

Submission Guide on Auckland's Draft Local Alcohol Policy

This guide provides information to help you make a submission on Auckland's Draft Local Alcohol Policy.

What is a Local Alcohol Policy?

The Sale and Supply of Alcohol Act 2012 (SSAA 2012) enables territorial authorities (local councils) to develop a local alcohol policy (LAP) for its district.

The object of the SSAA 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.*

It is the Government's intent that Local Alcohol Policies reduce the accessibility and availability of alcohol and improve community input into licensing decision-making.

A LAP is a set of criteria determined by Council/s following consultation with Medical Officer of Health, Police, Licensing Inspectors and the community about the sale and supply of alcohol in its geographical area. Once in place, the LAP is one of the things that District Licensing Committees (DLCs) and Alcohol Regulatory Licensing Authority (ARLA) have to take into account when they consider liquor licence applications.

A Council can only have one LAP. However, a LAP may apply differently to different parts of the district. Two or more Councils can join together in developing a LAP.

The content of a LAP is limited to the following licensing matters only:

- The location of licensed premises by reference to broad areas, proximity to premises of a particular kind or kinds, and proximity to facilities of a particular kind or kinds,
- Whether further licences (or licences of a particular kind or kinds) should be issued,
- Maximum trading hours - *they can restrict or extend those established by the SSAA 2012,*
- The issue of licences subject to discretionary conditions,
- One-way door restrictions - *these allow patrons to leave licensed premises but not enter or re-enter during specified times.*

A LAP can be amended or revoked using a special consultative procedure, and must be reviewed every 6 years.

Consultation on Auckland's Draft Local Alcohol Policy:

Auckland Council has been developing the Draft LAP over the last two years and the Council's Policy and Strategy Committee signed it off for formal public consultation on the 13th May 2014.

Auckland's draft LAP is now open for public consultation. **Submissions close at 4pm on 16 July 2014.**

Oral hearings are planned for August and September 2014. It is expected that a Provisional Policy will be accepted by Auckland Council sometime in October/November. Following that there is a 30 day period during which the Provisional Local Alcohol Policy can be appealed.

Making a submission

To help you make a submission we have made a number of resources available.

- Local Alcohol Policy Toolkit - it provides information and evidence on the key issues covered by the LAP, and identifies what an ideal Auckland Local Alcohol Policy would include.
- This submission guide
- Submission template

These are all available for download at www.ahw.org.nz or if you would like a hard copy please contact Raj at raj@ahw.org.nz.

Postcard submission forms are also available. If you would like copies of these please contact us.

Auckland Council has more information on the Draft LAP including summary documents, maps of priority areas and overlays and a submission form on their website www.shapeauckland.co.nz

Submissions can be emailed to: LAP@aucklandcouncil.govt.nz or you can post your submission to:

Submission – Draft Local Alcohol Policy

Attn: Brina Burden
Freeport Authority 182382
Private Bag 92300
Auckland 1142

Note: Your submission (including your name) will be publicly available in council reports and online, but your contact details will be kept private.

Message from Alcohol Healthwatch:

Auckland's Draft Alcohol Policy is a very positive start towards reducing the burden of harm alcohol is placing on our community and changing our drinking culture for the better.

The concepts of Environmental and Cumulative Impact Assessment (ECIA)¹, "Temporary Freeze" and "rebuttable presumption"² against the granting of new licenses are reasonable and useful tools. However, they could be applied more effectively.

The Policy includes measures to address existing problems, however we believe there are some limitations as to its capacity to protect against problems emerging in other areas (not currently identified as priority areas).

We strongly urge submitters to express their support for the policy generally, and the comprehensive approach Council have taken. Where possible express support for the elements included. Be aware that all effective elements of the LAP will be challenged by those with a vested interest so it is very important that Council hear your support for restrictions.

If you are opposed to any elements of the policy please endeavour to suggest viable alternatives.

We hope that this submission guide, the template submission and Toolkit will assist you.

¹ Environmental and Cumulative Impact Assessment (ECIA) - In considering applications for liquor licenses in certain areas, Auckland Council will prepare a report on the environmental risks and cumulative impacts associated within the area in which the licence is applied.

² Rebuttable presumption is that no new off-licences will be issued unless the application would not add to the negative environmental and cumulative impacts of alcohol on the area and issuing the licence would benefit the community as a whole (e.g. low-risk, high end retail).

Responding to the proposed provisions in Auckland’s Draft Local Alcohol Policy

The following section includes:

- The proposed provisions in Auckland’s draft LAP
- A summary of feedback from 60 participants attending Alcohol Healthwatch’s community workshop on Auckland’s Draft LAP
- Evidence and recommendations to strengthen proposed provisions and
- Key References

1. Broad areas and priority overlay

The Draft LAP proposes three broad areas:

- **Area A – Includes Central City and the commercial areas of Ponsonby and Newton**
- **Area B - Includes rest of Auckland**
- **Area P – Priority Overlay: An overlay of streets and areas experiencing greater levels of alcohol-related harm.**

	Policy provisions for priority overlay	Priority streets/areas
Broad Area A	<ul style="list-style-type: none"> • The policy identifies priority streets • Provisions apply to premises that are principally accessed via the priority streets 	<ul style="list-style-type: none"> • Queen St between Victoria St and Wellesley St • Fort St and Fort Lane intersection
Broad Area B	<ul style="list-style-type: none"> • The policy identifies priority streets and areas. • Provisions apply to the area within 250 metres of Priority Streets 	<ul style="list-style-type: none"> • Avondale • Glen Eden • Glen Innes • Henderson • Mangere • Mangere East • Manukau • Manurewa • Mt Wellington • Onehunga • Oranga • Otahuhu • Otara • Panmure • Papakura • Papatoetoe • Pt Chevalier • Pukekohe • Wellsford • Weymouth
Priority overlay provisions include	<ul style="list-style-type: none"> • Requirement of an Environmental and Cumulative Impact Assessment (ECIA) before any on and off-licence is granted • “Temporary freeze” on off-licences for 24 months and then a “presumption against” issuing of off-licence applies 	

The proposed ‘Priority Overlay’ is superimposed on areas across Auckland that currently experience a high level of alcohol-related stress (harm) and where there are significant densities of population subsets that are at greater risk of harm from alcohol. This policy provision aims to minimise alcohol-related harm by:

- protecting the health and safety of society generally, with a particular focus on communities that are most in need and
- limiting further proliferation of alcohol-related commercial activities in areas that are already experiencing high levels of exposure to alcohol and related harm.

Workshop participant feedback on the proposed broad areas and priority overlay:

- Participants supported the concept of priority areas, and the inclusion of the areas already identified. However, they suggested that a number of other areas be included; including

whole of CBD, Parnell, Northcote, Takapuna, Mt Roskill, Howick, Flat Bush, Clendon, Helensville, Pakuranga, Waiuku, Tuakau and Kingsland.

- There were concerns for those areas immediately surrounding the identified priority areas, with fears that licences could potentially congregate in these areas.
- Participants felt that there was lack of clarity about how areas were selected as priority areas and others were not. They recommended having clear set criteria for identifying priority areas. This would allow areas to be added overtime should risks be identified. This would also help to future-proof the policy.
- There was strong support for this policy option to have greater agility, and for it to act as a preventative tool rather than a fixing tool.

Key recommendations to strengthen Auckland’s Draft LAP:

- Include ALL of Auckland’s Central Business District and the main business areas of the neighbouring suburbs of Parnell and Newmarket as a priority area, subject to the priority overlay provisions.
- Include specific criteria to assess for risk of alcohol-related harms so that communities can be added to the priority areas over the life of the policy, and problems can be averted or addressed before they become significant.

2. Maximum trading hours

The Sale and Supply of Alcohol Act 2012 requires all licensed premises to operate within the maximum national default trading hours. These are:

- On-licences (e.g. nightclubs, bars, taverns and restaurants) 8am-4am.
- Off-licences (e.g. bottle stores and supermarkets) 7am-11pm.

However, the SSAA 2012 allows the maximum trading hours to be further restricted or extended through a Local Alcohol Policy.

Proposed maximum trading hours in Auckland’s Draft LAP:

		On-licences		Off-licences	Special licences	Club licences
		Maximum Hours	Trial extensions - up to 2 hours for best practice operators	Maximum Hours	Maximum Hours	
Broad Area A		9am-3am	Preferred in central city	9am-10pm (Current trading times 7am-11pm)	Case-by case basis and area rules apply	9am-1am
Broad Area B	Metropolitan Areas	9am-1am	Preferred here over rest of Broad Area B			
	Neighbourhood centres		Unsuitable for extensions			
	Rest of Broad Area B		Limited occasions where appropriate	6am- 10pm for delivery of remote sales (e.g. delivery of online purchases from stores)		
Priority Overlay		Same as underlying area; more restrictive hours encouraged	Ineligible for extensions			

Evidence:

Restricting the times that alcohol can be sold reduces opportunities for purchase and subsequently the availability of alcohol. This is shown to reduce alcohol-related harms. Importantly, restrictions on hours of sale appear to affect heavier as well as lighter drinkers. Meaningful changes to hours or days of trade have significant impacts on the volume of alcohol consumed and on the rates of alcohol-related problems. Of the provisions able to be included in a Local Alcohol Policy, restricting the trading hours of licensed premises will have the greatest impact on reducing harm.

Workshop participant feedback on trading hours:

There was general consensus among workshop participants that:

- Trading hours should be more restrictive than the proposed hours in the Draft LAP.
- Trading hours should be consistent for all off-licences, including supermarkets.
- No extension should be allowed for 'Best practice operators', instead other avenues should be explored to reward them, such as a fee rebate.
- One-way door policy should be included as there is likely to be varied trading hours in Auckland and the migration of drinkers and pre-loading are issues that need to be addressed.

Participants suggested the following trading hours:

- Off-licences - 10am – 9pm. Hours further defined by proximity to sensitive sites e.g. those near schools can't open until at least 9am and close between 3-4pm
- On-licences - should close by 1am or 2am for Broad Area A.

Key recommendations to strengthen Auckland's Draft LAP:

	On-licence		Off-licence	Special licence	Club licence
	Maximum hours	Trial extensions	Maximum hours	Maximum hours	
Broad Area A	10am-2am with a mandatory one-way door policy from 12am for bars, taverns, nightclubs 10am- 12am for restaurants/Cafes/Function Centres/Clubs/Wineries	No extension allowed. Explore other avenues to reward best practice operators	10am-9pm No exemptions for supermarkets	Trading hours should not extend beyond the default maximum national trading hours. These are 8am – 4am	Support proposed 9am-1am
Broad Area B	10am-12am with a discretionary one-way door policy from 11pm. 10am- 12am for restaurants/Cafes/Function Centres/Clubs/Wineries				

3. Number, location and density of licensed premises

Proposals to control number and location of licensed premises in Auckland's Draft LAP:

		On-licences	Off-licences		
			Location/density/proximity to sensitive sites	Location/density	
Broad Area A		ECIA required for high risk applications (late trading, larger premises) ³	First 24 months	Temporary freeze	
			After 24 months	ECIA required and Presumption against approval	DLC and ARLA to consider proximity to sensitive sites as part of ECIA
Broad Area B	Metropolitan Areas	ECIA required for high risk applications			
	Neighbourhood centres	ECIA required for nearly all applications		ECIA required and Presumption against approval	
	Rest of Broad Area B	ECIA required for most applications (larger premises)		ECIA required and Presumption against approval	
Priority Overlay		ECIA required for all applications	First 24 months	Temporary freeze	
			After 24 months	ECIA required and Presumption against approval	

Evidence:

Research consistently shows that higher numbers and concentrations of all types of alcohol outlets are linked with increased rates of alcohol-related problems such as assaults, antisocial behaviour, adolescent drinking, domestic violence, drink driving, homicide, suicide and child maltreatment.

The evidence also shows that a reduction in number and concentration of outlets reduces alcohol-related harm.

Workshop participant feedback on number and location of outlets:

- Participants supported the concept of ECIA, but wanted further clarity around the ECIA process. For e.g. whether there would be community input.
- There was unanimous support for a regional cap and localised sinking lid policy approach.

³ Risk profile is based on Ministry of Justice risk-based fees framework.

Key recommendations to strengthen Auckland’s Draft LAP:

	On licences	Off-Licences
Broad Area A and Broad Area B	<ul style="list-style-type: none"> • Introduce a permanent freeze or ‘regional cap’ on the number of licensed premises (on and off licences) for the 6 year duration of the LAP. This will allow for existing over supply to ease where it is occurring, and also prevent the problem developing elsewhere in Auckland • Introduce a ‘sinking lid’ for all or specific types of licensed premises in areas that are identified as high risk/high stress. These would be areas where there is evidence of existing alcohol-related harm, community concern about the impact of alcohol and demographic and social conditions which increase the vulnerability of the population. There could be a process through which Local Boards could determine this on behalf of their communities and utilising the Environmental and Community Impact Assessment provisions proposed • Introduce specific proximity controls to limit the location of alcohol outlets near ‘sensitive sites,’ such as educational institutions and other sites that communities identify as sensitive. • Introduce a notification system so that residents, owners/managers of sensitive sites and other businesses within a specified buffer zone (e.g. 100m radius) are advised of any new or renewal licence applications, and the process and grounds on which they may object to the application 	

4. Discretionary conditions

The **SSAA 2012** sets out a number of requirements that all licensees must comply with for example:

- **On-licences and Club licences** – restrict access to prohibited persons, have a range of low and non-alcoholic drinks, a range of food available and information on transport options available, provide free water and state where it is available.
- **Off-licences** – restrict access to prohibited persons, provide free water while any free samples of alcohol are provided, supermarkets and grocery stores must describe one area within the store for the sale and promotion of alcohol.

The **SSAA 2012** also includes a number of discretionary conditions. The LAP can determine how these are applied and how the licensee might comply with the requirements of the law.

In addition to the required conditions, Auckland’s draft LAP includes the following discretionary conditions:

On-licences	Off-licences	Club licences
Recommended for all on-licences <ul style="list-style-type: none"> • Prohibited persons • Host responsibility • Register of alcohol-related incidents • Display of information about safe transport • Designation Recommended on case-by-case	Recommended for all off-licences: <ul style="list-style-type: none"> • Prohibited persons • Single unit sales • Register of alcohol-related incidents Recommended on case-by-case basis: <ul style="list-style-type: none"> • Clean public areas 	Recommended for all club licences: <ul style="list-style-type: none"> • Prohibited persons • Host responsibility • Register of alcohol-related incidents • Display of information about safe transport • Certified managers to be onsite (busy times)

<p>basis:</p> <ul style="list-style-type: none"> • Restrictions on drinks prior to closing • Queue management • Security staff • Manager for BYO restaurant • Clean public areas • Designation of taverns <p>Additional matters for DLC to consider:</p> <ul style="list-style-type: none"> • CCTV • Minimum numbers of security staff • Minimum number of qualified managers • Requirements relating to exterior lighting • Monitoring of outdoor areas for late trading premises 	<p>Additional matters for DLC to consider:</p> <ul style="list-style-type: none"> • CCTV • Requirements relating to exterior lighting 	<ul style="list-style-type: none"> • Designation <p>Recommended on case-by-case basis:</p> <ul style="list-style-type: none"> • Restrictions on drinks prior to closing • Clean public areas <p>Additional matters for DLC to consider:</p> <ul style="list-style-type: none"> • CCTV <p>Specials Range of conditions</p>
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Workshop participant feedback on discretionary conditions:

Participants supported the discretionary conditions proposed by the Draft LAP. Some commented that they didn't wish to limit conditions to only those listed.

There were concerns that it would be difficult to enforce the conditions if they varied from licensee to licensee. The participants recommended having a set of conditions that would be used in a consistent manner by each licence type to encourage a high standard of practice across all of Auckland.

One-way door policies

One-way door provisions require on-licence premises to prohibit entry to new customers at a set time. Customers can leave but they cannot re-enter the premises.

The draft LAP does not include provisions on one-way door policies as evidence for one-way doors (or lock outs as they are called in Australia) is limited and mixed.

They have been shown to help manage late night premises and intoxication, however they can also contribute to harm through increasing aggression/violence by those who have been excluded.

Given that there is likely to be variation with the proposed different closing times in broad areas A and B, one-way door policies can be used as a mechanism to manage this. They could deter migration of drinkers to CBD from the suburbs and help reduce pre-loading behaviours. It would apply from 12midnight or two hours prior to maximum closing times.

Evidence:

Applying additional conditions to liquor licences can help raise standards of host responsibility and ensure that licensees comply with the object of the Sale and Supply of Alcohol Act 2012.

Discretionary conditions could include:

- Limiting the type, number or size of drinks that can be served prior to closing.
- Requiring use of CCTV and other security measures.
- Minimum number of security guards or managers to be on duty.
- Queue management.
- Minimum levels of staff training.

However, the effectiveness of these interventions are limited without more effective measures, such as reduced trading hours, being in place as well.

Where discretionary conditions are included in policies, the evidence suggests that they are more effective if applied in a consistent manner.

The evidence of effectiveness for one-way doors is mixed. They have been associated with reductions in alcohol-related violence, however other studies have found that this isn't the case and they may contribute to increased violence. This may be attributed to patrons who have been refused entry becoming angry.

Key recommendations to strengthen Auckland's Draft LAP:

- Introduce a suite of licence conditions for each licence type to be applied consistently across Auckland
- Include a discretionary condition in the Local Alcohol Policy to restrict the advertising of alcohol on licensed premises within a specified distance of identified sensitive sites
- Introduce a mandatory one-way door policy for on-licences in entertainment type precincts and the Central Business District area in Auckland. This one-way door should be in operation for 2 hours before closing time
- Introduce a discretionary one-way door for suburban and rural bars/pubs/taverns, club licences and special licences in Auckland, to apply at least one hour prior to closing
- Develop a monitoring and evaluation programme to assess the effectiveness of the one-way door policy in Auckland

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