa region that are safer for everyone to enjoy"*.

Compass Health wishes to comment on a number of areas of the draft Local Alcohol Policy as we believe it should be strengthened further in order to achieve the 'aims' of the LAP stated above.

1. Operating hours for licenced premises.

Compass Health supports a decrease in the current hours alcohol is currently sold.

- a. **In the draft LAP, bottle stores and supermarkets will be open from 7am until 9pm.** Compass Health agrees with this. We believe all operators should be open for the same times.
- b. **In the draft LAP Bars, Taverns, Restaurants and Cafes will be open from 8am until 1am the following day with a one way door policy from 12am.** Compass Health agrees with this.
- c. **Sports Club License** – the draft LAP has hours being 10am until 11pm. Compass Health is supportive of these operating hours.
- d. **Other Club Licence** – RSA or Working mens club, LAP draft has the hours being 8am until 1am maximum. Compass Health supports this.

2. Density and Proximity of Alcohol Outlets

Compass Health would like to see a decrease in the number of outlets selling alcohol. Compass Health recommends a 'sinking lid' approach to new liquor licenses, in particular when sought in low socio economic areas, housing areas, areas close to schools, playgrounds, hospitals, health and social service organisations and Churches. And also in areas where there is already a high density of alcohol outlets.

We would like the LAP to set exclusion zones around schools pre-schools, and housing areas. By preference alcohol retail outlets should be in central business district areas.

3. Alcohol Advertising

Compass Health would like the Wairarapa Local Alcohol policy to set limits around alcohol advertising. We would recommend that advertising by alcohol retailers be limited to 25% of their shop frontage.

I thank you for taking the time to consider the views of Compass Health.
I wish to appear before the committee to speak to this written submission.

Yours Sincerely,

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**SUBMISSION TO THE MASTERTON DISTRICT COUNCIL,
SOUTH WAIRARAPA DISTRICT COUNCIL AND THE
CARTERTON DISTRICT COUNCIL**

ON THE WAIRARAPA DRAFT LOCAL ALCOHOL POLICY

10 OCTOBER 2014

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Auckland 2024

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Kate Porter
National Communications and Public Affairs Manager
Progressive Enterprises Limited

Progressive Enterprises wishes to appear before the Carterton District Council, the Masterton District Council and the South Wairarapa Council ("**Councils**") to present this submission.

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PART A: SUMMARY AND RECOMMENDATIONS

1. KEY POINTS

Introduction

- 1.1 Progressive Enterprises supports the purpose and object of the Sale and Supply of Alcohol Act 2012 ("**the Act**") and we are committed to selling beer and wine in a responsible and safe manner. We believe the Wairarapa Draft Local Alcohol Policy ("**draft LAP**") is, for the most part, a sensible response to the challenges faced in Carterton, Masterton and South Wairarapa (herein described as "**Wairarapa**").

Licensed hours

- 1.2 Whilst we support the application of the Act's national default off-licence hours (ie 7am to 11pm), we would not oppose 7am to 10pm off-licence hour restriction in Wairarapa. We do however oppose the proposed 7am to 9pm restriction for off-licence hours.
- 1.3 The data on alcohol related harm ("**ARH**") within the Wairarapa provides very little information about when and where ARH occurs within the community. It therefore appears that the primary reason for restricting off-licence hours to 9pm is the "availability theory" however international literature primarily relates to on-licenced hours late at night (after midnight) and there is no evidence supporting the application of the availability theory to supermarket sales of beer and wine between 7am and 11pm (or 10pm).

Proximity provisions

- 1.4 We have significant concerns about the workability of the proximity provisions to the extent they apply to supermarkets and grocery stores. In particular:
- (a) The Draft LAP is unclear about what applications will be assessed as "high risk";
 - (b) The Draft LAP has identified a range of sensitive sites¹ that will be taken into account when assessing licence applications, but the definition is very broad and it is unclear when the proximity provisions will apply and how they will apply.
- 1.5 We ask that the Councils urgently map the extent of the Wairarapa which would be assessed as being sufficiently close to a sensitive site so that it can understand the cumulative impact of the policy and applicants can better understand where the Draft LAP intends that new licences establish.
- 1.6 We understand that restrictions on the proximity of licensed premises to sensitive sites are often proposed out of a concern for school children, who may be required to walk past licensed premises to get to and from school. The Councils have identified concerns about the exposure of youth to off-licence premises selling alcohol, and this appears to be one of the Councils' main reasons for seeking controls on the location of off-licence premises. This suggests that off-licences which do not externally advertise alcohol could be exempt from this provision.

1 "Any educational or recreational facility or any open space used by or likely to attract young people under the legal purchase age; any community and/or health facility; rest homes; areas with high deprivation populations"

2. SUMMARY

- 2.1 Progressive Enterprises is one of New Zealand's leading supermarket operators and currently operates 171 Countdown supermarkets across New Zealand. It is also the franchisor of the SuperValue and FreshChoice brands in New Zealand, which represents a further 58 stores, independently operated by local franchisees. Some of the SuperValue and FreshChoice stores are small supermarkets and are categorised under the Act as grocery stores. We include them when we refer to supermarkets in this submission.
- 2.2 We are a retail investor and employer in the Wairarapa area, and play an active part in the communities we work and live in. In Wairarapa, we operate one Countdown supermarket and one FreshChoice grocery store which are:
- (a) Countdown Masterton, which usually trades between 7am and 9pm and has current licensed hours of 7am to 11pm; and
 - (b) FreshChoice Greytown, which usually trades between 7am and 9pm and has current licensed hours of 7am to 9pm.
- 2.3 We understand and agree that drinking alcohol has the potential to cause serious harm² particularly if people drink alcohol excessively or inappropriately. To address this potential harm the Act sets in place a default national licensing approach and also allows councils to tackle local issues, supported by evidence of actual ARH in the local community.
- 2.4 Reducing ARH caused by the excessive and inappropriate consumption of alcohol needs action from all parts of the community. As a retailer, we have a role to play together with other off-licensees, on-licensees, regulatory agencies and consumers. We are committed to ensuring that all our stores sell and supply alcohol (beer and wine) in a safe and responsible manner. Please see **Appendix 1, 1A and 1B** for a description of our commitments as a responsible operator. We support efficient, effective and reasonable initiatives that minimise ARH and we are proud to have a number of policies and processes in our stores which go beyond minimum measures prescribed by legislation.
- 2.5 By law, supermarkets sell beer and wine only. We appreciate that a licence to do so is not a right, but a privilege, and we work very hard to maintain that privilege. With 2.5 million customers across the country each week, Progressive Enterprises is nationally recognised as a good operator within the licensing industry. Our ID 25 policies are over and above that required by the law and through our business practices, we strive to achieve best practice in the way that we promote and sell beer and wine.
- 2.6 We note that decisions on the Draft LAP are also made under the Local Government Act 2002 ("**LGA**"). Under the LGA, councils need to assess matters such as the benefits and costs of each option in terms of the present and future interests of the district or region³. To make these sort of decisions it is critical to have a sound evidence base. To assist that process we provide some information below based on the experience of Progressive Enterprises in a number of different regions around the country:

² Law Commission Report, Alcohol in Our Lives at chapter 2.

³ Section 77 of the Local Government Act 2002.

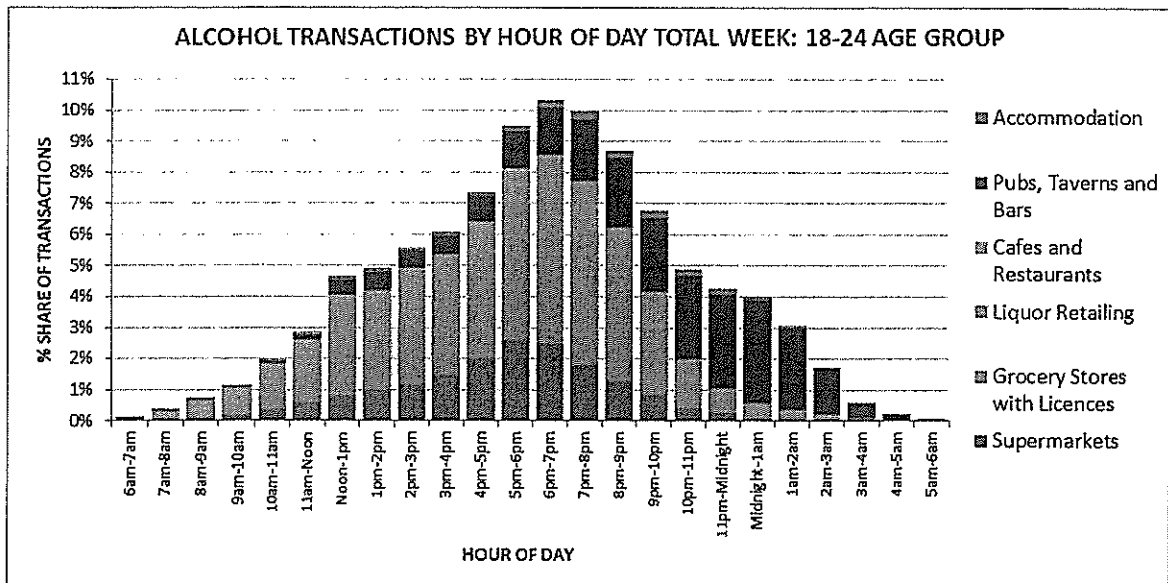
- (a) We are a business that primarily sells fresh food and other groceries. This applies to all age groups across all hours of the day. More specifically:
- (i) On any day 18% of our customers purchase beer or wine, so 82% of customer purchases do not contain beer or wine.
 - (ii) 16% of customers buy beer and wine at the same time as they purchase a selection of general groceries.
 - (iii) 1.7% of purchases in our supermarkets contain beer and/or wine only.
- This has shown a consistent downward trend from 2009 when it was 2%.
 - (iv) 0.3% of purchases in our supermarkets contain wine or beer and/or snacks or confectionary.
 - (v) In our supermarkets, young adults consistently have a lower share of those purchases which include beer or wine than for our customers overall, across the week. On average, nine out of ten 18 to 25 year old customers purchase no wine and beer when they visit our stores.
- (b) In summary, our supermarkets are places where a diverse range of New Zealanders buy their food, and their beer and wine. From the very robust sales data available to us, we can confirm that the vast majority of New Zealanders do not use our supermarkets as a shop to buy beer and wine only.

2.7 The data contained in the Councils' background material to the Draft LAP⁴ suggests that young adults are the key age group that suffers from ARH in Wairarapa.

2.8 We have purchased a national sales dataset⁵ of 53 million eftpos, debit and credit card transactions to show nationwide sales patterns for 18-25 year olds on Friday and Saturday nights. This is broken down by hour of week for the 2012 full year for each type of licensed outlet, including supermarkets. The raw numbers only showed transactions, not alcohol transactions, and have therefore been adjusted by Dr Douglas Fairgray of Market Economics Limited applying Statistics NZ figures to reflect the respective proportions of sales which are related to alcohol for 18-25 year olds on Friday/Saturday nights. Further details of this are set out in **Appendix 2**. Please note that this data **does not** come from Countdown's Onecard programme; it uses independent data that is also available for purchase by councils and other organisations.

⁴ Refer to Part C of the Councils' Summary of Information and Statement of Proposal.

⁵ BNZ Marketview. This information was obtained in June 2013.



2.9 This data shows that:

- (a) Supermarkets are not a significant destination for young adults (18-25 year olds) to buy beer and wine between 7am and 9am. On average our supermarkets have fewer than two sales of beer and wine per day to young adults between 7am and 9am. Additionally, the morning period has a low incidence of alcohol purchasing by young adults, in the order of 0.5% of their total typical weekly spend on alcohol (and a similar proportion for consumers overall).
- (b) Customers who are not part of the young adult segment make up the major share of shoppers in our stores.
- (c) Supermarkets are not a significant destination for young adults to buy beer or wine, including on Thursday, Friday and Saturday nights between 9pm and 11pm.
- (d) Across the week as a whole, about 11% of young adults' total weekly spending on alcohol occurs between 9pm and 11pm. During this time young adults' alcohol purchases are comprised of:
 - (i) Purchasing at bottle stores (30% of the 11%);
 - (ii) Purchasing at on-licence premises (64%), which include restaurants, bars, clubs and taverns; and
 - (iii) Purchasing in supermarkets and grocery stores (6%).
- (e) Fridays and Saturdays show a similar pattern, with supermarkets and grocery stores attracting a smaller share of young adults' expenditure on alcohol between 9pm and 11pm (it reduces from around 6% of the 11% total spend highlighted above, to around 3%).

2.10 Aside from the impact on everyday customers in our stores, regulations such as the Draft LAP can have economic impacts which are relevant when considering the benefits and costs of a Draft LAP. To provide the Councils with some relevant information, we attach as **Appendix 4 a**

summary of some of the reports prepared by (or on behalf of) the Treasury, the Prime Minister's Chief Science Adviser and the Christchurch City Council regarding the costs and benefits of regulations such as these.

- 2.11 Some submitters may seek additional early morning restrictions on off-licences. We would oppose this for the following reasons:
- (a) We cannot see local evidence to support a morning restriction for supermarket off-licence hours, but if we look at the wider academic evidence, there is certainly good evidence about alcohol-related harm and late night hours (after midnight).
 - (b) Progressive Enterprises' own expert literature review⁶ indicates that the available studies on the effect of changing licensed hours predominantly relate to on-licensed premises, and to changes within the early morning hours between midnight and 7am, and cannot be directly applied.
 - (c) Presently, even under more lenient licensing laws, most bottle stores do not open until 9am. We cannot see why a District Licensing Committee (or the Alcohol Regulation and Licensing Authority) would begin to allow bottle stores to begin trading at 7am, even if the default national hours for off-licences remained in place.
 - (d) The Act prohibits the display of alcohol advertising or signage on the external walls of supermarkets once the single area restriction is in place. The Act also limits the internal display of beer and wine to one single area within a supermarket, the visual appearance of which would not change during unlicensed hours. We are not aware of complaints or concerns from the general public about children walking past supermarkets.
- 2.12 A LAP sets maximum hours for licensed premises, but within this, councils still have the power and ability to approve hours on a case by case basis, as they do currently. Some supermarkets and grocery stores currently do, and could continue to have, different maximum licensed hours to bottle stores, as the Councils' Draft LAP recognises. Notably:
- (a) Councils are able to make fine-grained distinctions between different types of alcohol licences in their LAP;
 - (b) Current case law supports differential hours between supermarkets and bottle stores, particularly in the morning;⁷
 - (c) Supermarkets fulfil different customer needs to bottle stores;
 - (d) There are far fewer supermarkets in key areas, such as the CBD, than bottle stores; and
 - (e) Supermarkets have different customer trends to other licensed premises.
- 2.13 Trading hours for supermarkets have changed over the years to reflect the changing nature of the average New Zealand household, where both parents frequently work and activities are factored around a longer day. We believe these changes were reflected by Parliament in setting

⁶ Dr Mark Elwood reviewed the Christchurch City Council literature review.

⁷ See *Russell Nieper Limited* (LLA decision 1116/93).

the current national maximum licence hours for supermarket wine and beer sales from 7am to 11pm, and we support that decision.

- 2.14 **Appendix 1** of this submission explains the extensive changes that the Act required in supermarkets from 18 December 2013, including reduced maximum off-licence hours from 24 hours per day to 16 hours per day (7am to 11pm). Until those changes have had time to be effective, it is our strong belief that a further restriction to maximum off-licence hours cannot be justified.
- 2.15 Draft LAP controls for density, proximity and location may be appropriate for licensed premises such as bars, bottle stores and restaurants. For supermarkets, these controls are more appropriately addressed in the district plan than in the Draft LAP because there are limited sites available that are suitable for supermarkets.
- 2.16 To deliver high quality regulation as required by the LGA, LAPs need to promote a decision-making framework that is integrated with the RMA's district plan and resource consenting process as well as the building consent process and we seek some amendments to the Draft LAP to reflect this.
- 2.17 It is also important that the Councils consider the following:
- (a) The purpose and object of the Act;
 - (b) The need for persuasive evidence;
 - (c) What matters are relevant considerations and those that are not;
 - (d) The requirement not to act for trade competition purposes; and
 - (e) The obligation to minimise to the extent possible any interference with the objectives of other statutory instruments, including, the Commerce Act 1986, which seeks to promote competition in markets.

3. RECOMMENDATIONS

- 3.1 Progressive Enterprises **seeks the following changes** to the Draft LAP provisions:
- (a) Supermarkets and grocery stores should be exempt from restrictions on the proximity of licensed premises to sensitive sites (Policy 3.1 of the Draft LAP).
 - (b) The maximum trading hours for supermarket and grocery store off-licences should be 7am – 10pm (Policy 3.2.1 of the Draft LAP).
 - (c) The discretionary condition requiring signage and display of alcohol to be consistent with CPTED guidelines should not apply to supermarkets and grocery stores (Policy 3.2.2 of the Draft LAP).

- (d) The policy aims of the Draft LAP may need to be removed if they conflict with section 77 of the Act. If they do not, additional aims should be included (Policy 2.2 of the Draft LAP) as follows:

Provide an efficient regulatory framework through promoting a decision making framework that is integrated with the district plan and the resource consent and building consent processes.

Ensure that the LAP does not duplicate regulatory controls contained within the district plan.

Facilitate the early processing of licence applications in conjunction with resource consent applications or building consent applications in so far as it is possible.

- 3.2 The basis upon which Progressive seeks the above changes to the Draft LAP is set out below in Part B, sections 4 – 7.
- 3.3 Progressive Enterprises **supports** the following aspects of the Draft LAP:
- (a) The proposed restriction on the issue of further licences unless the location of that premise complies with the provisions of the Wairarapa Combined District Plan or resource consent has been granted (Policy 3.1 of the Draft LAP); and
 - (b) The decision not to impose caps on the number of supermarket and grocery store off-licences.
- 3.4 The basis for Progressive support of the above aspects of the Draft LAP is set out below in Part C, sections 8 – 9.

PART B: ASPECTS OF THE DRAFT LAP THAT PROGRESSIVE OPPOSES

4. OFF-LICENCE HOURS (EVENING)

4.1 The information about when and where ARH occurs within the Wairarapa is extremely limited. The only relevant assessment referred to in the Draft LAP documentation appears to be Table 6.5 of the Wairarapa Working Group's Report (27 August 2014) which sets out a temporal analysis of calls to the police for events typically related to alcohol. The information in that table:

- (a) Does not show the actual number of calls made, so it is difficult to know how extensive the potential issues are;
- (b) Relies on calls relating to "events typically related to alcohol", so the data appears to be based on some very broad assumptions;
- (c) Only gives a very general view about when the number of calls peaks, which is after 11pm; and
- (d) Is not clear about whether multiple calls for the same event are counted more than once.

4.2 We are concerned that Councils have relied on a concept described as the "availability theory", as the main basis for restricting off-licence hours to 9pm. In that regard, we observe that:

- (a) The Councils' literature review refers to a number of studies regarding the impact of reduced licence hours in minimising ARH, but the majority of these studies relate to on-licence premises. The limited number of studies which examine the impact of off-licence trading hour restrictions are not applicable to the Wairarapa because the restrictions that were applied in those studies, or the community they applied them in, are not comparable; and
- (b) Based on the information we have seen to date, it does not appear that the Councils have undertaken an analysis of whether reducing availability by that amount will make a material contribution to the Councils' objectives. The Councils are relying on a general concept without analysis of the specific impact that it will have on ARH in Wairarapa.

5. PROXIMITY RESTRICTIONS

5.1 Policy 3.1 of the Draft LAP identifies schools, children's playgrounds/recreational facilities, health/social services and high deprivation areas have been identified as "sensitive sites", and provides that the relative location of these sites will be considered when assessing the effects of new resource consent and licence applications. Applications for new licences that are assessed as "high risk" may be declined.

5.2 Progressive Enterprises opposes this policy to the extent that it applies to supermarkets and grocery stores.

- 5.3 Councils' District Plans are the most appropriate mechanism for controlling the development of new supermarkets and grocery stores within broad areas, proximity and density. As opposed to bars and bottle stores, supermarkets and grocery stores almost inevitably require resource consent (triggering a requirement for a comprehensive planning assessment), and where they are located adjacent to residential areas notification of applications is often required. As a result, the RMA is a good tool for managing the effect of new supermarkets and grocery stores. We believe that addressing supermarket and grocery store location through the district plan would be consistent with community feedback.
- 5.4 Supermarkets and grocery stores differ from other types of off-licence holders (such as bottle stores) and are subject to a number of specific restrictions under the Act. The primary element of a supermarket and grocery store business is to sell food and other groceries. The Act now imposes tight restrictions on what a "grocery store" is, so corner dairies will no longer be able to sell alcohol. Restrictions for supermarkets and grocery stores in the Act in relation to external advertising also mean that the sale of beer and wine is not brought into mind when walking past the premises. Even within supermarkets, the Act now prescribes strong controls on the location of beer and wine.
- 5.5 Further to this, we understand that restrictions on the proximity of licensed premises to sensitive sites are often proposed out of a concern for school children, who may be required to walk past such premises to get to and from school. We agree that children and minors must not be targeted with advertised alcohol. The Act now specifically prohibits the display of alcohol advertising or signage on the external walls of a supermarket once the single area restriction is in place.⁸ The Act also limits the internal display of beer and wine to this single area within a supermarket, the visual appearance of which would not change during unlicensed hours. Irrespective of trading hour controls, a supermarket will look the same at 7am, 8am, 9am and later in the day.
- 5.6 We do not receive complaints about children walking past supermarkets, and we also have strong internal controls over the brands we stock. We would welcome these policies being applied to other off-licensees.
- 5.7 Communities will be able to have their say on supermarket and grocery store locations and licensing through:
- (a) Participation in District Plan processes;
 - (b) Submissions on resource consent applications, where these are notified, or limited notified; and
 - (c) Submissions on licence applications where they meet the test under the Act.
- 5.8 Developing a new supermarket site can take five years and millions of dollars. Grocery stores take less time and cost, but not significantly so. These long lead times can involve delays when securing land parcels, as well as the resource consent and building consent application processes. As a result there is considerable investment into supermarket planning and development prior to an application for an off-licence. Because the capital investment in a

⁸ The single alcohol area restriction is imposed upon all new licences and existing licences upon renewal.

supermarket or grocery store is far higher and the time for consenting and construction is far longer than for bars and bottle stores, the Draft LAP (and the subsequent licensing provisions for the sale of wine and beer attached to them) is an inefficient tool for controlling new supermarket developments.

- 5.9 The planning process is subject to lengthy resource consent processes, working closely with local councils at every stage of the development. However, it is only at the end of this process that we can apply for a licence to sell wine and beer in our stores.
- 5.10 It was clear from the submissions presented to the Select Committee considering the alcohol reform legislation that concerns are usually in regard to a specific type of off-licence, or on-licence, rather than the group as a whole. Supermarkets and grocery stores did not raise the same concerns because:
- (a) The economic viability of supermarkets and grocery stores, combined with their site size and access requirements, limits how many can be established within a community. There is extensive evidence that supermarkets do not concentrate in high deprivation areas.
 - (b) Street views of supermarkets and grocery stores do not portray the sale of beer and wine (discussed above).
 - (c) Supermarkets are limited to promoting beer and wine within a certain specified area of their premises (when a new licence is issued or the licence is renewed).
 - (d) Supermarkets and grocery stores do not sell spirits or RTDs.
 - (e) Supermarkets and grocery stores promote the association between food and beer and wine, which is a valid part of the strategy to foster a more responsible drinking culture and reduce ARH.⁹

6. DISCRETIONARY CONDITIONS

- 6.1 Policy 3.2.2 of the Draft LAP specifies that a discretionary condition may also be imposed requiring signage and display of alcohol to be consistent with CPTED guidelines.
- 6.2 Progressive Enterprises opposes this policy and seeks that it be amended to specify the practical measures (such as store lighting or CCTV cameras) that may be required. As the condition is currently worded, it is unclear what obligations may be imposed by the Councils as part of this discretionary condition, because the principles of CPTED are broad and cover a range of matters. Licensees could therefore be exposed to a number of wide-ranging conditions, which they cannot easily plan for when designing their buildings. By specifying the practical measures needed, licensees will be able to incorporate the relevant measures.
- 6.3 The application of CPTED principles would also be onerous if it requires building alterations and/or changes that are not consistent with a resource or building consent. If the Councils seek to impose further conditions regarding the principles of CPTED as part of an off-licence, this

⁹ Law Commission Report, Alcohol in Our Lives at para 8.33.

could impact upon the consents that Progressive Enterprises has already obtained, and has potential to unnecessarily add further cost and time to the overall development process.

7. AIMS OF THE POLICY

7.1 Policy 2.2 of the Draft LAP specifies the aims of the Draft LAP.

7.2 Section 77 of the Act limits the matters that a LAP can address. It is not clear that the LAP can include additional objectives and goals, as they are all types of policies. Accordingly, if the policy aims of the Draft LAP are inconsistent with section 77 of the Act they should be removed. However, if additional aims are to be included in the LAP, for the reasons set out in section 4 above, Progressive Enterprises considers that additional objectives should be included as follows:

Provide an efficient regulatory framework through promoting a decision making framework that is integrated with the district plan and the resource consent and building consent processes.

Ensure that the LAP does not duplicate regulatory controls contained within the district plan.

Facilitate the early processing of licence applications in conjunction with resource consent applications or building consent applications in so far as is possible.

PART C: ASPECTS OF THE DRAFT LAP THAT PROGRESSIVE SUPPORTS

8. OFF-LICENCE HOURS (MORNING)

- 8.1 Under the Draft LAP the proposed earliest licensed hours for supermarket and grocery store off-licence premises is 7am, Monday to Sunday.
- 8.2 In our view, 7am is appropriate because there is no evidence to suggest that the Act's national default off-licence hours will be ineffective in addressing ARH, particularly as they still allow local authorities to impose further controls over licensing hours on a case by case basis. Early reports also suggest that nationally, the Act has already begun to have an impact on drinking behaviour and reducing ARH.¹⁰

9. OTHER LOCATION RESTRICTIONS IN THE DRAFT LAP

- 9.1 Under the Draft LAP, no further licences are to be issued for any premises unless the location of that premise complies with the provisions of the Wairarapa Combined District Plan or a resource consent has been granted.
- 9.2 Progressive Enterprises supports this policy to the extent they apply to supermarkets and grocery stores for the reasons set out in section 4 above.

¹⁰ <http://www.beehive.govt.nz/release/changes-alcohol-laws-have-immediate-effect>. See also the evidence presented by the Inspector Benjamin Offner as part of the Waimakariri and Tasman LAP appeals, which identifies some of the key indicators of alcohol-related harm in New Zealand, and how these have decreased since the Act's restrictions came into force (in their entirety) in December 2013. See also the article titled *Act changes seems to be working*, Waitomo News, 23 January 2014. This article contains comments by the Police that the signs are positive that the new Act will reduce alcohol-related harm in the community.

APPENDIX 1: PROGRESSIVE ENTERPRISES AS A RESPONSIBLE OPERATOR

1. Progressive Enterprises has a Liquor Policy (**attached as Appendix 1A**) and we also have in-store communications which address the sale of beer and wine in our supermarkets.
2. Our policy makes it clear that intoxicated persons are not permitted to enter or remain on the premises. Observing customers tends to be easier in a supermarket environment owing to the fact that it is brightly lit and there is individual interaction at the check-out. This is supported by the extremely small number of off-licence breaches which occur in our supermarkets across New Zealand, despite serving 2.5 million customers every week. Our supermarkets already have extensive CCTV coverage.
3. The supermarket store experience itself promotes the availability of food and non-alcoholic beverages. Under the new Act, supermarkets are not able to display non-alcoholic beverages within the "single area" for beer and wine.
4. In our stores specifically, every sale of beer or wine must be approved by a supervisor, no matter whether the customer is 18 or 80. We have an ID 25 policy which is above and beyond the legal requirement around identification, as well as a policy to request identification where a member of the group looks under 25 and our staff reasonably believes that there is a possibility that beer or wine may be being purchased for this person. We believe most customers are now very aware of what constitutes appropriate ID. Store supervisors will ask for drivers licence, passport or the HANZ card, and no other form of ID is acceptable.
5. It is our company policy not to sell beer or wine that specifically markets to and promotes the consumption of alcohol by young people. We also have a policy of not selling beer or wine below cost.
6. The Act represents the most significant tightening of alcohol licensing within the last 50 years (or more), as there are a number of additional restrictions imposed on licensees under the Act. Supermarkets are specifically targeted by a number of these restrictions:
 - (a) Supermarkets are the only off-licences that commonly have licence hours outside of 7am to 11pm. Therefore the Act's national default hours affect supermarket licensed hours more than any other type of off-licencee;
 - (b) Off-licences are more involved in media advertising than on-licences. From mid-December all off-licences will have significant constraints in how they market beer or wine and advertise discounts. These constraints will not impact on-licences to the same extent;
 - (c) Supermarkets will also have to limit the location and advertising of beer and wine within their supermarket to a single area, reducing the exposure of customers to beer and wine; and
 - (d) The Government is addressing pricing on a national basis and is reviewing whether minimum pricing be introduced.
7. Any present discussion of "status quo" must therefore acknowledge that these constraints are not yet in place. The default provisions of the Act are **not** the status quo and will not be until

after 18 December 2013. It is important that the Act is then given time to become established and influence behaviour.

APPENDIX 1A



PROGRESSIVE

Liquor and Tobacco Policy

As a responsible corporate citizen Progressive Enterprises Limited ("Progressive") has many obligations within the community – one of these is for the responsible and legal sale of liquor and tobacco.

The Company takes this responsibility seriously and is constantly reviewing the policies and procedures surrounding the selling of liquor and tobacco.

Responsibilities include:

- Sale of liquor and tobacco must meet all legislative requirements
- Duty of care to our staff
- Duty of care to our customers

Heavy fines can be issued for selling to:

- A minor
- A person buying liquor/tobacco for a minor (secondary supply)
- Intoxicated persons

As a company we must be aware of and be responsible for every sale of liquor and/or tobacco before authorising it – by being alert and following the correct policy, processes and procedures, thereby complying with the legislation and ensuring we are doing our job.

At times we may need to refuse customers (liquor/tobacco) in order to comply with the law and our policy/procedures. Such situations can be challenging and customers may not always be happy when a sale of liquor/tobacco is refused.

By abiding by the law and the Company's policy and procedures it may result in losing a sale but it is better to refuse an irresponsible sale and comply with the law than run the risk of incurring:

- A large personal fine – up to \$2,000
- Criminal record
- Possible disciplinary action that may result in termination of employment
- Large fine for the Company
- The possibility of loss of liquor license

We are under no obligation to sell liquor or tobacco if it is irresponsible to do so. The Company supports your role in making the right decisions to ensure we are responsible and abiding with The Sale and Supply of Alcohol Act.

July 2014



PROGRESSIVE

Our Policy

- We must not knowingly sell liquor or tobacco to anyone under the age of 18. It is a criminal offence to allow the sale or supply of liquor or tobacco to a minor (anyone under the age of 18).
- We are required to assess if a customer is under the age of 25 years. If they appear to be then we must ask for proof of identification before the purchase of liquor and tobacco. Whenever proof of age has been requested the date of birth that is on the identification is to be entered into the Point of Sale as evidence of ID checking.
- It is Company policy that if appropriate identification is not supplied where requested then the attempt to purchase liquor or tobacco will be declined.
- To help prevent 'secondary supply', our policy is to request identification for any person in a group where a member of the group looks under the age of 25 and our team reasonably believes there is a possibility that beer or wine may be being purchased for this person.
- At times, the company may need to refuse customers service in order to comply with this policy. While customers may not always be happy when a sale is refused, the company will support the role its team plays in making the right decisions to maintain our commitment as a responsible retailer.

No proof of age = no sale

- If a staff member knowingly accepts incorrect identification for the purchase of liquor or tobacco, this will be treated as serious misconduct, subject to disciplinary procedures which may include termination of employment, and possible personal and Company fines.
 - If a staff member knowingly / deliberately fails to ask for proof of age from any person who is purchasing liquor or tobacco and who appears under the age of 25 years, it will be treated as serious misconduct, subject to disciplinary procedures which may include termination of employment, and possible personal and Company fines.
 - If a staff member knowingly sells/supplies liquor or tobacco to a person under the age of 18 years, this will be treated as serious misconduct, subject to disciplinary procedures and possible personal and Company fines. This includes supply via a third party.
- Note: Adults are not allowed to supply liquor to anyone under age (under 18) unless they are the parent of the minor.
- We may not knowingly sell liquor to an intoxicated person.

Acceptable Forms of ID are:

Photo identification is the only acceptable form of identification when purchasing tobacco and liquor – the only acceptable forms of photo identification are:

- HANZ 18+ identification card
- Valid passport (NZ or International). Passports must be valid & original
- NZ Photographic Drivers Licence

July 2014

Selling Alcohol: Our Policy

We take our responsibilities very seriously,
which is why a Checkout Supervisor
authorises all alcohol purchases.

ID25: No ID, no sale

By law we cannot sell alcohol to anyone under 18. If you look under 25, we will ask you for ID. Please be prepared with one of these forms of approved ID:

- HANZ 18+ Identification card
- Valid passport (NZ or International)
- NZ Photo Driver Licence

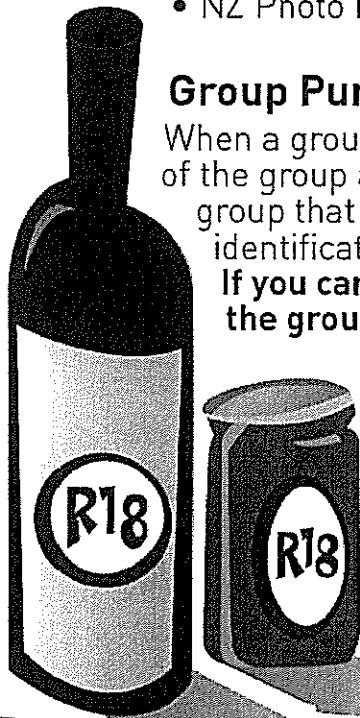


If we think you're under,
you'll have to hand it over.

Group Purchases

When a group of people enter the store and one or more of the group attempt to buy alcohol – any member of the group that appears under the age of 25 will be asked for identification.

If you cannot supply ID, we will not supply anyone in the group with alcohol.



Intoxication

We will refuse the sale of alcohol to any customer we believe is under the influence of alcohol or drugs.

Thank you for your co-operation.

countdown

APPENDIX 2: MARKETVIEW DATA

1. We have purchased a national sales dataset¹¹ of 53 million eftpos and credit card transactions to show nationwide sales patterns (broken down by hour of the week for the 2012 full year) for each type of licensed outlet, including supermarkets. The results are very informative and are set out in the executive summary.
2. BNZ Marketview grouped stores by their type of business. There are six types of businesses that they provided information on:
 - (a) Supermarkets;
 - (b) Liquor Outlets/bottle stores;
 - (c) Grocery and Specialty Food;
 - (d) Restaurants and Cafes;
 - (e) Taverns, Bars and Clubs; and
 - (f) Accommodation.
3. BNZ Marketview only receives information on the number of transactions, the sale amount and the age of the customer. It does not receive information on the proportion of the sale which relate to alcohol.
4. As you would understand, each of the outlet/store types has a different proportion of their sales that relate to alcohol. More specifically:
 - (a) The primary function of taverns and bottle stores is to sell alcohol, so a relatively high proportion of the BNZ Marketview data relates to alcohol sales.
 - (b) The primary function of supermarkets and restaurants is selling goods or food that is not alcohol, so a relatively low proportion of the BNZ Marketview data relates to alcohol sales.
5. Fortunately the Department of Internal Affairs and Statistics NZ hold figures on each business type's proportion of sales that relate to alcohol. To calculate the amount of alcohol sales for each type of business, Dr Fairgray (Market Economics) applied the information from the Department of Internal Affairs and Statistics NZ. The proportion of alcohol sales as a % of total sales for each business type is as follows:
 - (a) Supermarkets: 7-8% of sales;
 - (b) Liquor Outlets: 97%;
 - (c) Grocery and Specialty Food: 4%;
 - (d) Restaurants and Cafes: 18%;
 - (e) Taverns, Bars and Clubs: 55%; and
 - (f) Accommodation: 12%.

¹¹ BNZ Marketview. This information was obtained in June 2013.

APPENDIX 3: QUALIFICATIONS AND EXPERIENCE OF EXPERT WITNESS

DOUGLAS FAIRGRAY

1. My full name is Dr Douglas James Marshall Fairgray. I am a Director of Market Economics Limited, a company I set up in 2001 after seven years as Managing Director of McDermott Fairgray Group. I have over 32 years of consulting and research experience, and I have led over 900 consultancy projects for major commercial and government clients.
2. I have particular expertise in examining how patterns of business and community activity have effect on the core matters under the Resource Management Act 1991 and Local Government Act 2002 regarding economic, social and cultural wellbeing, and urban sustainability. I have been at the forefront of development and application of methodologies to meet the "Evidence Base" requirements of the RMA and LGA, and I have conceptualised and implemented a wide range of models and techniques for commercial and government entities. These capabilities include methods for policy analysis, market studies, demographic and community assessment, social impact and economic assessment.
3. Over the last 15 years, I have had a significant focus on New Zealand's urban economies, and the important contribution of urban spatial form to community wellbeing and enablement, and sustainability. This has been especially through the (Environment) Court process, with a number of important decisions acknowledging the value of my evidence as an expert in economic geography in relation to community amenity, the nature and significance of effects, the core economic and social processes, and the importance of aggregate and cumulative outcomes in determining long term effects. I have done considerable work in regard to the nature and distribution of benefits and costs (the "who benefits, who pays? issue) and the effects of government policies. I am a member of the RMLA, an associate of the NZ Institute of Management, and I also provide lectures to under-graduate geography classes.

APPENDIX 4: ECONOMIC IMPACTS OF LOCAL ALCOHOL POLICIES

1. Regulations such as the Draft LAP can have significant economic impacts which are relevant when considering the benefits and costs of a Draft LAP. We encourage the Councils to consider the likely effectiveness of the Draft LAP and its impact on the community. For your background information, we **attach**:
 - (a) Christchurch City Council's cost benefit analysis report;
 - (b) New Zealand Treasury's Regulatory Impact Analysis Handbook 2009 ("**RIA**"); and
 - (c) The role of evidence in policy formation and implementation: A report from the Prime Minister's Chief Science Adviser.
2. Christchurch City Council's cost benefit analysis concluded that:
 - (a) Any reduction in consumption caused by the Draft LAP will be minor and hence so too will any reductions in acute alcohol related harm. As a result, policy benefits will be minor.
 - (b) There is no evidence to support or oppose the proposed off-licence restrictions. Further, Christchurch City Council does not appear to have a strong community mandate for reducing the hours that alcohol can be sold at certain off-licences, such as supermarkets.
 - (c) Because the policy does not (and essentially cannot) target problem drinkers, it is fairly blunt and therefore has the potential to negatively impact a number of law-abiding citizens.
3. The purpose of the New Zealand Treasury's RIA is to help achieve a high quality regulatory environment by ensuring that regulatory proposals are subject to careful and robust analysis. The RIA is intended to provide assurance about whether problems might be adequately addressed through private or non-regulatory arrangements – and to ensure that particular regulatory solutions have been demonstrated to enhance the public interest.
4. The Prime Minister's Chief Science Adviser's report recommends that there be greater transparency regarding the use of research-informed data (or its absence) with respect to complex and controversial areas of decision-making where the public is directly or indirectly consulted. In this respect, we note that a comprehensive review of New Zealand media reports regarding the impacts of alcohol outlets and density found that the media generally presents a negative, causative relationship between density and alcohol-related harm.¹² This highlights that community perceptions of alcohol-related harm might not be accurate due to the media's negative presentation of these issues, despite the literature reaching no consensus on this point. The same could be said for off-licence trading between 7am to 9am and 9pm to 11pm.

¹² See pages 27 and 28 of Cameron M. et al. *The Impacts of Liquor Outlets in Manukau City: A review of the international academic literature and New Zealand media reports*, Alcohol Advisory Council of New Zealand, Wellington, 2012.



CAAG
CAAG
Community Alcohol Action Group
Community Alcohol Action Group

8 October 2014

Draft LAP Policy
Masterton District Council
PO Box 444
MASTERTON 5840

Dear Sir / Madam,

Thank you for the opportunity to submit on the draft Wairarapa Local Alcohol Policy (LAP).

This submission has been prepared in consultation with and represents the views of the Wairarapa Community Alcohol Action Group (CAAG).

The Community Alcohol Action Group promotes a healthy and vibrant community. We welcome the opportunity to provide feedback about the joint draft Wairarapa LAP that will guide the way alcohol is sold and served in our communities.

Who is CAAG and what is our role?

The Community Alcohol Action Group's objective is to collectively strive to reduce alcohol related harm and incidences in the community. Its membership is made up of representatives from Government and Non-Government Organisations including Police, Work and Income, Accident Compensation Corporation, Primary Health Organisation, Regional Public Health, Road Safety, Drug and Alcohol Services within the Wairarapa.

CAAG is supportive of drinking alcohol in moderation so as not to have negative health or social impacts.

What does CAAG think are the key alcohol related issues in our community?

CAAG thinks that the key alcohol related issues in our community is that of over-consumption of alcohol.

The problem with alcohol in our community is when alcohol is consumed in a quantity where the individual becomes intoxicated and impaired mentally and physically. There can then be resulting negative and harmful consequences to themselves and or others in the

community. There is also a negative financial impact when an individual over-consumes and then does not have the financial means to provide for the necessities of life.

Wairarapa alcohol and drug service statistics

In the 2013 to 2014 financial year, 704 people living across the Wairarapa District Health Board region accessed alcohol and drug services¹. This is a significant number of people who have accessed health services to get help.

Alcohol causing injury

Harm caused by alcohol is a concern. Across New Zealand, it is estimated 24% of all injuries are attributed to alcohol and over 50% of alcohol-related deaths are due to injury.

Alcohol-attributable injuries accounted for approximately 11% of all claims accepted by ACC (between 2008 and 2012), and are estimated to have cost ACC \$1.4 billion between 2008 and 2012.

Because alcohol injury data is not collected by ACC through its claims management process, we need to estimate the number and cost of alcohol-attributable injuries which is based on an epidemiological study using alcohol-attributable fractions².

- 11% of claims covered by ACC can be attributed to alcohol at an average cost of \$403 million annually.³ This cost would not have been incurred without the involvement of alcohol.
- The alcohol-attributable cost accounts for 14.8% of the total injury cost funded by ACC from July 2008 to June 2012.
- 33% of all alcohol-attributable injuries were estimated to come from claimants aged 15-29, and 28% from those aged 30-44.
- Without alcohol involvement more than 226,000 injury claims would not have occurred each year (2008-2012).

Alcohol and suicide

CAAG is also concerned about the link between alcohol and suicide. There is a good evidence base for this concern.

A recent New Zealand study has found that alcohol is to blame for most suicide attempts by overdosing. Wellington Hospital emergency doctor Paul Quigley says at least 80 per cent of the 127 people who turned up at his emergency department during 2013 after taking an overdose had alcohol as "the initiating agent".

¹[online]. Email to Rebecca Rippon (rebecca.rippon@sidu.org.nz) 2014 Sept 25 (cited 2014 Sept 26).

² ACC (2013). Alcohol-Attributable Injury: An estimate based on hospitalisation and non-hospitalisation injuries funded by ACC, 2008-2012

³ Figures calculated have been independently reviewed by academics and corroborated by actuarial services

Most (56 per cent) arrived at the weekend, mainly on the "party nights" of Friday and Saturday. "That's when you become impulsive. If you're already sad and have depressive tendencies, alcohol makes you sadder, and it makes you impulsive."

But Dr Quigley said you would expect a smoother pattern of suicide attempts through the week if both the overdoses and the alcohol were simply the result of depression. He believes the peak in overdoses on party nights indicates that alcohol is often the main culprit. People binge-drink with friends, get depressed as a result and then take an overdose."⁴

The World Health Organisation has estimated that the risk of suicide when a person is currently abusing alcohol is eight times greater than if they were not abusing alcohol⁵.

A report from the UK Mental Health Foundation states that as many as 65% of suicides were related to excessive drinking, and identifies alcohol problems as one of the highest risk factors for suicide.⁶ That report identifies a strong link between alcohol use and thoughts of suicide, suicide attempts and completed suicides among young people under the age of 24. Alcohol use can act as a factor in suicide in a number of ways:

- A HSE report⁷ tells us that "alcohol can facilitate suicide by increasing impulsivity, changing mood and deepening depression"
- Self-harm or suicide can take place after just one drinking session. A person doesn't have to be a heavy drinker or even a regular drinker: just one occasion of heavy drinking can reduce inhibitions enough to self-harm or act on suicidal thoughts
- Alcohol initially produces feelings of happiness and well-being but can lead to a significant lowering in mood hours after use or in the following days, an experience which is sometimes accompanied by feelings of hopelessness. If someone is already experiencing a degree of depression, the fall in mood can lead to suicidal ideas⁸
- Ongoing abuse of alcohol is itself a major contributory factor in depression and suicidal behavior.⁹

⁴ Source - Research at Wellington Hospital; http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10643536

⁵ WHO Global Status Report on Alcohol (2004) Geneva: WHO]

⁶ Cheers? Understanding the Relationship between Alcohol and Mental Health (2006) Mental Health Foundation: UK

⁷ Hope, A. (2008) Alcohol Related Harm in Ireland. HSE – Alcohol Implementation Group

⁸ Farren C.K (2005) Presentation on Suicide and Alcohol to Joint Oireachtas Committee on Health by Dr. C.K. Farren, Consultant Psychiatrist and Director of Dual Mood and Addiction Program at St Patrick's Hospital, Dublin

⁹ Department of Health and Children (2005) Reach Out: National Strategy for Action on Suicide Prevention 2005-2014. Dublin: HSE

See more at; <http://alcoholireland.ie/policy/policy-documents-1/#sthash.RIT0ZUcW.dpuf>

Suicide rates have decreased in countries with strong national alcohol policies, therefore CAAG believes a strong Wairarapa LAP could positively impact on suicide rates and aid a decrease in the Wairarapa .

Suicide rates in both Iceland and the former USSR decreased following the introduction of strong national policies seeking to reduce harm from alcohol.¹⁰

The Wairarapa community needs strong and supportive policy on the sale and supply of alcohol

CAAG would like to see the Wairarapa Local Alcohol Policy (LAP) set strong and clear policy with regards to alcohol sale, supply and advertising, with the aim of reducing harm from alcohol in our community.

The most effective methods for addressing alcohol harm are well researched and documented.

Three key publications:

- Alcohol No Ordinary Commodity¹¹,
- The Global Strategy to Reduce the Harmful Use of Alcohol¹² and
- The New Zealand Law Commissions - Alcohol in Our Lives: Curbing the Harm¹³

all refer to five key strategies for effective alcohol-harm reduction.

The five most effective strategies for addressing alcohol harm are;

1. Reduce availability
2. Increase the price
3. Increase the purchase age
4. Reduce advertising and marketing
5. Reduce the blood alcohol driving limit.

The Wairarapa LAP can actively support two of the above strategies. The two being; reduce the availability and reduce advertising and marketing. CAAG sees the Wairarapa LAP as an opportunity to reduce the availability of alcohol and to reduce advertising of alcohol in the Wairarapa. Both of these strategies will create a safer and healthier community.

¹⁰ <http://journal.nzma.org.nz/journal/120-1251/2459/content.pdf>

¹¹Babor T, Caetano C, Casswell S et al 2nd edition (2010) *Alcohol No Ordinary Commodity* Oxford: Oxford University Press

¹²World Health Organization (2010) *Global strategy to reduce the harmful use of alcohol*.
http://www.who.int/substance_abuse/alcstratenglishfinal.pdf

¹³ Law Commission (2010) NZLC R114 Alcohol in Our Lives: Curbing the Harm

CAAG has the following comments regarding the draft LAP;

1. To reduce levels of intoxication, set earlier closing times for licenced premises (bars, cafes and restaurants), currently in the Wairarapa the times are 8am – 4am. The draft LAP has reduced the hours to 8am to 1am with a one way door policy from 12 midnight. CAAG agrees with this reduction in hours and the one way door policy from midnight.
2. Reduce availability of access to alcohol by restricting the opening hours for off-licenses (Supermarkets and Bottle stores). CAAG supports the draft LAP and that the trading hours for off-licenses be 7am to 9pm for both bottle stores and supermarkets. Having the same hours of trade means a level trading space for all and clear hours of sale for patrons. CAAG is more supportive however of trading hours being 9am to 9pm for supermarkets and bottle stores.

Why is it important to limit evening trading hours?

The majority of alcohol consumption is consumed away from licenced premises with people purchasing from bottle stores and supermarkets. It is cheaper and very convenient to purchase from bottle stores and supermarkets. 'Pre-loading' with alcohol prior to going out to bars and clubs is a common practice, particularly with young people who are also more likely to 'binge' drink.

Having earlier evening closing will reduce the hours of already intoxicated people rushing out to purchase more alcohol late in the evening. A reduction in trading hours is likely to limit the volume of alcohol consumed.

3. **Sports club license** – the draft LAP has hours being 10am until 11pm. CAAG is supportive of this. A special licence application may be submitted in the event of an occasion which requires an extension of the hours.
4. **Other club licence** – RSA or Working Mens Club, LAP draft has the hours being 8am until 1am maximum. CAAG supports this.
5. **Density and proximity of alcohol outlets in the Wairarapa**
Masterton has a high density of off licenses (bottle stores/ grocery stores) in relation to other communities in New Zealand.

A University of Otago study found that lower-decile New Zealand neighbourhoods are characterised by greater outlet density than higher-decile areas¹⁴. Higher numbers of on and off license outlets are associated with higher levels of violent crime. The impacts of the availability of alcohol on health, crime and violence are of major concern and it is something that can be changed. CAAG would like the Wairarapa LAP to set clear policy protect our low decile neighbourhoods.

¹⁴ G C Hay, P A Whigham, K Kypri and J D Langley "Neighbourhood deprivation and access to alcohol outlets: A national study" (2009) 15 Health and Place 1086.

CAAG recommends that LAP has a “sinking lid” approach to new liquor licences, in particular when sought in, or within close proximity to “sensitive sites such as; low socio economic areas, suburban areas, areas close to schools, playgrounds, hospitals, health and social service organisations and Churches. And also in areas where there is already a high density of alcohol outlets.

A sinking lid policy will create supportive environments for a healthier community because having fewer alcohol outlets would result in less alcohol availability which would lead to a decrease in sale and supply.

Sensitive sites

We recommend further consideration be given to the inclusion of a clause in the Draft Local Alcohol Policy which states that any licensed premise operating within 200 meters of a ‘sensitive site’ (such as outlined above) is subject to:

- (a) an automatically triggered public hearing to allow for consideration by the broader community, and/or
- (b) consideration by the District Licensing Committee (DLC) who has the discretion to refuse the issuing of the licence based on proximity.

By preference alcohol retail outlets should be in the central business district area as opposed to suburban housing areas and ‘sensitive sites’ . Measures should be in place to limit the density of outlets in all areas.

CAAG support new off- licence applications being subject to an automatically-triggered public hearing.

- 6. **Advertising of alcohol** – the draft LAP does not mention advertising. CAAG would like the LAP to include limits around advertising of alcohol. We recommend that advertising by alcohol retailers be limited to 25% of their shop frontage and would like to see this statement included in the LAP.

7. Specials

We support the draft discretionary conditions for special licenses. We would like consideration to be given to including the discretionary conditions as follows:
No school events on school grounds where there are children present allow for the consumption of alcohol. It is important that family events do not have an alcohol focus.

In Conclusion, we thank you for considering our views when developing the joint Wairarapa Local Alcohol Policy. We trust that this new policy will promote and support a healthy and vibrant Wairarapa Community.

We (Kath Tomlinson and Jane Mills) request the opportunity to speak to this submission with the Hearings Committee.

Yours Sincerely,

Kath Tomlinson
Chairperson CAAG
Health Promoter
Compass Health Wairarapa
PO Box 314
Masterton

M - 0274 577 471

T - 06 370 8055 x 5

E - Kathryn.Tomlinson@compasshealth.org.nz

Jane Mills
Safer Wairarapa Coordinator
Southern Wairarapa Safer Community Council
PO Box 184
Ballinger Place
Carterton

Tel 06 379 5407 x 8, Monday and Thursday

E - janem@swscc.org.nz

CAAG
Community Alcohol Action Group
CAAG
Community Alcohol Action Group

Members include; Te Hauora Runanga, Compass Health Wairarapa, Regional Public Health, Police, Supporting Families, Wairarapa Road Safety Council, ACC, Pathways/CARE NZ, Safer Wairarapa, Southern Wairarapa Safer Community Council.

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300093

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Ruth Cox

From: John Lapslie <john12nz@hotmail.com>
Sent: Friday, 10 October 2014 4:02 p.m.
To: Ruth Cox
Subject: Local Alcohol Policy Submission

MASTERTON DISTRICT COUNCIL	
RECEIVED	10 OCT 2014
	PA

Having worked for the Ministry of Social Development, where I worked directly with families, and part time with the local police supervising at risk prisoners, I am well aware of the evils of alcohol. Also I am not here to support the alcohol industry.

I am here to represent the silent majority of the towns adults, who do not have alcohol problems, and are sick of being told how to behave by so called "non government agencies" and "bureaucrats" who have no public mandate.

There is no evidence to prove that by reducing the hours alcohol is sold, it will have any significant effect on the small percentage of the population who can not control themselves after drinking alcohol, I suspect if alcohol was only available one hour a day there would be no drop in alcohol sales.

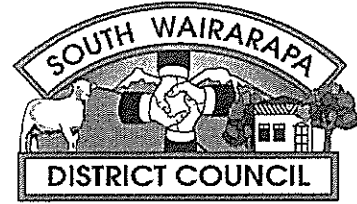
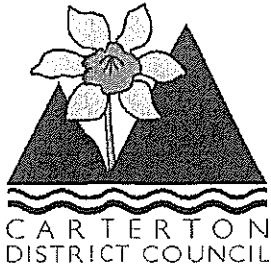
If the police or the various licencing authorities have issues with bars, bottle stores, supermarkets , then they have the power to cancel there licenses. If bar owners were responsible there would be no need for a closed door policy. In short, punish the offenders, either the "owners" or the drunk customer.

In Summary, with changing work patterns, there are many people who finish work late in the evening, so why should they not be able to buy their alcohol then if the shop (bottle store supermarket, corner shop) is still open. Furthemore, bottle stores should not have better trading conditions, over other alcohol outlets.

I wish to discuss my submission to the hearings committee

Regards

John Lapslie
103 Pownall St
Masterton
Ph 378 8344



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DRAFT LOCAL ALCOHOL POLICY (LAP) Submission Form

Submissions close on 10th October 2014 at 4.30pm.

Name:.....Nigel Boniface.....

Address:...163 Colombo Road, Masterton.....

Telephone Numbers: Home:.....3786556..... Work:.....0273566322.....

Email:.....nigelb@wise.net.nz..... Fax:.....

If you represent a community group, organisation or business, please state it below:

I would like to make the following comments on the Draft Local Alcohol Policy.
(Attach additional sheets if required)

I generally agree with the proposed Policy.

I do wonder at the need for Bars, cafes, restaurants and Other Clubs to be licensed from-8am!

Maybe they could be aligned with Sport Clubs at 10am, still early enough! -----

--Do bottle stores and supermarkets need to be licensed from-7am? The probably need to be the same for competition reasons, but maybe 10am as with other outlets? Supermarkets would have to close of appropriate areas.-----

--Hopefully any future licence applications will be dealt with on a needs basis in the area, as the recent bottle store was declined.-----

---The one-way door policy from midnight is a good compromise for a country area as compared to Wellington.-----

I would not like to discuss my submission with the Hearings Committee
(Delete as applicable)

Please return your completed submission form by email to mdc@mstn.govt.nz or post to:
Draft LAP Submissions
Masterton District Council
P O Box 444
MASTERTON 5840

Masterton Trust House Centre

1st October 2014

The CEO
Masterton District Council
PO BOX 444
MASTERTON

To whom it may concern,

RE: DRAFT LOCAL ALCOHOL POLICY

We are a Sports club that has been operating since 1958 we host a number of tournaments annually from April till November and our bar is open on a regular basis to service our members. We rely heavily on the tournaments which are planned throughout the year for our club to sustain itself and depending on numbers, these tournaments usually run Thursday, Friday and Saturday finishing up sometimes between 10 and 11 on a Saturday night. We have hosted local, district and national events continually over the past 10 years. We are a family orientated club that does not promote excessive consumption of alcohol; our prices are to the value that they do not promote cheap drinking and our environment is well equipped with the promotion of safe drinking and reducing the impact alcohol has not only on our club but also our community. At all times the bar is open food, non alcoholic and low alcoholic drinks are readily available, and phones and taxis numbers are easily accessible.

We have had the same Bar Manager for 7 years and she is robust in the way she ensures that the council, police, and public health have a good understanding and relationship with the club, and also in the way volunteers are trained and aware of legislation when they help behind the bar. Though all work within the running of the club is volunteer, it is the clubs priority that the bar is managed in a professional way and is done so for the solid benefit and interest of the club and its members.

Masterton Squash Club submitted a portfolio on the Responsible Management of Alcohol in 2012 and were successful in winning this Accreditation for the whole of the Wairarapa.

We acknowledge the harm that alcohol does to our community and are very much in favour of a reduction in this harm, but reality is that the bar is an income we rely on for the club to continue to run and also have had an increase in private functions which we always apply for a special license. Some of our tournaments depending on entries can run up to and over 10.00pm and we think that it should be appropriate as hosts that the bar and food facilities to be available for not only local players but also to players travelling from out of the community. We feel the policy proposal for our license being brought back to 11.00pm will affect the way in which we run tournaments.

We are aware that there could be a flexible arrangement of time extension if we applied for a special license for these but would like to know if this is in fact a possibility, and if there would be a reduction in cost and processing time for the license to be granted. If this is not we really will find it difficult to operate and sustain ourselves as a club and would object to the new changes of the local alcohol policy.

Thank you for the opportunity to voice our thoughts and effects these changes will have on our club. If you require any further information please do not hesitate to contact us we are more than willing to be involved in this process and furthermore into the future in reducing the harm in which alcohol has on our community and how our club can increase our role in supporting this.

Kind Regards

Malcolm Wyeth
Masterton Squash Club President



Submission on the Wairarapa draft Local Alcohol Policy

10th October, 2014

Alcohol Healthwatch is an independent charitable trust working to reduce alcohol-related harm. We are contracted by the Ministry of Health to provide a range of regional and national health promotion services. These include: providing evidence-based information and advice on policy and planning matters; coordinating networks and projects to address alcohol-related harms, such as alcohol-related injury, fetal alcohol spectrum disorder, supply to minors and tertiary student drinking; and coordinating or otherwise supporting community action projects.

Thank you for the opportunity to provide feedback on the Wairarapa draft Local Alcohol Policy.

We would like to speak to this submission.

If you have any questions on the comments we have included in our submission, please contact:

Amy Robinson

Health Promotion Advisor

Alcohol Healthwatch

P.O. Box 99407, Newmarket, Auckland 1149

P: (09) 520 7038 M: 021 264 6259

E: amy@ahw.org.nz

1. Introduction

Firstly, we would like to commend Masterton, Carterton and South Wairarapa Councils on their commitment to develop a draft Local Alcohol Policy. Overall we are supportive of the general direction of this draft policy; however we encourage council to consider further strengthening key levers available in the policy that have strong evidence for alcohol-harm reduction.

Our feedback is based on the following fundamental understandings:

- 1) The Sale and Supply of Alcohol Act 2012 provides for territorial authorities to develop a Local Alcohol Policy. This was in response to widespread community concerns and objections throughout New Zealand to the proliferation of outlets, the proximity of off-licences to sensitive sites such as schools, their associated visual impact and other impacts on communities.

Therefore we assert that Local Alcohol Policies must directly and effectively address these concerns.

- 2) The content of a Local Alcohol Policy must be determined on its ability to contribute to achieving the object of this Act, that being:
 - *The sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and*
 - *The harm caused by the excessive or inappropriate consumption of alcohol should be minimised.*

For the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes—

- *(a) any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and*
- *(b) any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).*

Therefore, a Local Alcohol Policy must seek to do two things: Firstly, it needs to reduce the significant levels of alcohol-related harm that already exists and secondly; it needs to prevent further alcohol-related harm from happening (where able).

- 3) While acknowledging that Local Alcohol Policy content is limited to licensing matters, they do have great potential to address the key risk factors of accessibility and availability of alcohol through restricting the density, location, proximity and improving operation of licensed premises. In relation to the matters relevant to the Local Alcohol Policy, the evidence-base of effectiveness for reducing alcohol-related harm is strongest for reducing the trading hours of alcohol outlets and reducing the numbers of alcohol outlets. With this in mind, it

is important that if this policy is indeed to meet its objective, these two policy levers must be prioritised.

With these understandings in mind Local Alcohol Policies must:

- 1) Be evidence-based and include mechanisms that will effectively reduce the accessibility/availability of alcohol.
- 2) Reflect community wishes to restrict the number and location of alcohol outlets and the hours that they operate.
- 3) Work effectively to address existing issues and prevent harm.

Our comments on this draft policy will be outlined below under their applicable headings as laid out in the draft policy. We have underlined the proposals that we support/do not support and have provided further recommendations in the boxes at the end of each section for clarity.

2. Purpose, Aims and Scope

Alcohol Healthwatch supports the purpose, aims and scope of the draft policy. We think that the aims and scope reflect the objectives of the Act well.

3. Location of licensed premises

Alcohol Healthwatch supports the identification of sensitive sites in the draft policy. We do believe however that the policy could be stronger and more specific about the controls it will put in place to protect the vulnerable populations that frequent the identified sites.

There is good evidence to show that the clustering of premises in one area and the close proximity of alcohol outlets to certain types of facilities can negatively impact on the wellbeing of communities.¹

Over the past few years, many communities have objected to off-licences being located in close proximity to facilities of a particular kind, or sensitive sites, such as educational institutions. There is good reason for communities to be concerned about the effect of alcohol outlets on vulnerable populations, such as children and young people. Exposure to alcohol advertising has been shown to lower the age that young people start to drink and make it more likely for them to drink heavily. After reviewing 13 longitudinal studies that reported on 38,000 young people, Anderson and others (2009)² found consistent evidence to link alcohol advertising with the uptake of drinking among non-drinking youth and increased consumption among their drinking peers. Anderson noted that these results were

¹ Cameron, M.P., Cochrane, W., Gordon, C., and Livingston, M. (2013). *The Locally-Specific Impacts of Alcohol Outlet Density in the North Island of New Zealand, 2006-2011*, research report commissioned by the Health Promotion Agency, Hamilton: National Institute for Demographic and Economic Analysis, University of Waikato.

² Anderson P et al (2009). Impact of Alcohol Advertising and Media Exposure on Adolescent Alcohol Use: A systematic review of longitudinal studies. *Alcohol & Alcoholism*. 44:229-242.

not surprising, as exactly the same conclusions have emerged from reviews of the impact of tobacco and food marketing on young people.

Having alcohol outlets operating near sensitive sites (or facilities of a particular kind), in similar ways that any other shop or service operates, also helps to normalise alcohol in children's minds and encourages them to think that alcohol is a product that is just the same as any other ordinary commodity. However, alcohol is not an ordinary commodity and we should not encourage an environment in which our children view it as being one.

There appears to be a strong appetite around the country for controls to be placed on licensed premises near sensitive sites to limit the exposure of alcohol advertising. A possible approach to achieve this restriction through the Local Alcohol Policy is by including a policy that will restrict the amount of alcohol advertising licensed premises can have on and around their premises if they are located within a certain distance to the sensitive sites listed in the policy.

In Thailand, they prohibit alcohol advertising within 500m from educational institutions. This may also be a model to investigate further to see if it could be implemented effectively in the New Zealand context.

We also believe that community, sensitive sites, and other businesses within a specified buffer zone (for example, a 100m radius) of new or renewal applications should be notified of the application and the process to object. We think it is really important that councils encourage community awareness and participation in the licensing process. This makes the process more meaningful and it will also meet the intention of this piece of legislation.

In addition, we are concerned that a number of draft Local Alcohol Policies are relying on the good order and amenity clause in the Act as a way of dealing with the location and density controls in their districts. In early 2012 a review was carried out of several planning decisions by the Victorian Civil and Administrative Tribunal (VCAT) in Australia.³ The author of this review found that one of the fundamental difficulties that local government faced was that the planning legislation focused its judgement on public amenity, not on public health and safety needs. The author concluded that, in spite of local governments' attempts to use the amenity frame, "the consideration of amenity impacts is often arbitrary and inconsistent, and delivers unpredictable outcomes. Moreover, it is extremely difficult for local governments to present a convincing case with the data they have available" (p.10).⁴

One of the intentions of the new legislation was to improve community input into licensing decision making processes. The key lever to enable this is the ability for Territorial Authorities to develop a Local Alcohol Policy in consultation with their community and

³ Cited in: Streker, P. (2012). Under the influence: What local governments can do to reduce drug and alcohol related harms in their communities. *Prevention Research Quarterly*, No. 19. Australian Drug Foundation: Australia.

⁴ Ibid.

statutory agencies. Having a strong policy in place that fully utilises the evidence based controls that are available will lift the incredible burden that the objection process has on communities. Objecting to individual licence applications and renewals places a huge load on community members who have to take time off work, have the required funds to pay for an objection and have the confidence to stand up in a court hearing against legal representatives and licensees. It is time consuming, resource intensive and intimidating for community members. Rather, Territorial Authorities should be protecting their communities from this burden through implementing evidence based alcohol policies that serve the best interests of their community as a whole.

Alcohol Healthwatch supports:

1) The councils including the identified sensitive sites in the final policy.

Alcohol Healthwatch recommends:

2) That the councils strengthen the location based controls around sensitive sites to control new licensed premises from locating in close proximity. This may be done by specifying an appropriate distance from sensitive sites that new alcohol outlets are precluded from e.g. 50m from each entrance and border of site.

2) That the councils strengthen the location based controls in the Local Alcohol Policy to control the amount of alcohol advertising that is visible within 500m from kindergartens, early childcare facilities, primary schools, secondary schools and tertiary institutions. This control should also apply to any other facility that is appropriately deemed to be a sensitive site by the statutory agencies and community. For example, the following policy could be included "An off-licence will not be issued or renewed unless the premises has no more than 2 main external signs, with either a total site coverage not measuring more than 15m², or the coverage allowed under the District Plan, whichever is lesser, within 500m from a sensitive site".

3) That the community, operators of sensitive sites, and other businesses within a specified buffer zone (for example, a 100m radius) of new or renewal applications be directly notified of the application and the process to object.

4) That the councils do not rely on the good order and amenity clause in the Act but implements a Local Alcohol Policy that maximises evidence based location controls available in the Local Alcohol Policy legislation.

4. Off – licences

4.1 Maximum Trading Hours

Alcohol Healthwatch **supports** the proposed closing hour for off-licence trading but **recommends** that the opening hour is restricted further.

The weight of evidence suggests that restrictions on opening hours and days of sale are important policy levers for managing alcohol-related harm. Out of the mechanisms available to be used in a Local Alcohol Policy, restricting the trading hours of licensed premises will have the greatest impact on reducing harm.

Babor et al (2010)⁵ summarise the evidence for restricting trading hours “...there is strong and reasonably consistent evidence from a number of countries that changes to hours or days of trade have significant impacts on the volume of alcohol consumed and on the rates of alcohol-related problems”. The authors go on to say that when hours and days of sale are increased, consumption and harm increase, and vice versa.

On the other hand, there is no evidence to show that the community requires alcohol to be sold from 7am in the morning. It has been well documented that alcohol is no ordinary commodity and therefore we do not believe it should be allowed to be sold for longer periods than other goods, such as prescription medicines from a pharmacy for instance.

We support a consistent approach to maximum trading hours for off-licences as it makes it easier for consumers, provides competitive fairness for licensee holders and all kinds of alcohol licences contribute to alcohol-related harm.

*Alcohol Healthwatch **recommends** the following maximum trading hours for off-licence premises in the Wairarapa district:*

10am – 9pm with no exemptions for supermarkets.

4.2 Discretionary conditions

Alcohol Healthwatch supports the inclusion of discretionary conditions for off-licences in the draft policy. We are particularly pleased to see the inclusion of a possible restriction on the external visibility of alcohol advertising and its display. We do believe this could be strengthened however by being more specific about the controls, as recommended in Section 3, recommendation 2, above.

We believe that licence conditions can be an effective measure to assist councils to ensure that the sale, supply and consumption of alcohol is undertaken safely and responsibly and that the harm caused by the excessive or inappropriate consumption of alcohol is minimised as per the objective of the Sale and Supply of Alcohol Act 2012. However, there is evidence elsewhere to show that without the more effective measures such as a reduction in trading hours, these types of interventions are limited in their effectiveness.⁶

⁵ Babor et al (2010). *Alcohol No Ordinary Commodity: Research and Public Policy*. 2nd ed. Oxford University Press (p.145).

⁶ Miller, P et al. (2012). *Dealing with Alcohol and the Night Time Economy* (DANTE). Final report. National Drug Law Enforcement Research Fund: Australia. AND Miller, P et al. (2013). *Patron Offending and Intoxication in*

We also encourage councils to include a required set of conditions that are applied in a consistent manner per licence type. This will ensure ease of application by regulatory agencies and licensees, be fairer for licensees, and also help consumer awareness and manage their expectations of licensed premises. Research shows that the types of measures that discretionary conditions impose are more effective if they are applied in a consistent manner.⁷

Alcohol Healthwatch supports:

1) *The discretionary conditions section being included in the final policy.*

Alcohol Healthwatch recommends:

2) *That the councils consider specifically outlining the expectations around the external visibility of alcohol advertising and display for off-licences in the policy as per recommendation 2 of section 3 above.*

3) *That the councils consider including a set of conditions that are consistently applied to each licence type within the Wairarapa district.*

5. On – licences

5.1 Maximum Trading Hours

Alcohol Healthwatch supports the maximum trading hours for on-licences as proposed in the draft policy. Once again, we would like to see the opening hour restricted further to 10am. However we are pleased to see an overall restriction from the default hours provided in the Act for on-licence premises.

The weight of evidence suggests that restrictions on opening hours and days of sale are important policy levers for managing alcohol-related harm. Out of the mechanisms available to be used in a Local Alcohol Policy, restricting the trading hours of licensed premises will have the greatest impact on reducing harm.

Babor et al (2010)⁸ summarise the evidence for restricting trading hours “...there is strong and reasonably consistent evidence from a number of countries that changes to hours or days of trade have significant impacts on the volume of alcohol consumed and on the rates of alcohol-related problems”. The authors go on to say that when hours and days of sale are increased, consumption and harm increase, and vice versa.

Night-Time Entertainment Districts (POINTED). Final report. National Drug Law Enforcement Research Fund: Australia.

⁷ Ibid.

⁸ Babor et al (2010). *Alcohol No Ordinary Commodity: Research and Public Policy*. 2nd ed. Oxford University Press (p.145).

These findings have been further demonstrated by more recent research in Australia. Associate Professor Peter Miller from Deakin University in Victoria has released the findings from two studies that compared interventions in the night-time economy in Geelong and Newcastle⁹. One of Associate Professor Miller's key recommendations from the 5 year study was the requirement to restrict trading hours to reduce alcohol-related harm¹⁰. These studies also revealed a number of benefits that restricted trading hours can have for the community, including the businesses that sell alcohol. Benefits included a change in the drinking culture, a decline in heavy drinking, and a reduced number of assaults. For alcohol outlets, patron spending stayed the same or increased as instead of pre-drinking elsewhere patrons came into on-licence premises earlier and spent the money they were previously spending elsewhere, in the premise instead. Licensees were also happy to close earlier as long as it was the same rule for all. By closing earlier, licensees can save money on costs such as security, staff and electricity, and they have an earlier night which appealed to them. One of the real benefits of reducing the trading hours is that the intervention costs nothing to implement; compared to the expense that host responsibility type licensing conditions such as increased security, lighting and CCTV cameras can have for businesses. Furthermore, it is a highly effective intervention unlike some of these other measures.

The evidence also shows that for every hour of earlier closing, the further alcohol-related harm will be reduced. Subsequently, research in Australia has shown that for every hour a venue is open after midnight, there was a 17% increase in harm (drink driving, assaults, and ED attendance).¹¹

Recently, the Ministry of Justice in New Zealand undertook research as part of the development of the risk-based fees regime. Their findings show that the expected rate of offending increases significantly for every hour that a premise remains open after midnight.¹²

The expected rate of offending between:

12.01am and 1am is 1.6 times greater than when premises close at 12am or earlier;

1.01am and 2am is 2.2 times greater;

2.01am and 3am is 4.2 times greater;

3.01am and 5am is 8.9 times greater than when premises close at 12am or earlier.

⁹ Miller, P et al. (2012). *Dealing with Alcohol and the Night Time Economy (DANTE)*. Final report. National Drug Law Enforcement Research Fund: Australia. AND Miller, P et al. (2013). *Patron Offending and Intoxication in Night-Time Entertainment Districts (POINTED)*. Final report. National Drug Law Enforcement Research Fund: Australia.

¹⁰ Ibid.

¹¹ Chikritzhs et al (2002). The Impact of Later Trading Hours for Australian Public Houses (Hotels) on Levels of Violence. *Journal of Studies on Alcohol and Drugs*. Vol 63:Issue 5.

¹² Ministry of Justice. (2013). *Risk-based licensing fees. Identifying risk factors for the New Zealand context*. Wellington: Ministry of Justice.

There are also some compelling findings that have just been released from the International Alcohol Control Study, of which NZ was a part of. This study showed that drinkers purchasing alcohol after 2am from on-licences were 2.9 times more likely to drink larger amounts of alcohol.¹³ We know that heavier consumption leads to more harm so the implications of studies such of this one are important to note.

Available evidence further suggests that earlier closing times, amongst other measures, can also reduce the risk of pre-loading which is a prevalent issue for most communities.¹⁴

We have suggested a slightly earlier closing time for suburban and rural on-licences to lessen the impact on residential amenity and good order and for restaurants and cafes to prevent them turning into default bars/taverns/pubs/nightclubs.

Alcohol Healthwatch recommends the following maximum trading hours for on-licence premises in the Wairarapa district:

On-licences (taverns/bars/pubs/nightclubs):

Central City area: 10am – 1am with a mandatory one-way door from 11pm.

Suburban and rural areas: 10am – 11pm.

On-licences (Restaurant/cafe/function centre/caterer): 10am – 12am.

5.2 One way door policies

Alcohol Healthwatch **supports** the proposed one-way door intervention in the draft policy. We would like to see it extended to be a two hour intervention ideally as this gives more time for people to disperse before the crowd exits the premises at closing time.

The one way door mechanism has mixed evidence as to its effectiveness. There have been some more positive findings in Australia lately, including the reduction of people on the streets post lockout and improved business for large/late trading venues.¹⁵

Within New Zealand, ALAC (now part of the Health Promotion Agency) conducted an evaluation of the Christchurch one-way-door intervention in 2008.¹⁶ The evaluation found

¹³ Casswell, S., Huckle, T., Wall, M., & Yeh, L.C. (2014). International Alcohol Control Study: Pricing data and hours of purchase predict heavier drinking. *Alcoholism: Clinical and Experimental Research*.

¹⁴ Miller, P et al. (2012). *Dealing with Alcohol and the Night Time Economy* (DANTE). Final report. National Drug Law Enforcement Research Fund: Australia. AND Miller, P et al. (2013). *Patron Offending and Intoxication in Night-Time Entertainment Districts* (POINTED). Final report. National Drug Law Enforcement Research Fund: Australia.

¹⁵ Miller, P et al. (2012). *Dealing with Alcohol and the Night Time Economy* (DANTE). Final report. National Drug Law Enforcement Research Fund: Australia. AND Miller, P et al. (2013). *Patron Offending and Intoxication in Night-Time Entertainment Districts* (POINTED). Final report. National Drug Law Enforcement Research Fund: Australia

that while there was no overall reduction in alcohol-related crime in the inner city, there were reductions in some subsets of crime. It also showed that the one-way door intervention relied on effective working relationships by all parties, including Police and licensees.

Additionally, In Dunedin in 2008 about 25 inner-city bars took part in a one-way door trial for 3 months and they found reduced alcohol-fuelled violence in the central city.¹⁷

Anecdotal evidence from licensing inspectors and NZ Police also appears to be strong for one-way door policies.

Alcohol Healthwatch believes that one way doors can be a useful tool to have available in a comprehensive policy, and if applied consistently can help to reduce harm. They work by staggering the time that customers leave licensed premises thereby decreasing crowds of people exiting licensed premises at the same time and also reduces migration between premises which Police contend is one of the main issues confronting them late at night. However, on their own and, if they inconsistently applied, one-way doors are unlikely to be effective.

If one way doors are implemented, Alcohol Healthwatch recommends they are evaluated. Setting up a monitoring and evaluation project to assess the effectiveness of one-way doors as a mechanism to reduce harm will be an important step that local Councils can take to ensure that when the policy comes up for renewal, there will be more information to inform future decision making on this mechanism.

Alcohol Healthwatch supports:

1) *The one-way door intervention is included in the final policy.*

Alcohol Healthwatch recommends:

2) *That the one-way door intervention applies to on-licence premises from 11pm.*

3) *A monitoring and evaluation programme is established to evaluate the effectiveness of the one-way door policy in the district.*

¹⁶ Law Commission (2010). *Alcohol in our lives: Curbing the Harm. A report on the review of the regulatory framework for the sale and supply of liquor.* Wellington: New Zealand.

¹⁷ NZ Police (2009). *Policing Fact Sheet: Licensed premises trading hours.* Prepared by: Organisational Performance Group, Police National Headquarters: Wellington.

6. Club licences

6.1 Maximum Trading Hours

Alcohol Healthwatch **supports** the maximum trading hours for club licences. Elsewhere we have recommended club licences operate to a maximum time of 12am and would like to see this be applied here as well.

Club licences, in particular those held by sports clubs, have been reported in the research and anecdotally as contributing to the risky drinking behaviours exercised by the participants at the club.¹⁸ It therefore makes sense to have restricted hours for these types of licences.

*Alcohol Healthwatch **supports** the proposed maximum trading hours for sports clubs in the Wairarapa district.*

*Alcohol Healthwatch **recommends** the following maximum trading hours for other club licences in the Wairarapa district:*

10am – 12am

6.2 Discretionary conditions for club licences

Alcohol Healthwatch **supports** the discretionary conditions included in the draft policy for club licences. We recommend further strengthening this section however to include controls to limit common hazardous drinking practices in sports clubs, such as player of the day sculling competitions and restricting the consumption of alcohol to the club house/building (thereby banning alcohol consumption on the sidelines of the sports fields).

*Alcohol Healthwatch **recommends**:*

1) That the councils extend the discretionary conditions for Club Licences to include controls on hazardous drinking practices such as player of the day sculling competitions and restricting the consumption of alcohol to the club house/building.

7. Special licences

7.1 Maximum Trading Hours

Alcohol Healthwatch believes that maximum trading hours should be specified in the Local Alcohol Policy to provide clear guidance for the DLC and also to ensure that maximum trading hours for special licences do not exceed the national default hours prescribed in the Act. Some other councils in their Local Alcohol Policies have decided to only grant special

¹⁸ O'Brien, K. (2011). Commentary on Terry-McElrath & O'Malley (2011): Bad sport – exorcizing harmful substances and other problems. *Addiction*, 106, 1866-1867.

licences outside the maximum trading hours they have proposed for on-licences in extreme circumstances.

*Alcohol Healthwatch **recommends:***

1) That the councils specify maximum trading hours for special licences in the draft policy. These should not extend beyond the national default maximum hours prescribed in the Act.

7.2 Discretionary Conditions for special licences

Alcohol Healthwatch **supports** the discretionary conditions proposed for special licences in the draft policy.

7.3 Other matters for special licences

Alcohol Healthwatch believes there should be limits on the maximum number of events included in special licences. We suggest that for on-licence premises, a series of events should be limited to six, and for any other special licence there be a limit of 12 per annum.

*Alcohol Healthwatch **supports:***

1) The inclusion of discretionary conditions for special licences in the final policy.

*Alcohol Healthwatch **recommends:***

2) That the councils consider specifying a maximum number of events for special licences per annum in the final policy.

8. Other matters

8.1 Numbers of alcohol outlets

Alcohol Healthwatch notes that the Wairarapa draft Local Alcohol Policy does not include any restrictions on the number of alcohol outlets in the district.

This is concerning due to the strength of evidence surrounding this mechanism to reduce alcohol-related harm and although this may not be a problem currently, it may be a good idea to future proof the district.

The evidence behind decreasing the number of outlets that sell alcohol to reduce alcohol-related harm is strong. As Babor et al (2010) found; "Restricting the number of places where alcohol can be sold has been widely used to reduce alcohol-related problems by limiting consumption"¹⁹.

The damage that concentrated numbers of alcohol outlets can cause communities is demonstrated in part by the findings of the Impacts of liquor outlets in Manukau City research undertaken by the

¹⁹ Babor et al (2010). *Alcohol No Ordinary Commodity: Research and Public Policy*. 2nd ed. Oxford University Press. P.131.

former ALAC (conducted by the University of Waikato). This study found several key results relating to the characteristics of alcohol sales in this area.

1. Off-licence outlet density is related to social deprivation, i.e. higher relative deprivation is associated with a higher density of off-licence outlets
2. Further, off-licence outlets tend to be distributed throughout the area in order to reduce local competition
3. Areas with a higher density of off-licence outlets have higher competition between those outlets, leading to lower prices, longer operating hours and later weekend closing times
4. Higher numbers of off- and on- licences is associated with a higher number of total police events. In particular, off-licence density is associated with higher levels of anti-social behaviours, drug and alcohol offences, family violence, property abuse, property damage, traffic offences and motor vehicle accidents. On-licence density is associated with higher levels of dishonesty offences and property damage²⁰.

An extension of this study which looked at the impact of liquor outlets on communities across the whole of the North Island has recently been released by the Health Promotion Agency²¹. Overall, the report states that although there is variation across the North Island, the most substantial positive relationships with violent offences were observed for bar and nightclub density, and supermarket and grocery store density. Other on-licence density and licensed club density also had significant positive relationships with violent offences, while other off-licence density had a marginally significant negative relationship with violent offences. The researchers have found that these trends follow a similar pattern across the North Island; it is just the magnitude of the harm that differs between large cities and smaller towns.

Alcohol Healthwatch is recommending a regional cap on licensed premises with an optional localised sinking lid policy for those communities who have high stress/high risk profiles to decide upon if they feel that they have too many alcohol outlets in their community, or if they want to protect their young people from the adverse effects of high numbers of alcohol outlets. The cap and/or sinking lid can either be applied to all licensed premises or a particular type of licence e.g. off-licences. This will depend on what the issues are in your community.

Alcohol Healthwatch recommends:

1) That the Councils enable the Local Alcohol Policy to manage the number of licences in their district in a more comprehensive and evidence based manner. This could include a regional cap on all or a particular type of licensed premises in the district, and the option of a sinking lid for all or particular licence types in high risk/high stress areas within the district.

²⁰ Cameron, M.P., Cochrane, W., McNeill, K., Melbourne, O., Morrison, S., & Robertson, N. (2009). The impact of liquor outlets in Manukau City – Summary Report-Revised. Wellington: ALAC.

²¹ Cameron, M.P., Cochrane, W., Gordon, C., and Livingston, M. (2013). *The Locally-Specific Impacts of Alcohol Outlet Density in the North Island of New Zealand, 2006-2011*, research report commissioned by the Health Promotion Agency, Hamilton: National Institute for Demographic and Economic Analysis, University of Waikato.

9. Conclusion

Once again we would like to commend Masterton, Carterton and South Wairarapa Councils on committing to develop a draft Local Alcohol Policy.

The Local Alcohol Policy provision in the Sale and Supply of Alcohol Act 2012 provides us with a mechanism that if used effectively will reduce alcohol-related harm. However, if we don't make the most out of this opportunity by implementing evidence based policies then we cannot expect a change in behaviour or a reduction in harm. The draft policy as it stands has made some steps forward for the alcohol policy environment in the Wairarapa district. We hope that we can work with council to strengthen the policy further and be confident of the policy achieving its intended outcomes.



HOSPITALITY NEW ZEALAND

**SUBMISSION ON THE
JOINT SOUTH WAIRARAPA, CARTERTON AND MASTERTON DISTRICT
COUNCILS DRAFT LOCAL ALCOHOL POLICY
OCTOBER 2014**

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1. INTRODUCTION AND OVERVIEW

Hospitality New Zealand is a membership based trade association that represents over 2,400 businesses nationwide. These include cafes, bars, taverns, restaurants, nightclubs, accommodation hotels, backpackers and off-licences.

Good hospitality is a cornerstone of our culture, and the industry in New Zealand is recognised as a world leader. The production and sale of alcohol are also significant drivers of economic activity; more than 75,000 people work in the food and beverage sector and it is the third biggest area of spend for tourists.

Hospitality New Zealand represents approximately 30 hospitality businesses in the Wairarapa region. This includes Restaurants, Taverns, Wedding and Conference venues, Cafes and Bowling alleys. Its members have contributed significantly to Wairarapa, both economically and culturally, and wish to continue to do so.

Hospitality New Zealand wishes to work with the Council to achieve a dynamic, people centred and safe city and is committed to ensuring that people can be entertained and have a good time across the Wairarapa, while avoiding harm to themselves and others.

Hospitality New Zealand is concerned that the Council has not achieved an appropriate balance between the object of the Sale and Supply of Alcohol Act (2012) which is to avoid harm and the need for a Local Alcohol Policy (LAP) to be reasonable in light of its purpose.

The LAP fails to recognise the role that on-licensed premises play in the reduction of alcohol related harm and the fact that limiting the availability of supervised venues will not achieve a harm minimisation outcome. On licenced premises are the most heavily monitored locations where alcohol consumption occurs and where the sale, supply and consumption of alcohol is undertaken most safely and responsibly. They have licensed managers, strict host responsibility requirements and staff trained in identifying and managing intoxication. The penalties for both licensees and managers for breaches of the Sale and Supply of Alcohol Act are severe.

To put it another way; licensed premises are part of the solution to alcohol related harm – not the problem. They are the ‘capable guardians’ of night life.

Hospitality New Zealand is concerned that the draft LAP will be detrimental to business without making any real contribution to alcohol related harm, and will in fact potentially cause unintended consequences. In particular our concerns relate to:

- a) the Council has not, in developing the draft LAP, undertaken the necessary cost benefit analysis or economic evaluations, and in particular has not sourced sufficient information as to the costs of the draft LAP to operators
- b) proposed reduced trading hours
- c) the proposed midnight One Way Door

It is also important to note that in order to realistically address the issue of alcohol related harm the matter of the behaviour of consumers must be addressed. Hospitality New Zealand recommends that the Council turn their mind to this issue of personal responsibility.

2. THE DECISION MAKING FRAMEWORK

It is accepted that the Sale and Supply of Alcohol Act (2012) gives councils wide ranging powers to make changes to the alcohol licensing regime by, for example, imposing conditions on licences and amending the maximum opening hours. However, those powers must be exercised reasonably and be consistent with the purpose and object of the Act, together with the more general requirements of Council decision making.

The object of the Sale and Supply of Alcohol Act is stated as being:

“To ensure the sale, supply and consumption of alcohol is undertaken safely and responsibly; and that the harm caused by the excessive and inappropriate consumption of alcohol is minimised.”

It is important not to ignore the second part of the object of the Act. ‘The excessive and inappropriate consumption’ of alcohol which with respect to the quantity consumed off premise the draft LAP is heavily weighted towards further on-licence restrictions.

The minimisation of harm is not an objective to be achieved at all cost, or without regard to the economic and other consequences of actions taken to reduce harm.

This is reinforced by the requirement on appeal of a proposed LAP that the Licensing Authority consider whether the LAP is "unreasonable" in light of the objective of the Act. That requires consideration of whether the means proposed in the Act are proportionate to the harm avoided when considered against the costs imposed. This is further reinforced by the purpose of the Act which describes the "characteristics of the new system" [i.e. that introduced by the Act] as including that "it is reasonable".

3. ALCOHOL AVAILABILITY AND CONSUMPTION IN NEW ZEALAND

It is generally accepted that most adult New Zealanders are not harmful consumers of alcohol. Alcohol abuse is a real and significant problem for a small minority of Kiwis. It is important to bear in mind that around 76% of alcohol consumption in New Zealand now occurs outside of regulated licence premises. As such, on-licences account for only a quarter of alcohol consumption.ⁱ

We can't confuse the number of outlets or their trading hours with alcohol consumption. Since the Sale of Liquor Act was introduced in 1989, the number of licences has more than doubled with more than 14,000 licences across the country today. However, despite this enormous growth in outlets and liberalisation of trading hours, statistics show a consistent fall in the volume of alcohol consumption. *The 2014 World Health Organization's Global Status Report on Alcohol and Health* found consumption of alcohol in New Zealand per capita has fallen over the last thirty years.ⁱⁱ This steady decline completely negates the argument that longer hours and increased number of outlets increases consumption.

The same WHO report indicates that those New Zealanders that are choosing to have a drink are not doing so to excess. New Zealand comes in at 97th in the world for alcohol consumption per drinker, behind Australia which placed 89th on the list.ⁱⁱⁱ

While we see some disturbing images of the harm caused by alcohol, the statistics put these into context as a small number that do not represent the majority of people who have a responsible attitude to alcohol.

It is important to have an accurate perspective of the scale of the alcohol problem in order to develop a suitable Local Alcohol Policy. Hospitality New Zealand believes that regulatory policies should be proportionate to the risk of harm and avoid penalising those who consume alcohol in moderation and avoid penalising outlets which sell and supply alcohol responsibly.

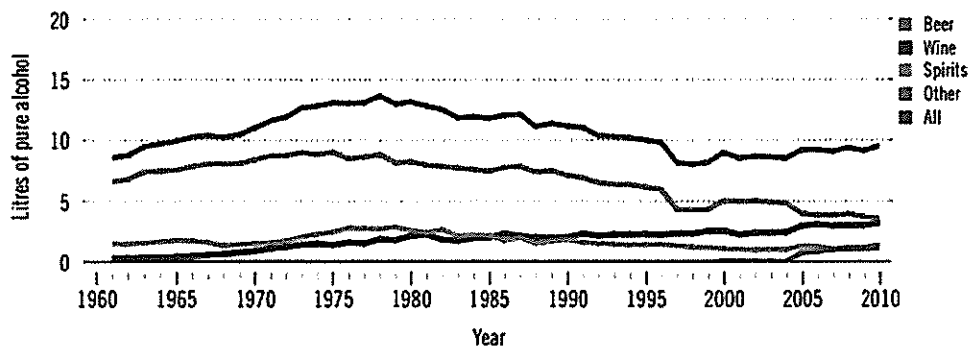
Those New Zealanders who do choose to drink are also choosing to drink more cautiously. New research by the Ministry of Health suggests that the rate of hazardous drinking has decreased significantly. As an example those aged 18–24 years identifying as non-drinkers doubled from 2009 – 2011.^{iv}

Further to this the background information referenced by the Wairarapa LAP the 'ACC Community profile 2012' identifies that alcohol related discharges for Masterton (who has the largest % of the 3 councils) showed that alcohol related discharges from hospital represented only 1% of persons per 10,000 (or 5% of all discharges). And that only 0.18% of discharges per 10,000 people was wholly attributed to alcohol. This points towards the actual proportion of physical harm caused by alcohol being significantly lower than is often made out.

Table 1: Alcohol consumption in New Zealand (WHO)

Recorded alcohol per capita (15+) consumption, 1961–2010

Data refer to litres of pure alcohol per capita (15+).



More background information on alcohol availability, consumption and the drinking environment in New Zealand is presented in the paper *Alcohol policy in New Zealand communities: A review of research and trends*. Hospitality New Zealand (July 2014) attached as Appendix A.

4. ECONOMIC IMPACT

Hospitality New Zealand is of the view that the Council has an obligation both to the businesses potentially affected by the proposals in this draft policy and to the people of Wairarapa to conduct a comprehensive cost-benefit analysis of the proposed changes in the LAP in order to achieve sound, evidence-based and best practice policy. In our view by failing to do so the Council may not meet its obligations under section 77(1) (b) of the Local Government Act.

Although the background information supplied in the appendices of this Draft LAP identifies some of broader benefits of the alcohol industry in relation to tourism in the Wairarapa and some national level social benefits. There has been no attempt to quantify the cost that the proposed restrictions would have on the night time economy, including on-going business sustainability as well as employment.

5. DRAFT LOCAL ALCOHOL POLICY PROPOSALS

5.1 REDUCED TRADING HOURS

There is no clear evidence to support the assumption that reducing opening hours lowers the levels of alcohol consumption and intoxication. The experience of the hospitality industry in New Zealand and overseas is that blanket closing hours and severe restrictions can actually increase the very behaviour that communities seek to avoid.

This can be observed in the behaviours of individuals when going out. Currently many patrons will not go out until later after having consumed alcohol at a private residence or elsewhere, often not going to licenced premises until 11pm or midnight. This behaviour is not selective of the Wairarapa but is seen all over New Zealand and is reinforced with our communications with operators. In places where hours are more restrictive people will go to private parties or public place once a bar has closed and continue to consume alcohol that has been pre purchased in such anticipation. By reducing hours across the Wairarapa, people's behaviours are highly unlikely to change only forcing them into uncontrolled environments sooner, where there is a greater risk of harm.

It is of the view of Hospitality New Zealand that the current hours allow for people to disperse naturally and not create issues where large numbers of people are forced out early not ready to go home potentially leading to public disturbance, it is also important to note that a lack of transport options in the late night areas that are an on-going issue in some areas of the Wairarapa would only contribute to this.

Limiting On-premise opening hours will have little or no impact on people who are intent on drinking too much. They will simply drink cheap and readily available alcohol from supermarkets in uncontrolled environments. From a harm reduction point of view, it is preferable these people are in a controlled environment and monitored by professionals.

The paper on "risk based licensing fees" by the Ministry of Justice highlights the limitations of international studies that suggest longer opening hours results in higher alcohol related harm. The paper concedes that longer trading hours can be positive as it allows for an individual to pace themselves over a longer period of time and prevents a large mass of patrons leaving a premise at closing time, which can cause public disorder and violence. This concession is notably absent from the draft LAP, and we expect that Councillors have not been made aware of this view from the Ministry of Justice paper.^v

Overseas experience also shows that shorter opening hours fail to significantly reduce society's alcohol misuse and have serious, unintended consequences on those operating in the night time economy. London's Applied Criminology Centre found that extending late night trading hours actually reduced alcohol-related violence, binge drinking and disorder as patrons dispersed over a long time period.^{vi}

The UK report *Drinking and Public Disorder* researched links between alcohol and disorder in the UK, Europe and Scotland. The report concluded that blanket closing times lead to 'peak density' or a concentration of behaviours that increased the likelihood of conflict and made policing more difficult. The measure was also found to create transport problems and issues for fast-food outlets in the vicinity – both of which were deemed to be hotspots for trouble. In 2005, the English and Welsh governments took a controversial approach to violence prevention by removing restrictions on opening hours for alcohol outlets.^{vii}

5.2 ONE WAY DOOR

Blanket one-way door policies do not work and have been rejected both overseas and in LAP discussions so far in almost every Council area in New Zealand. They have real and serious unintended consequences which are understood by industry operators.

The Wairarapa LAP Summary of Information and Statement of Proposal includes the rationales for the proposed policy options. From this alone there are some obvious issues as to how the conclusion to include a provision of a one way door policy is drawn. Firstly the basis that feedback from the community consultation supported this measure. Although we commend the working group for attempting to reach every part of the community and understand the difficulties they had. It was clear that there were shortcomings. Specifically with the survey results with participants being mainly (nearly 60%) Europeans over 56 years old. To these people the implications of introducing a one way door policy are most likely unknown, which makes it difficult to justify their support, is this response because it 'sounds like a good idea'. Secondly and more importantly the LAP rationale specifically acknowledges that the effectiveness of one way doors is not proven and that they are including this policy on the basis Police and Regional Public Health have said they think it will work. By that logic if the industry that have experience in these measures think it will not be effective, should it not just as much be left out.

Many Wairarapa businesses already only operate until 1am, by introducing a policy where they must prevent patrons coming into their premises for one hour would result in many having to employ security staff where they normally wouldn't. To find a person to work just 1 hour is unlikely therefore having to employ someone from earlier in the evening would mean a greater cost to the business for others this increased cost and earlier closing is a double financial hit.

The Wellington City Council provisional LAP released last year and currently about to go to an Appeal hearing at the Alcohol Regulatory and Licensing Authority does not contain a one-way door policy. Interestingly the New Zealand Police originally appealed this element of the Wellington PLAP but have now withdrawn that component of their appeal. While we cannot speak for the NZ Police in our view this is as a result of it being very clear that there is no evidence one-way doors work and overwhelming evidence that they do not.

The Auckland City Council extensively researched one-way doors in preparing their LAP this year and did not include it in their draft LAP.

The one-way door is a measure that has been tried overseas jurisdictions. They have been largely rejected because they didn't work and actually increase behavioural problems. They create dangerous situations for people separated from friends, volatile situations on the door and do not address intoxication. They create a 'lock in and drink till close' mentality.

An extensive study into alcohol-related nightlife crime in Australia, *Dealing with alcohol-related harm and the night-time economy*, compared the effectiveness of alcohol-related crime prevention

measures introduced between 2005 and 2010 in New South Wales and Victoria. The study, the largest of its kind in Australia, concluded there was no evidence to show that one-way door policies are effective in their own right. It also found that the policies had no long-term effect on assaults or violence. It did, however, find that the policy harmed smaller bars and venues that trade earlier.^{viii}

A KPMG assessment of Melbourne's three-month one-way door trial (June 2008 to September 2008) found alcohol-related presentations as a proportion of total hospital emergency presentations on Friday and Saturday nights increased and continued during the temporary lockout period. The policy was subsequently scrapped.^{ix}

In 2006, an ABC documentary reported on the effectiveness of Brisbane's one-way door policy. It reported that it failed to reduce the number of assault victims admitted to the Royal Brisbane and Women's Hospital. Taxi drivers were interviewed as part of the report and they supported the view that the policy had failed to curb late night violence.

Respected Australian criminologist Professor Ross Homel of Griffith University has extensively researched one-way door policies. He emphatically told the Legislative Assembly of Queensland's Law, Justice and Safety Committee that, "The 3am lockout is a complete, absolute, 100 per cent failure from all of the data that we have been able to observe... It is what I regard as a politically attractive but completely ineffective strategy."^x

Our own experience, backed by international research, is that people not allowed into bars are likely to drink in public places, move to where there are no restrictions or party at home.

6. SUGGESTED INITIATIVES

Based on experience in other locations Hospitality New Zealand recommends that the Councils consider the following initiatives in order to enhance the vibrancy and safety of Wairarapa at night and support a robust sustainable night-time economy:

- a) Leadership from the Council to increase the focus by all parties such as Police, Council, the hospitality industry, liquor retail industry, security staff, business owners, resident groups and community groups on working together through a licensee forum and other means.
- b) Better public transport options at night
- c) More lighting in the Central areas
- d) More CCTV cameras in public spaces
- e) Greater enforcement of liquor bans
- f) Greater Police presence

7. PRE-LOADING, SIDE-LOADING and PERSONAL RESPONSIBILITY

As is evidenced by the Wairarapa Alcohol Working Group's consultation results pre-loading (whereby consumers drink before coming to town) is absolutely the norm for large sections of the population. On-licensed premise owners and managers speak constantly of their intense frustration with the current environment whereby customers arrive in town having consumed alcohol already. Side-loading (whereby customers leave a premise to drink in cars or public places) is also a source of frustration. The on-licence industry which has seen its share of the total alcohol market decline from

around 40% to 24% over the past ten to fifteen years is clear that the pricing strategies of the supermarket chains are behind this market shift to off premise drinking.

The issue of pre-loading and side-loading are unrelated to the issue of how late on-licensed premises remain open, as those who 'pre' and 'side' load will most likely do so regardless of the closing times imposed. Indeed the reduction of opening hours to 4am from December last year has not led to any perceptible change in this practice nor in the timing of people arriving in the city centres for a night out. Pre-loading and side-loading are best addressed through the encouragement of personal responsibility, and focusing on problem individuals rather than by restricting the maximum opening hours of on license premises.

In the wider discussion on alcohol related harm the issue of personal responsibility is of paramount importance. Just as it is important to ensure that those who sell and supply alcohol do so in a responsible manner in order to minimise harm and enhance the area, it is also important to ensure that consumers understand their role in ensuring the region is safe and vibrant and they do not cause harm to themselves or others. The anomaly that exists in New Zealand is that a person standing on the street who may be grossly intoxicated is not committing any crime but the moment he or she steps one foot inside a licensed premises the licensee and duty manager of that premises *are* committing a crime whether they serve the person or not.

We would urge the councils to look at the possibility of addressing this issue through developing a bylaw on public intoxication which then creates an environment where the individual carries some personal responsibility. This in our view would do more to alleviate some of the deep seated issues around alcohol consumption than creating further regulation of a highly regulated industry.

8. CONCLUSION

Hospitality New Zealand thanks Masterton, Carterton and South Wairarapa District Councils for the opportunity to submit on the proposal. Our staff and members are willing to be involved in the process of putting together a sensible and effective Local Alcohol Policy that reflects the Council's responsibilities to the community and to local businesses.

We believe the issues relating to alcohol related harm and the solutions to those issues are by and large outside the scope of a Local Alcohol Policy and the influence of the Council. We also believe that 'well intentioned' regulation and policy can often bring unintended consequences.

We urge the Council therefore to think cautiously before making any of the changes proposed in this draft policy and to listen very carefully to those people who understand the conditions around the sale, supply and service of alcohol and the dynamics of the night time environment; namely the industry who create, monitor and work in it every day.

We wish to be heard on this submission

9. APPENDIX

1. Alcohol policy in New Zealand communities: A review of research and trends - Hospitality New Zealand (July 2014)

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- ⁱ Ministry of Justice (2013) Establishing a new fee regime for the alcohol licensing system
- ⁱⁱ The 2014 World Health Organization's Global Status Report on Alcohol and Health
- ⁱⁱⁱ The 2014 World Health Organization's Global Status Report on Alcohol and Health
- ^{iv} Attitudes & Behaviours Towards Alcohol Survey, Health Protection Agency (HPA Survey); 2012 Hazardous Drinking in NZ Report, Ministry of Health (MoH Survey)
- ^v Ministry of Justice (2013) Establishing a new fee regime for the alcohol licensing system
- ^{vi} Humphreys, D. (2012) Do flexible opening hours reduce violence? An assessment of a natural experiment in alcohol policy
- ^{vii} Marsh, P., and Fox Kibby, K. (1992) Drinking and Public Disorder
- ^{viii} Decon University (2012) Dealing with alcohol-related harm and the night-time economy
- ^{ix} KPMG (2008) Evaluation of the Temporary Late Night Entry Declaration
- ^x Law, Justice and Safety Committee, Legislative Assembly of Queensland (2010) Inquiry into Alcohol-Related Violence – Final Report

Alcohol policy in New Zealand communities

A review of research and trends



July 2014

Hospitality *The Voice of Hospitality*
NEW ZEALAND

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Foreword by Bruce Robertson, CEO, Hospitality New Zealand

The food and beverage sector of the hospitality industry is integral to the entertainment offerings in New Zealand's towns and cities and plays an important role in our social life.

Good hospitality is a cornerstone of New Zealand culture and an industry which is recognised as a world leader. The production and sale of alcohol are also significant drivers of economic activity; more than 75,000 people work in the food and beverage sector and it is the third biggest area of spend for tourists.

Responsible drinking plays a part in this. Unfortunately, during the highly charged and emotional debate around the introduction of local alcohol policies, or LAPs, many in our community have lost some perspective on the issue.

The Sale and Supply of Alcohol Act 2012 gives councils the ability to regulate opening hours for licensed premises, control location and impose operating restrictions on licences to reduce excessive and irresponsible drinking behaviour.

Many councils are now in the process of developing and introducing their LAPs or reviewing their draft proposals. In order to ensure the best result for their communities, LAPs must consider measures such as restricting the number of outlets, operating hours and one-way door policies to prevent access to bars after certain times.

The hospitality sector supports sensible drinking and operators of licensed premises are compliant, responsible providers who work constructively with local authorities and police.

What people shouldn't do is confuse the well managed and professionally run licensed food and beverage premises with the huge growth in independent off-licence stores and the burgeoning sales in supermarkets that have seen alcohol become cheaper and more readily available.

As a result of greater availability and affordability, 76 per cent of all alcohol is now consumed off-premise and most people involved in dealing with the effects of excessive alcohol agree it's the drinking at home or in a public place that causes most of the problems.

Responsible licensees are concerned that more restrictions on the 24 per cent of the market that is already well controlled and closely monitored won't change the excessive behaviours. There is also compelling evidence that some measures can actually make things worse.

One-way doors and restricted hours were trialled widely in Australia and largely abandoned because they didn't work and imposed significant cost on an industry that already works on low margins and tight budgets.

It is easier to force change in hospitality practices because the sector is professionally run and complies with the licensing framework. What's harder is changing the behaviour of individuals and family who have most of the responsibility in curbing alcohol-related harm.

This can be an emotive subject and Hospitality New Zealand has undertaken extensive research to find the best available information to help inform the development of LAPs and to provide some clarity to the ongoing debate about alcohol in our community. We hope you find the information useful and we would be happy to add our own experiences to the research.

Bruce Robertson
Hospitality New Zealand
bruce.robertson@hospitalitynz.org.nz

Blanket closing times

The experience of the industry in New Zealand matches experience and research from overseas. There is concern that blanket bans and severe restrictions can actually increase the very behaviour that communities seek to avoid.

The UK report *Drinking and Public Disorder* researched links between alcohol and disorder in the UK, Europe and Scotland.

The report concluded that blanket closing times lead to 'peak density' or a concentration of behaviours that increased the likelihood of conflict and made policing more difficult. The measure was also found to create transport problems and issues for fast-food outlets in the vicinity – both of which were deemed to be hotspots for trouble.

The introduction of national default trading hours here in New Zealand appears to have had little impact on assault rates as was claimed by many who called for their introduction. In fact, according to the Police Monthly Statistical Indicators there has been a 19.5 per cent increase in serious assaults resulting in injury when comparing pre-introduction May 2013 to May 2014.

In New Zealand, Easter weekend 2013 provided a stark example of peak density problems when all bars and nightclubs closed at midnight on Saturday, ahead of Easter Sunday's non-trading day. In Christchurch, Police said 'pre-loaded' people 'went hard', drinking to excess before midnight. This resulted in many arrests for drunk and disorderly behaviour, and the hospital reported being extremely busy dealing with alcohol-related injuries. (Stuff 31 March 2013)

In Wainuiomata near Wellington, a 15-year-old was stabbed in the back after a party turned ugly in what Police central communications shift commander Mark Oliver said was one of their busiest nights of the year. "With pubs closing at midnight, many people chose to pre-load, or start drinking early." (Stuff 31 March 2013)

A 2006 report by Greenaway and Conway in Auckland found that the common time for violent confrontations was around 3am when the majority of licensed premises close and all bar patrons are forced into the streets. These troubles would be exacerbated if all bars had the one set blanket closing time.

Similarly there is no clear evidence to support the assumption that reducing opening hours lowers the levels of alcohol consumption and intoxication.

We only need to look to the past to conclude that a reduction in opening hours does not work. Six o'clock closures led to what became known as 'the six o'clock swill' and only reinforced the 'drink hard and drink fast' mentality.

Emergency medicine specialist at Wellington Hospital Dr Paul Quigley has first-hand experience of the strain drunken Kiwis put on the country's emergency departments. He has spoken out publicly against prohibition.

The Emergency Department doctor wrote in a 2010 New Zealand Drug Foundation newsletter that the biggest impact in changing New Zealand's drinking habits will come from curtailing off-licence supplies, not the regulated and closely monitored section of the hospitality industry.

Overseas experience also shows that shorter opening hours fail to significantly reduce society's alcohol misuse and have serious, unintended consequences on those operating in the night time economy.

In 2005, the English and Welsh governments took a controversial approach to violence prevention by removing restrictions on opening hours for alcohol outlets.

The study *Do flexible opening hours reduce violence? An assessment of a natural experiment in alcohol policy* assessed the effects of the move between 2004 and 2008 in Manchester, UK and concluded that there was little evidence to show deregulation affected citywide violence rates.

London's Applied Criminology Centre found that extending late night trading hours actually reduced alcohol-related violence, binge drinking and disorder as patrons dispersed over a long time period.

Marsh, P., and Fox Kibby, K. (1992) *Drinking and Public Disorder*

Greenaway, S., and Conway, K. (2006) *Auckland Regional Community Action Project on Alcohol evaluation report. Final report*

Stuff (31/03/2013) *Early closing 'pre-loading' causes havoc*

Stuff (31/03/2013) *Teen stabbed in party mayhem*

New Zealand Drug Foundation (2010) *The A&E Doctor – Dr Paul Quigley*

Humphreys, D. (2012) *Do flexible opening hours reduce violence? An assessment of a natural experiment in alcohol policy*

One-way door policies

One-way door policies – or lockdowns as they are known in Australia – are a measure that has been tried repeatedly in overseas jurisdictions. They have been largely rejected because they didn't work and actually increased behavioural problems.

An extensive study into alcohol-related nightlife crime in Australia, *Dealing with alcohol-related harm and the night-time economy*, compared the effectiveness of alcohol-related crime prevention measures introduced between 2005 and 2010 in New South Wales and Victoria.

The study, the largest of its kind in Australia, concluded there was no evidence to show that one-way door policies are effective in their own right. It also found that the policies had no long-term effect on assaults or violence. It did, however, find that the policy harmed smaller bars and venues that trade earlier.

A KPMG assessment of Melbourne's three-month one-way door trial (June 2008 to September 2008) found alcohol-related presentations as a proportion of total hospital emergency presentations on Friday and Saturday nights increased and continued during the temporary lockout period. The policy was subsequently scrapped.

In 2006, an ABC documentary reported on the effectiveness of Brisbane's one-way door policy. It reported that it failed to reduce the number of assault victims admitted to the Royal Brisbane and Women's Hospital. Taxi drivers were interviewed as part of the report and they supported the view that the policy had failed to curb late night violence.

Newcastle's one-way door policy has also been shown to be ineffective in reducing assaults. Professor Kypros Kypri, of the University of Newcastle, compared assault rates in the Newcastle CBD with those of the nearby suburb of Hamilton, which had not been subject to any restrictions. What he found was no significant reductions in assault rates.

Respected Australian criminologist Professor Ross Homel of Griffith University has extensively researched one-way door policies. He emphatically told the Legislative Assembly of Queensland's Law, Justice and Safety Committee that, *"The 3am lockout is a complete, absolute, 100 per cent failure from all of the data that we have been able to observe... It is what I regard as a politically attractive but completely ineffective strategy."*

Any one-way door policy will require additional staffing. Experience tells us that higher levels of enforcement will see a big rise in tension with people trying to get into bars after the nominated time, while those inside will stay and drink for as long as they possibly can.

Our own experience, backed by international research, is that people not allowed into bars are likely to drink in public places, move to where there are no restrictions or party at home.

This is supported by the experience in Christchurch when, following the 2011 earthquake and the subsequent shutdown of the central city bars and nightclubs, complaints about noisy parties in suburban areas nearly tripled. The Christchurch City Council received more than 15,000 noise complaints in the year to June 2012.

Christchurch City Council's inspections and enforcement officer Gary Lennan says that during that period the number of complaints for parties also skyrocketed, with almost all coming from residential areas.

"Party and band noise seem to be leading these increases and it is thought that the quakes have influenced this by reducing the number of official venues and bars, causing more celebrations to occur at private homes." (Fairfax, 2012)

Law, Justice and Safety Committee, Legislative Assembly of Queensland (2010) *Inquiry into Alcohol-Related Violence – Final Report*

Decon University (2012) *Dealing with alcohol-related harm and the night-time economy*

KPMG (2008) *Evaluation of the Temporary Late Night Entry Declaration*

Fairfax (2012) *Rowdy parties move to suburbs*

On-licence regulation

Most alcohol is consumed outside licensed premises. This is consistent with the growing prevalence of supermarket alcohol sales. Off-premise consumption has increased – up from around 60 per cent a decade or so ago to 76 per cent, according to the Ministry of Justice in their 2013 discussion paper *Establishing a new fee regime for the alcohol licensing system*. In other words, only 24 per cent of alcohol is now consumed on regulated and controlled premises.

A report for the Alcohol Advisory Council and ACC evaluated the implementation of the Christchurch Central Business District Alcohol Accord put in place between 2006 and 2007. The research identified the main sources of alcohol were friends and family, home, supermarkets, and bottle stores, with much of that alcohol consumed in the home.

This reinforces conclusions drawn from an earlier paper on drinking trends, *A Decade of Drinking: Ten-year trends in drinking patterns in Auckland, New Zealand, 1990–1999*. Over the decade a number of changes occurred in the popularity of drinking locations. The number of people drinking at home increased, as did the amount of alcohol consumed in the home – up from three drinks per occasion in 1990 to four in 1999.

Consuming alcohol in their own or other people's homes – often larger amounts – also remained common place. According to the Alcohol and Public Health Research Unit, 39 per cent of men and 45 per cent of women drink at home rather than on licensed premises

This research reinforces the experience of the industry, police, councils and health authorities that the biggest area of concern are the habits of 'pre-loading' at home before going to town, and 'side-loading' which involves drinking in cars or public places where it's cheaper than buying alcohol in bars and nightclubs. Side-loading is also unmonitored and uncontrolled.

A project trialled last year in the top of the South Island by the St John Ambulance and ACC recording the number of ambulance requests involving people who have been drinking showed that half of those call-outs were to private homes. The number of call-outs to homes came as a 'big surprise' to even St John Ambulance district operations manager James McMeekin. The trail also showed that only around six per cent of those call-outs were to bars.

Detective Inspector Bernie Jackson worked as the area commander for central Melbourne during the city's trial with one-way door restrictions. He also managed

Victoria's Safe Streets project. He says there are more effective ways to combat alcohol-related problems than the regulation of bars, nightclubs and restaurants.

He says the introduction of measures that encourage patrons to take personal responsibility has been, by and large, the most successful when it comes to improving behaviour in Melbourne. Detective Inspector Jackson also encourages councils, police and licensees to work together to tackle the issue of alcohol-related problems.

"What underpins the success we've had in Melbourne is working together with licensees. This is not their problem, nor is it ours – it's a community problem."

In 2012 New South Wales also introduced a new spot fine regime which saw \$550 fines for unruly patrons who refuse to leave licensed premises, and \$2,200 fines for those who refuse to tip out alcohol in alcohol free zones. The scheme was introduced in association with hospitality industry bodies the Australian Hotels Association NSW and ClubsNSW and utilised an active social media information campaign entitled 'STOP! Is it worth \$550?'

ALAC (2008) *Evaluation of the Christchurch city one-way door intervention*

Ministry of Justice (2013) *Establishing a new fee regime for the alcohol licensing system*

Alcohol & Public Health Research Unit (2001) *A Decade of Drinking: Ten-year trends in drinking patterns in Auckland, New Zealand, 1990-1999*

New Zealand Police (2014) *Monthly Statistical Indicators*

Habgood R., Bhatta K., Casswell S., Pledger M., Alcohol and Public Health Research Unit (APHRU, 2001) *Drinking in New Zealand: National Surveys Comparison 1995 and 2000*

Nelson Mail (2013) *Drinking at home more dangerous*

Industry responsibility

Licensees have a strict set of conditions relating to their premises and their licence. All premises must meet requirements of the **Resource Management Act** and the **Building Code**, have a **fire safety and evacuation procedure** and comply with **food hygiene and safety** regulations.

Bars are also required by the Sale and Supply of Alcohol Act to have a Host Responsibility Policy. The key responsibilities for licensees are not to serve or to have underage or intoxicated people on the premises.

Consequences for breaches include prosecutions in the District Court or through the Alcohol Regulatory and Licensing Authority, and substantial loss of income resulting from temporary venue closures. Any bar or nightclub owner found to have breached the act three times within three years also faces losing their licence.

Conditions for licensees include:

- having a Host Responsibility Policy
- trading within their licensed hours and within the conditions of their licence
- a licensed duty manager on site at all times during opening hours
- not serving minors – or even allowing them on the premises
- not letting anyone become intoxicated, not serving anyone who is intoxicated, not letting someone stay on the premises if they are intoxicated
- ensuring there is substantial food available and, increasingly, that it is promoted
- providing information about transport
- encouraging patrons, as much as they can, not to drink and drive – if a patron is caught driving under the influence, Police will register this against the licence holder
- door staff are legally certified Crowd Controllers
- keeping any promotions within the national protocol on promotions guidelines
- providing free water (a provision under the new Act)
- complying with food safety regulations and gaming regulations
- making sure staff are trained on all of the above.

A full list is attached as an appendix to this document.

Adverse consequences

The food and beverage sector plays an important role in social life and is an integral part of the entertainment offerings in our towns and cities. The production and sale of alcohol are also significant drivers of economic activity through both sales and employment.

Wellington City Council prides itself on being, and deliberately markets the city as, an events capital with a distinct entertainment precinct. The Council recently surveyed 1,000 residents about the role of alcohol in the capital:

- 63 per cent of respondents agreed that alcohol provides significant employment opportunities through the production, catering and retail of alcohol-related products and services
- 37 per cent agreed that alcohol availability is essential to the vibrancy of the city
- 54 per cent agreed that having a few drinks enhances their experience of dining out
- 64 per cent agree that the number of pubs, bars and restaurants is about right

The food and beverage sector is a cornerstone of New Zealand's tourism offering with 75,000 people employed in the bar, cafe and restaurant sector in 2012 and contributing \$2.65 billion to the economy in 2012. (Statistics New Zealand)

In the year to March 2013, tourists spent 12 per cent of their total spend on food and beverage services. The spend came ahead of accommodation (nine per cent) and placed third overall behind retail goods (including fuel and other automotive products) and air passenger transport. (Statistics New Zealand, Tourism Satellite Account: 2013)

An unintended consequence of restricting trading hours of licensed premises can be significant disruption and trouble for the transport sector. The Australian experience, backed by industry research, shows restrictions caused significant operational difficulties, service disruptions and increases in violence.

A 2010 submission to the New South Wales Government by the Newcastle Taxi Operators Association spoke of the increased taxi waiting times that occurred during the 1am inner-city lockouts and 3am fixed closing times introduced in December 2008. The submission said that the policies led to a mass of people seeking transport between these two times, overwhelming taxi services.

This is another consequence of the 'peak density' behaviour that turns drinking hours into targets and encourages people to drink to the limit of the reduced time frame.

A report from Victoria, Australia warned that a lack of taxi services and public transport in the small hours contributed to drink-driving, the injury of intoxicated pedestrians and increased violence from frustrated patrons wandering the streets because they couldn't get home.

A 2013 British report found that following the reform of licensing laws in the UK in 2005, which allowed bars and pubs to remain open until later, the number of crashes reported to police fell by 13 per cent. The decline was most notable among young drivers and during the danger periods of Friday and Saturday nights. Researchers believe drinkers were now more likely to plan to get taxis home after a longer drinking session, rather than 'drinking to beat the clock' or popping out for a 'swift drink' and then driving.

There were equally significant consequences for bars, nightclubs and pubs themselves.

The 2010 Crosbie Warren Sinclair Report detailed the impact of restrictions introduced in New South Wales in 2008. It found that of the 14 Newcastle hotels subject to the policies, which included one-way doors and blanket closing times:

- nine of the 14 closed, changed hands or went into receivership
- there was an average reduction in turnover – 27.7 per cent (weekly)
- there was a 21.7 per cent reduction in revenues
- there was a \$22.5 million decline in asset values
- there was a 21.7 per cent reduction in hotel workforce.

Newcastle Taxi Operators Association (2010) *Inquiry into NSW Taxi Industry*

The Times (2013) *Late-night drink laws saved many young lives*

Crosbie Warren Sinclair Report (2010) *Review of Newcastle Restrictions prepared for the Australian Hotels Association NSW*

Victorian Health Promotion Foundation (2012) *Pubs and clubs Project: Literature review of different policy and community-based intervention and baseline trends of specific interventions in Geelong, Victoria (2000–2010)*

Alcohol availability and consumption in New Zealand

We can't confuse the number of outlets with alcohol consumption and availability. Since the Sale of Liquor Act was introduced in 1989, the number of off-licences has more than doubled with more than 14,000 liquor outlets across the country. However, despite this backdrop, statistics show consistent falls in the volume of alcohol available to consumers.

The latest Statistics New Zealand figures show a 3.3 per cent fall in the volume of alcohol available to December 2012. The 2012 statistics follow similar results from earlier years with declines of 3.1 per cent also recorded in 2009 (*Alcohol Available for Consumption: Year ended December 2012, Statistics New Zealand*). NB: Alcohol statistics are a measure of how much alcohol is available for consumption, rather than actual consumption.

The latest figures from Statistics New Zealand don't support our reputation as a country of heavy drinkers. While we see some disturbing images of the harm caused by alcohol, the statistics put these into context as a small number that do not represent the majority of people who have responsible attitudes to alcohol.

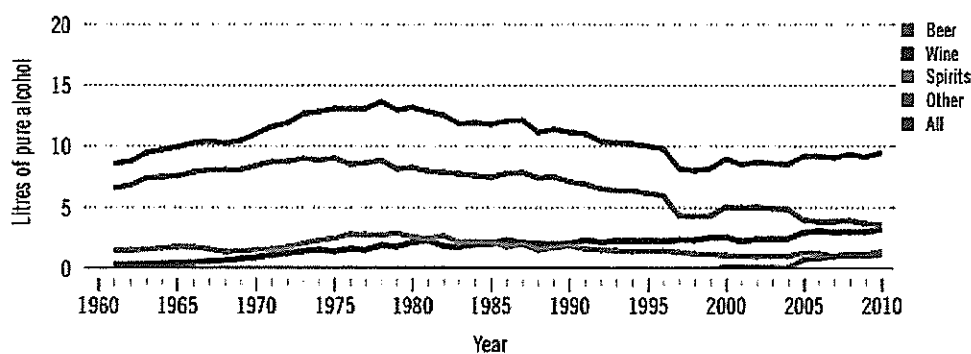
Those New Zealanders who do choose to drink are also choosing to drink more cautiously. New research by the Ministry of Health suggests that the rate of hazardous drinking has decreased significantly in past-year drinkers aged 18–24 years from 2006/07 when 49 per cent had done so to 36 per cent in 2011/12.

In addition, the 2014 World Health Organization's *Global Status Report on Alcohol and Health* found consumption of alcohol in New Zealand per capita has fallen over the last thirty years.

Table 1: Alcohol consumption in New Zealand (WHO)

Recorded alcohol per capita (15+) consumption, 1961–2010

Data refer to litres of pure alcohol per capita (15+).



The same WHO report indicates that those New Zealanders that are choosing to have a drink are not doing so to excess. New Zealand comes in at 97th in the world for alcohol consumption per drinker, well behind Australia which placed 89th on the list.

Ministry of Health (2013) *Hazardous Drinking in 2011/12: Findings from the New Zealand Health Survey*

World Health Organization (2014) *Global Status Report on Alcohol and Health 2014*

The cost of alcohol

Dr Paul Quigley from Wellington Hospital's Emergency Department sums up the situation in a New Zealand Drug Foundation interview when he talks about the cost of alcohol purchased from an off-licence.

"Alcohol is no longer a treat. It is cheap and easily available. Young people buy a bottle of Jim Beam and a very small bottle of Coke, mix it and drink it at home so they are intoxicated before they hit town."

CPI figures detailing the cost of beer at off-licences (supermarkets and liquor stores) shows an increase of 14.4 per cent from 2006. Whereas, the cost of a glass (400ml) of beer at licensed premises has increased 41.52 per cent. Hospitality New Zealand members say the increase does not equate to increased profits for bar owners, with the majority reporting profits well under five per cent.

Otago University research published in the New Zealand Medical Journal in 2010 found off-licence alcohol became increasingly affordable in the 10 years to 2010.

The study found discounted (off-licence) cask wine could cost as little as 62c for a standard drink, discounted beer 64c, discounted bottled wine 65c and spirits 78c. That compared to 67c for a 250ml glass of bottled water and 43c for a glass of milk.

It found that heavily advertised alcohol discounts, such as in supermarkets, exacerbated the problem of binge drinking.

The research shows that in 1999, it took 21 minutes for a person on the average wage to earn enough to afford enough beer to reach the legal driving limit. In 2010, it took only 17 minutes.

National Drug Policy New Zealand (2002) *Tackling Alcohol-related Offences and Disorder in New Zealand*

NZPA (2012) *Downtown Booze Beat*

Newswire (2012) *Contrary to belief, we may be losing 'binge' from our drinking culture*

McEwan, B., Swain, D., and Campbell, M. (2011) *Controlled intoxication: the self-monitoring of excessive alcohol use within a New Zealand tertiary student sample*

Wilson, N., and the Department of Public Health, University of Otago, Wellington (2010) *Very cheap drinking in New Zealand*

Alcohol and minors

It is important not to confuse the regulated on-licence environment with off-premise drinking. Those working within the industry are trained and experienced with the strict guidelines surrounding the sale of alcohol.

All licensed premises are required to have a Host Responsibility Policy outlining key responsibilities. These include not serving, or having on the premises, minors or anyone who is intoxicated – they know the rules and the consequences for their businesses if they don't comply.

Consequences include prosecutions in the District Court or through the Alcohol Regulatory and Licensing Authority, and substantial loss of income resulting from temporary venue closures. Any bar or nightclub owner found to have breached the act three times within three years also faces losing their licence.

Statistics from New Zealand Police show the number of recorded offences for the supply of liquor to a minor continue to fall. In the 2011/12 fiscal year, there were 208 recorded offences, compared with 263 offences in 2010/11.

The number of people prosecuted for buying liquor to supply to a minor also continues to fall.

Table 2: Purchase/acquires liquor to supply minor – national statistics

Fiscal year	Number of offences
2007/2008	51
2008/2009	49
2009/2010	37
2010/2011	47
2011/2012	24

The lowering of the legal purchase age has not led, as many purported would happen, to an increase in youth drinking. Research from Stefan Boes and Steven Stillman of the Institute for the Study of Labor shows that lowering the legal purchase age did not appear to have led to an increase in alcohol consumption or binge drinking among 15- to 19-year-olds.

On-licence drinking patterns in New Zealand

The New Zealand report *Tackling Alcohol-related Offences and Disorder in New Zealand* (National Drug Policy New Zealand, 2002) found that since the 1999 law change, there has been a reduction in recorded offences against the Sale of Liquor Act involving licensed premises.

The biggest contributors to intoxication are practices outside the control of licensed premises, which are:

- pre-loading – drinking before going into town, and
- side-loading – drinking in cars or other places where it's cheaper than at on-licence premises.

In a 2012 article that followed police patrolling downtown Auckland, Constable Joseph Waugh and Constable Tim Alexander said young people often drive into town and keep large quantities of alcohol in their parked cars.

The two constables said the cheapness of spirits from bottle stores compared with buying drinks in a bar led to many patrons 'pre-loading' (also known as side-loading) in their cars.

It's an opinion backed up by Wellington police sergeant Andrew Kowalczy who was quoted in a 2012 Whitireia journalism student's article saying that the problem isn't with licensed premises who "understand the repercussions of the law", but with pre-loading.

"You get a lot of people who, instead of going into licensed premises where they have a degree of control on your behaviour and they'll monitor it, you've got people who'll sit there and they'll scull these syrupy, horrible, artificial drinks, and they'll consume as much as they can, down their throat.

"And we start dealing with the people making their way into town, people coming into town in van loads, sitting in car parks, sculling back as much as they can. So they've got a buzz on, before they hit the bars and drink one beer."

A 2011 report, *Controlled intoxication: the self-monitoring of excessive alcohol use within a New Zealand tertiary student sample*, out of Waikato University, found that on-licence premises are enjoyed for their entertainment value, such as dancing and meeting people, as opposed to buying drinks. The report again reiterated the commonplace phenomenon of pre-loading due to the cheaper cost of off-licence alcohol.

This is also backed up by a 2013 survey by the Wellington City Council into the purchasing patterns of alcohol on Friday and Saturday nights at supermarkets and bottle stores. It revealed that at 6pm, of those purchasing alcohol, 18 per cent were purchasing alcohol only, but that increased to 62 per cent at 9pm at which time 74 per cent of whom intended to drink their purchases straight away. Furthermore, the number of purchasers at supermarkets who intended to go into the city peaked between 9pm and 10pm at 42.5 per cent.

Wellington City Council service development and improvement manager Jamie Dyhrberg described the findings as “the kind of conditions for spontaneous purchasing patterns that could lead to excessive side-loading and pre-loading”.

Wellington City Council (2013) *Off-license purchasing and consumption patterns*

Stuff.co.nz (2013) *A loaded question*

The New Zealand hospitality sector

The hospitality sector is far more than a provider of entertainment services and a component of the service sector. It is an integral part of the tourism industry, a large employer and a significant economic contributor to the country as a whole.

Hospitality New Zealand members are small to medium enterprises that employ and spend in their local communities. Approximately 62 per cent of business units in the cafes, bars and restaurants sector had five or fewer employees in 2013. (Service IQ/Infometrics, 2014)

Unlike many small businesses, Hospitality New Zealand members argue that after paying compliance costs, taxes, fees, levies, wages, and product and staff costs, the profits are minimal for many.

The majority of licence holders work well beyond a 40 hour week with 14 per cent of employees in 2013 working 50 hours or more a week. When earnings after expenses are divided by actual hours worked, the result is often below the minimum wage of \$13.75 an hour.

In addition, there are significant sales in the early morning hours of trading. The following table is the estimated annual spend between 4am and 7am in the country's bars, pubs, nightclubs, restaurants and adult entertainment venues. The figures are based on electronic card transactions and exclude cash.

Table 3: Estimated annual spend between 4am and 7am in bars, pubs, nightclubs, restaurants and adult entertainment venues

	Estimated spend	% of total transactions in that area
All of NZ	\$150,105,808.20	0.55% of total transactions
Of this total:		
Auckland/Northland	\$ 82,810,033.15	0.70% of total transactions
Wellington	\$ 33,050,577.25	1.11% of total transactions

These figures reinforce that Auckland and Wellington account for more than 75 per cent of the spend during those hours. It also supports the experience of many small businesses in that this period provides a significant slice of a week's earnings once fixed operating costs have been recovered.

In the USA, Cornell University's *Hotel and Restaurant Administration Quarterly* (Reynolds, D. 1998) reported that labour generally comprises around a third of hospitality costs and food another third.

The 2007 study, *Food & beverage service sector productivity*, undertaken by Auckland University's Tourism Research Institute, noted that many operators within the hospitality sector are locked into a cycle that generates a poor return on their investment, often resulting in short life-spans for the businesses concerned.

Despite this, the sale of alcohol in New Zealand remains an important driver of economic activity. In 2012, cafes, bars and restaurants contributed 1.3 per cent of GDP, representing \$2.65 billion of the economy.

Hospitality also represents 3.4 per cent of all New Zealand jobs, with 75,729 jobs filled by cafes, bars and restaurants. Total employment in the sector is forecast to increase from 75,529 in 2012 to 84,150 by 2017 (Service IQ/Infometrics, 2014) on the back of a 1.6 per cent increase since 2001.

Table 4: Hospitality employment, 2001 to 2012



Source: Service IQ/Infometrics 2014

Table 5: Auckland's hospitality sector, March 2010 to March 2011

	To March 2011	Percentage of region total	Percentage of national sector	Growth 2010 to 2011	
				Auckland	NZ
Gross Domestic Product (GDP): \$ million	\$745	1.1%	37.4%	1.5%	-1.9%
Employment	27,073	3.8%	33.7%	1.9%	-0.8%
Business units	3,433	2.1%	34.7%	6.2%	2.2%

Source: Auckland Annual Economic Profile; Infometrics Ltd

The table above shows that between March 2010 and March 2011:

- the hospitality sector generated \$745 million in economic output in Auckland
- the sector contributed 1.1 per cent to the region's economic output
- Auckland's hospitality sector economic output grew by 1.5 per cent compared with a decline of 1.9 per cent nationally.

New Zealand Tourism Research Institute (2007) *Food & beverage service sector productivity*

Service IQ (2014) *A profile of the cafes, bars & restaurants sector in New Zealand*

Reynolds, D. (1998) *Productivity analysis in the on-site food service segment. Cornell Hotel and Restaurant Administration Quarterly*

Alcohol law enforcement

Bar owners and staff have a legal responsibility to keep intoxicated people out of their premises and to not serve intoxicated patrons. The onus is on them to comply with the responsibilities and conditions of their licence and they face significant penalties if they fail to do so.

The vast majority of licensees are compliant and responsible providers of alcohol who understand the repercussions of the law and work constructively with local authorities and police.

This is reinforced by the very small number of problems compared with the number of licences and the size of the hospitality sector, and the amount of business transacted around the country every week.

The *Liquor Licensing Authorities Annual Report to June 2013* showed a meagre 1.8 per cent increase in the number of enforcement proceedings, increasing from 778 to 793. This slight increase came on the back of a number of public enforcement campaigns and greater emphasis by Police, particularly in Auckland. This increase can also be put in the context of the substantial decrease witnessed in 2012, which saw a 23 per cent decline in the number of enforcement proceedings received, reducing from 1006 to 778.

Only one liquor licence was cancelled in the year to June 2013 compared with three for the 12 months prior, and 257 licences were suspended compared with 281 the year earlier.

In 2011, 6,971 licensing inspections were carried out across Auckland resulting in 55 suspensions or cancellations of licences, less than one per cent of the establishments inspected.

The introduction of the Sale and Supply of Alcohol Act will see a new approach to enforcing alcohol laws inside and outside licensed premises. The approach will see the introduction of infringement notices for both public and licensed premises infringements and, along with the increased focus on alcohol, is likely to see a significant number of statistics in this new category.

Given recent statements by Police regarding their belief that alcohol is a major driver in crime, it will be important that adequate resourcing is given to ensure that in-depth statistics are recorded on the new infringement regime and analysed within this context.

Appendix: Regulations and obligations of licence holders

Current requirements

Every liquor licence and renewal application must have a certificate that the proposed use of the premises meets requirements of the Resource Management Act and the Building Code, including, where applicable, access and facilities for mobility impaired persons.

The site also requires a fire safety and evacuation procedure and a registration of the premises, and compliance with food hygiene and safety regulations.

Every person acting as a crowd controller must either hold a Crowd Control Certificate of Approval or licence to do so.

When deciding whether or not to grant an application, consideration must be given to:

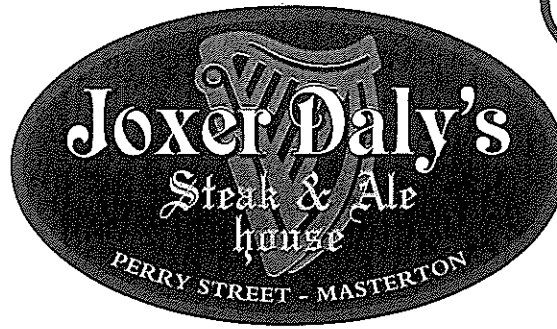
- the general suitability of the applicant
- the days and the hours proposed to sell alcohol
- the areas of the premises, if any, that should be designated as restricted or supervised areas in respect of minors
- the steps proposed to be taken by the applicant to ensure that the requirements of this Act in relation to the sale of alcohol to prohibited persons (minors and intoxicated persons) are observed
- proposals relating to the sale and supply of low and non-alcoholic refreshments and food
- assistance with, or information about, alternative forms of transport from the licensed premises
- “any [licensing] matters” dealt with in any report made by the District Licensing Inspector, police or Public Health
- the object of the Act and whether granting the licence is likely to increase alcohol-related harm, including such factors as crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol
- the design and layout of the premises
- whether the amenity and good order of the locality is likely to be reduced to more than a minor extent by the effects of the issue of the licence, including the extent to which, and ways in which, the locality in which the premises are situated are pleasant and agreeable including current and possible future

noise levels, nuisance and vandalism and the number of premises for which licences of the kind concerned are already held and the extent to which land near the premises concerned is used and the general desirability of the issue of the licence

- whether the applicant has appropriate systems, staff and training to comply with the law.

On granting an application, the Licensing Authority or Agency may impose conditions relating to any of the following matters:

- The days and the hours during which alcohol may be sold with different conditions able to be imposed in respect of different parts of the premises. The Licensing Authority or District Licensing Agency, as the case may be, may have regard to the site of the premises in relation to neighbouring land use.
- The provision of food.
- The sale and supply of low-alcohol beverages.
- The provision of assistance with or information about alternative forms of transport from the licensed premises.
- Any other matter aimed at promoting the responsible consumption of liquor.
- Steps to be taken by the licensee to ensure that the provisions of this Act relating to the sale of liquor to prohibited persons are observed.
- The designation of the whole or any part or parts of the premises as a restricted or supervised area.
- Conditions prescribing the people or kinds of person to whom alcohol may be sold or supplied – except for Human Rights reasons.
- Conditions prescribing steps to be taken by the licensee to ensure that sale or supply of alcohol to prohibited persons are observed.
- Conditions prescribing steps to be taken by the licensee relating to the management of the premises concerned are observed.
- Conditions prescribing the people or kinds of person to whom alcohol may be sold or supplied – except for Human Rights reasons.
- Conditions imposing one-way door restrictions.
- Drinking water to be freely available to customers while the premises are open for business.



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MASTERTON DISTRICT COUNCIL
RECD
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Email: johncavaney@extra.co.nz

October 9, 2014

Masterton District Council

Local Alcohol Policy

My name is John Cavaney and our licensed premise is Joxer Dalys, 7 Perry Street, Masterton.

I have read the draft copy of the Local Alcohol Policy and would like to comment on two changes that I think will not help reduce alcohol harm, and will probably make things a lot worse than what they are now.

1. The one-way door system
2. The closing time of 1am

In my past working life I worked for three years as a crewman for the Hawke's Bay Helicopter Rescue Team, and also as a private contractor working for the New Zealand Police. I have been working in the hospitality industry in excess of 25 years. I take my job serving alcohol very seriously and believe I can make a well informed, educated comment on the above proposed changes to the Local Alcohol Policy.

If you change the law to 1am closing time, I believe it will cause more grief for the already understaffed Masterton Police.

The public of today still want entertainment and somewhere to go at night. The younger patrons do not come out at night until at least 11pm. This has not changed, even in areas that already have LAPs in place. I believe what will happen in the Wairarapa area, is that they will stay home pre-loading until around 10.30-11pm then think it's too late to go into town, let's head to Wellington for the night.

A lot more parties and private shed bars will start popping up around our district, both unlicensed and un-controlled. For the patrons that do stay in the Wairarapa and want to come into town this will force us to employ even more costly Door Control staff. We will have to put extra staff on both our back fence and side alley fence. Because of the extra costs and shorter trading hours it will not be worth us opening after midnight, causing unemployment for at least four of our own part-time staff.

ONE WAY DOOR POLICY

We have had a One Way Door Policy operating at Joxer Daly's since 2009.

When we first started this policy we started at the time of 1am. This proved to be too hard to control and caused a lot of problems for our door staff. Once we altered the time to 1.30am it became easier. There were a number of patrons that would leave to go home between 1am and 2am, so the crowd became smaller and we had fewer problems at closing time with less patrons looking for taxis/cabs.

I can see problems surfacing with patrons who want to go outside for any number of reasons after 12 midnight for just a few minutes and then find we cannot let them back in. With less Police available, who will help us with the problems.

By reducing hours and 12 midnight one-way door policy the end result will put a dagger right into the heart of Masterton's night life.

HOW CAN WE HELP REDUCE THE PROBLEMS

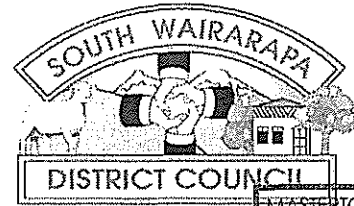
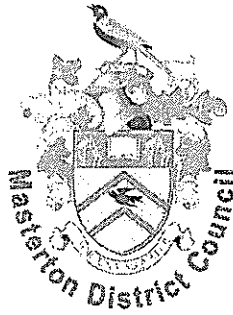
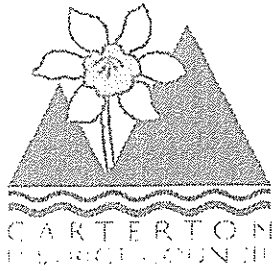
We need more Education for the public.

The public still do not realize that it is not legal to be on licensed premises intoxicated, so how are they going to understand the One Way Door Policy?

We need better communication between Licensees, Police and Council staff.

We need more public transport available late at night to get patrons away from the CBD quickly. One way to help this problem. I believe, is to investigate the possibility of using the Maori Wardens or similar groups, with their van, asking patrons for a gold coin donation and doing a loop around the border of town. This will help clear the patrons from the centre of town. It will not take away any business from the cab/taxi companies because they cannot cope with the numbers now.

In my opinion, changing closing times and one-way-door systems would be a major setback for Masterton.



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MASTERTON DISTRICT COUNCIL
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DRAFT LOCAL ALCOHOL POLICY (LAP) Submission Form

Name: *Kaine Jaquiery (Chief Licensing Inspector – Masterton District Council)
Cherie Bulled (Licensing Inspector – Masterton District Council)
Terri Mulligan (Licensing Inspector – Masterton District Council)
Tamsin Sutherland (Licensing Inspector – Masterton District Council)*

Address: *c/- Masterton District Council, PO Box 444, Masterton*

Telephone Number: *Work: (06) 370 6300*

Email: *cherieb@mstn.govt.nz*

If you represent a community group, organisation or business, please state it below:

Officer's Submission
Licensing Inspectors – Masterton District Council

We would like to make the following comments on the Draft Local Alcohol Policy.

We support the need for a Local Alcohol Policy and believe that the intent to reduce the hours at which alcohol is available is commendable. We support the one way door policy and believe this is likely to improve the amenity of the areas in immediate vicinity to a busy tavern.

In our experience the majority of the harm we are seeing in our community is coming from pre-loading and side-loading in private settings. The on-licences in the Masterton area are, in general, running to an acceptable standard.

Below are four recommendations to further strengthen the LAP.

Criteria for considering licensing applications

2.13 It is recommended that section 131 should also be included. Section 131 sets the criteria to consider renewal applications.

Location of licensed premises

3.1 A number of sensitive areas have been identified by Inspectors while making inquiries into applications. Strengthening the list of sensitive areas will give more guidance to applicants applying for licences on the areas that will be considered by the DLC. Below is a suggested list

- Kindergartens
- Early childhood centres (including public or private crèche, day or after-school care, pre-school, kohanga reo or playcentre)
- Schools (primary, intermediate and secondary schools)
- Educational facilities (including technical institutes, teachers colleges, universities, kura kaupapa/kura maori)

- Library
- Recreational facility
- Bus stop servicing school bus connection services
- Medical centre
- Social Services
- High Deprivation Areas

Off-licences maximum trading hours

3.2.1 It is recommended that all off-licences have the same opening and closing times. The draft LAP only identifies bottle stores and supermarkets. This allows all other types of off-licences to apply for the maximum default national hours 7.00am to 11.00pm. This would create a biased market for grocery stores, taverns with an off-licence, wineries etc.

Relief sought: remove reference to bottle stores and supermarkets in order to effectively apply the proposed licence hours to all off-licences.

Club Licences

3.4.1 All Districts – Other Clubs

Remove the reference to section 47 of the Act, in regards to ANZAC celebrations, as this section only applies to on-licences.

We would like to discuss this submission with the Hearings Committee

14 October 2014

Draft Wairarapa LAP Submission
Masterton District Council
PO Box 444
MASTERTON 5840

Dear Sir / Madam

Thank you for the opportunity to provide a written submission on the Wairarapa Draft Local Alcohol Policy (LAP).

I am employed by Regional Public Health (RPH) as a medical officer of health. RPH delivers public health services to the greater Wellington region covered by Wairarapa, Hutt Valley and Capital & Coast District Health Boards. Part of my role is to oversee the alcohol work done in the greater Wellington region.

RPH has a statutory responsibility to improve, promote and protect the health of its residents and more specifically to implement the New Zealand Health Strategy, which has goals and objectives relating to minimising the harm caused by alcohol.

Under Section 78(4) of the Sale and Supply of Alcohol Act 2012, the Wairarapa Councils have been diligent in consulting with Health and the Police on the draft policy. Below is a summary of key points of which I have a particular view on.

I am happy to provide further advice or clarification on any points raised in my written submission.

I wish to appear before the committee to speak to my written submission.

The contact point for this submission is:

Nicky Poona
Public Health Advisor
Regional Public Health - Wairarapa
Phone: 06 377 9133
Mobile: 027 241 6480
Email: nicky.poona@wairarapa.dhb.org.nz

Kind Regards

Dr Stephen Palmer
Medical Officer of Health
Regional Public Health

The local sale, supply and consumption of alcohol is intertwined with Wairarapa Councils goals of a healthy, vibrant and prosperous economically secure community. Councils have the responsibility to promote the social, economic, environmental, and cultural well-being of the Wairarapa Region. Getting the Local Alcohol Policy (LAP) right is key to assisting Councils to do this.

With alcohol there is an inevitable tension between three forces:

- The desire for business development linked to the sale and supply of alcohol.
- The social benefits linked to safe and responsible consumption of alcohol contributing to a great Wairarapa experience.
- The harm to individuals and wider society through excessive and inappropriate consumption of alcohol with a focus on density and deprivation levels.

The liberalisation of controls on alcohol over the last two decades created an imbalance in these forces favouring business development. The Law Commission Report has stated that “as a result these reforms and increased competition, alcohol has become more accessible and more affordable. While this has brought benefits to many consumers it has also been associated with a range of harms that have impacted unevenly on different communities and sub-populations”¹. Therefore economic gain from business development has been cancelled out by the significant costs of the harm caused by alcohol.

Young people and binge drinking, particularly pre loading, is an issue affecting all communities. Children and adolescents have greater vulnerability to alcohol than adults. They have no context or reference point for assessing or regulating their drinking and have built up no tolerance to alcohol². Because of this adolescents and young adults are more likely than other age groups to experience problems such as alcohol poisoning, alcohol related road traffic crashes, assaults and other injuries.

In Wairarapa we are seeing the harm from alcohol affecting families and children. This ranges from family violence at one extreme, to reduced productivity of workers and the achievement of less than optimal education outcomes for local children.

The recent Wairarapa Alcohol Survey³ undertaken by the Wairarapa Councils was perceived by participants that alcohol was a major contribution to alcohol related harm. For example 80.1% thought alcohol contributed to family / domestic violence incidences, 79.3% thought alcohol contributed to other violent crimes and 73.5% thought alcohol contributed to anti-social behaviour.

The relationship between outlet density and harm varies by outlet type, harm type and setting. Australian studies have identified a strong link between the density of pubs and general assault rates, while finding that off-licence outlets are strongly associated with rates of domestic violence

¹ New Zealand Law Commission. (2010). Alcohol in our lives: Curbing the harm. Chapter 2, Pg 68, 2.50

² Anderson, P., de Bruijn, A., Angus, K., Gordon, R., Hastings, G. Alcohol & Alcoholism Vol.44, No. 3 pp. 229-243, (2009). Advance Access publication 14 January 2009. Doi: 10.1093/alcalc/agn115

³ In an email from T. Madden, Masterton District Council, taniam@mstn.govt.nz in August 2014. Wairarapa Community Alcohol Survey

(Livingston, 2008; 2011)⁴. Alcohol outlet density has also been linked to higher mean alcohol consumption, binge or heavy drinking, alcohol disorders and health problems (Aherm et al., 2013; Connor et al., 2011)⁵. Appendix one gives an example of a study undertaken around density.

It is important to note that reducing inequalities in health is an important key role in improving the health of those living within our community. Over the last three decades the health sector developed the NZ Deprivation Index (NZDep) to help guide the planning, prioritisation and funding of health and social services. It combines census data such as income, home ownership, employment, qualifications, communications etc. Research confirms that NZDep correlates very closely with health outcomes. Those living in NZDep 10 areas have significantly poorer health outcomes than those living in NZDep 1 areas. The Health Promotion Agency research found that a number of studies show that alcohol outlet density is positively associated with social deprivation in NZ. That is, higher population density and higher relative deprivation were associated with higher density of off-licence premises. The same research shows that people living in such areas are particularly vulnerable to Alcohol Related Harm.

Currently the population of Wairarapa is 41,115 with an estimated 213 on, off and club licences held within the Wairarapa. This equates to 1 alcohol provider for every 193 people.

I am particularly concerned about township of Masterton. There is already a very high number of liquor licences of which the number off-licences (liquor stores and supermarkets) is well above the national average. A large proportion of the township lives in NZDep2013 8-10 areas. The high density of outlets is contributing to significant levels of Alcohol Related Harm.

I am in the midst of a process of opposing the establishment of a new liquor store in Masterton. It is clear to me that an additional liquor store will further increase Alcohol Related Harm. This process may not succeed as there is no LAP and therefore there are no rules on density of outlets in Masterton.

So I strongly support the LAP placing a limit on the number of outlets in Masterton and that consideration is given to the adoption of a sinking linking policy.

Recommendations

- Support on-licence hours (restaurants and bars) from 8am to 1am and the introduction of a one-way door policy in place from midnight.
- Suggest a later opening time for off-licence hours (liquor stores, supermarket and grocery stores) from 9am to 9pm.
- No new off-licences to be granted in Masterton and consideration given to adopting a sinking lid policy.

⁴ Livingstone, M. (2008). A longitudinal analysis of alcohol outlet density and assault. *Alcoholism: clinical and Experimental Research*, 32(6), 1074-1079. Livingston, M. (2011). A longitudinal analysis of alcohol outlet density and domestic violence. *Addiction*, 106(5), 919-925

⁵ Ahern, J., Margerison-Ziko, v., Hubbard, A., and Gales, S. (2010). Alcohol outlets and binge drinking in urban neighborhoods: The implications of non-linearity for intervention and policy. *American Journal of Public Health, Research and Practice*.

Conclusion

As you are aware health has an on-going role to play in continuing the development and implementation of this policy. As the medical officer of health i am happy to provide to Wairarapa Councils my expert knowledge and experience on the Draft Local Alcohol Policy. If required I can also provide further advice or clarification on any points in my submission at the oral hearing.

Appendix One

Outlet density has been defined as outlets within a 1 km walking distance from home. Conner et al⁶ looked at outlet density adjusting for confounders such as social deprivation and individual social economic status.

For example if we look at off-licences, this study found that there was a significant association between binge drinking and the number of off-licences, with a 4% increase in the odds of binge drinking for every additional outlet. Further to that "the strength and statistical significance of the association of off-licences but not on-licences, with binge drinking is consistent with the much higher volumes of alcohol sold by off-licence outlets"⁷.

This study confirms that the density of off-licences increases harm and binge drinking and this is of concern to Public Health.

⁶ Conner JL, Kypri K, et al, Alcohol outlet density, levels of drinking and alcohol related harm in new Zealand: A national study *Journal of Epidemiology and Community Health* 65 (10) : 841-846

⁷ Conner JL, Kypri K, et al, Alcohol outlet density, levels of drinking and alcohol related harm in new Zealand: A national study *Journal of Epidemiology and Community Health* 65 (10) : 841-846

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MASTERTON DISTRICT COUNCIL
16 OCT 2014
PA

Ruth McEwen

From: Ruth McEwen
Sent: Thursday, 16 October 2014 8:49 a.m.
To: Ruth McEwen
Subject: Draft LAP Submissions

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From: REGISTER, Brent (Reg) [<mailto:Brent.Register@police.govt.nz>]
Sent: Wednesday, 15 October 2014 11:59 a.m.
To: Sam Rossiter-Stead
Subject: Draft LAP Submissions

Sam,

The Wairarapa Police is happy with the draft LAP in current format and support it as is.

This is backed up by the original submissions made to the Alcohol working party, addressing alcohol related harm in the three TLA's.

Reg.

Brent Register
Inspector

Area Commander - Wairarapa
Masterton Police Station | 21 Church Street | P O Box 443 | Masterton 5810
Ext: 47901 | Phone: +06 3700301 | Mobile +0211909538 | Fax +06 370 5950 | brent.register@police.govt.nz

"A Safer Wairarapa Together"

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