



AGENDA

Joint Committee – Combined Local Alcohol Policy

Date: Wednesday, 28 August 2019
Time: 9am
Venue: Southland District Council, Council Chambers, 15 Forth Street, Invercargill

Membership

- Invercargill City - Councillor Darren Ludlow (Chair)
- Southland District - Councillor Gavin Macpherson (Deputy Chair)
- Invercargill City - Councillor Karen Arnold
- Invercargill City - Councillor Toni Biddle
- Invercargill City - Councillor Alex Crackett
- Southland District - Councillor John Douglas
- Southland District - Councillor Paul Duffy
- Southland District - Councillor George Harpur

In Attendance

- Jane Edwards - Policy Advisor, Southland District Council
- Michael Morris – Legal Advisor – Invercargill City Council
- Bruce Halligan – Group Manager, Environmental Services
Southland District Council
- Robyn Rout - Policy Analyst, Southland District Council

Apologies

Confirmation of Minutes – Minutes of the meeting held on 5 June 2019

Page 3

Conflicts of Interest

Extraordinary Items

Public Forum

Reports

1. Combined Local Alcohol Policy Hearing and Submissions

Page 6



MINUTES

Joint Committee – Combined Local Alcohol Policy

Date: 5 June 2019
Time: 12.15pm
Venue: Southland District Council, Council Chambers, 15 Forth Street, Invercargill

Membership Invercargill City Councillor Darren Ludlow (Chair)
Invercargill City Councillor Toni Biddle
Invercargill City Councillor Alex Crackett
Southland District Councillor John Douglas
Southland District Councillor George Harpur

In Attendance Michael Morris, Legal Advisor – Invercargill City Council
Bruce Halligan, Group Manager, Environmental Services
Southland District Council
Jane Edwards, Policy Analyst, Southland District Council
Robyn Rout, Policy Analyst, Southland District Council
Alyson Hamilton, Committee Advisor, Southland District Council

Apologies

There were apologies from Southland District Councillors Paul Duffy and Gavin Macpherson and Invercargill City Councillor Karen Arnold.

Moved Councillor Biddle, seconded Councillor Crackett and resolved:

That the Joint Local Alcohol Policy Committee accept the apologies.

Confirmation of Minutes

There were no minutes for confirmation.

Conflicts of Interest

There were no conflicts of interest declared.

Extraordinary Items

There were no Extraordinary/Urgent items.

Public Forum

There was no public forum.

Reports

1. Combined Local Alcohol Policy - Consultation

Record number /19/5/10018

Ms Jane Edwards, Policy Analyst, was in attendance for this item.

Ms Edwards advised the purpose of the report is to seek endorsement from the Joint Local Alcohol Policy Committee of a draft Combined local Alcohol Policy and an associated Statement of Proposal, for public consultation.

Ms Edwards explained consultation on the draft policy has to be run in accordance with the Special Consultative Procedure outlined in sections 83 and 87 of the Local Government Act 2002.

The Committee noted consultation will occur from 8am on 1 July 2019 to 5pm 5 August 2019.

Resolution

Moved Councillor Ludlow, seconded Councillor Douglas and resolved:

That the Joint Local Alcohol Policy Committee:

- a) **Receives the report titled “Draft Combined Local Alcohol Policy – public consultation”** dated 30th May 2019.
- b) Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.
- c) Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.
- d) Endorse the draft Combined Local Alcohol Policy.
- e) Endorses the Statement of Proposal and draft Combined Local Alcohol Policy for public consultation, in accordance with the Special Consultative Procedure, from 8am on 1 July to 5pm on 5 August 2019
- f) Considers the following actions constitute making the Statement of Proposal as widely available as is reasonably practicable in accordance with section 83 of the Local Government Act 2002 -
 - placing a newspaper advertisement in the Advocate
 - placing a newspaper advertisement in the Southland Express
 - placing a newspaper advertisement in the Southland Times
 - having the Statement of Proposal accessible on both Council websites
 - having copies of the Statement of Proposal available at all Council offices
 - notifying special interest groups and Te Ao Marama about the Statement of Proposal

The meeting concluded at 12.19pm

Confirmed: _____

Chair

Date: _____



Joint Committee – Combined Local Alcohol Policy Meeting of 28 August 2019

Combined Local Alcohol Policy – Hearings and submissions

Report author: Jane Edwards – Policy Analyst

Purpose

The purpose of this report is to provide information to the Joint Local Alcohol Committee (the committee) on the feedback that was received through submissions on the draft Combined Local Alcohol Policy (the draft policy).

This report also outlines the speakers who have requested to be heard, and when they will speak.

Executive Summary

Invercargill City Council (ICC) and Southland District Council (SDC) are currently reviewing the Combined Local Alcohol Policy (LAP).

A committee has been established, consisting of four representatives from each council, in order to jointly manage and oversee the review process.

The draft policy is a policy prepared by the committee, in consultation with the community, concerning the licensing of premises for the sale and supply of alcohol.

On 5 June, the committee endorsed a statement of proposal, which included the draft policy, for public consultation. A copy of the proposal is included with this report as Attachment A. Submissions were accepted between 1 July and 5 August 2019.

Nine submissions were received on the draft policy and these are presented in the submission booklet which is included with this report as Attachment B.

Submitters generally supported the provisions proposed in the draft policy with comment made in support of keeping the status quo. However, feedback was also received that the draft policy was not restrictive enough and recommendations were made by many submitters in order to limit the harm caused by alcohol in the region. Three of the four health/social welfare stakeholders who commented advocated for a more restrictive LAP.

Four submitters have requested to be heard on this matter, and will speak at this meeting.

The committee will deliberate on this matter in September this year.

Recommendation

That the Committee:

- a) **Receives the report titled “Draft Combined Local Alcohol Policy – Hearings and submissions”** dated 20 August 2019.
- b) Determines that this matter or decision be recognised as not significant in terms of Section 76 of the Local Government Act 2002.
- c) Determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with Section 79 of the Act determines that it does not require further information, further assessment of options or further analysis of costs and benefits or advantages and disadvantages prior to making a decision on this matter.
- d) Receives all written submissions and hears the submitters who wish to be heard on the draft Combined Local Alcohol Policy

Background

Section 75 of the Sale of Supply of Alcohol Act 2012 (the Act) states that territorial authorities may adopt a local alcohol policy. The Act allows two or more territorial authorities to adopt a single policy for their districts (section 76).

The current LAP was adopted in May 2016. It took three years to produce through a combined effort with ICC, SDC and Gore District Council (GDC). The three councils are regarded as a single territorial authority with a single district for the purposes of producing a LAP under the Act.

The purpose of the current LAP is recorded as follows:

‘The policy reflects the intent of the Act, which is to ensure that alcohol is sold and supplied in a safe and responsible manner and to ensure that the harm arising in individuals and communities as a consequence of the consumption of alcohol is minimised. A LAP allows the Council to fine-tune the application of the Act through its own activities and those of the Alcohol Regulatory and Licensing Authority, to meet the needs of individual communities.

The policy will help to inform the decisions of the District Licensing Committees (DLC) on alcohol licences for the sale of alcohol in the Southland region, providing a direction as to whether they should be granted, and if so, the conditions that could be imposed’

As the current LAP and associated legislation were new and untested, the current LAP states that after two years of implementing the policy and gathering the information relating to alcohol related harm, the policy will be reviewed.

A meeting of the DLC was held in August 2017, to discuss the merits of reviewing the LAP. Representatives from the three councils indicated that there was support for continuing to have a combined LAP. There was a general consensus that the LAP has been a useful tool and the consistent approach across Southland is beneficial for alcohol licence applicants and agencies and also generally consistent with the Southland Regional Development Strategy Ease of Doing Business work stream.

Following GDC’s advice, on 11 December 2018, that it wished to withdraw from the combined LAP, ICC and SDC have undertaken a joint review process which has included preliminary consultation with reporting agencies under the Act, and with the Invercargill Licensing Trust and Hospitality Association NZ.

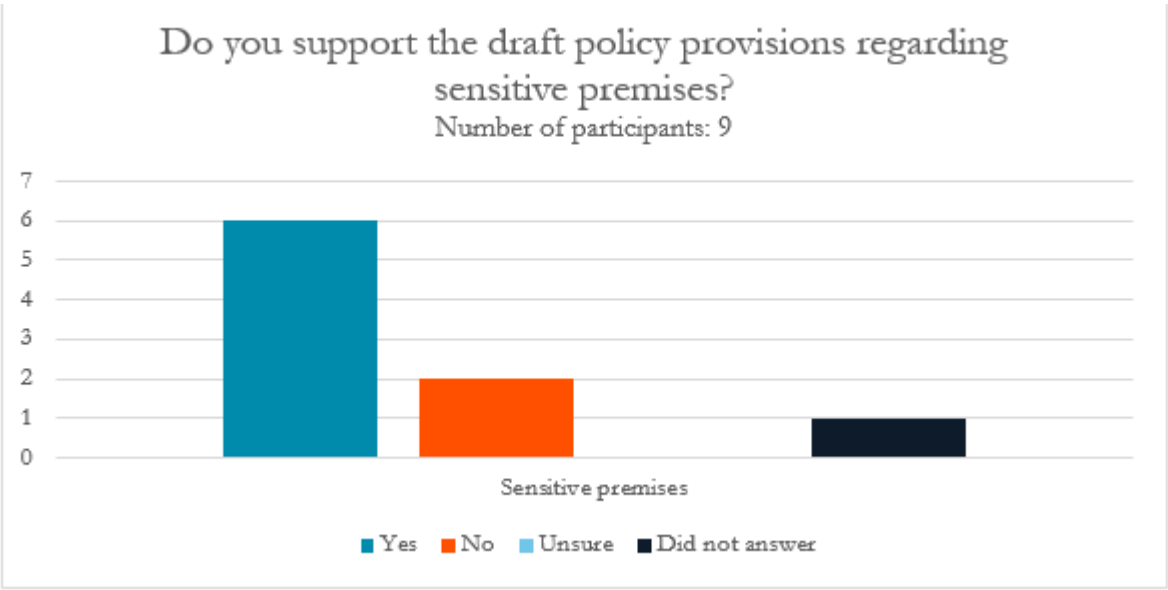
A joint committee has been established to oversee and manage the review of the current LAP and the adoption of a new LAP. The committee has the power of decision that binds the two councils throughout the remaining life cycle of the LAP until its final adoption.

Issues

Written submission feedback

Sensitive Premises

Submitters were asked whether they supported the provisions outlined in the draft. No changes were proposed to the conditions outlined in the current policy.



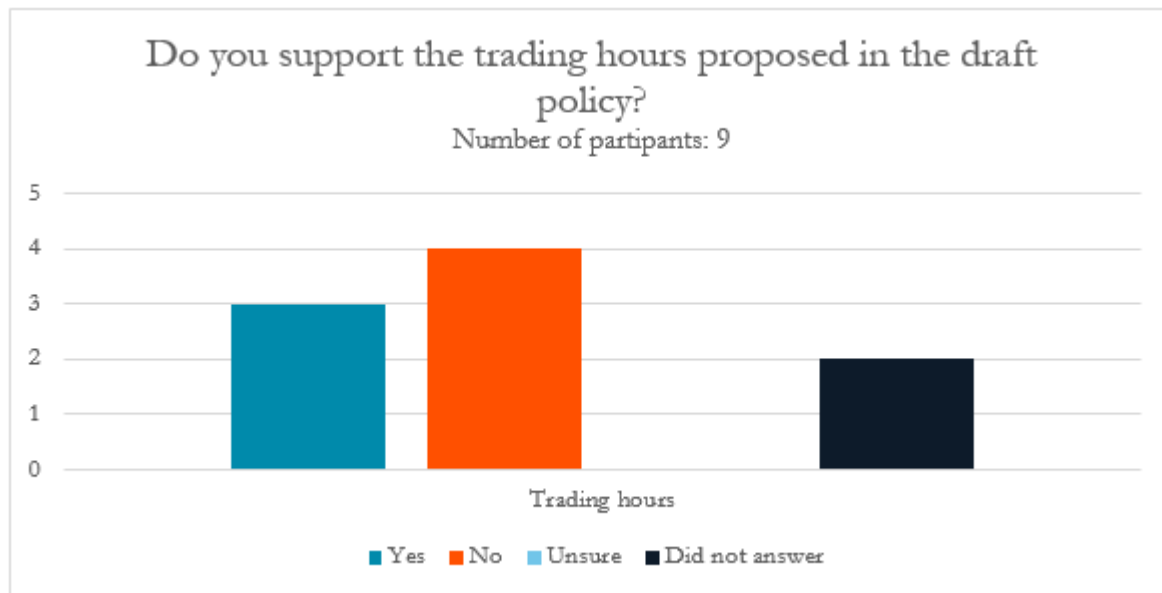
As shown above, six submissions supported the draft policy provisions regarding sensitive premises. Two submissions did not support and one submission did not answer the question.

Points raised included:

- support for the draft policy provisions as they have not changed from the current LAP
- a request that the 50m restriction be increased to at least 100-150m, stating that 50m has the potential to neglect sensitive sites that are slightly further away
- a request that the 50m restriction be redefined, commenting that with increased ‘mixed use’ buildings accepted by the building code, the draft should be amended so that the 50m ruling is applied to the licenced area of a building rather than the premises itself.

Trading hours

Submitters were asked whether they supported the trading hours proposed in the draft policy. The trading hours in the draft policy remain unchanged from the current LAP. However, establishments covered within the on-licence trading hours have been expanded to include premises not listed in the current LAP (e.g boats and lodges in Milford). These premises are included within a proposed additional section 'On-licence – Other'.



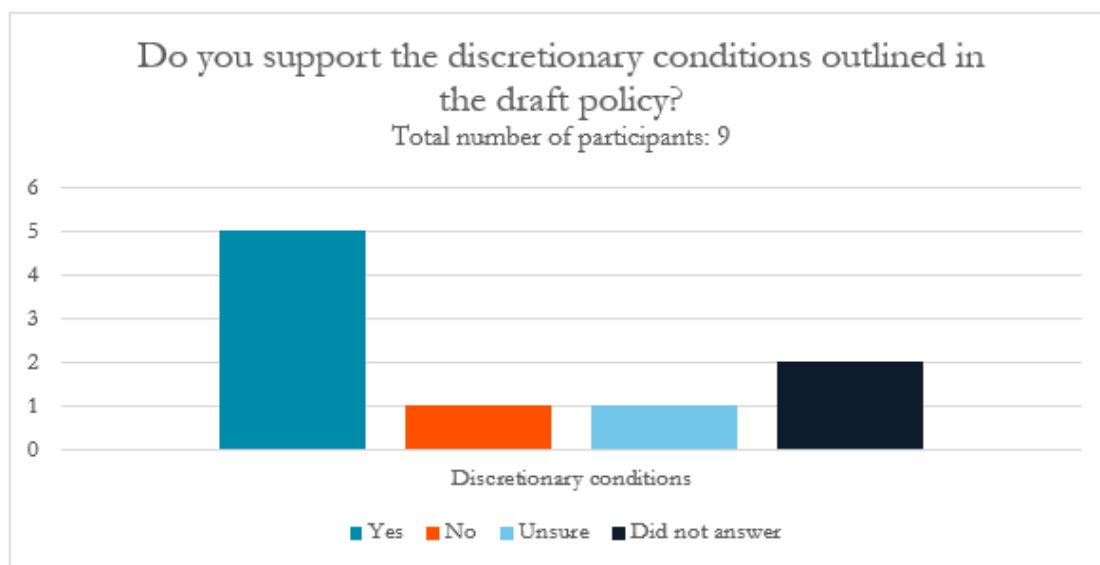
As shown above, three submissions supported the trading hours outlined in the draft policy, four submitters did not support the trading hours and two did not answer the question.

Points raised included:

- a submission in support of the trading hours proposed stated that they would like to continue to work under exactly the same LAP conditions therefore supported a 'status' quo approach'
- a respondent who answered 'No', wanted the trading hours to remain unchanged but did not support the inclusion of the proposed additional section 'On-licence – Other'.
- other submissions stated that the draft policy was not restrictive enough and commented in support of reducing the trading hours proposed in the draft policy. One submitter requested that off-licence trading hours be reduced and two submitters recommended that trading hours for all licence types were reduced
- comments made stating that the current high levels of drinking in the region warranted a more restrictive and consistent approach being taken in the draft policy
- concern at the differentiated hours between Invercargill CBD and Southland District.

Discretionary conditions

Submitters were asked whether they supported the conditions proposed in the draft policy. The discretionary conditions outlined in the draft policy enables the DLC to issue a license subject to conditions consistent with the Act. Changes proposed included host responsibility and staffing provisions.



As shown above, five submitters supported the discretionary conditions outlined in the policy. One submitter did not support the conditions, one was unsure and two submitters did not answer the question.

Points raised included:

- a submitter who did not support the proposed staffing condition that requires a certified manager to be on duty at clubs when alcohol is being sold or supplied during high risk periods. The submitter stated that as hotels, taverns and restaurants require a certified manager to be present whenever alcohol is sold and supplied, the same requirement should apply for clubs
- general support for the provisions in the draft policy however several submissions recommended re-categorising specific categories relating to each licence type
- other suggestions included conditions controlling alcohol advertising, restrictions of single sales, and removing the paywave option.

Other

For information gathering purposes, submitters were asked for any other comments they had on the draft policy.

Points raised included:

- two submitters commenting that the preliminary consultation should have been widened to include industry stakeholders, including hotel proprietors and managers in order that a more complete picture could support policy decisions
- three submitters requested the committee consider managing the total number and density of alcohol outlets through provisions in the draft policy
- other comments requesting the inclusion of requirements such as approved evacuation schemes and social impact studies, to accompany each liquor licence application
- suggestion that the 'key issues' section of the draft policy be updated to provide a clearer picture of alcohol harm and the aims of the LAP
- mixed comments received on the potential review period for the draft policy with one submitter asking that it be reviewed again within three years and another proposing that it should not be reviewed until 2025.

Hearings

The speakers and timetable for today's hearings are as follows:

Speaker No.	Time speaking	Organisation	Individual speaking	Page number of written submission
1	9:10am	Hospitality NZ	John McHugh & Graham Hawkes	Page 9 of Appendix B
2	9:20am	Health Promotion Agency	Cathy Bruce	Page 29 of Appendix B
3	9:30am	Alcohol Healthwatch	Nathan Cowie	Page 17 of Appendix B
4	9.40am		Steve Nally	Page 7 of Appendix B

Factors to Consider

Legal and Statutory Requirements

Key legislative points concerning LAPs are:

- LAPs are restricted in their content (section 77 of the Act)
- councils must not produce a draft policy without having consulted the police, inspectors and medical officers of health (section 78(4) of the Act).
- if a council decides to produce a LAP it must first produce a draft policy, that has regard to a number of matters (section 78(2) of the Act)
- after producing a draft policy, councils must produce a provisional policy, using the special consultative procedure to consult on the draft policy (section 79 of the Act).

Community Views

A summary of the community views captured through the formal consultation process on the draft policy has been outlined in the issues section of this report. The full submission booklet has also been attached.

Under Section 78 of the Local Government Act 2002 (the LGA), the committee must, when making a decision on how to proceed, give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter.

There is not a requirement to agree with the submitters, but the committee must take into account the views that have been expressed.

Costs and Funding

Costs associated with this work, such as staff time, legal costs and advertising, are proposed to be met within current budgets. There are no proposed changes to current operational practice.

Policy Implications

If the draft policy is adopted, there would not be any change to the licensing of premises for the sale and supply of alcohol.

Analysis

Assessment of Significance

This matter has been assessed as being of lower significance in relation to the LGA. No changes to operational practice would arise if the draft policy is adopted.

Recommendation

Staff recommend the committee proceed with the only practical option available to it - to receive the written submissions and hear the submitters who wish to be heard on the draft Combined Local Alcohol Policy. The advantages of this option are to hear further community views on this matter, and to comply with (the special consultative procedure requirements in) the LGA. There are no known disadvantages associated with this option.

Next Steps

It is intended deliberations on the draft policy will take place in September 2019. At the September meeting, issues and options will be presented to the committee, to assist the committee to deliberate and to outline how it would like to proceed.

Attachments

- A Statement of Proposal on draft Combined Local Alcohol Policy
- B Submission Booklet on the draft Combined Local Alcohol policy



Joint Committee – Combined Local Alcohol Policy Meeting of Wednesday 5 June 2019

Combined Local Alcohol Policy – Statement of Proposal

Report author: Jane Edwards – Policy Analyst

1. Introduction

Invercargill City Council (ICC) and Southland District Council (SDC) are reviewing the Combined Local Alcohol Policy (LAP).

A Joint Local Alcohol Committee (the committee) has been established, consisting of representatives from both councils, in order to manage and oversee the review process.

The LAP is a policy drafted by the committee, in consultation with the community, concerning the licensing of premises for the sale and supply of alcohol.

The current LAP came into effect in 2016. On adoption of the policy, it was resolved to review it after two years instead of the statutory six. It was decided to have an earlier review date to give a formal opportunity to the participating councils, the partner agencies, the key stakeholders, and the wider community, to consider the application and efficiency of the new policy.

The committee is seeking feedback on the draft policy over a submission period that will run from 8am 1 July to 5pm 5 August 2019. People who make a written submission can request to also make an oral submission to the Committee.

2. Background information

ICC and SDC are reviewing the LAP to confirm the policy is still relevant for licensing within the territorial boundaries of the councils.

Both councils recognise that within their districts there is concern about the effects of excessive and inappropriate drinking.

ICC and SDC view the LAP as an important tool to assist the District Licensing Committee in making its decisions and to help achieve the objective of the Sale and Supply of Alcohol Act 2012 (the act).

The object of the act is that:

- a) the sale, supply and consumption of alcohol should be undertaken safely and responsibly
- b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised

3. Summary of proposed changes

The draft LAP is included as Attachment A.

The current LAP contains the following types of licensing policies:

- sensitive premises
- trading hours
- discretionary conditions

The draft LAP is largely the same as the current LAP - there have only been minor changes to streamline the policy in terms of content and style, rather than significant changes to policy content.

In undertaking the review of the LAP, the committee has considered a range of policy options, some of which were not supported and not included in the draft LAP.

Current element	Proposed amendment	Support/not support	Summary of reasons
Sensitive premises			
	No change	Supported	
Trading hours			
On-licenses	Addition of a section within on-licenses to include those establishments that are not currently included eg lodges and boats in Milford, theatres, caterers, function centres and cellar doors	Supported	These have been included for consistency but with the acknowledgement that they are variable and will be assessed on a case by case basis
Off-licenses: Hours of operation from 7am on any day to 11pm the same day	Hours of operation from 7am on any day to 10pm the same day	Not supported	The default trading hours provided for in the Act have been accepted. The risks associated with later closing times are not supported by evidence for the LAP District
Club licenses	No change	Supported	
Special licenses	No change	Supported	
Discretionary Conditions			
Premises layout and design	No change	Supported	
Staffing	Certified manager to be on duty at club-licensed premises, excluding chartered clubs, when alcohol is being sold or supplied during higher risk periods that are	Supported	Proposed to reduce compliance costs for clubs. To be assessed on a case by case by the committees

	determined by the Committees		
Host responsibility	Display of safe drinking messages/material	Supported	Proposed to encourage responsible alcohol sales
	Addition of sub section reflecting any other matter that can encourage responsible alcohol sales, supply and consumption	Supported	Proposed to address issues such as payment options (ie pay wave) that do not help staff recognize intoxication levels
Amenity and good order	No change	Supported	
Management of incidents	No change	Supported	
CPTED principles	No change	Supported	
Other inclusions discussed by the committee			
	Revisit the need for social impact study to accompany any application for new off-licenses	Not supported	The act does not make provision for a social impact study within a LAP. These matters are considered adequately covered in s105 and s 106 of the Act

4. The reasons for the proposal

The main reasons for this proposal are to:

- seek feedback on the policy approach from the community
- meet the requirements of act (section 95 and section 97)
- where appropriate, update the policies and refine wording/formatting

5. How to have your say

Anyone can make a submission online at <https://www.southlanddc.govt.nz/my-council-/have-your-say/>.

Submissions will be accepted from 8am on 1 July 2019 and must be received by 5pm on 5 August 2019.

All submissions should state:

- the submitter's name
- the submitter's contact details
- whether or not the submitter would like to speak to the Committee about this matter.

If you need help submitting please contact Southland District Council at 0800 732 732, or call in to one of either Southland District or Invercargill City Councils' offices. All written submissions will be acknowledged and made available to the public.

As part of the consultation process, the committee will be giving notice of this proposal to special interest groups and Te Ao Marama, to inform them of the public submission period.

At the close of submissions, the committee will hear those wishing to be heard in support of their submissions. These hearings will take place in Invercargill and Te Anau in August. These meetings are open to the public. If you indicate you would like to be heard, staff will get in touch with you to arrange a time for you to speak at the hearing. If at the hearing you have any requirements, such as that you would like to speak via video conference or you would like to use sign language, please let us know.

6. Timetable for consultation

The dates below outline the timetable for the consultation process. Any changes to these dates will be publically advised on Councils' Facebook pages and websites.

Date	Activity
5 June 2019	Committee adopts the proposal for consultation
1 July 2019	Consultation period begins (8am)
5 August 2019	Consultation period ends (5pm)
End August 2019	Oral submissions heard by the Committee (at Invercargill City Council offices, 101 Esk St, Invercargill)
End August 2019	Oral submissions heard by the Committee (at Southland District Council offices, 15 Forth St, Invercargill)
End August 2019	Oral submissions heard by the Committee (Council offices, Te Anau)
Mid September 2019	Provisional LAP will be prepared and ratified by the Committee
TBC	The LAP comes into effect 30 days after it is publically notified provided there are no appeals

7. Options

The Committee has two possible options on how it could proceed. These are to:

- option 1 – adopt the draft policy, or
- option 2 – adopt an amended policy

The advantages and disadvantages of these options are outlined below.

Option 1 – adopt the draft policy

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> • a consistent approach is beneficial for alcohol licence applicants and is promoted by the Southland Regional Development Strategy • is consistent with the previous approach taken by councils • is part of a process that aims to assist in improving the overall health and wellbeing of our communities 	<ul style="list-style-type: none"> • an amended policy may better reflect community/stakeholder views • a LAP results in more monitoring and reporting. As it is not compulsory, it could be viewed as an additional administrative burden, with a financial cost attached

Option 2 – adopt an amended policy

<i>Advantages</i>	<i>Disadvantages</i>
<ul style="list-style-type: none"> • an amended policy may better reflect community/stakeholder views 	<ul style="list-style-type: none"> • a significant change in approach may be confusing to both the public and the people who run alcohol licensed premises • may require further consultation if significant changes are proposed • a LAP results in more monitoring and reporting. As it is not compulsory, it could be viewed as an additional administrative with a financial cost attached.

Draft COMBINED LOCAL ALCOHOL POLICY

Purpose

A Local Alcohol Policy (LAP) enables local authorities to make a meaningful contribution towards addressing issues associated with the sale, supply or consumption of alcohol.

This combined local alcohol policy (the policy) has been developed in recognition of the significant harm that the excessive consumption of alcohol has in our communities.

The policy is in line with the Sale and Supply of Alcohol Act 2012 (the Act), to ensure that alcohol is sold and supplied in a safe and responsible manner and to ensure that the harm arising in individuals and communities, as a consequence of alcohol consumption, is minimised.

The policy aims to inform the decisions of the District Licensing Committees (the Committees) on alcohol licences for the sale of alcohol within the Invercargill City and Southland District boundaries (the LAP District), not including Gore District.

The policy will provide direction as to whether alcohol licences shall be granted and what licence conditions could be imposed.

Scope

Through the LAP, the Committees are able to:

- limit the **location** of licensed premises in particular areas or near certain types of facilities, such as specific neighbourhoods or near schools or churches.
- limit the **density** of licensed premises by specifying whether new licenses or types of licenses should be issued in a particular area.
- impose **conditions** on groups of licenses, such as 'one way door' condition that would allow patrons to leave premises but not to enter or re-enter after a certain time.
- recommendation **discretionary conditions** for licences.
- provide for the maximum **trading hours** of On, Off and Club Licences, which are:
 - 8.00am – 4.00am the following day for on-licences and club licences.
 - 7.00am – 11.00pm for off-licences.

Definitions

ALCOHOL	means a substance that is or contains a fermented, distilled or spirituous liquor; and at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or that is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and is alcohol when completely thawed to 20°C; or that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people
----------------	---

CELLAR DOOR	means that same as in the Act and includes tasting rooms at a Brewery or distillery. It excludes the sale of alcohol not brewed, distilled or made by that licence holder.
CLUB	means a body that is a body corporate having as its objective (or as one of its objects) participating in or promoting a sport or other recreational activity, otherwise than for gain; or is a body corporate whose object is not (or none of whose objects is) gain; or holds permanent club charter
CPTED PRINCIPLES	means <i>Crime Prevention through Environmental Design</i> and are set out in the Ministry of Environment November 2005 publication <i>National guidelines for crime prevention through environmental design in New Zealand</i>
ENTERTAINMENT VENUE (includes centre)	means a venue that is used to provide entertainment. The entertainment may be arranged and organised by the owner/operator of the venue and features some or all of the following: <ul style="list-style-type: none"> • a reasonable cover charge would apply – to be included in all advertising of any entertainment event • live entertainment would be provided on a regular, frequent and ongoing basis (live entertainment is entertainment by way of live performers, including bands, solo artists, live DJs, comedians) • a stage, dance floor or similar area would be available for entertainers and/or patrons to use • the design of the premises including the size of the bar will be required to be consistent with the nature of the principal form of entertainment
FUNCTION CENTRE	means a centre that is used to host events/gatherings or occasions regardless of whether or not the Centre has its own licence or is linked to another licenced venue
HIGHER RISK PERIODS	means a period of time where either the number of patrons is likely to exceed a specified number or the type of event is assessed to be of greater risk. These higher risk periods will be determined by the Committees on a case-by-case basis.
HOST RESPONSIBILITY	means a policy and/or a plan designed to reduce the abuse of alcohol by creating and promoting a safe drinking environment
INTOXICATED	means observably affected by alcohol, other drugs, or other substances (or a combination of two or all of those things) to such a degree that two or more of the following are evident: <ul style="list-style-type: none"> • appearance is affected • behaviour is impaired • coordination is impaired • speech is impaired
INVERCARGILL CENTRAL BUSINESS DISTRICT	has the same meaning as the Proposed Invercargill City District Plan (or any other plan in substitution) and is shown in the map attached to this policy
LAP DISTRICT	means the territorial districts of Invercargill City Council and Southland District Council
LICENCE	means a licence issued under the Sale and Supply of Alcohol Act 2012 that is in force; and in relation to any licensed premises means the licence issued for them (or, in the case of premises that two or more licences have been issued for, any of those licences

SENSITIVE PREMISES	means any school, child care facility, preschool or other facility providing for the education or care of children, or any place of religious gathering or assembly, or any residential activity including a dwelling or apartment and any community facility within 50 metres of the address with or applying for the licence.
SIGNIFICANT CHANGE IN STYLE	includes any increase in the risk level to a premise (for example going from a restaurant to a night club/bar) and/or where the nature of the operation is likely to change
TRADING HOURS	means the hours a business may be licensed to be open to sell or supply alcohol

Key Issues

Identifying the problem

Alcohol misuse is a social problem and public health problem with significant implications for the social and economic well-being of people in the LAP District.

A minority of the alcohol sold is consumed in licensed premises or at licensed events, where there is supervision, control and host responsibility. A majority of alcohol is consumed in situations where there may be little control or supervision.

It is a priority to reduce the harm cause by alcohol misuse

As alcohol misuse is a serious social problem and public health problem, the Invercargill City and Southland District Councils (the Councils) will recognise and address alcohol misuse through their policies and through the way they deliver services to the people in the LAP District.

The Councils also have the ability to address alcohol misuse through their responsibilities under the Act.

The policy is a way people in the region can address alcohol misuse.

Providing a safe drinking environment

It is important that there are safe environments for the responsible sale, supply and consumption of alcohol.

Through this policy, the Councils will:

- place significant emphasis on host responsibility, particularly in assessing applications and imposing conditions of approval;
- encourage organisers of an event or special occasion to properly plan for it, if alcohol is to be available.

Policy Review

The policy will be reviewed six yearly to ensure it is up to date, relevant and meets legal requirements. At the review stage, information relating to alcohol related harm for the area will be gathered.

The following information will be sought:

- monitoring reports of premises and events, and the conditions imposed on licences (from the Councils' licensing inspectors)
- statistics of hospital admissions of alcohol-related harm incidents and associated costs that relate to the LAP District (from the Southland District Health Board);
- monitoring statistics of education outcomes and an outline of community issues (from Primary Health South)
- statistics on alcohol related crime in the region's communities, as well as controlled purchase operations (from the New Zealand Police)

THE POLICIES

Sensitive premises

When the Councils receive an application for a proposed On, Off or Club Licence or a renewal where the application pertains to a significant change in the style or operation of the business (not including special licence applications), evidence of consultation with all applicable sensitive premises shall be provided with the application, if the licenced premises is within 50 metres of the boundary of a sensitive premise.

Sensitive premises are:

- any school, childcare facility, pre-school, or other facility, providing for the education or care of children
- any place of religious gathering or assembly
- any residential activity – dwelling or apartment
- any community facility

In relation to providing evidence of consultation with a tenanted property, the applicant will have to provide evidence that they consulted with both landowners and tenants.

Evidence of consultation will not be required where resource consent has been granted under the Resource Management Act 1991.

This requirement is to ensure that neighbouring properties are aware of the possibility that a licensed premise may be established nearby or that an existing licenced premise may have its licence renewed or altered. This requirement also ensures the occupants, owners or other parties related to a sensitive premise have an opportunity to voice any concerns, and for the applicants to respond to these.

Trading Hours

The following shall be the maximum trading hours for the sale, supply and consumption of alcohol (within the context of alcohol licences) on licensed premises within the LAP District:

- *On-licences – bars, taverns, hotels, entertainment venues and Class 1 restaurants:*
 - **Invercargill Central Business District Areas:** the hours between 8.00 am on any day to 3.00 am the following day.
 - **Invercargill** (other than Invercargill Central Business District Areas): the hours between 8.00 am on any day to 1.00 am the following day.
 - **Southland District:** the hours between 8.00 am on any day to 3.00 am the following day.
- *On-licences – Class 2 and Class 3 restaurants, including BYO restaurants:*
 - the hours between 8.00 am on any day of the week to 1.00 am the following day.
- *On-licences – Other.* No restriction, however applications for licences will need to justify the hours requested in terms of the purpose of the function or event. Including but not limited to:
 - function centres
 - theatres
 - boats and lodges in Milford Sound
 - caterers
 - cellar doors
- *Off-licences*
 - the hours between 7.00 am on any day to 11.00 pm the same day and include dedicated 'bottle store' outlets and 'across the bar' sales.
- *Club licences*
 - not to operate outside the hours of 8.00 am to 3.00 am.
 - applications for club licences will need to justify the hours requested on the basis of the activity of the club.
- *Special licences:*
 - no restriction, however applications for special licences will need to justify the hours requested in terms of the purpose of the function or event.

All above provisions are subject to sections 47, 47A and 48 of the Act, which relate to the sale and supply of alcohol on ANZAC Day morning, Good Friday, Easter Sunday and Christmas Day.

Discretionary Conditions

The Act enables the Committees to issue a license subject to discretionary conditions that are consistent with the Act. In terms of promoting responsible sale and supply, conditions that might be imposed include, but are not limited to:

- *Premises layout and design*
 - design and layout requirements
 - minimum seating requirements

- *Staffing*
 - training requirements for staff
 - management requirements in relation to staff (e.g. number of staff, duty managers)
 - prescribed ratio of security staff to patrons
 - uniform requirements (e.g. high visibility vests for security staff)
 - certified manager to be on duty at club-licensed premises, excluding chartered clubs, when alcohol is being sold or supplied during higher risk periods that are determined by the Committees.
- *Host responsibility*
 - queue management
 - provision of food
 - management of an event in such a way as to reduce abuse of alcohol
 - availability of transport home for patrons
 - display of safe drinking messages/material
 - any other matter that can encourage responsible alcohol sales, supply and consumption
- *Amenity and good order*
 - cleaning the outside of the premises and immediate environs
 - use of CCTV
 - signage and advertising
- *Management of incidents*
 - licensee to keep a register of incidents
 - mandatory notification to police of violent incidents
- *Utilising CPTED principles*

The Committees can impose such conditions they deem to be appropriate, from the list.

The process for setting discretionary conditions aims to encourage a good working relationship between the Councils and industry providers. The discretionary conditions also help promote the purposes of the Act.

SCHEDULE ONE

Invercargill City and Southland District Councils intend to maintain and enforce existing Alcohol and Alcohol Ban Areas established under a Bylaw or Bylaws promulgated under the Local Government Act 2002.

Submission Booklet

Draft Combined Local Alcohol Policy

Table of Contents

1.	Murray Milne-Maresca	1
2.	Invercargill City Youth Council.....	3
3.	ICC Child Youth and Family Friendly Subcommittee	5
4.	Steve Nally	7
5.	Hospitality New Zealand	9
6.	ILT	15
8.	Alcohol Healthwatch.....	17
9.	Health Promotion Agency.....	29
10.	Wellsouth Primary Health Network	38

First Name: Murray

Last Name: Milne-Maresca

Would you like to present your submission in person at a hearing?

I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

1. Do you support the draft policy provisions regarding sensitive premises?

- ☒ Yes
 - ☐ No
 - ☐ Unsure
-

2. Please provide any comments you may have on sensitive premises.

3. Do you support the trading hours proposed in the draft policy?

- ☒ Yes
 - ☐ No
 - ☐ Unsure
-

4. Please provide any comments you may have on trading hours.

5. Do you support the discretionary conditions outlined in the draft policy?

- ☒ Yes
 - ☐ No
 - ☐ Unsure
-

6. Please provide any comments you may have on discretionary conditions.

7. Is there anything else you would like to see included in a Local Alcohol Policy?

A building owner must ensure their building complies with the Fire and Emergency New Zealand Act 2017 (the Act) and the Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018 (the Regulations). A building that requires an evacuation scheme is called a 'relevant building'. These include the following:

Buildings where 100 or more people can gather together.

Buildings where 10 or more people work.

Buildings where 6 or more people sleep, unless there are 3 or fewer households.

Buildings storing certain levels of hazardous substances.

Buildings used for early childhood, medical, and disabled care services, unless the building is a normal home.

In some cases premises that serve alcohol don't require an evacuation scheme as is listed above. It is my view that If alcohol is served there is a responsibility for the people who occupy them to be safe within these buildings. This would ensure compliant alarm systems, ensuring emergency escape routes are clear of combustables, and having trained staff for a more expedient evacuation no matter the numbers involved in the event of any emergency. This standard would then be tested and monitored through private training companies and Fire & Emergency NZ. If it was mandatory to have an evacuation scheme signed off by Fire & Emergency NZ with every liquor licence applicant then I could see a better standard of compliance across the district.

8. Please provide any other comments you may have on the Combined Local Alcohol Policy.

Attached Documents

File
Draft Combined Local Alcohol Policy

First Name: Invercargill City Youth Council

Last Name:

Would you like to present your submission in person at a hearing?

I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

1. Do you support the draft policy provisions regarding sensitive premises?

- ☒ Yes
 - ☐ No
 - ☐ Unsure
-

2. Please provide any comments you may have on sensitive premises.

3. Do you support the trading hours proposed in the draft policy?

- ☐ Yes
 - ☒ No
 - ☐ Unsure
-

4. Please provide any comments you may have on trading hours.

Trading Hours –

The addition of a section to include establishments that are not currently included is not supported.

The proposal to reduce the hours of operation of an off-licence is not supported.

5. Do you support the discretionary conditions outlined in the draft policy?

- ☒ Yes
 - ☐ No
 - ☐ Unsure
-

6. Please provide any comments you may have on discretionary conditions.

Discretionary Conditions –

Having certified managers on duty at club-licensed premises is supported.

Display of safe drinking messages/material is supported.

Addition of a sub section reflecting any other matter that can encourage responsible alcohol sales, supply and consumption is supported.

7. Is there anything else you would like to see included in a Local Alcohol Policy?Other Inclusions -

The need for a social impact study to accompany any application for new off-licenses **is supported.**

8. Please provide any other comments you may have on the Combined Local Alcohol Policy.

Attached Documents

File
Draft Combined Local Alcohol Policy

Organisation:

ICC Child Youth and Family Friendly Subcommittee

First Name: Mary**Last Name:** Napper**Would you like to present your submission in person at a hearing?**

I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

1. Do you support the draft policy provisions regarding sensitive premises?

- ☒ Yes
☐ No
☐ Unsure
-

2. Please provide any comments you may have on sensitive premises.

3. Do you support the trading hours proposed in the draft policy?

- ☒ Yes
☐ No
☐ Unsure
-

4. Please provide any comments you may have on trading hours.

On-licences - the inclusion of the establishments not currently included **is supported**.

Off-licenses - reducing the hours to 7.00am - 10.00pm on the same day **is supported**.

5. Do you support the discretionary conditions outlined in the draft policy?

- ☒ Yes
☐ No
☐ Unsure
-

6. Please provide any comments you may have on discretionary conditions.

We believe that not having paywave available is a good idea as using a keypad may help staff to establish the level of intoxication.

Attached Documents

File
Draft Combined Local Alcohol Policy

First Name: Steven

Last Name: Nally

Would you like to present your submission in person at a hearing?

I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

1. Do you support the draft policy provisions regarding sensitive premises?

- ☐ Yes
☒ No
☐ Unsure
-

2. Please provide any comments you may have on sensitive premises.

Sensitive Premises

I submit to change the "... within 50 metres of the address with..." to within 50 metres of the licensed area.

When Invercargill Brewery was applying for an on license the 50m rule came into play. At the north west corner there is a right of way on the Leet street property which exits onto kelvin street, there is a childcare facility on the corner of Gala and Kelvin which is less than fifty metres from the boundary.

Yet the licensed area is about 150 metres from this sensitive area. The property is a 2000m2 property that has a mixed use. The front third was designated as retail and the back (Gala street) was designated as manufacturing. The fire escape plan was designed so patrons and staff exited out into the carpark on Leet street. The Primary entrance was on Leet street. Therefore, the licensed area and primary entrance is at least 3 times the required distance from the sensitive area.

The mixed use of the building was signed off by the ICC building department. The building has an A+ earthquake rating, fire code, building warrant of fitness and had an on-license granted eventually.

Now that mixed use buildings are accepted by the building code and ICC there will possibly be more buildings/properties of the ilk. The redevelopment of the inner city and the ownership of buildings by one big landlord could see the same issue arise.

If looked into there may be existing licenses in the region that are within the 50m of the address, yet the licensed area is outside the this 50m zone. Rugby Park is next to Girls High, Glengarry Tavern has a children's playground within 50m of the boundary, Windsor Wines driveway is within 50metres of the Church boundary.

7. Is there anything else you would like to see included in a Local Alcohol Policy?

I submit the next review date be three (3) instead of the six (6)

Under the current LAP "Objective 3: Collection of Evidence and review policy. Implication: The gathering of

info from Licensing inspectors, police, SDHB and primary health south.”

“After two years of implementing the Policy (August 2016) and gathering of information relating to alcohol harm, it will be reviewed.”

I would have thought this information would be publicly available as part of this review. I’m guessing this would be part of the toolbox to measure the effectiveness of the LAP to reduce harm and give insight so as we can make recommendations to make our community safer. Is the information available now? I have contacted the DLA for is information and have received no reply, it’s not supplied. I’m assuming it has not been collected and/or correlated.

This would bring the LAP in line with the statutory six from date of commencement.

8. Please provide any other comments you may have on the Combined Local Alcohol Policy.

I recommend the DLC reassess the consultation process especially who the stakeholders and interested person are and include general managers and licensees.

“...the review date to give, the key stakeholders and the wider community, to consider the application and efficiency of the new policy.”

I have a General Managers Cert and been in the liquor industry for about twenty years. I have been a licensee for most of that period, mainly off-license but also operating an entertainment venue that had an on-license. I would have thought general managers and licensees would count as key stakeholders. I received notification of consultation because I asked the DLA when the review is... I recommend the consultation process be reviewed to include all the people who have experience in the industry or owners of the bars, restaurants etc. The DLA has all this information on there data base, it would be a simple way to reach out to the liquor industry.

I am aware the DLC has concerns about industry and individuals from outside the Southland province putting in submissions for their own ends, but it is important that our local hospo people have a voice. They are at the frontline; they are part of the community and live here.

By including licensees and duty managers they then see what changes are coming along so they can be part of the change.

Attached Documents

File
Draft Combined Local Alcohol Policy

Organisation:

Hospitality New Zealand

First Name: Charlotte**Last Name:** Simpson**Would you like to present your submission in person at a hearing?**

Yes

Additional requirements for hearing:

N/A

1. Do you support the draft policy provisions regarding sensitive premises?

- ☒ Yes
- ☐ No
- ☐ Unsure
-

2. Please provide any comments you may have on sensitive premises.

Per attached submission

3. Do you support the trading hours proposed in the draft policy?

- ☒ Yes
- ☐ No
- ☐ Unsure
-

4. Please provide any comments you may have on trading hours.

Per the attached submission

5. Do you support the discretionary conditions outlined in the draft policy?

- ☐ Yes

- ☒ No
☐ Unsure
-

6. Please provide any comments you may have on discretionary conditions.

Per the attached submission

7. Is there anything else you would like to see included in a Local Alcohol Policy?

Per the attached submission

8. Please provide any other comments you may have on the Combined Local Alcohol Policy.

Per the attached submission

Attached Documents

File
Hospitality NZ Southland Branch Submission - Draft Combined LAP August 2019
Draft Combined Local Alcohol Policy



Submission to the
Invercargill City and Southland District Councils
regarding the Draft Combined Local Alcohol Policy
04th August 2019

Hospitality New Zealand Southland Branch

President: Aaron Mills

Regional Manager: Charlotte Simpson

Introduction

Hospitality New Zealand (Hospitality NZ) is a voluntary trade association which has operated since 1902 and currently represents over 3,000 hospitality businesses throughout New Zealand, including Taverns, Pubs, Bars, Restaurants, Cafes, Retail Liquor and Commercial Accommodation providers such as Camping Grounds, Lodges, Motels, Hotels and Back Packers.

We have 116 financial members (not including affiliates) in our Territorial Local Authority (TLA).

Our members who have On licences abide by the following rules as part of their commitment to the Sale and Supply of Alcohol Act 2012;

- Having a Host Responsibility Policy
- Trading within their licenced hours and within the conditions of their licence
- A licensed duty manager on site at all times during opening hours
- Not serving minors – or even allowing them on the premises
- Not letting anyone become intoxicated, not serving anyone who is intoxicated
- 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 drink driving under the influence, Police will register this against the licence holder
- Should there be door staff, they will be legally certified Crowd Controllers
- Keeping any promotions within the national protocol on promotions guidelines
- Providing free water
- Complying with food safety regulations and gaming regulations
- Making sure staff are trained on all of the above

Hospitality NZ has a 115-year history of advocating on behalf of the hospitality and tourism sector and is led by Chief Executive, Vicki Lee. Hospitality NZ's Southland Branch President is Aaron Mills and our Southland Regional Manager is Charlotte Simpson.

We appreciate the opportunity to make a submission to the Invercargill City and Southland District Councils and would like to answer questions 1 – 8 as instructed in the document received from Michael Morris at the Invercargill City Council.

Question 1:**Do you support the draft policy provisions regarding sensitive premises?**

The Southland Branch of Hospitality New Zealand (HNZ) does support the draft policy provisions regarding sensitive premises as this has not changed from the current Local Alcohol Policy (LAP). The Southland Branch of HNZ agrees with the 'status quo'.

Question 2:**Please provide any comments you may have on sensitive premises.**

As above, the Southland Branch of HNZ agrees with there being no changes re sensitive premises.

Question 3:**Do you support the trading hours proposed in the draft policy?**

The Southland Branch of HNZ does support the proposed trading hours in the draft policy, as these have not changed from the current LAP. The Southland Branch of HNZ agrees with the 'status quo'.

Question 4:**Please provide any comments you may have on trading hours.**

As above, the Southland Branch of HNZ agrees with there being no changes to trading hours.

Question 5:**Do you support the discretionary conditions outlined in the draft policy?**

The Southland Branch of HNZ does not agree with the discretionary condition re 'staffing'.

Question 6:**Please provide any comments you may have on discretionary conditions.**

The Southland Branch of HNZ does not agree with the discretionary condition re 'staffing' in the proposed LAP.

The object of the Sale and Supply of Alcohol Act 2012 is that:

- (a) the sale, and consumption of alcohol should be undertaken safely and responsibly; and
- (b) the harm caused by excessive or inappropriate consumption of alcohol should be minimised

How can these objects of the Act be enforced when this discretionary condition allows for Clubs to serve alcohol without the requirement for a Licensed Manager to be onsite. Hotels, Taverns and Restaurants all require a certified Manager to be present whenever alcohol is sold and supplied, therefore the same requirement should be applicable to Clubs. We would like to see this point adjusted to; 'the requirement for a duty manager to be on the premises at all times when alcohol is being sold or supplied'.

Question 7:**Is there anything else you would like to see included in a Local Alcohol Policy?**

The Southland Branch of HNZ would like to continue to work under exactly the same LAP conditions. Therefore a 'status quo' approach.

Question 8:

Please provide any other comments you may have on the Combined Local Alcohol Policy.

The Southland Branch of HNZ support the Invercargill City and Southland District Councils regarding there being no changes to On and Off licence trading hours.

We would like to see there being no requirement for another LAP review until 2025.

We would like to have the opportunity to give an oral submission. We understand these will be held at the end of August 2019.

It is imperative that Councils align themselves with our Industry to be knowledgeable. This will lead to clear and effective communication and better decision making.

We thank the Invercargill City and Southland District Councils for the opportunity to submit on this proposal. We would like to see a sensible and effective Local Alcohol Policy that reflects the Council's responsibilities to the community and to local businesses.

Organisation:

ILT

First Name: Greg**Last Name:** McElhinney**Would you like to present your submission in person at a hearing?**

I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

7. Is there anything else you would like to see included in a Local Alcohol Policy?

8. Please provide any other comments you may have on the Combined Local Alcohol Policy.

Please see attachment

Attached Documents

File
Submission on the draft Combined Local Alcohol Policy 2019
Draft Combined Local Alcohol Policy

INVERCARGILL LICENSING TRUST
Submission on the draft Combined Local Alcohol Policy
2 August 2019

1. Invercargill Licensing Trust (ILT) has reviewed the draft Combined Local Alcohol Policy issued for consultation earlier this year.
2. ILT holds 15 on licences, and 14 off licences in the Invercargill area.
3. ILT has only one substantive issue with the policy as drafted. On page 18, under the Section headed “Policy Review” it is stated that on 6 yearly reviews information relating to alcohol related harm will be gathered from various regulatory or public bodies, namely licensing inspectors, SDHB, Public Health South, and Police. Presumably this evidence is intended to inform any re-draft of the policy.
4. It is submitted that information should also be sought from the industry at large. There will likely be evidence available on various practical matters, for example the effectiveness and methods of Controlled Purchase Operations, the various levels and prevalence of intoxication, and the effectiveness of ways by which compliance is enforced.
5. Hotel proprietors and managers in general have a vested interest in mitigating alcohol related harm and information about relevant matters from them before any re-draft will provide a much more complete picture to support decisions about changes that might be proposed.

ILT Contact details – Greg McElhinney

Organisation:

Alcohol Healthwatch

First Name: Nathan**Last Name:** Cowie**Would you like to present your submission in person at a hearing?**

Yes

Additional requirements for hearing:

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

1. Do you support the draft policy provisions regarding sensitive premises?

- ☐ Yes
☒ No
☐ Unsure
-

2. Please provide any comments you may have on sensitive premises.

Please refer to the attached submission document.

3. Do you support the trading hours proposed in the draft policy?

- ☐ Yes
☒ No
☐ Unsure
-

4. Please provide any comments you may have on trading hours.

Please refer to the attached submission document.

5. Do you support the discretionary conditions outlined in the draft policy?

- ☒ Yes

- ☐ No
- ☐ Unsure
-

6. Please provide any comments you may have on discretionary conditions.

Please refer to the attached submission document.

7. Is there anything else you would like to see included in a Local Alcohol Policy?

Please refer to the attached submission document.

8. Please provide any other comments you may have on the Combined Local Alcohol Policy.

Please refer to the attached submission document.

Attached Documents

File
Alcohol Healthwatch submission to Invercargill Southland Draft LAP 2019 review
Draft Combined Local Alcohol Policy



**Submission on the joint Southland District Council and Invercargill City Council Draft
Local Alcohol Policy (Review)**

August 5, 2019

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 and fetal alcohol spectrum disorder; and coordinating or otherwise supporting community action projects.

Thank you for the opportunity to provide feedback on the Southland District Council and Invercargill City Council Draft Local Alcohol Policy (Review).

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

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

Nathan Cowie
Health Promotion Advisor
Alcohol Healthwatch

Introduction

1. Firstly, we would like to commend the Southland District Council and Invercargill City Council on their commitment to reviewing their Local Alcohol Policy (LAP) earlier than the mandatory and maximum six-year time limit. Trends in drinking and harm can change every year, so it is important that the LAP meets the contemporary needs of the community.
2. We strongly believe that a LAP is a package of measures which, when used comprehensively, can significantly minimise high rates of hazardous drinking and subsequent alcohol-related harm in urban and rural areas. For this reason, we recommend that the LAP is considered not just as a collection of isolated elements but as a cohesive package to reduce alcohol-related harm, insofar as can be achieved with measures relating to licensing.
3. A LAP which has the effect of reducing the overall availability of alcohol has significant potential to further minimise alcohol-related harm and improve community well-being. Measures that reduce accessibility and availability of alcohol have particular benefits for those who experience significant inequities in harm (i.e. Māori and those socio-economically disadvantaged). By incorporating evidence-based measures to address the physical and temporal availability of alcohol, a LAP can support other harm reduction interventions in the local area and assist in sending a strong signal to communities regarding the harms associated with alcohol consumption.
4. As described in the Invercargill/Southland proposal, the content of a LAP must be determined on its ability to contribute to achieving the object (section 4) of the Sale and Supply of Alcohol Act 2012,¹ that being:
 1. *The sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and*
 2. *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—

 1. *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*
 2. *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).*
5. Therefore, a LAP must seek to do two things: Firstly, it needs to **minimise** the levels of alcohol-related harm that already exists across the region and secondly; it needs to **prevent** further alcohol-related harm from happening (where able).
6. Alcohol Healthwatch **supports** Councils to develop wider alcohol harm reduction strategies beyond LAPs, and also to contribute to discussions on alcohol policy at a national level with a view to influencing alcohol consumption and related harms at a local level.

Prevalence of drinking, hazardous drinking and heavy episodic drinking in the Southern Regional Council area

7. The LAP proposal notes that within the two districts there is concern about the effects of excessive and inappropriate drinking.
8. Recent data² supports this concern, showing that the region has high levels of heavy episodic drinking. Unfortunately, data is not available by Territorial Authority area; only DHB, Regional Council and Public Health Unit boundaries are examined.
9. In comparison to the national prevalence, the age-adjusted prevalence of heavy episodic drinking (6 or more standard drinks on one occasion) among drinkers in the Southern Regional Council area was significantly higher in 2017/18 (38.9% vs. 29.3%, Figure 1).

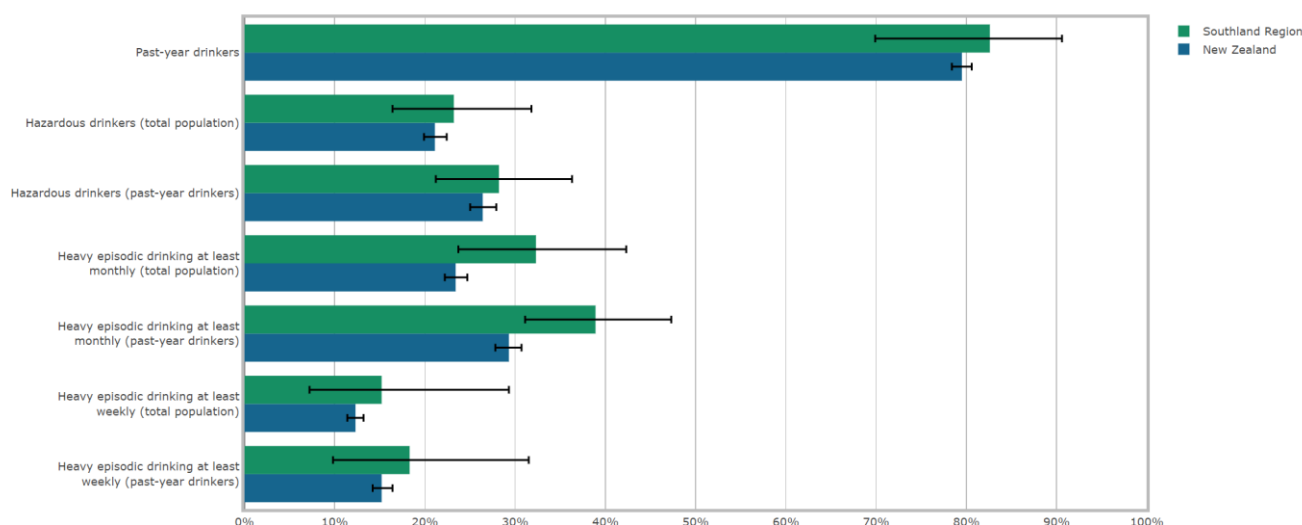


Figure 1. Prevalence of drinking patterns in the Southern Regional Council area (New Zealand Health Survey 2017/18).

10. Males, in particular, show very high levels of hazardous drinking (Table 1). In comparison, the prevalence of hazardous drinking and episodic drinking among females in the Southern Regional Council area is much lower the national prevalence.

Table 1. Prevalence of drinking patterns among males in the Southern Regional Council area (New Zealand Health Survey 2017/18).

	Southern Regional Council (%)	New Zealand (%)	p value for difference
Past-year drinkers	85.8	83.4	0.73
Hazardous drinkers (total population)	38.4	28.5	0.18
Hazardous drinkers (past-year drinkers)	45.3	34.0	0.08
Heavy episodic drinking at least monthly (total population)	43.6	31.7	0.22
Heavy episodic drinking at least monthly (past-year drinkers)	51.3	38.0	0.13
Heavy episodic drinking at least weekly (total population)	27.6	17.7	0.4
Heavy episodic drinking at least weekly (past-year drinkers)	32.4	21	0.37

11. This suggests that strategies that particularly target male drinking are required in the Southern Regional Council region. This will bring benefits not just to the drinker, but also to those harmed by the drinking of others (being disproportionately women and children).³

Proposed Amendments to the Adopted Local Alcohol Policy

12. This submission would be greatly informed by the availability of local evidence or data to help in determining whether the existing LAP has been effective in achieving the object of the Act. Given the very high levels of hazardous drinking among men in the region, and the finding that alcohol use remains the major cause of cause of death and disability in New Zealanders aged 15-49 years⁴, rigorous monitoring and evaluation of the LAP is of paramount importance.
13. Although the new draft reviewed LAP is largely the same as the first adopted LAP, Alcohol Healthwatch has chosen to submit on the entire LAP, in addition to the proposed amendments.

Sensitive sites

14. Alcohol Healthwatch believes the provision that requires consultation when a proposed premises is within 50m of a sensitive site needs widening. We have worked with communities throughout New Zealand to support them in their licensing objections, with our experience showing us that 50m is simply too restrictive. This approach usually means that the provision is only applied to sensitive sites that are directly next door or directly across the road. Sensitive sites that are slightly further away are neglected from this protection. For this reason, we **recommend** that the 50m restriction is increased to at least 100 or 150m.

On-licences

15. Of the mechanisms available in a LAP, restricting the trading hours of licensed premises is likely to have one of the greatest impacts on reducing harm.^{5,6} This is because a consistent and strong body of high-quality evidence has demonstrated the impact of on-licence trading hours on alcohol-related harm.
16. Alcohol Healthwatch **does not support** a maximum closing hour of 3am for on-licences in Invercargill City and throughout the Southland District.
17. The differentiated hours (1am Invercargill non-CBD areas and 3am Southland District) are of concern, and evidence to support this approach is warranted.
18. Alcohol Healthwatch **strongly recommends** that both Councils consider an earlier closing hour of 1am.
19. Alcohol Healthwatch **supports** the inclusion of discretionary conditions for on-licences in the LAP. The Council should consider the inclusion of a one-way door policy in this section.

Off-licences

20. As stated in the LAP proposal "A minority of the alcohol sold is consumed in licensed premises or at licensed events, where there is supervision, control and host responsibility. A majority of alcohol is consumed in situations where there may be little control or supervision."
21. As such, evidence-based strategies to minimise the harm from off-licence availability are essential.

Trading hours

22. Alcohol Healthwatch **does not support** the proposed off-licence trading hours of 7am to 11pm.
23. For reasons listed below, we **recommend** maximum trading hours for off-licences be 10am to 9pm. We are also recommending these hours to all of the 67 Territorial Authorities in New Zealand.
24. New Zealand research has shown that the purchase of alcohol from an off-licence premise after 10pm was approximately twice as likely to be made by heavier drinkers.⁷ We believe that there is no reason to believe that a 9pm closing hour won't offer further protection. International research has also demonstrated significant reductions in alcohol-related hospital admissions (particularly among adolescents and young adults) when off-licence hours are restricted.^{8,9}
25. The decision by the Alcohol Regulatory and Licensing Authority (ARLA) on Auckland Council's Provisional Local Alcohol Policy ([2017] NZARLA PH 247-254) includes reference to a 9pm closing hour. In their decision, the Authority did not consider that the closing hour restriction of 9pm was unreasonable in light of the object of the Act (see paragraph 146).¹⁰
26. Furthermore, in the ARLA decision pertaining to Dunedin Council's Provisional Local Alcohol Policy ([2016] NZARLA PH 21 – 26), it was stated¹¹:

“Consistent with the policy nature of a PLAP, a respondent is entitled to trial a local control where it considers that control will respond to a local problem. Where it can be shown that a proposed control may have a positive effect locally, the Authority will be reluctant to dismiss that policy.”
27. For these reasons, we **strongly recommend** a closing hour of 9pm be trialled across the region and actively monitored.
28. In regards to the early opening hour of 7am, we believe it is not unreasonable to require an off-licence premises to open after 10am. The purpose of the LAP is to minimise harm; this can be addressed through a reduction in the exposure of alcohol (and its advertising) to children on their journey from home to school.
29. Research has documented the association between exposure to alcohol advertising around schools and intentions to use alcohol among very young adolescents.¹² Exposure to in-store displays of alcohol may also predict an increased probability of drinking.¹³ Existing and new outlets will pose a risk in relation to exposure to alcohol advertising.
30. Protecting the current generation (particularly vulnerable groups such as children) from harm can greatly assist in minimising future harm from alcohol use in the communities of the Invercargill and Southland District.
31. Furthermore, a later opening hour will restrict the accessibility of alcohol to those with an alcohol dependence. Social service providers in New Zealand have previously described the negative impact of early opening hours on persons with alcohol dependence.
32. Alcohol Healthwatch believes that there are many more positive benefits accrued from the later opening hour when compared to any loss of profits from the off-licence sector. Furthermore, economic imperatives regarding the chosen elements included in a LAP (e.g. justifying early opening hours using economic reasons) are not permitted.¹⁴

Issue of new licences

33. Alcohol Healthwatch **recommends** that no new off-licences be issued within close proximity of an existing off-licence premises. Examples of restricting off-licences by proximity can be found in the Canadian cities of Calgary (restricting new outlets within 300 metres of existing outlets), and Edmonton (bylaw stipulating a minimum distance of 500 metres between alcohol outlets).^{15,16}
34. Alcohol Healthwatch **recommends** consideration is given to imposing a cap on the number of off-licence bottle stores permitted in deprived areas (areas with NZDep deciles 8,9,10). There is an accumulating body of evidence showing that off-licences are associated with greater levels of harm in deprived areas compared to least deprived areas.¹⁷⁻²¹ Māori and Pacific young males (15-24 years) have also been found to be more negatively impacted by living close to alcohol outlets.²²

Discretionary conditions

35. Alcohol Healthwatch **recommends** the inclusion of discretionary conditions relating to off-licences in the LAP.
36. Alcohol Healthwatch **recommends** including a discretionary condition to control the amount of alcohol advertising that is visible within 500m from schools and early childhood facilities. For example, off-licences that are permitted to override the sensitive site restrictions in the Gisborne LAP must have no external display of alcohol advertising.²³
37. Alcohol Healthwatch further **recommends** provisions that restrict the sale of single alcoholic beverages (single sales). Restrictions on single sales can greatly assist compliance with liquor bans throughout the region and may reduce pre-loading or side-loading surrounding licensed premises.
38. Research has documented the association between single sales and alcohol-related violence and crime.²⁴ Furthermore, an intervention to reduce single sales was found to reduce rates of alcohol-related ambulance attendances among 15 to 24 year olds.²⁵
39. Single units of alcohol are likely to be favoured by those who are heavy drinkers and also price sensitive; namely adolescents and young adults, and those with an alcohol dependence. Many licensees in New Zealand have already signed an undertaking not to offer for sale any single alcoholic beverages from their premises. Some off-licences do already include conditions prohibiting single sales. For example, the Auckland District Licensing Committee²⁶ imposed a condition on a licence that no single sales of:
- i. *Beer or ready to drink spirits (RTDs) in bottles, cans, or containers of less than 440mls in volume may occur except for craft beer; and*
 - ii. *Shots or pre mixed shots.*
40. We see no reason why this provision cannot be included as a discretionary condition within the proposed Local Alcohol Policy.

Club Licences

41. Club licences, in particular those held by sports clubs, have been shown in research to contribute to the risky drinking behaviours among participants at the club.²⁷
42. In addition, club licence density in New Zealand has been shown to be significantly associated with higher levels of violence and a range of alcohol-related offences.^{28,29} **In New Zealand, the effects of club density on violence are shown to be stronger in**

areas with low populations (e.g. rural areas).²⁹ This has significant implications for harm to rural residents in the Southland District Council region. Analysis of Pasifika youth drinking patterns in New Zealand found that participation in a sports team or club outside of school was independently associated with increased risk of binge drinking.³⁰

43. Alcohol Healthwatch **does not support** the proposed maximum trading hours for club licences of 8am to 3am (the following day) Monday to Sunday.
44. Our view, supported by strong research, is that club licences pose a risk for alcohol-related harm and should be subject to the same licensing controls and requirements as on-licences for which the primary revenue is not the sale of alcohol, e.g. restaurants.
45. Club licences have fewer obligations than on-licences, as they are afforded some leniency under the Act. For this reason, club licences should not have the same privileges as on-licence taverns, without operating under the same conditions as these premises. Clubs seeking a level playing field with taverns should seek a tavern licence.
46. Alcohol Healthwatch **recommends** maximum trading hours for club licences of 8am to 11pm Monday to Sunday.
47. Alcohol Healthwatch **supports** the proposed discretionary condition for club licences that requires a qualified manager on duty when alcohol is being sold and supplied during higher-risk periods.

Special Licences

48. Alcohol Healthwatch **recommends** that maximum trading hours for special licences be specified in the LAP. We recommend a 3am limit on trading hours for special licences.
49. Alcohol Healthwatch **recommends** the inclusion and use of discretionary conditions for special licences. For example, where an event with over 1000 attendees (or as otherwise considered appropriate) is taking place, an Event Alcohol Risk Management Plan could be included as a condition.

Monitoring, Evaluation, and Review

50. Alcohol Healthwatch **supports** the list of proposed indicators for the next LAP review.
51. We suggest that a range of indicators could be included in a monitoring and evaluation plan, e.g.:
 - a. number/rate of alcohol-related police events (e.g. drunk custodies, breach of liquor ban, late night assaults, drink-drive offences);
 - b. alcohol-related Emergency Department presentations, wholly-alcohol attributable hospitalisations;
 - c. Crash-analysis data (single, night time vehicle crashes);
 - d. Alcohol consumption data (annual New Zealand Health Survey)
 - e. Feedback from community members and local enforcement agencies (licensing inspectors, Medical Officer of Health, and Police).
52. Alcohol Healthwatch also **recommends** a cautious approach to interpreting monitoring and evaluation data. Changes in reporting practices around alcohol-related Emergency Department presentations, for example, could indicate a higher number of presentations due to more consistent data collection practices. Some indicators may require a longer lead time before harm reductions become detectable, for example alcohol-related chronic

diseases may take a long time to show any change. However, some alcohol-related chronic diseases (e.g. gastritis) may be more responsive to short term changes in the regulation of licensed environments.

Conclusion

53. We **strongly believe** that the current (high) levels of drinking in the region warrant a more restrictive approach being taken in the proposed Draft LAP. Evidence-based measures are available to reduce harm to the local residents, and we believe the Council has a duty to use them. Earlier closing hours for all types of licences is strongly encouraged.

References

- 1 Sale and Supply of Alcohol Act 2012.
<http://www.legislation.govt.nz/act/public/2012/0120/latest/DLM3339333.html>.
- 2 Ministry of Health. New Zealand Health Survey 2017/18: Regional Data Explorer. 2019
https://minhealthnz.shinyapps.io/nz-health-survey-2014-17-regional-update/_w_3f69e21e/_w_8c0dadd/#!/home (accessed Aug 5, 2019).
- 3 Connor J, Casswell S. Alcohol-related harm to others in New Zealand: evidence of the burden and gaps in knowledge. *N Z Med J* 2012; **125**: 11–27.
- 4 Institute for Health Metrics and Evaluation. Institute for Health Metrics and Evaluation. Global Health Data Exchange: GBD Results Tool 2017. <http://ghdx.healthdata.org/gbd-results-tool> accessed 12 June 2018.
- 5 Babor T, Caetano R, Casswell S, *et al*. Alcohol: No ordinary commodity: Research and public policy. Oxford: Oxford University Press, 2010.
- 6 Sanchez-Ramirez DC, Voaklander D. The impact of policies regulating alcohol trading hours and days on specific alcohol-related harms: a systematic review. *Inj Prev* 2018; **24**: 94–100.
- 7 Casswell S, Huckle T, Wall M, Yeh LC. International alcohol control study: pricing data and hours of purchase predict heavier drinking. *Alcohol Clin Exp Res* 2014; **38**: 1425–31.
- 8 Wicki M, Gmel G. Hospital admission rates for alcoholic intoxication after policy changes in the canton of Geneva, Switzerland. *Drug Alcohol Depend* 2011; **118**: 209–15.
- 9 Marcus J, Siedler T. Reducing binge drinking? The effect of a ban on late-night off-premise alcohol sales on alcohol-related hospital stays in Germany. *J Public Econ* 3; **123**: 55–77.
- 10 Alcohol and Regulatory Licensing Authority. Decision: Auckland Council Provisional Local Alcohol Policy. Redwood Corporation et al vs Auckland Council. Wellington, New Zealand: Author, 2017 <https://ourauckland.aucklandcouncil.govt.nz/media/13606/the-alcohol-regulatory-and-licensing-authority-decision.pdf> (accessed Aug 5, 2019).
- 11 Alcohol and Regulatory Licensing Authority. Decision on Dunedin City Council's Provisional Local Alcohol Policy (appeals). Foodstuffs et al vs Dunedin City Council. 2017 https://forms.justice.govt.nz/search/Documents/ARLA/arla_DECN_118352573/ARLA_FULLL.pdf (accessed Aug 5, 2019).

- 12Pasch KE, Komro KA, Perry CL, Hearst MO, Farbakhsh K. Outdoor alcohol advertising near schools: what does it advertise and how is it related to intentions and use of alcohol among young adolescents? *J Stud Alcohol Drugs* 2007; **68**: 587–96.
- 13Collins RL, Ellickson PL, McCaffrey D, Hambarsoomians K. Early adolescent exposure to alcohol advertising and its relationship to underage drinking. *J Adolesc Health* 2007; **40**: 527–534.
- 14Alcohol and Regulatory Licensing Authority. B & M Entertainment Ltd., Capital and Coast District Health Board, Foodstuffs North Island Ltd., Wellington Inner City Residents and Business Association Inc., Medical Officer of Health, New Zealand Police, Progressive Enterprises Ltd., Super Liquor Holdings Ltd. versus Wellington City Council. [2015] NZARLA PH 21-28. Wellington, New Zealand: Alcohol and Regulatory Licensing Authority, 2015.
- 15City of Calgary. City of Calgary Land Use Bylaw. 2018. <http://lub.calgary.ca/>.
- 16City of Edmonton. Edmonton Zoning Bylaw. Section 85. Major Alcohol Sales and Minor Alcohol Sales. https://webdocs.edmonton.ca/InfraPlan/zoningbylaw/bylaw_12800.htm.
- 17Livingston M. A longitudinal analysis of alcohol outlet density and assault. *Alcohol Clin Exp Res* 2008; **32**: 1074–1079.
- 18Karriker-Jaffe KJ, Ohlsson H, Kendler KS, Cook WK, Sundquist K. Alcohol availability and onset and recurrence of alcohol use disorder: Examination in a longitudinal cohort with co-sibling analysis. *Alcohol Clin Exp Res* 2018.
- 19Pridemore WA, Grubestic TH. Community organization moderates the effect of alcohol outlet density on violence. *Br J Sociol* 2012; **63**: 680–703.
- 20Mair C, Gruenewald PJ, Ponicki WR, Remer L. Varying impacts of alcohol outlet densities on violent assaults: explaining differences across neighborhoods. *J Stud Alcohol Drugs* 2013; **74**: 50–8.
- 21Pridemore WA, Grubestic TH. A spatial analysis of the moderating effects of land use on the association between alcohol outlet density and violence in urban areas. *Drug Alcohol Rev* 2012; **31**: 385–93.
- 22Ayuka F, Barnett R, Pearce J. Neighbourhood availability of alcohol outlets and hazardous alcohol consumption in New Zealand. *Health Place* 2014; **29**: 186–99.
- 23Gisborne District Council. Gisborne Local Alcohol Policy, Section 3.1.1. 2018 <http://www.gdc.govt.nz/gisborne-district-local-alcohol-policy/> (accessed Aug 5, 2019).
- 24Parker RN, McCaffree KJ, Skiles D. The impact of retail practices on violence: the case of single serve alcohol beverage containers. *Drug Alcohol Rev* 2011; **30**: 496–504.
- 25Masho SW, Bishop DL, Edmonds T, Farrell AD. Using surveillance data to inform community action: the effect of alcohol sale restrictions on intentional injury-related ambulance pickups. *Prev Sci* 2014; **15**: 22–30.
- 26Auckland District Licensing Authority. Crown Liquor Clendon Wines, see [2018] ADLC 8220013176 April 9th 2018. 2018.

- 27 O'Brien, K K. Commentary on Terry-McElrath & O'Malley (2011): Bad sport—exorcizing harmful substances and other problems. *Addiction* 2011; **106**: 1866–1867.
- 28 Cameron MP, Cochrane W, Gordon C, Livingston M. The locally-specific impacts of alcohol outlet density in the North Island of New Zealand, 2006-2011. Wellington: Health Promotion Agency, 2013.
- 29 Cameron, M.P., Cochrane, W., Livingston, M. The relationship between alcohol outlets and harms: A spatial panel analysis for New Zealand, 2007-2014. 2016.
- 30 Teevale T, Robinson E, Duffy S, *et al.* Binge drinking and alcohol-related behaviours amongst Pacific youth: a national survey of secondary school students. *N Z Med J Online* 2012; **125**.

Organisation:

Health Promotion Agency

First Name: Cathy**Last Name:** Bruce**Would you like to present your submission in person at a hearing?**

Yes

Additional requirements for hearing:

1. Do you support the draft policy provisions regarding sensitive premises?

- ☒ Yes
- ☐ No
- ☐ Unsure

2. Please provide any comments you may have on sensitive premises.

See written submission

3. Do you support the trading hours proposed in the draft policy?

- ☐ Yes
- ☒ No
- ☐ Unsure

4. Please provide any comments you may have on trading hours.

See written submission

5. Do you support the discretionary conditions outlined in the draft policy?

- ☐ Yes

- ☐ No
- ☒ Unsure

6. Please provide any comments you may have on discretionary conditions.

See written submission

Attached Documents

File
Submission Invercargill Southland LAP Review
Draft Combined Local Alcohol Policy

5 August 2019

Southland and Invercargill combined Local Alcohol Policy review
C/- Southland District Council
PO Box 903
Invercargill 9840

To Whom It May Concern

COMBINED LOCAL ALCOHOL POLICY – REVIEW DRAFT

Thank you for providing the opportunity for the Health Promotion Agency/Te Hiringa Hauora (HPA) to comment on the Southland District Council and Invercargill City Council combined Local Alcohol Policy (LAP) review.

HPA wishes to speak to this submission.

HPA is a Crown agent that supports the health and wellbeing of New Zealanders. Our key role is to lead and support health promotion initiatives to:

- promote health and wellbeing and encourage healthy lifestyles
- prevent disease, illness and injury
- enable environments that support health, wellbeing and healthy lifestyles
- reduce personal, social and economic harm.

HPA has alcohol-specific functions to:

- give advice and make recommendations to government, government agencies, industry, non-government bodies, communities, health professionals and others on the sale, supply, consumption, misuse and harm of alcohol as those matters relate to HPA's general functions
- undertake, or work with others, to research alcohol use and public attitudes to alcohol in New Zealand and problems associated with, or consequent on, alcohol misuse.

LAP REVIEW

HPA is pleased that Southland and Invercargill are reviewing their current LAP. Undertaking an earlier review offers an opportunity to assess whether the current LAP is meeting its policy objectives, and provides a further opportunity for the community to have input into 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 minimised¹. LAPs play an important role in meeting these objectives and provide councils with a mechanism to reflect the needs of the community and to minimise the harm caused by alcohol locally.

HPA was therefore disappointed to see that the LAP is largely unchanged, especially given that in the background information both councils recognise that within their districts there is a concern about the effects of excessive and inappropriate drinking. A restrictive LAP provides one of the key ways to minimise alcohol-related harm locally.

KEY ISSUES SECTION

Identifying the problem section could be better worded to reflect what the problem is. The overarching problem isn't about who sells it (on-licences versus off-licences) but rather the negative health and social consequences that alcohol use can have on our communities. These consequences include health conditions and injuries, hospital admissions, deaths, road accidents and assaults. LAPs provide an opportunity to control the adverse effects created by the misuse of alcohol and provides an opportunity for the community to shape local solutions for local problems.

It is a priority to reduce the harm caused by alcohol misuse. To assist with clarity, the content of this sub-section could be replaced with a vision, purpose and/or policy objective(s). Examples from other LAPs include:

- To support the objective of the Sale and Supply of Alcohol Act 2012 and contribute to the safety and health of the district.
- To govern the sale, supply, and consumption of alcohol so that it is undertaken safely and responsibly.
- To minimise the harm caused by the excessive or inappropriate consumption of alcohol.
- To provide clear and transparent guidance for licensing decisions.
- To reflect the view of the community with regard to the sale and supply of alcohol.
- To reflect our communities' character, amenity, values, preference and needs.
- To support the welfare of our community and protect our people from alcohol-related harm.

Recommendation

1. That the identifying the problem and priority sections are updated to provide a clearer picture of the harm and the aims of the LAP.

¹ Sale and Supply of Alcohol Act 2012. <http://www.legislation.govt.nz/act/public/2012/0120/84.0/DLM3339333.html>

ENGAGEMENT

HPA encourages and supports territorial authorities to develop policies that are well consulted and reflect local community views. For this reason HPA recommends that in the early stages of the development of the draft LAP, engagement with a broad sector of the community and stakeholders is undertaken. 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. It was unfortunate that regional monitoring reports, statistics on alcohol harm and alcohol-related crime reports were not available as part of the review and available to submitters. Without these available it is difficult to assess whether the current LAP has made a difference and whether particular parts of it should be strengthened.

SENSITIVE PREMISES

The Law Commission's consultation found that communities feel strongly about the location of premises where alcohol is sold². The purpose of policies around location are to protect the most vulnerable and to limit the growth of premises in areas that have sensitive sites. Therefore, HPA supports the list of recommended sensitive sites and the requirement for applicants to provide evidence of consultation with all applicable sensitive premises within 50m of the proposed premises. This is a great way to ensure that neighbours (landowners and tenants) of the proposed premises are aware of the application and able to voice any concerns they may have.

TRADING HOURS

HPA encourages territorial authorities to set maximum trading hours that are appropriate for the location, minimise harm, and take into account the views of the community.

On-licensed premises

Although New Zealand-based studies are limited, there is strong and reasonably consistent evidence from a number of countries that limits on trading hours of on-licensed premises are effective in reducing both consumption and alcohol-related harm. There is an established relationship between on-licence trading hours and levels of harm^{3,4}, with substantial increases in assaults for every additional hour of trading and vice versa⁵.

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: Law Commission.

³ Miller, P 2013, Patron Offending in Night-Time Entertainment Districts (POINTED), monograph series no. 46, National Drug Law Enforcement Research Fund, p. 220;

⁴ Manton, E, Room, R, Giorgi, C & Thorn, M (eds.) 2014, *Stemming the tide of alcohol: liquor licensing and the public interest*, Foundation for Alcohol Research and Education.

⁵ Kypri, K, Jones, C, McElduff, P & Barker, D 2011, 'Effects of restricting pub closing times on night-time assaults in an Australian city', *Addiction*, vol. 106, no. 2, pp. 303-10; Rossow, I & Norstrom, T 2012, 'The impact of small changes in bar closing hours on violence. The Norwegian experience from 18 cities', *Addiction*, vol. 107, no. 3, pp. 530-7.

Overseas research has demonstrated that reducing on-licence hours late at night can substantially reduce rates of violence, associated ambulance callouts, hospital admissions and alcohol-related harm^{6,7}. Given this evidence, we encourage Invercargill and Southland to re-consider whether the benefits of later trading hours outweighs the harm and costs to the community.

Off-licensed premises

One New Zealand study has shown that drinkers purchasing alcohol from off-licensed premises after 10pm were more likely to be heavy consumers⁸. There are also suggestions from recent research that limiting off-licence trading hours after 9pm may reduce harm^{9,10}.

HPA was therefore surprised to see that trading hours for off-licences have not been reviewed. Very few LAPs have off-licence hours from 7am-11pm. Communities consistently raise concerns around trading hours and therefore HPA does not support the view that providing a service is more important than mitigating the risks associated with longer availability. Many councils who have developed LAPs have taken the opportunity to limit availability with the most common trading hours being 7am – 9pm/10pm¹¹. HPA supports a consistent approach to all off-licences within a territorial boundary having the same trading hours.

Club licences

HPA would also like to reiterate our feedback on club licence hours from our submission on the original draft policy. HPA questions whether it is necessary for clubs to trade to from 8am to 3am. These are the most relaxed club trading hours that HPA has seen in the around 40 draft LAPs that we have submitted on. HPA thinks that 1am, or earlier, is more appropriate for this type of premises. Clubs often attract younger people and are not immune to high levels of harm. If on occasion a club would like to trade later for an event, special licences are available.

Hours element within LAP

HPA suggest separating the hours of operation into separate elements for each type of premises and for the onset of trading and the end of trading hours. This will save the whole element (ie, start of trading and the end of trading) being deemed unreasonable if it is appealed to ARLA, and

⁶ Wilkinson, C., Livingston, M., Room, R. (2016). Impacts of changes to trading hours of liquor licences on alcohol-related harm: a systematic review 2005-2015. *Public Health Res Pract.* 2016;26(4):e2641644

⁷ Sanchez-Ramirez DC & Voaklander D (2018) The impact of policies regulating alcohol trading hours and days on specific alcohol-related harms: a systematic review. *Inj Prev.* 2018 Feb;24(1):94-100. doi: 10.1136/injuryprev-2016-042285. Epub 2017 Jun 24.

⁸ Casswell, S., Huckle, T., Wall, M., Yeh, L.C. (2014). International Alcohol Control (IAC) study: pricing data and hours of purchase predict heavier drinking. *Alcoholism: Clinical and Experimental Research.* 38(5): 1425-1431

⁹ Sherker A, Stockwell T, Chikritzhs T, Andréasson S, Angus C, Gripenberg J, Holder H, Holmes J, Mäkelä P, Mills M, Norström T, Ramstedt M, Woods J. (2018). Alcohol Consumption and the Physical Availability of Take-Away Alcohol: Systematic Reviews and Meta-Analyses of the Days and Hours of Sale and Outlet Density. *J Stud Alcohol Drugs.* 2018 Jan;79(1):58-67.

¹⁰ Atkinson J.A., Prodan A., Livingston M., Knowles D., O'Donnell E., Room R., Indig D., Page A., McDonnell G. & Wiggers J. (2018) Impacts of licensed premises trading hour policies on alcohol-related harms. *Addiction.* 2018 Jul;113(7):1244-1251. doi: 10.1111/add.14178. Epub 2018 Mar 2.

¹¹ Jackson, N. (2016). A review of Territorial Authority progress towards Local Alcohol Policy development. Auckland: Alcohol Healthwatch

ARLA finds only a part of it unreasonable. This was the situation in the Auckland Provisional LAP appeal.¹²

Recommendations

2. That the councils consider reducing the trading hours for on-licences.
3. That off-licence trading hours are reduced to 9pm or 10pm
4. That club hours are reduced to be more in line with the rest of New Zealand
5. That trading hours are separated out into individual elements.

DENSITY PROVISIONS

The overwhelming majority of New Zealand^{13,14} and international studies¹⁵ find that the more alcohol outlets of all types there are in a region the more evidence there is of crime and violence. The evidence also shows that the demographic make-up of the area is a factor in the strength of this association¹⁶.

While there is consistency about increased harms linked to increased density, there are mixed conclusions over whether increased consumption results from increased density. Positive associations have been found between alcohol outlet density and both individual level binge drinking and alcohol-related problems which are independent of individual and neighbourhood socioeconomic status¹⁷. However, Babor et al¹⁸ found that the evidence in support of links between outlet density and consumption was mixed. One alternative explanation is that dense clustering of alcohol outlets in entertainment districts attracts violence prone patrons and increases the number of interactions among drinkers, which in turn increases the likelihood of violent incidents¹⁹.

¹² Redwood Corporation Limited vs Auckland City Council [2017] NZ ARLA PH 247-254 sections 158-159.

¹³ Cameron, M.P., Cochrane, W., Gordon C., & Livingston M. (2016a). Alcohol outlet density and violence: a geographically weighted regression approach. *Drug and alcohol review*

¹⁴ Cameron, M.P., Cochrane, W., Gordon C., & Livingston M. (2016b). Global and locally-specific relationships between alcohol density and property damage: Evidence from New Zealand. *Australasian Journal of Regional Studies*, The, 22(3), 331.

¹⁵ Taylor N., Miller P., Coomber K., Mayshak R., Zahnow R., Patafio B., Burn M. & Ferris J. (2018) A mapping review of evaluations of alcohol policy restrictions targeting alcohol-related harm in night-time entertainment precincts. *Int J Drug Policy*. 2018 Dec;62:1-13. doi: 10.1016/j.drugpo.2018.09.012. Epub 2018 Oct 19.

¹⁶ Cameron, M. P., Cochrane, W., Gordon, C., & Livingston, M. (2013). *The locally-specific impacts of alcohol outlet density in the North Island of New Zealand, 2006-2011*. Research report commissioned by the Health Promotion Agency. Wellington: Health Promotion Agency.

¹⁷ Connor J. Kypri K., Bell M. & Cousins K. (2011). Alcohol outlet density, levels of drinking and alcohol-related harm in New Zealand: A national study. *Journal of epidemiology and community health*. 65. 841-6. 10.1136/jech.2009.104935.

¹⁸ Babor et al (2010). *Alcohol no ordinary commodity: Research and public policy*. Second Edition. Oxford University Press.

¹⁹ Gruenewald P. 2007. 'The spatial ecology of alcohol problems: niche theory and assortative drinking'. *Addiction*, 102: 870-878. doi: 10.1111/j.1360-0443.2007.01856.x

Off-licence premises

When off-licensed premises cluster together, particularly in low income suburban areas, competition between outlets has been found to lead to lower prices, longer opening hours, and later weekend closing times²⁰ which stimulates demand and contributes to alcohol-related harm.

There is a broad range of alcohol-related harms, including domestic violence anti-social behaviour and sexual offences and other alcohol-related harms^{21,22}, linked to high density of off-licences. One study has suggested that for off-licences, the amount of alcohol sold is a more significant factor than outlet density²³.

On-licence and club premises

On-licence density is significant in inner city entertainment areas in terms of violence and assaults. Bar and nightclub density has a significant positive association with all categories of police events and with motor vehicle accidents²⁴.

Overall, the evidence behind outlet density contributing to alcohol-related harm is strong. We therefore support councils to utilise tools that will assist with limiting the numbers of outlets. A number of councils around New Zealand have developed measures for reducing density within their draft LAPs, especially in communities where there is already high community stress and/or alcohol-related harm. Measures include local impact reports, implementing freezes on new off-licences (or specifically bottle stores), and implementing caps on the number of off-licences (or specifically bottle stores) in a particular area. We therefore encourage Southland and Invercargill to consider a policy around whether further licences (or licences of a particular kind or kinds) should be issued for premises in the district, or any stated part of the district.

Recommendation

6. That the councils include a policy around the number of licensed premises (density).

DISCRETIONARY CONDITIONS

We continue to support the use of discretionary conditions by District Licensing Committees. We suggest that the sentence "The Committees can impose such conditions they deem to be

²⁰ Cameron, M.P., Cochrane, W., McNeill, K. Melbourne, P., Morrison, S.L., Robertson, N. (2010b). *The spatial and other characteristics of liquor outlets in Manukau City: The impacts of liquor outlets report no.3*. Wellington: Alcohol Advisory Council of New Zealand.

²¹ Livingston, M 2008, 'A longitudinal analysis of alcohol outlet density and assault, *Alcoholism: Clinical and Experimental Research*, vol. 32, no. 6, pp. 1074-9.

²² Livingston, M 2013, 'To reduce alcohol-related harm we need to look beyond pubs and nightclubs', *Drug and Alcohol Review*, vol. 32, no. 2, p. 113-14.

²³ Liang, W & Chikritzhs, T 2011, 'Revealing the link between licensed outlets and violence: counting venues versus measuring alcohol availability', *Drug and Alcohol Review*, vol. 30, no. 5, pp. 524-35.

²⁴ Cameron, M. P., Cochrane, W., Gordon, C., & Livingston, M. (2013). *The locally-specific impacts of alcohol outlet density in the North Island of New Zealand, 2006-2011*. Research report commissioned by the Health Promotion Agency. Wellington: Health Promotion Agency.

appropriate, from the list” is removed. The first sentence of that section reflects better what they Act allows.

Recommendation

7. That “The Committees can impose such conditions they deem to be appropriate, from the list” be removed.

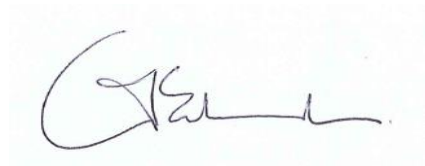
MINOR CHANGES

8. CPTED Principles Definition – the document referred to is Crime Prevention through Environmental Design. This document was written by the Ministry of Justice (not the Ministry for the Environment) and was an urban planning, design and place management tool, and does not consider the design and layout of licensed premises. It would be more appropriate to refer to the two HPA documents that were developed specifically to assist licensed premises. Safer bars and restaurants – A guide to Crime Prevention through Environmental Design (CPTED) and Safer bottle stores – A guide to Crime Prevention through Environmental Design (CPTED) are both available from alcohol.org.nz.
9. There is a minor typo in the following sentence “It is a priority to reduce the harm cause by alcohol misuse” should read “....caused by alcohol misuse”.

CONCLUSION

Once again, thank you for the opportunity to comment on the Southland and Invercargill LAP review. Please do not hesitate to contact Cathy Bruce, Principal Advisor Local Government, if you would like to discuss any parts of this submission further.

Yours sincerely



Cath Edmondson
General Manager Policy, Research and Advice

Organisation:

WellSouth Primary Health network

First Name: Bridget

Last Name: Rodgers

Would you like to present your submission in person at a hearing?

I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

1. Do you support the draft policy provisions regarding sensitive premises?

- ☒ Yes
☐ No
☐ Unsure
-

2. Please provide any comments you may have on sensitive premises.

Please see submission attached for comments

3. Do you support the trading hours proposed in the draft policy?

- ☒ Yes
☐ No
☐ Unsure
-

4. Please provide any comments you may have on trading hours.

5. Do you support the discretionary conditions outlined in the draft policy?

- ☒ Yes
☐ No
☐ Unsure
-

6. Please provide any comments you may have on discretionary conditions.

SUBMISSION ON INVERCARGILL CITY, AND SOUTHLAND DISTRICT COUNCILS STATEMENT OF PROPOSAL– DRAFT COMBINED LOCAL ALCOHOL POLICY

To:	Invercargill City Council Private Bag 90104 INVERCARGILL 9840	Southland District Council PO Box 903 INVERCARGILL 9840
------------	---	---

Details of Submitter: WellSouth Primary Health Network

Address: WellSouth Primary Health Network

Contact Person: Bridget Rodgers
Health Promotion Specialist

Due Date: 5th August 2019

Introduction

This submission was developed by the Health Promotion Team at WellSouth Primary Health Network (WellSouth).

WellSouth is a charitable trust funded by the Southern District Health Board to provide primary health care services to residents enrolled with general practices in Otago and Southland. These services include first contact support to restore people's health when they are unwell, as well as range of programmes to improve access to health care services to promote and maintain good health. The health promotion programme facilitates the process of enabling people to increase control over, and to improve, their health. One aspect of health promotion is to advocate for healthy social, cultural and physical environments.

General Comments

Local government is an important and powerful influence on the health and wellbeing of communities and populations. One of the principles local government should act in accordance with is *the social, economic, and cultural interests of people and communities*,¹ and to take a role in meeting the current and future needs of their communities².

The decisions local government makes affect the determinants of health – public policy has a profound impact on health status – in fact, some of the most profound health improvements of all time are due

¹ Section 14 *Local Government Act 2002* post 2012 amendments.

² Section 3 *Local Government Act 2002*.

to public policy changes. As such, local government has the ability to improve population health, and reduce inequalities. A population that is healthy is more able and more likely to fully participate in employment and contribute to a vibrant and productive local community.

WellSouth commends Invercargill City Council and Southland District Council on the initial development and current review of the combined Local Alcohol Policy (LAP). Local Alcohol Policies provide councils with the opportunity to increase the safety of drinking environments within their communities by restricting both alcohol outlet density and the opening hours in which alcohol can be sold. The Law Commission's report "Alcohol in our Lives: Curbing the Harm" included a substantial review of the evidence concerning the relationship between alcohol availability and alcohol-related harm. This report also specifically noted that "regulating the physical availability of alcohol through restrictions on time, place and density of outlets" is one of the "major policy levers available to reduce alcohol-related harm".³

Specific Comments

Sensitive Premises

WellSouth supports the draft policy provisions regarding sensitive premises. This list includes, but is not limited to, schools or facilities providing for the education or care of children, any place of religious gathering, any residential activity or any community facility. Allowing alcohol outlets to operate near sensitive sites in a similar manner to that of any other shop or service acts to normalise alcohol in children's minds. This normalisation encourages children and youth to think of alcohol as a product in the same way as any other normal, unrestricted commodity⁴.

Trading Hours

WellSouth supports the maximum trading hours for the sale, supply and consumption of alcohol provisions as detailed in the draft LAP. Research shows there is strong and reasonably consistent evidence from a number of countries that changes to reduce hours of trade results in significant impacts that reduce both the volume of alcohol consumed and the rates of alcohol related problems.⁵

Discretionary Conditions

WellSouth supports the discretionary conditions outlined in the LAP including, but not limited to, premises layout and design, staffing, host responsibility, amenity and good order, management of incidents and using CPTED principles.

Numbers of Alcohol Outlets

WellSouth recommends the Invercargill City Council and Southland District Council consider managing the total number and density of alcohol outlets through the LAP. Number of outlets could be managed either via a regional cap on all licensed premises in the district or by being applied to a specific licence

³ The 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.

⁴ <http://www.ahw.org.nz/Portals/5/Resources/Documents-other/2014/Helpful%20LAP%20info%20website%202015.1.14.pdf>

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

type, such as. Off-licences. Higher numbers of off- and on- licenced premises is associated with a higher total number of police events. In particular, off-licence density is associated with higher levels of anti-social behaviours, drug and alcohol offences, family violence, property abuse and damage, traffic offences and motor vehicle accidents. On- licence density is associated with higher levels of dishonesty offences and property damage.⁶

We do not wish to be heard in support of this submission.

⁶ 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.