

Tasman Local Alcohol Policy appeal dismissal should empower local councils

Alcohol Healthwatch Media Release

21 November 2014

Alcohol Healthwatch says good sense has prevailed with the dismissal of the appeal against Tasman District's provisional Local Alcohol Policy (LAP).

The appeal hearing was held in August and the Alcohol Regulatory and Licensing Authority has released its decision. The Policy was originally appealed by a number of alcohol industry players, including supermarket giants Foodstuffs and Progressive Enterprises, but most withdrew at the beginning of the hearing process, leaving Hospitality NZ as the sole appellant.

Alcohol Healthwatch Director Rebecca Williams said the action by the alcohol industry flew in the face of the object and intention of the new alcohol legislation, and had acted as a chill factor on other local councils.

"The alcohol industry has appealed almost every provisional Local Alcohol Policy so far. These tactics are clearly aimed at delaying and deterring local councils from attempting to reduce the supply of alcohol and curb the harm in their communities."

Williams says the appeals are drawing local council, health services, Police and other agencies into costly legal proceedings.

"We knew these Policies would be tested, but some of these appeals are vexatious, given the intent of the new legislation and the process that Councils are required to go through before they can adopt them.

"None of the provisional LAPs produced so far, including Tasman's, could be considered hard-lined. None go as far as they could under the new legislation to address and reduce alcohol-related harm. Councils have all been fairly restrained, largely due to the intense pressure they have been under from vested interest groups during their policy development processes.

"With this first LAP appeal decision, the Authority has sent a clear message that it is perfectly legitimate and reasonable for a local council to reduce trading hours of licensed premises through its LAP. Hospitality NZ did not prove that the LAP was unreasonable, which is the only test."

Williams said the decision also highlights the Authority's interpretation of 'minimising' alcohol-related harm in relation to the Sale and Supply of Alcohol Act 2012, the legislation enabling LAPs.

"They refer to the *New Shorter Oxford English Dictionary* meaning of minimising: 'reduced to the smallest amount, extent or degree'. This gives local councils and the alcohol industry a clear message that an LAP is not about maintaining the status quo, or about enhancing economic interest. It is clearly about reducing alcohol-related harm as far as reasonably possible."

Williams says she hopes other Council's will feel more confident in progressing their LAPs and make the most of the new law to reduce both trading hours and outlet density.

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For further comment contact: Rebecca Williams 09 520 7035 or 021 862 250

A copy of the Alcohol Regulatory and Licensing Authority decision can be requested via email ARLA@justice.govt.nz or found at www.ahw.org.nz.