

# Local Alcohol Policies - Are they part of the solution?

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# Presentation overview

- Brief context for Local Alcohol Policies
- Quick refresh on what a Local Alcohol Policy is and is not
- In a perfect world – LAP's potential to reduce alcohol-related harm
- In the real world – where have we got to
- Issues emerging
- What can we do now

# Context for LAPs

- Sale and Supply of Alcohol Act 2012
- It's object and intent
- Other provisions in the Act
- Establishes the provisions for LAPs and the required process for developing them

# Local Alcohol Policies

A Local Council **may** develop a policy

Two or more Councils may adopt a single policy

Cover **licensing matters only**

- Location, number of premises, **trading hours**, discretionary conditions, one-way door restrictions.

# Local Alcohol Policies

## Required to follow-up specific process

- Produce a draft in consultation with NZ Police, Medical Officer of Health and licensing inspectors
- Consider objectives of the District Plan and other matters such as: *existing licences, demographics, health indicators and nature/severity of alcohol related problems*
- Produce a “provisional policy” by consulting on draft policy using special consultative procedure.

# Local Alcohol Policies

SSAA 2012 also sets out the processes for:

- Appeals including notifications, who can appeal and the grounds for appeal.

Only those who submitted on the draft LAP can appeal and “...that it is unreasonable in the light of the object of the Act” only ground for appeal.

- Amending, revoking LAPs etc

A LAP must be reviewed every 6 years

# In a Perfect World



- Alongside one or two other provisions – LAPs offer a powerful leverage to reduce the accessibility and availability of alcohol – one of our “best buys”
- Evidence supports this being effective at reducing alcohol-related harm
- Cumulative impact – **the smokefree experience**



## In the real world



- 28 Councils have already consulted on their draft policies and about 22 have notified their provisional policies.
- A number of others have their consultation processes underway.
- At least 7 appeal processes have been initiated.
- We are aware that at least one TA have decided not to develop an LAP at this stage.



# How effective are they?

- 10/10

Further restrict national default trading hours, cap and/or sinking lid on number of outlets and location controls (density), strategic use of one-way doors, range of discretionary Conditions.

**Unfortunately there are no draft or provisional LAPs that fit this bill!**

# How effective are they?

- 1-9/10

Include some but not all of the previous provisions.

Most would fit somewhere in here by including proximity controls to sensitive sites, caps on off-licence numbers etc. Most have shied away from any meaningful reduction in trading hours.

- 0/10 – DOA

Unfortunately some don't make use of the LAP levers to effect change.

# Matters arising

- Alcohol industry

- Including Progressive Enterprises, Foodstuffs, HANZ, Retailers Association, Clubs NZ, liquor chains owned by breweries or supermarkets, Independent Liquor, local licence holders and hospitality members,
- Aggressive and threatening behaviour
- The impact is obvious

***Countdown heavies small towns*** “...One Waikato mayor says Progressive Enterprises' approach is "aggressive" and "extremely arrogant." He said his council was being bulldozed by the threat of expensive legal action which could see stores selling alcohol from 7am till 11pm...”  
<http://www.stuff.co.nz/waikato-times/news> **1st March 2014**

# Matters arising

- Local Government
  - Some are reluctant players to start with/others keen to maximise their role
  - Overly generous in having alcohol industry at the development table, despite having no obligation to do so.
  - Very cautious under threat of costly legal challenges
  - Questionable processes e.g. including business objectives in their LAP, cost benefit analyses, liquor licensing inspector to draft.

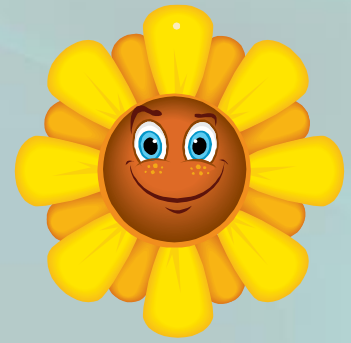
# Matters arising

- Community engagement
- Burden of proof
  - Alcohol industry fighting on both fronts
- Test of “Unreasonable”
  - Alcohol industry using terms such as “oppressive”, “excessive” and “unreasonable” — this is often associated with a difference of 1 hour in areas where they admit they don’t operate in that hour.

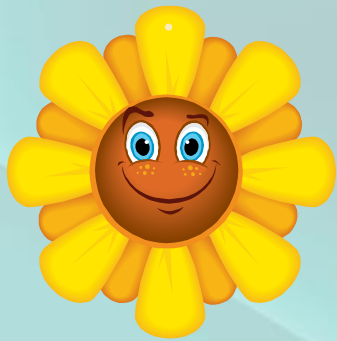
# Verdict

- It could go either way at this stage
  - It will be a brave local council that takes a strong LAP through to fruition on behalf of its community.
  - We need to get some good case law early in the piece that signals to the alcohol industry that we are on new playing field and they need to get with the programme.

# What needs to happen?



- Local Councils and statutory agencies
  - Be brave – know that the evidence and community back you
  - Raft up – share resources, provide back-up, work smarter
  - Engage - consider how you can engage with the community going forward as they have a keen interest in a positive outcome.



# What needs to happen?

- **Communities**

- Make submissions, support others if you can, and speak to submissions,
- Ask questions (official if you have to) so that we have an evidence trail,
- share information so that we are consistent where possible.
- Ask if you can support appeal processes e.g. Expert witness



# What needs to happen?



- Communities – Take 2!!!
  - Take “unreasonable” to the streets - Marches, Boycotts of stores/products associated with those who are holding our communities to ransom.
  - Be loud about your “reasonable” expectations – co-ordinated communications strategy using media, letter writing etc so we get a consistent message out there.

# Questions and discussion

For further information and support:

Alcohol Healthwatch (09) 520 7036 or  
[www.ahw.org.nz](http://www.ahw.org.nz)