

Bev McShea

From: Submissions
Sent: Monday, 16 September 2013 2:41 p.m.
To: Administration Support
Subject: FW: Submission regarding the Draft Local Alcohol Policy
Attachments: Nelson LAP Submission.pdf

From: Jeanette.Swift@hospitalitynz.org.nz[SMTP:JEANETTE.SWIFT@HOSPITALITYNZ.ORG.NZ]
Sent: Monday, September 16, 2013 2:42:48 PM
To: Submissions
Subject: Submission regarding the Draft Local Alcohol Policy
Auto forwarded by a Rule

Hello,

Please accept this submission on the draft local alcohol policy:

Kind regards,
Jeanette

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SUBMISSION ON THE Draft Local Alcohol Policy Nelson City Council September 2013

Hospitality NZ is a voluntary trade association representing approximately 2,400 hospitality businesses throughout New Zealand since 1902. These include restaurants, café bars, taverns, country hotels, motor inns, off-licensed premises and short and long term large and small accommodation providers. As Regional Manager for Hospitality New Zealand, I work across the whole of the top of the South Island including Nelson and Tasman.

The region is made up of local branches and we have 110 venues in the Nelson branch, these venues are members of both our local and national Association. This submission is made on behalf of our licensee members in the Nelson area. I live in Richmond and socialise in Nelson so this policy is very pertinent to me personally too.

Hospitality is a significant industry and major employer throughout Nelson region and plays an important role in our social life. The sale of alcohol is a significant driver of economic activity with more than 70,000 people employed in the food and beverage sector nationwide, and hospitality is the third biggest area of spending for tourists.

We appreciate the opportunity make a submission on the Draft Local Alcohol Policy (LAP). Hospitality NZ is committed to working with the Nelson City Council in order to develop a practical and effective LAP.

We would like to speak to our submission.

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Introduction

We would firstly would like to acknowledge the scale and workload that the Sale and Supply of Alcohol Act and the introduction of LAP's has caused the Council. You may have seen much in the media about local alcohol policies in Christchurch and Wellington already, but Nelson is very different and we need to find a policy which is right for our area.

In preparation of this submission the Nelson Branch Executive of Hospitality NZ had meetings with members to obtain input on the proposals in the Draft LAP. The outcome of those discussions has formed the basis for this submission.

However before we comment on local matters, it is important to put the scale of the issues into context.

Key Issues and Evidence

The scale of the Kiwi alcohol problem

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. However, the current consumption of alcohol is quite low by New Zealand standards and barely registers compared to other countries.

While there has been a steady but small increase in alcohol consumption since 1999, consumption levels from 1969 right through to 1997 were higher – particularly during the 1970s and 1980s. The World Health Organisation ranked New Zealand as the 51st highest consumers of alcohol in their *Global Status Report on Alcohol and Health 2011*. Despite the impression presented in the media, Kiwis are drinking less overall than they used to.

It is important to have an accurate perspective of the scale of the alcohol problem in order to develop a suitable Local Alcohol Policy. We further consider that regulatory policies should be proportionate to the risk of harm, actually address any identified problems and avoid penalising those who consume alcohol in moderation and outlets which sell and supply alcohol responsibly.

Key differences between on-licences and off-licences

It is important to note that nationally 75% of alcohol consumed is now bought from off-licences and just 25% from on-licensed premises. Our understanding is that this situation equally applies in the Nelson area.

There are key differences between the highly regulated on-licence environment and the way off-licence alcohol purchases are consumed.

On-licensed businesses are professionally run, comply with strict licensing conditions and a comprehensive host responsibility framework. The staff are also trained and experienced in providing a responsible drinking environment. It is illegal for people to get drunk on licensed premises and on-licence holders are strictly accountable and responsible for patron behaviour. On-licensees know the rules and the heavy consequences for their business if they don't comply.

Most people involved in dealing with the effects of excessive alcohol consumption agree that it is the drinking at home or in public places and other unsupervised environments that causes most of the problems.

Recent research into the experiences of the industry, police, councils and health authorities show that the biggest areas of concern are the habits of 'pre-loading' at home before going to town, 'side-loading' by drinking in cars or public places because it's cheaper than buying alcohol in bars and nightclubs and 'post-loading' by imbibing further after leaving licensed premises.

Pre-loading, side-loading and post-loading are all unmonitored and uncontrolled. The impact is exacerbated by cheap alcohol from supermarkets. This is the critical issue the Nelson Local Alcohol Policy should address. A number of Draft LAPs, including Nelson, have excessively targeted on-licences when the reality is that they are generally part of the solution not part of the problem.

Research also shows that most underage drinkers get their alcohol from parents, friends or other people. It is unlikely that those purchases are made from an on-licence or an off-licence where products are sold over the bar. It is more likely purchases would have been made from a supermarket or bottle store. Any moves to tackle underage drinking should be targeted accordingly.

It is our argument that licensed premises provide a controlled drinking environment and the Council's focus should be on other more damaging forms of alcohol consumption.

Focus on problem drinkers and identified alcohol related harm

Reducing access to alcohol for moderate drinkers does not result in a reduction in alcohol related harm – the issues are not automatically linked. Alcohol related harm can be reduced without affecting sensible drinkers in any way. The focus has to be on abusive and anti-social behaviour – not blanket restrictive policies that penalise responsible outlets and responsible drinkers.

The object of the Sale and Supply of Alcohol Act is to ensure that 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.

However the minimisation of harm is not an objective to be achieved at all cost, or without regard to the economic and other consequences of any actions taken to reduce harm. This is reinforced by the requirement on appeal of a proposed LAP that the LAP not be unreasonable in light of the objective of the Act. That requires consideration of whether the means proposed are proportionate to the harm avoided when considered against the costs imposed.

It is also a requirement of the Local Government Act that the local authority take into account the social, economic, and cultural interests of its people and communities in performing its role.

The Local Government Act further imposes on a local authority a general obligation in making decisions, to consider "the benefits and costs of each option in terms of the present and future interests of the district", see section 77(1) (b) (i).

Research paper 'Facts and Fiction' attached

Attached to this submission is the 'Facts and Fiction' research paper commissioned by Hospitality New Zealand. It is important that the Nelson City Council takes the contents of this document into account during the preparation of the final LAP as it provides robust evidence challenging many assumptions around the sale and consumption of alcohol in the Draft LAP.

With this background in mind we have considered the Draft LAP and make the following comments.

Local issues and evidence

The ACC Community Profile demonstrates that unfortunately Nelson has higher than average alcohol-related hospital discharges for incidents wholly attributable to alcohol. The New Zealand average is 28.5, Nelson is 32.5.

For incidents that are alcohol-related hospital discharges, New Zealand has an average of 93.8 per 10,000. Nelson is again higher at 100.7. The full community profile is attached to this submission.

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However it is important to quash early the misconception that it is safer to drink at home than in licensed premises. Recent data supplied by ACC and collated by St Johns ambulance staff showed quite the opposite. Whilst 49% of ambulances are called to private residences only 6% are called to licensed premises.

The implication from this and other research being that further controls for on-licensed premises as the Draft LAP proposes are not necessarily the answer and indeed The Draft LAP contains no information or evidence that some of the measures proposed by the Draft LAP will address, minimise or reduce any identified problems or alcohol related harm.

Nelson City Ambulance Alcohol Data – Dec 12 to June 13

Location

House	81
Public Place	33
Road	33
bar	10
Other	7
Grand Total	164

There does not seem to be a correlation between high numbers overall and the tourist season either. The peak month was May however December and January were not far behind.

Month

Dec	26
Jan	26
Feb	21
Mar	21
Apr	23
May	28
Jun	19
Grand Total	164

Patient Age

10-14	2
15-19	29
20-24	36
25-29	19
30-34	14
35-39	9
40-44	15
45-49	5
50-54	5
55-59	9
60-64	4
65-69	4
70-74	3
75+	7
Grand Total	161

The patient age data also has some surprises. Whilst the numbers are significantly higher in those aged under 29 there are some high numbers in the 40 – 44 years age grouping and older.

Time of Call

	00.00 – 00.59	01.00 – 01.59	02.00 – 02.59	03.00 – 03.59	04.00 – 04.59	05.00 – 05.59	08.00 – 08.59	09.00 – 09.59	10.00 – 10.59	11.00 – 11.59	12.00 – 12.59	13.00 – 13.59
Mon	1	1		2			1	1				
Tue		3	1		1							1
Wed	2		1								1	1
Thur	2	1	2	2	2					1	1	
Fri	1	3	5	1						1		1
Sat	5	2	6		2			1			1	1
Sun	7	6	7	6	3	1	1		1			
	18	16	22	11	8	1	2	2	1	2	3	4

	14.00 - 14.59	15.00 – 15.59	16.00 – 16.59	17.00 – 17.59	18.00 - 18.59	19.00 – 19.59	20.00 – 20.59	21.00 – 21.59	22.00 – 22.59	23.00 – 23.59	
Mon		1		3	1		2	1		1	15
Tue					1	2	1	2	1	1	14
Wed			1		1			3	2	4	16
Thur		1	1				2	1			16
Fri		1				4			5	1	23
Sat	1		1	2	2	1	5	2	2	5	39
Sun	1			1		2	1	3		1	41
	2	3	3	6	5	9	11	12	10	13	164

Specific comments on the Draft LAP

3.1.1 Hours for Off-licences

We support the ability for hotels to allow in-bedroom mini bar sales 24 hours per day but note this is covered by an on licence rather than an off licence.

Our members felt that 9pm was too early to close an over the bar off-licence. They felt that they would like the opportunity to trade until 11pm over the bar as per the national default hours for off-licences. Members quoted examples of customers calling in for a couple of beers and then making a responsible choice to take a rigger home rather than risk drink driving. It would be illegal for anyone to serve either on or off-licensed products to anyone who is intoxicated so the risk of issues of selling over the bar is considered minor.

We therefore submit that we have no objections to the draft policy that off-licences in supermarkets and bottle shops should be permitted trading hours 7am - 9pm. However we feel that over the bar off-licences should be entitled to serve 7am – 11pm.

3.2.1 Hours for On-Licences

Members felt the most passionate about hours for on-licences. With regard to restaurants, members felt sales up to midnight was too early. They talked about birthdays, weddings and other functions where meals were served until late followed by liqueur coffees and the like.

Our members are also at odds to see why it would be possible to purchase a bottle of wine in a supermarket at 7am yet not permit a restaurant to have a champagne breakfast prior to 8am. There is no evidence to suggest harm is caused by on-licensed premises between 7am and 8am.

We therefore submit that restaurants should be allowed to trade from 7am – 1am as a minimum.

Our members outside of the city are totally against the suggested hours for bars, taverns, pubs outside of the Inner City Zone and question why this would be the case. There are venues who are currently permitted a 3am close and have no issues. These include venues like the Turf which could be argued is in the CBD of Stoke and the Speights Ale House which is on commercially zoned land and away from any residential properties. Both such examples have courtesy vehicles and are responsible hosts.

We submit that taverns/bars/pubs outside of the Inner City Zone should be allowed the same trading hours as Inner City Bars – subject to any resource management considerations.

Our members strongly support that council has maintained 3am trading hours for taverns/bars/pubs and nightclubs within the Inner City Zone and feel this is necessary to maintain a vibrant hospitality sector. We commend the council for this decision. However of huge concern is the proposed mandatory one-way door policy to apply from 2am.

One-way door restrictions

There is no conclusive research showing that one-way door restrictions reduce alcohol related harm.

One way door restrictions were trialled widely in Australia and largely abandoned because they didn't work and imposed significant costs on an industry that already works on low margins and tight budgets.

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 2005-2010 in New South Wales and Victoria.

The study, the largest of its kind in Australia, concluded that there was no evidence to show that one-way door policies are effective in their own right. 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.

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 lockdown period. The policy was subsequently scrapped (KPMG (2008) [*Evaluation of the Temporary Late Night Entry Declaration*](#))

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 assaults admitted to the Royal Brisbane and Women's Hospital. Taxi drivers were interviewed as part of the report and supported the view that the policy had failed to curb late night violence.

Queensland criminologist, Professor Ross Homel of Griffith University has extensively researched one-way-door policies and found that as a preventative measure the policy is "purely symbolic". (The Age, 2008 [*'Quick political fix' unlikely to stop violence*](#))

Any one-way door policy will also 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 following the 2011 earthquake and the subsequent shutdown of central city bars and nightclubs when 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 alone.

Christchurch City Council's inspections and enforcement officer, Gary Lennan says 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 [Rowdy parties move to suburbs](#))

Thus in fact, one-way door restrictions can actually increase anti-social behaviour rather than allow licensed premises to close at times in response to business demand (see page 8, Evaluation of the Christchurch city one-way door intervention, ALAC 2008)

http://www.alcohol.org.nz/sites/default/files/research-publications/pdfs/One_Way_Door.pdf

The proposed one-way door will also put at risk all of the hard work that has gone into setting up and maintaining the Mellow Yellow Bar Safe Scheme. In Bridge Street door security staff put on yellow Barsafe jackets at 2am to increase the perception of security presence in the area. This is to link in with the police in providing a safe environment for patrons to get home. Mellow Yellow means staff work together if there are issues and support police if required. One-way door restrictions will mean that door security staff will not be able to offer this support to each other or the police for fear that leaving their points of entry to licensed premises unattended will result in penalties for the venue. We consider that a one-way door restriction will also undo all of the relationship building created by the Mellow Yellow scheme and the Doorman's Association.

That result is precisely the opposite of what the Draft LAP should be attempting to achieve. We note that the annual Safer City results demonstrate a significant shift in perception of safety from 63% to 79% and feel that the Mellow Yellow scheme significantly contributed towards this excellent result. Why would Council want to remove something that is proving to be a success?

Other implications are that bars which are not on Bridge Street (such as the Vic or Sprig & Fern Hardy Street) will have to employ certified door security staff if they choose to trade beyond 2am. Currently these venues do not use door security staff as they are not required or needed. It will not be financially feasible for venues like these to trade beyond 2am as a result of the additional costs imposed by being required to engage door security to comply with enforcements of a one-way door restriction.

It is noteworthy that Wellington City Council confirmed this week that there would be no one-way door included in their LAP.

We consider that the decision to implement a one-way door restriction should be left to individual licence holders or made a condition of the on-licence if there is evidence of a systematic problem. Indeed, the Sale and Supply of Alcohol Act provides the ability for a one-way door restriction to be imposed on a licence on issue or renewal. Accordingly, due to a severe lack of evidence of success of one way door mandatory schemes we do not consider inclusion of a one-way door restriction in the LAP necessary. We submit that it should be removed from the draft.

3.2.2 Discretionary Conditions for On-licences

We consider that any discretionary conditions should be targeted at identified problems bearing in mind also that more conditions add cost to licensees that will need to be recovered from sales and more conditions for on-licences will only contribute to the trend toward more off sales and unsupervised consumption.

It should also be remembered that the law already places mandatory conditions on on-licences in regards to host responsibility including the promotion of food and low and non-alcoholic beverages, not serving or allowing on the premises minors or anyone who is intoxicated, as well as being required to display supporting signage in respect of sale and supply to minors and intoxicated persons and other measures. There are also severe consequences for their business if licensees don't comply with host responsibility scrutinised regularly by police and licensing inspectors to monitor this compliance. The consequences for breaches of licence conditions are strengthened by the Sale and Supply of Alcohol Act.

Finally, under the Sale and Supply of Alcohol Act, the District Licensing Committee already has the ability to issue licences subject to further discretionary conditions anyway consequently we do not think anything further on this needs to be included in a LAP.

We accordingly consider that any discretionary conditions be left for consideration on licence issue or renewal.

3.3.1 Special Licences

We support the ability to obtain a special licence for 24 hours although we acknowledge the cost of obtaining resource consent beyond 3am negates this gesture for inner city venues who are restricted by the District Plan.

3.4.1 Hours for Club Licences

Members could not understand why Clubs be allowed to trade later than a restaurant (where food rather than alcohol is the focus). Clubs often have lower overheads and the ability to subsidise alcohol with gaming funds.

Therefore we submit that if Clubs are to maintain this 1am close then restaurants should be afforded the same privilege.

3.4.2 Discretionary club licence conditions

We also consider that the *"requirement for the holder of a managers certificate to be present when alcohol is available for sale during busy periods e.g. more than 100 people are on the Club premises"* is problematic. Hotels, taverns and restaurants are all required to have a certified manager present and on duty whenever alcohol is sold, therefore the same requirement should be applicable to club licences.

Some local clubs are substantial in size and very often have more patrons at the bar than local pubs and taverns. They are also capable of causing harm no matter how many patrons are on premises and therefore should be subject to the same regulations in order to reduce this risk.

It should be noted that Stoke Rugby Club failed a controlled purchase operation last month in serving a 16 year old volunteer.

We submit that the final point be adjusted to read "The requirement for a duty manager to be on the premises at all times when alcohol is being sold or supplied".

We appreciate that the council may feel that is a harsh policy when considering small bowling clubs for example. That being the case then the policy could be ***"The requirement for a duty manager to be on the premises at all times where club membership exceeds x amount of members"***.

Finding solutions

There are excellent relationships in place between Hospitality NZ members, the Nelson City Council, licensing agencies and police in the Nelson region. I work closely with Adrienne Ward Hamilton and Stephen Lawrence from District Licensing and feel comfortable to pick up the phone and ask them for advice or to discuss an issue as do our members.

It is also important to acknowledge that there is a strong Nelson Tasman Alcohol Accord in place that is considered one of the strongest alcohol accord in the country. The Accord is innovative, being the first to host networking breakfasts between industry, police, licensing agencies and public health and other stakeholders to meet informally, build relationships and listen to relevant speakers on alcohol related harm and solutions. These breakfasts have since been replicated across the country.

Nelson area licensees are proactive to find solutions to address harm and its causes. The Nelson Tasman Hospitality protocol was started by our local branch President Ron Taylor in June 2008. This is an initiative supported by the Accord. 43 people have been blanket trespassed from over 50 venues in the Nelson and Tasman region. Notices have been issued from 18 different venues including 3 in Tasman.

Nelson and Tasman licensees also committed to a campaign last summer to reduce intoxication and remind patrons of their personal responsibility. "Know Your Limit" was deemed a success by the Alcohol Accord and there are plans in place to repeat this with financial support from both ACC and the Health Promotion Agency.

Nelson licensees are committed to finding practical solutions to dealing with the people who actually cause the harm – not the vast majority who partake in the Nelson hospitality scene without any problems to themselves or others.

Conclusion

The Nelson City Council Local Alcohol Plan needs to address alcohol related harm in a balanced, well researched and practical way that targets the actual problems. The crucial issue for reducing alcohol harm is reducing consumer demand for alcohol.

The 25% of alcohol consumed in on-licensed premises is generally done in a highly regulated and controlled environment. Pre-loading, side-loading and post-loading of cheap, readily available alcohol at home, in cars or in public places is the real challenge and should be the focus of the Nelson City Council Local Alcohol Policy. Indeed the St Johns ambulance data must demonstrate where the measures really need to be taken.

Licensed premises are the backbone of the community. Local pubs and taverns raise monies for the community via pokie funding. They are often sponsors for local sports teams. They allow collections and raffles to take place for community groups raising money. They are where people go to share their problems with other locals and the barperson. They are where business takes place – many deals are done over a pint.

Local pubs and taverns are where relationships are started and friendships formed. Licensees are not bad people – they are just like you and me – people trying to make a living and do the right thing. In a recent Hospitality survey 48% of our Association members reported they were already paying themselves less than the minimum wage and this policy has the potential to make the financial viability of some of these businesses even less sustainable.

We thank Nelson City Council for the opportunity to submit on the proposal. We want to see a sensible and effective Local Alcohol Policy that reflects the Council's responsibilities to the community and to local businesses.

Appendices

Appendix 1 – ACC Community Alcohol Profile Nelson District 2011

Appendix 2 – Hospitality NZ Fact v Fiction Document

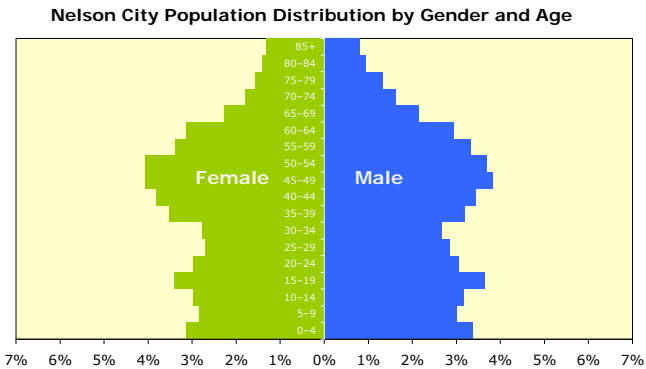


Community Profiles

Alcohol Profile - Nelson City 2011

Demographic Overview

	Nelson City	New Zealand
Population	45,520	4,367,780
Male	22,250	2,144,600
Female	23,270	2,223,180
Unemployment Rate (by Region)	3.9%	6.6%
Deprivation	5.6	5.5



Demographic
Population information is from Statistics NZ for the period of 2010, it is classified by Territorial Local Authority (TLA) (66 TLAs in total given the exclusion of the Chatham Islands and the combination of Auckland-area TLAs into the supercity).
Unemployment rate is from Statistics NZ from 3rd quarter 2011, it is classified by region (12 regions in total).
Deprivation information is from Ministry of Health (MoH) for the period of 2006.

Alcohol Availability/Accessibility

Alcohol Available for Consumption and Licensed Premises		
	Nelson City	New Zealand
Licensed Premises per 10,000	40.2	34.0
On Licenses per 10,000	23.5	18.5
Off Licenses per 10,000	11.6	10.0
Club Licenses per 10,000	5.1	5.5
Alcohol Available for Consumption (L/person)	9.6	
Total Licensed Premises (District)	On Licenses	Off Licenses
	160	53

Alcohol Availability/Accessibility
Licensed Premises data is from Police classified by TLA. There are three classes of license: on licenses, off licenses and club licenses. This data is current as at July 2011.

Alcohol Available for Consumption (L/person) is from Stats NZ for the period of 2010. This figure is only available at the national level.

Alcohol-Attributable Harm

Alcohol-Related Deaths and Hospital Discharges per 10,000		
	Nelson City	New Zealand
Alcohol Related Deaths, Wholly Attributable	0.7	0.4
Alcohol Related Deaths	2.2	2.2
Alcohol Related Hospital Discharges, Wholly Attributable	32.5	28.5
Alcohol Related Hospital Discharges	100.7	93.8

Alcohol Related Deaths (Wholly Attributable), Alcohol Related Deaths, Alcohol Related Hospital Discharges (Wholly Attributable), Alcohol Related Hospital Discharges are from Ministry of Health (MoH). They are calculated using MoH data and Alcohol Attributable Fractions (AAFs) sources from Connor and Jones et al. They are presented at the TLA level.

Drinking Behaviour

National and DHB-Level Drinking Figures		
	Nelson City	New Zealand
Drinking Prevalence	85.2%	
Risky Drinking	61.6%	
Hazardous Drinking (at DHB level)	21.8%	19.6%
Drinking by Minors	79.6%	

Drinking Behaviour
Drinking Prevalence, Risky Drinking (Large Amt of Alcohol), Minors are from Ministry of Health (MoH) Alcohol and Drug Use survey for the period of 2007/2008. They are all available only at the national level.

Hazardous Drinking is from Ministry of Health (MoH) for the period of 2007/2008. It is at the DHB level.

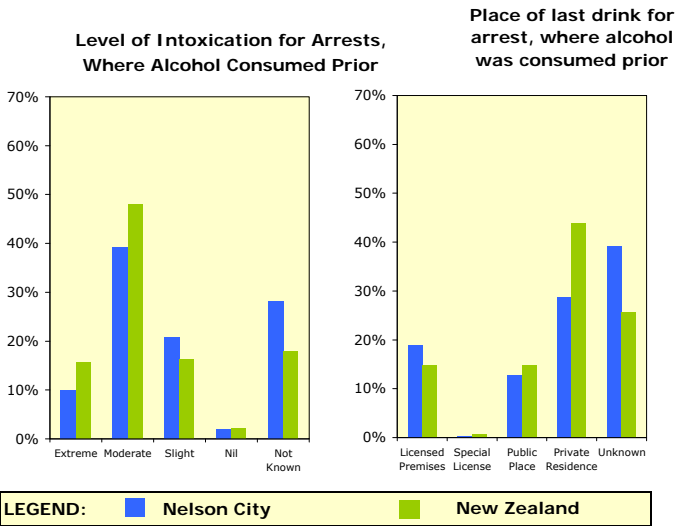
Injury - Per 10,000

Injury Statistics per 10,000 population		
	Nelson City	New Zealand
Alcohol Related Injury Hospital Discharges, Wholly Attributable	1.1	0.8
Alcohol Related Injury Hospital Discharges	52.8	50.8
Injuries per 10,000	2,376.3	2,537.5

Crime and Police Alcohol Statistics

Serious, Dwelling and Public Place Assaults and Alcolink Offences		
	Nelson City	New Zealand
Serious Assaults by Police District, per 10,000	20.4	25.4
Dwelling Assaults by Police District, per 10,000	51.1	61.2
Public Place Assaults by Police District, per 10,000	34.9	28.1
Alcolink Offences by Licensed Premises, Police District	0.4	0.4
Alcohol Consumed Prior to Offence	34.7%	29.7%
Drunks Taken to Detox by Police Area, per 10,000	35.5	40.8

Serious, Dwelling and Public Place Assaults and Alcolink Offences
Assaults (Serious, Dwelling, Public Place) are from Statistics NZ. They



Charts Above
This information is sourced from NZ Police. They are at the TLA level.

DATA NOTES

All figures underneath the Territorial Local Authority (TLA) heading are at the TLA level unless otherwise noted.
Alcohol-related deaths and hospital discharges are calculated using J. Connor's alcohol-attributable fractions for diseases and injuries where alcohol-drinkers have a higher risk.

Data is provided at the Territorial & Local Authority (TLA) level where available. If data is not available at this level, it is presented at the next-highest level available. Where the classification available does not allow direct mapping to a TLA, the most appropriate mapping is chosen. For example, some TLAs do not fall entirely within a region, and in this case the region which contains the largest geographical area and/or population is chose.

Informing the debate on Local Alcohol Policies – Fact v Fiction

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.

The production and sale of alcohol are also significant drivers of economic activity, more than 70,000 people work in the food and beverage sector and it is the third biggest area of spend for tourists.

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 planning Local Alcohol Policies or LAPs and considering 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 off-license and burgeoning sales in supermarkets that have seen alcohol becomes cheaper more readily available.

As a result of greater availability and affordability, 75 per cent of all alcohol is now consumed off-license and most people involved in dealing with effects of excessive alcohol agree it's the drinking at home or in public place that causes most of the problems.

Responsible licensees are concerned that more restrictions on 25% 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 HNZ has undertaken extensive research to find the best available information to separate fact from fiction and inform the development of LAPs in our region. 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

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Fiction

• **Blanket closing times and reducing opening hours of licensed bars, nightclubs and restaurants curbs alcohol-related problems**

Fact

• **Severe restrictions and blanket closing hours not only fail to lessen alcohol consumption, they can increase trouble and aggression**

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 which 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.

Easter weekend this year provided stark examples 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 Mar, 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 Mar, 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 publically 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 2004-2008 in Manchester, UK. It 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.

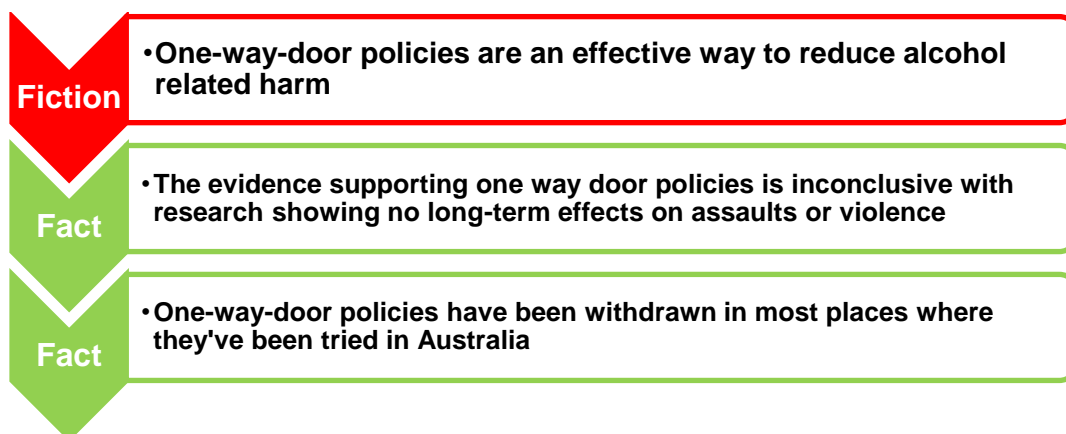
Marsh, P. and Fox Kibby, K. (1992) [*Drinking and Public Disorder*](#)

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

Stuff (31/03/2013) [*Early closing 'pre-loading' causes havoc*](#) & [*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 – 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 2005-2010 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 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 assaults admitted to the Royal Brisbane and Women's Hospital. Taxi drivers were interviewed as part of the report and supported the view that the policy had failed to curb late night violence.

Queensland criminologist, Professor Ross Homel of Griffith University has extensively researched one-way-door policies. He says as a preventative measure the policy is "purely symbolic". (The Age, 2008)

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 following the 2011 earthquake and the subsequent shutdown of the central city bars and nightclubs when 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 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)

The Age (2008) ['Quick political fix' unlikely to stop violence](#)

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](#)

Fiction

•Regulating bars, nightclubs and restaurants is the only way to change behaviour

Fact

•Around 75 per cent of alcohol consumption occurs outside of regulated licensed premises

Most alcohol is consumed outside licensed premises. This is consistent with the rapid increase in the number of off-licence premises and the growing prevalence of supermarket alcohol sales. The hospitality industry estimates that off-premise consumption has also increased – up from 60 per cent to 75 per cent over the same period. In other words, only 25 per cent of alcohol is 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 implemented 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 (24 per cent and 20 per cent respectively).

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.

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 which encourage patrons to take personal responsibility have been, by and large, the most successful when it comes to improving behaviour in Melbourne. These include introducing ID scanners (like those used in Canada) which allow venues using the computer technology to share information and identify potential trouble makers admitted to bars.

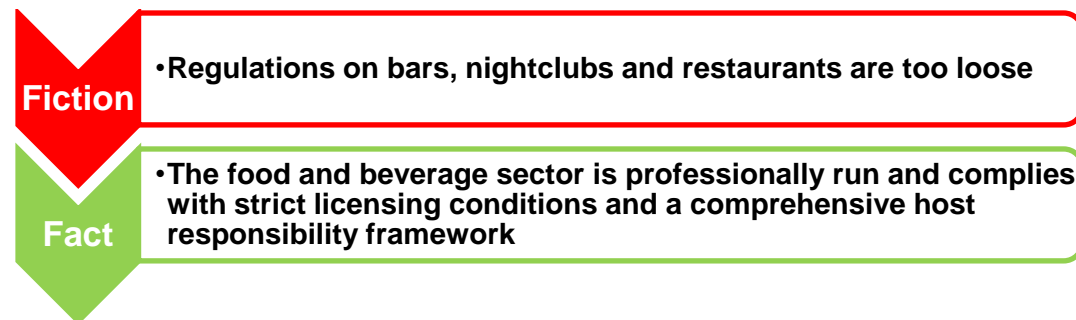
Detective Inspector Jackson also encourages councils, police and licensees to work together to tackle the issue of alcohol-related problems.

“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.”

ALAC (2008) [Evaluation of the Christchurch city one-way door intervention](#)

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

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](#)



Licensees have a strict set of conditions relating to their premises and their license. All premises must meet requirements of the **Resource Management Act** and the **Building Code**, have a **Fire Safety & Evacuation Procedure** and comply with **Food Hygiene and Safety** regulations.

Bars are also required 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 license
- A licensed Duty Manager on at all times
- 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 registered this against the license holder
- Door staff are legally certified Crowd Controllers
- Any promotions must be 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.



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 and deliberately markets the city as an events capital with a distinct entertainment precinct. The Council recently surveyed 1000 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. Between 1997 and 2002 the area of greatest growth in tourism spending was in hospitality, with food and beverage services up 42 per cent (Statistics New Zealand).

In the year to March 2012, tourists spent 12 per cent on food and beverage services. The spend came ahead of accommodation (9 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: 2012)

An unintended consequence of restricting trading hours of licensed premises was 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 NSW 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 which turns drinking hours into targets and encourages people to drink to the limit of the reduced timeframe.

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.

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
- An average reduction in turnover – 27.7 per cent (weekly)
- 21.7 per cent reduction in revenues
- \$22.5 million decline in asset values
- 21.7 per cent reduction in hotel workforce

Newcastle Taxi Operators Association (2010) [Inquiry into NSW Taxi Industry](#)

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 \(2000–2010\)](#)

Fiction	<p>• Alcohol availability continues to increase</p>
Fact	<p>• Total volumes of alcohol fell 15 million litres or 3.3 per cent in 2012 when compared with 2011. This is a continuation of a downward trend over many years.</p>

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.



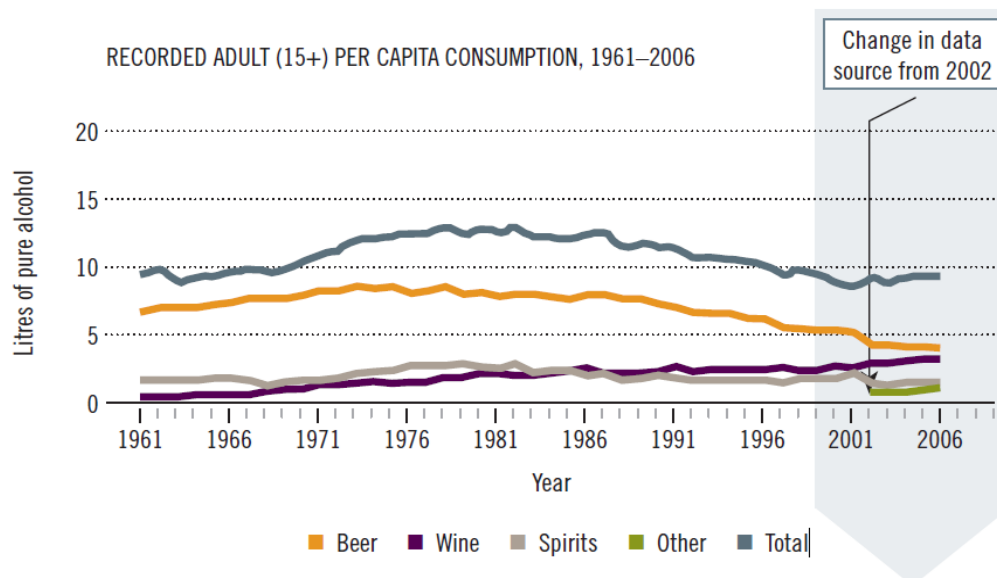
The latest figures from Statistics New Zealand don't support our reputation as a country of heavy drinkers. While we see some disturbing images of the harm caused by alcohol, the statistics put these into context as a small number that do not represent the majority of people who have responsible attitudes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

In addition, the 2011 World Health Organisation's Global Status Report on Alcohol and Health found consumption of alcohol in New Zealand continues to fall.

Table 3: Alcohol consumption in New Zealand (WHO)

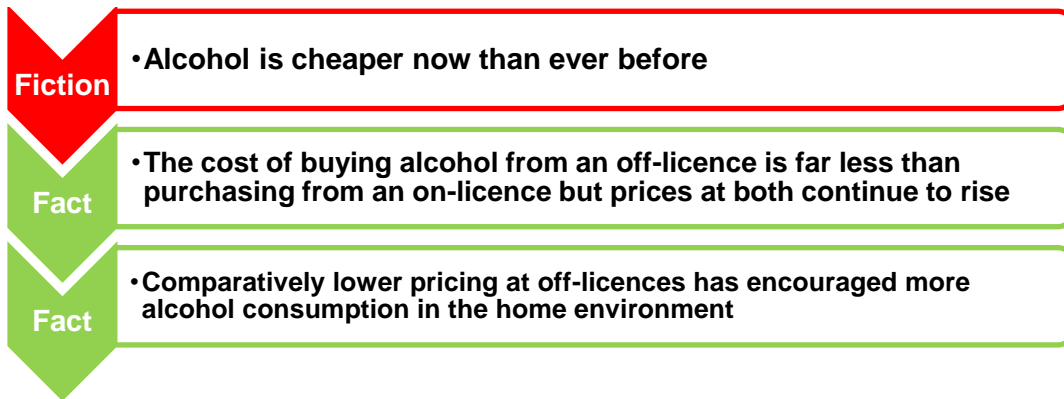
ALCOHOL CONSUMPTION

Population data (refer to the population 15 years and older and are in litres of pure alcohol).



In the World Health Organisation report New Zealand does not even make the top 50 countries when it comes to alcohol consumption per capita. Moldova tops the list with 18.22 litres of alcohol consumed per capita, followed by the Czech Republic and Hungary. New Zealand comes in at number 51 behind Australia which places 44th on the list.

World Health Organisation (2011) [Global Status Report on Alcohol and Health 2011](#)



Dr Paul Quigley from Wellington Hospital's Emergency Department sums up the situation in a NZ Drug Foundation interview when he talks about the cost of alcohol purchased from an off-licence (supermarket, bottle store).

"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 store) has increased 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 afford enough beer to reach the legal driving limit. In 2010, it took only 17 minutes.

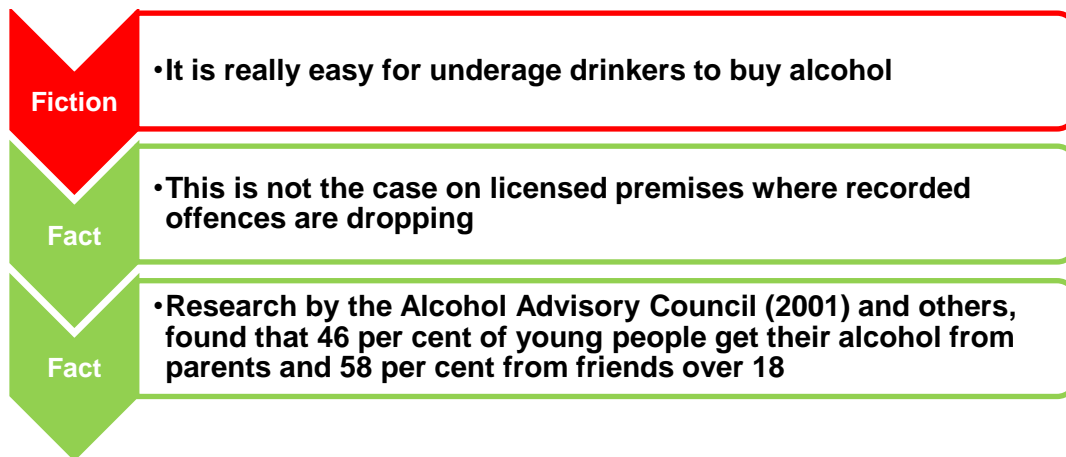
National Drug Policy New Zealand (2002) [Tackling Alcohol-related Offences and Disorder in New Zealand](#)

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](#)



It is important not to confuse the regulated on-license environment with off-licenses. 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.

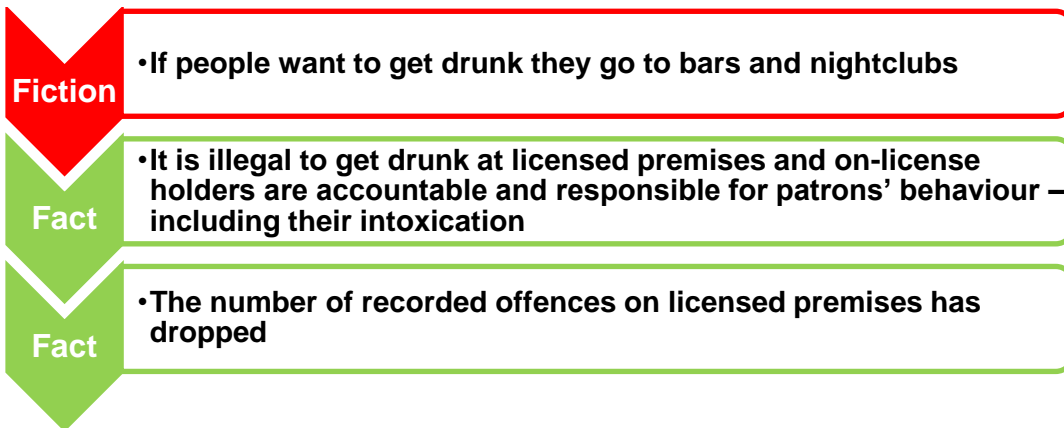
Consequences include prosecutions in the District Court or through the Alcohol Regulatory and Licensing Authority and substantial loss of income resulting from temporary venue closures. Any bar or nightclub owner found to have breached the act three times within three years also faces losing their license.

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 1. 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 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:

- pre-loading – drinking before going into town, and
- side-loading – drinking in cars or other places where it's cheaper than on-license 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 lead 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 skull 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-license alcohol.

Fiction

•Bars and clubs are making big profits

Fact

•A hospitality New Zealand survey found 48 per cent of members paid themselves less than the minimum wage in 2011 and 2012

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. Unlike many small businesses, HNZ members argue that after paying compliance costs, taxes, fees, levies, wages, product and staff costs, the profits are minimal for many.

The majority of license holders work well beyond a 40 hour 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 hours of trading. The following table is the estimated annual spend between 4.00 and 7.00am in the country's bars, pubs, nightclubs, restaurants and adult entertainment venues. The figures are based on electronic card transactions and exclude cash.

	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 accounts for more than 75 per cent of the spend during those hours. It also supports the experience of many small business in that this period provides a significant slice of a week's earning 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 2006, 71,820 people across the country were employed in pubs, cafes, restaurants, bars and nightclubs contributing billions of dollars to the economy. (*Law Commission 2009*).

Table 2: Auckland's hospitality sector, March 2010 to March 2011

	To March 2011	Per centage of region total	Per centage of national sector	Growth 2010 to 2011	
				Auckland	NZ
Gross Domestic Product (GDP): \$ millions	\$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%

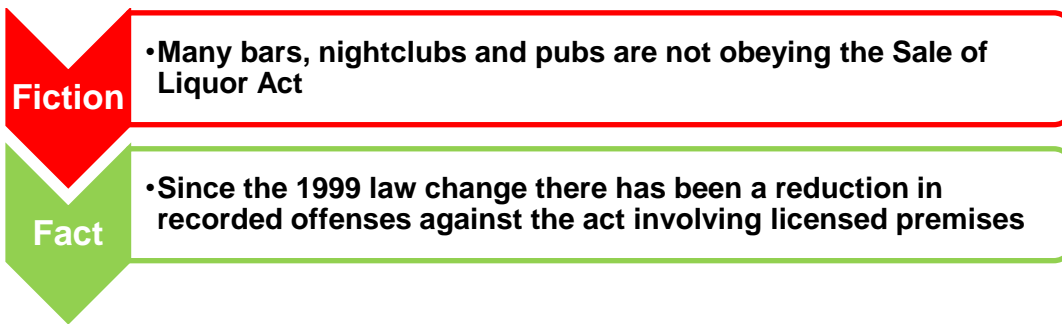
Source: Auckland Annual Economic Profile; Infometrics Ltd

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*](#)

Reynolds, D. (1998) Productivity analysis in the on-site food service segment. Cornell Hotel and Restaurant Administration Quarterly



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 license 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 to 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 2012 shows a 23 per cent decrease in the number of enforcement proceedings received over the year; down from 1006 to 778.

Three liquor licences were cancelled in the year to June 2012 compared with four for the 12-months prior and 281 licenses suspended compared with 306 the year earlier.

In 2011, 6,971 licensing inspections were carried out across Auckland resulting in 55 suspensions or cancellations of licenses, less than one per cent of the establishments inspected.

Appendix: Regulations and obligations of license 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 & 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

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

From June 2013

All of the above and:

In deciding whether to issue a licence, the licensing authority or the licensing committee concerned must have regard to the following matters:

- the object of the Act & 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 would be 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 Committee concerned may issue a licence subject to conditions of any or all of the following kinds:

- 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.

Bev McShea

From: Submissions
Sent: Monday, 16 September 2013 2:51 p.m.
To: Administration Support
Subject: FW: LAP Submission
Attachments: 20130916144851011.pdf

Categories: Blue Category

From: Georgie Robertson[SMTP:GEORGIE@LICENCEME.CO.NZ]
Sent: Monday, September 16, 2013 2:51:30 PM
To: Submissions
Subject: LAP Submission
Auto forwarded by a Rule

Hi

Please find attached a submission made by Super Liquor Holdings Ltd in relation to the draft Local Alcohol Policy.

Kind regards
Georgie Robertson

<p>PO Box 681 Oneroa Waiheke Island 1840 New Zealand p: 09 372 6107 f: 09 372 6187 m: 021 611 844 georgie@LicenceMe.co.nz www.LicenceMe.co.nz Georgie Robertson LICENSING CONSULTANT</p>	<p>hospitality licensing limited</p> 
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SUBMISSION TO THE DRAFT NELSON LOCAL ALCOHOL POLICY (LAP)

Submitter Details:

Name: Super Liquor Holdings Ltd
Agent: Hospitality Licensing Ltd
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Oneroa
Waiheke Island
Contact: Georgie Robertson
Phone: 09-372-6107
Mobile: 021-611-844
Email: georgie@LicenceMe.co.nz

I ~~do/do not~~ wish to be heard at the committee of the full Council.

I request my written submission be considered by the full Council.

Signed:



Date: 16th Sept 2013

2.8 Definitions

We seek the inclusion of the following:

"New Licence A new licence for premises that have previously been unlicensed"

The aim of this is to remove any ambiguity with the intention of the LAP.

The Council is aware that when licensed premises change hands a 'new' licence must be applied for. It is therefore imperative that these existing licensed premises are not disadvantaged, and have the ability to sell their businesses with the safety that the existing terms and conditions of licence can be maintained.

This is in keeping with the provisions in SSAA in terms of public objections for existing licensed premises.¹

We seek the inclusion of a reference to other default definitions as set out in section 5 of the Sale & Supply of Alcohol Act 2012.

3.1 Off-Licence Conditions

3.1.1 Hours for Off Licenses

States that no off licence shall be issued or renewed with trading hours exceeding:

Monday to Sunday 7am to 9pm

We **disagree** with these proposed hours.

We seek the maximum hours to be:

Monday to Sunday 9am to 10pm

We wish the following to be included in this section:

"The maximum trading hours will apply to all forms of off-licenses. This includes bottle stores, grocery stores, and supermarkets."

¹ SSAA Section 102(4) – A public objection can only be made on suitability when the applicant applies for the same terms and conditions of a licence already in force.

This will ensure that no new or existing off-licence holder will be put at a commercial disadvantage in terms of operating hours.² It offers a fair playing field for all operators and is considered to be a consistent and appropriate approach to be taken by Council.

3.1.2 Discretionary Conditions for Off Licenses

Gives examples of 'other' conditions that may be imposed on an off-licence should the DLC see fit. This includes

- a) Supervised designation of all bottle stores.

We **agree** with this policy.

- b) Display of safe drinking messages and material. This needs to read:

"Appropriate signage should be displayed at the point of sale or as close as practical to the point of sale, in relation to safe drinking messages"

- c) Application of the principles of Crime Prevention Through Environmental Design.

We **agree** with this policy.

² [2011] NZ LLA PH 244 Para 10.

Bev McShea

From: Submissions
Sent: Monday, 16 September 2013 3:11 p.m.
To: Administration Support
Subject: FW: Submission on draft local alcohol policy

From: Web Maintenance Shared Mailbox
Sent: Monday, September 16, 2013 3:10:37 PM
To: Submissions
Subject: Submission on draft local alcohol policy
Auto forwarded by a Rule

Submission on draft local alcohol policy

Your name

Frank L Saxton

Organisation represented (if applicable)

Frank Saxton

Your address

417 Wakefield Quay
Nelson 7010

Your email address

franksaxton@gmail.com

Your phone number

5466098

Your submission

I agree with the decision not to include local restrictions on the location of licenced premises for the reasons outlined in 4.1.2. Particularly the reason that there is considerable difficulty in establishing a robust and workable definition of Proximity. Also in most cases there is no reverse sensitivity which seems very unfair to affected parties. i.e. playgrounds, kindergartens and the like are just a likely to pop up alongside or close too liquor outlets as anywhere else and then their presence has a controlling say in future licencing.

I agree with the restricted hours of operation of off licence hours of operation as proposed in the LAP. It is necessary to have consistency and a fair trading environment between all operators.

Would you like to include a file in support of your submission?

Would you like to speak at the hearing in support of your submission?

No

Bev McShea

From: Submissions
Sent: Monday, 16 September 2013 3:13 p.m.
To: Administration Support
Subject: FW: Submission on draft local alcohol policy

Categories: Blue Category

From: Web Maintenance Shared Mailbox
Sent: Monday, September 16, 2013 3:12:33 PM
To: Submissions
Subject: Submission on draft local alcohol policy
Auto forwarded by a Rule

Submission on draft local alcohol policy

Your name

Will Taylor

Organisation represented (if applicable)

Your address

2 Bodmin Street, Marybank Nelson

Your email address

will_taylor85@hotmail.com

Your phone number

021809877

Your submission

Thank you for the opportunity for making a submission regarding alcohol use in the Nelson region

I agree with the one way door entry into bars after 0200 to reduce the likelihood of increasing illegal drug use and non monitored alcohol use.

In a recent study by ACC and St John, it showed that by far the most alcohol related call outs were to people's homes. Tightening the controls around off premise drinking in the way of limiting the amount of alcohol being able to be purchased by a single individual under 30. Inline with this reducing the hours that people can buy alcohol in in non supervised areas ie supermarkets and liquor outlets to 2000.

In turn this may reduce the amount of 'pre loading' particularly young people with decreased financial ability to be able to afford and drink in a non supervised manner, instead encouraging people to drink in a supervised controlled setting ie the pubs/clubs.

I also propose extending the opening hours of bars/pubs beyond the 0300 current close down period. As suggested by the statistics and my experience as a health care worker many of the alcohol related presentations to the emergency department occur after 0300 likely due to the over demand on taxi services at 0300, and all patrons exiting the monitored areas ie pubs/clubs at the same time. By

Submission 97

extending the period of time open to further allow a natural decline in patron numbers this may reduce the alcohol related fighting and related ED presentations as not all of the intoxicated patrons will leave the bar at the same time, inturn potentially reducing the amount of alcohol related assaults/fights and subsequent injury.

Would you like to include a file in support of your submission?

Would you like to speak at the hearing in support of your submission?

No

Bev McShea

From: Submissions
Sent: Monday, 16 September 2013 3:27 p.m.
To: Administration Support
Subject: FW: Submission on Local Alcohol Policy
Attachments: Lion Submission on Nelson City Council LAP.pdf

Categories: Blue Category

From: Liz Read[SMTP:LIZ.READ@LIONCO.COM]
Sent: Monday, September 16, 2013 3:26:46 PM
To: Submissions
Subject: Submission on Local Alcohol Policy
Auto forwarded by a Rule

Please find attached a submission from Lion on the Nelson City Council Draft Local Alcohol Policy.

Regards
Liz Read



Liz Read
External Relations Director

D +64 9 347 2023
T +64 9 347 2000
M +64 27 470 1447
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E liz.read@lionco.com
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New Zealand



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Thank you.



Lion Beer Spirits & Wine NZ

Submission to the Nelson City Council on its Draft Local Alcohol Policy

September 2013

Lion
111 Carlton Gore Rd
Newmarket
PO Box 23
Auckland 1140

Liz Read
09 347 2023



1. INTRODUCTION

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

Lion makes a significant contribution to the New Zealand economy, employing around 1,000 people and generating about \$1.1b worth of economic activity for the country. We are one of New Zealand's largest purchasers of agricultural products and an integral part of the retail and hospitality industries. We fully own and operate the LK (Liquor King) alcohol retail network, comprising 42 stores throughout New Zealand.

Our products can be a great accompaniment to sociability, providing great enjoyment for those who consume them. Like any food or beverage, consumed in moderation, alcohol is part of a healthy lifestyle and is a great accompaniment to sociability and celebration.

At Lion, we believe in being a responsible producer, distributor and retailer of alcoholic drinks. We want a high value, high quality alcohol market that supports a vibrant hospitality and retail industry – that's good for our business and it's good for New Zealand's economic and social well-being.

The misuse of our products undermines sociability and is therefore at odds with our core purpose. We go to great lengths to ensure we do not contribute to the problem of misuse, but rather play a leading role in promoting a positive drinking culture.

Lion has a direct interest in the development of Local Alcohol Policies (LAPs) because we want 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 & 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 alcohol from responsible retailers.

Lion would like to appear before the Council to speak to this submission. We would welcome further discussion with the Council on any aspects of this document.

Yours sincerely



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



Guy Blaikie
Retail Director
Lion Liquor Retail

2. LIQUOR KING

Liquor King is an alcohol retail chain, wholly owned by Lion NZ. There are 42 stores nationwide. Liquor King's retail proposition is based around a high quality retail experience comprising a best-in-class retail environment with premium product selection, excellent service (including delivery) and product knowledge. Liquor King is not a discount retailer. We locate our stores predominantly in higher socio-economic demographic locations that suit this business model.

At Liquor King, we take the responsible sale & supply of alcohol very seriously. We are committed to upholding the law at all times and to ensuring that, to the extent we can and is reasonable, we do everything possible to ensure our conduct as retailers of alcohol does not contribute to alcohol harm. Our commitments include the following:

- Thorough processes to ensure underage or intoxicated shoppers are not served, which are enforced with strict sanctions for those who breach the processes; with 'termination of employment' being a potential outcome for the team member involved.
- Each store has CCTV cameras installed to protect our staff and to support us upholding our obligations as licensed premises.
- Regular and comprehensive capability training for all our retail team members is undertaken to ensure the safe and lawful operation of our stores at all times – this includes funding and supporting team members to obtain their Licensed Manager's Certificates.
- A benign pricing model with limited price discounting.
- We do not sell any form of synthetic cannabis or other legal drugs, or associated paraphernalia.
- We do not stock or sell any energy-based premix alcoholic drinks.
- From September 2013 we will not sell any RTDs above 7% ABV, nor energy-based RTDs.

We make this submission in respect to the following LK store located in Nelson.

Store	LK Nelson
Address	305 Hardy St, Nelson
Number of Staff	3 x full time, 3 x part time plus 3-4 casual over Xmas.
Operating History	Has been a bottle store on this site for more than two decades.
Catchment & Cagetary Mix	Catchment = central Nelson, Maitai Valley, Brook St. Category mix = spirits 39%, beer 23%, wine 17%, RTD 13%, sundries/other 8%
Trading Hours	Winter hours – Mon & Tues - 10:00am-8:00pm Wed - 9:00am-9:00pm Thurs- 9:00am-10:00pm Fri - 9:00am-11:00pm Sat – 10:00am-11:00pm (over Summer opening moves to 9:00am) Sun – 11:00am-7:00pm (over Summer closing moves to 8:00pm)
Proximate Competitor Stores	Liquorland Nelson – 800m Coutdown Nelson – 1.2km Coutntdown Halifax St – 1km New World Nelson – 750m The Mill Nelson – 450m Fresh Choice Nelson – 300m
Compliance History	No licence breaches

3. REDUCING ALCOHOL HARM AND THE ROLE OF LIQUOR LICENSING

The Sale & Supply of Alcohol Act 2012 (SSAA) introduces tighter controls on who can get a licence to sell alcohol and how alcohol can be promoted to the public. It also provides new measures to make sure licensees follow the rules and gives local communities more say in alcohol licensing decisions.

We agree with the principle that the retail of alcohol should be controlled to ensure that alcohol-related harm should be minimised. To that end, we support the intent of the SSAA as it pertains to licensing, insofar we believe the law should encourage and incentivise the highest standards of alcohol retail, as far as is reasonable.

The right to sell alcohol should come with responsibilities to do so in a way that minimises the likelihood of harm resulting. We support measures to ensure the responsible conduct of all alcohol retailers, whether they are bottle stores, cellar doors, fine dining restaurants, cafés, bars, clubs, supermarkets, nightclubs or any other alcohol retailer. Likewise, we support tough sanctions for failing to comply with licensing laws.

But we believe that the responsibilities placed on retailers need to be reasonable and balanced with the right to operate in a sustainable commercial way. Licensing restrictions need to be supported by robust evidence that they will materially contribute to minimising harm. Likewise, the obligations placed on retailers need to be reasonably and rationally balanced with the expectations and incentives placed on consumers to ensure their own responsible behaviour when they drink alcohol.

As long as the responsibilities placed on retailers are reasonable and commercially equitable, we support tough penalties for breaching those obligations. In this regard, we expect that the law will be enforced adequately and fairly – so that all retailers are encouraged to uphold the law and meet their obligations to the responsible sale & supply of alcohol.

However, restrictions on the supply and sale of alcohol cannot and will not, on their own, reduce alcohol harm. As the Law Commission said in its review of alcohol regulation¹; *“Law changes are a necessary condition for other changes to be achieved and can nudge the community in a different direction by creating an environment more conducive to less risky behaviour.....Many of the necessary changes must flow from the community itself, not the law.....Market behaviour, social attitudes, parental upbringing, personal beliefs and individual choices are the forces that drive the drinking behaviour. The law can shape and influence aspects of the culture by it cannot control it.”*

We believe whether national or local, licensing laws need to appropriately reflect the balance between what is reasonable to expect of retailers and what is appropriate to expect of drinkers. We encourage Territorial Authorities to consider adopting measures outside of the LAP that can help to reflect community expectation around safe and responsible drinking and impose harsh penalties for anti-social behaviour.

¹ Alcohol in Our Lives: Curbing the Harm, Law Commission, 2010

4. LOCAL ALCOHOL POLICIES

Local Alcohol Policies (LAPs) provide the opportunity for Territorial Authorities to establish locally appropriate conditions for where, how, when and by whom alcohol can be sold. We encourage LAPs that:

- support a vibrant and safe hospitality and retail environment that enhances social and economic well-being;
- are evidence-based and focussed on harm minimisation;
- do not result in negative unintended consequences such as the transfer of harmful consumption from one geography to another;
- encourage and support best-practice hospitality and alcohol retail and licensed retailers who demonstrate high levels of compliance and responsibility;
- provide for a 'level playing field' for commercial operators;
- do not impose unreasonable responsibility on retailers for the behaviour of drinkers; and
- are adequately, equitably and appropriately enforced.

To achieve these outcomes, we recommend the following principles should apply to all LAPs for off-licensed outlets.

Trading Hours for Off-license Outlets

Trading hours should be determined in such a way as to balance three objectives - harm minimisation, reasonable public access and convenience, and commercial viability.

Overseas experience shows shorter opening hours fail to significantly reduce alcohol misuse and have serious, unintended consequences for those operating in the night time economy.²

In our experience as off-licence retailers, people buying alcohol up until 10pm tend to have legitimate and reasonable motivations and are generally engaged in sociable behaviour. In this regard we believe 10pm is the closing time most likely to achieve the three outcomes of harm minimisation, public convenience and commercial viability.

However, on balance, we consider the matter of consistency to be the most important factor in determining trading hours. All off-licences within the jurisdiction of the same LAP should be required to operate with the same trading hours, irrespective of their location or store-type. This ensures that consumers are discouraged from travelling from one area to another to buy alcohol. It also ensures that one type of outlet is not commercially advantaged over another.

Where trading hours are stipulated, it should be possible for outlets to apply for a special licence to extend their trading hours during special events or occasions. Such licence applications need to be considered in a fair and equitable way, so that one outlet is not commercially advantaged over another.

² Drinking and Public Disorder: Dr Peter Marsh and Kate Fox, 1992.

Consistency in trading hours between neighbouring Territorial Authority areas should be a priority to ensure that consumers are discouraged from travelling from one area to another to buy alcohol.

Location of Off-license Outlets

In determining whether or to what extent a LAP should restrict or determine where off-licensed outlets can be located, we suggest there are some important factors to consider.

In our extensive experience of operating off-licensed bottle stores, there are a number of characteristics about location that ensure the commercial viability and safe operation of retail alcohol stores. They include:

- Proximity to other complementary businesses with similar opening hours and consumer demand; for example retail outlets selling fresh food, takeaways, etc; or vibrant sociability areas with restaurants and cafés.
- Proximity to arterial routes linking to densely populated residential areas, with good traffic flow at peak selling times (eg late afternoon, early evening).
- Neighbourhood socio-demographic characteristics that can reduce the likelihood of the store being a target for criminal activity that will put staff and customers at risk.

A vibrant alcohol retail market can complement a vibrant and sociable community, with the help of a well-considered LAP that incentivises best-practice alcohol retailing by responsible operators.

Discretionary Conditions in a Licence

In principle, we believe discretionary conditions can usefully allow licensing and enforcement agencies to exercise a degree of flexibility in their management of licensed outlets and alcohol harm.

However, we suggest that there are some important factors in enabling and allowing for discretionary conditions:

- There must be evidence to support that such conditions are justified in terms of their harm minimisation benefit; and
- There must be consideration given to the commercial equity of any such conditions – to ensure a ‘level playing field’ is maintained for all alcohol retail outlets, as far as is reasonable.

5. SPECIFIC COMMENTARY ON THE NELSON CITY COUNCIL DRAFT LOCAL ALCOHOL POLICY

We support the goals and objectives of the Nelson City Council draft LAP and make the following comments and suggestions in relation to off-licenced outlets, which we believe will help ensure those goals and objectives are achieved.

i. Proposal to restrict trading hours for all off-licenses to 7am – 9pm

We **agree** that the same hours of trading should apply to all off-licences.

We **recommend** a 10pm closing time would be more conducive to the objectives of public convenience, harm minimisation and commercial viability.

We **recommend** provision should be made for outlets to apply to extend trading hours through special licences, for the purposes of particular events. Under such a provision, all special licence applications should be considered under the same criteria.

ii. Discretionary Conditions for Off-Licenses

We **agree** in principle with the proposal to apply conditions relating to

- Supervised designation of all bottle stores to ensure unaccompanied minors do not enter bottle stores
- Display of safe drinking messages/material
- Application of the principles of Crime Prevention Through Environmental Design

We **recommend** that the design, content and placement of safe drinking messages and material be the responsibility of the outlet, to ensure retail brand consistency.

iii. Proposal to restrict the locale of new bottle stores and taverns to business zone

We **agree** with the proposal to restrict any further new off-licences to land zoned “Business” or “Town Centre”.

Bev McShea

From: Submissions
Sent: Monday, 16 September 2013 4:39 p.m.
To: Administration Support
Subject: FW: Submission on draft local alcohol policy

From: Web Maintenance Shared Mailbox
Sent: Monday, September 16, 2013 4:38:45 PM
To: Submissions
Subject: Submission on draft local alcohol policy
Auto forwarded by a Rule

Submission on draft local alcohol policy

Your name

Lynda Keene

Organisation represented (if applicable)

Nelson Tasman Tourism

Your address

75 Trafalgar Street
Nelson

Your email address

lynda@nelsonnz.com

Your phone number

021 828820

Your submission

NTT opposes Nelson City Council's plans to change the hours for Restaurants and Cafes to operate from 8am - 12midnight except 1am on New Years Eve. We propose hours of operation to be 7am - 2.00am.

NTT opposes the proposed hours of operation for Taverns, bars, pubs and nightclubs to be 8.00am to 3.00am with a 2.00am one-way door policy and 8.00am to 1.00am outside the CBD. We propose 7.00am - 3.00am hours of operation remain status quo and no one-way door policy be implemented.

Thank you. Lynda Keene (Chief Executive, Nelson Tasman Tourism)

Would you like to include a file in support of your submission?

Would you like to speak at the hearing in support of your submission?

No

Bev McShea

From: Submissions
Sent: Monday, 16 September 2013 4:39 p.m.
To: Administration Support
Subject: FW: Submission Draft LAP
Attachments: Submission Draft LAP.pdf

From: Mark Neal[SMTP:MARKNEAL13@GMAIL.COM]
Sent: Monday, September 16, 2013 4:38:50 PM
To: Submissions
Cc: Tahunanui Super Liquor
Subject: Submission Draft LAP
Auto forwarded by a Rule

Afternoon,

Please find attached our submission to the Draft LAP to be considered.

Cheers
Mark

SUBMISSION TO THE DRAFT NELSON LOCAL ALCOHOL POLICY (LAP)

Submitter Details:

Name: Super Liquor Tahunanui

Address: 2 Muritai St, Tahunanui

Contact: Mark Neal

Phone: 027 203 7562

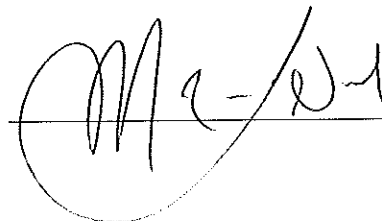
Mobile: 027 203 7562

Email: markneal13@gmail.com

I ~~do~~/~~do not~~ wish to be heard at the committee of the full Council.

I request my written submission be considered by the full Council.

Signed:

A handwritten signature in black ink, appearing to read 'Mark Neal', is written over a horizontal line.

Date: 16/9/13

2.8 Definitions

We seek the inclusion of the following:

"New Licence A new licence for premises that have previously been unlicensed"

The aim of this is to remove any ambiguity with the intention of the LAP.

The Council is aware that when licensed premises change hands a 'new' licence must be applied for. It is therefore imperative that these existing licensed premises are not disadvantaged, and have the ability to sell their businesses with the safety that the existing terms and conditions of licence can be maintained.

This is in keeping with the provisions in SSAA in terms of public objections for existing licensed premises.¹

We seek the inclusion of a reference to other default definitions as set out in section 5 of the Sale & Supply of Alcohol Act 2012.

3.1 Off-Licence Conditions

3.1.1 Hours for Off Licenses

States that no off licence shall be issued or renewed with trading hours exceeding:

Monday to Sunday 7am to 9pm

We **disagree** with these proposed hours.

We seek the maximum hours to be:

Monday to Sunday 9am to 10pm

We wish the following to be included in this section:

"The maximum trading hours will apply to all forms of off-licenses. This includes bottle stores, grocery stores, and supermarkets."

¹ SSAA Section 102(4) – A public objection can only be made on suitability when the applicant applies for the same terms and conditions of a licence already in force.

This will ensure that no new or existing off-licence holder will be put at a commercial disadvantage in terms of operating hours.² It offers a fair playing field for all operators and is considered to be a consistent and appropriate approach to be taken by Council.

3.1.2 Discretionary Conditions for Off Licenses

Gives examples of 'other' conditions that may be imposed on an off-licence should the DLC see fit. This includes

- a) Supervised designation of all bottle stores.

We **agree** with this policy.

- b) Display of safe drinking messages and material. This needs to read:

"Appropriate signage should be displayed at the point of sale or as close as practical to the point of sale, in relation to safe drinking messages"

- c) Application of the principles of Crime Prevention Through Environmental Design.

We **agree** with this policy.

² [2011] NZ LLA PH 244 Para 10.

Bev McShea

From: Submissions
Sent: Monday, 16 September 2013 4:47 p.m.
To: Administration Support
Subject: FW: Submission - Local Alcohol Policy
Attachments: Submission Nelson City Council LAP.pdf

From: Robert Brewer[SMTP:RBREWER@DISTILLERS.CO.NZ]
Sent: Monday, September 16, 2013 4:47:12 PM
To: Submissions
Subject: Submission - Local Alcohol Policy
Auto forwarded by a Rule

To whom it may concern

Please find attached a submission from the Distilled Spirits Association on your draft Local Alcohol Policy.

Thank you.

Regards

Robert Brewer



Robert Brewer
Chief Executive
Distilled Spirits Association of New Zealand
Level 1/56 Victoria Street, PO Box 10 612, Wellington 6143, New Zealand
+64 4 473 8054 | +64 21 505044 | rbrewer@distillers.co.nz





**The Distilled Spirits Association of
New Zealand**

Submission to the
Nelson City Council on its
Draft Local Alcohol Policy

August 2013

Introduction

The Distilled Spirits Association of New Zealand (DSANZ) is the national trade organisation representing New Zealand's leading producers, distributors, brand owners, importers and exporters of premium spirits and spirit-based drinks.

DSANZ members are Bacardi New Zealand Holdings Ltd, Beam Inc, Brown-Forman, Diageo, Hancocks, Independent Liquor, Lion, Moet-Hennessy, Pernod Ricard New Zealand and The Rum Company (NZ). In addition we have three associate members who are Anchor Ethanol, EuroVintage and Federal*Geo.

Together DSANZ represents over 98% of spirit industry interests in New Zealand.

DSANZ has a direct interest in the development of Local Alcohol Policies (LAPs) as we believe through LAPs, combined with other properly planned and supported interventions, Territorial Authorities have the opportunity to help reduce the harm caused by excessive alcohol consumption.

We would welcome any further discussion the Nelson City Council might have about the contents of this document.



Robert Brewer
Chief Executive
Distilled Spirits Association of New Zealand Inc
PO Box 10612
Wellington
(04) 4738054
Email rbrewer@distillers.co.nz

Summary Comments

- 1) DSANZ is supportive of the high level intent of the Council to develop measures to reduce the harm caused by excessive or inappropriate consumption of alcohol. As an industry the alcohol sector is also committed to helping reduce such harm.
- 2) Our belief is that harm minimisation will only be achieved through a long term evidence-based programme combining good policies and regulations with targeted educational interventions aimed at understanding and then changing harmful drinking behaviours. On this latter point we would point out that the alcohol industry represented by DSANZ, New Zealand Winegrowers and the Brewers' Association of Australia and New Zealand have jointly developed a harm minimisation programme called The Tomorrow Project. At the core of this project is a programme called *Cheers!*
- 3) *Cheers!* aims to understand the drivers that lead to excessive drinking and its associated negative outcomes and then address these through a range of activities and programmes. We invite the Council to view *Cheers!* online at www.cheers.org.nz.
- 4) The Tomorrow Project would be happy to share with Council the research and thinking behind its approach to harm minimisation and to jointly seek ways of working together to promote a moderate drinking culture.
- 5) Although we understand and support Council's intent with regards LAPs we would point out that alcohol consumption is caused by a complex array of socio-cultural factors including age, gender, social status, ethnicity, perceptions related to the impact of heavy drinking and so on. Under the weight of these multi-level factors DSANZ believes that regulating outlet density, hours of operation and access to venues, by itself, will not necessarily have the generational impact needed to change our drinking behaviour.
- 6) This is not to say that the draft LAP will not have some impact but what is not clear is what this impact might be and whether it will reduce harmful drinking (i.e. will reduced opening hours change the behaviour of those who want to drink to excess? Probably only to the extent of how, where and perhaps when they source their drinks to support their behaviour).
- 7) We would ask Council to clarify both the metrics it intends to use to measure 'harm' and how it intends to support behaviour modification for the minority of drinkers who drink to excess on a regular basis.
- 8) DSANZ would also bring to the Council's attention the recent development of a voluntary industry code relating to the production and distribution of ready-to-drink spirit-based beverages (RTDs). This code (attached as Appendix 1) limits the strength of RTDs by capping the ABV to a maximum of seven per cent and two standard drinks. The full implementation of the code will see approximately 50 per cent of the RTD directly impacted and approximately 6 million litres of product either reformulated or removed from the market.

- 9) If Council saw value in the code then we would welcome its adoption as a special licencing provision or perhaps as part of guidelines to the District Licensing Committee. It should be noted that all major retail chains have also agreed to abide by the code.
- 10) Lastly DSANZ believes that whatever the final outturn of the Council's proposed LAP, that its provisions for on and off licences should apply equitably and consistently across all licence types and categories. This equitable treatment not only applies to premises but to alcoholic beverages themselves as it is our belief that the impacts of alcohol are the same whether it comes in the form of wine, beer, cider, spirits or any alcohol product sold for consumption.

Drinking Moderately for Enjoyment and Drinking to Excess – The Critical Tension

- 11) We note that in developing its draft LAP, Council has defined three goals and three objectives for its LAP¹. In so doing Council has implicitly acknowledged the tension that exists within communities attempting to address concerns with excessive or inappropriate drinking.
- 12) To support a vibrant community environment Council understands the need to encourage and promote accessible, appropriate and enjoyable entertainment options which will include making alcohol available through on and off-premise outlets. The tension exists when access to alcohol is abused and the amenity value of a community and the health and safety of the public is compromised.
- 13) Council is seeking to better address this tension through the development of an LAP which, under the provisions of the Sale and Supply of Alcohol Act, gives it the ability to alter licence arrangements to, in this case, manage the perceived harm caused by excessive or inappropriate drinking behaviour.
- 14) DSANZ would firstly point out that the vast majority of drinkers do so enjoyably, safely and in moderation and that any regulatory intervention must take this into account.
- 15) Secondly we believe that regulating through means such as an LAP will not, by itself, necessarily reduce harmful drinking. We strongly believe that an integrated approach which links well thought out and introduced regulatory interventions with targeted educative/behaviour modifying programmes is necessary to properly address drinking issues.
- 16) This is because excessive drinking is caused by a complex array of factors that intermingle into a socio-cultural set of drivers including age, gender, social status, ethnicity, perceptions related to the impact of heavy drinking and so on. DSANZ urges Councils to take these factors into account when developing policies designed to reduce or manage harmful drinking.
- 17) To illustrate the complex nature of the tension that exists between drinking for enjoyment and drinking to excess we examine briefly the drivers that underpin youth-related drinking patterns.

¹ Paragraphs 2.6 and 2.7 respectively of the NCC's Summary of Information and Statement of Proposal.

Youth and Drinking

- 18) Internationally, the prevalence of problem drinking among young people is an acknowledged concern.
- 19) Evidence suggests that an overlapping of poor socio-emotional control^{2 3 4} combined with social pressure and changing social structures⁵ (such as the impact of peer influence and parents) contribute to increases in problem drinking pattern among youth.
- 20) The International Centre for Alcohol Policies⁶ (ICAP) has identified that one of the strongest single factors in predicting negative drinking patterns and consequences in youth is having unrealistic personal expectancies of drinking (e.g. thinking that only positive consequences will come from heavy drinking). In this same review ICAP also identified factors that provided some protection against negative drinking patterns including:
- a) **Family** – good communication with parents and positive family support structures
 - b) **Religion/spirituality** – appears to serve as a protective factor against problem drinking in high school and university
 - c) **Strong social network** – is a positive factor against heavy drinking and drinking problems, especially in stressful situations
 - d) **Accurate perception of peer norms** – young people’s perception of how their peers drink appears influential on their own drinking patterns
 - e) **Responsible drinking skills** – evidence suggests that learning to moderate drinking behaviour through early intervention or through programmes of activities (e.g. have a designated driver) changes overall behaviour over time
- 21) Additionally the Chief Medical Officers of England, Wales and Northern Ireland⁷ have also outlined some issues to be considered in relation to alcohol consumption by youth. These include:
- a) Early onset of drinking is shown to be linked to the development of alcohol abuse and dependence
 - b) The establishment of family standards, rules and parental monitoring has been shown to be in important in delaying early adolescent alcohol consumption
 - c) Children who begin consuming alcohol below the age of 13 drink more frequently and are more likely to drink to intoxication and to develop alcohol dependence in later life

² Dahl, R (2004). Adolescent brain development: A period of vulnerabilities and opportunities. *Annals of New York Academy of Science*, 1021, 1-22.

³ Steinberg, L (2007). Risk taking in adolescence: New perspectives from brain and behavioural science. *Current Directions in Psychological Science*. 16, 55-59.

⁴ Steinberg, L (2008). A social neuroscience perspective on adolescent risk-taking. *Developmental Review*, 28, 78-106.

⁵ Roche, A.M., Bywood, P.T., Borlagdan, J., Lunnay, B., Freeman, T., Lawton, L., Tovell, A. & Nicholas, R. (2007). *Young People and Alcohol: The Role of Cultural Influences*. National Centre for Education and Training on Addiction. Adelaide.

⁶ International Centre for Alcohol Policies (ICAP) Washington D.C. www.icap.org.

⁷ Guidance on the consumption of alcohol by children and young people, 2009. A report by the Chief Medical officer UK Government.

- 22) This snapshot of information illustrates some of the difficulties associated with achieving changes in drinking behaviour – and how regulatory intervention alone will fall short of achieving sustainable reductions in drinking harm. As we have already stated in paragraph (13) above, however, we believe an integrated approach across a continuum of regulatory and educational interventions would have positive impacts on drinking culture.
- 23) We further believe that to develop effective programmes that change drinking behaviour all key participants in the sector including industry, retailers, central government agencies and local government need to be involved.
- 24) The discussion above also serves to highlight that applying strictures on drinkers by limiting access and supply (through LAPs, pricing, taxation, reducing advertising and promotion and so on) may impact alcohol consumption but not necessarily impact the behaviours that underpin problem drinking in the first place.
- 25) This also holds true when consider types of alcohol currently available. Ready-to-drink spirit-based beverages (RTDs) are often cited as being the root cause of our so-called binge drinking culture when there is no evidence to support this.
- 26) Evidence suggests that drinkers under the age of 35 purchase product based on two key determinants – alcoholic strength and price⁸ not on alcohol type and that they substitute their choice of alcohol actively to meet these two requirements. Based on this DSANZ has recently developed and promulgated a voluntary code for RTDs to limit the alcoholic strength of the product.
- 27) Among other things the code limits the alcoholic strength of RTDs to a maximum ABV of 7 per cent AND two standard drinks. These two factors combine to impact almost half the RTDs currently on the market.
- 28) As an example of how the code will work consider that at the time of writing there are RTDs sold in 440ml containers at an ABV of 8%. Under the code, to stay on the market at 440ml, the ABV would need to drop to under 6% ($ABV = 2 \text{ std drinks} / (0.440l \times 0.789^9) = 5.76\%$).
- 29) We attach a copy of the code as Appendix 1 for the Councils' attention and would welcome its inclusion, as appropriate, in any debate about licencing provisions – special or otherwise. It should be noted that all major liquor retail chains have agreed to abide by the code but that we, as an industry, have no way of controlling either the parallel importing or straight substitution of different brands of product that fall outside the lower ABV/two standard drink rules as detailed in the code.

⁸ Curia Market Research Limited, 2010

⁹ 0.789 is the specific gravity of ethanol at standard temperature and pressure. This conversion is necessary because a standard drink is measured as 10 grams of alcohol whereas ABV is measured as a percentage of volume).

Measuring Success

- 30) It is unclear from Council's published documents how you will measure the success or otherwise of the proposed LAP.
- 31) DSANZ urges Councils to develop and communicate such measures and, in doing so, recommends that you define in real terms what it means by harmful drinking and how it sees the LAP positively impacting this.

Harmonisation and Equity Arrangements

- 32) As a principle DSANZ believes that LAPs across Territorial Authority boundaries need to be properly harmonised to prevent confusion or issues with geographical substitution.
- 33) We ask Councils to inform stakeholders as to how you will ensure that the development of the joint LAP will be co-ordinated with those of neighbouring Territorial Authorities.
- 34) We also believe, that whatever the final outcome of the Councils' proposed LAP, that its provisions for on and off licences should apply equitably and consistently across all licence types and categories.

Appendix 1

**Voluntary Industry Code for RTDs**

We, the members of the Distilled Spirits Association of New Zealand, have developed the following Voluntary Industry Code for ready to drink beverages and have committed to abide by the details hereunder.

Ready to drink beverages (commonly referred to as “RTDs”) have been part of the New Zealand beverage landscape for many decades. They offer a convenient beverage format providing consistent pre-measured amounts of alcohol, as measured by standard drinks. This, together with clear labelling information about alcohol content, can assist consumers to more accurately measure their alcohol intake.

New Zealand’s leading producers and marketers of ready to drink beverages recognise that RTDs can be a beverage popular with younger consumers. Therefore, extra special attention is required in the product development and marketing. Furthermore, New Zealand’s leading producers and marketers of ready to drink beverages are united in implementing a voluntary set of steps to better ensure these beverages are enjoyed within the ‘norm’ of responsible alcohol consumption in New Zealand.

Definition:

For the purposes of this VIC, an RTD is defined as:

- i. *a spirit-based alcoholic beverage mixed/diluted to an Alcohol by Volume (abv) range of 4% up to 14% (above which products become liqueurs as per S73,75 of the Customs & Excise Act 1996); and*
- ii. *sold in a primary package intended for single serve (i.e. in a vessel with contents of 500mls or less).*

The members of the DSANZ commit to do the following:

1. Limit the production and/or distribution of RTDs to a maximum alcohol strength of 7% ABV and a maximum of two standard drinks per single serve container to all licensed premises in New Zealand.
2. Not produce RTDs containing energy supplements with greater caffeine-equivalence than cola products as set out in Standard 1.3.1 “Food Additives” of

the Australia New Zealand Food Standards Code, which limits the amount of added caffeine in these products to a maximum of 145 mg/L. Nor, will we market/promote the effects of caffeine in any products that meet this commitment.

3. Ensure that the number of standard drinks in each container is clearly visible and displayed on both primary and secondary packaging.
4. Ensure that RTDs are marketed in accordance with the *Code for the Advertising & Promotion of Alcohol* and *Section 237 of the Sale & Supply of Alcohol Act 2012* so they do not have specific appeal to, nor are targeted at, those below legal purchasing age (LPA).
5. Advertise only in media channels or engage in sponsorship where the audience is at least 75% LPA and above.
6. Pro-actively work to improve the drinking culture in New Zealand and help minimise harmful consumption, through industry funded initiatives, such as *The Tomorrow Project* (www.cheers.org.nz).
7. Work with our retail customers to encourage compliance with this code taking due note of all relevant legal constraints (such as those defined by the Commerce Act 1986).

RTDs which do not comply with the above commitments will be progressively removed from the manufacturing and distribution process from March 2013 with the intention that they no longer be supplied into the retail network from the end of September 2013 onwards.

DSANZ Members:

Bacardi New Zealand Holdings Ltd
Beam Inc
Brown-Forman
Diageo
Hancocks
Independent Liquor
Lion
Moet-Hennessy
Pernod Ricard New Zealand
The Rum Company (NZ)

Bev McShea

From: Submissions
Sent: Monday, 16 September 2013 4:53 p.m.
To: Administration Support
Subject: FW: Submission on draft local alcohol policy
Attachments: Submission-on-NCC-Draft-Alcohol-Policy.docx

From: Web Maintenance Shared Mailbox
Sent: Monday, September 16, 2013 4:53:21 PM
To: Submissions
Subject: Submission on draft local alcohol policy
Auto forwarded by a Rule

Submission on draft local alcohol policy

Your name

Caitlin Ryan

Organisation represented (if applicable)

Your address

44a Parkers Road
Tahunanui
Nelson 7011

Your email address

ryan.caity@gmail.com

Your phone number

0210337720

Your submission

Please see the attached document.

Would you like to include a file in support of your submission?

Submission-on-NCC-Draft-Alcohol-Policy.docx - [Download File](#)

Would you like to speak at the hearing in support of your submission?

Yes

Submission on the Nelson City Council Draft Local Alcohol Policy (LAP)

Further to the Draft LAP released by the Nelson City Council, I make the following comments:

Maximum trading hours for On-licences

I submit that there should be no change to the maximum trading hours for On-licences included in the LAP as the Sale and Supply of Alcohol Act 2012 already reduces the hours during which On-licence premises can trade.

In particular, I submit that there should be no differentiation in the hours of trading for bars and taverns located in the Inner City Zone of Nelson City and other areas in the district.

I further submit that should maximum trading hours of 8am until 3am the following day be applied in the LAP, then this should apply for those premises both inside the Inner City Zone and all other areas of the district.

Mandatory one-way door policy from 2am

I submit that there should be no mandatory one-way door policy from a set time for premises operating under an On-licence.

My personal experience of blanket closing times and mandatory one-way door policies in other cities is that it does not reduce the amount of people on the street in the early hours of the morning, but instead tends to increase it as people end up not able to enter any On-licence premises and tend to linger around, which causes more problems, rather than reducing the issues that can arise.

Thank you for considering my submission. I would like to speak to the Council about my submission and look forward to hearing from the Council in due course.

Yours sincerely

Caitlin Ryan

Bev McShea

From: Submissions
Sent: Monday, 16 September 2013 5:08 p.m.
To: Administration Support
Subject: FW: submission from HPA
Attachments: Nelson LAP submission HPA 2.DOCX

From: Helen Fielding[SMTP:H.FIELDING@HPA.ORG.NZ]
Sent: Monday, September 16, 2013 5:07:57 PM
To: Submissions
Subject: submission from HPA
Auto forwarded by a Rule

Please accept our submission

Thanks
H

Helen Fielding / *Principal Policy Adviser*

Health Promotion Agency
Level 4 | ASB House | 101 The Terrace | Wellington 6011
PO Box 2142 | Wellington 6140 | New Zealand
T (04) 917 0060 **F** (04) 473 0890
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16 September 2013

Draft Nelson City Council Local Alcohol Policy
Nelson City Council
PO Box 645
189 Queen Street
Nelson 7040

To Whom It May Concern

Re: Draft Local Alcohol Policy Submission

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

We **do not** wish to speak to this submission.

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 the Health Sponsorship Council and some functions of the Ministry of Health.

We congratulate Nelson City Council on its 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.

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.

We found that the draft policy was easy to read and that the content was easy to understand. We

think that a clear, concise policy will not only be easier for your community and licensees to understand but also more useful for your District Licensing Committee.

HPA encourages and supports territorial authorities to develop policies that are well consulted and reflect local community views. We are pleased to see that the Council has taken the opportunity to involve the wider community in its development by undertaking a community survey and involving stakeholders in the development of the draft LAP. We believe that this wider engagement, if reflected in the policy, will provide the Council with a policy that is more likely to reflect the desires of the community.

We would like to congratulate your Council on its background papers. The HPA is aware that many councils are finding it difficult to source good data, especially local data. Given these constraints we think that Nelson City Council has provided a comprehensive report to assist with the development of the LAP.

HPA supports a reduction in trading hours for licensed premises. International research indicates there is a relationship between the hours of sale of alcohol and alcohol-related harm, by showing both an increase in harm when hours are increased and a decrease in harm when hours are reduced.¹ This means that limiting trading hours for the sale of alcohol is a key policy lever for reducing alcohol-related harm.

We encourage territorial authorities to set hours that are appropriate for the community and allow for community say through good engagement and consultation on the development of the policy. We are therefore supportive of the hours proposed within the draft LAP for on-, off- and club licences. However, we do not support 24-hour trading and therefore think that special licences should not extend beyond the national default trading hours of 8am to 4am.

We are pleased to see that the Council has considered the addition of discretionary conditions. HPA believes 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, we think that the Council could go further in this area by making the conditions more specific and therefore more meaningful to the District Licensing Committee.

We note the use of a mandatory one-way door policy for taverns, bars, pubs and night-clubs in the CBD. Evidence on one way doors is limited, but it would appear that mandatory one-way doors for on-licences are more successful than discretionary or voluntary ones. Therefore we are supportive of your proposed CBD one-way door policy. However, we are not supportive on a discretionary one-way door for taverns, bars, pubs and nightclubs outside of the Inner City Zone. There appears

¹ Alcohol in our Lives: Curbing the Harm. A report on the review of the regulatory framework for the sale and supply of liquor. Law Commission. (Chapter 9)

to be little benefit from having a one way door requirement for one premises if there are others nearby that are not subject to this requirement.

Once again, thank you for the opportunity to comment on the Nelson City Council 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

A handwritten signature in blue ink, appearing to read 'A Hearn', with a stylized flourish at the end.

Andrew Hearn
General Manager Policy, Research and Advice

Bev McShea

From: Submissions
Sent: Monday, 16 September 2013 5:27 p.m.
To: Administration Support
Subject: FW: Submission to Nelson City Council's draft LAP
Attachments: SubmissionNelsonCityCouncildraftLAP130913.docx

From: Amy Solotti[SMTP:AMYSOLOTTI@HOTMAIL.COM]
Sent: Monday, September 16, 2013 5:26:24 PM
To: Submissions
Subject: Submission to Nelson City Council's draft LAP
Auto forwarded by a Rule

Hi,

Please find our submission to the Nelson City Council's draft Local Alcohol Policy. Sorry it has been sent in after 5pm, I have had major computer problems this afternoon! Hence, also while it is getting sent from my hotmail account rather than my work email address.

Kind regards,
Amy Robinson
Alcohol Healthwatch



Submission on Nelson City Council's draft Local Alcohol Policy

16th September, 2013

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 Nelson City Council's draft Local Alcohol Policy.

We would appreciate being contacted about the possibility of providing an oral submission also.

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

E: amy@ahw.org.nz

1. Introduction

Firstly, we would like to commend Nelson City Council on their commitment to developing a draft Local Alcohol Policy.

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—

- *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 provide great potential to address the key risk factors of accessibility and availability of alcohol through restricting the density, location, proximity and 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 interventions will 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. Goals and Objectives of the Local Alcohol Policy

Alcohol Healthwatch supports the goals and objectives as stated in the draft Local Alcohol Policy.

3. Licence Conditions – Off-licences

3.1 Hours for off-licences

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 largest impact on reducing harm.

Babor et al (2010)¹ 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.

The evidence also suggests that for every hour of earlier closing, the further alcohol-related harm will be reduced.

Alcohol Healthwatch therefore supports the proposed restriction of the trading hours for premises holding off-licences in the draft policy. However, we do not support the early opening time and recommend that the opening hours are restricted further. There is no evidence to suggest that off-licence customers need access to alcohol between 7am and 10am. We do not believe that alcohol should be made available for sale for much longer periods than other products for example, pharmaceutical products from a chemist.

¹ Babor et al (2010). *Alcohol No Ordinary Commodity: Research and Public Policy*. 2nd ed. Oxford University Press (p.145).

Alcohol Healthwatch supports the consistent approach that has been taken to off-licence hours in the policy as there is no evidence to suggest that supermarkets should be treated any differently from other off-licences.

Elsewhere, we are recommending trading hours for all off-licences between 10am to 9pm with no exemptions for supermarkets.

Alcohol Healthwatch recommends the following maximum trading hours for off-licences:

10am-9pm for all premises.

There should be no exemptions for supermarkets.

3.2 Discretionary Conditions for off-licences

Alcohol Healthwatch supports the discretionary conditions that are proposed for off-licences.

There is also strong evidence to show the negative impacts that alcohol advertising on licensed premises can have on the population, particularly on our vulnerable populations such as young people and children.

We believe that the visual impact of alcohol advertising on and around off-licence premises can be reduced through discretionary conditions. For example, conditions can be placed on licences to restrict the percentage of shop front that off-licence premises have available for signage/advertising to 30% at the most. These restrictions could be even tighter for those premises that are within a 100m buffer zone of the specified sensitive sites in the policy to limit visual impact (e.g. no visible alcohol advertising at all on or around premise).

Discretionary conditions should also be applied to off-licence trading hours within this buffer zone to ensure the premises are closed during peak travel time periods for schools.

Alcohol Healthwatch recommends:

1) That the discretionary condition included in the Local Alcohol Policy guidance document restricts the amount of percentage of external area allowed for signage/advertising to 30% at the most and an expectation of zero advertising for those off-licences within 100m of sensitive sites.

2) That the policy also allow for discretionary conditions to be applied to those off-licences within the 100m buffer zone of schools to close their premises during peak school travel times.

4. Licence conditions - On-licences

4.1 Hours for on-licences

As outlined above, the evidence showing the effectiveness of restricting trading hours of licensed premises is strong.

Figures from the Police show that nationally the predicted rate of alcohol-related offending doubles between 1-2am, doubles again between 2-3am, and doubles again between 3-5am.

Additionally, it is important to reiterate that restricting the trading hours of licensed premises is the most effective policy mechanism included in a Local Alcohol Policy to reduce harm.

Alcohol Healthwatch do not support the proposed maximum closing time for on-licences in the inner city. We support a significant restriction of the current trading hours for on-licences in the district and therefore believe that the maximum closing hour should be at least 2 hours less than the current closing time for on-license premises.

Alcohol Healthwatch supports a 12am closing time for suburban bars to reduce the negative impacts on neighbourhood amenity and to reduce the risk of migration from suburban bars into inner city bars.

Alcohol Healthwatch recommends the following maximum trading hours for on-licences:

Inner city: 10am – 2am with a mandatory one-way door from 12am.

Suburban areas: 10am – 12am with a discretionary one-way door from 11pm.

Restaurant licence trading hours should not go beyond 12am.

One way doors should be implemented 2 hours before closing time.

Alcohol Healthwatch also recommends:

1) That Council request the GIS files for the North Island Density research from the Health Promotion Agency (if they haven't already done so) to access localised data to further inform their decision making.

4.2 Discretionary conditions for on-licences

4.2.1 One way door restrictions

The one way door mechanism has mixed evidence as to its effectiveness. However, we believe that it is a useful tool to have available, and if applied consistently can help to reduce harm. It works 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.

ALAC conducted an evaluation of the Christchurch one-way-door intervention in 2008². The evaluation found 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 city³.

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

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.

Alcohol Healthwatch supports the inclusion of a mandatory one-way door policy for on-licences in the inner city, but would suggest an amendment to impose the one-way door from two hours before closing for the licensing precincts. We also support the policy allowing for one-way doors to be implemented in areas outside the inner city zone.

Alcohol Healthwatch recommends:

1) Setting up a monitoring and evaluation programme to evaluate the effectiveness of the one-way door policy in your local area.

2) For premises that are open past 12am, the one-way door period should be implemented 2 hours before closing.

1) That Council request the GIS files for the North Island Density research from the Health Promotion Agency (if they haven't already done so) to access localised data to further inform their decision making.

² 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.

³ NZ Police (2009). *Policing Fact Sheet: Licensed premises trading hours*. Prepared by: Organisational Performance Group, Police National Headquarters: Wellington.

5. Special Licences

5.1 Hours for special licences

Events that require special licences often involve alcohol-related harm and therefore need to be managed effectively using best-practice host responsibility and large event guidelines.

When deciding upon the hours to be granted for a special licence, the strength of the evidence for restricting hours to reduce harm needs to be taken into account.

5.2 Discretionary Conditions for Special Licences

Alcohol Healthwatch believes that 25 events or series of events in any special license is excessive in a one year period. This equates to slightly more than 2 events per month.

Alcohol Healthwatch recommends:

- 1) The policy include stronger guidance around the maximum trading hours for special licences.*
- 2) A reduction in the number of events that a single licensee or applicant can apply for in a calendar year to 12 events (one per month).*

6. Club Licences

6.1 Hours for club licences

Club licences, in particular those held by sports clubs, have shown up in the research and anecdotally as contributing to the risky drinking behaviours exercised by the participants at the club⁴.

Practically, it is difficult to implement the same measures on club licences that we recommend for on, off and special licences.

Alcohol Healthwatch believes that due to their nature club licences do not need to trade past 12am.

Alcohol Healthwatch recommends:

- 1) The maximum trading hours for premises holding club licences should be 10am to 12am.*

6.2 Discretionary conditions of club licences

Alcohol Healthwatch supports the list of discretionary conditions available for the use on club licences as outlined in the policy guidance document. There are also some other

⁴ O'Brien, K. (2011). Commentary on Terry-McElrath & O'Malley (2011): Bad sport – exorcizing harmful substances and other problems. *Addiction*, 106, 1866-1867.

discretionary conditions that can be applied to club licences for example, one-way door policies.

7. Other Comments

We note that the draft policy does not include mechanisms to control where licensed premises are located or the proximity of licensed premises to other licensed premises or sensitive sites.

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 schools. 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)⁵ 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 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, 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.

Through our community forums, other sensitive sites have also been identified than what this draft policy lists. These include Alcohol and Drug treatment services, urupa, prisons, hospitals/medical centres, youth centres, transport hubs, playgrounds and parks, places of worship and rest homes. Council may want to consider adding these sensitive sites to the list included in the draft policy if they deem them to also be relevant to their communities.

Alcohol Healthwatch recommends:

1) For Council to include location and proximity controls in the Local Alcohol Policy.

We also note that the draft policy does not address the number of outlets in the Nelson City district.

As mentioned in the introduction, the evidence behind decreasing the number of outlets that sell alcohol to reduce alcohol-related harm is strong. As Babor et al (2010) found;

⁵ 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.

“Restricting the number of places where alcohol can be sold has been widely used to reduce alcohol-related problems by limiting consumption”⁶.

In New Zealand research undertaken by the former ALAC (conducted by the University of Waikato) in Manukau City 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 damage⁷.

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 Agency⁸. 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.

Although the number of on-licences may not be an issue for the community at the moment, the environment could change within the next six years and therefore the Council may want to ensure that the policy can deal with this problem if it does occur. Elsewhere in high risk/high stress areas (i.e. areas that are saturated with alcohol outlets, have high proportions of vulnerable populations such as young people, Māori and Pacific, and low socioeconomic areas) we are recommending a regional cap on licensed premises with an optional localised sinking lid policy for those communities to decide upon if they feel that they have too many alcohol outlets in their community or if they want to protect their

⁶ Babor et al (2010). *Alcohol No Ordinary Commodity: Research and Public Policy*. 2nd ed. Oxford University Press. P.131.

⁷ 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.

⁸ 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.

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 issue is in your community.

Alcohol Healthwatch recommends:

1) That Council enables the Local Alcohol Policy to be able to manage the numbers of licensed premises in the district if the need arises. This would include a regional cap on all licensed premises in the district with a localised sinking lid option for high risk/high stress areas within the district.

8. Conclusion

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.

It is imperative that when making decisions around Local Alcohol Policies, we keep going back to the intent of this legislation, the Object of the Act, and what the evidence tells us will work to reduce harm. If we do this, decisions will be simple and the goal of reducing alcohol-related harm will be achieved.