



R E P O R T	TO	MAYOR AND COUNCILLORS
	FROM	MANAGER: PLANNING AND ENVIRONMENTAL SERVICES
	FILE REF	476218
	DATE	6 APRIL 2009
	SUBJECT	SALE AND SUPPLY OF LIQUOR AND LIQUOR ENFORCEMENT BILL

RECOMMENDATION

THAT the report be received.

INTRODUCTION

Local Government New Zealand (LGNZ) supports the Sale and Supply of Liquor and Liquor Enforcement Bill. They consider it to be a practical and useful response to managing alcohol in our communities and providing greater community input into decision making. They consider that locally based alcohol policies (plans) are the best mechanism for providing community input into decision making, considering local impacts and taking a comprehensive approach to alcohol related issues and liquor licensing. Submissions are due on this Bill by 23 April 2009.

One of the proposals of the Bill is that each Territorial Authority develops a "Local Alcohol Plan" (LAP). This plan involves the following:

The Bill empowers any territorial authority to adopt, amend, or revoke a plan relating to the sale or consumption of alcohol within its district, or any part or parts of its district (a **local alcohol plan**).

A local alcohol plan can be adopted (or amended or revoked) only by using the special consultative procedure provided for in the Local Government Act 2002.

The Bill states that a local alcohol plan may include requirements relating to any or all of the following matters (in relation to outlets for the sale of liquor generally, outlets for the sale of liquor holding a licence of any particular kind, or both):

- the hours during which liquor may be sold:
- where outlets may be located:
- a maximum density for outlets:
- a minimum distance outlets must be from—

- particular community premises; or
- community premises of any particular kind:
- responsible business practices and event management:
- information to be submitted with applications for the granting or renewal of a licence:
- the submission of social impact reports with applications for the granting or renewal of licences:
- the matters to be contained in social impact reports:
- the persons by whom social impact reports are to be prepared:
- conditions that are to be or may be imposed on licences:
- criteria to be used in assessing applications for the granting or renewal of licences:
- a policy on how any criteria or conditions in the plan are to be applied to applications for the granting or renewal of licences.

DISCUSSION

The social and economic costs of alcohol in New Zealand are significant. While the local government sector supports this Bill, LGNZ strongly believe that a lot more needs to be done to address the sale, supply and consumption of alcohol in New Zealand. The Explanatory Note general policy statement to the Bill is attached for your information. In summary, this Bill would make the following changes of particular significance to local government:

1. Prohibit the supply of liquor to a minor by anyone other than a minor's parent or guardian, or a person that has the consent (implied or explicit) of the minor's parent or guardian - **LGNZ supports the intent of these provisions but has concerns about their practicality and ability to be effectively implemented.**
2. Tighten definitions to stop the sale of liquor by convenience and small grocery stores – applications relating to groceries with an area under 150m² will have to be dealt with by the Liquor Licensing Authority, even if they are unopposed. - **LGNZ supports the intent of these provisions, but considers that the size limit should be increased to 200m².**
3. Clarify that supermarkets (and grocery stores) cannot extend the range of liquor they sell beyond wine, beer, cider, and mead, by any means - **LGNZ supports this provision.**
4. Preventing the establishment of liquor stores within stores or immediately adjacent to the supermarket or other store - **LGNZ supports this provision.**
5. Make it explicit that local alcohol plans must be given effect to in licensing decisions - **LGNZ strongly supports these provisions.**

LGNZ prefers the term Local Alcohol Policy to “Local Alcohol Plan”.(LAP) They suggest that what the Act envisages is more akin to other policies developed by local government such as Gambling Venue Policies. They consider that Local Alcohol Policies should provide a contextual framework for the consideration of local responses, including, but not limited to liquor licensing policy.

The Bill provides for “Local Alcohol Plans” be given effect in decisions relating to on-licences. They cover applications, variations and renewals, and the provisions are essentially repeated for each type of on-licence.

Under the current process:

- Unopposed applications can be granted by the District Licensing Agency (DLA) - with or without conditions.
- Opposed applications go to the Liquor Licensing Authority (LLA).

The Bill proposes that applications will have to be consistent with the LAP. This means that:

- Unopposed applications consistent with LAP can be granted by DLA.
- Unopposed applications inconsistent with LAP can be granted by DLA with conditions that ensure it becomes consistent with the LAP.
- Unopposed applications that cannot be made consistent with the LAP through conditions can be declined by the DLA (and appealed to the LLA).
- Opposed applications will still go straight to the LLA.

6. Provide for social impacts to be considered in liquor licensing decisions - **LGNZ supports these provisions provided that social impact assessments remain non-mandatory.**

7. Provide for longer temporary closures of licensed premises - **LGNZ supports this provision.**

CONCLUSION

The impact of this Bill will provide tighter controls on the sale and supply of Liquor within our District. It will provide the District with greater decision powers as to the location of liquor outlets with the introduction of Local Alcohol Plans.

It is recommended that we support the stance taken by LGNZ on this Bill and we submit our comments through them by their deadline of 16th April 2009.

Peter Thom
Manager: Planning and Environmental Services.

Attachment:

Sale and Supply of Liquor and Liquor Enforcement Bill

Government Bill

Explanatory note

General policy statement

This Bill proposes to amend the Sale of Liquor Act 1989, the Summary Offences Act 1981, and the Land Transport Act 1998, to implement recommendations arising from the Review of the Sale and Supply of Liquor to Minors and the Review of the Sale of Liquor and

Liquor Enforcement Issues (the **Targeted Review**).

The Bill also introduces into the Sale of Liquor Act 1989 a new system of enforced self-regulation of alcohol advertising arising out of the Review of the Regulation of Alcohol Advertising.

Objectives

In seeking to address the drinking behaviours of minors an integrated approach is necessary. Solutions rely on changing the behaviour of individuals and communities. This involves a supportive regulatory environment, public awareness and ownership of issues, understanding of rights and responsibilities, and consistent and effective enforcement.

Improving compliance by industry will also make a contribution. The proposals in the Bill are intended to contribute to this change.

Research indicates that parents are the main suppliers of alcohol to minors (60% of minors identify parents as the primary source of supply). Around 30% of supply is by friends and 10 to 15% is purchased from licensed premises by minors themselves. In the context of these findings, the large majority (92%) of parents agree that the primary responsibility for helping teenagers learn how to handle alcohol responsibly belongs to parents.

Common locations where minors consume alcohol are their own home, someone else's home and public places.

There is also increasing concern regarding the extent of alcohol-related harm, and communities are frustrated by their inability to manage that harm. There is a need to improve local control over where, to whom, when, and how alcohol can be sold in communities, to ensure that social impact is taken into account in licensing conditions.

In this context, the policy objectives of the Bill are to:

- support a more moderate drinking environment and culture to reduce the normalisation of youth drinking;
- enhance the responsibility of friends and adults who supply alcohol to minors;
- increase youth responsibility and accountability; and
- improve compliance and responsibility of industry; and
- increase community input into licensing decisions; and

- clarify the types of premises that may hold off-licences.
- Amendments to Land Transport Act 1998*

Inexperienced drivers are particularly at risk of alcohol-related crashes. These proposals aim to make it clear to young, inexperienced drivers that alcohol and driving do not mix. So there can be no doubt, drivers aged under 20 years who do not have a full licence will have an alcohol limit of zero.

Enforced self-regulation of alcohol advertising

A review of the current voluntary self-regulatory system for alcohol advertising found a small but significant association between the level of exposure to alcohol advertising and alcohol consumption. The review recommended improvements to move to a system of enforced self-regulation. This Bill proposes a new legislative system that outlines the public policy goals of the proposed system, roles of the responsible body, and offences and sanctions.

The policy objectives are to:

- ensure that alcohol advertising is not inconsistent with the promotion of responsibility and moderation in liquor consumption; and
- minimise overall exposure to alcohol advertising to children and young people under the minimum legal purchasing age; and
- ensure that alcohol advertising does not hold strong appeal to minors.