

# **HELPFUL INFORMATION FOR LOCAL ALCOHOL POLICY**

## **SUBMISSIONS**

### **TRADING HOURS**

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

Babor et al (2010)<sup>1</sup> 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.

These findings have been further demonstrated by more recent research in Australia. Associate Professor Peter Miller from Deakin University in Victoria has released his findings from two studies that compared interventions in the night-time economy in Geelong and Newcastle<sup>2</sup>. One of Associate Professor Miller’s key recommendations from the 5 year study was the requirement to restrict trading hours to reduce alcohol-related harm<sup>3</sup>.

The evidence also suggests that for every hour of earlier closing, the further alcohol-related harm will be reduced. Subsequently, research in Australia has shown that for every hour a venue is open after midnight, there was a 17% increase in harm (drink driving, assaults, and ED attendance)<sup>4</sup>.

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.

Available evidence further suggests that earlier closing times, amongst other measures, can also reduce the risk of pre-loading which is a prevalent issue for most communities<sup>5</sup>.

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

<sup>2</sup> Miller, P et al. (2012). *Dealing with Alcohol and the Night Time Economy* (DANTE). Final report. National Drug Law Enforcement Research Fund: Australia. AND Miller, P et al. (2013). *Patron Offending and Intoxication in Night-Time Entertainment Districts* (POINTED). Final report. National Drug Law Enforcement Research Fund: Australia.

<sup>3</sup> Ibid.

<sup>4</sup> Chikritzhs et al (2002). The Impact of Later Trading Hours for Australian Public Houses (Hotels) on Levels of Violence. *Journal of Studies on Alcohol and Drugs*. Vol 63:Issue 5.

<sup>5</sup> Miller, P et al. (2012). *Dealing with Alcohol and the Night Time Economy* (DANTE). Final report. National Drug Law Enforcement Research Fund: Australia. AND Miller, P et al. (2013). *Patron Offending and Intoxication in*

*Alcohol Healthwatch recommends the following maximum trading hours:*

*On-licences*

*Inner city:* 10am – 2am with a mandatory one-way door policy from 12am. For smaller centres a more restrictive closing time may be more appropriate. NB. If there is already alcohol-related harm in your district then a substantial reduction in the current trading hours is required.

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

*Restaurant/cafe/function centre licence trading hours:* 10am – 12am.

*Clubs:* 10am-12am

*Off-Licences:* 10am – 9pm (no exceptions for supermarkets)

*Special Licences:* Hours should not exceed the national maximum default hours. Hours for these types of licences should be decided on a case by case basis depending on scale and type of event.

*Alcohol Healthwatch also recommends:*

*GIS files for the North Island Density research are requested from the Health Promotion Agency (if they haven't already done so) to access localised data to further inform Territorial Authority decision making.*

## **ONE WAY DOORS**

The one way door mechanism has mixed evidence as to its effectiveness. There have been some more positive findings in Australia lately, including the reduction of people on the streets post lockout and improved business for large/late trading venues<sup>6</sup>.

One way doors are a useful tool to have available, and if applied consistently can help to reduce harm. They work by staggering the time that customers leave licensed premises thereby decreasing crowds of people exiting licensed premises at the same time and also reduces migration between premises which Police contend is one of the main issues

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

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

confronting them late at night. However, on their own one-way doors are unlikely to be effective.

Within New Zealand, ALAC (now part of the Health Promotion Agency) conducted an evaluation of the Christchurch one-way-door intervention in 2008<sup>7</sup>. 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 city<sup>8</sup>.

Anecdotal evidence from licensing inspectors and NZ Police also 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 on this mechanism.

*Alcohol Healthwatch recommends:*

*That the 'big ticket' mechanisms of reducing trading hours and numbers of alcohol outlets should be fully utilised in Local Alcohol Policies rather than relying on mechanisms that do not have such strong evidence of effectiveness, such as one-way doors and discretionary conditions.*

*One way doors can be included in Local Alcohol Policies as part of a comprehensive package but a monitoring and evaluation programme to evaluate the effectiveness of the policy should be implemented.*

## **LOCATION OF LICENSED PREMISES**

The clustering of premises in one area and the close proximity of alcohol outlets to certain types of facilities can have severe negative impacts on the wellbeing of our communities<sup>9</sup>.

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<sup>7</sup> 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.

<sup>8</sup> NZ Police (2009). *Policing Fact Sheet: Licensed premises trading hours*. Prepared by: Organisational Performance Group, Police National Headquarters: Wellington.

<sup>9</sup> 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.

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)<sup>10</sup> 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. In Thailand, they prohibit alcohol advertising within 500m from educational institutions. This may be a model to investigate further to see if it could be implemented effectively in the New Zealand context. It is believed that this mechanism could be achieved in the Local Alcohol Policy through the use of discretionary conditions.

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.

It is concerning that a number of draft Local Alcohol Policies rely on the good order and amenity clause in the Act to deal with location and density controls in their districts. In early 2012 a review was carried out of several planning decisions by the Victorian Civil and Administrative Tribunal (VCAT) in Australia<sup>11</sup>. The author of this review found that one of the fundamental difficulties that local government faced was that the planning legislation focused its judgement on public amenity, not on public health and safety needs. The author concluded that, in spite of local governments' attempts to use the amenity frame, "the consideration of amenity impacts is often arbitrary and inconsistent, and delivers unpredictable outcomes. Moreover, it is extremely difficult for local governments to present a convincing case with the data they have available" (p.10)<sup>12</sup>.

*Alcohol Healthwatch recommends:*

<sup>10</sup> 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.

<sup>11</sup> Cited in: Streker, P. (2012). Under the influence: What local governments can do to reduce drug and alcohol related harms in their communities. *Prevention Research Quarterly*, No. 19. Australian Drug Foundation: Australia.

<sup>12</sup> Ibid.

*Mechanisms to control the location of licensed premises are included in Local Alcohol Policies. These would include proximity controls to specify a required distance between licensed premises to other licensed premises, and in particular a required distance between licensed premises and 'facilities of a particular kind' or 'sensitive sites' such as educational institutions.*

*Sensitive sites should be listed in the Local Alcohol Policy, and depending on what the community believes is sensitive may include: marae, places of worship, alcohol and drug treatment services, rest homes, urupa, transport hubs, parks and playgrounds, youth centre and health facilities.*

*The location of licensed premises can also be restricted to a specific 'broad area' in a Local Alcohol Policy. For example, nightclub licences could be restricted to the CBD area of a district. While there are some merits to this approach there are also concerns around the negative effects of having a high number of alcohol outlets in a concentrated area.*

*Community members, 'sensitive sites', and other businesses within a specified buffer zone (for example, a 100m radius) of new or renewal applications should be notified of the application and the process to object.*

*Local Alcohol Policies utilise the mechanisms that have the most evidence of effectiveness at reducing harm and do not rely on the good order and amenity clause in the Act.*

## **NUMBERS OF ALCOHOL OUTLETS**

The evidence behind decreasing the number of outlets that sell alcohol to reduce alcohol-related harm is strong. As Babor et al (2010) found; "Restricting the number of places where alcohol can be sold has been widely used to reduce alcohol-related problems by limiting consumption"<sup>13</sup>.

The damage that concentrated numbers of alcohol outlets can cause communities is demonstrated in part by the findings of the Impacts of liquor outlets in Manukau City research undertaken by the former ALAC (conducted by the University of Waikato). This study found several key results relating to the characteristics of alcohol sales in this area.

1. Off-licence outlet density is related to 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

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<sup>13</sup> Babor et al (2010). *Alcohol No Ordinary Commodity: Research and Public Policy*. 2<sup>nd</sup> ed. Oxford University Press. P.131.

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 damage<sup>14</sup>.

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 Agency<sup>15</sup>. Overall, the report states that although there is variation across the North Island, the most substantial positive relationships with violent offences were observed for bar and nightclub density, and supermarket and grocery store density. Other on-licence density and licensed club density also had significant positive relationships with violent offences, while other off-licence density had a marginally significant negative relationship with violent offences. The researchers have found that these trends follow a similar pattern across the North Island; it is just the magnitude of the harm that differs between large cities and smaller towns.

*Alcohol Healthwatch recommends:*

*That numbers of alcohol outlets are managed through Local Alcohol Policies. Ideally this would mean a regional cap on all licensed premises in the district and the possibility of a localised sinking lid option for high risk/high stress areas within the districts (i.e. those areas that have high numbers of alcohol outlets already, large proportions of vulnerable populations such as young people, Māori and Pacific peoples).*

*A regional cap on the number of licensed premises in a district will still allow for good operators to open new licensed premises as licensed premises close due to natural attrition or poor operation. It will put a stop to the proliferation of alcohol outlets in our communities but it is a reasonable mechanism to put in place. The 'cap number' could be the number of licences that are current when the Local Alcohol Policy comes into force.*

*A sinking lid will lead to a decrease in the number of alcohol outlets in high stress/high risk areas.*

*These mechanisms can also be applied to a particular licence type such as off-licences rather than all licence types.*

## **DISCRETIONARY CONDITIONS**

<sup>14</sup> 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.

<sup>15</sup> 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.

Licence conditions can be an effective measure to assist councils to ensure that the sale, supply and consumption of alcohol is undertaken safely and responsibly and that the harm caused by the excessive or inappropriate consumption of alcohol is minimised as per the objective of the Sale and Supply of Alcohol Act 2012. However, there is evidence elsewhere to show that without the big ticket items such as a reduction in trading hours, these types of interventions are limited in their effectiveness<sup>16</sup>.

Where discretionary conditions are included in policies, we believe it is useful to have a suite of conditions that are applied consistently (i.e. mandatory) per licence type. This will ensure ease of application, understanding and fairness. It is also important for the policy to be as specific as it can be in its guidance around these mechanisms. Research also shows us that the types of measures that discretionary conditions impose are more effective if they are applied in a mandatory manner<sup>17</sup>.

Types of discretionary conditions that can be useful for on-licence premises include controls around the number, type and size of drinks sold after a certain time (e.g. 12am), and types of promotions such as two-for-one offers and happy hours.

Types of discretionary conditions that can be useful for off-licence premises include controls around the amount of alcohol advertising on and around their premise, particularly when close to 'sensitive sites' such as educational institutions.

*Alcohol Healthwatch recommends:*

*A suite of discretionary conditions are chosen to apply to all on-licences.*

*Including a discretionary condition in Local Alcohol Policies to restrict the advertising of alcohol on licensed premises within a 100m radius of sensitive sites.*

*Including discretionary conditions for on-licences to control the number, type and size of drinks sold after a certain time (e.g. 12am) and types of promotions such as two-for-one offers and happy hours in Local Alcohol Policies.*

*This document was prepared by Alcohol Healthwatch.*

**For more information on any of the content please contact Amy Robinson on 09 520 7038 or amy@ahw.org.nz.**

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<sup>16</sup> Miller, P et al. (2012). *Dealing with Alcohol and the Night Time Economy* (DANTE). Final report. National Drug Law Enforcement Research Fund: Australia. AND Miller, P et al. (2013). *Patron Offending and Intoxication in Night-Time Entertainment Districts* (POINTED). Final report. National Drug Law Enforcement Research Fund: Australia.

<sup>17</sup> Ibid.