

**STRATEGY AND POLICY
COMMITTEE**
6 AUGUST 2013
(reconvened 7 and 8 August 2013)



REPORT 1
(1215/52/IM)

**ORAL HEARINGS – DRAFT LOCAL ALCOHOL POLICY
– WEDNESDAY 7 AUGUST 2013**

Time	Name	Organisation	Submission Number	Page
9.25am	Jose Ubiaga	Individual	340	3
9.30am	Geraldine Murphy	Inner City Association	281	11
9.40am	Alex Gray	Individual	247	17
9.45am				
9.50am	Jocelyn Frances O'Kane	Wellington Council of Social Services	282	20
10.00am	Derek Bealing	Tinakori Wines and Spirits Ltd	274	31
10.10am	Candace Smith	Individual	329	35
10.15am				
10.20am	10 Minute Buffer			
10.30am	Morning Tea			
10.50am				
11.00am	Inspector Terry Van Dillen	Wellington Central Police	307	43
11.15am				
11.20am				
11.30am	Phillipa Clifford	Progressive Enterprises	531	53
11.45am	10 Minute Buffer			
11.55am	Alex Barlow	Individual	515	171
	Heloise Kerr-Newell	Individual	1550	177

Time	Name	Organisation	Submission Number	Page
12.00pm	Bernard O'Shaughnessy	Individual	45	183
12.05PM	Max Kelly	Individual	341	251
12.10pm				
12.20pm				
12.30pm	Lunch			
1.15pm				
1.30pm	Neil Patel	NZ Assoc of Dairies Groceries & Small Businesses	294	259
1.40pm	Jason Dean	Individual	330	266
1.50pm				
2.00pm	10 Minute Buffer			
2.10pm	Johnny Wallace	Individual	321 & 326	274
2.15pm	David Hartell	Individual	324	290
2.20pm				
2.30pm				
2.40pm				
2.50pm	10 Minute Buffer			
3.00pm	Afternoon Tea			
3.10pm				
3.20pm				
3.30pm				
3.40pm	Jack Marshall	Youth Council	288	298
3.50pm	Jeremy Smith	Individual	297	304
3.55pm	10 Minute Buffer			

925 7/8

Submitters Name:	Contact Address:	Email Address:	Phone Numbers:	
Jose Ubiaga	99 thurleigh grove	Jose@fourkings.co.nz	212477002	I wish to discuss the main points of my submission at a hearing.

5 mins

<p>Do you think that a designated Entertainment Precinct with later hours than the rest of the City CBD:</p>			
<p>Do you think that the Council should designate a specific Entertainment Precinct with later hours than the rest of the City CBD?</p>	<p>Is anti-competitive?</p>	<p>Will limit the evolution of the city's growth by limiting later trading to one designated area?</p>	<p>Will result in higher rents and increased costs for the bar / cafes / restaurants in the Entertainment Precinct?</p>
<p>No</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>
			<p>Comments:</p>

<p>The proposed trading hours in the Entertainment Precinct for On-licenses (bars, nightclubs restaurants) are 7am-3am (7am- 5am for best-practice premises). What do you think the latest trading hour in the Entertainment Precinct should be (if one is created)?</p>	<p>Outside of the Entertainment Precinct in the City CBD the proposed trading hours for On-licenses (bars, nightclubs, restaurants) are 7am-2am (7am-3am for best-practice premises). What do you think the latest trading hour in the City CBD should be?</p>
<p>Response</p> <p>6:00:00 a.m.</p>	<p>Response</p> <p>5:00:00 a.m.</p>
<p>Comments:</p>	<p>Comments:</p>

<p>In Suburban Centres the proposed trading hours for On-licenses (bars, nightclubs, restaurants) are 7am-midnight. What do you think the maximum trading hour in Suburban Centres should be?</p>	<p>The policy proposes a 'wind down hour' protocol for premises open after 2am, whereby the lighting is turned up, the music turned down, and during this last hour the premises is open you could not purchase a drink (this in effect results in a closing time of an hour earlier than the licensed hour for the premises). Do you think this should be compulsory for all premises that are open after 2am?</p>
<p>Response</p> <p>3:00:00 a.m.</p>	<p>Response</p> <p>No</p>
<p>Comments:</p>	<p>Comments:</p>

The Council are proposing the following conditions could be imposed on a licensed premise. Do you agree? Please select Yes or No for each proposed condition.

A 'one way door' after a set time whereby no one else is allowed into the premises but those inside may remain	No	A limit on the number of drinks sold in any one transaction after a certain time	No	A minimum number of security staff set by the Council	No	Compulsorily dedicated staff to manage all queues	No	A minimum number of Duty Managers	No	Premises to pick up litter within a certain area	No	Security staff to wear High Viz Vests	No	No glass drinking vessels permitted in any outside area past a certain time	No	All outside temporary furniture to be removed after a certain time	No	No loudspeaker, amplifier, or other audio equipment outside the premises.	No	Compulsorily CCTV	No	Comments:
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Do you think the safety and vibrancy of the City Centre would be enhanced by the following?

Better public transport options at night	Yes	More lighting in the CBD	Yes	More CCTV cameras in public spaces	Yes	More street entertainment	Yes	More food trucks late at night	Yes	No	More enforcement of liquor bans	Yes	An instant fine for being intoxicated and/or being a nuisance in a public place	Yes	A trespass from the city centre for 90 days if caught being a nuisance	Yes	Greater Police presence	Yes	Comments:
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<p>The proposed trading hours for Off-premises (supermarkets and bottle stores) are 7am-9pm. What do you think the maximum trading hours for Off-premises should be?</p>	<p>Do you think that supermarkets should have the same trading hours as other Off-premise venues such as bottle stores?</p>
<p>Response</p> <p>9:00:00 p.m.</p>	<p>Response</p> <p>Yes</p>
<p>Comments:</p>	<p>Comments:</p>

<p>Overall, do you agree with the direction of the draft Local Alcohol Policy?</p>		
	<p>Please give reasons:</p>	
<p>Response</p>		<p>Do you have any other comments either about the content of the draft Local Alcohol Policy or about other matters you want included in the policy?</p>
<p>Agree</p>		

Inner City Association (ICA) Submission on the WCC's Draft Alcohol Management Strategy and Local Alcohol Policy

I wish to discuss the main points in my written submission at a hearing, to be held in early August 2013

I am completing this submission on behalf of an organisation, with over 400 people on our mailing list. We represent a mix of residents, business owners, residential and business property owners, tenants. The submission was made available to all people on our mailing list for feedback.

Name	Geraldine Murphy
Organisation	Inner City Association ¹
Role	Chair
Contact Address	2B/126 Wakefield St, Wellington, 6011
Phone number day/evening	0274 507804
Email	innercityassociation@gmail.com
Date	2 August 2013

Draft Local Alcohol Policy

*1a. Under the proposed zone framework, late-night trading activity of bars and entertainment venues will be moved into a specific Entertainment Precinct to better manage the harm associated with trading at this time.
Creating an Entertainment Precinct*

Agree – with reservations

Concentrating late-night activity allows resources (Police, cleaning, Local Hosts, medical, safety cameras) to be focused in specific areas and for the public to know that there will be increased monitoring in those areas. It also formalises what is currently developing and provides more management around it.

Our reservations are that this approach will require the spread of existing resources across a wider area – Courtenay Place, Manners, Dixon to Cuba St and up Cuba to Abel Smith St. For example, Eva St, Left Bank, the middle of Cuba St are areas where either lighting is poor or coverage by cameras is insufficient.

There is a risk that focusing on a defined precinct will result in areas bordering the Entertainment Precinct becoming a focus for anti-social behaviour (drinking, dropping bottles, defecation/urination/vomiting) as the public enter/leave the precinct, where they know the monitoring will be higher. WCC and Police will need to ensure that lighting, street cleaning, cameras are flexible enough to respond to issues in these areas as they occur.

Residents' past experience with some operators and the negative results of late night trading on residents and other businesses, along with lack of enforcement by Police (eg, breach of liquor ban) and action by WCC, highlights that this policy will only work if the conditions on operators are effective and monitored, the standard for extended trading hours is set very high and there is effective enforcement and consequences of non-compliance.

¹ Incorporated Wellington Inner City Residents & Business Association

Mung e hooked.

1b The proposed risk-based management framework reviews the suitability of all elements of the activity in relation to its impacts on the community, and provides a risk classification.

Agree – with reservations

ICA agrees with the general direction of a risk management framework and supports the comprehensiveness of the assessment checklist. However, the success of this approach relies on effective implementation and monitoring.

The local fee for medium/high risk applications must be sufficiently high to provide an incentive for operators to implement the desired practices. Factors that would place an application into a low/medium/high category are not clear in the policy and the benchmark being set needs to be transparent.

Penalties for non-compliance will need to be promptly applied but there is little information on how the enforcement regime will work. What level of non-compliance will result in reduced hours or suspended license? Both local and central governments have a tendency to defer any substantive action on non-compliance, and will give warnings, write/talk to the non-compliant individual several times before action is taken. Residents already report having to make ongoing complaints (eg, about noise levels) before any substantive action is taken by WCC.

There must be an easy way to report problems (similar to the FIXIT app and 3400 to send text messages) for problems relating to non-compliance resulting in alcohol-related harm or breaching of licence conditions.

1c The proposed maximum trading-hour restrictions for on-licensed venues (bars, restaurants, cafes).

Entertainment precinct: 7am-3am, with 5am maximum for best-practice premises

Central area: 7am-2am, with 3am maximum for best-practice premises

Agree – with intent, but with reservations

ICA agrees in principle with the general approach to provide a staged closing in the CBD and that only best practice bars will get extended hours. The policy has no information on what a 'best practice premise' would look like. The policy needs some scenarios to provide our members, particularly residents, with some context for the likely impact on them. Our major concern is how 'best practice' will be implemented; there is a risk that extended trading hours will become the default unless there is a high standard and it is carefully managed and effectively implemented and enforced.

We note the Police concerns about the 2am and 3am as the default for all operators given the level of harm that arises after 3am and wanting a one-door policy at 1am. There will be mixed views among our members on the appropriate hour to stop as a default for premises and for an extended period: some will want everything closed at 1am, while others will want to engage in the late-night economy.

WCC, in encouraging the late night economy, will need to resource the implementation, monitoring and enforcement to achieve the objectives of the Alcohol Management Strategy. The lack of detail on these aspects in the policy is a concern. Information received from WCC's Jaimie Dyrberg says

'We're envisaging an annual reporting arrangement on the strategy. We'll also be establishing a rigorous monitoring and evaluation system around the transitional period while the default hours are operative and the first couple of years of the operative policy.'

This is encouraging, but ICA would like to see further information on how non-compliance will be managed.

1d. The proposed maximum trading-hour restrictions of 7am – 9pm for off-licensed venues (supermarkets, grocery stores, bottle stores).

Strongly agree

Pre-loading and side-loading are major contributors to the level of alcohol harm, anti-social behaviour and the impact of these in the inner city and on our wider communities. The proposed hours significantly reduces the opportunity for impromptu purchases for side-loading and immediate consumption in public places in the inner city by some individuals that come into the CBD to positively or negatively engage in the social life and late-night economy and by some residents in the inner city.

Those individuals wishing to purchase from off-licences can readily plan to do so during the 14 hours from 7am – 9pm. ICA does not consider there will be any significant inconvenience to the general public that would outweigh the benefits of reducing the alcohol harm from excessive consumption.

ICA recognises that this will impact on the viability of some businesses that are predominantly off-licenses. However, it also encourages these premises to develop the non-alcohol beverage and food aspects of their businesses. The reduced hours does not mean these premises have to close, only that alcohol cannot be sold between 9pm and 7am.

1e Supermarkets, grocery and bottle stores (all off-licence venues) should be treated the same despite the different range of products they sell.

*Supermarkets and grocery stores can sell only beer and wine
Bottle stores can sell beer, wine, spirits and RTDs (ready-to-drink mixes)*

Strongly agree

In terms of restricted trading hours, both categories of off-licences should be the same. Having different hours (eg, later for supermarkets and grocery stores) would just transfer the problem rather than significantly reduce it, which the current proposal has the potential to achieve.

1f. The Council will look closely at applications for the sale and supply of alcohol at youth-focused occasions or events, or those likely to attract people under the legal purchase age of 18 years.

Strongly agree

ICA received a debrief on the Sevens and Homegrown events held in Wellington this year. The steps taken at both these events to reduce alcohol-related harm made a positive impact on the outcomes – though ideally, of course, there would be no intoxicated people of any age spoiling the event for others.

The operators must have a management plan that specifically addresses how intoxicated people inside and immediately outside the event will be managed. Homegrown operators actively looked after intoxicated individuals found immediately outside the venues.

The Strategy document mentions that on-licence premises have means of determining if customers entering their premises are intoxicated. This must be a requirement for events with a youth focus for all attendees. In addition, off-licences must take steps to ensure they do not sell to intoxicated people during these events.

1g The policy identified circumstances that would trigger a District Licensing Committee hearing to deal with issues of density and proximity of licensed premises.

√	Strongly disagree – with a particular aspect of this proposal, but supports the intent in principle
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While ICA supports the approach of triggers for automatic hearings, ICA strongly disagrees with the trigger process for high to medium risk or late-trading in the Entertainment Precinct in that residential buildings are not considered a 'sensitive facility' in the inner city.

The current use of sensitive facility will only apply outside the CBD, which already has a proposed restricted closing time of midnight. This restriction was based on *'where the overriding priority is to ensure the locality is a pleasant and agreeable place to live alongside vibrant suburban centres'*. The phrase 'sensitive facility' may not be appropriate in this context, but the absence of any recognition of the impact on inner city residents in the triggers sends a message that WCC does not consider there are communities in the inner city that want a pleasant and agreeable place to live alongside a vibrant CDB.

There needs to be explicit acknowledgement in the triggers that residents and businesses in the inner city must co-exist. Currently it is only mentioned in the initiatives in the draft Alcohol Management Strategy (p12) *'work with residents in the Entertainment Precinct to improve amenity, such as noise insulation options, conditions on the cleaning of, and noise from, licensed premises, and more robust building design standards for new residential development'*. ... *It will also encourage (emphasis added) an inner-city resident representative on the Wellington Licensee Forum.'*

These initiatives are too future-focused, are not a given and probably a long time in coming. Many of our members will feel that past experience in dealing with WCC over noise issues and cleaning has been less than satisfactory. ICA strongly supports an inner-city resident representative on the Wellington Licensee Forum, but this does not provide a substitute for a more explicit role at automatic hearings.

The detail wording of this trigger only refers to 'all new and renewal applications for premises assessed as **high risk ... and any that seek late trading hours, ... dealt with by way of public hearing'** (emphasis added). The category in the draft Alcohol Local Policy refers to 'high and medium risk'. This is complicated by the absence of criteria to define high or medium risk.

Page 35 of the draft Policy indicates that the District Licensing Committee decides whether or not the matter will be determined at a public hearing or on the papers. ICA has been advised that the explicit provision for automatic hearings over-rides this

general statement. Clarity is required that even one submission from person(s) with a 'greater interest' (p60 of the Policy) opposing an application, will result in a hearing.

1h. The proposed discretionary conditions that could be applied to a license.

√ | Don't know

ICA considers that some of the discretionary conditions should be mandatory, eg:

- licensee is required to notify the Police of any violent incidents that occur on the premises;
- licensee must at all times comply with the conditions set out in the noise management plan for the premises (it must be a given that if a noise management plan exists, the premise is required to comply with it;
- before closing the premises the licensee will remove all litter from outside the premises in the area defined as XXX (assuming this is the premises outdoor area.

We agree with the intent of discretionary conditions to allow the District Licensing Committee to manage identified risks more closely (eg, more or less restrictive trading hours, number of duty managers required after a certain time, requirement for security staff) but consider that this section needs to be clearer.

2. Overall, do you agree with the direction of the draft Local Alcohol Policy?

√ | Agree

The draft Policy recognises that every group with an interest in the consumption of alcohol and the effect of that consumption has to make compromises to reduce alcohol related harm.

3. What are the best aspects of the draft Local Alcohol Policy?

- The risk management framework approach provided it is effectively implemented and that there is a clear step-up to be considered best-practice premises.
- Opportunity for community input into new and renewal applications, with automatic hearings in some circumstances, and receipt of opposition.
- Zone approach to managing licensed premises so there is flexibility in how the Policy is implemented avoiding a 'one size fits all' approach.

4. What aspects of the draft Local Alcohol Policy do you think need to be changed?

- Recognition that residential apartment buildings in the Entertainment Precinct and Central Area are a sensitive facility for the purpose of automatic hearings for high-medium/late-trading hours applications.
- Requirements for best-practice operators has to be explicit and set a high standard for operators.
- Discretionary licenses clarified as some appear to be a mandatory requirement.
- A more frequent reporting mechanism than annual to ensure that the Policy is being implemented as expected and any issues are identified quickly and resolved.

5. Do you have any other comments either about the content of the draft Local Alcohol Policy or about other matters you want included in the policy?

The compliance monitoring framework needs to be in the Policy. The effectiveness of the whole Policy relies on good implementation at all levels and the approach/resources to monitor it is absent from the documents. For example, residents who are experiencing problems with a premise will have an interest in the level of complaints that have been received or the actions that have been taken with the operator to resolve this issue: will this information be made available to them?

Draft Alcohol Management Strategy

6. The proposed goals in the draft Alcohol Management Strategy are achievable.

√ Strongly agree

Achieving the outcomes (p6) is a challenging goal for the inner city and will need some targets for the success measures. The outcomes are what need to happen to ensure the city is a great place to live, work and play for everyone. Achieving the outcomes will take time, particularly the societal/attitude changes to quantum/style of alcohol consumption.

Making the smoke-free changes took years and we need to maintain commitment to the outcomes we want to achieve and use the monitoring and evaluation process to adjust as needed to stay on track.

7. The initiatives proposed in the Implementation Plan (attached to the draft Strategy) will deliver on the strategic goals.

√ Agree

The initiatives appear to be pragmatic actions. Many are very dependent on WCC resources being prioritised in the Council's Annual Plan/work programme, which will create some tensions with other priorities. Will WCC prioritise this over other work?

Others are dependent on gaining the support of other groups, such as event organisers. ICA is keen to continue to work with WCC and other stakeholders to continue the cross-interest discussions that took place during the development of the Strategy.

Engaging with the Students' Assn on the social marketing campaign would be beneficial to effectively target the message.

8. The initiatives proposed in the draft Strategy will contribute to communities having a healthier relationship with alcohol

√ Agree

The initiatives are a package that all contribute to the outcomes.

Jaime Dyhrberg

From: on behalf of BUS: Alcohol Strategy
Subject: FW: The Right Mix - Confirmation

From: Wellington City Council [mailto:webcentre@wcc.govt.nz]
Sent: Wednesday, July 31, 2013 7:16 PM
To: BUS: Alcohol Strategy
Subject: The Right Mix - Confirmation

The following details have been submitted from the Draft Alcohol Management Strategy and the Draft Local Alcohol Policy consultation form on the Wellington.govt.nz website:

PAGE 1 QUESTIONS

Submitter details:

First Name: Alex
Last Name: Gray
Street Address: 48 Connaught Terrace
Suburb: Wellington
City: Wellington
Phone: 6443897808
Email: alexjanine@clear.net.nz

I would like to make an oral submission. Yes Phone number: 0272430171

I am giving this feedback: as an individual Organisation name:

PAGE 2 QUESTIONS

Under the proposed zone framework, late-night trading activity of bars and entertainment venues (after 2am or until 3am at the latest) will be moved into a specific Entertainment Precinct in the city to better manage the harm associated with trading at this time.

Agree

Comments: Makes sense to define boundaries of entertainment area.

Risk-based management framework

Agree

Comments:

Entertainment Precinct maximum trading-hour restrictions for on-licensed venues Strongly Disagree

good conf

*Ring 2 12 PM message 1/8
Booked.
9-40 am
1 Aug
17*

Comments: I am totally opposed to the sale of alcohol after 3am except for a small number of approved special events eg Sevens and New Years Eve.

Central Area maximum trading-hour restrictions for on-licensed venues

Strongly agree

Comments: I support the central trading hours up to 3am.

Suburban Centre maximum trading-hour restrictions for on-licensed venues

Strongly agree

Comments: I support suburban centre premises closing at midnight.

The proposed maximum trading-hour restrictions of 7am - 9pm for off-licensed venues (supermarkets, grocery stores, bottle stores) Disagree

Comments: Why do you propose to allow off licences to start trading at 7am? I think it should be 9am.

Treating all off-licence venues the same Strongly agree

Comments: There should be no difference in opening hours of different off-licence premises

PAGE 3 QUESTIONS

Council focus on applications for youth-focussed occasions or events Agree

Comments:

The proposed circumstances that would trigger a District Licensing Committee hearing for dealing with issues of density and proximity of licensed premises

Agree

Comments:

The proposed discretionary conditions that could be applied to a licence.

Agree

Comments:

Overall, do you agree with the direction of the draft Local Alcohol Policy?

Agree

Your comments (be specific): I agree with most provisions except that licensed premises should close no later than 3am.

What are the best aspects of the draft Local Alcohol Policy?

The policy takes a comprehensive review of the current rules.

What aspects of the draft Local Alcohol Policy do you think need to be changed?

Close licensed premises no later than 3am.

Do you have any other comments either about the content of the draft Local

Alcohol Policy or about other matters you want included in the policy?
Why do you propose to allow alcohol to be available at the airport any time of the day or night? Surely a midnight curfew is appropriate seeing as flights cannot depart after midnight?

PAGE 4 QUESTIONS

The proposed goals in the draft Alcohol Management Strategy are achievable.

Agree

Comments:

The initiatives proposed in the Implementation Plan (attached to the draft strategy) will deliver on the strategic goals.

Agree

Comments:

The initiatives proposed in the draft strategy will contribute to communities having a healthier relationship with alcohol.

Agree

Comments:

How we manage alcohol in Wellington

Submission From

WELCOSS, The Wellington Council of Social Services, an umbrella group that connects, informs and supports community groups and social services in Wellington.

This submission was worked on by four members of the Welcoss Executive: Charmaine Ross, Te Whare Roki Roki; Vicki Hirini, Salvation Army, Oasis Centre for Problem Gambling; Glen McDonald, Vincents Art Workshop, and Jocelyn Frances O’Kane, Well Health and Chairperson of Welcoss

- Yes** I wish to discuss the main points in my written submission at a hearing, to be held in early August 2013 (note oral submissions are given 5 minutes for individuals and 10 minutes for organisations).

I am completing this submission:

- On behalf of a group or organisation

If you are representing a group or organisation, how many people do you represent?
There are over 100 member organisations of Welcoss

Your name **Jocelyn Frances O’Kane**

Organisation name **Welcoss**

Organisation role **Chairperson**

Contact address **P O Box 11-706, Wellington 6142**

Phone number **021 164 3350** Phone number **04 475 3012 evenings**

Email **jocelynfrances@wellhealth.health.nz**

Signature **Jocelyn Frances O’Kane**

Date **29 July 2013**

Privacy statement

All submissions (including name and contact details) are published and made available to elected members of the Council and the public. Personal information supplied will be used for the administration and reporting back to elected members of the Council and the public as part of the consultation process. All information collected will be held by Wellington City Council, 101 Wakefield Street, Wellington. Submitters have the right to access and correct personal information.

Draft Local Alcohol Policy

1. **Please indicate your level of satisfaction with the following provisions in the draft LAP**

**If you disagree, please tell us what you would like the provision to be changed to.*

Booked.

1a. Under the proposed zone framework, late-night trading activity of bars and entertainment venues will be moved into a specific Entertainment Precinct to better manage the harm associated with trading at this time.

Proposed Entertainment Precinct boundaries are Courtenay Place (Kent Terrace) to Cuba Street (Abel Smith Street)

(section 9 of the draft LAP)

Creating an Entertainment Precinct (please tick one only)				
Strongly agree	Agree	Disagree	Strongly disagree	Don't know
	Yes			

Please give reasons
<p>Wellingtonians are being encouraged to live in the city and this contributes to the wonderful vibrancy that we enjoy in Wellington, especially in the CBD.</p> <p>Promoting a precinct in this way, means that those choosing to live in the CBD are more likely to be able to experience the quiet enjoyment of their apartments and those seeking fun in the evenings can still do so in one area.</p> <p>This would hopefully increase the safety of young people, especially young women.</p>

1b. The proposed risk-based management framework reviews the suitability of all elements of the activity in relation to its impacts on the community, and provides a risk classification.

This classification will influence the licence fees charged by the Council and the types of conditions that may be applied to the licence. The lower the risk, the lower the fees charged by the Council and the fewer restrictions applied to the licence.

(section 8 of the draft LAP)

Risk-based management framework (please tick one only)				
Strongly	Agree	Disagree	Strongly	Don't know

agree			disagree	
	Yes			

Please give reasons
<p>There will always be a need to balance access to fun, alcohol and entertainment for some people, with others' need to live their lives without adverse effects from other's excesses.</p> <p>Good management practices need to be built in to the way hospitality is offered.</p>

1c. The proposed maximum trading hour restrictions for on-licensed venues (bars, restaurants, cafés)

Entertainment Precinct

7am–3am

7am–5am maximum for best-practice premises

Central Area

7am–2am

7am–3am maximum for best-practice premises

Suburban Centre

7am–midnight maximum

(section 9 of the draft LAP)

<u>Entertainment Precinct</u> maximum trading hour restrictions for on-licensed venues (please tick one only)				
Strongly agree	Agree	Disagree	Strongly disagree	Don't know
	Yes			

<u>Central Area</u> maximum trading hour restrictions for on-licensed venues (please tick one only)				
Strongly agree	Agree	Disagree	Strongly disagree	Don't know
	Yes			

<u>Suburban Centre</u> maximum trading hour restrictions for on-licensed venues (please tick one only)				
Strongly agree	Agree	Disagree	Strongly disagree	Don't know
	Yes,			

Please give reasons
<p>We understand that there is a balance to be struck between harmony of living and playing in some areas, but caution against too hard and fast an approach – some flexibility needed - like exceptions in the suburbs if there is minimal impact on residents.</p> <p>This would need a clear criteria but the last thing we want is a heavy handed approach that affects the vibrancy of Wellington</p> <p>'Best practice' needs careful definition, and it is hoped that WCC will arrive at that in consultation with the people in the hospitality industry. It will only work if the understanding is clearly arrived at and acceptable to those who will need to adopt it.</p>

1d. The proposed maximum trading hour restrictions of 7am-9pm for off-licensed venues (supermarkets, grocery stores, bottle stores)

(section 9 of the draft LAP)

Maximum trading hour restrictions of 7am-9pm for off-licensed venues (please tick one only)				
Strongly	Agree	Disagree	Strongly	Don't know

agree			disagree	
	Yes			

Please give reasons
<p>There would be little reason for people to be buying alcohol late at night except to find more supplies to keep drinking.</p> <p>There might be the occasional person doing their shopping late in the evening who might be inconvenienced as they could not add alcohol, but they would be few and far between.</p> <p>While closing at 9pm would not prevent teens pre-loading, it would mean that they cannot leave venues in town to purchase cheap alcohol, consume it quickly and return to what they were doing.</p>

1e. Supermarkets, grocery and bottle stores (all off-licence venues) should be treated the same despite the different range of products they sell.

- 1 Supermarket and grocery stores can only sell only beer and wine
- 2 Bottle stores can sell beer, wine, spirits and RTDs (ready to drink mixes)

Treating all off-licence venues the same (please tick one only)				
Strongly agree	Agree	Disagree	Strongly disagree	Don't know
	Yes			

Please give reasons
<p>While it could also be possible to grant supermarkets longer hours given the restricted range of alcohol products, the supermarkets in the CBD would still be accessible, so administratively, it would probably be easier to restrict the hours of both types of off-licences and treat them the same.</p> <p>While we did not want to disagree with the proposition, this aspect of the policy could do with some more discussion.</p>

1f. The Council will look closely at applications for the sale and supply of alcohol at youth-focused occasions or events, or those likely to attract people under the legal purchase age of 18 years.

(section 9 of the draft LAP)

Council focus on applications for youth-focused occasions or events (please tick one only)				
Strongly agree	Agree	Disagree*	Strongly disagree*	Don't know
	Yes			

* If you disagreed above, please give reasons

Since youth are most at risk of binge drinking, it is sensible to be careful about their accessibility of alcohol.

1g. The policy identifies circumstances that would trigger a District Licensing Committee hearing for dealing with issues of density and proximity of licensed premises.

(section 10 of the draft LAP)

The proposed circumstances that would trigger a District Licensing Committee hearing for dealing with issues of density and proximity of licensed premises (please tick one only)				
Strongly agree	Agree	Disagree	Strongly disagree	Don't know
	yes			

Please give reasons

Any regulations that focus closely on who is serving alcohol, when and where, are important to the safety and wellbeing of our community. A temporary authority and police reports sound good.

--

1h. The proposed discretionary conditions that could be applied to a licence

(section 11 of the draft LAP)

The proposed discretionary conditions (please tick one only)				
Strongly agree	Agree	Disagree	Strongly disagree	Don't know
	yes			

Please give reasons
The criteria as set out in Section 11 on special licences is supported by us.

2. Overall, do you agree with the direction of the draft Local Alcohol Policy (please tick one only)?

Strongly agree	Agree	Disagree	Strongly disagree	Don't know
yes				

Please give reasons
It is a coherent strategy which seems to have a good balance between supporting a vibrant city and protecting residents and others vulnerable to the effects of excess alcohol.

Please be as specific as possible to help us understand your views. It is helpful if you clearly state the page(s) and/or section numbers(s) of the draft LAP you are commenting on.

3. What are the best aspects of the draft Local Alcohol Policy?

Defining the entertainment precinct, protecting the quiet enjoyment of city residents, and the process of acquiring licences that have strong, relevant criteria are the best aspects of the policy.

4. What aspects of the draft Local Alcohol Policy do you think need to be changed?

Not so much changed as a clear understanding of 'best practice' and some more discussion around supermarkets – we wonder about the significance of the role of supermarkets in the issue of young people side-loading since they sell only beer and wine. If supermarkets have little effect then it seems unnecessary to restrict supermarket sales. Eg the supermarket nearest the precinct is open to 11pm and it may be that the extra two hour opening may make no difference. This is where more information is needed.

5. Do you have any other comments either about the content of the draft Local Alcohol Policy or about other matters you want included in the policy?

Be as flexible as possible in your approach – balanced with the need for safety and protection

Draft Alcohol Management Strategy

6. The proposed goals in the draft Alcohol Management Strategy are achievable.

Strongly agree	Agree	Disagree	Strongly disagree	Don't know
	Yes			

Please give reasons
The goals are reasonable and seem achievable

7. The initiatives proposed in the Implementation Plan (attached to the draft strategy) will deliver on the strategic goals.

Strongly agree	Agree	Disagree	Strongly disagree	Don't know
	yes			

Please give reasons
It all seems comprehensive

8. The initiatives proposed in the draft strategy will contribute to communities having a healthier relationship with alcohol.

Strongly agree	Agree	Disagree	Strongly disagree	Don't know
	Yes			

Please give reasons
Because the strategy seems coherent overall

You may add more pages if you wish. Thank you for your submission.

<p>You don't have to complete this section, but this information helps us to know who we are reaching. We use this for statistical purposes only. It will not be made publically available.</p> <p>Your gender:</p> <p><input type="checkbox"/> Female Four women contributed to the writing of this submission</p> <p>Your ages: 50 plus</p> <p><input type="checkbox"/> Under 18 years <input type="checkbox"/> 18–29 years <input type="checkbox"/> 30–39 years <input type="checkbox"/> 40–49 years</p> <p><input type="checkbox"/> 50–59 years <input type="checkbox"/> 60 years and over</p> <p>Your ethnicity: One Maori, three Pakehai</p>
--

- | | | |
|---|----------------------------------|---------------------------------------|
| <input type="checkbox"/> New Zealand European | <input type="checkbox"/> Māori | <input type="checkbox"/> Samoan |
| <input type="checkbox"/> Cook Islands | <input type="checkbox"/> Tongan | <input type="checkbox"/> Niuean |
| <input type="checkbox"/> Indian | <input type="checkbox"/> Chinese | <input type="checkbox"/> Other _____. |

Send your submission to:

Freepost 2199

The Right Mix

Wellington City Council

PO Box 2199

Wellington 6011

Jaime Dyhrberg

From: on behalf of BUS: Alcohol Strategy
Subject: FW: The Right Mix - Confirmation

From: Wellington City Council [mailto:webcentre@wcc.govt.nz]
Sent: Thursday, August 01, 2013 11:06 AM
To: BUS: Alcohol Strategy
Subject: The Right Mix - Confirmation

The following details have been submitted from the Draft Alcohol Management Strategy and the Draft Local Alcohol Policy consultation form on the Wellington.govt.nz website:

PAGE 1 QUESTIONS

Submitter details:

First Name: Derek
Last Name: Bealing
Street Address: 116 Upland Road
Suburb: Kelburn
City: Wellington
Phone: 4757536
Email: derek.bealing@xtra.co.nz

I would like to make an oral submission. Yes Phone number: 0210765864

I am giving this feedback: on behalf of an organisation Organisation name: Tinakori Wines & Spirits Ltd

PAGE 2 QUESTIONS

Under the proposed zone framework, late-night trading activity of bars and entertainment venues (after 2am or until 3am at the latest) will be moved into a specific Entertainment Precinct in the city to better manage the harm associated with trading at this time.

Agree

Comments:

Risk-based management framework

Strongly agree

Comments: This has the potential to be the most significant component toward meeting the objectives of the Strategy and Policy.

*emailed confirmation
1/8.*



Entertainment Precinct maximum trading-hour restrictions for on-licensed venues Agree

Comments:

Central Area maximum trading-hour restrictions for on-licensed venues Agree

Comments:

Suburban Centre maximum trading-hour restrictions for on-licensed venues Agree

Comments:

The proposed maximum trading-hour restrictions of 7am - 9pm for off-licensed venues (supermarkets, grocery stores, bottle stores) Strongly Disagree
Comments: Our suburban bottle stores are situated to service our local community and evening customers are usually returning home from work, or from city entertainment. Store records this year to date indicate that 8%-10% of our Thur, Fri and Sat daily business is transacted in the post-9pm timeframe. Customer service would require us to stop or limit admission some 10-15 minutes prior to cessation of service, or from 8:45pm in the LAP proposal. We request and will support a proposal for 10pm closure.

Treating all off-licence venues the same Strongly agree

Comments: For "level playing field" commercial reasons trading hours should be applied consistently to bottle stores, grocery stores, and supermarkets, in all areas of the City and Suburbs.

PAGE 3 QUESTIONS

Council focus on applications for youth-focussed occasions or events Strongly agree

Comments:

The proposed circumstances that would trigger a District Licensing Committee hearing for dealing with issues of density and proximity of licensed premises Disagree

Comments: Density and proximity provisions should apply only to new applications unless there are other circumstances related to an existing licence. Premise leases will require protection against anti-alcohol conscientious objectors using licence renewal hearings to promote their views.

The proposed discretionary conditions that could be applied to a licence. Disagree

Comments: While agree in general, small suburban single-staff bottle stores may not be able to provide an "observation zone" and/or ongoing supervision for patrons refused service - current host responsibility practice is to arrange a safe-transport option.

Overall, do you agree with the direction of the draft Local Alcohol Policy?

Agree

Your comments (be specific): While agreeing with the direction and objectives of the Policy, the emphasis on pre- and side-loading as a primary issue is surprising. An extended strengthened liquor ban, with default 11pm off-licence closure, and rigorous on-licence host responsibility should over time reduce this problem.

What are the best aspects of the draft Local Alcohol Policy?

The proposed risk management framework, and associated incentives to licensees to invest in best practices.

What aspects of the draft Local Alcohol Policy do you think need to be changed?

Section 9, Limits on Hours. The "local", pub and bottle store is and always has been an important social aspect of an amenable suburb. The 9pm bottle store closure is too early in the context of suburban dining and sports taverns. Suburban bottle stores customers are in the main locals purchasing for home consumption, on their way home from work or the City.

Do you have any other comments either about the content of the draft Local Alcohol Policy or about other matters you want included in the policy?

Section 9, Limits on Hours. Restricting suburban off-licence hours to 9pm closure will have minimal impact on pre-loading or side-loading - groups planning to drink prior to travelling to the city will simply make their purchases prior to 9pm.

PAGE 4 QUESTIONS

The proposed goals in the draft Alcohol Management Strategy are achievable.

Agree

Comments: The Strategy and Policy are very well developed responses to the Sale and Supply of Alcohol Act 2012. The Right Mix consultation programme identified pre- and side-loading as a major factor in harm created by alcohol, in the central city. A combination of earlier off-licence closure, with a strictly enforced city and suburban liquor ban, are policies that will bring some improvement. But the WCC must extend the liquor ban to at least the Southern Zone, if not the whole City.

The initiatives proposed in the Implementation Plan (attached to the draft strategy) will deliver on the strategic goals.

Agree

Comments: As a package and, in the medium term, the proposed initiatives will contribute to the outcomes sought by the Strategy.

The initiatives proposed in the draft strategy will contribute to communities having a healthier relationship with alcohol.

Agree

Comments: As a package and, in the medium term, the proposed initiatives will contribute toward improving our communities relationship to alcohol.

18.10 am 7/8/2013
individual.

SUBMISSION No. **329**.....



Online Submissions to Wellington City Council's Draft LAP

Submitters Name:	Contact Address:	Email Address:	Phone Numbers:	
candace smith	33 a clutha street khandallah	candace.telemsmith@gmail.com	272481844	I wish to discuss the main points of my submission at a hearing.

<p>Do you think that a designated Entertainment Precinct with later hours than the rest of the City CBD:</p>			
<p>Do you think that the Council should designate a specific Entertainment Precinct with later hours than the rest of the City CBD?</p>	<p>No</p>		
<p>Is anti-competitive?</p>	<p>Yes</p>	<p>Will limit the evolution of the city's growth by limiting later trading to one designated area?</p>	<p>Yes</p>
		<p>Will result in higher rents and increased costs for the bar / cafes / restaurants in the Entertainment Precinct?</p>	<p>Yes</p>
		<p>Comments:</p>	

<p>The proposed trading hours in the Entertainment Precinct for On-licenses (bars, nightclubs restaurants) are 7am-3am (7am- 5am for best-practice premises). What do you think the latest trading hour in the Entertainment Precinct should be (if one is created)?</p>	<p>Outside of the Entertainment Precinct in the City CBD the proposed trading hours for On-licenses (bars, nightclubs, restaurants) are 7am-2am (7am-3am for best-practice premises). What do you think the latest trading hour in the City CBD should be?</p>
<p>Response</p> <p>6:00:00 a.m.</p>	<p>Comments:</p>
<p>Response</p> <p>5:00:00 a.m.</p>	<p>Comments:</p>

<p>In Suburban Centres the proposed trading hours for On-licenses (bars, nightclubs, restaurants) are 7am-midnight. What do you think the maximum trading hour in Suburban Centres should be?</p>	<p></p>	<p></p>
<p>The policy proposes a 'wind down hour' protocol for premises open after 2am, whereby the lighting is turned up, the music turned down, and during this last hour the premises is open you could not purchase a drink (this in effect results in a closing time of an hour earlier than the licensed hour for the premises). Do you think this should be compulsory for all premises that are open after 2am?</p>	<p></p>	<p></p>
<p>Response</p>	<p>Comments:</p>	<p>Response</p>
<p>1:00:00 a.m.</p>	<p></p>	<p>No</p>
<p></p>	<p></p>	<p>Comments:</p>

The Council are proposing the following conditions could be imposed on a licensed premise. Do you agree? Please select Yes or No for each proposed condition.

A 'one way door' after a set time whereby no one else is allowed into the premises but those inside may remain	No	A limit on the number of drinks sold in any one transaction after a certain time	No	A minimum number of security staff set by the Council	No	Compulsorily dedicated staff to manage all queues	No	A minimum number of Duty Managers	No	Premises to pick up litter within a certain area	No	Security staff to wear High Viz Vests	No	No glass drinking vessels permitted in any outside area past a certain time	No	All outside temporary furniture to be removed after a certain time	No	No loudspeaker, amplifier, or other audio equipment outside the premises.	No	Compulsorily CCTV	No	Comments:
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Do you think the safety and vibrancy of the City Centre would be enhanced by the following?																				
Better public transport options at night	Yes	More lighting in the CBD	Yes	More CCTV cameras in public spaces	Yes	More street entertainment	Yes	More food trucks late at night	Yes	A chill out zone with water, food, transport information, medical assistance	Yes	More enforcement of liquor bans	Yes	An instant fine for being intoxicated and/or being a nuisance in a public place	Yes	A trespass from the city centre for 90 days if caught being a nuisance	Yes	Greater Police presence	Yes	Comments:

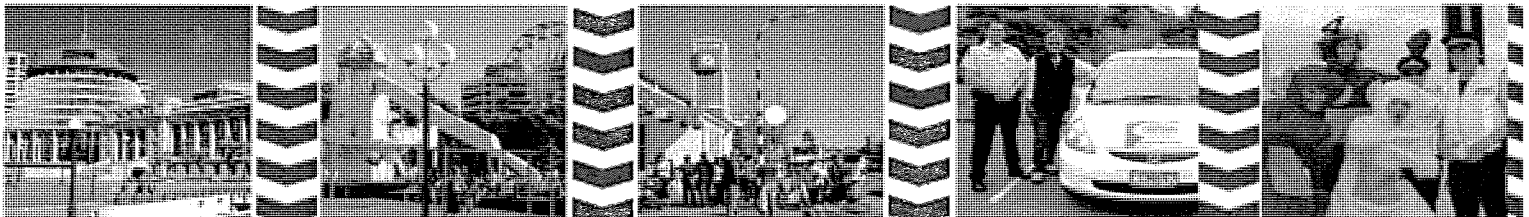
<p>The proposed trading hours for Off-premises (supermarkets and bottle stores) are 7am-9pm. What do you think the maximum trading hours for Off-premises should be?</p>	<p>Do you think that supermarkets should have the same trading hours as other Off-premise venues such as bottle stores?</p>
<p>Response</p>	<p>Response</p>
<p>10:00:00 p.m.</p>	<p>Yes</p>
<p>Comments:</p>	<p>Comments:</p>

Overall, do you agree with the direction of the draft Local Alcohol Policy?		
Response	<p style="text-align: center;">Please give reasons:</p> <p>The draft LAP is trying to restrict everybody's access to a variety of entertainment and night life because of a few irresponsible people. The draft LAP is trying to make the hospitality industry responsible for individuals but not making those individuals accountable for their actions and behaviour. Irresponsible people will just continue their behaviour else where until they are held accountable.</p>	Do you have any other comments either about the content of the draft Local Alcohol Policy or about other matters you want included in the policy?
Strongly Disagree		The draft policy will have negative financial implications on the hospitality industry and employment in the industry.

WELLINGTON DISTRICT POLICE SUBMISSION TO WELLINGTON CITY COUNCIL LOCAL ALCOHOL POLICY (LAP)



Credit – Andrew Gorrie, Dominion Post



Executive Summary

- Wellington City Council has released a draft Local Alcohol Policy (LAP) for public consultation.
- Wellington Police has provided input to the Council during the development of the draft LAP, in conjunction with other agencies including the Wellington District Health Board, local licensing authority, local retailers, and residents associations.
- The LAP provides a significant opportunity to reduce alcohol-related harm as part of the redevelopment of the central city.
- The key provisions of the recommendations from Wellington District Police are:
 - 3.00am closing for on-licence premises in the entertainment precinct; with a one-way door policy from 1.00am
 - Midnight closing time for on-licence premises outside the entertainment precinct and in the suburbs
 - Maximum trading hours of 7.00am to 9.00pm for off-licence outlets
- These recommendations are supported by:
 - National and international crime data which clearly shows a link between extended opening hours and alcohol-related offending;
 - Road Policing data which shows a significant increase in Wellington Area alcohol specific driving offences between the hours of 0300-0559 and 0600-0859; and
 - Residential surveys conducted by Colmar Brunton stating *“Residents believe that problems with excessive drinking are most likely to occur in pubs/bars or clubs and at public events. They are less concerned about excessive drinking in restaurants and cafes. Residents believe Courtenay Place is the most problematic area in the central city, when it comes to the negative impacts of alcohol”*.
- The proposals and recommendations are also consistent with:
 - The NZ Police Prevention First strategy which identifies alcohol as a key driver of crime and aims "to foster a culture of responsible drinking, reducing incidents of alcohol related offending and victimisation"; and
 - The intent of the Better Public Services initiative that states *“a key part of the action plan is to reduce availability of alcohol – in particular, tightening restrictions on the types of premises that can sell alcohol and when they can sell it.”*

Introduction

The purpose of this report is to provide the Wellington Police District submission and recommendations to the Wellington City Council Draft Local Alcohol Policy (LAP).

The formal submissions process involved extensive consultation between Police, Health, City Licensing Inspectors, Police National Headquarters, the Police National Intelligence Centre and ALAC. The purpose of this collaboration was to work together to ensure that the messages and submissions to the Wellington City Council were based on evidence around the impact of alcohol-related harm.

Background

On 20 December 2011 the New Zealand Police launched the new “Prevention First” strategy. In summary this innovative response to crime creates an environment where not only are victims at the forefront of what we do but there is a transformational shift required re-thinking the standard approach to crime.

In October 2012 a comprehensive review of the Wellington Area CBD covering crime types and “hotspots”¹ for the Willis Street – Cambridge Terrace (Te Aro) and Lambton census area units was produced by the National Intelligence Centre (NIC).²

The datasets used during this analysis showed that the Wellington CBD represents:

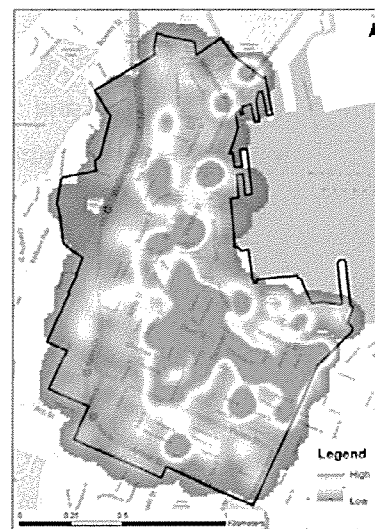
- 33% of Wellington Areas crime; and
- 12% of the Districts crime.

In particular Thursday to Sunday, between 2300 and 0400 hours requires deployment of significant Police resources.

Finally the CBD area plays a prominent role in all Wellingtonians lives with approximately 62,000 people working within its boundaries every day.

In line with the Wellington experience nationally, it has been estimated that:

- Approximately one-third of all Police apprehensions involve alcohol.
- Half of serious violent crimes are related to alcohol.
- More than 300 alcohol-related offences are committed every day.



¹ Defined as a geographical area with a higher than average concentration of crime.

² Census area units are aggregations of the smallest geographic unit (meshblocks) for which statistical data is collected by Statistics New Zealand. They are non-administrative areas that are in between meshblocks and territorial authorities in size. Census area units must either define or aggregate to define regional councils, territorial authorities and urban areas.

- Each day, 52 individuals or groups of people are either driven home or detained in Police custody because of intoxication.
- Maori and Pacific people and young people (16 – 24 years) represent a higher proportion of offenders where alcohol is concerned, prior to committing offences.
- Between 18% and 35% of injury-based Emergency Department presentations are estimated to be alcohol-related, rising to between 60% and 70% at weekends.
- 1 in 5 sexual assaults are attributed to alcohol.

Focus by the Wellington Area on targeted interventions, partnerships, media and the crime triangle (hotspots) has resulted in some good results. However without limiting the level of access to alcohol and encouraging a change in behaviour alcohol will remain one of the most significant drivers of total crime as identified under the Prevention First strategy.

Wellington Police Position

Our local alcohol policy is potentially the single biggest crime prevention opportunity since alcohol legislation was enacted.

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 minimised.
- Harm is any crime, damage, death, disease, disorderly behaviour, illness or injury... caused... by the excessive or inappropriate consumption of alcohol

The Government have signalled through the Better Public Services Initiative that:

- *“a key part of the action plan is to reduce availability of alcohol – in particular, tightening restrictions on the types of premises that can sell alcohol and when they can sell it.”*

This submission aligns with both the intent of the Act and the Governments vision to reduce the social harm and cost associated with the misuse of alcohol.

Wellington City Council Draft LAP

The Sale and Supply of Alcohol Act 2012 allows territorial authorities to develop local alcohol policies (LAPs). A LAP is a set of decisions made by a territorial authority in consultation with its community about the sale and supply of alcohol in its geographical area. Once a LAP is in place, licensing bodies will have to consider the policy when they make decisions on licence applications. The draft policy is owned and has been developed by the Wellington City

Council on behalf of the wider community. New Zealand Police, along with our key partners, and various community groups and the liquor industry, were asked to make submissions in terms of a range of proposals as part of the overall policy.

Over a period through to early 2013, there was a series of meetings with a wider audience including on and off licence representatives and representatives from the liquor industry who would be impacted on by the LAP.

There was also a series of meetings between Health, Police and the Wellington City Council where discussions around appropriate hours was undertaken. At the conclusion of these meetings, Police were invited along with these key partners to present their views on the proposed provisions of the LAP.

Wellington Police View

The following is a summary of the Wellington Police view, socialised with key partners in terms of the overall LAP.

Hours of Trade

On Licences

- A closing time of 3.00am in the entertainment precinct for all taverns, bars, pubs, nightclubs and clubs.
- A closing time of midnight elsewhere in the central city and suburban centres for taverns, bars, pubs, nightclubs and clubs.

Rationale

The rationale for this view is that both international and domestic evidence supports the proposition that the longer licensed premises are open, the more alcohol-related harm can be attributed to them.

A 3.00am closing time for the entertainment precinct acknowledges a community desire for a late night entertainment area while allowing harm to be minimised.

It also allows Police to deploy staff to address any issues that may arise from a single late night entertainment precinct open until 3.00am.

The Wellington District crime data supports this stance in relation to serious assaults and related alcohol harm and crimes, which are shown to increase on Thursday, Friday and Saturday nights between 2300 hours and 0300 hours.

This data is further supported by figures on alcohol-related harm admissions and anecdotal commentary from Wellington Hospital, which indicate that alcohol-related injuries are more likely to increase between 2100 hours and 0400 hours.

This position is also supported by the New Zealand Police submissions to the Law Commissions Issue Paper 15 in October 2009, in which then Commissioner Howard Broad, Assistant Commissioners Grant Nicholls and Viv Rickard, proposed a national 3.00am closing of all licensed premises throughout the country.

The proposal that licensed premises in the suburbs and outside the entertainment precinct close at midnight would stop the migration of people between suburban bars and the inner city entertainment precinct.

As outlined above in the background section of this document, there is a link to this geographically area and instances of violence, disorder and alcohol-fuelled crimes.

A 2012 Australian report evaluated³ existing alcohol related harm reduction strategies in the entertainment areas of two regional Australian cities, Geelong and Newcastle.⁴ One of these strategies was to reduce the trading hours of alcohol sales.

In March 2008, the New South Wales (NSW) Liquor Administration Board imposed conditions on hotels in Newcastle in an attempt to reduce alcohol related harm. One of these conditions was a reduction in trading hours with all premises prohibited from selling alcohol beyond 03:30 hours⁵. After imposing these conditions, there was a significant reduction in the number of alcohol related assaults recorded.

The relationship between alcohol related violence and liquor trading hours has received strong empirical support and Miller et al. state that "restricting trading hours, is the most effective and cost-effective measure available to policymakers to reduce alcohol related harm with licensed venues."

Miller et al. concluded that the restriction on alcohol trading hours had an immediate and long term effect on alcohol related harm as well as the culture of intoxication in Newcastle.

³ The evaluation techniques used were, analysing Police data, Emergency department attendance, ambulance call out data, interviews with patrons, venue observations, community surveys and interviews with key informants which included; Police, licensees, taxi drivers, health, ambulance, security personnel, licensing authorities and council workers.

⁴ Miller, P., Tindall, J., Sonderlund, A., Groombridge, D., Lecathelinis, C., Gillham, K., McFarlane, E., de Groot, F., Droste, N., Sawyer, A., Palmer, D., Warren, I., & Wiggers, J. (April 2012). *Dealing with alcohol related harm and the night time economy*. National Drug Law Enforcement Research Fund.

⁵ Prior to this, at least seven of the 15 hotels in the main Newcastle entertainment area traded until 05:00 hours.

Off Licences

- Maximum trading hours for selling alcohol of 7.00am until 9.00pm for all off-licences in Wellington such as supermarkets and bottle stores.

Rationale

The rationale for 9.00pm closing of all off-licences is essentially to bring back the clock in terms of reducing alcohol-fueled harm across the city. This stance is strongly supported by Medical Officer of Health Dr Stephen Palmer and aligns to the intent of Prevention First and Better Public Services.

Dr Palmer stated "I strongly support the immediate reduction in days and hours of sale for supermarkets and liquor stores to 9am to 9pm, with preference for a further reduction in hours for suburban supermarkets and liquor stores located in the southern wards to 8pm on Monday to Thursday, 9pm on Friday and Saturday, and 6pm on Sunday. This is in line with the recent decision of the Liquor Licensing Authority with respect to a suburban liquor store in Canons Creek, Porirua. Caps and sinking lid policies should be used to address the high levels of outlet density in the communities and neighbourhoods already mentioned.

For the CBD I support the Police view that closing time should be 3am. The police have the best understanding of the nature of the social harms relating to law and order. Much of the harm that occurs in the CBD is directly linked to the pre-loading taking place in the suburbs already mentioned and other cities. Never the less there is strong international evidence that shifting back early morning closing hours for bars does lead to fewer ED attendances. Notions around "rhythm of the city" and "entertainment precincts" are attractive and are worth exploring further. It is my view that the pendulum needs to be rebalanced first and then relaxation of the 3am closing time can only be considered in terms of the economic benefits significantly outweighing the economic burden of the harm."

Reducing the hours that takeaway alcohol can be purchased, is a practical strategy to impact on the access and availability of alcohol. By allowing off licences to trade late at night, customers are encouraged to drink alcohol immediately in an uncontrolled environment.

In February 2005, the sale of liquor at off licences in Geneva, Switzerland was prohibited between 21:00 hours and 07:00 hours. A before and after study was conducted, examining the hospital admission rates for acute alcohol intoxication in Geneva compared to the rest of Switzerland.⁶ Following the policy implementation, the hospital admission rates for

⁶ Wicki, G., and Gmel, G., (2011) Hospital admission rates for alcoholic intoxication after policy changes in the canton of Geneva, Switzerland. *Drug Alcohol Dependence*. 118(2-3).

adolescents and young adults decreased by up to 40%. There was no decrease for persons over the age of 30. There was also a reduction in the admission rates for underage⁷ intoxicated persons.

MacNaughton and Gillan comment that reducing the hours that off licences can trade, can contribute to reducing alcohol-related harm in groups, such as adolescents, who often source their alcohol from off licences and are less able to store alcohol for later consumption.⁸

One-Way Door Provisions

- A one-way door policy for all bars, pubs, nightclubs and clubs within the central city entertainment precinct between 1.00 am and 3.00 am.

Rationale

There is a great deal of international and domestic evidence that supports the effectiveness of a one-way door policy to reduce migration between bars within the entertainment precinct. An independent review of this policy by the Alcohol Advisory Council (ALAC) identified that the policy contributed to a 20% reduction in grievous assaults, sexual attacks and robberies.

International literature of a similar policy adopted in New South Wales identified:

- A 50% reduction in night time street crime;
- A 26% reduction in alcohol related night time Emergency Department Hospital admissions;
- 80% community support for this prevention measure.

Based on national and international research, there is strong evidence that a one-way door policy is an effective part of an overall alcohol harm reduction strategy.

A 2011 Queensland study⁹ examined, using both quantitative¹⁰ and qualitative¹¹ data, the effectiveness of a 'lockout policy'¹² following its introduction at on licences in the Gold Coast and Brisbane/Fortitude Valley. In the Gold Coast, the number of alcohol-related incidents requiring Police attention, reduced significantly. There was also a significant reduction of

⁷ The underage group were between the ages of 10 and 15. The legal drinking and purchasing age in Geneva is 16 years old.

⁸ Re-thinking alcohol licensing. Petrina MacNaughton and Evelyn Gillan. 2011. Alcohol-Focus Scotland and Scottish Health Action on Alcohol Problems.

⁹ Palk, Gavan R., Davey, Jeremy D., Freeman, James E., & Morgan, Hannah (2011) Perspectives on the effectiveness of the late night liquor trading lockout legislative provision. *Criminal Justice Policy Review*.

¹⁰ Police activity logs of all alcohol and non alcohol-related incidents attended by Police in and around late-night liquor trading premises.

¹¹ Interviews with key stakeholders - Police, Security Staff and Politicians.

¹² Patrons were not allowed to enter a licensed premise between 03:00hours and 05:00hours.

offences for certain crime types¹³, occurring at any time, on the Gold Coast. Palk et al. conclude that the lockout policy appears to be a more successful crime prevention strategy than reducing liquor trading hours.

National Overview

Christchurch City Council was the first council to propose a draft LAP. Given the similarities of Canterbury, Wellington and Auckland City Police Districts, alignment of the Police approach to proposals and recommendations around opening hours, off licences and one-way door policies is considered appropriate.

National Consistency

The submissions provided to Wellington City Council for the LAP are nationally consistent with the following strategies:

Prevention First

- To foster a culture of responsible drinking, reducing incidents of alcohol related offending and victimisation.

New Zealand Police Submissions to the Law Commission Issues Paper 2009

- Police strongly consider that there should not be 24-hour trading of alcohol in New Zealand.
- Police support restricting the opening hours of all off licences.
- Police support a maximum trading time of 3:00am for all on licences with the ability to put conditions such as a One Way Door Policy prior to this time.
- Police do not support allowing on licence trading hours outside national trading hours.
- Police support allowing each territorial authority to specify opening hours within national limits and a Local Alcohol Policy.

Justice Department Delivery of Public Service Action Plan 2012

Main Measure Reduction in the Crime Rate and Violent Crime

- Making alcohol licences harder to get and easier to lose.
- Tightening restrictions on the types of premises that can sell alcohol and when they can sell it.
- Giving local communities more say about when and where alcohol can be sold.

¹³ Sexual offences, street disturbances and disturbances/disputes.

Conclusion

The Wellington City Council LAP is Council-driven and community-owned. The community consultation process has involved Wellington Police providing submissions along with our key partners.

At the end of the process the Council and the community will make the final decision as to the opening hours and the type of night time alcohol economy they wish to invoke balancing the benefits of a night economy with the social and economic costs of alcohol-related harm.

This process is a unique opportunity to truly effect sustainable change to the Wellington drinking culture and environment.

As District Commander it is my position on behalf of the District that we need to do everything to support the Council in developing and implementing the LAP to provide clarity, certainty and consistency as part of the overall approach within Wellington to reduce alcohol harm and align to a robust alcohol related harm reduction strategy.

SUBMISSION TO WELLINGTON CITY COUNCIL
ON THE WELLINGTON CITY DRAFT LOCAL ALCOHOL POLICY



PROGRESSIVE

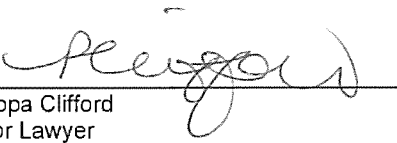
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Progressive Enterprises wishes to appear before the Wellington City Council ("Council") to present this submission.



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PART A: SUMMARY AND RECOMMENDATIONS

1. EXECUTIVE SUMMARY

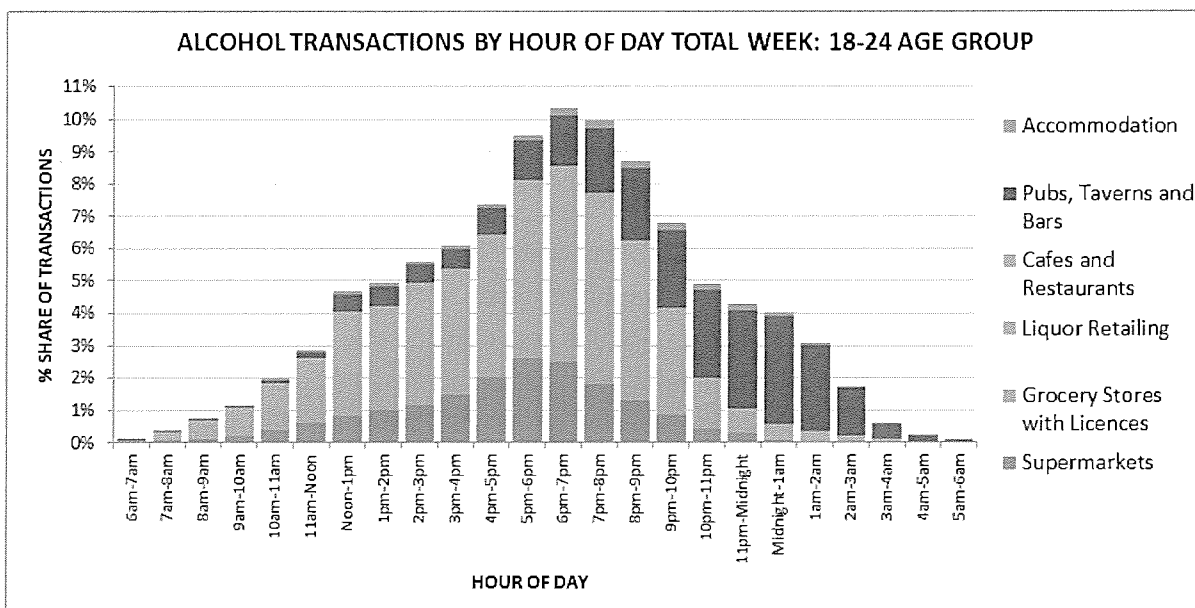
- 1.1 Progressive Enterprises is one of New Zealand's leading supermarket operators and currently operates 166 Countdown supermarkets across New Zealand. It is also the franchisor of the SuperValue and FreshChoice brands in New Zealand, which represents a further 55 stores, independently operated by franchisees. Some of the SuperValue and FreshChoice stores are small supermarkets and are categorised under the Sale and Supply of Alcohol Act 2012 ("the Act") as grocery stores. We include them when we refer to supermarkets in this submission.
- 1.2 In Wellington city we operate seven supermarkets and their licensed hours are:
- (a) Countdown Churchill Drive which is currently closed for renovations but has off-licence hours between 7am to midnight;
 - (b) Countdown Johnsonville Mall which trades until 10pm, but has flexibility in its off-licence hours to trade between 7am to 1am;
 - (c) Countdown Johnsonville which trades until midnight, but has flexibility in its off-licence hours to trade between 6am to 1am;
 - (d) Countdown Karori which trades until 10pm, but has flexibility in its off-licence hours to trade between 7am to midnight;
 - (e) Countdown Kilbirnie which trades until midnight, but has flexibility in its off-licence hours to trade between 6am to 1am;
 - (f) Countdown Newtown which trades until midnight, and has off-licence hours consistent with these trading hours;
 - (g) Countdown Tawa which trades until 10pm, but has flexibility in its off-licence hours to trade between 7am to midnight.
- 1.3 In Wellington city, we employ 800 people, contributing more than \$14 million per annum in 2012 in wages to the local economy. In the last five years, Progressive Enterprises has invested \$80 million in Wellington through opening new stores and upgrading and rebuilding existing stores. We currently have \$75 million of investment either underway or planned. In summary, we are major retail investors in the city and an active part of the community.
- 1.4 The default provisions of the Act will remove over 2,180 of our licensed hours in Wellington per year. The Draft LAP will reduce our licensed hours by a further 3,600 hours each year impacting on around 130,000-140,000 of Progressive Enterprises' Wellington customer visits in those hours and reducing convenience for those shoppers. The impact across all customers visiting supermarkets in Wellington is more than double that number.
- 1.5 Reducing alcohol-related harm from inappropriate or excessive alcohol consumption will need action from all parts of the community. As a retailer, we have a role to play along with other off-licensees, on-licensees, regulatory agencies and consumers.

- 1.6 We are committed to ensuring that our stores sell and supply beer and wine in a safe and responsible manner. We support efficient and effective reasonable initiatives that minimise alcohol-related harm.
- 1.7 By law, supermarkets sell beer and wine only. We appreciate that a licence to do so is not a right, but a privilege, and we work hard to maintain that privilege. With 2.5 million customers across the country each week, we are nationally recognised as a good operator within the licensing industry. Through our training, Liquor and ID 25 policies, which are over and above that required by the law, we strive to achieve best practice in the way that we market and retail beer and wine. A further example includes our policy to request identification where a member of the group looks under 25 and our staff reasonably believes there is a possibility that beer or wine may be being purchased for this person.
- 1.8 Section 4 of this submission explains the extensive changes that the Act requires from 18 December 2013, including reduced maximum off-licence hours from 24 hours per day to 16 hours per day (7am to 11pm). Until those changes have been implemented and have had time to be effective, it is our strong belief that a further restriction to maximum off-licence hours cannot be justified. Licence hours will still be able to be controlled on a case by case basis. This will enable Council to implement an adaptive management approach to minimising alcohol related harm, learn what changes are effective and appropriately target further changes if they are needed.
- 1.9 A LAP must be evidence based and for a lawful purpose. We accept that alcohol consumption has the potential to cause serious harm¹ particularly if it is consumed excessively or inappropriately, but the problems among young adults cannot be sheeted back to their purchases of beer and wine from supermarkets after 9pm. It is critical to have a sound evidence base for decisions, and to assist that process we provide some basic information below.
- 1.10 We believe the following national data will assist you in your deliberations:
- (a) We are a business that primarily sells produce and groceries. This applies to all age groups across all hours of the day. More specifically:
 - (i) On any day 18% of our customers purchase beer or wine, so 82% of customer purchases do not contain beer or wine.
 - (ii) 16% of customers buy beer and wine at the same time as they purchase a selection of general groceries.
 - (iii) 1.7% of purchases in our supermarkets contain beer or wine only.
 - (iv) This has shown a consistent downward trend from 2009 when it was 2%.
 - (v) 0.3% of purchases in our supermarkets contain wine or beer and/or snacks or confectionary.
 - (b) In summary, our supermarkets are places where a diverse range of New Zealanders buy their food, and their beer and wine. From the very robust sales data available to us, we can

¹ Law Commission Report, Alcohol in Our Lives at chapter 2.

confirm that the vast majority of New Zealanders do not use our supermarkets as a shop to buy beer and wine only.

- 1.11 Additionally, we have purchased a national sales dataset² of eftpos and credit card transactions to show nationwide sales patterns (broken down by hour of week for the 2012 full year) for each type of licensed outlet, including supermarkets. The results are very informative. The raw numbers only show transactions, not alcohol transactions and have therefore been adjusted by Market Economics Limited applying Statistics NZ figures to reflect the respective proportions of sales which are related to alcohol for 18-25 year olds on Friday/Saturday nights. The details of these changes are set out in section 6 and a summary is outlined below.



1.12 This data shows that:

- Supermarkets are not a significant destination for young adults (18-25 year olds) to buy beer or wine between 9pm and 11pm. Even on weekend evenings, only a small proportion of spending (around 6% of transactions) by this age group during 9pm to 11pm is directed to supermarkets.
- This is consistent with the sales patterns in our own supermarkets. In a typical store between 9pm and 11pm, on Friday and Saturday nights, there are fewer than 15 young adult customers purchasing any beer or wine, and half of those young adult customers are also buying a broad range of groceries.
- Young adults consistently have a lower share of those purchases which include any beer or wine than for our customers overall, across the week.
- Customers who are not part of the young adult segment which is targeted by the LAP make up the major share of shoppers in our stores, and their regular shopping - which includes purchases of beer and wine in the evenings - will be impacted.

1.13 The evidence of Dr Douglas Fairgray shows that 18 to 24 year olds account for 30 to 50% of alcohol purchases after midnight (nationally). These are also the key age group that suffers harm

² BNZ Marketview. This information was obtained in June 2013.

from alcohol. The challenge for Council is to maintain the Wellington City's night time vibrancy, which depends on that target group, while also reducing harm to this group. However, it is not clear why the Council believes that imposing blanket licence restrictions across all supermarkets will have material effect, because the relevant supermarket customer numbers are very small (for example, fewer than 5 customers potentially in the target group per night between 9pm and 11pm from Countdown Newtown).

- 1.14 We have significant reservations and concerns about the quality and objectivity of the Council's "Off-Licence Purchasing and Consumption Patterns" and the way in which the data has been presented. Nevertheless, the raw data from that survey (which we don't think you have been given) confirms that only a small number of young adults purchased beer or wine from our stores between 9pm and 11pm, and even fewer (as above) have any intention of going into town. Even then, there is no evidence from the Council's survey linking these young adults to alcohol related harm, as defined by the Act. This data supports our findings that the 9pm to 11pm restriction is an excessive and disproportionate response to tackle a very few number of relevant sales.
- 1.15 Young adults are a small proportion of the customers who purchase beer or wine after 9pm, and the great majority of these are purchasing groceries at the same time as they are purchasing beer or wine. There is no relevant evidence that restricting the sale of beer and wine in supermarkets to between 7am and 9pm will address alcohol-related harm in the community, however we can say with certainty that this proposed restriction will inconvenience the vast majority of our customers who are shopping outside of these times and who are not the target of the control.
- 1.16 The Council's data shows that alcohol-related harm is a problem in the central city on Friday and Saturday nights, particularly because young adults drink until the early hours of the morning in these areas. If this is the harm that the Council is specifically seeking to address in its LAP, restrictions that apply between Sunday and Thursday and outside of the central city are not required. Even then, there is no evidence that such a restriction is appropriate or would be effective.
- 1.17 Trading hours for supermarkets have changed over the years to reflect the changing nature of the average New Zealand household, where both parents frequently work and activities are factored around a longer day. We believe these changes were reflected by Parliament in setting national default licensed hours for wine and beer sales from 7am to 11pm and we support that decision. The Council's proposed restrictions force young and older Wellingtonians to go to a bar if they want to buy beer or wine after 9pm which seems unusual.
- 1.18 The proposed licensing hours will have the greatest impact on the majority of our customers who are buying beer or wine within a full shopping basket. Supermarket shopping takes longer than simply picking up a bottle of wine or beer from an alcohol-only store, and these restrictions will start to impact on our customers who arrive around 8.30pm onwards. We therefore ask the Council to take into account the convenience that supermarkets offer Wellington shoppers as they fulfil a very different function from off-licence premises selling alcohol-only, and meet very different needs.
- 1.19 We asked Council staff whether they were planning to commission their own cost benefit analysis and were surprised that they advised:

With respect to your query about a cost benefit analysis, the answer is no, a specific cost benefit analysis for the implications of the policy was not completed nor planned. You'll be aware that there is no obligation in the SSAA12 for councils to undertake a cost-benefit analysis in determining the reasonableness of a provision in a LAP.

The Council does not have access to sufficiently robust local point of sale information from which to model changes in purchasing patterns from which to adequately model the economic cost of the proposed changes in off-licence trading hours. Similarly, there are nationally and internationally recognised difficulties in establishing a direct causal relationship between alcohol consumption and alcohol related harm/social benefits to adequately model the impact of proposed changes. For these reasons, the Council is not considering undertaking a cost-benefit analysis

- 1.20 Regulations such as the Draft LAP have significant economic impacts and we do not understand why a leading Council which usually exhibits best practice in policy development would rush to develop a LAP without understanding its effectiveness and impact on the community. Given the city's size and importance as New Zealand's capital city we would have thought that such an analysis was essential. This is particularly the case as Christchurch City Council's cost benefit analysis concluded that:
- (a) While the international literature has shown that reductions in licensed hours can help reduce alcohol-related harm, reductions in consumption caused by the Draft LAP will be minor and hence so too will any reductions in acute alcohol related harm. As a result, policy benefits will be minor.
 - (b) There is no evidence to support or oppose the proposed off-licence restrictions. Further, Christchurch City Council does not appear to have a strong community mandate for reducing the hours that alcohol can be sold at certain off-licences, such as supermarkets.
 - (c) Because the policy does not (and essentially cannot) target problem drinkers, it is fairly blunt and therefore has the potential to negatively impact a number of law-abiding citizens.
- 1.21 We were also deeply concerned that Christchurch City Councillors directly asked Progressive Enterprises to raise its prices in conjunction with its competitors to make beer and wine more expensive. That is illegal under the Commerce Act 1986 and as your Council will be aware, pricing is a matter for Parliament, not local councils. Please see Appendix 2 of this submission for further details.
- 1.22 Supermarkets and grocery stores currently do, and could continue to have, different maximum licensed hours to bottle stores. Notably:
- (a) Councils are able to make fine grained distinctions between different types of alcohol licences in their LAP. See for example the exemption for hotel mini-bars;
 - (b) Current case law supports some differential hours between supermarkets and bottle stores;³
 - (c) Supermarkets fulfil different customer needs to bottle stores;

³ See *Russell Nieper Limited* (LLA decision 1116/93).

- (d) There are far fewer supermarkets in key areas, such as the CBD, than bottle stores; and
 - (e) Supermarkets have different customer trends to other licensed premises.
- 1.23 Discretionary conditions may be appropriate, but supermarkets are already operating at national best practice for many matters which the Draft LAP addresses in terms of security control, lighting and signage. These matters must be addressed in a nationally consistent manner for supermarkets.
- 1.24 Draft LAP controls for density, proximity and location may be appropriate for licensed premises such as bars, bottle stores and restaurants. For supermarkets, these controls are more appropriately addressed in the district plan. Therefore the Draft LAP should not control these matters. However Progressive Enterprises would support the Council proposing a plan change to the district plan addressing supermarket location, proximity and density in the context of the RMA (which can include matters relating to alcohol-related harm as it is within the ambit of an environmental effect).
- 1.25 To deliver high quality regulation as required by the Local Government Act 2002 ("**LGA**"), LAPs need to promote a decision making framework that is integrated with the RMA's district plan and resource consenting process as well as the building consent process and we seek some amendments to the Draft LAP to reflect this.
- 1.26 It is also important that the Council carefully reflects on the following legal matters which are explained in **Appendix 2**:
- (a) The purpose and object of the Act,
 - (b) The need for persuasive evidence,
 - (c) What matters are relevant considerations and those that are not;
 - (d) The requirement not to act for trade competition purposes; and
 - (e) The obligation to only interfere with the objectives of other statutory instruments, including, the Commerce Act 1986, which seeks to promote competition in markets, to the least extent possible.
- 1.27 Progressive Enterprises has commissioned expert witnesses to provide information regarding the various Draft LAPs that have been released for consultation around the country, and Wellington City Council's Draft LAP in particular. In summary these experts are:
- (a) Michael Foster, who provided planning advice;
 - (b) Dr Mark Elwood, who provided a literature review⁴ of material regarding alcohol related harm and measures to address alcohol related harm; and
 - (c) Dr Douglas Fairgray, an economic analyst who has reviewed numerous sets of data to identify some key trends regarding the sale of alcohol in New Zealand.

⁴ Dr Mark Elwood's evidence was prepared as part of Progressive Enterprises' submission on the Christchurch City Council Draft LAP, but his findings are also applicable to the Council's Draft LAP

- 1.28 The findings of Douglas Fairgray are set out in **Appendix 3**, and a summary of the findings of Michael Foster and Dr Mark Elwood are set out in **Appendix 4**. We have also included a brief description of the experience and qualifications of these experts in **Appendix 5**.⁵
- 1.29 In **Appendix 6** we have included a report that has been prepared for Progressive Enterprises by Gravitas, who have reviewed the Council's survey methodology for the Off-Licence Purchasing and Consumption Patterns report.
- 1.30 In summary, restricting supermarket licensed hours to between 7am and 9pm is unlikely to contribute meaningfully to the effects which the Draft LAP is seeking to reduce. After 9pm, the number of young adult customers buying beer or wine in our stores is small, and a very small proportion of this age group's alcohol spending at night. These restrictions therefore predominantly affect customers outside of the target age group, impacting mainstream shoppers who are buying beer and wine as part of their wider supermarket shop.

2. RECOMMENDATIONS

- 2.1 Progressive Enterprises **supports** the following Draft LAP provisions:
- (a) The proposed opening hours for supermarkets and grocery stores (7am).
 - (b) The proposed caps on off-licences to the extent they relate to supermarkets and grocery stores.
- 2.2 Progressive Enterprises **conditionally supports** the aims and policy principles of the Draft LAP. Progressive acknowledges the Council's desire to achieve greater vibrancy in the central city with an increase in late-night activity and less emphasis on alcohol consumption. However these provisions must be consistent with the purpose and object of the Act and not be used to justify favouring one part of the economy over another, or trade competition based restrictions on off-licences and it is unclear whether this is a relevant consideration in terms of section 78 of the Act. See paragraph 15.16 and Section 2 of Appendix 2 of this submission for further details.
- 2.3 Progressive Enterprises **seeks the following changes to** the Draft LAP provisions:
- (a) The maximum licence closing hours for supermarkets and grocery stores should be 11pm (Part 9). See sections 8 – 12 of this submission for specific details.
 - (b) The proposed location controls should not apply to supermarkets and grocery stores within Wellington (Part 10). See section 13 of this submission for further details.
 - (c) The proposed controls over proximity of licensed premises to other premises or facilities should not apply to supermarkets and grocery stores (Part 10). See section 13 of this submission for further details.
 - (d) The proposed discretionary conditions should be clearer in terms of their application to specific types of licences (i.e. off-licence or on-licence) (Part 11). See section 14 of this submission for further details.

⁵ Although this is not an Environment Court matter, these experts have read and have agreed to comply with the Environment Court Code of Conduct for Expert Witnesses when preparing their statements.

- (e) An additional policy aim should be included (Part 6):

Provide an efficient regulatory framework through promoting a decision making framework that is integrated with the district plan and the resource consent and building consent processes.

See section 15 of this submission for further details.

- (f) Additional policy principles should be included (Part 7):

Ensure that the LAP does not duplicate regulatory controls contained within the district plan.

Facilitate the early processing of licence applications in conjunction with resource consent applications or building consent applications in so far as it is possible.

See section 15 of this submission for further details.

- (g) Supermarkets and grocery stores could have different maximum licensed hours to bottle stores. See paragraphs 15.2-15.16 of this submission for further details.

- (h) If there are concerns about patrons leaving bars to drink off-licence alcohol, investigate specific tools to address that behaviour in the locations where it is an issue. See section 9 for further details.

PART B: CONTEXT

3. PROGRESSIVE ENTERPRISES LIMITED

Progressive Enterprises' business

- 3.1 Progressive Enterprises is one of New Zealand's leading supermarket operators and currently operates 166 Countdown supermarkets across New Zealand. Progressive Enterprises is also the franchisor of the SuperValue and FreshChoice brands in New Zealand, which represents a further 55 stores, independently operated by franchisees.
- 3.2 Progressive Enterprises is the largest private sector employer based in New Zealand, with 18,500 New Zealanders employed in our stores, support offices, processing plants and distribution centres.
- 3.3 Within Wellington city, Progressive Enterprises currently operates seven Countdown supermarkets and we employ more than 800 people, contributing \$14 million per annum in wages in 2012 to the local economy. In the past five years, Progressive Enterprises has invested \$80 million in the area through opening new stores, and upgrading and re-building existing stores including the new Countdown in Petone. We currently have \$75 million of investment either underway or planned in the Wellington region.

4. PROGRESSIVE ENTERPRISES AS A RESPONSIBLE OPERATOR

- 4.1 Progressive Enterprises has a Liquor Policy (attached as **Appendix 1**) and we also have in-store communications which address the sale of beer and wine in our supermarkets.
- 4.2 Our policy makes it clear that intoxicated persons are not permitted to enter or remain on the premises. Observing customers tends to be easier in a supermarket environment owing to the fact that it is brightly lit and there is individual interaction at the check-out. This is supported by the extremely small number of off-licence breaches which occur in our supermarkets across New

Zealand, despite serving 2.5 million customers every week. Our supermarkets already have extensive CCTV coverage.

- 4.3 The supermarket store experience itself promotes the availability of food and non-alcoholic beverages. Under the new Act, supermarkets are not able to display non-alcoholic beverages within the "single area" for beer and wine.
- 4.4 We have an ID 25 policy which is above and beyond the legal requirement around identification, as well as a policy to request identification where a member of the group looks under 25 and our staff reasonably believes that there is a possibility that beer or wine may be being purchased for this person. We believe most customers are now very aware of what constitutes appropriate ID. Store supervisors will ask for drivers licence, passport or the HANZ card, and no other form of ID is acceptable.
- 4.5 It is our company policy not to sell beer or wine that specifically markets to and promotes the consumption of alcohol by young people. We also have a policy of not selling beer or wine below cost.
- 4.6 In addition, the Act requires a number of significant changes for supermarkets:
 - (a) Supermarkets are the only off-licences that commonly have licensed hours outside of 7am to 11pm. Therefore the Act's new reduced national default hours affect supermarket licensed hours more than any other type of off-licensee;
 - (b) Off-licences are more involved in media advertising than on-licences. From mid-December all off-licences will have significant constraints in how they market beer or wine and advertise discounts. These constraints will not impact other licensees to the same extent;
 - (c) Supermarkets will also have to limit the location and advertising of beer and wine within their supermarket to a single area, limiting the exposure of customers to beer and wine; and
 - (d) The Government is addressing pricing on a national basis and is reviewing whether minimum pricing be introduced.
- 4.7 The Act represents the most significant tightening of alcohol licensing within the last 50 years (or more), as there are a number of additional restrictions imposed on licensees under the Act. Supermarkets are specifically targeted by a number of these restrictions.
- 4.8 It is premature to reduce off-licensed hours until the new reduced national default hours under the Act have been given an opportunity to influence drinking behaviours. Leaving off-licence hours to be addressed later remains an efficient and effective tool because there is no implementation delay for LAP controls on licensed hours. This will also enable the Council to implement an adaptive management approach.
- 4.9 Any present discussion of "status quo" must therefore acknowledge that these constraints are not yet in place. The default provisions of the Act are **not** the status quo and will not be until after 18 December 2013. It is important that the Act is then given time to become established and influence behaviour.

- 4.10 Progressive Enterprises is concerned that the Council is rushing to use its powers under the Act to impose further controls on supermarkets, without taking proper account of these significant new constraints and without having let those changes influence consumer behaviour.
- 4.11 These legislative changes have been designed to reduce alcohol related harm and so it is self evident that existing data on alcohol related harm cannot be a good basis to make decisions upon, because that data will become outdated and unreliable prior to the LAP coming into effect. Additionally, the Council has chosen not to undertake a cost/benefit analysis of the proposed LAP restrictions.

5. PROGRESSIVE ENTERPRISES' SALES OF BEER AND WINE

- 5.1 To give the Council some context about Progressive Enterprises' beer and wine sales, we have pulled together point of sale data.
- (a) Just 1.7% of purchases in our supermarkets are beer and/or wine only, and this has shown a consistent downwards trend from 2009 when it was 2%.
 - (b) Of all customer purchases:
 - (i) 82% do not contain any beer and/or wine;
 - (ii) 1.7% contain only beer and/or wine (as above); and
 - (iii) 0.3% contain beer and/or wine, plus snacks and/or confectionary.

6. RELEVANT STATISTICS FOR 18-25 YEAR OLDS (YOUNG ADULTS)

- 6.1 We have purchased a national sales dataset⁶ of eftpos and credit card transactions to show nationwide sales patterns (broken down by hour of the week for the 2012 full year) for each type of licensed outlet, including supermarkets. The results are very informative and show the following:
- (a) The available statistics indicate that supermarkets are not a significant destination for young adults (18-25 year olds) to buy beer or wine on Thursday, Friday and Saturday nights between 9pm and 11pm.
 - (b) Supermarkets and grocery stores account for around 29% of all annual spending on alcohol among the main commercial outlets (supermarkets, grocery stores, bottle stores, restaurants and cafes, and bars, taverns and clubs).
 - (c) The evening period (9pm-11pm), during which time about 11% of young adults' spending on alcohol occurs, primarily comprises: purchasing at bottle stores (30%) and purchasing at on-licence premises (64%), which include restaurants, bars, clubs and taverns. Supermarkets and grocery stores account for around 6% of young adults' purchases in this period.
 - (d) Fridays and Saturdays show a similar pattern, with supermarkets and grocery stores attracting a smaller share (around 3%) of their expenditure in the weekend evening period (Fridays and Saturdays, 9pm-11pm) than during the week overall (around 7% overall).

⁶ BNZ Marketview. This information was obtained in June 2013.

- 6.2 These figures are generally consistent with the spending patterns by young adults in Progressive Enterprises' supermarkets where 18-25 year olds are the group least likely to buy beer and wine. On average, nine out of ten 18-25 year old customers purchase no wine and beer when they visit our stores. The graph showing this data is in section 1 of this submission.
- 6.3 The data from BNZ Marketview has been use by Market Economics together with information from the Department of Internal Affairs and Statistics NZ figures, on the percentage of total sales (by value) across each type of commercial outlet that sells alcohol:
- (a) Supermarkets: 7-8% of sales;
 - (b) Liquor Outlets: 97%;
 - (c) Grocery and Specialty Food: 4%;
 - (d) Restaurants and Cafes 18%;
 - (e) Taverns, bars and clubs: 55%; and
 - (f) Accommodation: 12%.

7. LEGAL CONTEXT – THE ROLE OF LOCAL ALCOHOL POLICIES

- 7.1 The Act reflects the Law Commission's Report *Alcohol in our lives: Curbing the harm*, that the continued association between food and beer and wine remains valid as part of an overall strategy to foster a more responsible and moderate drinking culture.⁷
- 7.2 The Act's "preliminary matters" (i.e. purpose, object and interpretation) are important as they guide the interpretation and application of the Act.
- 7.3 The Act provides for a new system of controlling the sale and supply of alcohol with a requirement that the characteristics of such new system of control:
- (a) By their administration, help to achieve the object of this Act;
 - (b) Are reasonable;
 - (c) Ensure that the sale, supply and consumption of alcohol are undertaken safely and responsibly; and
 - (d) Minimise the harm caused by the excessive or inappropriate consumption of alcohol.
- 7.4 There are complicated inter-relationships between the sale and supply of alcohol, risks of harm and the behaviour of customers. When drafting an LAP, considerable care needs to be taken in light of these relationships.
- 7.5 The decision-making requirements under the Local Government Act 2002 are also relevant, including:

⁷ Law Commission Report, *Alcohol in Our Lives* at para 8.50.

- (a) A council's role includes meeting the needs of its community for good quality regulatory performance in a way that is most cost-effective for households and businesses.
- (b) "Good-quality" regulation is efficient, effective and appropriate to present and anticipated future circumstances.
- (c) In order to be effective and efficient, the regulatory process must first identify the relevant issue(s) of concern and identify evidence based options to address those issues.

7.6 Further information regarding the legal considerations that are relevant to the Council when drafting an LAP is set in **Appendix 2** of this submission.

PART C: ASPECTS OF THE DRAFT LAP THAT PROGRESSIVE ENTERPRISES OPPOSES

8. OFF-LICENCE HOURS

8.1 Under Part 9 of the Draft LAP the proposed maximum licensed hours for off-licensed premises is 7am to 9pm, Monday to Sunday. The maximum licensed hours that have been identified in the Draft LAP also allow "best-practice applicants" to apply for longer licensed hours, but this is only available to on-licence applicants.

8.2 The Draft LAP's proposed reduced off-licence hours are inappropriate because:

- (a) The proposed restrictions do not have a sound evidential basis. There is no evidence that reducing a supermarket's licensed hours will address alcohol-related harm. See section 9 for further details.
- (b) The Draft LAP does not differentiate by day of week, but the harm statistics relied on do. Therefore the Draft LAP does not reflect the Council's own data. See paragraphs 11.12 for further details.
- (c) The proposed restrictions for supermarkets are not based on sound research. See section 10 for further details.
- (d) While data setting out the mandatory relevant considerations has been listed, there is no convincing analysis of the data that correlates with, or justifies the restrictions contained in the Draft LAP. See section 11 for further details.
- (e) The proposed restrictions do not take into account accurate sales statistics regarding supermarkets, with the consequence that the proposed restrictions are not necessary for supermarket off-licences. See sections 5, 6 and 10 for further details.
- (f) The proposed restrictions will have unforeseen consequences on the majority of customers who buy beer and wine as part of a wider shop, as well as our team in-store. See section 12 for further details. Ultimately, it is our view that these customers will therefore choose to shop at different times, thus potentially reducing supermarket hours, jobs, employment, and investment in the Wellington economy.

9. EVIDENCE ON REDUCING ALCOHOL-RELATED HARM

9.1 The Council has identified a concern with alcohol-related harm events late on Friday and Saturday nights, particularly associated with young men, but has not identified or considered the best evidence to address this aspect of alcohol-related harm. Rather, it has seemingly proceeded on the assumption that supermarkets are the primary cause of this harm and has not taken proper account of other evidence. More specifically:

- (a) Limiting supermarket licensed hours will not address the risks of harm associated with dense clustering of licensed premises in entertainment precincts, a risk that the Draft LAP does not otherwise address in a meaningful way. Supermarkets do not cluster within entertainment districts so do not raise this concern;
- (b) The supermarket hours at issue do not correlate with the evidence supporting reduced licence hours after midnight;
- (c) While on-licences and off-licences may generally be well operated, there are examples of poor operators within each licensing type. The evidence suggests that some licences play a disproportionate role in alcohol-related harm⁸ and this can be linked to management practices⁹ or other factors. Regulating supermarket licensed hours will not address poor compliance by other off-licences or on-licences and we are not aware of a Council strategy to tackle these issues; and
- (d) Comprehensive and targeted enforcement approaches that improve compliance can reduce the extent of alcohol-related violence and disorder.¹⁰ These techniques are easily transferrable and would sit well within a proactive compliance strategy, but because the Draft LAP does not refer to these techniques it unclear whether these lessons are being applied in Wellington.

9.2 As a responsible seller of beer and wine, we accept that alcohol consumption has the potential to cause serious harm¹¹ particularly if it is consumed excessively or inappropriately. Leaving a bar to top up drinking with off-licence alcohol is one form of inappropriate alcohol consumption. However, the problems among young adults cannot be related back to their purchases of beer and wine from supermarkets on Friday and Saturday after 9pm (or other days of the week), and we also cannot see evidence that restricting supermarket sales after 9pm would be effective in reducing this harm, particularly in light of the small number of young adults who buy beer or wine from our supermarkets at this time.

9.3 If the Council does wish to address these inappropriate behaviours, it could target the specific behaviours of concern through:

- (a) Alcohol control bylaws that prohibit bringing or consuming alcohol in specified public places; and

⁸ Hadfield P. Night-Time Economy Management: International Research and Practice: A Review for the City of Sydney, September 2011 at pages 36-37.

⁹ See *Lancaster and Arnold v The Embankment* [2012] NZLLA 1385 (11 December 2012). The effectiveness of this decision in addressing alcohol-related harm has not been assessed by the Council either, but would have provided useful information for the Council to consider regarding the effectiveness of enforcement measures.

¹⁰ <http://www.police.govt.nz/resources/2005/wqtn-city-alcohol-enforcement-report/>.

¹¹ Law Commission Report, Alcohol in Our Lives at chapter 2.

- (b) On-licence restrictions which might provide a disincentive for patrons to leave bars to consume private alcohol.

10. BACKGROUND RESEARCH ERRORS

Reliance on incorrect information

10.1 The policy options analysis undertaken by the Council¹² relies on incorrect information. For example:

- (a) The Council's analysis contains a much broader analysis than the specified list of lawful considerations under s. 78 of the Act.
- (b) The Council's rationale for restricting off-licence sales to between 7am and 9pm is that their "research" shows a spike in alcohol-only purchases from 9pm. However, the Council's survey has a number of weaknesses, particularly in terms of the methodologies used and the questions asked, as set out in the report by Gravitass attached with this submission as Appendix 6. Additionally, our sales data shows that the actual numbers of people purchasing beer and wine only are very low and the Council's survey shows that most people are going home after they purchase beer and wine in supermarkets.
- (c) The Council has rejected the option of delaying the development of their LAP as this would extend the time during which Wellington is "subject to" the default provisions in the Act around maximum licensed hours. The way that this has been phrased suggests that the reduced national default license hours are perceived as a type of burden. To the contrary, the default hours are more stringent than current hours. Given that the Act's hours are not yet in force, and have not had time to influence drinking behaviours, it is premature for the Council to reject these options on the basis of negative perceptions regarding these hours.
- (d) One of the Council's rationales for restricting off-licence sales to between 7am and 9pm is to allow a sufficient buffer between off-licences premises and the time that at risk groups move into the city. Again however, our sales data shows that supermarkets are not a significant destination for the risk groups identified by the Council (18-25 year olds) to purchase beer and wine after 9pm so this rationale cannot be used to justify more restrictive licensed hours for supermarkets;
- (e) There is insufficient account of the differences between supermarkets and bottle stores, and the community's views about each of them;
- (f) The Council's options analysis fails to have regard to the purpose of the Act of creating a reasonable licensing system or the obligations under the LGA of creating good quality regulation; and
- (g) There has been no cost benefit analysis undertaken. There is evidence from Christchurch City Council that the economic costs of their draft LAP will outweigh the economic benefits with no evidence to suggest that this would reduce harm related to the inappropriate or excessive consumption of alcohol.

¹² See page 12 of the Draft LAP.

Failure to identify the impact of legislative change

- 10.2 The Council's Report regarding its Draft LAP¹³ ("**Report**") glossed over the impact of the mandatory changes imposed by the Act as set out at paragraph 4.6 above. Additionally:
- (a) The new licensing regime allows a greater range of conditions to be imposed on licenses which will improve the proactive avoidance of alcohol-related harm;
 - (b) There are more significant penalties for breaching the legislation, particularly around selling to intoxicated persons and minors. There will necessarily be an increased focus on compliance by all licensees.
 - (c) New Zealand is in a transition through the most significant tightening of alcohol licensing within the last 50 years (or more). Parliament specifically designed the Act's changes to reduce alcohol-related harm and it would be wrong to assume that they will have no effect; and
 - (d) Surveys and investigations into alcohol-related harm in 2012 / early 2013 will therefore soon become out of date or inaccurate.
- 10.3 It is premature to reduce licensed hours until the new reduced national default hours under the Act have been given an opportunity to influence drinking behaviours. See **Appendix 2** for further details.

Reliance on incorrect and/or inconsistent data

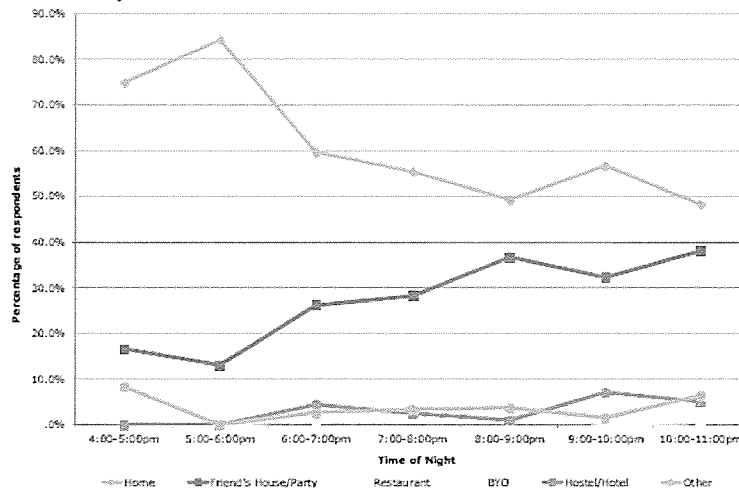
- 10.4 The Report incorrectly described some of the research findings which could mislead the assessment of options and community views about those options, for example:
- (a) The survey results are skewed in that the Council did not ask questions about views on specific types of off-licences, despite the fact that communities often have very different views about supermarkets as opposed to bottle stores. For example, Appendix 5, page 10 of the Report identifies that 38% of respondents felt the number of off-licence premises in the central city is too high, but the results of other council surveys¹⁴ have shown that where a distinction is made between different types of off-licences, the community has quite diverging views about supermarkets and bottle stores, particularly in terms of location and licensed hours.
 - (b) Appendix 5, page 13 of the Report refers to Council's research regarding the number of supermarket shoppers who purchase beer and wine only, and the Council concludes that "there was little change observed over the course of the evening" regarding these numbers. However, these figures show a selective picture given that:
 - (i) Only part of the day was surveyed;
 - (ii) Some of the surveys were taken on a night that the Hurricanes had a home game, potentially distorting the data – or at least showing a worst case (rather than an average);

¹³ See Report 3 the Strategy and Policy Committee Agenda of 20 June 2013.

¹⁴ See as an example, the results obtained by the Tasman District Council as part of their LAP research.

- (iii) Other than Karori New World, all the supermarkets were located in the central city area, so there has been no credible analysis of supermarket trends outside of the central city area; and
 - (iv) The overall numbers are very low, and are likely distorted by the difficulty in identifying beer and wine within a larger shop due to the observational nature of the surveying.
- (c) The Council's data shows that the number of supermarket shoppers whose purchases do not contain beer or wine is highest between 9pm and 11pm.
- (d) In its assessment of survey data regarding off-licence hours, the Council has omitted to include the survey findings about where customers were going to drink the beer and wine that they purchased from supermarkets.¹⁵ Although this data is referenced later in the Report, it would have been useful to present this information alongside the other data provided (i.e. when customers were going to drink their alcohol, and whether they purchased any food or snacks), since this shows that the majority of supermarket customers go home or to a friend's home to drink (85.6%).¹⁶ Notwithstanding the deficiencies in the report, there is no evidence that supermarket customers between 9pm and 11pm are "pre-loading".

Figure 35: Locations that alcohol purchased at supermarkets will be drunk by time of night



Source: Wellington City Council Off-Licence consumption patterns research (2013)

10.5 We are undertaking a further review of the analysis of the data which we may present at the hearing.

11. MANDATORY CONSIDERATIONS

Objectives and policies of the District Plan

11.1 The Council's analysis of the objectives and policies of its District Plan is contained at Appendix 5, page 3 of the Report. The Council has identified that there are no specific provisions regarding the sale of alcohol in Wellington, as it is an effects-based plan, although some of the zones in the District Plan make it easier for licensed premises to establish, particularly the Central Area and Business Areas.

¹⁵ See page 13 of Appendix 5.

¹⁶ See page 44 of Appendix 5.

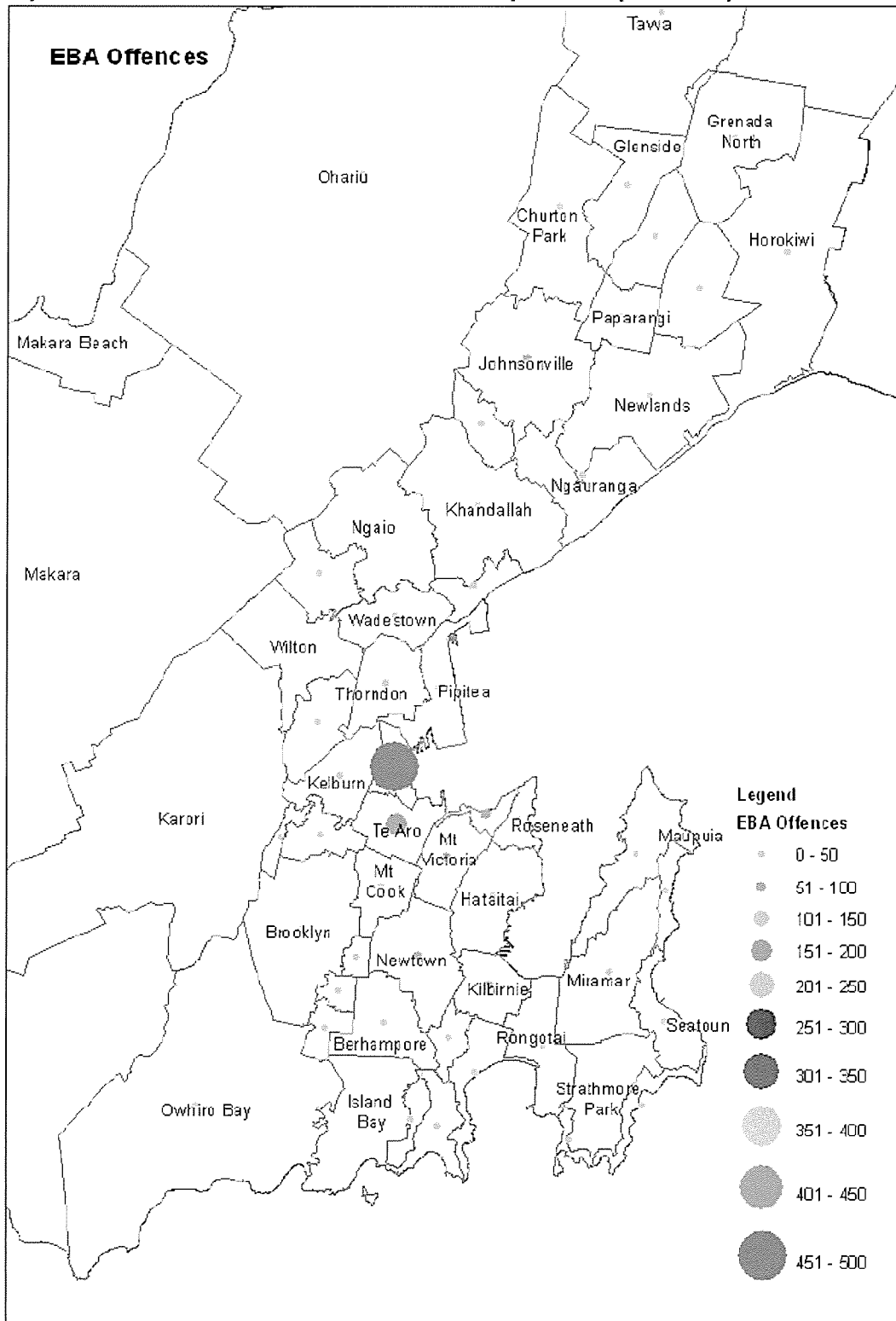
Number of licences held in the district, and their location and licensed hours

- 11.2 Appendix 5, page 3 of the Report contains the Council's analysis of the number of licences held in the district, their location and opening hours.
- 11.3 However, a key concern with the Council's analysis of this information is that it fails to provide key data regarding the number and location of off-licences in Wellington. For example:
- (a) The Report often fails to distinguish between supermarkets and bottle stores, yet the distinction between different types of on-licences is made throughout the Report;
 - (b) The Report identifies that as of January 2013, the majority of licences in Wellington City were issued for on-licence premises (70%), but whether the remaining 30% of licensed premises are comprised of off-licence, club licence, or special licence premises is not specified;
 - (c) The Council's analysis provides a comprehensive breakdown of the number of on-licences in the central city suburbs (Te Aro and Wellington Central), by type of licence,¹⁷ yet fails to provide this same analysis for off-licences.
- 11.4 It is concerning that the Council does not appear to have analysed the contribution that the different types of off-licences have to alcohol-related harm in these suburbs. For example, Figure 18 of Appendix 5 (below) identifies the location of excess breath alcohol offences and clearly shows that the Te Aro and CBD areas are by far the most common areas for this type of alcohol-related harm to occur. However, as the map below identifies, other types of off-licences, not supermarkets, tend to be densely located in these areas, with only five supermarkets¹⁸ presently located in the central city.

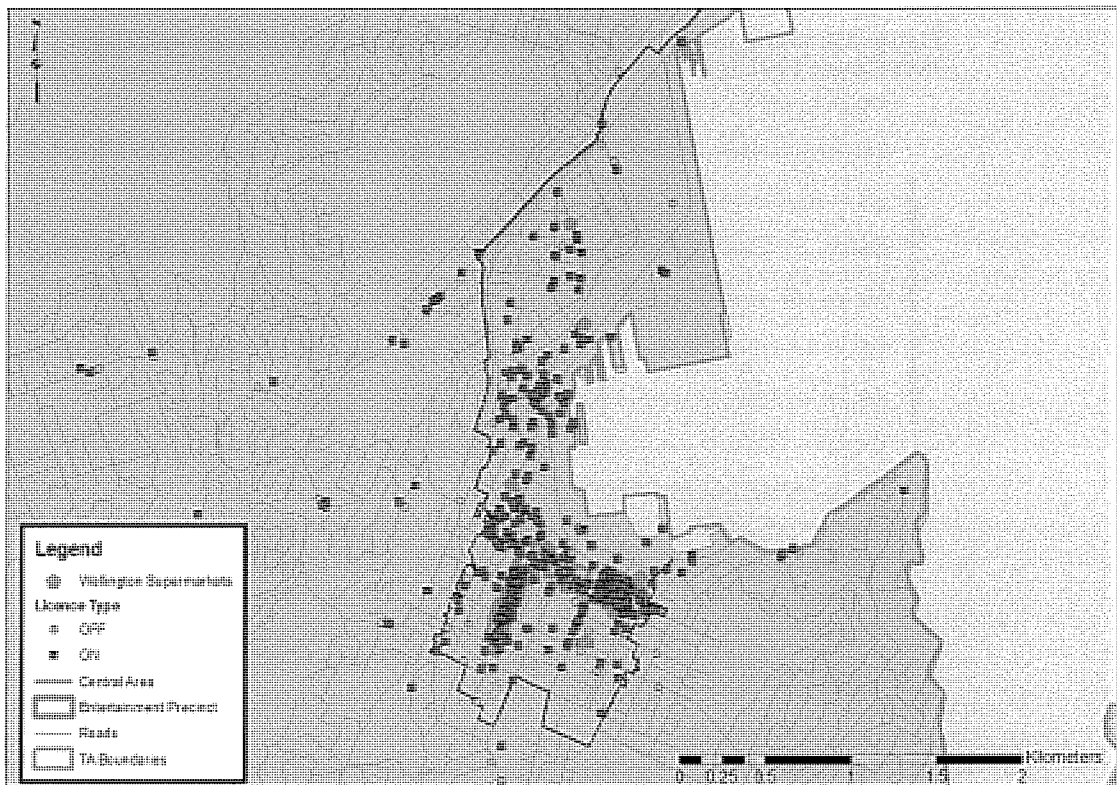
¹⁷ Figures regarding the number of licences for the following off-licence premises have been provided: restaurants, taverns, hotels, brothels/strip clubs, nightclubs, sports indoor/outdoor, theatres.

¹⁸ Moore Wilsons is not a supermarket as it sells spirits as well and is not relevant as it closes before 9pm, but it is included in the DIA database

Figure 18: Excess Breath Alcohol offences by suburb (2010-11)



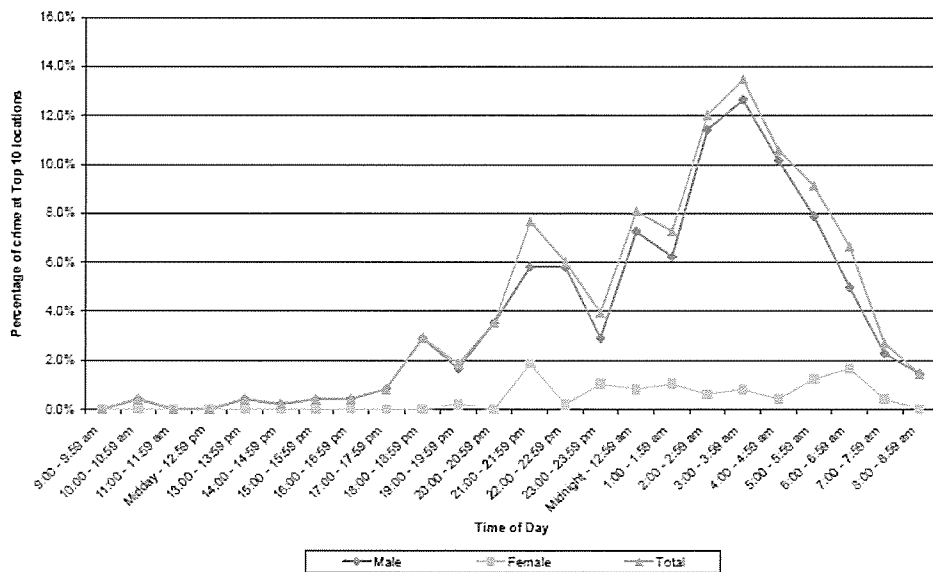
Source: New Zealand Police – not official statistics



Overall health indicators of the district's residents

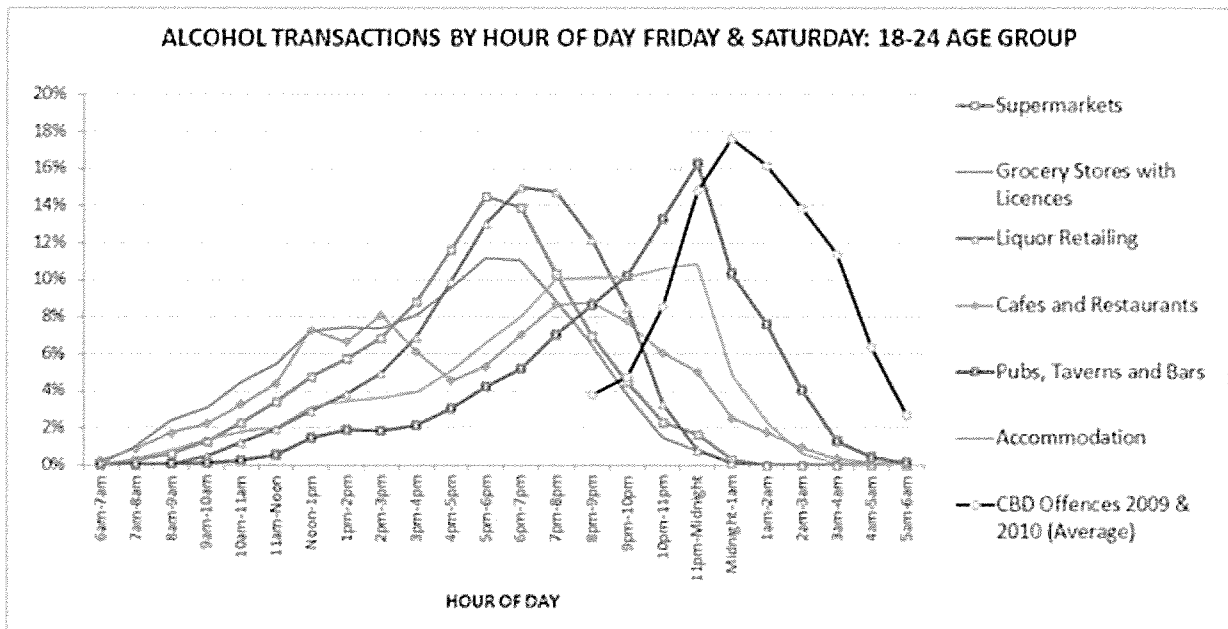
- 11.5 There is nothing in the data provided by the Council in terms of overall health indicators, which correlates with or justifies the restrictions imposed on supermarkets in the Draft LAP.
- 11.6 For example, Appendix 5, page 20 of the Report identifies Police Alco-link data which records where offenders consumed their last drink before offending. This data shows that a number of offenders had consumed alcohol at a licensed premise in Courtenay Place, and of those premises where offenders consumed alcohol before offending, seven of the top ten premises by number of occurrences for the 2010 – 2011 period were located on Courtenay Place. At this time, Countdown Newtown was not even open, highlighting how few supermarkets are located near hotspots of offending.
- 11.7 This data clearly shows where alcohol-related harm predominantly occurs, and given the prevalence of on-licence premises in this area, compared to the number of supermarkets, there is nothing in this data which justifies or correlates with the Draft LAP restrictions imposed on supermarkets.
- 11.8 Additionally, Appendix 5, page 22 of the Report cites Ministry of Justice research whereby it was found that 70% of alcohol-related offences occur between 10pm and 5am, with 64% of that being between midnight and 4am. These findings are consistent with the data shown in Figure 15 of the Council's background material, as shown below:

Figure 15: Crime committed by time of day at top ten locations for crime occurrence (2010/11)



Source: New Zealand Police – not official statistics

11.9 There is no clear link between the peak of these events and supermarket trading and while we haven't finalised a graph for Wellington, we have for Christchurch which may be of interest to you. Christchurch City Council has a similar (but earlier) peak in alcohol-related crime, where Dr Fairgray has plotted the pattern of alcohol-related crime in that city (based on the Police data provided to the Council in preparing its LAP) against pattern of alcohol transactions across each type of outlet. It showed:



11.10 Throughout the Council's Report the time period between midnight and 4am is recognised as a time when alcohol-related harm predominantly occurs.¹⁹ Given this data, there does not appear to be any justification for the restrictions that have been proposed for supermarkets in the Draft LAP, particularly in terms of off-licence hours.

¹⁹ See also pages 24, 26 and 30 of Appendix 5.

Nature and severity of alcohol-related problems in the district

- 11.11 The Council's data does not correlate with or justify the restrictions imposed on supermarkets in the Draft LAP. For example the harm statistics show significant temporal differences across the week with harm occurring mainly in the city on Friday, Saturday and Sunday nights,²⁰ but the Draft LAP provisions do not reflect these different patterns across the city or week.
- 11.12 The Council also identifies pre-loading and side-loading as a key issue in Wellington, with young adults the target group. However, as the data in section 6 of this submission shows, supermarkets are not a significant destination for the young adult age group to purchase alcohol, and the Council's own data suggests that on average only around 5 customers who bought beer or wine in our Countdown Newtown supermarket between 9pm and 11pm were planning on going into town later. Consequently there does not appear to be any justification for the restrictions imposed on supermarkets. There is no information in the Council's supermarket specific surveys to suggest that supermarket customers between 9pm and 11pm were pre-loading.
- 11.13 Furthermore, the peak time of alcohol-related harm, midnight to 4am, does not correlate with the 9pm to 11pm restriction imposed on supermarket off-licences. The consequence is that the Draft LAP affects all outlets including supermarkets for every day of the week, in contrast to the effects which the policy is seeking to avoid, which are clearly concentrated into specific time periods, and key locations.
- 11.14 The absence of any targeting of controls is problematic given that the nature and severity of alcohol-related problems in the district seems to be a key driver for the restrictions on off-licence hours that have been proposed by the Council.

12. DISPROPORTIONATE CONTROLS FOR SUPERMARKETS

Disproportionate controls for off-licences compared to on-licences

- 12.1 The Draft LAP proposes reducing the national default maximum licence hours for on-licensees in the Central Area by only one hour (with an earlier opening time of 7am and only a slightly earlier closing time of 2am). In the Entertainment Precinct, the Draft LAP proposes no reduction in the default maximum licence hours, although they have been readjusted to hours between 7am and 3pm. However, as these areas and times (i.e. when on-licences are operating) are identified as most closely associated with the alcohol-related harm of concern, it is disproportionate to reduce on-licence hours by only one hour in these areas, whilst reducing supermarket license hours by a further two hours across the entire city.²¹
- 12.2 Similarly, the Draft LAP proposes restricting off-licence hours to between 7am and 9pm on all days of the week across the city, yet the only evidence of harm relates to late Friday and Saturday nights in the CBD. Essentially, the Council is seeking to impose controls that impact a far greater number of licensees than is necessary to address the harm it has identified.

²⁰ See page 17 of Appendix 5.

²¹ See Appendix 5 of the Report at pages 20-30.

Disproportionate operational impact

- 12.3 The Draft LAPs reduction in off-licensed hours will disproportionately affect supermarkets because of the longer duration of shopping trips at supermarkets. Supermarket shopping takes longer than simply picking up a bottle of wine or beer from an alcohol-only shop, and these restrictions will start to impact on our customers who arrive around 8.30pm onwards.
- 12.4 The store check-out team and supervisors will face additional pressure from these customers when refusing to allow the purchase. Scenarios will also arise where people in a check-out line are not served before 9pm, even though they may have arrived at the check-out before the off-licensed hours ended. If these effects significantly change our customer shopping patterns, supermarket opening hours could also change as our hours are customer-demand driven.
- 12.5 In Progressive Enterprises' view, these consequences, particularly in terms of the inconvenience caused to customers, highlight that the purpose of the Act, to put in place a reasonable system of control over the sale and supply of alcohol, is not being met by the Council's proposed off-licence restrictions. Our data shows that the Draft LAP off-licence hours will impact on the convenience for approximately 130-140,000 of Progressive Enterprises' customers per annum.

PART D: CHANGES SOUGHT TO THE DRAFT LAP

13. CONTROLS BY BROAD AREA, PROXIMITY AND LICENCE NUMBERS

13.1 Progressive Enterprises supports the Draft LAP restrictions in terms of the proposed:

- (a) Location controls (Part 10);
- (b) Controls over proximity of licensed premises to other premises or facilities (Part 10); and
- (c) Caps on off-licences,

to the extent that these restrictions do not apply to supermarkets and grocery stores, as these matters are better addressed in a manner that is integrated with the RMA and through the district plan. See paragraphs 15.2 - 15.16 for more detail.

- 13.2 However, it is not entirely clear whether these restrictions apply to supermarkets or not, as the majority of the restrictions on the location and number of licensed premises only apply to those applications that are considered "high to medium risk". Whether an application is high to medium risk is determined according to the criteria set out in Appendix 1A, but none of these criteria apply to supermarkets. Consequently, we assume that supermarkets would not be assessed using the criteria in Appendix 1A, and would not therefore be considered a high to medium risk application. On this basis, the location controls that apply to high to medium risk applications will not apply to supermarket off-licence applications, and we support this approach.
- 13.3 However, there are a number of additional restrictions on the location of licensed premises which apply to supermarket off-licences as follows:
- (a) Any licence application for premises neighbouring or adjacent to a sensitive facility will be determined by way of a public hearing; and

- (b) In cases where public opposition is raised to the issue or renewal of a licence and density and proximity is raised, the matter will be dealt with by way of public hearing.

13.4 Progressive Enterprises **opposes** these restrictions to the extent they apply to supermarkets and grocery stores.

14. DISCRETIONARY CONDITIONS

14.1 Discretionary conditions for both on-licences and off-licences are contained at Part 11. It is unclear which of these conditions apply specifically to on and off licences, and Progressive Enterprises has reservations about the applicability of some of the discretionary conditions to off-licences. The conditions should therefore be clarified to identify specific discretionary conditions for each licence type (i.e. off, on, special and club).

15. AIMS AND POLICY PRINCIPLES OF THE DRAFT LAP

15.1 Progressive Enterprises **conditionally supports** the aims and policy principles of the Draft LAP. Progressive acknowledges the Council's desire to achieve greater vibrancy in the central city with an increase in late-night activity and less emphasis on alcohol consumption. However these provisions must not be used to justify trade competition based restrictions on off-licences. See paragraph 15.16 and Section 2 of Appendix 2 of this submission for further details.

15.2 Additionally, the Council must be cautious to ensure that it does not take into account matters that are not relevant under section 78 of the Act. While we accept that a council's desire to generate a vibrant city centre could be a reason for choosing not to impose some LAP controls, it is not permissible to use the provisions of a LAP to achieve economic development/city centre vibrancy outcomes. That is also an example of using a regulatory tool for the purpose of re-distributing customer behaviour and achieving economic development outcomes entirely unrelated to the purpose of the Act, and it is also inconsistent with the requirements of s105(2). See Appendix 2 of this submission for further details.

15.3 Progressive Enterprises also seeks a new aim and new policy principles be included as follows:

Aim: *Provide an efficient regulatory framework through promoting a decision making framework that is integrated with the district plan and the resource consent and building consent processes.*

Policy Principles:

Ensure that the LAP does not duplicate regulatory controls contained within the district plan.

Facilitate the early processing of licence applications in conjunction with resource consent applications or building consent applications in so far as is possible.

Supermarkets are controlled differently to bars and bottle stores.

15.4 The Council's District Plan is the most appropriate mechanism for controlling the development of new supermarkets within broad areas, proximity and density.

15.5 As opposed to bars and bottle stores, supermarkets almost inevitably require resource consent (and so trigger a planning assessment of their specific design), and where they are located

adjacent to residential areas often require limited notification. As a result, the RMA is a good tool for managing the effect of new supermarkets.

- 15.6 The primary element of a supermarket business is to sell food and groceries, with the sale of beer and wine making up around 10% of our total supermarket sales. The Act now imposes tight restrictions on what a "grocery store" is, so corner dairies will no longer be able to sell alcohol. Restrictions for supermarkets in the Act in relation to external advertising also mean that the sale of beer and wine is not brought into mind when walking past the premises. Even within supermarkets, the Act now prescribes strong controls on the layout of beer and wine.
- 15.7 It was clear from the submissions presented to the Select Committee considering the alcohol reform legislation that concerns are usually in regard to a specific type of off-licence, or on-licence, rather than the group as a whole.
- 15.8 Supermarkets did not raise the same concerns:
- (a) The economic viability of supermarkets limits how many can be established within a community.
 - (b) Street views of supermarkets do not portray the sale of beer and wine (discussed above).
 - (c) Supermarkets do not sell hard spirits or RTDs.
 - (d) Supermarkets promote the association between food and beer and wine, which is a valid part of the strategy to foster a more responsible drinking culture and reduce alcohol-related harm.²²
- 15.9 Therefore, we believe that addressing supermarket location through the district plan would be consistent with community feedback. Communities will however still be able to have their say on supermarket locations and licensing through:
- (a) District Plan provisions;
 - (b) Resource consent applications, where these are notified, or limited notified; and
 - (c) In relation to licence applications where they meet the test under the Act.
- 15.10 The focus of submissions to the Law Commission when preparing its report *Alcohol in Our Lives* and to the government when passing the Act highlighted that the concerns about supermarkets selling beer and wine relate to pricing and store layout. The government has decided to deal with pricing independent of the Act, and the location of beer and wine within supermarkets is now prescribed in the Act.

Supermarkets need consistency between district planning and the Local Alcohol Policy

- 15.11 Providing growth within the community will require additional and/or expanded supermarkets to support the changed residential densities and changed living patterns.

²² Law Commission Report, *Alcohol in Our Lives* at para 8.33

- 15.12 Developing a new supermarket site can take five years and cost more than \$20 million. Grocery stores take less time and cost, but not significantly so. These long lead times can involve delays when securing land parcels, as well as the resource consent and building consent application processes. As a result there is considerable investment into supermarket planning and development prior to an application for an off-licence. Because the capital investment in a supermarket is far higher and the time for consenting and construction is far longer than for bars and bottle stores, the Draft LAP (and the subsequent licensing provisions for the sale of wine and beer attached to them) is an inefficient tool for controlling new supermarket developments.
- 15.13 The planning process is subject to lengthy resource consent processes, working closely with local councils at every stage of the development. However, it is only at the end of this process that we can apply for a licence to sell wine and beer in our stores.
- 15.14 Issues such as off-licence hours, density and proximity under the Draft LAP, have the potential to significantly impact the economic performance of our business, and in turn, our ability to invest, create jobs and pay wages. When we open a new store we receive many more job applications than we have jobs available.
- 15.15 As a retailer and major retail investor in the community, we ask that you take into consideration the need for consistency and certainty in the relationship between community input on alcohol planning and district planning for the city in the future. The LAP guidance will be important because it provides signals about potential supermarket locations and enables informed investment decisions to be made.

Draft LAP provisions can have significant impact on the viability of supermarkets

- 15.16 A LAP has the potential to create an uneven competitive environment between existing and new supermarkets or between two geographic areas. By way of example, if the number of off-licences is capped in any area, the existing supermarket operators will have an immediate and significant competitive advantage that there will be no new supermarkets built in that area. Experience has shown us that customers will alter their shopping behaviour to favour the convenience offered by supermarkets that are able to sell beer and wine as part of a complete offering, impacting on stores which do not have off-licences.

Responsible Service of Alcohol Policy



PROGRESSIVE

Our responsibilities:

As a responsible business in New Zealand, Progressive Enterprises recognises obligations to community for the responsible and legal sale of alcohol.

As a retailer of beer and wine, the Company takes its responsibility seriously and aims to be the industry leader in responsible service of these products. The company aims to set a positive example to our customers and to other businesses by complying with and, where appropriate, exceeding legislative requirements.

Our actions:

Progressive Enterprises actively encourages the responsible service of alcohol and staff and management are trained to adhere to all applicable rules and regulations. The penalties for the irresponsible sale of beer and wine by an individual or licensee are severe and so too are the company's internal disciplinary policies.

We don't sell beer and wine below the price we purchased it for

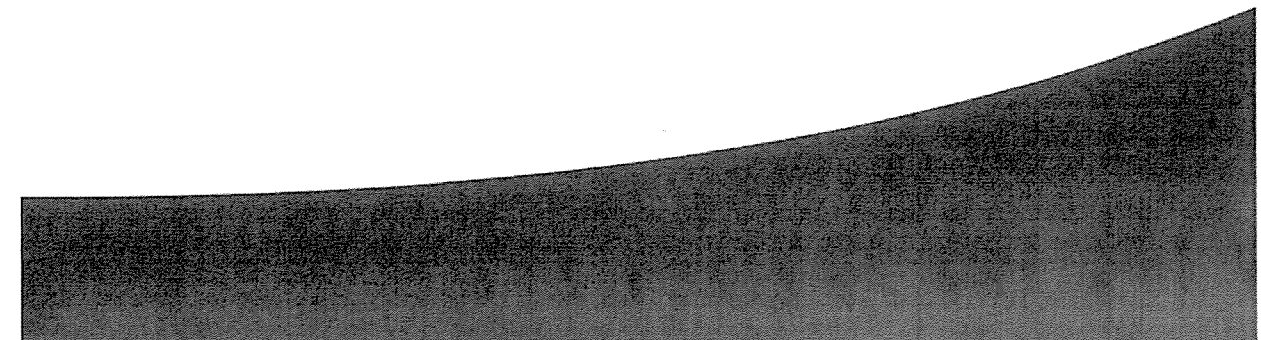
It has been a relatively common assertion that retailers sell beer or wine 'below cost' to gain custom in their stores. In our business, it has been a longstanding policy to not set the regular retail or promotional price of beer or wine below the price we purchased it for*.

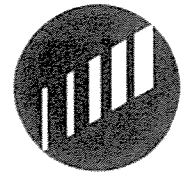
ID25

To prevent the sale of beer or wine to anyone under the age of 18 the company has introduced a strict ID25 policy. For every transaction, identification is required if a customer looks under the age of 25 years of age. No proof of age = no sale.

Don't buy it for them

Further, to prevent cases of 'secondary supply', our policy is to request identification for any person in a group where a member of the group looks under the age of 25 and staff member reasonably believes there is a possibility that beer or wine may be being purchased for this person.





PROGRESSIVE

At times, the company may need to refuse customers service in order to comply with this policy. While customers may not always be happy when a sale is refused, the company will support the role its staff play in making the right decisions to maintain its commitment as a responsible retailer of beer and wine.

Acceptable forms of ID

Photo identification is the only acceptable form of identification when purchasing beer and wine. We accept, in accordance with New Zealand law, New Zealand photo drivers licence, Passport (NZ or International) and the HANZ photo identification card.

In the event of a foreign identification being presented, the on duty Store Manager may then choose to authorise the transaction if they are satisfied that the person is over the age of 18 years and the identification presented includes a date of birth and a photo identification.

Our role in the community:

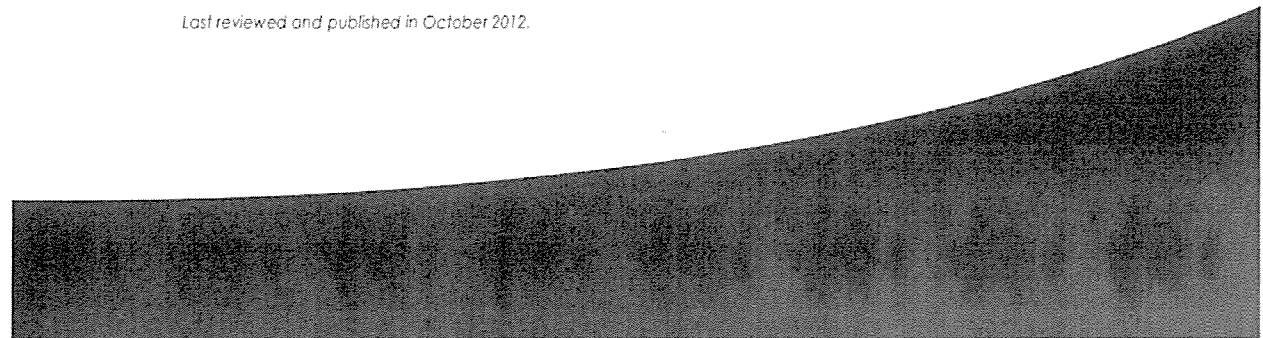
Progressive Enterprises believes it has a shared responsibility, along with individuals, governments, families and the community, to prevent harm. Progressive Enterprises encourages and promotes the responsible consumption of alcohol and the company proactively supports information campaigns on responsible drinking.

The company participates openly, honestly and transparently in public policy development in this area to represent the best interests of our business, our employees, our customers and our shareholders.

Progressive Enterprises recognises that each community where the company operates is different and actively encourages our store managers to participate in local liquor accords and forums.

* This excludes one-off markdown prices where individual products may be marked down at the end of a product range or when packaging is damaged etc.

Last reviewed and published in October 2012.



APPENDIX 2 – LEGAL CONTEXT

1. THE DEFAULT PROVISIONS OF THE ACT ARE FIT FOR PURPOSE

- 1.1 The Act reflects the Law Commission's Report *Alcohol in our lives: Curbing the harm*, that the continued association between food and beer and wine remains valid as part of an overall strategy to foster a more responsible and moderate drinking culture.²³
- 1.2 The Act's "preliminary matters" (i.e. purpose, object and interpretation) are important as they guide the interpretation and application of the Act.
- 1.3 The Act provides for a new system of controlling the sale and supply of alcohol with a requirement that the characteristics of such new system of control:
 - (a) By their administration, help to achieve the object of this Act;
 - (b) Are reasonable;
 - (c) Ensure that the sale, supply and consumption of alcohol are undertaken safely and responsibly; and
 - (d) Minimise the harm caused by the excessive or inappropriate consumption of alcohol.
- 1.4 The Act also introduces a significant range of new criteria to be considered when assessing licence applications²⁴ and imposes default maximum hours for licences. As a result, the assessment of applications has moved from the position where:
 - (a) The primary focus was on the suitability of an applicant to one requiring a holistic assessment of the applicant, their premises and the amenity of the local area; and
 - (b) Applicants had complete discretion over what hours they could apply for, to one limited by the national default maximum hours.
- 1.5 In addition to the new licensing criteria, councils may develop a LAP to influence licensing decisions. However, there is no obligation or presumption that a council needs to have a LAP. This contrasts with the position under legislation, such as the Resource Management Act 1991 and the Civil Defence Emergency Management Act 2002, where councils are required to develop a district plan and a civil defence emergency management group plan.²⁵
- 1.6 As a result, in developing a LAP, the starting point must be that the provisions in the Act are fit for purpose. The suitability of the Act's default provisions is further highlighted by the following factors:
 - (a) There is no specified purpose of a LAP, i.e. there is no presumption that the default provisions of the Act are inadequate or insufficient;

²³ Law Commission Report, *Alcohol in Our Lives* at para 8.50.

²⁴ Section 105(1) of the Act.

²⁵ Through the mandatory participation in the relevant Civil Defence Emergency Management Group

- (b) There is an exclusive list of matters that a LAP may contain²⁶ and these matters are no broader than the criteria against which an application may otherwise be assessed;²⁷ and
- (c) If a council proposes a draft LAP, it can choose which of the matters in s77(1) that are controlled by its LAP, but it does not have to use all of them or any one of them in particular.

LAPs are intended to address the specific issues faced by a community

- 1.7 If a council chooses to develop a LAP, it must be to respond to specific local (and not issues which apply universally on a national basis) issues because:
- (a) The Act's licensing provisions are suitable on a national basis, without a LAP being needed;
 - (b) Taking account of universal national factors would double-count matters that Parliament has already had an opportunity to consider and would, in effect, re-litigate the content of the Act;
 - (c) The Act specifies a list of mandatory considerations all of which are restricted to the local circumstances of the district;²⁸ and
 - (d) Arguably, the Act does not expressly allow consideration of other matters²⁹ when producing a LAP, see paragraph 7.8 below.

Limits on considering issues outside of the matters specific in s78

- 1.8 It is not clear that the Act allows councils to consider matters other than those specified in s78 when developing a LAP. Given the very narrow focus of the object of the Act and the restricted list of matters that a LAP may address, arguably the list of matters specified in s78 are the only matters which a Council should have regard to. Otherwise, the development of LAPs will become an unnecessarily costly and expensive process requiring the assessment of matters not directly related to the limited controls which a LAP may contain.
- 1.9 If councils do hold discretion to consider matters other than those listed in s78, then that discretion may only be exercised if the following criteria are met:
- (a) The matter must directly relate to specific local circumstances. Taking account of universal issues which apply nationally would be inconsistent with the default provisions of the Act and amount to re-litigating the provisions of the Act itself; and
 - (b) The matter must fairly and reasonably relate to the provisions which a LAP may contain, otherwise, taking account of matters that are too remote to have a reasonable influence on the lawful content of a LAP would be to consider irrelevant matters; and
 - (c) The reason for having regard to the matter must be for a purpose consistent with the object of the Act, not an ulterior one. Otherwise the Act's powers are being exercised unlawfully.
- 1.10 Therefore the Council must carefully assess whether the matters raised by other submitters can appropriately be considered when developing a LAP. There are complicated inter-relationships

²⁶ Section 77 of the Act.

²⁷ See sections 105 to 119 of the Act.

²⁸ Section 78 of the Act.

²⁹ Section 78 of the Act.

between the sale and supply of alcohol, risks of harm and the behaviour of customers. When drafting an LAP, considerable care needs to be taken in light of these relationships.

Relevance of the object and purpose of the Act

- 1.11 The Act's purpose³⁰ guides the interpretation and application of the Act.³¹ It requires that the system for controlling alcohol sale and supply be reasonable.
- 1.12 The Act does not have a singular objective, the two separate elements distinguish between the sale and supply of alcohol and its consumption.
- 1.13 The purpose of the Act also recognises that there are limits to what it can achieve; the purpose only seeks that the administration of the Act helps to achieve the object of the Act. Furthermore, it is clear that the Act is not intended to address all facets of alcohol consumption. For example, Parliament is separately looking at how pricing and liquor ban bylaws are addressed under the LGA.
- 1.14 Similarly, LAPs are not a solution to every conceivable issue arising from the consumption of alcohol. They are a targeted tool that enables a response to specific local issues. It is therefore wrong, and inconsistent with the purpose of the Act, to:
 - (a) Use LAP provisions to achieve outcomes broader than those described in section 4 of the Act;
 - (b) Use LAP controls as an end in themselves, rather than a solution to a specified problem.

Local Government Act 2002 and the burden of proof

- 1.15 Decisions on the Draft LAP are also subject to the requirements of the LGA including:
 - (a) A council's role includes meeting the needs of its community for good quality regulatory performance in a way that is most cost-effective for households and businesses.
 - (b) "Good-quality" regulation is efficient, effective and appropriate to present and anticipated future circumstances.
 - (c) In order to be effective and efficient, the regulatory process must first identify the relevant issue(s) of concern and identify evidence based options to address those issues.
 - (d) The only way to achieve this is with evidence based decision making.
- 1.16 Under the Act there is also a right of appeal to ARLA which is treated as a Commission of Inquiry under the Commissions of Inquiry Act 1908. This is an evidential process, and highlights the importance of ensuring that the early stages of drafting an LAP are also based on robust evidence.

³⁰ The purpose of the Act is, for the benefit of the community as a whole, to –

- (a) Put in place a new system of control over the sale and supply of alcohol, with characteristics that are reasonable, and by their administration, help to achieve the object of the Act; and
- (b) To reform the law relating to the sale, supply and consumption of alcohol, so that its effect and administration help to achieve the object of the Act.

³¹ Section 5 Interpretation Act 1999.

- 1.17 As the Act sets up a default regime and it is discretionary whether a LAP is promoted, it is the Council who is promoting a regulatory change and must bear the burden of proof (i.e. it is more likely than not) that the LAP meets the requirements of the Act. Given the significance of the issues, it is inadequate to rely on supposition and intuition to develop LAP provisions, because the unintended consequences can be widespread and significant.

Community views

- 1.18 The views of the community are important and will be part of the evidence that is considered by the Council. However, it is not appropriate to simply invite the community to directly determine the outputs of the LAP, because that is a decision that must be made having had regard to all of the evidence. Rather, the focus of community consultation should be on what aspects of alcohol-related harm the community has concerns about.

2. TRADE COMPETITION REQUIREMENTS ARE RELEVANT TO LAPS

Using LAPs to directly influence trade competition

- 2.1 Section 105(2) of the Act prohibits the authority or committee from taking into account any prejudicial effect that the issue of a licence may have on the business conducted pursuant to any other licence.
- 2.2 It is a principle of statutory interpretation that you cannot indirectly achieve what you are prohibited from indirectly achieving.³² Therefore, using the provisions of a LAP to direct trade from one group of licences to a different group of licences is inconsistent with the framework of the Act because taking such considerations into account when making licensing decisions on that basis is impermissible.
- 2.3 Furthermore there is no evidence to suggest that the type of licence from which alcohol is purchased influences the harm caused by the excessive or inappropriate consumption of alcohol. Consequentially there is no basis to suggest that the outcome of such policies would be consistent with the object of the Act.

The need to assess the indirect influence of LAPs on trade competition

- 2.4 Recent research in New Zealand highlights the importance of taking economic considerations into account when developing regulatory policy.³³ In particular, the Productivity Commission notes that:
- "Alongside pressures on councils, there are important regulatory cost pressures on business that impact on productivity and profitability and ultimately the economy. These include ... the wider economic costs incurred from regulation that distorts productive behaviour of individuals and businesses."³⁴
- 2.5 It is similarly recognised internationally that because there are costs associated with Government intervention in markets, regulators should try to intervene in a way that avoids unintended

³² Refer to the maxim "*Quando aliquid prohibetur fieri, prohibetur ex directo et per obliquum*", cited in *Public Trustee v Attorney-General* [1989] 1 NZLR 325 (CA).

³³ New Zealand Productivity Commission, *Towards Better Local Regulation: Summary Version*, 2013, at 7 and 20, see also Bennett M. and Colón-Ríos J. "Public Participation in New Zealand's Regulatory Context" in Frankel S. and Ryder D. (eds) *Recalibrating Behaviour: Smarter Regulation in a Global World*, LexisNexis, New Zealand Law Foundation and Victoria University of Wellington, Regulatory Reform Toolkit, 2013 at section 6.2.3(b).

³⁴ New Zealand Productivity Commission, *Towards Better Local Regulation: Summary Version*, 2013, at 10.

consequences as far as possible. Subject to achieving the desired policy objective, policy makers should aim to minimise the distortions to markets.³⁵

- 2.6 In that context, it is essential that the Council properly quantifies the costs arising from any market distorting regulation, when considering the net benefit to the public in particular types of regulatory proposals.
- 2.7 It is best practice in this regard to seek to quantify, to the extent possible, those costs and benefits.³⁶ The New Zealand Courts have held that the Commerce Commission, in a similar context, should not be tempted to "rely on a purely intuitive judgment to justify a conclusion that detriments in fact exceed quantified benefits".³⁷
- 2.8 It is important that all regulation, including regulation to minimise alcohol-related harm, only interferes with the objectives of other statutory instruments, including, the Commerce Act, which seeks to promote competition in markets, to the least extent possible. It is particularly important not to regulate to sacrifice efficiency enhancing productive competition in the absence of clear evidence that the restrictions on competition will be effective to achieve the desired policy outcome. In that regard it is important to note that overseas regulators have found that licensing laws that impose arbitrary restrictions on sellers' behaviour, or that discriminate between sellers of similar products, do not actually help to limit alcohol consumption and associated problems.³⁸
- 2.9 The evidence presented to date in support of the market restrictions the Council is considering falls well below the required standard. We have seen no evidence from submitters that shows with any degree of reliability, let alone any level of quantification, that restricting the sale of beer and wine in supermarkets as proposed will benefit the community by minimising alcohol-related harm.
- 2.10 The cost consequences on the other hand are clearly demonstrated by the impacts set out in this submission and many of the elements of the Christchurch City Council economic analysis which are equally applicable to Wellington City. We do not feel that these matters have been adequately investigated and could lead to unintended consequences such as reduced total supermarket trading hours, reduced job opportunities, reduced revenue and reduced investment.
- 2.11 The Commerce (Cartels and other matters) Amendment Bill, due to be passed later this year, includes output limiting arrangements as a category of conduct that is per se illegal,³⁹ like price fixing is today, because output restrictions and price fixing invariably have the effect of lessening competition and so result in price increases and/or a reduction in quality of output.⁴⁰ It follows that the Council regulating to achieve an output restriction must properly consider whether there is a clear countervailing benefit when set against this likely negative impact on competition, in order to demonstrate that its regulations result in a net benefit to the community.

³⁵ Office of Fair Trading, *Government in Markets: why competition matters - a guide for policy makers*, 2009, at 2.

³⁶ Other regulators, such as the Commerce Commission, specifically recognise the obligation to quantify all benefits and detriments to the extent possible before determining the net effect of a proposal. See, for example, Commerce Commission *Draft Authorisation Guidelines*, 2013, at [21].

³⁷ *Telecom Corporation of New Zealand v Commerce Commission* Court of Appeal CA 34/92, 23 June 1992, at 12 per Richardson J.

³⁸ The Allen Consulting Group *Assessment of the Impacts of Liquor Licensing Reforms: A review of the Australian experience*, December 2005, at 4 and 7.

³⁹ Section 30A(3) of the Commerce (Cartels and other matters) Amendment Bill.

⁴⁰ *Commerce Commission v Caltex NZ Limited* High Court Auckland, CL 33/97, 6 October 1999, at 10 per Salmon J.

APPENDIX 3 – FINDINGS OF DR DOUGLAS FAIRGRAY

1. EXECUTIVE SUMMARY

1.1 The direct implications of the analysis of alcohol purchasing patterns are:

- (a) The relatively low incidence of young adults purchasing alcohol from supermarkets in the evening period, especially in relation to the large volumes of alcohol purchases being made at the same time in other premises including on-licence, is not consistent with the “off-licence then to on-licence” sequence of alcohol purchasing suggested in the anecdotal material.
- (b) This would suggest that the proposed LAP will have limited effect in terms of intended outcomes (for the target young adult group), and have higher effect in terms of unintended outcomes (on other shoppers).

2. INTRODUCTION

2.1 My full name is Dr James Douglas Marshall Fairgray. I am a Director of Market Economics Limited, an independent research company. I have a PhD in Geography from the University of Auckland, and 34 years' practising experience in research and policy assessment, in more than 900 projects. More information on my qualifications and experience is set out in Appendix 3A.

2.2 Even though this is not an Environment Court matter, I have read and agree to comply with the Environment Court's code of conduct for expert witnesses. This statement is within my expertise, except where I state that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

2.3 This evidence examines:

- (a) The provisions of the Draft LAP, especially the proposed limitations to the hours during which alcohol may be purchased by consumers from off-licence outlets, and from on-licence outlets;
- (b) The nature of alcohol purchasing by all consumers, and especially consumers in the young adult 18-24 year age group which is a particular target of the Draft LAP. This analysis shows how alcohol purchasing is shared among different types of outlet and between off-licence and on-licence establishments, and the patterns evident by time of day and night through the week, for each age group in the population;
- (c) The licensed alcohol sector in Wellington, in terms of the number, type and geographic distribution of on-licence, off-licence and club-licence outlets;

- (d) The role of supermarkets in these alcohol purchasing patterns, including the nature of supermarket-based alcohol purchasing, for young adults and each segment of the community;
 - (e) Implications of the limits to alcohol sales hours which are proposed for off-licence outlets including Wellington supermarkets – the evening period of 9pm to 11pm;
 - (f) The information provided by Council which underpins the Draft LAP.
- 2.4 From my analysis, I draw some conclusions about the likely effects of Wellington City's proposed LAP on the target young adult segment of the community, and on other segments, in regard to:
- (a) alcohol purchasing; and
 - (b) shopping for food and groceries;
- by those people who shop in the evening period of 9pm to 11pm.
- 2.5 The assessment of alcohol purchasing both *per se* and within overall shopping for food and groceries is important, because alcohol purchasing in supermarkets predominantly occurs as one part of a wider shopping basket of household food and groceries, for both the target segment and for the community at large.

3. THE DRAFT LAP

LAP Provisions

- 3.1 One basis of the Draft LAP is the limitation of the hours during which alcohol may be purchased. For off-licence premises in Wellington, it is proposed to limit purchasing to the period from 7am to 9pm. This provides tighter limits than the default hours in the SSA, which will enable purchasing between 7am and 11pm.
- 3.2 For on-licence premises in Wellington, it is proposed to allow purchase of alcohol over a wider range of hours, from 7am until midnight for on-licences in Suburban Centres and the Southern zone, 7am until 2am for on-licences in the Central Area (or 3am for best practice applicants), and 7am until 3am for on-licences in the Entertainment Precinct (or 5am for best practice applicants).
- 3.3 The limitations to off-licence hours will apply uniformly throughout Wellington City. There is no proposal to have the sales hour limitations differing between locations.
- What the Draft LAP seeks to achieve*
- 3.4 A key purpose of the Draft LAP is to reduce alcohol related harm, especially in the central city area, and particularly among young adults. The broad intention of the hours restrictions is to modify alcohol purchasing and consumption behaviour. This will be primarily by not allowing purchases from off-licence outlets after the mid-evening period - that is, after 9pm each night.
- 3.5 The intended effects of these provisions include:

- (a) to re-direct alcohol purchasing during the 9pm-11pm period which would have occurred in off-licence premises, to instead occur in on-licence premises; and/or
- (b) to have that purchasing of alcohol not occur at all;
- (c) where purchasing is re-directed to on-licence premises, to reduce alcohol consumption, because the higher prices in on-licence premises would mean that less alcohol will be able to be purchased and consumed;
- (d) to have alcohol purchases from off-licence premises take place instead earlier in the evening (prior to 9pm).

3.6 The intended outcomes include a reduction in the total amount of alcohol purchased and consumed in the whole evening period (that is, 9pm to 7am), and spreading out of the time over which alcohol is consumed, which would act to reduce consumption rates (that is, volumes consumed per hour) if not the volumes consumed in total; and re-direction of alcohol purchase and consumption to on-licence premises.

The Draft LAP supporting material

- 3.7 The Draft LAP supporting material cites information as to alcohol-related harm, including DHB accident and injury data, and NZ Police data as to numbers of offences (from Police Statistics), which both indicate strong concentration in the central city and larger centres such as Te Aro; higher incidence among young adults than for the population at large; high incidence during the late evening-early morning period; and focus on the weekend period (Friday evening through to Sunday morning).
- 3.8 The Draft LAP supporting documents also include anecdotal material about alcohol purchasing and consumption by young adults, including the purchase of alcohol in off-licence premises (at lower cost) for consumption prior to moving to on-licence pubs, clubs and restaurants in the central city (dubbed 'pre-loading') or for consumption on or outside licensed premises (dubbed 'side-loading').
- 3.9 The inference is that alcohol purchased from off-licence premises is a major factor - or the main factor – contributing to subsequent alcohol-related harm which occurs in the central city and other centres, because it is believed to account for a major share of alcohol actually consumed during the whole evening period from mid-evening (about 9pm) until the early morning (5am and later).
- 3.10 The material about this pattern of alcohol consumption is primarily anecdotal. The Draft LAP supporting documents do not provide statistical information to indicate:
- (a) The incidence of this sequence of purchasing from off-licence premises prior to subsequently visiting on-licence premises in the central city or elsewhere;
 - (b) The role of each type of off-licence premises in such purchasing – for example, the shares of alcohol purchased from liquor stores compared with off-licences linked with pubs and taverns, compared with supermarkets, and so on;

- (c) The relative contributions to alcohol-related harm of alcohol purchases and consumption at each type of on-licence and off-licence outlet, or between off-licence and on-licence outlets in general;
 - (d) The relative contribution to eventual alcohol-related harm of the alcohol which is purchased at each stage of the whole evening period, since the effects of alcohol consumption are generally cumulative.
- 3.11 There has been limited analysis of actual alcohol purchasing patterns, particularly those for the age group of most concern, young adults of 18-24 years. There is little information on the nature of the alcohol supply sector, to indicate the numbers of off-licence premises in Wellington, or their geographic distribution.
- 3.12 The SSA has a number of provisions, in addition to the default limit on hours (11pm to 7am), which in combination are intended to reduce alcohol-related harm. I am not aware of any assessment in the supporting documents for the Draft LAP which examines the effects of those base SSA provisions, and seeks to identify the additional effects of the specific provisions proposed for Wellington, including the restrictions in off-licence sales hours.

4. ALCOHOL PURCHASING PATTERNS

Issue

- 4.1 Alcohol-related harm is recognised as an important national issue, and there is strong interest in policy initiatives which seek to reduce harm. Since most of the adult population does consume alcohol, it is especially important that policy initiatives have a strong evidence base, in order to understand their likely effects and effectiveness. This includes understanding both the intended consequences – such as those for young adults – and unintended or collateral consequences for those who are not targeted by policies. My review of the Draft LAP provisions and supporting material indicates there are significant gaps in the evidence base for Wellington City's Draft LAP.
- 4.2 To help address these gaps, I have examined in some detail alcohol purchasing patterns throughout New Zealand, and the nature of the alcohol supply sector.

Information Base

- 4.3 I accessed and analysed key datasets, in order to develop a national-level profile of alcohol-related spending and transactions, by each age group within the community, in each type of outlets, and at each time of the week (hourly). This is detailed in **Appendix 3A**, and in summary includes:
- (a) BNZMarketview customised information for the full 2012 calendar year showing purchasing behaviour (\$ spend, numbers of transactions made) by cardholders of each age group, in each type of outlet, by time of day (hourly) through the week. This major dataset draws from some 52 million transactions made by over 490,000 cardholders nationally, in each main type of outlet able to sell alcohol, and during each time period;

- (b) Information drawn from StatisticsNZ (“SNZ”) on the total sales by each type of outlet, and the indicated percentage share of outlet sales by value which relate to alcohol. Both the SNZ sales data and the BNZMarketview purchase data identify total sales / spend, but do not show alcohol sales specifically. The share of alcohol sales within total sales by value varies among types of outlet;
- (c) A Department of Internal Affairs (“DIA”) dataset covering licensed premises in New Zealand by type and location, for May 2013, and believed to be a comprehensive listing;
- (d) Data from SNZ on activity (outlets, employment) by location for the types of outlet accounting for the major share of off-licence premises (liquor stores, supermarkets, dairy/grocery stores), and for on-licence premises (bars/taverns, clubs, restaurants and cafes, hotel accommodation, and caterers).;
- (e) Population, demographic and workforce data (SNZ) by location throughout New Zealand, to provide information about people living and working, in relation to the pattern of licensed outlets;
- (f) Specific data from Progressive Enterprises on alcohol-purchasing within total purchasing patterns in their supermarkets, by age group, to validate and augment the BNZMarketview dataset;
- (g) Much of the relevant data is in a GIS structure, to enable analysis by location, and the relative locations of different types of activity, and show the geography of alcohol purchasing and sales.

4.4 The assessment covers the New Zealand resident population, and excludes sales and purchasing by international visitors and businesses. The card-based information which provides detail on spending by each segment of the resident population, is taken as being representative of the spending patterns of each age group across store types and by time of week. It does not show the quantum of spend, and the card-based data for each age group has been weighted to reflect the age structure of the New Zealand resident population (SNZ September 2012), so as to calibrate total sales and transactions to the size of each age group within the population at large.

Limitations to Available Data

4.5 While considerable effort has been made to produce a comprehensive picture of alcohol purchasing patterns, the figures are defined as estimates because there is not full information on some aspects. The limitations are set out in Appendix 1A, and include shares of all transactions which include alcohol, and how the % share of total sales which alcohol accounts for may vary by time of day or week. Nevertheless, the nature of the key types of outlet involved in sales of alcohol, together with specific information on the supermarket sector, indicates quite robust information for over 86% of sales and 76% of transactions (the main uncertainties relating to restaurants and licensed grocery-dairy outlets).

4.6 Review of the DIA dataset of licenses further indicates the estimates cover the major share of alcohol purchasing, and implied consumption, though not covering all of the alcohol sector (there are 14,338 licensed premises nationally, including 7,855 on-licences and 4,138 off-licences, the balance of 2,345 being club licences). The estimates based on SNZ and the card-based data cover approximately 90% of on-licence premises and 77% of off-licence premises by number, or around 85% of premises of both types, and examination of the DIA dataset of all licence types which are not included in the SNZ types suggests that the shares of sales to resident households which are captured in the estimates cover around 90% of off-licence sales/ purchases, and well over 90% of on-licence sales/purchases, for resident households.

National Estimates

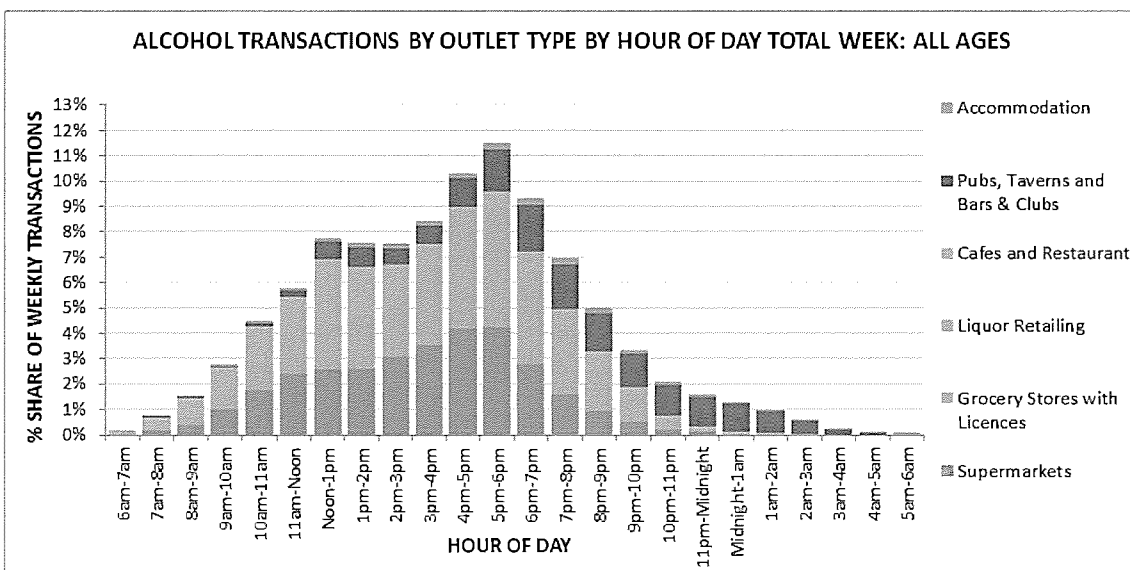
4.7 I have combined the information to estimate alcohol purchasing patterns (\$ spend, number of transactions) by each age segment, and by type of outlet, by hour through the week, at the national level. Within the limitations (above), in my view the estimates provide a sound basis for examining patterns of alcohol purchasing from off-licence and on-licence outlets nationally, for each segment of the resident community, across the week.

Assessment

4.8 Using this analysis, I have examined first the patterns of spending on alcohol, by segments of the community. Since alcohol-related harm among young adults is a particular concern, I have examined alcohol purchasing by those in the 18-24 year age group, as well as alcohol purchasing of other age groups in the community (25-29, 30-39, 49-49, 50-59, 60-69 and 70+ years).

4.9 The patterns of alcohol purchases across the 24 hours from 6am to 6am by all age groups combined is shown in Figure 4.1. The segments in each bar on the graph show the shares of purchases made in each type of outlet across the day.

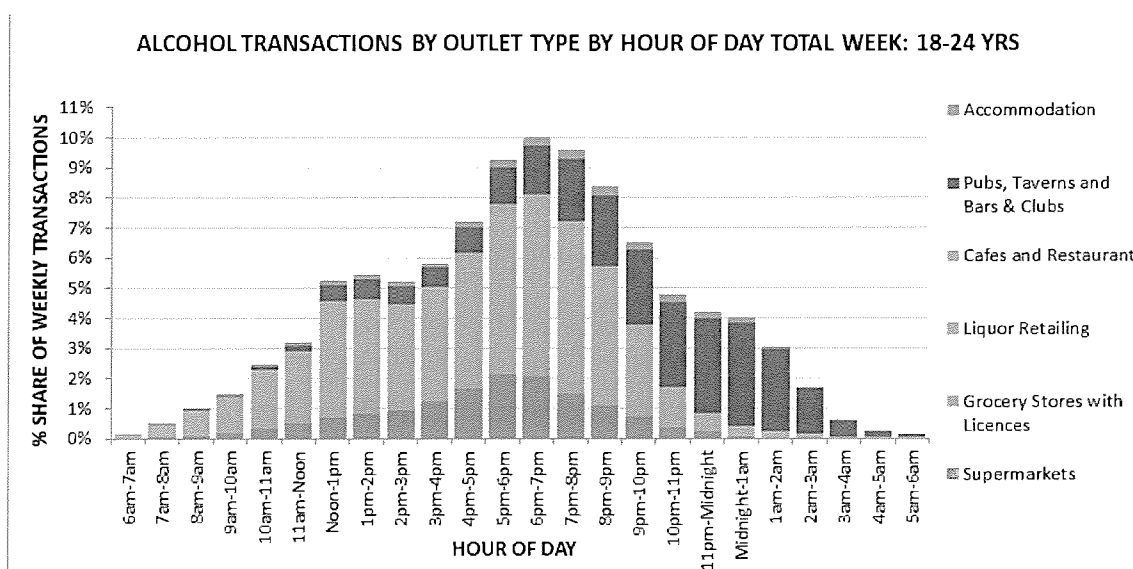
Figure 4.1: Alcohol Purchase by Outlet and Hour of Day All Week 2012: All Age Groups



Source: M.E 2013 derived from BNZMarketview and SNZ data.

- 4.10 Figure 4.2 shows the corresponding pattern of alcohol purchases across the day by the 18-24 age group. Purchasing by this age segment differs substantially from the overall pattern, with:
- (a) higher shares of their purchasing takes place in the evening period, and after midnight;
 - (b) higher shares of all purchases are directed to on-licence outlets, with 52% directed to pubs and bars, clubs and restaurants, compared with 39% for all age groups. This is consistent with their higher propensity to purchase later in the evenings and after midnight;
 - (c) lower shares of their alcohol purchasing is directed to supermarkets (14% compared with 31% for all age groups);
 - (d) higher shares of their alcohol purchasing directed to liquor stores (29% compared with 23%), a pattern which is consistent with the popularity of RTD spirits drinks which can be sold in liquor stores but not supermarkets (SNZ data indicates that approximately half of liquor store sales are spirits).

Figure 4.2: Alcohol Purchase by Outlet and Hour of Day All Week 2012: 18-24 Years

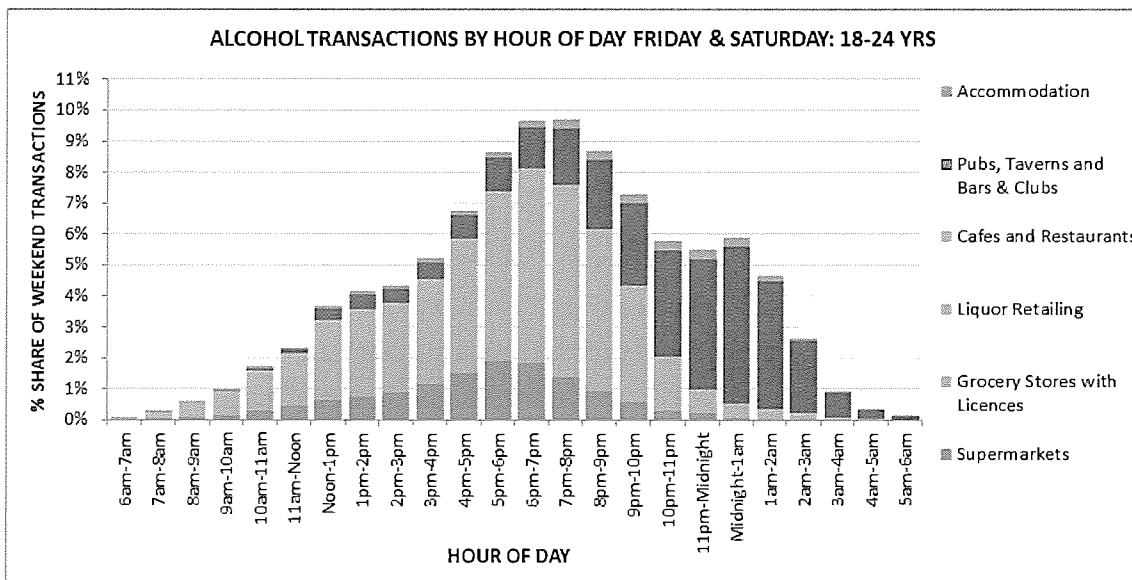


Source: M.E 2013, derived from BNZMarketview and SNZ data.

- 4.11 Figure 4.3 shows the corresponding pattern of alcohol purchases across the weekend days by the 18-24 age group, covering the period from 7am Friday until 7am Sunday. Purchasing by this age segment in the weekends is characterised by:
- (a) a higher share of their weekly purchasing – 51% - occurs in the weekends, compared with 40% for all other age groups;
 - (b) higher shares are directed to on-licence outlets, which attract more than half the transactions from 9pm onwards;
 - (c) relatively low shares of their alcohol purchasing is directed to supermarkets, compared with the average across the week;

- (d) relatively higher shares of alcohol purchasing is directed to liquor stores, than is the case across the whole week.

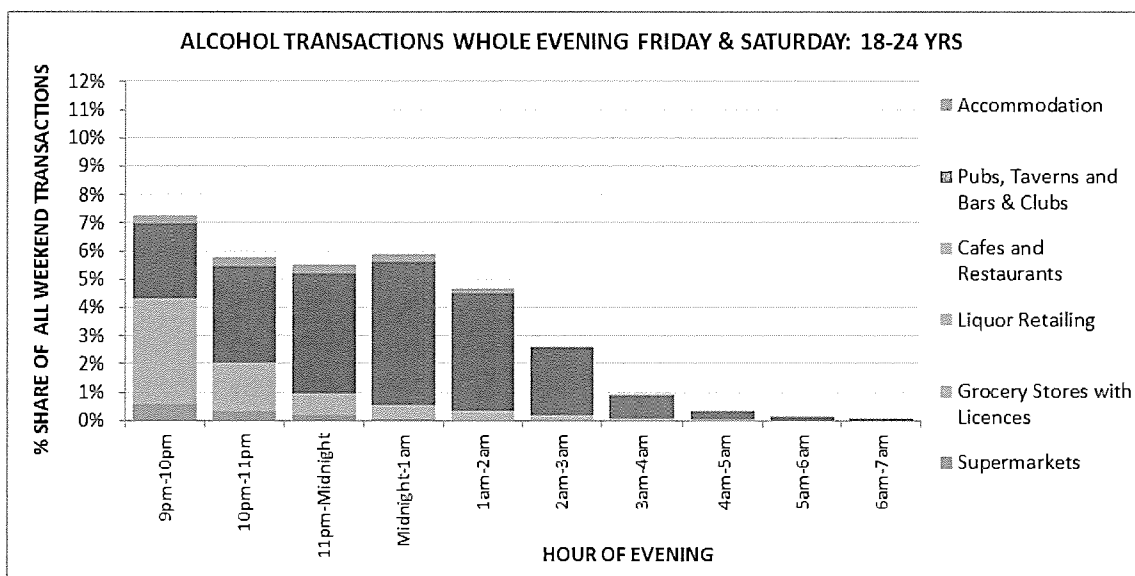
Figure 4.3: Alcohol Purchase by Outlet and Hour of Day Weekends 2012: 18-24 Years



Source: M.E 2013, derived from BNZMarketview and SNZ data.

- 4.12 Figure 4.4 shows the pattern of alcohol purchases during weekends for the 9pm to 6am period. This is a snapshot from Figure 4.3, and focuses on the period from 9pm onwards. It shows the respective roles of each type of outlet in alcohol purchases by young adults.

Figure 4.4: Alcohol Purchase by Outlet 9pm to 6am Weekends 2012: 18-24 Years

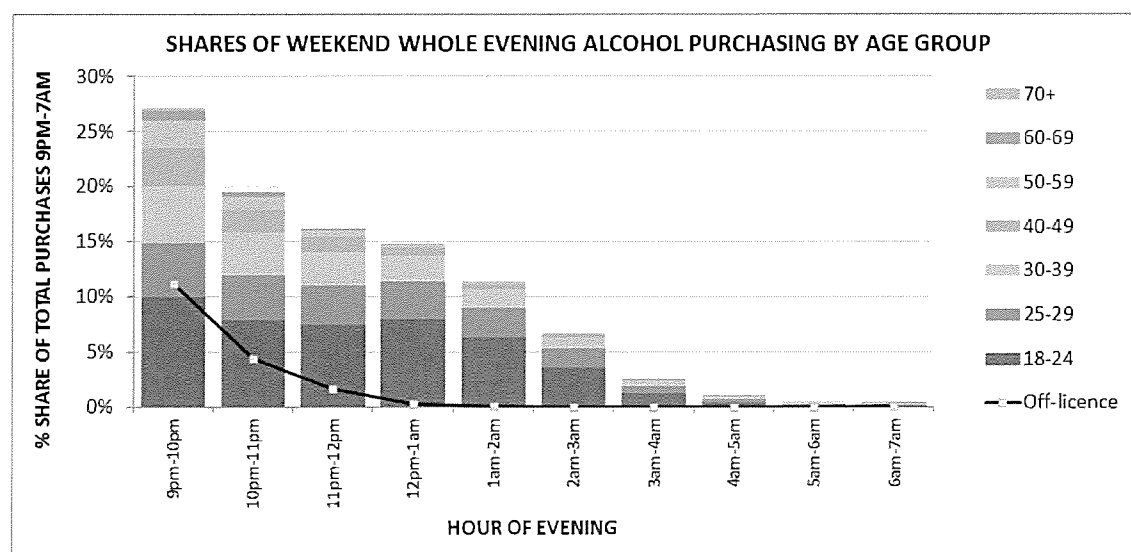


Source: M.E 2013, derived from BNZMarketview and SNZ data.

- 4.13 This profile is consistent with the established pattern of young adults socialising during the weekend evenings, when they tend to account for the majority of customers in bars, taverns clubs

and restaurants from about 11pm onwards. This is shown in Figure 4.5, which graphs the shares of alcohol purchases made, hourly during the 9pm-7am period of weekends, by each age segment.

Figure 4.5: Alcohol Purchase by Age Group during Weekend Evenings (9pm-7am) 2012



Source: M.E 2013, derived from BNZMarketview and SNZ data.

- 4.14 The graph illustrates the make-up of the customer base during the 9pm to 7am period. It shows the percentage share of purchases accounted for by each age group during this whole of evening period. The percentage figures relate to this period only (that is, the percentage figures in the graph all add up to 100%). The line shows the % share of purchases which occur in off-licence outlets during this period.
- 4.15 The 18-24 segment accounts for the majority of purchases - and by implication, the share of purchasers or customers - from 11pm onwards (51%), and especially after midnight (53%).
- 4.16 The high significance of young adults in the evening social scene and their contribution to overall vibrancy is an important consideration, given the intention of the Draft LAP hours restrictions to limit their purchasing of alcohol. The pattern also shows transactions diminishing very rapidly after 4am.

Purchases by Type of Outlet

- 4.17 The Draft LAP seeks to limit the hours of alcohol sales for off-licence outlets. In regard to this, I have examined the distribution of transactions across the week, to understand the role of each type of outlet during each time period, with particular focus on the evening (9pm-11pm) period.
- 4.18 During the evening period, supermarket outlets account for small shares of alcohol transactions and spend by the target age group.
- 4.19 Off-licence outlets in total account for an estimated 36% of alcohol transactions in the 9pm-11pm period across the week, and an estimated 38% in the weekend (Friday and Saturday). These off-

licence transactions are oriented mainly to liquor stores, which account for an estimated 24% (and 30% in weekend evenings). Supermarkets account for an estimated 9% over the week and 6% in weekends. The off-licence share of spend is smaller than the share of transactions, as average transaction size is smaller than in on-licence premises.

- 4.20 In the same period, on-licence premises account for 64% of transactions by the target age group, and 62% in weekends. These are mainly in pubs, hotels and clubs (47% of the total), with the balance in restaurants (15-17%).

Whole of Evening Assessment (9pm-7am)

- 4.21 Across the whole evening and early morning period, taken as from 9pm to the following 7am, off-licence premises in total account for 20-22% of all alcohol transactions, with on-licence premises contributing the balance (78-80%). In this total time period, supermarkets, account for around 5% of transactions across the week, and 4% in weekends.
- 4.22 The limited role of supermarkets within total alcohol transactions in this period indicates a commensurately limited role in regard to the sequence of alcohol purchasing suggested by anecdotal material of Council. Moreover, during the 9pm-11pm period, on-licence premises have a substantially greater role in providing alcohol purchases than the supermarket sector, and the off-licence sector in total.
- 4.23 This indicates that the available statistics on alcohol purchasing patterns in the evening by the target age group do not support the anecdotal material. An important question is whether this pattern of alcohol purchasing is consistent with the anecdotal evidence about pre- and side-loading, given the relatively high shares of young adults making purchases in on-licence outlets from 9pm in the evening, compared with off-licence premises.

Purchases by Time of Day

- 4.24 The distribution of spending across the week also shows important differences among types of outlet for purchasers in total, and differences between young adults and the population at large, as shown in Table 4.1.

Table 4.1: Distribution of Transactions by Outlet by Time Period 2012: Whole Week

OUTLET TYPE	7am-9pm	9pm-11pm	11pm-7am	TOTAL
All Segments				
Supermarkets	97.2%	2.3%	0.5%	100%
Liquor Outlets	95.3%	4.3%	0.4%	100%
Grocery / Dairy	96.8%	2.7%	0.5%	100%
Off-licence	96.5%	3.1%	0.5%	100%
Restaurants & Cafes	89.0%	7.2%	3.9%	100%
Taverns, Bars & Clubs	63.6%	14.3%	22.1%	100%
Hotels	83.1%	9.5%	7.4%	100%
On-licence	76.4%	10.8%	12.9%	100%
TOTAL	89.0%	5.9%	5.1%	100%
Young Adult (18-24)				
Supermarkets	90.7%	7.4%	2.0%	100%
Liquor Outlets	89.5%	9.6%	0.9%	100%
Grocery / Dairy	93.9%	5.2%	0.9%	100%
Off-licence	90.5%	8.3%	1.2%	100%
Restaurants & Cafes	80.7%	10.3%	9.0%	100%
Taverns, Bars & Clubs	39.2%	19.0%	41.8%	100%
Hotels	67.3%	16.3%	16.4%	100%
On-licence	56.8%	15.5%	27.7%	100%
TOTAL	73.7%	11.9%	14.4%	100%

Alcohol Purchases in Supermarkets

- 4.25 To further understand the role of supermarkets in overall alcohol purchasing patterns, and those of young adults, I have also drawn on data from Progressive Enterprises, which shows the make-up of supermarket transactions in each category. In particular, the 6% to 7% of transactions in supermarkets by young adults in the 9pm-11pm period may be further differentiated into alcohol only or alcohol predominantly (alcohol and snacks), and alcohol and other groceries.
- 4.26 The inference is that alcohol-only and alcohol-and-snacks purchases are consistent with the intention for socialising, while alcohol purchased together with groceries (as well as groceries only) suggests an intention to go home rather than proceed to on-licence premises. In the 9pm-11pm period, alcohol with groceries account for some 59% of all purchases which included alcohol made by young adults in supermarkets.
- 4.27 This indicates that while 6% to 7% of alcohol purchasing by young adults made in supermarkets during the evening 9pm-11pm period, some 2.5% to 3% of purchases may relate to the behaviours targeted by the Draft LAP.
- 4.28 There is no information at this stage of the share of those young adults making alcohol purchases who subsequently travel to on-licence premises, compared with those who then travel to a private residence (home or to a friend's place).

5. ALCOHOL PURCHASING PATTERNS IN WELLINGTON CITY

- 5.1 I have drawn on the national assessment to consider implications of the Draft LAP as proposed for Wellington City. I have focused my findings around the Draft LAP's restrictions in sales hours - the evening period 9pm-11pm.

Licensed Outlets in Wellington City

- 5.2 According to the latest statistics from the Department of Internal Affairs ("DIA") the Draft LAP will apply to 744 licensed premises within the Wellington City territorial area, including 159 off-licence and 514 on-licence premises⁴¹.
- 5.3 The 159 off-licence premises include 20 supermarkets, 38 liquor stores, 41 grocery/dairy outlets, and 17 premises identified as a tavern or hotel off-licence.
- 5.4 The on-licence premises within Wellington City are predominantly within the central city, and locations around the CBD (69% of outlets, including 27% or 141 outlets in the Entertainment zone). The geographic distribution of licensed premises in the Wellington City area is shown in **Appendix3C**.
- 5.5 As it is proposed, the Draft LAP default provisions will mean that on-licence premises will be able to sell alcohol during various hours, including the 7am to midnight period (Suburban Centres and Southern zone), 7am to 2am period (Central Area, with trading hours up to 3am for best practice applicants) and 7am to 3am period (Entertainment Precinct, with trading hours up to 5am for best practice applicants). This will mean that people can purchase alcohol from both on- and off-licence premises in the 7am to 9pm period, and from on-licence premises only during the 9pm to 1am, 2am, 3am or 5am periods.

Alcohol Purchasing within Overall Shopping

- 5.6 It is important to consider also the nature of alcohol purchasing in the evening and morning periods. For a high proportion of shoppers in liquor stores and off-licence premises associated with taverns and hotels, and in many on-licence premises, the purchase of alcohol is the predominant or major purpose of the shopping visit.
- 5.7 That differs from pattern of supermarket shopping, where alcohol (beer and wine) purchases are made by a minority of customers, around one in 5 or 6 for overall shoppers, and around one in 10 young adult shoppers. Of those who do purchase alcohol in supermarkets, most purchase alcohol together with food and groceries, and small shares of shoppers make alcohol-only or alcohol predominantly purchases.
- 5.8 In this regard, it is also important to understand the volume of household shopping which takes place in supermarkets. On average, households make about 150 visits to supermarket trips annually, which indicates that supermarkets are by far the most frequently visited store type.

⁴¹ Department of Internal Affairs 2013

- 5.9 This means that the hours of sale restrictions in the Draft LAP will affect a large number of shopping trips by Wellington households. Wellington households make approximately 12 million visits to all supermarkets⁴² annually, including about 300,000 in the evening period (9pm to 11pm) through the year. These visits are made predominantly by those who are not part of the target young adult age group.
- 5.10 Within this overall supermarket shopping pattern across the year, during the evening period affected by the Draft LAP, an estimated 30-35,000 purchases from all supermarkets would include alcohol. These purchases are predominantly (82%+) made by segments of the population other than young adults, and more than three-quarters include alcohol as part of a wider grocery shop.
- 5.11 During the morning period, there is lower propensity to shop for alcohol (7% to 8% overall), and alcohol purchasing is predominantly (92% to 93%) part of a wider grocery including alcohol purchase. The propensity to purchase alcohol is higher in the evening period than in the mornings, although both morning and evening periods show lower purchasing levels than in the middle of the day (9am to 9pm).
- 5.12 This assessment of the overall patterns of alcohol purchasing suggests that the proposed restriction on the sale of alcohol from off-licences in the 9pm to 11pm period, will affect considerably more people who undertake their normal supermarket shopping during those times than it will affect the targeted group of young adults making predominantly alcohol purchases. The effect on shoppers generally includes those who would normally purchase beer or wine during that period, and others who would not have the option of making such purchases.
- 5.13 This potential to affect more people in the community at large than the targeted group indicates the blunt nature of blanket hours restrictions as an element of the Draft LAP.

⁴² Including both Progressive and estimated numbers for National Trading Co supermarkets

APPENDIX 3A: EXPERT QUALIFICATIONS

1. My full name is Dr Douglas James Marshall Fairgray. I am a Director of Market Economics Limited, a company I set up in 2001 after seven years as Managing Director of McDermott Fairgray Group. I have over 32 years of consulting and research experience, and I have led over 900 consultancy projects for major commercial and government clients.
2. I have particular expertise in examining how patterns of business and community activity have effect on the core matters under the Resource Management Act 1991 and Local Government Act 2002 regarding economic, social and cultural wellbeing, and urban sustainability. I have been at the forefront of development and application of methodologies to meet the "Evidence Base" requirements of the RMA and LGA, and I have conceptualised and implemented a wide range of models and techniques for commercial and government entities. These capabilities include methods for policy analysis, market studies, demographic and community assessment, social impact and economic assessment.
3. Over the last 15 years, I have had a significant focus on New Zealand's urban economies, and the important contribution of urban spatial form to community wellbeing and enablement, and sustainability. This has been especially through the (Environment) Court process, with a number of important decisions acknowledging the value of my evidence as an expert in economic geography in relation to community amenity, the nature and significance of effects, the core economic and social processes, and the importance of aggregate and cumulative outcomes in determining long term effects. I have done considerable work in regard to the nature and distribution of benefits and costs (the "who benefits, who pays?" issue) and the effects of government policies. I am a member of the RMLA, an associate of the NZ Institute of Management, and I also provide lectures to undergraduate geography classes.

APPENDIX 3B: INFORMATION BASE FOR ALCOHOL PURCHASING QUALIFICATIONS AND EXPERIENCE

Information Base

I accessed and analysed key datasets as follows:

- a) BNZMarketview customised information for the full 2012 calendar year which shows purchasing behaviour (\$ spend, numbers of transactions made) by cardholders of each age group, in each type of outlets, by time of day (hourly) throughout the week. This is a major dataset, which draws from some 52 million transactions made by over 490,000 cardholders. It provides a national-level profile of what each age group segment is spending (during 2012), in each main type of outlet able to sell alcohol, and during each time period;
- b) Information drawn from StatisticsNZ ("**SNZ**") on the total sales by each type of outlet, and the indicated % share of outlet sales which relate to alcohol. This is required because both the SNZ sales data and the BNZMarketview purchase data shows total sales, and do not show alcohol sales specifically, while the alcohol share of total sales varies among types of outlet. Alcohol accounts for the main share of the value of sales for some types of outlet such as liquor stores and pubs and taverns, but lesser shares for outlets such as restaurants and hotels offering accommodation, and lower shares again for outlets such as supermarkets and dairy grocery outlets;
- c) A Department of Internal Affairs ("**DIA**") dataset covering licensed premises in New Zealand by type and location, for May 2013, and believed to be a comprehensive listing;
- d) Data from SNZ as to activity in the sectors which account for the major share of off-licence premises (liquor stores ANZSIC G4123, supermarkets G4110, dairy/grocery stores G4110), and for on-licence premises (bars/taverns H4520, clubs H4530, restaurants/ cafes H4511, hotel accommodation H4400, caterers H4513). This identifies numbers of outlets (geo units) in each type, with information also by size (Employee Count or EC) in each location as at 2012. While this dataset does not identify specific outlets in the same manner as the DIA data, it does provide information at the meshblock level, and therefore offers a fine geographic breakdown of activity by type throughout New Zealand;
- e) Data (SNZ) on population, households and their demography, and employment by sector, for each TLA and location throughout New Zealand. In combination with the DIA dataset, this provides information about people and communities living and working in each location, in relation to the presence of licensed outlets of each type;
- f) Specific data from Progressive Enterprises on alcohol-purchasing and other purchasing patterns within their supermarkets, by market segment (age group). This is to help validate and augment the BNZMarketview dataset which identifies purchases in supermarkets generally.

I note that much of the relevant data is in a GIS structure, to enable analysis by location, and the relative locations of different types of activity. This is of considerable value because the geography of alcohol purchasing and sales is very important, together with the patterns among groups within the community.

I have combined the information to estimate alcohol purchasing patterns (\$ spend, number of transactions) by each age segment, and by type of outlet, by hour through the week, as follows:

- g) SNZ data shows total sales by each type of outlet (SNZ Retail Trade Survey, YE Dec 2012), and the % shares of those sales which are alcohol, to identify alcohol sales by type of outlet nationally for 2012;
- h) BNZMarketview data shows the % share of sales and transactions by each type of outlet, by segment of the market (age group) by hour of the week;
- i) The two datasets are combined to estimate alcohol purchases/sales by segment of the market by hour of the week, for both \$ spend/sales, and numbers of transactions;

Limitations to Available Data

While considerable effort has been made to produce a comprehensive picture of alcohol purchasing patterns, the figures are defined as estimates because there is not full information on some aspects.

(a) Total Sales and Alcohol Sales

These include detail on whether purchasing of alcohol occurs pro rata with total purchasing in outlets, both across the time of week, and among age segments. A pro rata spread is a quite robust assumption for outlets where alcohol is the predominant good sold (liquor stores), and where there is a limited mix of goods sold (pubs, taverns, hotels and clubs). These factors suggest there is little variation among age groups, or by time of day, in the mix of goods purchased.

For supermarkets, information from Progressive Enterprises has provided detail on the percentage share of purchases which include beer and/or wine by age segment by time of week. It also provides information on the incidence of purchases by categories of alcohol-only, and alcohol-and-snacks, which are both taken to indicate some intention to socialise, and alcohol together with groceries, and grocery purchases not including alcohol. This information has been used to indicate the pattern for the supermarket sector as a whole. (For convenience and ease of comparison, I refer to supermarket transactions as including alcohol, although supermarkets do not sell spirits or RTDs).

However, the *pro rata* assumption is less likely to hold for restaurants, where alcohol is a significant but not the major good sold, and not all restaurants are licensed. This suggests a likely (but as yet undocumented) pattern where alcohol represents higher shares of purchase value and transaction numbers in restaurant or café during the afternoon and evening periods than during the morning. If so, then pro-rating is likely to overstate restaurants' alcohol sales early in the day, and understate them later in the day. A similar limitation applies to grocery and dairy outlets.

(b) Total Transactions and Alcohol Transactions

The estimates include sales value and numbers of transactions. The source dataset covers card-based transactions, and does not include non-card (predominantly cash) transactions, where the average value is generally lower than for card-based transactions. Also, the percentage share of transactions which include alcohol is not recorded (apart from the supermarket data). The percent share of sales value is an indicator of the minimum share of transactions which include alcohol (as the mix of goods purchased means that the alcohol-related share of transactions is higher than the alcohol share of sales value – for example, SNZ data shows that alcohol accounts for some 8% of grocery and supermarket sales by value, while supermarket information shows that some 18% of transactions include alcohol). The \$ value share has been used the base from which to estimate the higher shares of transactions which include alcohol, for each type of outlet, as shown below.

OUTLET TYPE	Share of Sales by Value	Share of Transactions
Supermarkets	8%	18%
Grocery / Dairies	8%	12%
Liquor Stores	97%	98%
Restaurants	18%	23%
Caterers	21%	27%
Pubs & Taverns	60%	74%
Clubs	36%	45%
Hotels	12%	15%

Alcohol Sector Coverage

It is important to note that these estimates cover the major share of alcohol purchasing, and implied consumption, but do not cover all of the alcohol sector. The DIA dataset identifies 14,338 licensed premises nationally, including 7,855 on-licences and 4,138 off-licences - the balance of 2,345 being club licences. The estimates based on SNZ and the card-based data cover approximately 90% of on-licence premises and 77% of off-licence premises, or around 85% of premises of both types.

Examination of the DIA dataset of licence types which are not included in the SNZ types suggests that the shares of sales to resident households which are captured in the estimates are higher than 90% of on-licence and considerably higher than 77% of off-licence sales. While it is not possible to specify the exact shares, I estimate that the figures applied here cover at least 90% of off-licence sales/purchases, and cover well over 90% of on-licence sales/purchases, for resident households.

Adjustment for Population Structure

The card based data provides detail on spending by each segment of the population. It is taken as being representative of the spending patterns of each age group. However, in order to use that information to develop a total picture of alcohol purchasing patterns, it is important to calibrate total sales to the size of each age group within the population at large, in case the number of card users *per capita* varies among age groups. This adjustment has been made, drawing on SNZ estimates of the national resident population in each age-sex cohort as at September 2012.

Tourist and Business spend

The card-based dataset includes New Zealand residents, but does not include international visitors to New Zealand.

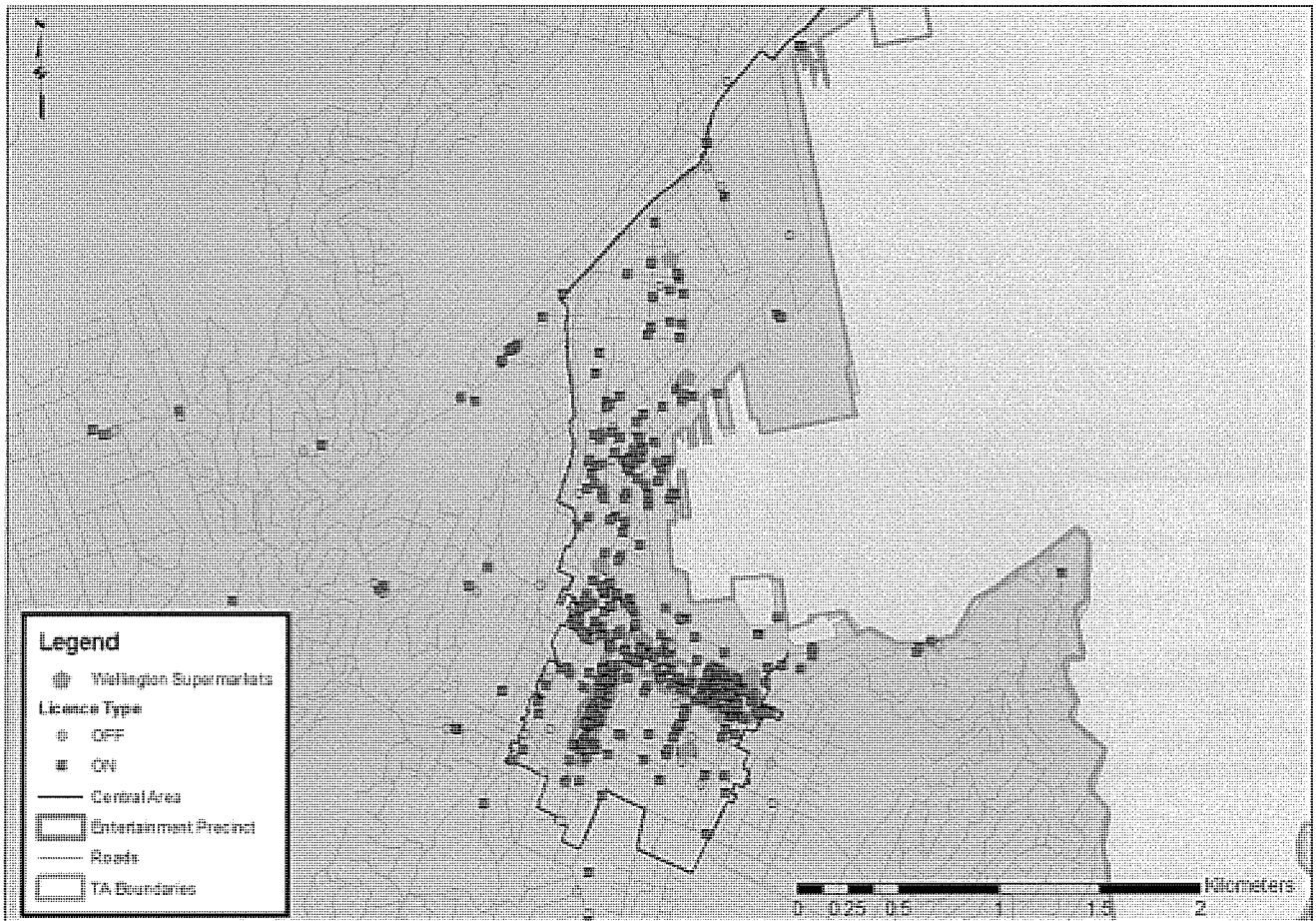
Similarly, the dataset does not include spending by businesses, for example, entertaining clients at meals, or in bars.

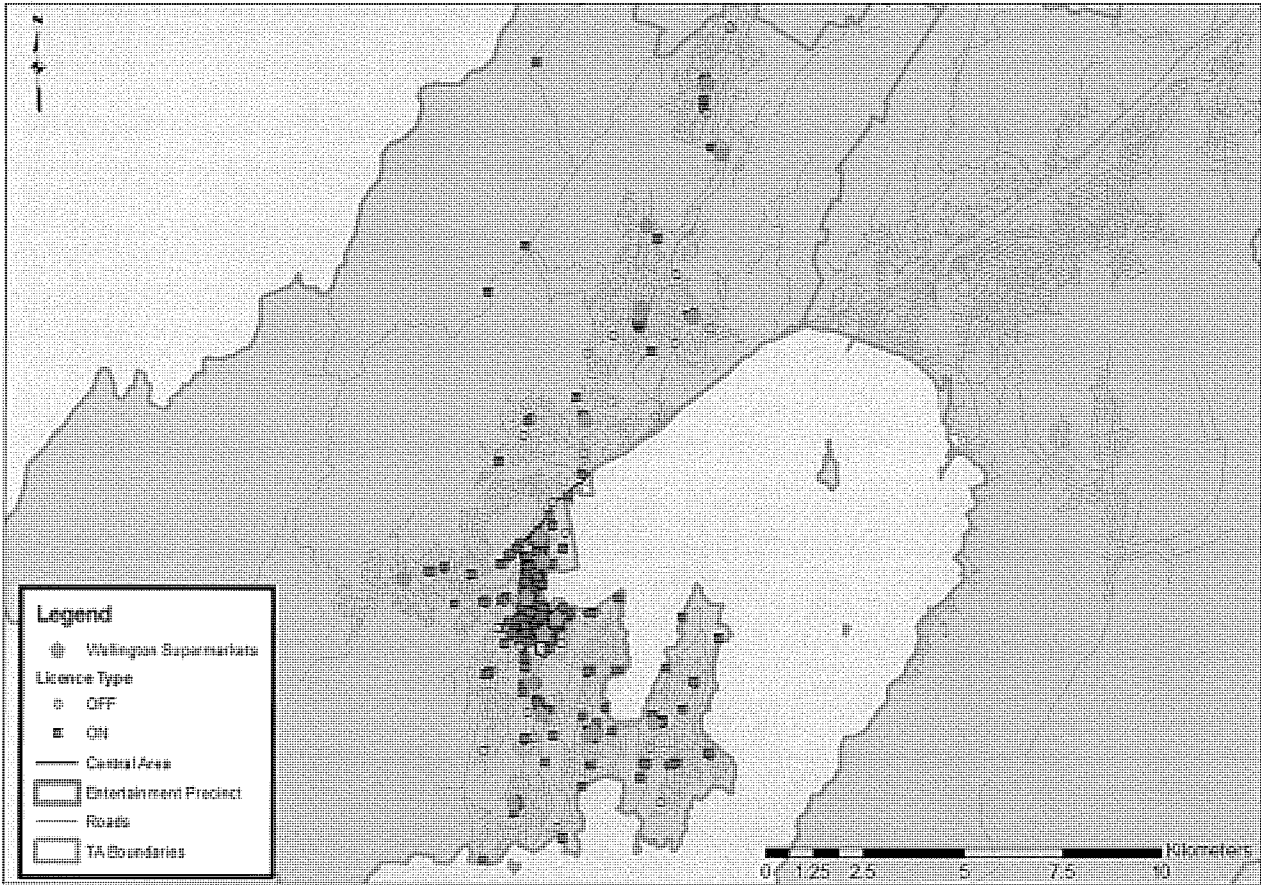
Alcohol Sector Coverage

It is important to also note that these estimates cover the major share of alcohol purchasing (and implied consumption) but do not cover all of the alcohol sector. The DIA dataset identifies 14,338 licensed premises, including 7,855 on-licences and 4,138 off-licences (the balance of 2,345 is club licences). The estimates based on SNZ data cover approximately 90% of on-licence premises and 77% of off-licence premises (85% combined). Examination of the DIA dataset of licence types which are not included in the SNZ types suggests that the shares of sales to resident households which are captured in the estimates are higher than 90% of on-licence and considerably higher than 77% of off-licence sales.

While it is not possible to specify the exact shares, I estimate that the figures applied here cover at least 90% of off-licence sales/purchases, and cover well over 90% of on-licence sales/purchases, for resident households.

APPENDIX 3C - DISTRIBUTION OF ON- AND OFF-LICENSE PREMISES IN WELLINGTON CITY, AND THE CENTRAL CITY





APPENDIX 4 – FINDINGS OF MIKE FOSTER AND DR MARK ELWOOD

1. PLANNING ISSUES – FINDINGS OF MICHAEL FOSTER

- 1.1 My full name is Michael John Foster. I am an independent planning consultant and Director of Zomac Planning Solutions Limited.
- 1.2 In my opinion supermarkets and grocery stores are an essential part of modern living. They are significant assets in their own right, usually requiring sites in excess of 1ha and investment costs of over \$10M. With only limited exceptions new supermarkets and grocery stores need resource consent and take over 2 years⁴³ to consent and build, but the negotiations to acquire land (particularly where multiple parcels are involved) can take much longer.
- 1.3 In order to justify the significant expenditure, supermarkets have to be well placed to serve their catchment, be easily accessible and not over-saturate the relevant customer catchment. With the vast majority of revenue derived from produce and groceries, it is the ability to sell these products which drives supermarket locations; not beer and wine sales.
- 1.4 However the ability to buy beer and wine influences customers sufficiently that poorly conceived LAP provisions can make supermarkets unviable. Given the limited number of sites that are suitable for supermarkets, ill-conceived location controls could easily prevent new supermarkets from establishing anywhere within an entire catchment.
- 1.5 In my experience supermarkets are located to be convenient to a broad catchment whereas bottle stores tend to be more densely located within areas such as city centres. LAP provisions which only address the location and number of bottle store off-licences in Wellington could therefore have a significant impact on addressing alcohol-related harm, without the need to restrict supermarket locations as well. Similarly, restricting hours for bottle stores but not supermarkets could significantly reduce the accessibility of alcohol, predominantly spirits and RTDs, which supermarkets do not sell.
- 1.6 In terms of restrictions on the location of off-licences in relation to certain premises, the map attached to this submission as **Appendix 4A** shows the location of schools in the city. This map highlights that schools are generally uniformly spread across Wellington, and so any proximity and density controls will be problematic for new supermarket locations.
- 1.7 Therefore:
 - (a) Investment certainty is needed early and any suggestion in a LAP that supermarkets should not be located near "sensitive" facilities is problematic, because the same factors which influence the location of schools, churches and childhood care centres also influence supermarkets;
 - (b) The robust assessment required of supermarkets under the Resource Management Act 1991 means that separate location controls for supermarkets and grocery stores are duplicative and unnecessary; and

⁴³ This is even without trade competition issues slowing resource consents.

- (c) Good policy, like good investment, requires integrated decision-making. The LAP must encourage integrated decision-making to provide good quality regulation.

2. LITERATURE REVIEW – FINDINGS OF DR MARK ELWOOD

- 2.1 In regard to licensed hours, there are a considerable number of studies in the international literature, most of which have assessed changes to extend or remove all restrictions on licensed hours, in Australia or other countries. I am not aware of any study which has looked at changes in licensed hours in the New Zealand context.
- 2.2 There are two major limitations to the application of these results to changing the licensed hours of supermarkets. First, most of the studies deal exclusively with on-licensed premises, because that is where a change in the regulation of licensed hours has taken place. Second, many of these studies look at changes which only affect licensed hours within the late night period of 11 pm to 7 am which will be restricted in New Zealand from December 2013. Such studies have looked at changing the end of alcohol licensed from 5 am to 3 am for example, or extending it from midnight to 1 am, or of moving from restricted to 24 hour licenses.
- 2.3 The current issue is the impact of changing the licensed hours of supermarkets; ceasing evening trading at 9 pm rather than 11 pm. The question of whether these changes in licensed hours of this type of trading outlet, would have any impact on alcohol-related harm is a very specific question. It is understandable that most of the studies do not directly address this question. Indeed some studies suggest that the question is not likely to be particularly relevant, as they show that much alcohol-related harm is associated with drinking at on-licensed premises, and relating to incidents between midnight and 6 am.
- 2.4 I was asked to assess the level of evidence there is to support a further limitation on supermarket off-licence hours. The underlying question is presumably whether such a restriction, avoiding the sale of alcohol from 9-11 pm, would reduce alcohol-related harms. From my review, there is no direct evidence on this issue. There is evidence for a general association between levels of harms and alcohol outlet density, but these changes in licensed hours will not affect outlet density as defined in these studies. Moreover, outlet density is often associated with other relevant factors such as socio-economic deprivation. The available studies of changing licensed hours predominantly relate to on-licensed premises, and to changes within the early morning hours between midnight and 7 am, and so cannot be directly applied.

APPENDIX 4A - LOCATION OF PROGRESSIVE SUPERMARKETS AND 200M BUFFER AREAS AROUND EDUCATION POINTS.



APPENDIX 5 – QUALIFICATIONS AND EXPERIENCE OF EXPERT WITNESSES

1. MICHAEL FOSTER

- 1.1 My name is Michael John Foster. I am an independent Planning Consultant and Director of Zomac Planning Solutions Ltd. I have a Bachelor of Arts (Massey), Diploma of Town Planning (Auckland) and am a Fellow of the New Zealand Planning Institute and a member of the Planning Institute of Australia.
- 1.2 For sixteen years from 1995 to 2001 I was Director of Planning at Beca Carter Hollings & Ferner Ltd, consulting planners and engineers. I was chairman of the 2010 Infrastructure Technical Advisory Group advising the Minister for the Environment with respect to the Phase 2 changes to the RMA. I was also a member of the 2009 Streamlining and Simplifying Technical Advisory Group.
- 1.3 I have over thirty years' experience in the planning and resource management fields and over the last 20 years I have had specific and extensive experience in retail planning. During this 20-year period, I have been responsible for the planning and resource management inputs for a range of major retailing clients on a number of proposed and operative district plans and a wide variety of developments. My firm, Zomac, is currently principal planning consultant to Progressive's \$1 billion expansion programme. At last count in excess of 30 developments have either been consented over the last two years, are in their statutory approval phase or under preparation for lodgement.
- 1.4 I believe my experience and understanding of both retail and urban planning dynamics around New Zealand gives me a sound appreciation of the impacts that the requirements of the Draft LAP will have on appropriate district planning and infrastructure provision as that relates to commercial retail activity within urban areas.

2. DR MARK ELWOOD

- 2.1 My full name is James Mark Elwood.
- 2.2 I am a medical practitioner, epidemiologist and specialist in Public Health Medicine, with over 30 years experience in these fields.
- 2.3 I have academic qualifications in Medicine (MB, BCh, BAO: Medicine, Queen's University, Belfast); and in epidemiology (Master of Science, Harvard School of Public Health). I have higher qualifications based on research in epidemiology: MD (Doctor of Medicine, with honours, by thesis, Queen's University, Belfast); and DSc (Doctor of Science, Queen's University, Belfast).
- 2.4 My professional qualifications include specialist qualifications in Public Health medicine in Australia and New Zealand (Fellow, Australasian Faculty of Public Health Medicine), in Canada (Fellow, Royal College of Physicians and Surgeons of Canada), and in the United Kingdom and the European Community (Fellow, Faculty of Public Health Medicine, Royal College of Physicians).
- 2.5 I am currently Professor of Cancer Epidemiology at the University of Auckland, New Zealand, within the School of Population Health (part-time). I hold a licence to practice as a physician in New Zealand, and have specialist status in Public Health Medicine, of which epidemiology is a component. I have previously held physician licences and specialist registration in Public Health Medicine or equivalent in Canada (British Columbia and Ontario), Australia (Victoria), and the United Kingdom. I also hold an honorary professorial appointment at Monash University, in Melbourne, Australia.

- 2.6 I have previously worked in Canada, Australia, and the United Kingdom, and have held university professorial appointments and specialist appointments in public health medicine in all those countries. I have held medical specialist qualifications since 1976, and university appointments at full professor rank since 1981.
- 2.7 I have consulted on health related issues on various topics to several government and non-government agencies, and to commercial and legal groups. I have held over 30 major peer-reviewed research grants, in Canada, the United Kingdom, Australia and New Zealand. I have published over 250 scientific papers and other reports, mainly on the causes, prevention, and early diagnosis of cancer, the epidemiology of congenital defects, and on epidemiological methods. I have published several books, including a graduate level textbook on the assessment of epidemiological evidence and of cause and effect relationships, which is now in its third edition (Elwood, J.M. *Critical Appraisal of Epidemiological Studies and Clinical Trials*, 3rd Edition, Oxford University Press, 2007).

Initial Review of Wellington City Council Alcohol Purchase Survey Information – 26-7-2013

The following provides an initial review of Colmar Brunton's Survey on Role of Alcohol in Wellington City and Angus and Associates/Wellington City Council's Off-Licence Purchasing and Consumption Patterns' research. This based on the survey reports and supporting material and correspondence provided to Gravitass.

1. Survey on Role of Alcohol in Wellington City – by Colmar Brunton for WCC

Method

The survey has been conducted using an online methodology, with respondents drawn from a consumer panel database comprising Fly Buys members.

The limitations of online panel surveys are mainly in relation to their representativeness, in that they cannot be considered to provide probability samples. Rather they provide a convenience sample. They are self-selected panels of people that constitute a relatively small proportion of the total population.

This 'convenience sampling' represents a non-systematic approach to recruiting respondents as respondents are able to self-select into the sample. For online panels, there is typically a compounded self-selection bias as respondents first self-select to join the panel, and then self-select whether they will complete the particular online survey. Statistical inference to the total population can be problematic with convenience samples as there is no way of knowing the extent to which the sample who responded to the survey is representative of the population of interest. This makes convenience samples that are weighted only by demographics less suited for estimating population shares and totals – the basis of the 'Role of Alcohol in Wellington City' report.

We note that the survey data has been weighted to reflect the demographic structure of the Wellington City population by a range of geo-demographic characteristics. This will have aligned the survey sample more closely to the known population. However, this may not correct for any differences in attitude or behavior between the panel membership/panel response and the wider population. For example, a consumer panel based on a loyalty card may skew to heavier shoppers, to family lifestage household members and so on.

We also note that the provision of information about the unweighted distribution of the sample (in the Appendix to the report) is incomplete (unweighted results for household composition, household income and ward has not been provided) which means a fuller assessment of the nature of the un-weighted and weighted samples is not possible.

The response rate quoted is at the high end of those expected for panel surveys and we note supporting statistics or definitions to assess how this rate was calculated have not been provided.

Questionnaire

Overall, the questionnaire used for the survey appears sound. The order of statements within the ratings questions (e.g. Question 6) has been randomised, which is good industry practice. However, it is unclear whether order bias was also minimised through the rotation of the response options to the rating questions (that is, starting some code

frames with the most positive response – e.g. strongly agree – and others with the least positive – e.g. strongly disagree).

This rotation is important in reducing the survey bias associated with respondents tending to favour response options at the beginning or at the end of a list because they are more memorised. In online surveys in particular, first response options may also be chosen by respondents to save time.

We also note that almost all the statements in Questions 6 and 7 have been framed in the positive. To minimise the incidence of 'flat-lining' (that is, where respondents give the same response to every question in a list without giving due consideration to the question/statement), it is good practice to vary the orientation of the statements in a list, thereby encouraging respondents to read and consider each individually.

Q5 asks how often people pre-load alcohol before visiting a licensed premise and provides a definition of pre-loading as drinking alcohol before going to a licensed premise to drink. Use of this terminology is unwise and less than objective, in our view. The term comes with connotations and potentially stigma, in addition, there is a discrepancy between the definition provided - drinking any alcohol before going out to a licensed premise and the term "load" which could imply drinking to an extent where only further top up drinks are required.

Regardless of perceptions and meanings of this terminology, it would certainly have been far superior to address the nature, purpose and frequency of the type of alcohol consumption requiring quantification through more objective and less presumptuous and emotive questioning and language. That is, actual patterns could have been measured and then post classified as pre-loading or other behaviours.

In the version of the questionnaire sighted, Q17 is incomplete with a series of statements around benefits and harm, but no reference to what they may pertain (alcohol is reported). This may be an error in the printed questionnaire.

Reporting

Based on an initial review, the reporting generally appears solid.

Note however that we have not reviewed the data upon which the results have been compiled so cannot comment on the accuracy of the data reported at this stage.

2. Off-Licence Purchasing and Consumption Patterns – Angus and Associates for WCC

Method

The survey was conducted used a mixed method approach comprising observation and an intercept survey outside six off licence alcohol retailers. A number of flaws in the approach are evident:

1. Observation/surveying was only conducted over two Friday and Saturdays, only in the evening and only between 6pm and 11pm (when one of the supermarket managers comments that heaviest trading is from 3pm for alcohol). Consequently, there is no context for the results and it is not possible to provide comparisons with other days of the week/times of the day (it may be that alcohol purchasing is just as high on

Monday mornings or Sunday afternoons, even though considerably fewer people are travelling into the city on these days/times).

2. All surveying was conducted in May (winter, rugby season – including a Hurricanes home game on the 17th of May etc). Alcohol purchasing and consumption in May may differ considerably from purchase/consumption patterns at other times of the year.
3. Only six outlets were included (4 supermarkets and 2 bottle stores). This is too few to provide the “picture of purchasing and consumption behaviour of off-licence premises in Wellington city” as the report purports.
4. The impact/implications of the fact that none of the bottle stores approached in the Western ward wanted to participate is not addressed in the research. It is also unclear how many other supermarkets and bottle stores declined to participate – and the reasons why.

Data Collection

1. It is not usual industry practice for a client (who is potentially more likely to have a vested interest in the outcome of the survey) to brief an independent research company’s surveying team; this briefing/training is typically done by the research company themselves (with the client present sometimes). It is interesting to note that the reason given for Wellington City Council briefing the surveying team was to reinforce “the need for participants to be from across demographic spectrums and to reflect the population of customers across the evenings”(p3) - this is a standard methodological issue, which typically falls under the remit of the research agency rather than the client.
2. Further, the approach for a participant-selection adopted is not a method that is most effective in delivering a representative sample. (see 6. below).
3. Only two surveyors were used at each site, one used to collect observational data. We question the ability of a single person to observe the purchases of every shopper leaving a supermarket and to accurately ascertain whether they had purchased alcohol or not. Also, some supermarkets may have more than one exit and there is no evidence of whether this was the case and how this was handled to minimize bias.
4. In addition, using just one interviewer per site means that once an interview was being conducted, this would leave no capacity to conduct interviews with alcohol purchasers exiting the stores until the interview was completed. Potentially this means that alcohol purchasers at busy stores/times will be systematically under-sampled.
5. We also question the surveyors’ ability to accurately identify what and how much alcohol each shopper had purchased and what size/amount it was, particularly where shoppers used re-useable or opaque plastic shopping bags. This observation would have been especially difficult when these bags were placed in a trolley alongside other shopping. This is a fundamental weakness of the approach used and likely to produce inaccurate alcohol purchase rate estimates and potential bias towards those shoppers with a more visible alcohol purchase - i.e. those with alcohol only, or with fewer purchases.
6. The description of the data collection method provided in the report suggests that a convenience sampling method was used – that is, surveyors just approached those they felt would be likely to stop and answer their questions. Whilst surveyors were briefed on “the need for participants to be from across demographic spectrums and reflect the population of customers across the evenings” (p3), there would be no way for

surveyors to accurately assess what the actual demographic spectrum was. This introduces a degree of subjectivity in respondent selection that is unnecessary and unscientific. Standard practice for intercept surveys is to use simple random sampling, where every nth person is approached (irrespective of their 'demographic spectrum'). This ensures a sample which is representative of the population on-site at the time of the interview.

7. It is also not usual practice to have surveyors estimate the age of participants, when this can be more effectively and easily captured. These estimations are likely to have been inaccurate, particularly as the age groupings were relatively specific (e.g. 25-44 years, 45-64 years, and 65 years+). Respondent age is a very quick question to ask; asking would have yielded much more accurate age data.
8. Our view, is that to provide a more robust analysis, the survey should not just have targeted those customers purchasing alcohol. All those exiting the outlets should have had an equal chance of participating and those who did not purchase alcohol could have been asked whether they were planning to purchase elsewhere, or go into the city that night. This would have provided control data by which to compare and contrast the behaviour of alcohol purchasers.

Questionnaire

1. The questionnaire used was overly simplistic given the range of alcohol purchasing and consumption scenarios possible. In particular:
 - There is no indication as to how responses that fit multiple categories (e.g. "I am going to drink half of this tonight and the rest over the remainder of the weekend.") were dealt with.
 - It is not clear how 'don't know' responses and refusals to answer particular questions were dealt with.
 - The questionnaire did not assess how soon after drinking respondents were going into the city. This may have been within the hour – or sometime later that weekend.

Data Analysis

1. The analysis of quantity of alcohol purchased seems flawed as there was no accompanying question asking how many people were going to consume the alcohol that had been purchased. Without this clarification, there is a risk the reader will assume all alcohol purchased was to be consumed by the purchaser.
2. 'Movement into city' analysis is flawed as it isn't clear where in the city respondents were going - or indeed, what 'city' means. Given that the two outlets in the Lambton ward are in the Wellington CBD anyway, many answering 'going into the city' could have just been going back home if they lived nearby.

Reporting

1. The use of two different questionnaires (the standard and the 'Countdown' versions) has not been addressed in the report. In particular, the results for two key questions included only in the Countdown survey have not been presented in the report:
 - Are you intending to share the alcohol you have bought tonight?
 - Do you intend to drink any additional alcohol in the city tonight?

Note that we have not reviewed the data upon which the results have been compiled so cannot comment on the accuracy of the data reported at this stage.

Generalisation of Findings

As discussed, weaknesses of the research process outlined aside, we have significant reservations about generalising these results to the wider Wellington area and certainly to other locations. We note that Christchurch, in particular, has social, travel and shopping patterns severely disrupted by the effects of the earthquakes as well as severely compromised CBD and that these issues alone indicate there is no basis for assuming patterns in Wellington are applicable or relevant.

Costs and Benefits of the Draft Local Alcohol Policy (LAP)

Prepared for

Christchurch City Council

Authorship

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Executive Summary

Context

The Sale and Supply of Alcohol Act 2012 (the Act) has ushered in a new regulatory regime to help combat the adverse effects of alcohol. Amongst other things, it enables territorial authorities to adopt a Local Alcohol Policy (LAP). Christchurch City Council is proposing a draft LAP that:

- Restricts the opening hours of off-licensed and on-licensed premises
- Imposes a one-way door system for some inner city bars/taverns/nightclubs
- Restricts the location of new outlets to business zones, and
- Enables various discretionary conditions to be attached to licences. e.g. CCTVs

Purpose of this Report

This report assesses the economic costs and benefits of the draft LAP. Specifically, it analyses the effects of proposed changes to the hours at which alcohol can be sold at bottle stores, supermarkets, pubs, bars, and nightclubs (including the one-way door).

Scope of this Report

Alcohol related harm (ARH) can be divided into chronic and acute. Chronic ARH relates to the long-term effects of prolonged excessive consumption, while acute ARH relates to the immediate effects of episodic binges. This report focuses on acute harm.

Approach to the Analysis

The earthquakes have caused many licensed premises to close, especially in the CBD. With no way to predict when each will reopen (if ever), the resulting uncertainty has precluded a fully-quantified cost benefit analysis. Accordingly, this report adopts a more qualitative approach in which estimated policy-induced consumption changes are translated into various economic costs and benefits.

Extent, Causes, and Risks of ARH

Alcohol causes a number of issues in New Zealand. For instance, on an average day, 52 individuals or groups of people are either driven home or detained in Police custody due to their state of intoxication, and police arrest 340 alleged offenders who show signs of having consumed alcohol prior to offending.¹ In addition, excessive alcohol consumption leads to a number of serious health issues, and can affect relationships with family, friends and the wider community.

Acute ARH is largely a result of our deeply entrenched binge drinking culture, which has been exacerbated by a growing gap between the prices of alcohol sold at off-license and on-license premises. The resulting price differential has fostered a pervasive culture of pre-loading, in which cheaper off-license alcohol is consumed (often quickly) before going out. To understand the risky nature of this, we first need to understand how the body processes alcohol. In simple terms, alcohol is absorbed via the digestive system, where it passes through the liver before entering the bloodstream. Once in our system, it

¹ Ministry of Health (2010) Alcohol Quick Facts. Retrieved from:
[http://www.ndp.govt.nz/moh.nsf/pagescm/7752/\\$File/alcohol-factsheets.pdf](http://www.ndp.govt.nz/moh.nsf/pagescm/7752/$File/alcohol-factsheets.pdf)

stays there for a long time. Moreover, the quicker we drink, the drunker we get and the longer it takes to get sober.

To illustrate this point, consider a 75kg male who consumes 10 drinks between 8pm and 10pm then stops for the night. By the end of the drinking session (10pm), his blood alcohol content (a key indicator of intoxication) will be nearly double the legal driving limit, and will remain above that limit for another five hours (until 3am). Nine hours after he finished drinking (7am) some traces of alcohol are likely to remain in his blood.

While these figures are startling, the issue of acute ARH is not just a result of our drinking culture. In addition, the rate of crime-related ARH depends on the physical convergence in time and space of three factors, namely:

1. A likely offender
2. A suitable target, and
3. The absence of a capable guardian.

Hence, addressing acute ARH depends not only on moderating our drinking behaviours, but also making the places that people drink safer, too. This is where discretionary licence conditions enabled by the LAP may play a role, for instance by increasing the level of surveillance in trouble spots.

Overall, younger people are the most at-risk for acute ARH because they:

- tend to drink more alcohol and are less experienced with its effects,
- are more likely to be out at night when significant harm occurs, and
- are more likely to take risks when under the influence.

Christchurch Local Drinking Habits

To estimate likely policy impacts, we first needed to understand local drinking habits. According to surveys run by Council, people most commonly purchase alcohol at supermarkets and bottle stores and consume it either at home or a friend's place or party. In addition, a number of people (particularly younger people) purchase and consume alcohol at taverns, while a number of people also purchase and consume alcohol at restaurants and cafes.

To better understand local drinking habits, we obtained data on every electronic transaction by Christchurch BNZ customers at bottle stores and taverns both before and after the quakes.² While the data have limits (notably: they exclude all cash transactions and exclude alcohol purchases from supermarkets, cafes and restaurants etc), they do reveal a number of interesting insights. For instance, the data show that:

- Christchurch residents spend significantly more on alcohol now than before the quakes. In fact, bottle store expenditure has increased by 32% per capita, while tavern expenditure has increased by 23% per capita.

² The pre-quake dataset covers the year ended 30 August 2010, while the post-quake dataset covers the year ended 30 June 2013.

- The timing of on-licensed expenditure has shifted. For instance, before the quakes, 90% of tavern expenditure occurred by 1am. After the quakes, 96% occurred by 1am. This is probably because the quakes closed many late night venues (hence reducing opportunities for late night drinking) so people shifted their expenditure/consumption forward to earlier in the evening.
- Conversely, the timing of bottle store expenditure has not changed. Both before and after the quakes, 96% of bottle store expenditure occurs by 9pm.
- Young people spend a lot less per transaction at both bottle stores and taverns, but they transact far more often, and hence spend more overall.
- There is a noticeable gap between the timing of bottle store expenditures and the timing of tavern expenditures, especially for younger people. For instance, on Saturdays, bottle store expenditure by 18 to 24 year olds peaks at 6pm, while tavern expenditure peaks at 11pm.

Practical Implications of the LAP

The LAP aims to reduce ARH, mainly by curbing availability. To examine the stringency of proposed restrictions on opening hours, we compared them to the hours for which licences are currently held and the hours that licensed premises are currently open. The analysis shows that the draft LAP will affect the times at which most supermarkets and bottle stores can sell alcohol, but that effects on taverns will vary considerably. In particular, late night venues will be the worst-hit, while many (largely suburban) taverns will be mostly unaffected.

Literature Review

Next we reviewed the local and international literature. We started with two recent papers by the Ministry of Justice that seek to establish a new fee regime for the alcohol licensing system. These provided some useful insights into the likely drivers of ARH, at least for on-licensed premises. Specifically, the Ministry of Justice papers show that the type of premises, their opening hours and their compliance history are key markers of risk. Of these, compliance history is by far the most important, reflecting the fact that a very small proportion of licensed premises account for a very high share of related offences.

Drilling into specific LAP elements in the academic literature painted a more mixed picture. The most promising element appears to be the proposed reductions in opening hours for on-licensed premises, which seem a potentially fruitful avenue for reducing ARH. Conversely, the academic literature suggests that the proposed one-way door policy will be ineffective and may even have negative effects. Finally, our review found that there is no evidence to support (or oppose) the proposed restrictions on off licenses.

Changes in Consumption

The penultimate step was to estimate possible changes in consumption caused by the LAP, which we analysed in two steps. First, we estimated potential policy-induced consumption changes assuming no behavioural changes. That is to say, we first assumed that consumers did not shift their expenditure patterns in light of the new

trading hours. While highly unlikely, this set an upper bound for the analysis. Then, we re-estimated the changes while explicitly allowing for behavioural change.

To estimate potential changes in consumption while holding expenditure patterns constant, we simply calculated how much alcohol is currently purchased outside the hours that would be permitted by the draft LAP. Then we translated that expenditure into estimates of consumption using data in a recent Ministry of Justice report that showed the average costs of standard drinks at both off-licenses and on-licenses. According to our analysis, the LAP could reduce citywide alcohol consumption by 3.6% assuming that expenditure patterns do not change as a result.

To estimate consumption changes while explicitly allowing for behavioural change, we needed to understand how consumers were likely to react. To this end, we began by reviewing the responses that were given in various local surveys. These seemed to suggest that significant behavioural change could be expected. For instance, a survey run by Hospitality New Zealand asked “If the hours for off-licence sales were reduced, would you still purchase alcohol for the night prior to going out for a night out or would you go to a bar earlier?” 90% said they would just buy their off-licence alcohol earlier, and 10% said they would go out to bars earlier.

Despite the strength of these various survey results, it would be unwise to ground the analysis purely on the basis of them, as actual behaviours can often differ markedly from the responses given to surveys. Consequently, we sought a more concrete basis.

As it happens, the earthquakes themselves provided a perfect natural experiment into the way that people are likely to react to changes in opening hours, at least for on-licences. This is because the quakes had a disproportionate impact on inner city taverns, which accounted for the majority of late-night venues. Thus, the quakes naturally caused a natural reduction in late-night opening hours. This means that, just by comparing the pre-quake and post-quake distributions of tavern expenditure, we could directly observe how consumers might react to the LAP.

The pre- and post-quake comparisons revealed a significant shift in drinking times at on-licensed premises as a result of the quakes, particularly for younger people. For instance, before the quakes, only 62% of tavern expenditure by 18 to 24 years olds occurred by midnight. After the quakes, this share jumped to 80%. The shifts for other age groups were not so dramatic, but were evident nonetheless.

On the basis of these findings, we assumed that 75% of off-licence expenditure and 50% of on-licence expenditure currently outside the opening hours proposed by the LAP would be shifted forward via consumer reactions. Applying this assumption, we estimated that the LAP would reduce citywide alcohol consumption by 1% (having allowed for behavioural change).

Analysis of Costs and Benefits

To analyse potential costs and benefits, we adopted a comprehensive analytical framework recently designed by the European Union to provide a standardised method for measuring the effects of alcohol-related policies.³

Overall, our analysis suggests that economic costs will outweigh benefits because:

- While the international literature has shown that reductions in opening hours can help reduce ARH, reductions in consumption caused by the LAP will be minor and hence so too will any reductions in acute ARH. As a result, policy benefits will be minor.
- At the same time, the policy could have a number of unintended consequences, including undermining the viability of rebuilding licensed premises in the CBD.
- In addition, it will impose additional costs on many licensed premises, and unduly disadvantage a number of very low-risk premises, such as wineries.
- The key issue is that – while very difficult to do within the ambit of a LAP – the policy fails to address the key drivers of acute harm, namely our binge drinking culture coupled with a tendency to pre-load.
- Further, the policy appears too coarse, and may not adequately reflect the relative harm caused by different types of licensed premises. A more fine-grained approach should be considered.
- A significant amount of ARH occurs in the home, and the policy is unlikely to provide much assistance with this. Conversely, regulating the density of outlets in certain areas may have positive effects, but these have not been included.
- There is no evidence to support or oppose the proposed off-licence restrictions. Further, council does not appear to have a strong community mandate for reducing the hours that alcohol can be sold at certain off-licenses, such as supermarkets.
- Because the policy does not (and essentially cannot) target problem drinkers, it is fairly blunt and therefore has the potential to negatively impact a number of law-abiding citizens.

It is also important to note that, even if this analysis did conclude that benefits exceeded costs, this does not necessarily mean that the policy should be adopted. Rather, Council must also satisfy itself and the wider community that the draft LAP is the best way to meet policy objectives. However, this cannot be determined until a thorough examination of all other options has been completed. We therefore recommend that Council take the opportunity to re-examine its options before deciding whether or not to proceed with the LAP.

³ European Commission (2007) Standardizing Measurement of Alcohol Related Troubles

1 Introduction

1.1 Context

The Sale and Supply of Alcohol Act 2012 (the Act) has created a new regulatory regime to help combat the harm caused by the sale and consumption of alcohol. Amongst other things, the Act enables Councils to adopt a Local Alcohol Policy (LAP). In February 2013, Christchurch City Council unanimously agreed to adopt a LAP. This report analyses its economic costs and benefits.

1.2 Summary of the Draft LAP

Christchurch City Council is proposing a draft LAP that:

- Sets maximum opening hours for off-licenses of 9am to 9pm.
- Sets maximum opening hours for most on-licenses of 8am to 1am.
- Defines an area within the central city where the maximum closing time for on-licenses is 3am with a one-way door policy from 1am.
- Restricts the location of new bottle stores and taverns to business zones, and
- Allows a number of discretionary conditions to be attached to licenses e.g. requiring security staff, CCTVs, exterior lighting, queue management.

1.3 LAP Objectives

The main objective of Council's draft LAP is to reduce alcohol related harm (ARH)⁴. This is defined in section 4 of the Act as follows:

"The harm caused by the excessive or inappropriate consumption of alcohol includes –

- (a) 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*
- (b) 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)."*

In general, ARH can be divided into chronic and acute. Chronic harm relates to the long-term effects of prolonged excessive alcohol consumption, while acute harm relates to the immediate effects of excessive consumption i.e. binge drinking. This report focuses only on acute harm.

⁴ A secondary objective is "facilitate the return of late-night entertainment venues to the central city."

1.4 Changes Occurring Irrespective of the LAP

Councils are not obliged to adopt a LAP, and several legislative changes are occurring regardless. The following box summarises the nature and timing of these.

Summary of Changes Occurring Under Law
<p>From 19 December 2012:</p> <ul style="list-style-type: none">• The new Alcohol Regulatory and Licensing Authority (ARLA) replaces the Liquor Licensing Authority• Only interim one-year licences can be issued for new liquor licences. When interim licences expire, holders must apply for a new licence under the criteria of the new laws• Local authorities can start drafting local alcohol policies (LAPs)
<p>From 18 June 2013:</p> <ul style="list-style-type: none">• All licence applications have to meet new, expanded criteria (eg, whether the licence is likely to increase alcohol-related harm or negatively impact the community)• All licence applications also are subject to new grounds for objection
<p>From 18 December 2013</p> <ul style="list-style-type: none">• Anyone who supplies alcohol to minors must do so responsibly. The penalty for failing to do so is a fine of up to \$2,000• Territorial authorities can implement local alcohol policies (LAPs)• New national maximum trading hours apply• On-licences, such as bars, will have to provide water, low-alcohol beverages, food and information about safe transport• Using a fake ID, using someone else's ID and giving or lending an ID to an underage person to buy alcohol becomes an offence• New offences apply for irresponsible advertising and promotions• Licences and managers certificates can be cancelled for five years for specified repeat offences• District Licensing Committees (DLCs) replace District Licensing Agencies. DLCs will decide all applications for new or renewed licences and managers certificates.

1.5 Scope and Purpose of this Report

The purpose of this report is to assess the economic costs and benefits of the draft LAP. Given the limited time available, however this report focuses only on those elements likely to have the greatest impacts. To this end, we note that:

- Most cafés, restaurants and sports clubs will not be significantly affected by the LAP, and are not perceived to be trouble areas for alcohol related harm (ARH). Accordingly, they have been excluded from the analysis.
- The LAP will not have a significant impact on the location of new bottle stores and taverns. Moreover, Council has other instruments such as its District Plan to regulate this, so it too has been ignored.
- While discretionary licence conditions are important, their effects are very difficult to determine. Accordingly, they are not discussed in any detail.

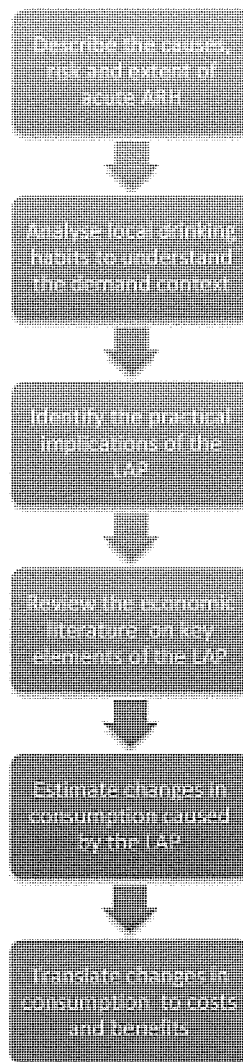
This means that our analysis focuses mainly on the effects of the LAP on the opening hours of supermarkets, bottle stores, bars, taverns, pubs and nightclubs (including the one-way door restriction mooted for parts of the central city).

1.6 Approach to the Analysis

In a traditional cost benefit analysis, the effects of a proposed policy are assessed on a “with and without” basis by comparing the likely future situation with and without the policy. However, the devastating effects of the quakes have created significant uncertainty around the likely future state of the market. For instance, nearly a quarter of licensed taverns are not currently operating, and there is no way to predict when (if ever) each will reopen. In addition, CERA recently signalled a review of the noise categories in the central city used by the Council to guide the location provided for late night licensed premises in the central city.

The resulting uncertainty has precluded a fully-quantified cost benefit analysis, leading this report to adopt a more qualitative approach based on the following steps:

Figure 1: Key Steps in the Analysis



1.7 Frequently Used Terms and Abbreviations

The following table explains commonly-used terms and abbreviations.

Table 1: Commonly Used Terms and their Meanings

Terms	Description
ARH	This stands for Alcohol Related Harm.
Acute ARH	Acute ARH refers to the immediate effects of binges. It forms the focus of this report
BAC	This stands for blood alcohol concentration, and is a common measure of intoxication
DANTE	This stands for <i>Dealing with alcohol-related harm and the night-time economy</i> , and refers to detailed report into LAP-related matters published in Australia in 2012.
LAP	This stands for Local Alcohol Policy, and refers to the draft policy that forms the focus of this report
LCR	This stands for Law Commission Report and refers to the 2009 report titled <i>Alcohol in our Lives: Curbing the harm</i>
NZADS	This stands for the 2007/08 New Zealand Alcohol and Drug Survey
One-way door	A one-way door allows patrons to leave a licensed premises but not enter or re-enter
Taverns	This refers to all pubs, bars, taverns, nightclubs etc
NTE	This stands for Night Time Economy and refers to that part of the economy that operates at night

1.8 Structure of this Report

The remainder of this report is structured as follows:

- **Section 2** provides important background by reviewing the extent, causes and relative risks of acute ARH.
- **Section 3** analyses local drinking habits to determine the demand context within which the policy would be adopted.
- **Section 4** examines the practical implications of the LAP, particularly with respect to proposed changes in opening hours.
- **Section 5** reviews the local and international literature on key elements of the LAP to help determine potential effectiveness.
- **Section 6** estimates potential changes in consumption caused by the LAP.
- **Section 7** assesses the likely costs and benefits of policy-induced consumption changes.
- **Section 8** provides an overall assessment of costs and benefits to reach a final conclusion.

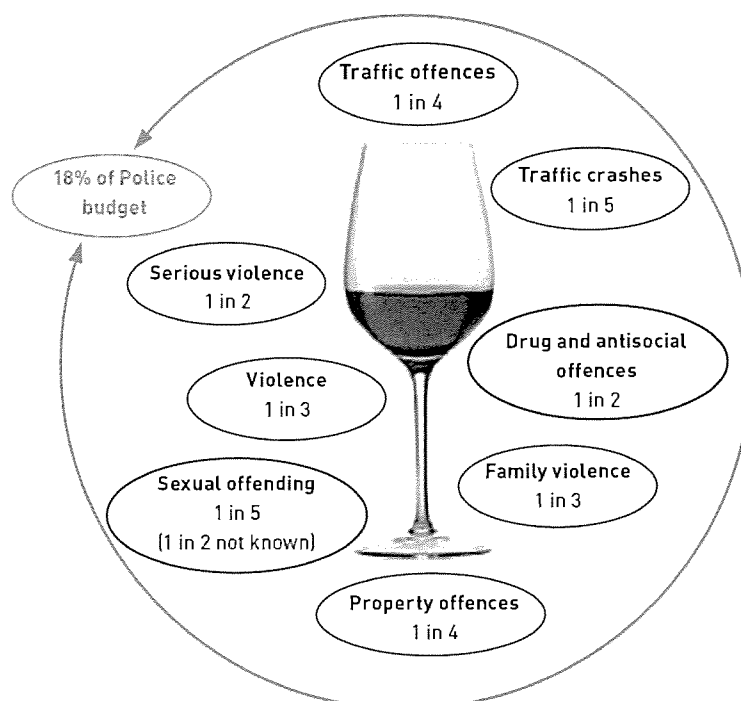
2 Causes, Risks and Extent of Acute ARH

This section reviews the causes and relative risks of acute ARH to provide important context. First, however, it briefly summarises the extent of acute ARH in New Zealand.

2.1 Extent of acute ARH

Alcohol causes a number of issues in New Zealand. For instance, on an average day, 52 individuals or groups of people are either driven home or detained in Police custody due to their state of intoxication, and police arrest 340 alleged offenders who show signs of having consumed alcohol prior to offending.⁵ The following graphic further highlights the extent to which alcohol contributes to a number of serious crimes.

Figure 2: Estimated Contribution of Alcohol to Serious Crimes in New Zealand⁶



In addition, excessive alcohol consumption can lead to a number of serious health issues, and can ruin relationships with family and friends. The list goes on.

2.2 Causes of Acute ARH

There is widespread acceptance that acute ARH is largely caused by binge drinking. In New Zealand, this problem is exacerbated by a pervasive culture of drinking to excess, which some link back to the bygone era of six o'clock closing. For instance, DB breweries described it as following in its submission to the Law Commission:

⁵ Ministry of Health (2010) Alcohol Quick Facts. Retrieved from:

[http://www.ndp.govt.nz/moh.nsf/pagescm/7752/\\$File/alcohol-factsheets.pdf](http://www.ndp.govt.nz/moh.nsf/pagescm/7752/$File/alcohol-factsheets.pdf)

⁶ ibid

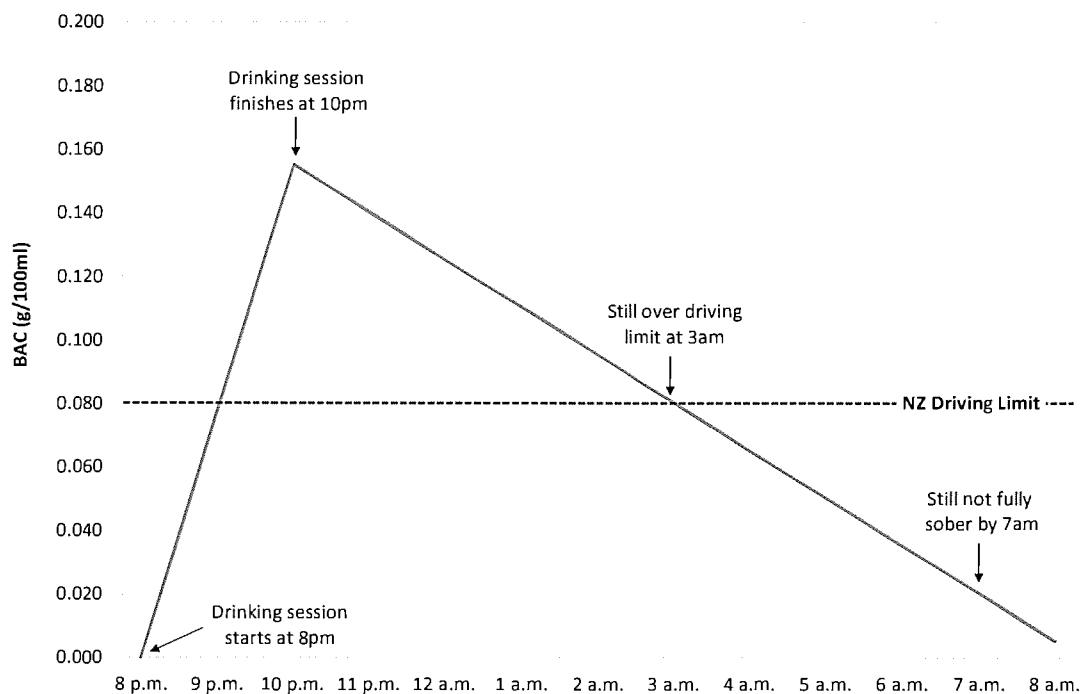
“The urgency given to drinking during six o’clock closing possibly created a ‘hangover’ for the following generations with an ongoing focus on drinking as much as possible. Until recently, it was fairly common for people coming of age to be given a yard glass on their 21st.”

In addition, alcohol sold at off-licenses has become more affordable, while alcohol sold at on-licenses has become less affordable.⁷ The resulting price differential has nurtured a culture of “pre-loading”, in which people consume (often large quantities of) off-license alcohol before going out. This is widely acknowledged as one of the key drivers of ARH in Christchurch. For instance, 86% of respondents to the community survey commissioned by Council agreed or strongly agreed that pre-loading was a major cause of alcohol related problems. Submissions by local doctors and police agreed.

To understand the risky nature of drinking large quantities in a short space of time (i.e. pre-loading), we first need to understand how the body processes alcohol. In simple terms, alcohol is absorbed via the digestive system, where it then passes through the liver before entering the bloodstream. Once in our system, it stays there for a long time. Moreover, the quicker we drink, the drunker we get and the longer it takes to get sober.

To illustrate this point, consider the following graph which shows the estimated blood alcohol content (BAC) of a 75kg male after consuming 10 drinks over 2 hours.⁸ In general: the higher the BAC, the higher the level of intoxication and the greater the risk of acute ARH.

Figure 3: Estimated Blood Alcohol Content for 75kg Male after Consuming 10 drinks in 2 hours



⁷ For example, according to the LCR, prices for off-license alcohol products rose by 19% between 2000 and 2008, while weekly earnings rose by 39%. However, the prices for alcoholic beverages in bars and clubs rose by 45%.

⁸ These calculations are based on the widely-used Widmark formula.

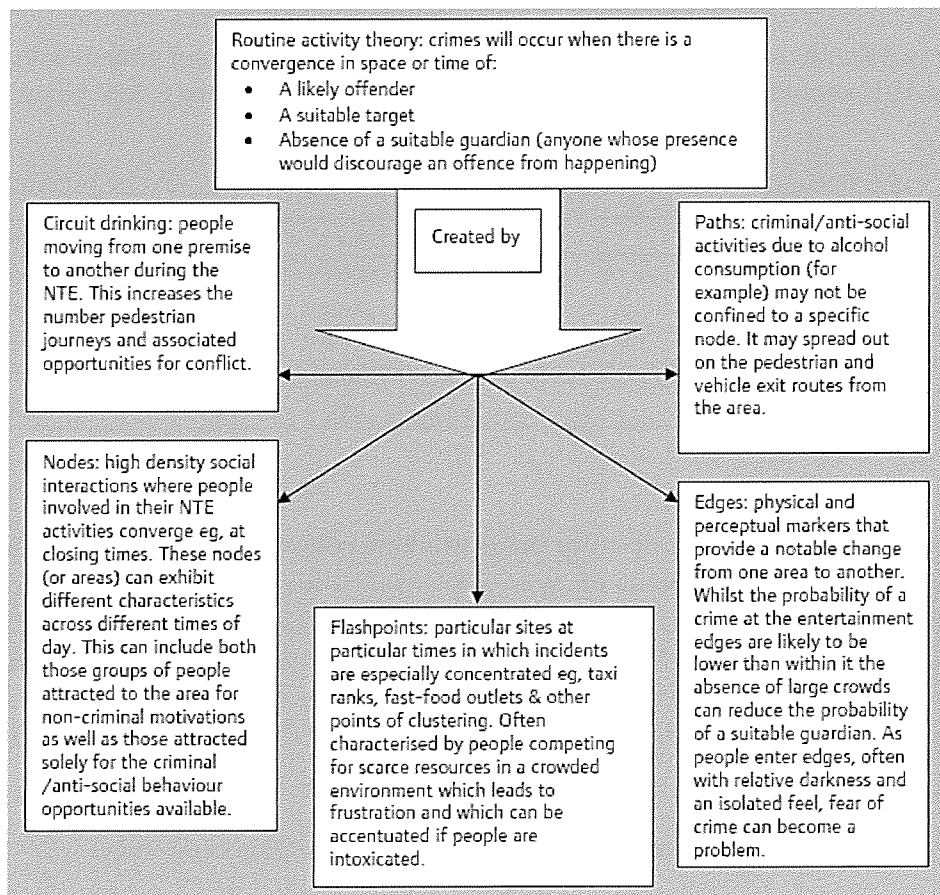
Figure 3 shows that the man's BAC is nearly double the legal driving limit by the end of the two hour drinking session, and remains above the legal limit for another five hours (until 3am). He is not likely to be fully sober again until after 7am (9 hours after the drinking session ended).

Because the BAC is such a strong marker for acute ARH, this example shows that drinking large quantities in a short space of time (i.e. pre-loading) can be dangerous.

Another factor commonly associated with ARH is the meteoric rise of ready-to-drinks (RTDs). The amount of RTDs consumed has grown more than 2000% since 1996. While this rampant growth *per se* is not necessarily a cause for concern, it may be in light of the extreme popularity of RTDs with younger people who are less experienced with alcohol and thus more prone to harm. For instance, according to the New Zealand Alcohol and Drug Survey 2007/08, people aged 16 to 17 are thirteen times more likely to drink RTDs than people aged 55 and over.

In addition to the factors above, the rate of ARH occurring in public places at night (i.e. in the night time economy or NTE) depends on a range of environmental factors. These are summarised in the box below, which was reproduced from a recent UK report.⁹

Figure 4: Routine Activity Theory to Identify High-Risk Crime Situations



⁹ Wickham, M., (2012) Alcohol consumption in the night-time economy. Report for Greater London Authority

2.3 Relative Risks by Age

Younger people are at considerably higher risk of causing or experiencing acute ARH. There appears to be several reasons. First, younger people tend to consume more on an average occasion. Second, they are more likely to consume alcohol in the night time economy (NTE), where a significant proportion of acute ARH occurs. Third, having consumed alcohol, younger people are more likely to engage in risky behaviours.

Given these trends, it should come as no surprise that younger people dominate ARH statistics. This is illustrated in the tables below, which show the proportion of respondents to the 2007/08 New Zealand Alcohol and Drug Survey (NZADS) that reported harmful effects due to either (i) their own drinking, or (ii) someone else's.

Table 2: Harmful effects due to own alcohol use in last 12 months (NZADS 07/08)

Type of harm/age group	18-24	25-34	35-44	45-54	55-64
Financial Position	12.3%	8.3%	3.7%	2.3%	0.8%
Injuries	14.6%	6.2%	1.6%	1.1%	0.5%
Harm on Work, Study, Employment	7.7%	3.7%	2.6%	1.3%	0.3%
Legal Problems	3.3%	2.1%	0.9%	0.9%	0.4%
Difficulty Learning	2.5%	0.9%	0.5%	0.3%	0.2%
Home Life	8.7%	8.0%	5.3%	3.8%	1.6%

In both tables, across all indicators of harm, younger people report consistently higher rates of ARH than everyone else. It therefore follows that strategies aimed at reducing acute ARH should generally target younger, heavy drinkers to the extent possible.

Table 3: Harmful effects due to someone else's drinking in last 12 months (NZADS 07/08)

Type of harm/age group	18-24	25-34	35-44	45-54	55-64
Assault	9.2%	5.0%	4.5%	1.5%	0.9%
Financial position	5.5%	3.9%	3.8%	3.4%	2.3%
Friendship	27.1%	18.1%	14.3%	13.0%	7.8%
Home life	13.9%	10.4%	8.1%	7.5%	4.3%
Vehicle accident	3.0%	1.4%	0.5%	0.8%	0.2%

2.4 Summary

Acute ARH is largely a result of our binge drinking culture coupled with a tendency to pre-load. The dangers of pre-loading are explained by the way that our body processes and metabolises alcohol. In short: the quicker we drink, the drunker we get and the longer it takes to get sober. In addition, the extent of crime-related ARH depends on a range of environmental factors. Hence, addressing acute ARH depends not only on moderating our drinking behaviours, but also making the places that people drink safer too.

Overall, younger people are the most at-risk for acute ARH because they:

- tend to drink more alcohol and are less experienced with its effects,
- are more likely to be out at night when significant harm occurs, and
- are more likely to take risks when under the influence.

3 Christchurch Local Drinking Habits

This section uses a range of data to characterise local drinking habits and therefore understand the demand context within which the policy would apply.

3.1 Places Alcohol is Purchased and Consumed

During the formation of the draft LAP, Council ran a Facebook survey to elicit views on a range of issues, including the places where people purchase and consume alcohol. While the respondents were mainly younger people, a number of people aged 35 and over also responded. **Table 4** shows where respondents usually purchase alcohol, while **Table 5** shows where they usually drink it.

Table 4: Where do you usually buy alcohol (pick up to 3)?

Type of Licensed Premises	18-24	25-34	35+	All
Supermarkets	77%	87%	80%	78%
Bottle stores	76%	64%	44%	71%
Pubs or bars	65%	69%	26%	61%
Restaurants or Cafés	14%	24%	36%	18%
Nightclubs	16%	7%	2%	13%
Convenience stores	2%	4%	2%	2%
Other	8%	2%	12%	8%

The results show that supermarkets and bottle stores are the most popular places to purchase alcohol, but that bottle stores tend to be more popular with younger people. This may reflect the greater range of drinks available at bottle stores, including spirits and RTDs. The results also show that pubs, bars and nightclubs are more popular with younger people, while cafes and restaurants are more popular with older people. Interestingly, very few reported regularly purchasing alcohol from convenience stores despite widespread calls to ban such sales.¹⁰

Table 5: Where do you usually consume alcohol (pick up to 3)?

Place Drink Most Often	18-24	25-34	35+	All
At home	67%	69%	82%	69%
Family or friend's houses	75%	64%	38%	70%
Pubs and Bars	63%	67%	30%	59%
Nightclubs	19%	11%	4%	17%
Restaurants and Cafés	17%	29%	36%	20%
Other	9%	9%	12%	9%

Table 5 shows that people typically consume alcohol in private dwellings (either their own home, or a family/friend's house). Again, younger people are more likely to drink at taverns, while older people are more likely to drink at cafes and restaurants.

¹⁰ Christchurch City Council (2013) Summary of Results from Facebook survey.

3.2 Expenditure at Bottle Stores and Taverns

To gain a deeper understanding of local drinking habits, we purchased data that captured every electronic transaction by Christchurch BNZ customers at bottle stores and taverns. The data, which report both the number and value of transactions, were broken down into detailed age bands and cover two periods:

1. The pre-quake dataset, which covers the year ended 30 August 2010, and
2. The post-quake dataset, which covers the year ended 30 June 2013.

The following table shows the number of card-holders by age band for each period.

Table 6: Number of BNZ Cardholders by Age Band

Age bracket	Pre-Quake	Post-Quake	Change
0-19	3,870	3,944	1.9%
20-24	6,076	5,680	-6.5%
25-29	6,363	6,229	-2.1%
30-34	6,444	6,082	-5.6%
35-39	7,241	6,504	-10.2%
40-44	7,831	7,630	-2.6%
45-49	8,161	7,843	-3.9%
50-54	7,549	7,870	4.3%
55-59	6,782	6,873	1.3%
60-64	5,882	6,084	3.4%
65-69	4,116	4,537	10.2%
70+	5,333	5,975	12.0%
Total	75,648	75,251	-0.5%

Before presenting some key highlights, an important qualification needs to be made. In particular, these data relate only to electronic transactions by BNZ customers at bottle stores and taverns. Hence they exclude all:

- Electronic transactions by non-BNZ customers,
- Cash transactions by BNZ and non-BNZ customers, and
- Cash and electronic transactions at supermarkets, cafes and restaurants etc.¹¹

As a result, while these data provide critical insights into local expenditure habits, they should not be used to try and infer total expenditure on alcohol in Christchurch city. Total expenditure will be much higher than these figures suggest.

On that basis, Table 7 shows inflation-adjusted pre- and post-quake expenditure per cardholder.

¹¹ Ideally, we would have liked to also analyse alcohol expenditure across all licensed premises. However, this was not possible because the BNZ data does not provide any way to distinguish transactions that include alcohol from those that do not. Accordingly, there was no robust way to determine which transactions at supermarkets, cafés and restaurants etc included alcohol, so they were excluded from the analysis.

Table 7: Inflation-Adjusted Annual Expenditure per Cardholder

Age	Bottle Stores			Taverns			Total Expenditure		
	Pre	Post	Change	Pre	Post	Change	Pre	Post	Change
20-24	\$135	\$166	23%	\$161	\$170	5%	\$296	\$335	13%
25-29	\$86	\$144	68%	\$128	\$178	39%	\$214	\$322	51%
30-34	\$77	\$123	59%	\$96	\$142	48%	\$173	\$264	53%
35-39	\$76	\$108	42%	\$83	\$88	7%	\$159	\$196	23%
40-44	\$86	\$115	34%	\$71	\$95	34%	\$156	\$210	34%
45-49	\$92	\$108	17%	\$78	\$87	11%	\$170	\$195	14%
50-54	\$80	\$108	35%	\$68	\$92	35%	\$147	\$199	35%
55-59	\$69	\$91	31%	\$63	\$88	40%	\$132	\$178	35%
60-64	\$55	\$79	45%	\$41	\$60	49%	\$95	\$140	47%
65-69	\$62	\$76	22%	\$40	\$52	30%	\$102	\$128	25%
70+	\$77	\$77	-1%	\$26	\$39	47%	\$104	\$115	11%
Total	\$82	\$108	32%	\$78	\$97	23%	\$160	\$204	28%

The results in Table 7 demonstrate large increases in expenditure, which are in stark contrast to both the national trend¹² and also responses to the community survey, where 69% of people claimed that they drink the same now as they did before the quakes. However, a number of articles have cited increased alcohol consumption since the quakes,¹³ and it is common for people to under-report alcohol consumption in surveys.

Figure 6 provides more information on pre- and post-quake bottle store transactions, while Figure 7 shows the corresponding information for taverns.

The graphs below reveal a number of interesting insights. For instance, they show that:

- The quakes have caused massive increases in expenditure for most age groups.
- These increases are a direct result of more transactions, not an increase in average expenditure per transaction.
- Young people spend a lot less per transaction at bottle stores and taverns, but they transact far more often than other people, so spend more overall.
- The amount that is spent per transaction at bottle stores and taverns grows at a surprisingly linear rate as people age. This does not necessarily mean that older people purchase greater quantities of alcohol per transaction. Rather, they may just be willing to buy more expensive, better quality beverages.

¹² For instance, the amount of alcohol available for consumption actually fell between 2010 and 2012.

¹³ See, for example, NZ Herald (2012) Depression, stress and anxiety in post-quake Christchurch. Retrieved from http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10842153 or Adamson, S., Fanselow-Brown, P., Prince, C., Prosser, A., Snell, D., & Vertue, F. (2012) The Christchurch Earthquakes and Ongoing Stress. Christchurch Psychology. Retrieved from <http://www.christchurchpsychology.co.nz/news-and-views/christchurch-earthquakes-ongoing-stress/>

Figure 5: Annual Bottle Store Expenditure Profiles by Age

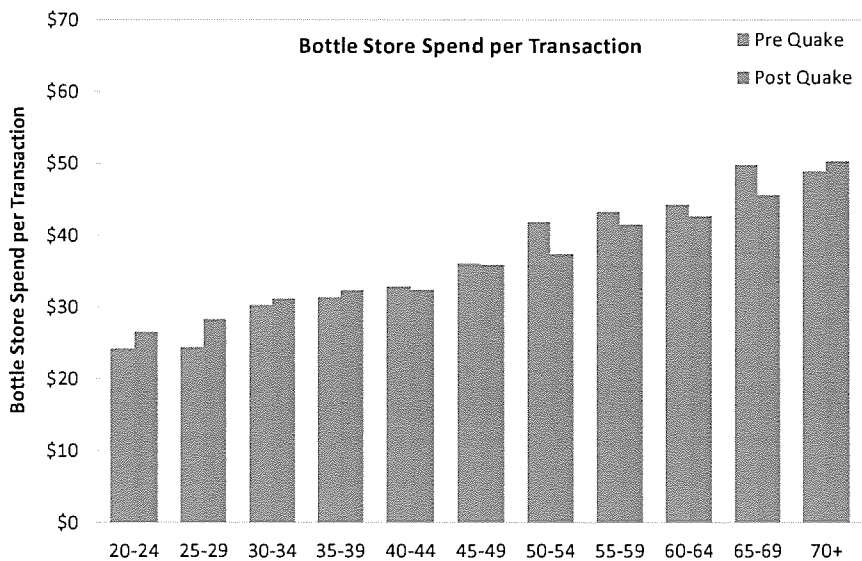
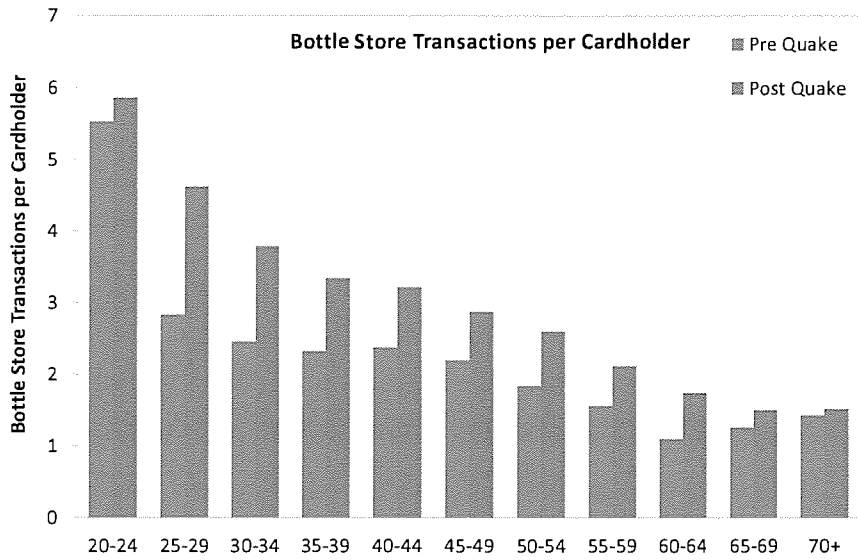
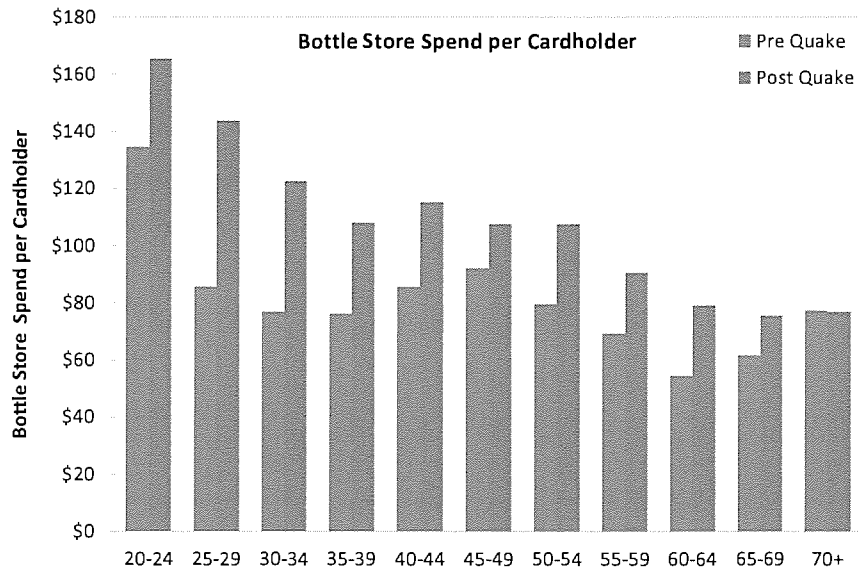
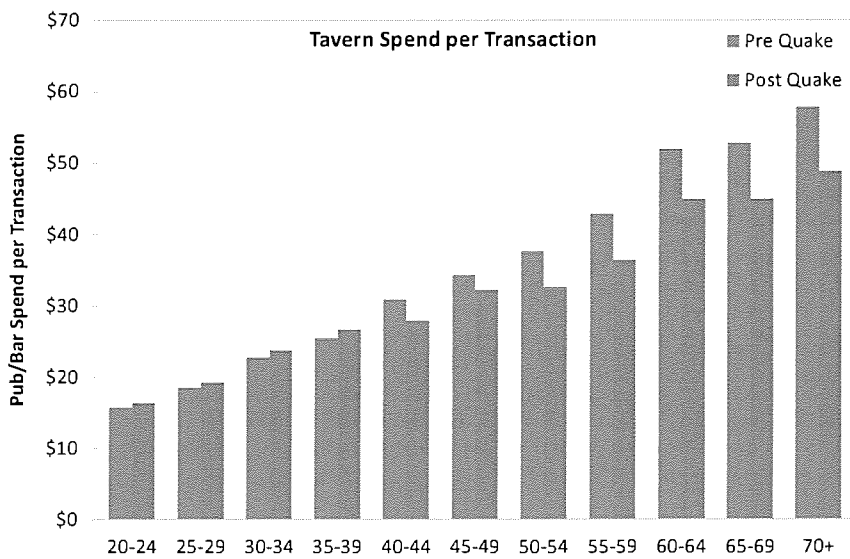
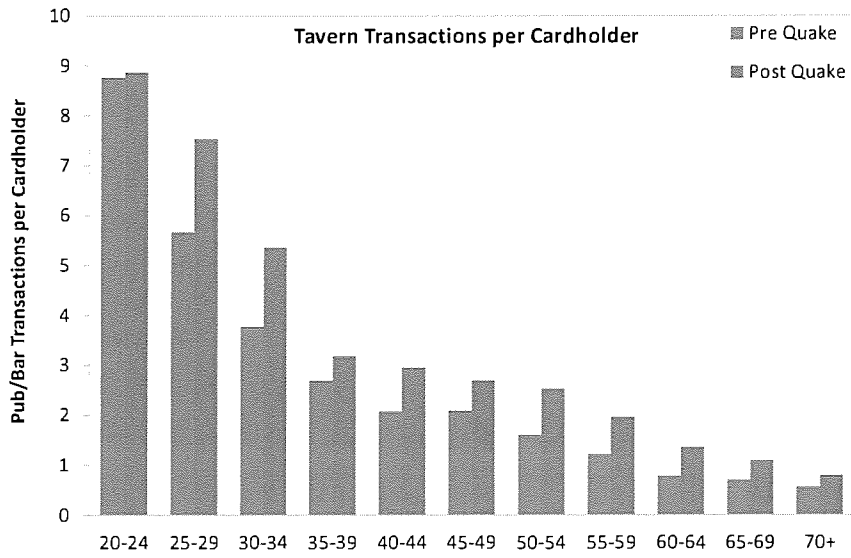
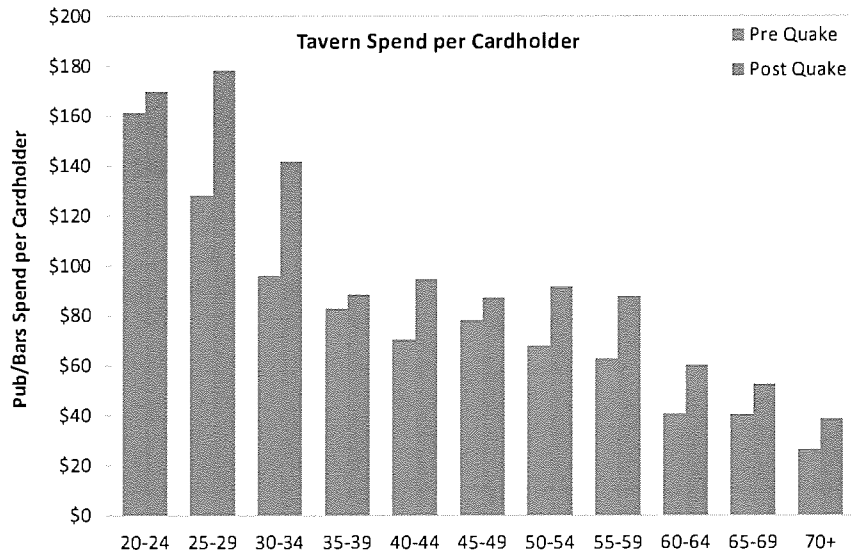
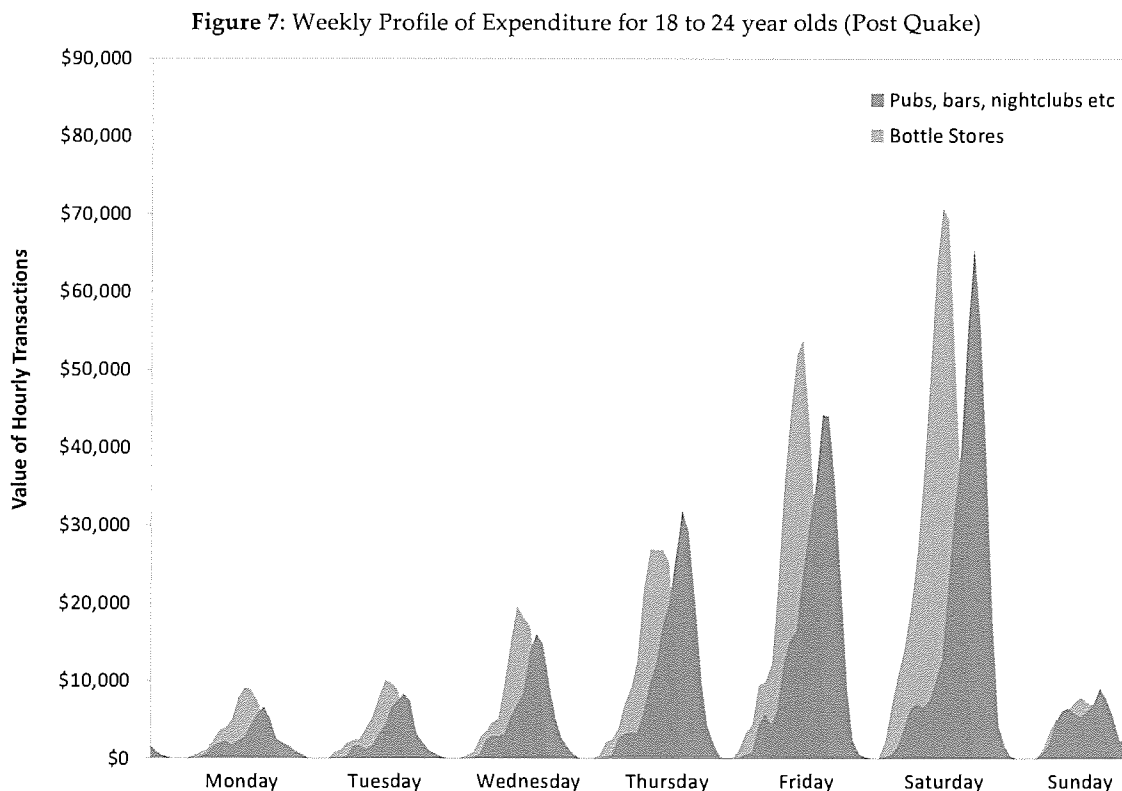


Figure 6: Annual Tavern Expenditure Profiles by Age



3.3 Expenditure Habits of Younger People (18 to 24)

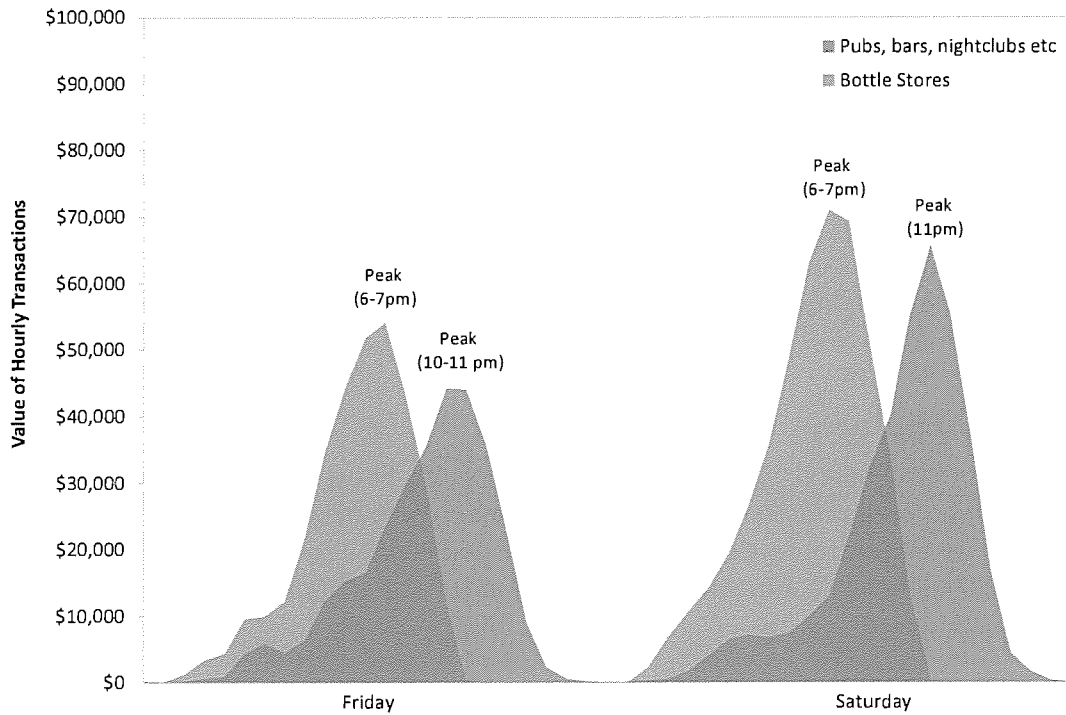
While the general analysis above is of some interest, it is younger people who create the biggest issues in terms of acute ARH, and hence it is their drinking and expenditure habits that are of greatest interest here. We therefore now analyse how alcohol expenditure by younger people (18 to 24) unfolds during a typical week. This is shown in Figure 7, where the red area represents expenditure at bottle store, and the blue area represents expenditure at taverns.



This graph shows that off-license and on-license expenditures both rise quickly throughout the week, before reaching their peak on Saturday night only to fall away rapidly on Sunday. It also shows that, on Friday and Saturday nights, there is a noticeable gap between the peak in bottle store sales and the peak in expenditure at taverns. While some of this will simply reflect the fact that off-licenses generally close earlier than on-licenses, it is also likely to be a direct reflection of pre-loading. To take a closer look, we now zoom in to look just at the 48 hour period from 7am Friday to 7am Sunday.

The graph below confirms that younger people purchase alcohol from bottle shops much earlier than from taverns. In fact, on Saturdays, their bottle store expenditure peaks at 6pm, while their tavern expenditure peaks at 11pm.

Figure 8: Expenditure for 18 to 24 year olds from 7am Friday to 7am Sunday (Post Quake)



3.4 Summary

This section has briefly analysed local drinking habits and found that:

- Most people purchase alcohol from supermarkets or bottle stores, and consume it at a private dwelling.
- A number of people (particularly younger people) also purchase and consume alcohol at taverns.
- Local alcohol expenditure has increased dramatically after the quakes.
- This is a result of more transactions, not an increase in spend per transaction.
- Young people spend a lot less per transaction at bottle stores and taverns, but they transact far more often, and therefore spend more overall.
- The data for younger people shows potential evidence of pre-loading, because expenditure at bottle stores tends to occur much earlier in the day/night than expenditure at taverns.

4 Practical Implications of the LAP

This section explores the practical implications of the LAP.

4.1 Introduction

The ultimate objective of the draft LAP is to reduce alcohol related harm (ARH) through a variety of means. Of these, the most accessible from an analytical perspective are the proposed restrictions in opening hours. Indeed, while other facets – such as discretionary conditions – are likely to have important impacts on ARH, they do not lend themselves easily to analysis. We therefore restrict our attention to opening hours.

4.2 Approach

To understand how the proposed changes in opening hours might affect the various types of licensed premises, we constructed graphs comparing them to the hours for which licences currently exist. In addition, we overlaid the restrictions to opening hours that will apply by default under the new Act near the end of the year. We start with supermarkets.

4.3 Restrictions on Hours of Alcohol Sales for Supermarkets

Figure 9 shows the impacts of the proposed LAP on the hours that most supermarkets will be able to sell alcohol. The green bars shows the hours for which supermarkets are currently licensed, while the blue bars show their current opening hours (according to their websites as at 15 July, 2013). The shaded grey areas on the left and right show the restrictions that will apply under the Act from 18 December 2013 regardless.

Figure 9: Proposed Alcohol Sales Hours Restrictions for Supermarkets

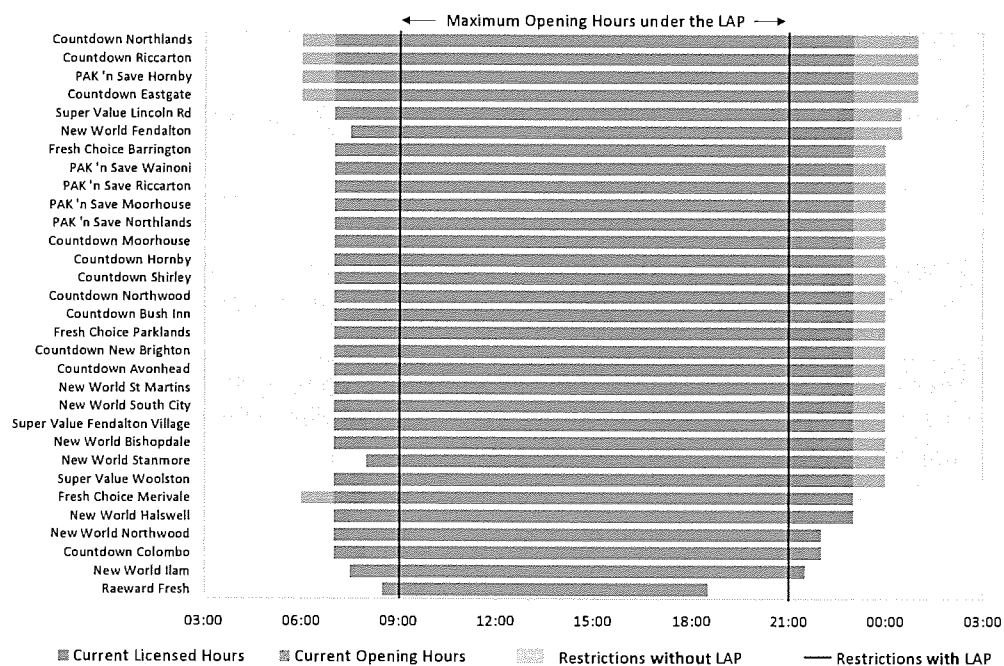


Figure 9 shows that the proposed LAP will have a fairly significant impact on the hours of alcohol trading for supermarkets. This is because all supermarkets currently open before 9am (the proposed start time for supermarket alcohol sales) and many remain open beyond 9pm (the proposed end time for supermarket alcohol sales).

4.4 Restrictions on Opening Hours for Bottle Stores

Figure 10 shows the situation for bottle stores. Again, the green bars represent licensed hours, and the blue bars current opening hours. Please note, however that this is only a sample of bottle stores, as the opening hours for many were not readily identifiable. As a result, this graph should be interpreted only as indicative.

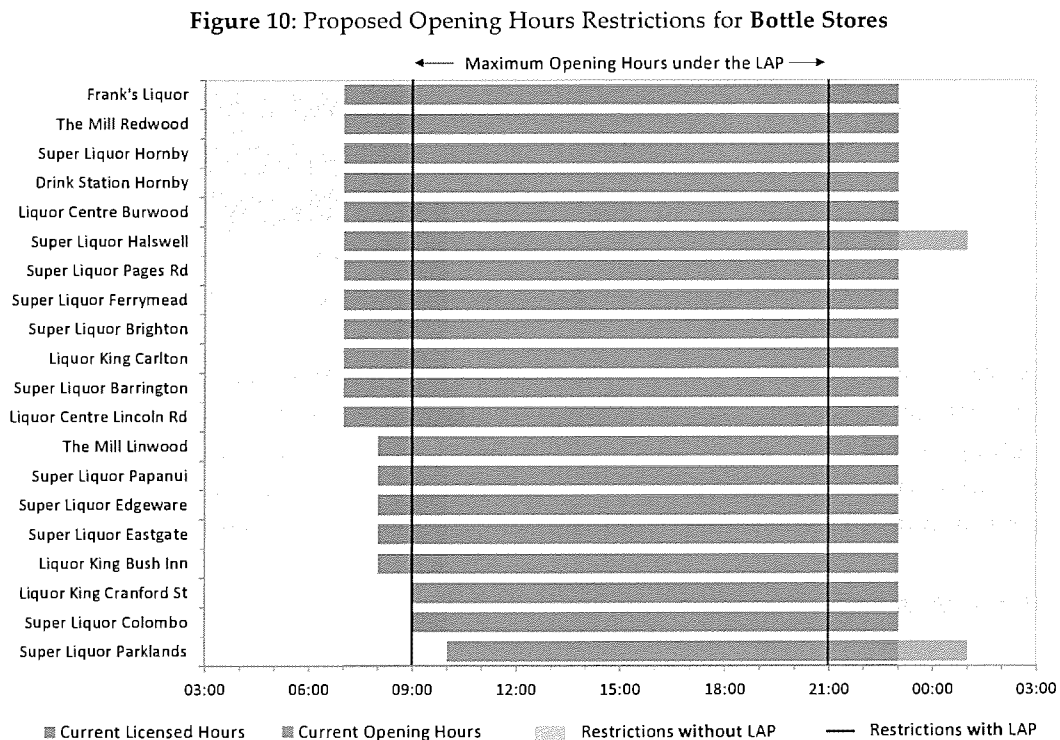


Figure 10 shows that the LAP is likely to affect bottle stores and supermarkets differently. This is because, while all supermarkets are currently open before 9am, none of the bottle stores in our sample were. Hence the start time of 9am is likely to affect only supermarkets. Conversely, all the bottle stores in our sample (bar one) remain open after 9pm, while not all of the supermarkets do. Hence, the proposed maximum time of 9pm may have a greater impact on bottle stores than supermarkets.

4.5 Restrictions on Opening Hours for Taverns

The following graphs show the impacts of the draft LAP on the opening hours for taverns inside category A area (which will have a 3am closing subject to a one-way door from 1am).

Figure 11: Proposed Opening Hours Restrictions for Category A Taverns

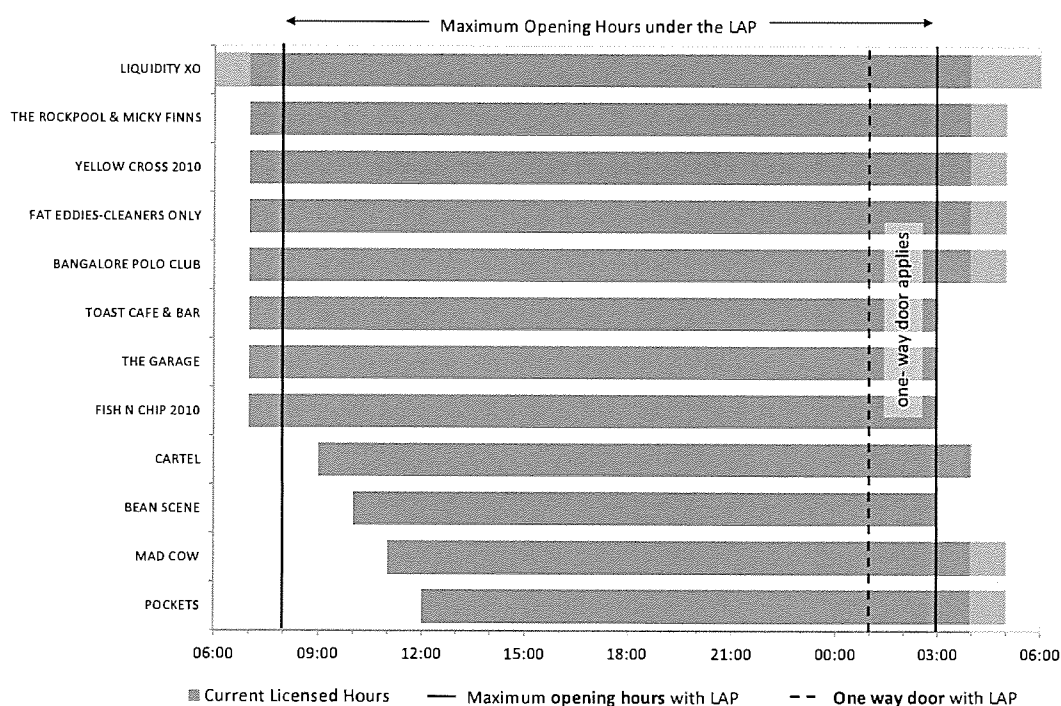


Figure 11 shows that there are 12 taverns inside the category A area, some of which are not currently operating. Most are licensed from 7am, an hour earlier than the proposed opening time of 8am. All will be affected by the proposed reduced closing time and one-way door. Two-thirds are currently licensed to trade beyond 3am, with the rest all licensed until 3am. Those that cater to the very late night crowd will be worst affected.

For taverns outside the category A area, which will have to close by 1am, we note:

- 58% (110 of 190) will not be affected by the earlier closing time as they are currently only licensed until 1am.
- For the other 42% (80 taverns), three-quarters are currently licensed until 3am or later. Hence they will potentially be affected.

4.6 Summary

This section has examined the stringency of proposed restrictions on opening hours by comparing them to the hours for which licences are currently held and the hours that licensed premises are currently open (where known and applicable). The analysis shows that the draft LAP will affect the times at which most supermarkets and bottle stores can sell alcohol, but that effects on taverns will vary considerably. In particular, late night venues will be the worst-hit, while some taverns will be unaffected.

5 Literature Review

This section reviews the relevant literature. First, it reviews two recent Ministry of Justice papers on a new fee regime (the issues report and public consultation report). Then, it reviews the academic literature to examine specific issues in more detail.

5.1 Review of Ministry of Justice Reports

In June 2013, the Ministry of Justice released two reports on establishing a new fee regime for the alcohol licensing system. One was a more technical issues paper, and the other a public consultation paper. Both are important, and together they provide a useful overview of the relative risks posed by different types of licensed premises. We start with the issues paper.

The purpose of the issues paper is to “review the available evidence on the relationship between the characteristics of licensed premises and alcohol-related harm in order to determine appropriate risk factors in the New Zealand context for setting alcohol licensing fees.”¹⁴ Some key findings of the research were that:

- 15% of alcohol-related offences in the past three financial years are linked to on-licences or club-licence premises whilst 45% of alcohol-related offences are linked to home or private residences and 14% are linked to public places.
- High level time profile analysis suggests that the peak times for alcohol-related harm are between 12am and 2am.
- The majority of alcohol (about 76%) is purchased from off-licence premises, with most alcohol purchased from bottle stores or supermarkets.
- A very small minority of on-licensed premises was responsible for an extremely high share of alcohol related offences. In fact, the 30 worst on-licensed premises of 7,629 (0.4%) accounted for 21% of total alcohol attributable offences.

One of the key tasks was to assess the relationship between the characteristics of licensed premises and the rate of ARH. Due to difficulties establishing direct causal links with off-licences, however, the analysis was restricted to only on-licences. While several of the key risk factors identified in the international literature could not be included due to data limitations, the results of the analysis showed that the key cost/risk factors for on-licenses in New Zealand were:

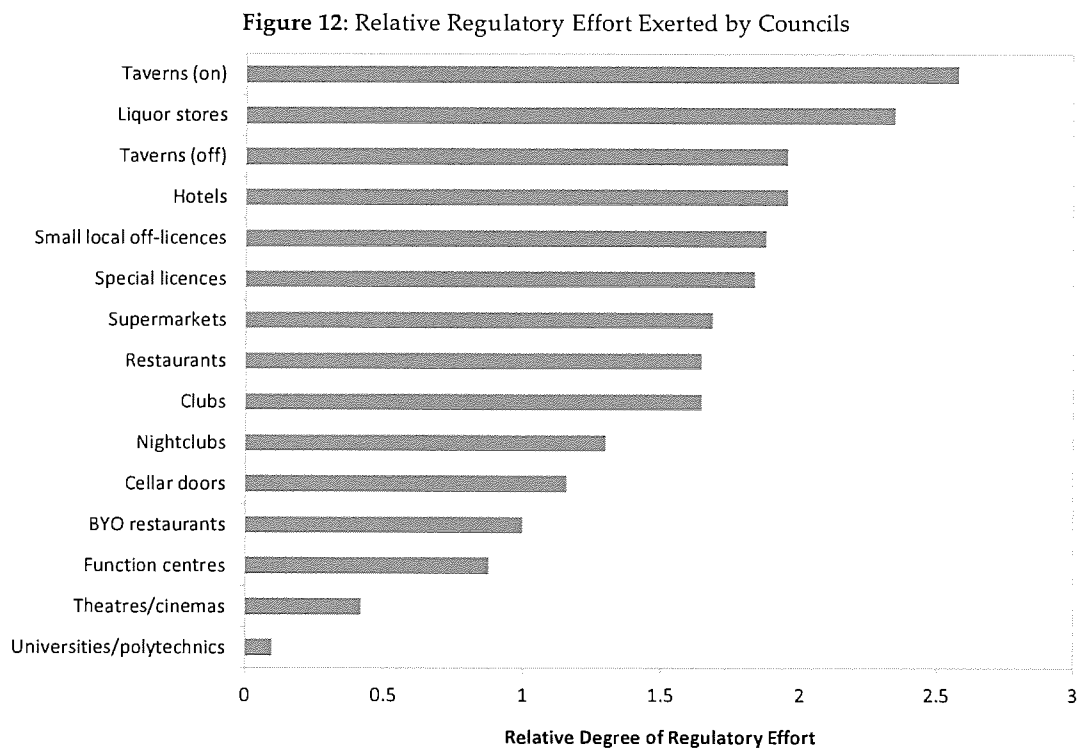
- Licence category (especially taverns, nightclubs, adult premises, hotels, function centres)
- Late closing (after 2am)
- Compliance history (any enforcement actions)
- Gaming machines (10+ machines)

¹⁴ Ministry of Justice (2013) Risk-based licensing fees: Identifying risk factors for the New Zealand context.

According to the report:

These factors are all correlated (to a statistically significant level) with attributable alcohol related offences. It should be noted, however, that there are a number of limitations with the data upon which the analysis is based. In particular, the data do not provide information about the purchase and consumption of alcohol from off licenses, including whether an offender purchased and consumed alcohol from an off licence prior to offending. The results of the analysis should therefore be treated with caution, since they do not necessarily explain which parts of the alcohol supply industry are contributing to harm in any particular incident.

The paper also surveyed the regulatory effort exerted by Councils to manage different types of licensed premises. The following graph shows the results.



The public consultation paper sought to distil the key lessons from the issues paper into a non-technical document accessible to a wider audience. It proposed a specific fee regime for which feedback was sought. It identified a preferred cost/risk-based fee framework that it describes as “a pragmatic and simple approach to establishing fees that would relate reasonably well to the risks and costs created by various licensed premises.” The following diagram, which has been reproduced from the report, shows this framework:

Figure 13: Proposed Cost/Risk Category Framework for Alcohol Licences

Type of licensed premises	Weighting		Latest closing / alcohol sales time	Weighting		Number of enforcements in last three years	Weighting
Liquor store, Supermarket, Grocery off-licence	15	+	Before 1am	0	+	None	0
Night clubs, taverns, adult premises, "class 1 restaurant" ¹	15		1.01 - 2am	1		1 to 2	10
Taverns –off licence	10		2.01 - 3am	3		3 or more	20
Hotels, function centres, "class 1 clubs" ² , "class 2 restaurants" ¹ , universities /polytechnics	10		3.01 - 7am	5			
Remote sales, "class 2 clubs" ² , "class 3 restaurants" ¹ , other	5		24 hours	5			
Theatres/cinemas, wine cellar doors, BYO restaurants, "class 3 clubs" ²	2						

The main implications of this framework appear to be that:

- There are significant, systematic differences between the relative risks posed by different types of licensed premises irrespective of their opening hours. For instance, BYO restaurants have a base score of 2, while supermarkets and bottle stores have baseline values of 15.
- While closing hours have some impact on risk, these pale in comparison to the effects of different licence types. For instance, a very late closing restaurant is deemed to have a much lower risk than an early closing bar.
- Above all, compliance history appears to be the greatest determinant of alcohol related harm. This reinforces the earlier finding that a very small proportion of premises account for an extraordinarily large share of harm.

5.2 Review of Academic Literature

5.2.1 Introductory Comments

We now turn our attention to the academic literature to take a closer look at particular elements of the LAP. However, before we do, some important qualifications seem warranted. These are described below.

First, it is important to note that there is no peer-reviewed New Zealand literature on the effects of reductions in trading hours.¹⁵ Virtually all the literature cited in New

¹⁵ SHORE & Whariki Research Centre (2012) An Assessment of Data Quality for Examining Alcohol-Related Issues in the Queenstown Lakes District. For ALAC.

Zealand is sourced from overseas. While this is fairly common practice, drawing conclusions on the basis of international literature creates an onus to prove that important social, cultural, political, and economic differences have been properly accounted for. Seldom is this done, however, casting some doubt over the applicability of the results.

For instance, a restriction in tavern trading hours in a country with only marginal differences between off-license and on-license beverage prices is more likely to see people going out to taverns earlier than in New Zealand, where the price differential is vast. Moreover, the effects of a restriction in tavern trading hours in a country with a relatively temperate drinking culture is unlikely to be insightful for New Zealand, where excessive binge drinking is widespread. As a result, studies conducted overseas need to be interpreted in their specific contexts to ensure the results are relevant here.

This point was alluded to in the literature review prepared by Council. For instance, the following excerpt – which relates to reducing crime in the NTE - appears on page 363 of the May agenda item:

“Matthews (2010) looked at the legislative, policy, regulatory, and precinct management systems used in large complex global cities to manage the night time economy and reduce crime. Matthews present her findings by city as she wanted to understand the interplay between policy, legislation, compliance, economic diversity, and precinct management within each city:”

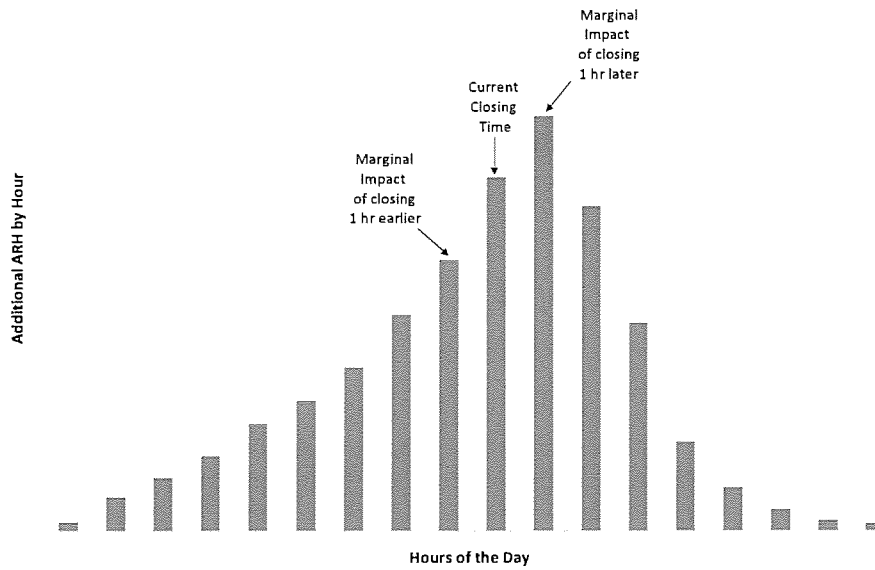
This passage clearly highlights the need to carefully account for contextual differences, however such critical filtering is often overlooked or ignored in the literature.

Second, not only is virtually all research from overseas, but most of that literature relates to *extensions* in trading hours, not restrictions. For instance, section 9 of the LCR deals with licensing hours and notes:

“The trend towards liberalisation of trading hours has been mirrored in many other countries, as has the concern about resulting alcohol-related harm. This has prompted research in recent years into the effects of extended trading hours.”

While it may seem intuitive to infer the potential effects of reductions in licensed hours from studies into extensions, this is valid only if the hourly rates of ARH remain constant. Otherwise, the marginal effects of an increase in hours may differ quite markedly from a corresponding decrease. The following stylised diagram elaborates.

Figure 14: Asymmetric Damage Function and Marginal Impacts of Earlier/Later Closing



As noted earlier, rates of ARH can vary significantly from one hour to the next, so the assumption of constant harm is unlikely to be satisfied. Consequently, studies into extensions may not be useful predictors of the effects of restrictions, and vice versa.

A recent report for Queenstown Lakes District Council also noted the potential for studies into extensions to be distorted by self-selection bias.¹⁶ This is because extensions in trading hours are not mandatory, and the clientele of premises that took up the opportunity may differ from those of premises that did not. As a result, the observed impacts may not be representative of the bigger picture.

Third, many studies into opening hours (whether extensions or restrictions) relate to much larger changes in licensed hours than those proposed by the LAP. For instance, the LCR refers to a report in Brazil where on-licensed premises that were previously trading 24 hours a day were required to shut by 11pm each night. Reportedly, this reduced the murder rate by nine per month. Notwithstanding the fact that murder rates in Brazil are at least 20 times higher than New Zealand – questioning the likely relevance of the study in any case – the effect of the LAP on opening hours is much less.

Fourth, the analytical methods used in some studies may lack scientific rigour. This was one of the points made in a comprehensive 2012 report from Australia called *Dealing with alcohol-related harm and the night-time economy*.¹⁷ The report, which spans 212 pages, provides one of the most detailed analyses of the topic to date and notes the following:

“A very common problem when introducing new programs or strategies into a community setting is being able to determine which intervention is having which effect. Typically, communities use a raft of different measures to try to deal with the problems they are facing.

¹⁶ Ibid.

¹⁷ National Drug Law Enforcement Research Fund (2012) *Dealing with alcohol-related harm and the night-time economy*.

This makes evaluation of such programs or strategies very difficult.

Further, many measures commonly deployed (such as increased police patrols in an area) are temporary making it almost impossible to form judgement about their effectiveness in terms of measurable outcomes.

It may also be that factors from outside a local community may affect problems in and around licensed venues. Anecdotal reports suggest three recent changes in national policy might affect the prevalence and nature of alcohol-related problems in the community: (i) The smoking ban in public places introduced in 2007, (ii) the 'alcopops tax', and (iii) recent changes to motor vehicle licensing conditions"

Then, noting that considerable experimentation to reduce ARH had occurred in Geelong and Newcastle, it states:

However, only limited, ad hoc documentation and analysis has been conducted, leaving a considerable gap of systematic, evidence-based analysis. This project aims to provide evidence-based knowledge about the implementation and impact of innovative local initiatives directed at alcohol-related harms.

Thus, while the literature can provide some useful insights, caution must be exercised when determining the potential implications of it for the LAP.

5.2.2 Opening Hours for On-Licensed Premises

Having set the scene, we now review the international literature on changes in the licensed hours. We start with studies into extensions of opening hours.

As noted by most researchers, extensions of opening hours for on-licensed premises are likely to lead to increased acute ARH, both in terms of crime and violence. Table 8 which spans two pages, summarises the key literature on the effects of extensions in opening hours on the rates of alcohol-related violence. It has been adapted from a 2013 study by Humphreys et al.

To summarise – of the 19 studies reviewed, eight reported increases in violence, eight reported no change, and three reported decreases as a result of extensions to trading hours. Curiously, many of the results summarised in this table directly contradict one another. This can be seen by comparing the result of the studies marked with an asterisk, which all evaluated the impact of the licensing Act (2003) in the UK. As we can see, many conclude that the policy had positive impacts, while many conclude the opposite. Clearly, there is no strong consensus about the impacts of extensions on the rate of alcohol-related violence. Indeed, more than half the studies found that the rate of violence stayed the same or decreased as result of extensions.

We now review studies on restrictions in the opening hours of on-licensed premises. These are shown in Table 9. Unlike studies into extensions where the results were mixed, all four studies into restrictions reported decreases in violence. While the underlying sample size is small, this is certainly more encouraging.

Table 8: Summary of Evaluations of Extensions to Trading Hours (Adapted from Humphrey et al 2013)

Study	Study Design	Unit(s) of Analysis	Data Source	Outcome Measures	Main Findings	Peer reviewed	Directional change in violence
Chikritzhs & Stockwell (2006)	Time series analysis of extended trading permits for licensed hotels.	Perth, Australia	Police: recorded crime data	Impaired drivers involved in road crashes	Extended trading hours were consistent with increased levels of impaired driver road crashes and alcohol consumption.	Unknown	↑
Vingilis et al. (2005)	Interrupted time series of extended service hours from 1am to 2am	Ontario, New York, Michigan	Traffic fatalities	Total and alcohol-related traffic fatalities	Datasets suggest little impact on BAC positive fatalities with the extension of closing hours.	Unknown	↔
Vingilis et al. (2006)	Comparison of city-regions.	Ontario and Michigan	Traffic fatalities	Motor vehicle casualties between 11pm and 3am.	Significant increase in casualties after drinking hours were extended in Ontario.	Unknown	↑
Vingilis et al. (2007)	Interrupted time series of extended service hours.	Ontario.	Ontario Trauma Registry	Motor-vehicle collision (MVC) and other injuries.	Impact on non-MVC injuries, but no effect on MVC injuries.	Unknown	↔
Duffy et al., (1996)	Before-after, control region.	Regional, England and Wales	Police: recorded crime data	Violent crime	Non-significant increase in recorded violent crime 15.5% (95% CI:14.0%, 17.0%).	Yes	↔
Ragnardottir et al., (2002)	Before-after, no comparison	City centre, Reykjavik, Iceland.	Emergency department attendances	Weekend evening attendances	Change in total attendances (+3%), change on evaluation nights (+31%), change on weekends (+20%), change on weekdays (-2%). Significance tests not reported.	No	↑
Chikritzhs et al., (2002)	Interrupted time series design	188 Hotels in Perth, Aus.	Police: recorded crime data	Violent assault, Alcohol consumption.	Significant(p<.01) increase in violent assault in the treatment area (54.5%) versus comparison areas (18.7%).Coincided with measured increases in purchase of high-strength alcohol.	Yes	↑
*Bellis et al., (2006)	Before and after, no comparison.	Regional Unit: Wirral	Emergency department: A&E admissions	Violent assault	Significant (p<.001) decrease in violent assault compared to a pooled before period. Significant decrease in violent assault compared to the previous year.	No	↓
*Babb (2007)	Before and after, no comparison.	a) National Unit: Pooled results for 30 police forces, b) Subset of City Centre Units: 18 Police Forces	Police: recorded crime data	More serious violence, less serious wounding, less serious wounding in city centres (subset), assault with no injury (pooled & subset), harassment (pooled & subset), criminal damage	No significance tests; 22% increase between 3 a.m-6 a.m.; 'Less serious wounding' = -5% overall decrease, and 26% increase between 3 a.m.-6 a.m. (for subset of city centres this was a 133% increase); 'Assault with no injury' = -2% overall decrease, and a 22% increase between 3 a.m.-6 a.m. (for subset of city centres this was a 123% increase). Significance tests not reported.	No	↔
*Newton et al., (2007)	Before and after, no comparison.	City Centre London: Undefined catchment area for St. Thomas' hospital	Emergency department: alcohol-related Admissions	Alcohol related attendances, Alcohol assault and injury attendances	Significant increases in 'Total number of alcohol-attendances' (5.1%); 'Alcohol related assault' (1%); 'Alcohol related injury' (2.5%); 'Alcohol related hospital admission' (1.58).	Yes	↑

Study	Study Design	Unit(s) of Analysis	Data Source	Outcome Measures	Main Findings	Peer reviewed	Directional change in violence
*Durnford et al., (2008)	Before and after, no comparison.	City Centre Birmingham: Undefined catchment area for Birmingham emergency department	Emergency department: alcohol-related admissions	Total weekly attendances	No significant change in the volume of violent assault. Significant change in the temporal distribution of weekly assault= 44% increase in weekend offending; and a 27.3% increase in offending between 3a.m.-9a.m.	Yes	↔
*Newton et al.,(2008)/ Hough & Hunter., (2008)	Before and after, multi-site study	Multiple units: Macro (City), Meso (Cluster), Micro (Individual bar)	Police: recorded crime data, emergency department: A&E data, qualitative research	Police: violence against the person; criminal damage, disorder calls for service. A&E: violent admissions.	Violence Against the Person = Significant change in 1 out of 5 study sites (Nottingham=2.8%, p<.001)	Yes	↔
*Pike et al., (2008)	Before and after, multi-site study	1 City and 2 Town Centre Units	Police: recorded crime data.	Take up and use of extended hours, Changes in workloads and practices, Change in drinking behaviour, Change in crime and disorder. Change in the time of offence.	No significant change in crime and disorder (reanalysed = Mean difference 1.5, t=.95, p= n.s.).	No	↔
*El-Maaytah et al., (2008)	Before and after, no comparison.	City Centre London: Undefined catchment area for University College Hospital (UCH)	Emergency department: alcohol-related trauma admissions	Head and neck trauma presentations at A&E.	Significant 34% reduction in A&E cases of alcohol-related head and neck trauma following the Act's implementation.	Yes	↓
*Jones & Goodacre (2010)	Before and after, multi-site study	Undefined catchment areas for 4 Emergency departments in South Yorkshire	Emergency department: attendances	Alcohol related attendances (clinical coding)	Significant increase in 'alcohol-related attendances' of 0.1% (95% CI 0.1-0.2, p<.0001).	Yes	↑
*Pierce & Boyle (2011)	Before and after, no comparison.	South Cambridgeshire: Undefined catchment area for Cambridge emergency department	Emergency department attendances	Assault attendances (Before/ After), domestic violence, change in time of assault attendances.	Significant increase of 12.3% (z=1.95, p=0.05) total assaults; Significant decrease (χ ² =16.82, df=1, p<0.001) in the proportion of women assaulted; slight increase in presentations at weekends (χ ² =35.95, df=6, p<0.001); significant increase in assault presentation (Two-sample Wilcoxon rank-sum test, p=0.004) after midnight and before 8 a.m.	Yes	↑
*Kirby & Hewitt (2011)	Before and after, no comparison.	Preston, England	Police: recorded alcohol-related crime.	Alcohol-related violence	An average decrease of 33% in alcohol related crime in the post-intervention period. A 55% increase in the average number of alcohol related offences occurring between 3 a.m. to 4 a.m. Significance tests not reported.	Yes	↓
Rossov & Norstrom (2012)	Interrupted time series design, inner city areas (treatment), outer city areas (control)	18 Norwegian cities	Police: recorded crime data	Violent assault	Statistically significant increase of 5.0 assaults per 100,000 per quarter (17%, 95% CI: 11% - 24%).	Yes	↑
Norström & Skog (2005)	Experimental evaluation of closure of alcohol outlets.	Sweden	Crime data	Assault	No significant changes in assault indicators. Significant increase in drunk driving in phase I only.	Unknown	↔

* denotes studies evaluating the impact of the Licensing Act (2003)

Table 9: Summary of Evaluations of Restrictions to Trading Hours (Adapted from Humphreys et al 2013 & Popva et al 2009).¹⁸

Study	Study Design	Unit(s) of Analysis	Data Source	Outcome Measures	Main Findings	Peer reviewed	Directional change in violence
Jones et al (2009)	Before and after, multi-site study.	NSW, Australia	Police call-out data, crime, last-place-of-consumption.	Assaults	Significant reduction in alcohol-related assaults compared to the control area.	Unknown	↓
Kypri et al (2010)	Non-equivalent control group design with before and after observations.	NSW, Australia	Police data	Recorded assaults between 10pm – 6am.	Recorded assaults fell where pub closing times were restricted. The relative reduction attributable to the intervention was 37%.	Unknown	↓
NZ Police (2009)	Before and after, no comparison.	Timaru, New Zealand	Police data	Recorded assaults	The total number of violent assaults fell by 8% following the trading hour restriction.	Unknown	↓
Duailibi et al (2007)	Log-linear regression of a policy to restrict alcohol sales after 11pm	Diadema, Brazil	Crime data	Homicides, violence against women	Significant decrease in murder rates but no effect on assaults against women.	Unknown	↓

¹⁸ Popva, S., Giesbrecht, N., Bekmuradov, D. & Patra, J. (2009) Hours and Days of Sale and Density of Alcohol Outlets: Impacts on Alcohol Consumption and Damage: A Systematic Review. *Alcohol & Alcoholism* 44(5):500-519. Doi: 10.1093/alcalc/aggp054.

5.2.3 One-Way Door Restrictions

We now consider the literature on one-way door restrictions, which are also known as lockouts. These allow people to leave a licensed premise after a certain time, but not enter or re-enter.

Overall, the local and international literature suggests that these are relatively ineffective for reducing acute ARH. For instance, Hadfield¹⁹ notes that the movement of drunken people is not removed as a result of lockouts, it is simply delayed and there is no conclusive evidence concerning their effectiveness. Similarly the 2012 DANTE report from Australia questioned the effectiveness of this intervention, and made a number of interesting points. For instance, it stated that:

- It is difficult to ascertain the true effects of lockouts, as they are almost invariably trialled as part of a wider set of initiatives, including shorter opening hours.
- However, several key informants (KIs) proposed that lockouts may limit the number of problems simply by limiting the number of patrons.
- Lockouts may improve patron behaviour because of the fear that they will not be allowed in elsewhere if they are ejected from one venue.
- Lockouts impose additional costs on some venues, particularly those that do not currently experience many problems and therefore do not have security staff. Somewhat perversely, operators that already experience significant issues and therefore already have door security do not face such cost increases. As a result, the best operators may be the worst affected financially, and vice versa.
- Lockouts may also affect different venues differently solely based on the time they close, rather than on whether they are the source of problems. Paradoxically, they undermine the ability of earlier closing venues to trade because people tend to skip them and go straight to the later-closing venues to ensure they gain entry before the one-way door applies.
- Most KIs felt that lockouts were less likely to reduce patron intoxication and aggression, although some reported increased aggression if patrons missed entering the venue while having friends inside.
- For the most part, KIs spoke negatively about lockouts as a strategy for reducing alcohol-related violence. Of the 91 that commented directly on effectiveness, 58 reported that lockouts were ineffective, whereas 33 reported them as effective in reducing violence.

A one-way door intervention trialled in Christchurch in late 2006 also produced mixed results. For instance, while the overall goal of a 10% reduction in alcohol related crime

¹⁹ Christchurch City Council (2013) Open agenda for council meeting on 16 May 2013.

and violence in the inner city was not met, there were reductions in some subsets of crime. There were several reasons why the trial may not have lived up to expectations, including a lack of early buy-in from bar operators, and the fact that many people delayed the one-way door from 3am to 4am. Others evidently didn't participate at all.

The following quote from the DANTE report seems to capture the general consensus around the merits of one way doors:

Overall, key informants identified a number of problems and benefits associated with implementing lockouts. While the mix of interventions made it difficult to demonstrate any standalone effect in Newcastle in terms of secondary data, there was good evidence from a wide range of key informants that lockouts on their own had substantial limitations. The major benefits reported included reduced number of people travelling between venues late at night and increased flexibility for police. On the other hand, major limitations noted were; lockouts indiscriminately targeted some venues without good logic or sense only because of trading hours, they created problems for venues in terms of situations at the door, and lockouts failed to address the core problem of intoxication."

5.2.4 Opening Hours for Off-Licensed Premises

Finally, we turn our attention to the literature on opening hours for off-licenses. Despite exhaustive searches, however, we could not locate any robust analyses or assessments of these. The only literature that we could find covered the regulation of outlet density.

It is unclear why there is no research on this topic. However, we suspect it reflects difficulties in reconciling the times at which off-license alcohol is purchased and consumed. Indeed, there is no way of knowing when alcohol purchased from an on-license will actually be consumed, which makes it virtually impossible to reconcile with the incidence of ARH.

5.3 Summary

Our literature review has provided some useful insights into the likely drivers of ARH, at least for licensed premises. The Ministry of Justice papers show that the type of premises, its opening hours and its compliance history are the key markers of risk. Of these, compliance history is the most important, reflecting the fact that a very small proportion of licensed premises account for a very high share of related offences.

Drilling into specific LAP elements in the academic literature painted a more mixed picture. The most promising element appears to be the proposed reductions in opening hours for on-licensed premises, which seem promising avenues for reducing ARH. Conversely, the academic literature suggests that the proposed one-way door policy will be ineffective and may even have negative effects. Finally, our review found that there is no evidence to support (or oppose) the proposed restrictions on off licenses.

6 Changes in Consumption

This section estimates possible changes in consumption caused by the LAP to inform the analysis of costs and benefits.

6.1 Understanding the Role of Behavioural Change

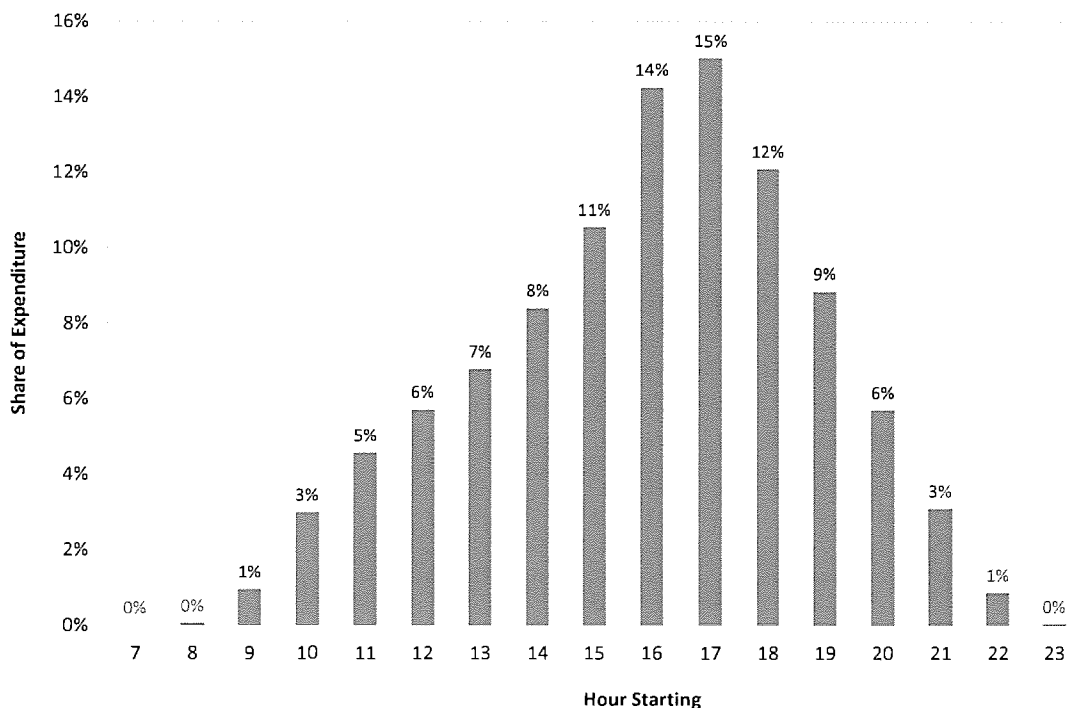
Policy initiatives such as the draft LAP do not occur in a vacuum. Instead, they are born into – and eventually form part of – complex environments in which several factors determine their ultimate success or failure. One of the most important factors to consider for the LAP is consumer reactions. Indeed, the extent to which drinking (or expenditure) habits change will profoundly affect the extent of policy-induced consumption changes.

In this section, we estimate policy-induced consumption changes in two steps. First, we estimate the changes that would occur assuming habits do not change. While highly unlikely, this sets an upper bound on the analysis. Then, we re-estimate consumption changes by factoring in potential changes in expenditure (drinking) habits.

6.2 Consumption Impacts Assuming No Behavioural Changes

To estimate potential changes in consumption (assuming no behavioural changes), we examined how much alcohol is currently purchased outside the hours that would be permitted by the draft LAP and translated the implied expenditure impacts to changes in consumption. To that end, **Figure 15** first shows the distribution of bottle store expenditures by hour.

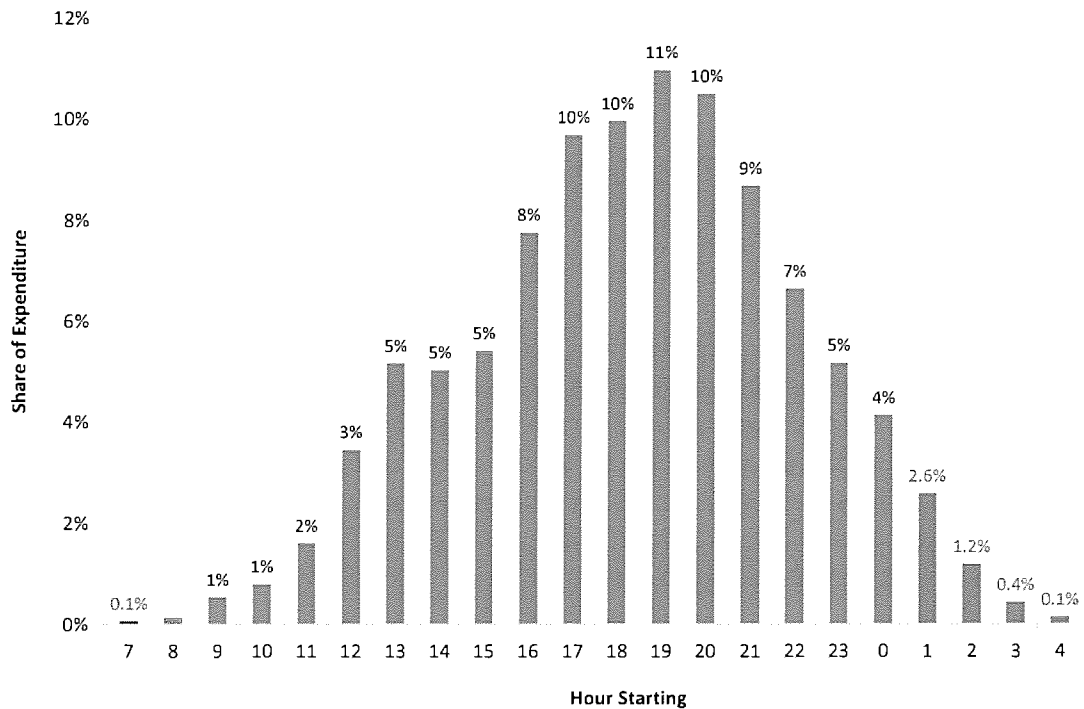
Figure 15: Distribution of Bottle Store Expenditure by Hour (Post Quake)



The shaded red bars in **Figure 15** denote expenditures that currently occur outside the hours that would be permitted by the LAP. They total 4%. If we assume that supermarket alcohol sales follow a similar hourly profile, this means that the LAP could reduce off-license expenditure by 4% assuming no behavioural change.

We now turn our attention to on-license expenditures. To that end, Figure 16 shows the hourly expenditure distribution of taverns.

Figure 16: Distribution of Tavern Expenditure by Hour (Post-Quake)



According to Figure 16, ignoring behavioural changes and using 1am as the maximum closing time, the LAP could reduce expenditure at taverns by 4.4%. However, there are two important caveats. First, not all on-license alcohol expenditure occurs at taverns. A significant amount also occurs at cafes, restaurants, sports clubs and so on, most of which will be unaffected by the LAP. Second, while most taverns will have to close at 1am, a handful will be able to trade through to 3am (subject to a one-way door policy). Accordingly, the total expenditure impact of the LAP on on-licensed expenditures will be less than 4.4%.

Even though taverns account for only 30% of licensed premises, we have assumed that they account for 50% of on-licensed alcohol expenditure. If we then ignore the fact that some taverns may shut at 3am and instead assume that they all close at 1am, we can see that the LAP would reduce on-licensed expenditure by 2.2% (i.e. 50% of 4.4%).

The final step in the analysis was to translate the estimated changes in expenditure to changes in consumption. We did this using data from a recent Ministry of Justice report which reported both the values and volumes of alcohol sold at off-licenses and on-

licenses.²⁰ **According to our analysis, this scenario could result in an overall reduction of citywide alcohol consumption equal to 3.6% ignoring behavioural changes.**

6.3 Consumption Impacts Including Behavioural Changes

We now allow for inevitable behavioural changes that will occur as a result of the draft LAP. To understand the nature and extent of these, we first reviewed the responses given to questions on this topic in both Council's Facebook survey and a survey run by Hospitality New Zealand (HNZ).

Amongst other things, Council's Facebook survey asked "if pubs, bars or nightclubs were to close an hour or so earlier, how would this change how you plan your nights out?" The responses were as follows:

- 19% would go out earlier,
- 14% would loiter around the bars/clubs after closing time,
- 31% would stay home or go to a friend's place instead, and
- 37% would go out and come home the same as they do now

Hence, nearly two-thirds of respondents said they would change their behaviours as result of the LAP. Interestingly, only a handful said they would go out earlier to compensate for the reduced hours, with many more saying they would either not go out at all or would loiter around the pubs/bars after closing time.

A related question posed in the HNZ survey was "Would earlier closing times for bars and a one-way door at 1am make you drink less?" Only 4% said that it would make them drink less.

Yet another issue canvassed in the HNZ survey was "If the hours for off licence sales (supermarkets, bottle stores) were reduced, would you still purchase alcohol for the night prior to going out for a night out or would you go to a bar earlier?" 90% said they would just buy their off-license alcohol earlier, and 10% said they would go out to bars earlier.

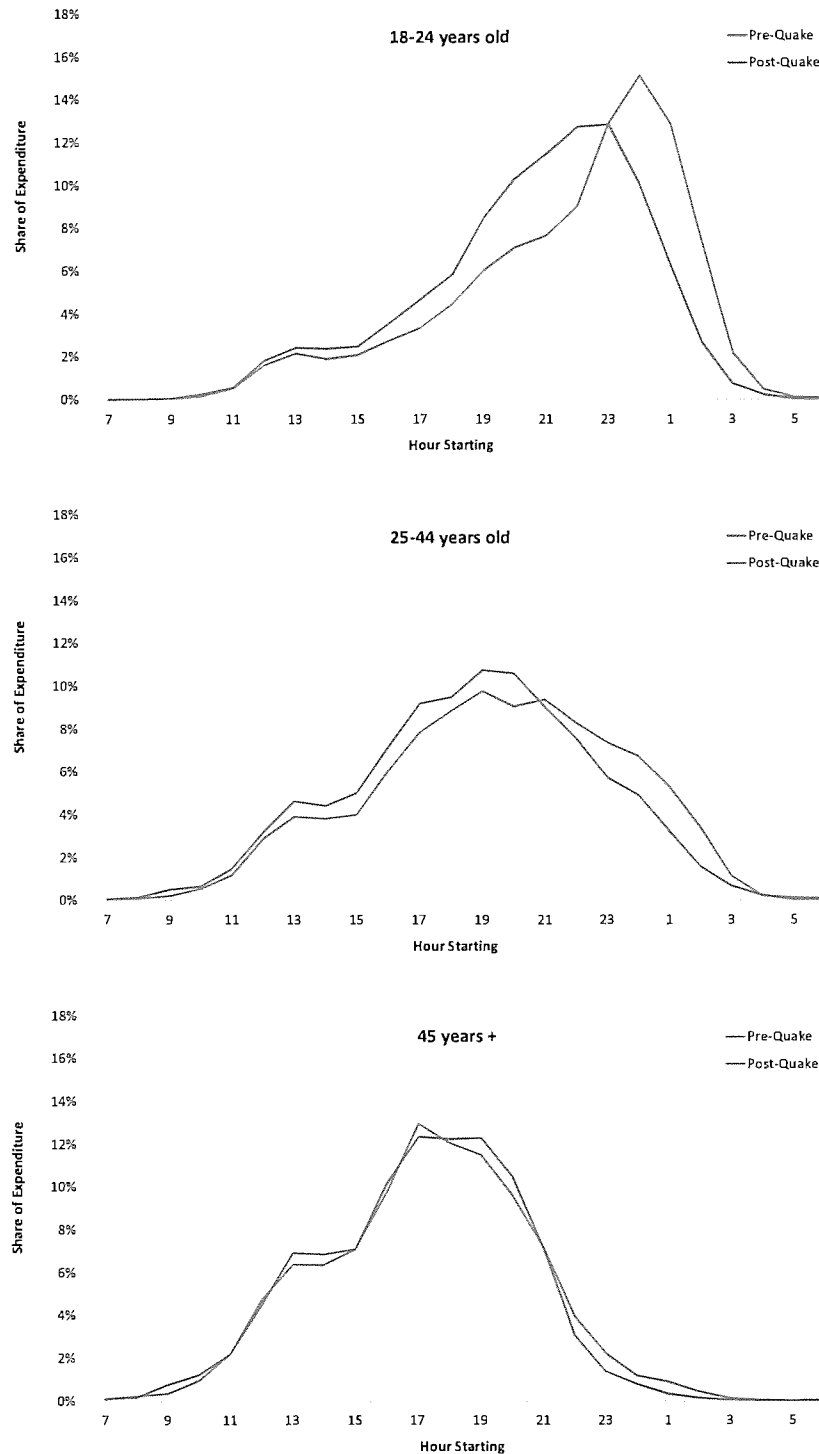
These responses seem to suggest that the LAP is likely to cause significant behavioural changes, and that the amount consumed by many people may not change much at all. However, it would be unwise to base the analysis solely on these responses, as there is no way to guarantee their accuracy. Indeed, people's actions may differ considerably from the responses that they provided in the past to surveys, so we sought other sources of information to guide the analysis.

As it happens, the earthquakes themselves provide a perfect natural experiment into the way that people react to changes in opening hours, at least with respect to on-licenses. This is because the quakes had a disproportionate impact on inner city taverns, which accounted for the majority of late-night venues. As a result, the quakes themselves caused a natural reduction in late-night opening hours. Thus, by comparing the pre-

²⁰ Ministry of Justice (2013) Risk-based licensing fees: Identifying risk factors for the New Zealand context.

quake and post-quake distributions of tavern expenditure, we can directly observe how consumers might react to the LAP (which also seeks to reduce late night trading). The following graphs show the results separately for three different age groups (18 to 24, 25-44, and 45+).

Figure 17: Pre- and Post-Quake Distributions of Tavern Expenditure



As we can see in the graphs above, there have been noticeable changes in expenditure habits, particularly for younger people (who comprise the majority of late-night patrons).

Based on the survey responses and analysis above, we estimated that behavioural changes (i.e. people shifting alcohol expenditure to earlier in the evening) will reduce the impacts of the LAP on off-license expenditures by 75% and on-licenses by 50%. Plugging these into the model, **we estimate that the overall impact of the LAP on citywide alcohol consumption will be a 1% reduction allowing for behavioural change.**

6.4 Summary

This section has estimated possible changes in consumption caused by the LAP to inform the analysis of costs and benefits. It has found that, having allowed for shifts in the timing of expenditure, the overall effect will be quite small. In fact, according to our analysis, the overall change in citywide consumption will be around 1% allowing for behavioural change.

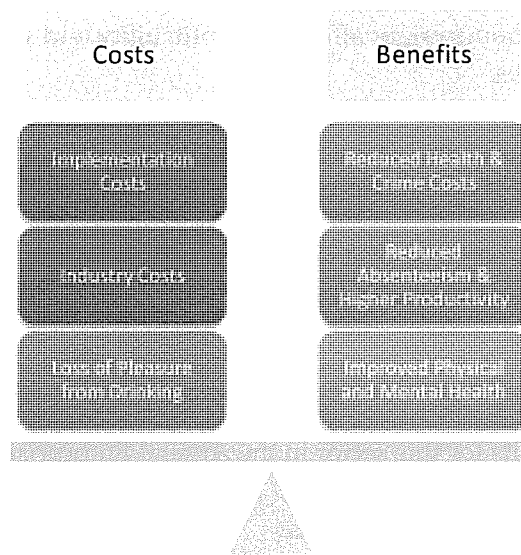
7 Analysis of Costs and Benefits

This section analyses the potential costs and benefits of the consumption changes estimated in the previous section.

7.1 Types of Costs and Benefits Considered

The following diagram shows the main categories of costs and benefit considered in this study. They have been adapted from a European Union project called Standardising Measurement of Alcohol Related Troubles (SMART), which sets the industry benchmark for studies of this kind. Further details on each type of cost and benefit are provided below. Suffice to note that our focus in all cases is on community costs and benefits, not just those that accrue to specific sectors or individuals.

Figure 18: Classes of Cost and Benefit Analysed



7.2 Policy Costs

7.2.1 Implementation costs

The first set of policy costs relate to the costs of implementation. For the purposes of the LAP, they relate mainly to the costs of the special consultative procedure that Council is obliged to follow. In addition, they should include any other costs that may arise as a result of implementation, including the probability-weighted costs of appeals. However, they should exclude any costs incurred up to the point that a decision is made on whether to formally adopt a LAP, as those will have been incurred regardless and should therefore be treated as 'sunk.'

7.2.2 Industry Costs

Industry costs relate to the impacts of the policy on the revenues, profits and employment levels of off-licensed and on-licensed premises. In addition, they should include the impacts of any expenditure redistributions. For instance, if people spend less

on alcohol as a result of the LAP, the analysis should also include the corresponding uplift in sectors to which expenditures are diverted.

Within the time available for this report, it has not been possible to model potential expenditure diversion scenarios and consider the corresponding benefits to those sectors. However, if we assume that each dollar spent in those other industries has the same impacts on profits and employment as expenditure spent on alcohol, we can roughly assume that the overall impacts on the economy will be neutral. In other words, the downturn in the alcohol market should be more-or-less offset by upturns elsewhere.

While we did not have the necessary information to consider the potential upturns in sectors that could experience a windfall gain from the policy, we did have the information to consider potential detriments on licensed premises, particularly bars/taverns/nightclubs. This seems important given that many are not currently operating, and the decision to rebuild licensed premises could be materially affected by the LAP. We therefore took the opportunity to consider the extent to which a reduction in maximum trading hours might affect the profitability and viability of rebuilding bars/taverns/nightclubs.

To better understand potential impacts on the business case for rebuilding in the central city, we first sought to understand the overall financial health of the sector. While some participants in the hospitality industry will be more profitable than others, a general picture can be established from various key surveys and datasets. For instance, the Annual Enterprise Survey is a highly-detailed financial analysis conducted each year by Statistics New Zealand, with the results disaggregated by 100 sectors. One of these is Food and Beverage services, which broadly represents the hospitality sector.

According to the results for this sector in the Annual Enterprise Survey:

- Net profits average 3.5% of sales,
- The returns on total assets average 6% of sales, and
- The average net profit per employee is less than \$3,000.

To further explore sector health, we then used benchmarking data published by the IRD for pubs, taverns and bars.²¹ These showed that:

- The median return on total assets for medium-sized bars /pubs is 0%, and
- The median return on equity for medium-sized bars/pub is 1%

Finally, we used Statistics NZ's industry profiler for the food and beverage services sector, which showed that:²²

²¹ IRD (2012) Industry benchmarks: H4520 – Pubs, taverns and bars. Retrieved from <http://www.ird.govt.nz/industry-benchmarks/bm-find-your-benchmark/benchmarks-h4520-pubs.html>

- 58% of new businesses started in 2005 were no longer trading in 2010, and
- The employee turnover rate averages about 25% per quarter. This means that the entire workforce turns over about once a year.

To complete the analysis, we then used the BNZ data to see how revenues accrued over the day, both before and after the quakes, to see how the restrictions proposed by the LAP could affect turnover. The results are tabulated below by age bands of patrons. The grey shaded row shows the proportion of daily revenue earned by 1am, and the shaded red row shows the proportion earned by 3am.

Figure 19: Cumulative Revenue Distribution for Taverns

Hour Starting	18-24 years		25-34 years		35-44 years		45 years +	
	Pre	Post	Pre	Post	Pre	Post	Pre	Post
7	0%	0%	0%	0%	0%	0%	0%	0%
8	0%	0%	0%	0%	0%	0%	0%	0%
9	0%	0%	0%	1%	0%	1%	1%	1%
10	0%	0%	1%	1%	1%	2%	2%	2%
11	1%	1%	2%	2%	3%	4%	4%	4%
12	2%	3%	4%	5%	6%	8%	8%	9%
13	5%	5%	7%	9%	11%	14%	15%	16%
14	6%	8%	10%	12%	16%	19%	21%	23%
15	9%	10%	13%	17%	21%	25%	28%	30%
16	11%	14%	17%	23%	29%	34%	38%	40%
17	15%	18%	24%	31%	39%	44%	51%	52%
18	19%	24%	31%	40%	50%	55%	63%	64%
19	25%	33%	39%	50%	61%	66%	74%	77%
20	32%	43%	48%	61%	71%	77%	84%	87%
21	40%	54%	58%	70%	80%	85%	91%	94%
22	49%	67%	67%	79%	87%	91%	95%	97%
23	62%	80%	76%	86%	92%	95%	97%	99%
0	77%	90%	85%	92%	96%	98%	99%	99%
1	90%	96%	93%	97%	98%	99%	99%	100%
2	97%	99%	98%	99%	99%	100%	100%	100%
3	99%	100%	99%	100%	100%	100%	100%	100%
4	100%	100%	100%	100%	100%	100%	100%	100%
5	100%	100%	100%	100%	100%	100%	100%	100%
6	100%	100%	100%	100%	100%	100%	100%	100%

Not only does this table show that effects on feasibility depend on whether a venue targets younger or older people, but that they also depend on whether the pre-quake or post-quake revenues are used as a benchmark. Indeed, as discussed earlier, the revenue profile for younger people has shifted forward as a result of the quakes, so the impacts of closing earlier depend on whether we use the pre- or post-quake profiles.

As an example, consider an inner city tavern that wishes to attract mainly younger people. If it is forced to shut at 1am, this analysis suggests it could lose up to 23% of its revenue based on the pre-quake profile, and about 10% based on the post-quake profile.

²² Statistics New Zealand (2013) Industry Profiler: Food and beverage services. Retrieved from <http://businesstoolbox.stats.govt.nz/IndustryProfilerViewProfile.aspx?ProfileID=GH212>

Given the relatively thin margins on which many premises appear to trade, either scenario could render the rebuild an unattractive business proposition. We therefore conclude that, for some premises, the LAP could indeed affect viability.

Overall, the venues likely to experience the greatest financial hardship from earlier opening hours are late-night venues, such as nightclubs. Many of these attract patrons from midnight onward, and their busiest times are usually from 2am onwards. A closing time of 1 am (or even 3am with a one-way door from 1am) is likely to seriously affect the viability of their businesses. This point was also made by CERA in its submission, which stated:

“It is particularly important that the needs of the entertainment and hotel sector are considered in the development of the LAP. CERA urges the Council to consider if the opening hours of the Central Area A (Entertainment/Hospitality Precincts) will provide sufficient incentive to draw investment back into this area.”

Another industry-related issue raised in submissions was the potential impacts of reduced alcohol trading hours on the likelihood of supermarkets remaining open outside these times. Indeed, both supermarket operators argued that people may alter their shopping hours to match the restricted alcohol trading hours, potentially rendering other times unprofitable to remain open. If opening hours are reduced as a result, there will be both inconvenience for shoppers and also a potential loss of local incomes and employment. We were unable to verify these conclusions within the time available.

In addition, the supermarkets noted that:

1. The proposed restrictions will disproportionately affect supermarkets because of the longer duration of shopping trips. Supermarket shopping takes longer than picking up a bottle of wine or beer from a bottle store, and these restrictions will generally impact on supermarket customers that arrive from about 8.30pm on.
2. Unlike taverns and bottle stores, supermarkets almost invariably require resource consent. As a result, the RMA is a good tool for managing the effects of new supermarkets.
3. The extent of ARH associated with supermarkets may be less than other types of off-license because (i) street views of supermarkets do not portray the sale of beer and wine and (ii) supermarkets not sell hard spirits or RTDs.
4. The location of beer and wine within supermarkets is now prescribed in the Act.

Finally, we note that a number of niche off licenses (e.g. wineries) are concerned that the LAP fails to adequately differentiate them from other off-licenses. For instance, representatives of the wine industry made the following comments in submissions:

1. Winery licenses are low risk and “do not generally give rise to problems of excessive consumption or sale and supply to minors because small volumes are sold at high cost to discerning consumers.”

2. Margins at wineries are extremely tight and profitability is a concern. Compliance costs can have a major impact. It is particularly difficult to get special licenses for events, as the cost of doing so can be prohibitive.
3. The LAP should differentiate between types of off-licensee according to the level of risk, cost and social and economic benefits attributable to that type of licensee.

We agree that the LAP is currently too coarse and should be refined. However, we also note that Council has considered providing for different maximum trading hours depending on the type of off-licensed premises; specifically a policy to allow supermarkets to trade for longer hours than other types of off-licenses. However, this was rejected for the following reason:²³

“However as approximately 70% of all alcohol is sold by licensed supermarkets and grocery stores, a policy allowing longer trading hours for supermarkets is assessed as inconsistent with the objectives of the LAP and potentially an unreasonable and/or unfair provision”.

With all due respect, this statement does not appear to be factually correct. For instance, using information published in a recent Ministry of Justice report²⁴, we calculated that (ignoring niche off licences etc) supermarkets account for 36% of alcohol sales, bottle stores account for 40%, and on-licenses account for the remaining 24%.

7.2.3 Loss of Pleasure from Drinking

Any policy-induced reductions in consumption will cause corresponding losses of pleasure from drinking, which economists measure using “consumer surplus.” The consumer surplus for each transaction equals the difference between what people would have been willing to pay for something and the amount that they actually pay. For instance, if someone buys a wine at a tavern for \$8 but would have been willing to pay \$10, then their consumer surplus on that transaction is \$2.

Measuring the exact impacts of alcohol-related policies on consumer surplus is fraught with difficult for at least three reasons. First, there is no way to accurately determine how much people would have been willing to pay for alcoholic beverages over and above what they actually pay, and hence the baseline consumer surplus is unknown. Second, any losses of consumer surplus associated with reduced alcohol consumption must be offset against increases in consumer surplus associated with expenditure being redirected towards other goods and services. Third, not all drinking is rational, and hence the assumptions underpinning a traditional consumer surplus analysis do not always hold. This has been discussed at length in the economic literature, but there does not appear to be any widely-held consensus on how to address it in practical terms.

Overall, we would expect the draft LAP to cause a net reduction in the pleasures from drinking. This is because, while money previously spent on alcohol is diverted elsewhere, the pleasure gained from that redirected spending will be less than the

²³ Christchurch City Council (2013) Open agenda for council meeting on 16 May 2013. Page 223.

²⁴ Ministry of Justice (2013) Risk-based licensing fees: Identifying risk factors for the New Zealand context.

pleasure lost from drinking, otherwise people would not choose to spend their money on alcohol in the first place. Unfortunately, it is difficult to quantify the net effects, but we are confident that there will be a net loss of some sort.

7.3 Policy Benefits

7.3.1 Reduced Health & Crime Costs

One of the greatest potential benefits of the draft LAP would be reductions in the healthcare and police resources required to deal with the negative impacts of alcohol. For instance, a 2012 report by BERL showed that alcohol costs the regional healthcare system around \$63 million per annum. The costs of policing are unknown, but are probably not as high.

As with the consumer surplus, quantifying the potential impacts of the LAP on health and police costs is difficult. However, if we assume that these costs accrue pro-rata with consumption, some ballpark estimates can be derived. To proceed, recall that our overall estimate of policy-induced consumption was a decrease of 1%. Since Christchurch City roughly accounts for two-thirds of the regional population, this translates to a reduction in regional consumption of 0.67%. Assuming that healthcare costs reduce in the same proportion, using the BERL figures we can estimate a reduction of \$63 million \times 0.67% = \$420,000.

However, the assumption that healthcare costs accrue pro-rata with consumption is unlikely to hold. Rather, the marginal impacts of changes to late night consumption are likely to have proportionately greater impacts than changes earlier in the day. For instance, we might say that each 1% reduction in consumption caused by the LAP reduces health and police costs by 3%. Under this assumption, the reduced health costs caused by the LAP would be around \$1.3 million.

On the other hand, a uniform closing time (which the LAP proposes except for a dozen late night inner city venues) could have negative impacts on healthcare and police costs. This was noted in several of the papers that we reviewed, and also strongly voiced by a number of submitters.

The issue is that a blanket closing time can lead to 'peak density', where a number of intoxicated people congregate in one place and cause trouble, particularly when there is a limited number of taxis and food operators. The LCR captured this issue as follows:

"We are aware of concerns that a uniform closing time would place constraints on transport and policing resources, potentially creating increased risks of drinking and driving, and violence, vandalism, loitering, noise and other disorderly behaviour associated with large numbers of people vacating premises around the same times. Indeed, New Zealand has seen evidence of the harm of rigid closing times, with the "six o'clock swill" and then "10 or 11 o'clock swill", which occurred as a result of past legislation."

The DANTE report also drew similar conclusions about potential adverse effects of blanket closing times as follows:

“One of the other issues identified by key informants and often raised in the media relates to potential problems with transport and the discourse of people flowing onto the streets at the same time having difficulty finding transport and leaving safely. This was one of the major reasons quoted by the Blair government in England to extend the country’s trading hours”.

Interestingly, this point was also addressed in the literature survey prepared by Council, which states:

“The more that closing times vary within an area, the more even the spread of demand for services. Peaks of demand may be reduced by shifts away from fixed closing hours towards more varied trading times.”

Unfortunately, it is difficult to say much more than this. Suffice to note that the LAP may reduce healthcare and police costs provided the effects of peak density can be adequately managed.

7.3.2 Reduced Absenteeism and Improved Productivity

Another benefit of the policy will be reduced absenteeism and improved worker productivity. Indeed, both can be badly affected by excessive or inappropriate alcohol consumption, so any reduction in such behaviour will be beneficial. To gauge the size of the issue, the following table from the NZADS shows self-reported absenteeism attributed to alcohol by age group.

Table 10: Self-Reported Alcohol-Related Absenteeism (NZADS)

# of Days off Work	16-17	18-24	25-34	35-44	45-54	55-64
One	4.6%	4.8%	3.7%	1.7%	0.7%	0.3%
Two	3.0%	4.4%	1.5%	0.3%	0.3%	0.1%
Three to Five	2.6%	3.7%	2.2%	0.7%	0.2%	0.1%
Six or More	2.6%	2.4%	0.6%	0.5%	0.4%	0.2%

The results above show that a number of people have reported missing work due to the adverse effects of drinking too much. In addition, a number of others are likely to still turn up but work relatively unproductively. While the LAP may have some impacts here, they will be small given the minor estimated reduction in consumption.

7.3.3 Improved Physical and Mental Health

The final benefit that we consider here are improvements to the physical and mental health of problem drinkers, their friends and family, and also the wider community. These are probably the most difficult aspect to quantify, but may also be the most significant overall. Indeed, the harmful effects of problem drinking can often take a toll on loved ones, so the benefits of any reduction in harmful consumption are likely to be widespread. Again, however, there is no way to progress the analysis beyond these high level observations.

8 Overall Assessment of Costs and Benefits

Given the analysis set out in the previous section, we believe that the economic costs of the policy will outweigh the economic benefits because:

- While the international literature has shown that reductions in opening hours can help reduce ARH, reductions in consumption caused by the LAP will be minor and hence so too will any reductions in acute ARH. As a result, policy benefits will be minor.
- At the same time, the policy could have a number of unintended consequences, including undermining the potential viability of rebuilding licensed premises in the CBD.
- In addition, it will impose additional costs on many licensed premises, and unduly disadvantage a number of very low-risk premises, such as wineries.
- The key issue is that – while very difficult to do within the ambit of a LAP – the policy fails to address the key drivers of acute harm, namely our binge drinking culture coupled with a tendency to pre-load.
- Further, the policy appears too coarse, and may not adequately reflect the relative harm caused by different types of licensed premises. A more fine-grained approach should be considered.
- A significant amount of ARH occurs in the home, and the policy is unlikely to provide much assistance with this. Conversely, introducing measures to regulate the density of new outlets in certain areas may have positive effects, but these have not been included.
- There is no evidence to support or oppose the proposed off-licence restrictions. Further, council does not appear to have a strong community mandate for reducing the hours that alcohol can be sold at certain off-licenses, such as supermarkets.
- Because the policy does not (and essentially cannot) target problem drinkers, it is fairly blunt and therefore has the potential to negatively impact a number of law-abiding citizens.

It is also important to note that, even if this analysis did conclude that benefits exceeded costs, this does not necessarily mean that the policy should be adopted. Rather, Council must also satisfy itself and the wider community that the draft LAP is the best way to meet policy objectives. However, this cannot be determined until a thorough examination of all other options has been completed. We therefore recommend that Council take the opportunity to re-examine its options before deciding whether or not to proceed with the LAP.

Bibliography

- Alcohol Advisory Council of New Zealand ALAC Primary care factsheet (2).
- Anderson, P., (2010) Cost benefit analyses of alcohol policy in Europe. Report for SMART.
- Auckland Council (2012) Local Alcohol Policy Research Report
- Babor et al (2010) Alcohol: No Ordinary Commodity – a summary of the second edition. doi:10.1111/j.1360-0443.2010.02945.x
- Bellis MA, Anderson Z, Hughes K, Messages K (2006) Effects of the Alcohol Misuse Enforcement Campaigns and the Licensing Act 2003 on Violence: A preliminary assessment of A & E attendances in Wirral. Liverpool: North-west Regional Alcohol Strategic Group. Centre for Public Health, Liverpool John Moores University
- BERL Economics (2012) Costs of harmful alcohol use in Canterbury DHB. For Canterbury DHB.
- Canterbury DHB (2013) Consultation submission to Christchurch City Council draft local alcohol policy 2013.
- CERA (2012) Christchurch central recovery plan. ISBN online 978-0-478-39719-2
- Chikritzhs T, Stockwell T (2002) The Impact of Later Trading Hours for Australian Public Houses (Hotels) on Levels of Violence. *Journal of Alcohol Studies*: 591–599.
- Chikritzhs T, Stockwell T (2006) The impact of later trading hours for hotels on levels of impaired driver road crashes and driver breath alcohol levels. *Addiction* (101):1254–1264
- Christchurch City Council (2013) Open agenda for council meeting on 16 May 2013.
- Christchurch City Council (2013) Summary of Results from Facebook survey.
- Adamson, S., Fanselow-Brown, P., Prince, C., Prosser, A., Snell, D., & Vertue, F. (2012) The Christchurch Earthquakes and Ongoing Stress. Christchurch Psychology. Retrieved from <http://www.christchurchpsychology.co.nz/news-and-views/christchurch-earthquakes-ongoing-stress/>
- Colmar Brunton (2012) Wellington City Council role of alcohol.
- Connor, J., et al (2005) The burden of death, disease, and disability due to alcohol in New Zealand *The New Zealand Medical Journal* 118 (1213) ISSN 1175 8716.
- Department of Corrections (2013) Submission to Christchurch City Council draft local alcohol policy 2013.

Duffy, J.C., & Pinot de Moira, A. (1996) Changes in licensing law in England and Wales and indicators of alcohol-related problems. *Addiction Research*, 4, 245-271.

European Commission (2007) Standardizing Measurement of Alcohol Related Troubles

Hahn, R.A., Kuzara, J.L., Elder, R., et al (2010) Effectiveness of policies restricting hours of alcohol sales in preventing excessive alcohol consumption and related harms. *American Journal of Preventive Medicine* 39(6):590-604. Doi: 10.1016/j.amepre.2010.09.016.

Hospitality in New Zealand (2013) Submission to Christchurch City Council draft local alcohol policy 2013.

Humphreys, D.K., Eisner, M.P., & Wiebe, D.J. (2013) Evaluating the Impact of Flexible Alcohol Trading Hours on Violence: An Interrupted Time Series Analysis. *PLoS ONE* 8(2): e555581. Doi:10.1371/journal.pone.0055581

IRD (2012) Industry benchmarks: H4520 – Pubs, taverns and bars. Retrieved from <http://www.ird.govt.nz/industry-benchmarks/bm-find-your-benchmark/benchmarks-h4520-pubs.html>

Jones, C., Kypri, K., Moffatt, S., Borzycki, C., Price, B. (2009) The impact of restricted alcohol availability on alcohol-related violence in Newcastle, NSW. *Contemporary Issues in Crime and Justice* 137.

Kirkwood, L., Parsonage, P., (2008) Evaluation of the Christchurch city one-way door intervention: Final report prepared for ALAC and ACC.

Kirkwood, L., (2011) Survey of off-licence premises in North Shore/Hibiscus Coast: analysis of survey data. Report for ALAC.

KPMG (2008) Evaluation of the temporary late night entry declaration :Final report to the Australian Ministry of Justice.

Kypri, K., Jones, C., McElduff, P., & Barker, D. (2011) Effects of restricting pub closing times on night-time assaults in an Australian city. *Addiction* 106: 303-310.

Ministry of Health (2010) Alcohol Quick Facts

Ministry of Health (2013) Hazardous drinking in 2011/12: Findings from the New Zealand health survey. HP560.

Ministry of Justice (2012) Regulatory Impact Statement: Alcohol Reform Bill

Ministry of Justice (2013) Establishing a new fee regime for the alcohol licensing system: A public consultation paper.

Ministry of Justice (2013) Risk-based licensing fees: Identifying risk factors for the New Zealand context.

Moore, S.C., Brennan, I., & Murphy, S. (2011) Predicting and Measuring Premises-Level Harm in the Night-Time Economy. *Alcohol and Alcoholism* 0(0):1-7.

National Drug Law Enforcement Research Fund (2012) Dealing with alcohol-related harm and the night-time economy.

National Drug Law Enforcement Research Fund (2013) Patron Offending and Intoxication in Night-Time Entertainment Districts.

Nielsen (2011) Alcohol-related harms research. For Auckland Council.

New Zealand Law Commission (2010) Alcohol in our lives: curbing the harm. Law Commission report ; no. 114. NZLC R114.

New Zealand Police (2009) Policing Fact Sheet: Licensed premises trading hours

NZ Herald (2012) Depression, stress and anxiety in post-quake Christchurch.

Palk, Gavan R., Davey, Jeremy D., Freeman, James E., & Morgan, Hannah (2011) Perspectives on the effectiveness of the late night liquor trading lockout legislative provision. *Criminal Justice Policy Review*.

Populations Studies Centre The University of Waikato (2012) The Impacts of liquor outlets in Manukau City, ALAC. Report No.1.

Populations Studies Centre The University of Waikato (2012) The Impacts of liquor outlets in Manukau City, ALAC. Report No.4.

Popva, S., Giesbrecht, N., Bekmuradov, D. & Patra, J. (2009) Hours and Days of Sale and Density of Alcohol Outlets: Impacts on Alcohol Consumption and Damage: A Systematic Review. *Alcohol & Alcoholism* 44(5):500-519. Doi: 10.1093/alcalc/agg054.

Research First (2013) Community Opinions of Alcohol Research Report. For Christchurch City Council.

Research New Zealand (2009) ALAC Alcohol Monitor – Adults & Youth 2008-09 Drinking Behaviours Report.

Research New Zealand (2012) Alcohol-related injury: An evidence-based literature review. For ACC.

Rossow, I., & Nortstöm, T. (2011) The impact of small changes in bar closing hours on violence. The Norwegian experience from 18 cities. *Addiction* 107: 530-537

Ragnarsdottir P, Kjartansdottir A, Davidsdottir S (2002) Effect of extended alcohol serving-hours in Reykjavik. In: Room R, editor. The effects of Nordic alcohol policies: What happens to drinking and harm when alcohol controls change. Helsinki: NAD Publication.

SHORE & Whariki Research Centre (2012) An Assessment of Data Quality for Examining Alcohol-Related Issues in the Queenstown Lakes District. For ALAC.

Sim, M., Morgan E., and Batchelor J. (2005) The Impact of Enforcement on Intoxication and Alcohol-related Harm. Report for Accident Compensation Corporation.

Statistics New Zealand (2013) Industry Profiler: Food and beverage services. Retrieved from <http://businessstoolbox.stats.govt.nz/IndustryProfilerViewProfile.aspx?ProfileID=GH212>

University of Sheffield (2009) Modelling to assess the effectiveness and cost-effectiveness of public health related strategies and interventions to reduce alcohol attributable harm in England using the Sheffield Alcohol Policy Model version 2.0: Report to the NICE Public Health Programme Development Group.

Wickham, M., (2012) Alcohol consumption in the night-time economy. Report for Greater London Authority.

SUBMISSION No. 515



11.55. Wed 7th

Wellington City Council - Draft Local Alcohol Policy Submission

Your submission on the draft Policy is needed by the Council by 5pm on 2 August 2013

INTRODUCTION

The Sale and Supply of Alcohol Act 2012 allows Councils to introduce Local Alcohol Policies which can impact on the trading hours, location, density and operation of licensed premises. Submissions are now invited on the Wellington City Council's draft Local Alcohol Policy.

This is an important issue for the Wellington Hospitality Industry which is a major contributor to the region's economy, bringing in \$700 million annually and helping create the 'Coolest Little Capital' vibe. A Research NZ survey conducted in Wellington in May 2013 found that 87% of respondents agreed with the current hours the city is open. 90% agreed that the hospitality and entertainment scene is dynamic, vibrant and helps define the city's character.

In Wellington the late night economy is significant with \$41 million spent annually in the city on hospitality between the hours of 4am and 7am. This equates to an estimated \$11 million of wages paid to hospitality workers during those hours.

The Research NZ survey found that 72% of respondents drank before coming into town. We know that 75 % of all alcohol sold in NZ is sold off-premise (supermarkets and bottle stores) and only 25% of all alcohol in NZ is sold on-premise (bars, restaurants, night clubs, hotels). Police and Health authorities agree that the major contributor to alcohol related harm is the pre-loading of alcohol before people come out. Police also agree that the vast majority of bars in Wellington are well run and that the issues that do occur are generally related to people attracted to the area and not to the bars themselves.

We believe the safest place for people to consume alcohol and be entertained is on licensed premises, which have strict host responsibilities, trained staff and are heavily regulated and monitored. Imposing greater restrictions on the hospitality industry is unlikely to change the issue of personal responsibility. In fact it may drive consumption increasingly to uncontrolled environments.

The following short survey seeks your opinions on a number of proposals in the draft Local Alcohol Policy and your response will be submitted in your name to the Council as a formal submission on that policy.

QUESTIONS

Under the zones proposed in the draft policy there will be an Entertainment Precinct – encompassing Courtenay Place and Cuba Street from Kent Terrace up to Abel Smith Street, (see map below)

- Bars in this precinct can trade to 3am (or to 5am for 'best practice' premises)
- Bars elsewhere in the City CBD can trade to 2am (or to 3am for 'best practice' premises)



Question 1: Do you think that the Council should designate a specific Entertainment Precinct with later hours than the rest of the City CBD? YES NO

Question 2: Do you think that a designated Entertainment Precinct with later hours than the rest of the City CBD:

- a. Is anti-competitive? YES NO
- b. Will limit the evolution of the city's growth by limiting later trading to one designated area? YES NO
- c. Will result in higher rents and increased costs for the bar / cafes / restaurants in the Entertainment Precinct? YES NO

Comments:

It will allow for easier control by police.
 Keep party goers in one area.
 Stop disturbance elsewhere

The proposed trading hours in the Entertainment Precinct for On-licenses (bars, nightclubs restaurants) are 7am–3am (7am- 5am for best-practice premises).

Question 3: What do you think the latest trading hour in the Entertainment Precinct should be (if one is created)?

Entertainment Precinct preferred maximum trading hour (please tick one only)

3am	4am	5am	6am	Other (please comment)
			✓	

Comments:

Has worked until now, why change it

Outside of the Entertainment Precinct in the City CBD the proposed trading hours for On-licenses (bars, nightclubs, restaurants) are 7am–2am (7am-3am for best-practice premises).

Question 4: What do you think the latest trading hour in the City CBD should be?

City CBD preferred maximum trading hour (please tick one only)

2am	3am	4am	5am	Other (please comment)
		✓		

Comments:

A blanket closing time won't work. Needs to be staggered.

In Suburban centres the proposed trading hours for On-licenses (bars, nightclubs, restaurants) are 7am–midnight.

Question 5: What do you think the maximum trading hour in Suburban Centres should be?

Suburban centres preferred maximum trading hour (please tick one only)

Midnight	1am	2am	3am	Other (please comment)
			✓	

Comments:

The policy proposes a 'wind down hour' protocol for premises open after 2am, whereby the lighting is turned up, the music turned down, and during this last hour the premises is open you could not purchase a drink (this in effect results in a closing time of an hour earlier than the licensed hour for the premises).

Question 6: Do you think this should be compulsory for all premises that are open after 2am? YES

NO

Comments:

would annoy patrons. changes the whole atmosphere.

Question 7: The Council are proposing the following conditions could be imposed on a licensed premise. Do you agree? *Please circle Yes or No for each proposed condition.*

a. A 'one way door' after a set time whereby no one else is allowed into the premises but those inside may remain	YES	<input checked="" type="radio"/> NO
b. A limit on the number of drinks sold in any one transaction after a certain time	YES	<input checked="" type="radio"/> NO
c. A minimum number of security staff set by the Council	<input checked="" type="radio"/> YES	NO
d. Compulsory dedicated staff to manage all queues	<input checked="" type="radio"/> YES	NO
e. A minimum number of Duty Managers	<input checked="" type="radio"/> YES	NO
f. Premises to pick up litter within a certain area	<input checked="" type="radio"/> YES	NO
g. Security staff to wear High Viz Vests	<input checked="" type="radio"/> YES	NO
h. No glass drinking vessels permitted in any outside area past a certain time	YES	<input checked="" type="radio"/> NO
i. All outside temporary furniture to be removed after a certain time	YES	<input checked="" type="radio"/> NO
j. No loudspeaker, amplifier, or other audio equipment outside the premises	YES	<input checked="" type="radio"/> NO
k. Compulsory CCTV	<input checked="" type="radio"/> YES	NO

Comments:

Changing these things will change atmosphere of bars. Too many rules is harder and more costly to enforce.

Question 8: Do you think the safety and vibrancy of the City Centre would be enhanced by the following? *Please circle Yes or No for each suggestion.*

a. Better public transport options at night	<input checked="" type="radio"/> YES	NO
b. More lighting in the CBD	<input checked="" type="radio"/> YES	NO
c. More CCTV cameras in public spaces	<input checked="" type="radio"/> YES	NO
d. More street entertainment	<input checked="" type="radio"/> YES	NO
e. More food trucks late at night	<input checked="" type="radio"/> YES	NO
f. A chill out zone with water, food, transport information, medical assistance	<input checked="" type="radio"/> YES	NO
g. More enforcement of liquor bans	<input checked="" type="radio"/> YES	NO
h. An instant fine for being intoxicated and/or being a nuisance in a public place	<input checked="" type="radio"/> YES	NO
i. A trespass from the city centre for 90 days if caught intoxicated/being a nuisance	<input checked="" type="radio"/> YES	NO
j. Greater Police presence	<input checked="" type="radio"/> YES	NO

Comments:

The proposed trading hours for Off-premises (supermarkets and bottle stores) are 7am-9pm.

Question 9: What do you think the maximum trading hours for Off-premises should be?

Maximum trading hours for Off-premises

9pm	10pm	11pm	Midnight	Other (please comment)
		✓		

Comments:

Dependant on closing hours of store.
Not appropriate to make it earlier than when
the supermarket shuts.

Question 10: Do you think that supermarkets should have the same trading hours as other Off-premise venues such as bottle stores?

YES NO

Comments:

Question 11: Overall, do you agree with the direction of the draft Local Alcohol Policy ?

Please tick one only.

Strongly agree	Agree	Disagree	Strongly disagree	Don't know
			✓	

Please give reasons:

I agree there needs to be changes relating to control, police presence, security etc but having a blanket closing time will create havoc on the streets. The issue is younger people drinking and people being allowed to get away with being a nuisance on the streets.

Question 12: Do you have any other comments either about the content of the draft Local Alcohol Policy or about other matters you want included in the policy?

It won't help changing closing times and imposing rules. It will change the atmosphere of Wellington nightlife. Deal with those people causing the issues.

Please select one:

- I do not wish to discuss my submission at the hearings but give permission for Wellington Hospitality New Zealand to discuss my main points
- I wish to discuss the main points of my submission at a hearing.

Your name: Alex Barlow

Contact address: 302A Adelaide Rd, Newtown,
Wellington

Phone Numbers: 0276316110

Email: alex.barlow@xtra.co.nz

Signature: Alex Barlow Date: 20/7/13

THE COUNCIL WILL NOT ACCEPT ANONYMOUS SUBMISSIONS

Only a person or agency that has made a submission on a draft LAP will be able to appeal against any element of the resulting provisional LAP.

Privacy statement: All submissions (including name and contact details) are published and made available to elected members of the Council and the public. Personal information supplied will be used for the administration and reporting back to elected members of the Council and the public as part of the consultation process. All information collected will be held by Wellington City Council, 101 Wakefield Street, Wellington. Submitters have the right to access and correct personal information. Return to Freepost 2199, The Right Mix, Wellington City Council, PO Box 2199, Wellington 6011.



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- c. Will result in higher rents and increased costs for the bar / cafes / restaurants in the Entertainment Precinct? YES NO

Comments:

It will make it easier for police to patrol and control. Making suburbs safer too

The proposed trading hours in the Entertainment Precinct for On-licenses (bars, nightclubs restaurants) are 7am–3am (7am- 5am for best-practice premises).

Question 3: What do you think the latest trading hour in the Entertainment Precinct should be (if one is created)?

Entertainment Precinct preferred maximum trading hour (please tick one only)

3am	4am	5am	6am	Other (please comment)
			✓	

Comments:

this gives people options and also a longer wind down period

Outside of the Entertainment Precinct in the City CBD the proposed trading hours for On-licenses (bars, nightclubs, restaurants) are 7am–2am (7am-3am for best-practice premises).

Question 4: What do you think the latest trading hour in the City CBD should be?

City CBD preferred maximum trading hour (please tick one only)

2am	3am	4am	5am	Other (please comment)
	✓			

Comments:

bars in suburban areas should close earlier to work with residents.

In Suburban centres the proposed trading hours for On-licenses (bars, nightclubs, restaurants) are 7am–midnight.

Question 5: What do you think the maximum trading hour in Suburban Centres should be?

Suburban centres preferred maximum trading hour (please tick one only)

Midnight	1am	2am	3am	Other (please comment)
		✓		

Comments:

D

The policy proposes a 'wind down hour' protocol for premises open after 2am, whereby the lighting is turned up, the music turned down, and during this last hour the premises is open you could not purchase a drink (this in effect results in a closing time of an hour earlier than the licensed hour for the premises).

Question 6: Do you think this should be compulsory for all premises that are open after 2am? YES NO

NO

Comments:

This affects bars cultures and personalities. This should be left to owners/managers description

Question 7: The Council are proposing the following conditions could be imposed on a licensed premise. Do you agree? Please circle Yes or No for each proposed condition.

a. A 'one way door' after a set time whereby no one else is allowed into the premises but those inside may remain	YES	<input checked="" type="radio"/> NO
b. A limit on the number of drinks sold in any one transaction after a certain time	<input checked="" type="radio"/> YES	NO
c. A minimum number of security staff set by the Council	YES	<input checked="" type="radio"/> NO
d. Compulsory dedicated staff to manage all queues	YES	<input checked="" type="radio"/> NO
e. A minimum number of Duty Managers	<input checked="" type="radio"/> YES	NO
f. Premises to pick up litter within a certain area	<input checked="" type="radio"/> YES	NO
g. Security staff to wear High Viz Vests	<input checked="" type="radio"/> YES	NO
h. No glass drinking vessels permitted in any outside area past a certain time	YES	<input checked="" type="radio"/> NO
i. All outside temporary furniture to be removed after a certain time	YES	<input checked="" type="radio"/> NO
j. No loudspeaker, amplifier, or other audio equipment outside the premises	YES	<input checked="" type="radio"/> NO
k. Compulsory CCTV	<input checked="" type="radio"/> YES	NO

Comments:
All areas that affect the bars culture shouldn't be changed, by people who don't work in/go to bars

Question 8: Do you think the safety and vibrancy of the City Centre would be enhanced by the following? Please circle Yes or No for each suggestion.

a. Better public transport options at night	<input checked="" type="radio"/> YES	NO
b. More lighting in the CBD	<input checked="" type="radio"/> YES	NO
c. More CCTV cameras in public spaces	<input checked="" type="radio"/> YES	NO
d. More street entertainment	<input checked="" type="radio"/> YES	NO
e. More food trucks late at night	<input checked="" type="radio"/> YES	NO
f. A chill out zone with water, food, transport information, medical assistance	<input checked="" type="radio"/> YES	NO
g. More enforcement of liquor bans	<input checked="" type="radio"/> YES	NO
h. An instant fine for being intoxicated and/or being a nuisance in a public place	<input checked="" type="radio"/> YES	NO
i. A trespass from the city centre for 90 days if caught intoxicated/being a nuisance	<input checked="" type="radio"/> YES	NO
j. Greater Police presence	<input checked="" type="radio"/> YES	NO

Comments:
Police should be doing more if it is such an issue!! I have seen police in the cbd wellington enforcing zero liquor ban fines

The proposed trading hours for Off-premises (supermarkets and bottle stores) are 7am-9pm.

Question 9: What do you think the maximum trading hours for Off-premises should be?

Maximum trading hours for Off-premises				
9pm	10pm	11pm	Midnight	Other (please comment)

Comments:

people who work late should be allowed to have the choice to purchase alcohol after 9pm

Question 10: Do you think that supermarkets should have the same trading hours as other Off-premise venues such as bottle stores?

YES NO

Comments:

make it fair / competitive

Question 11: Overall, do you agree with the direction of the draft Local Alcohol Policy ?

Please tick one only.

Strongly agree	Agree	Disagree	Strongly disagree	Don't know

Please give reasons:

I think that people should have OPTIONS. Many jobs will be lost if it is pushed back to 3am in all bars.

It will be dangerous and I would feel UNSAFE in the CBD when all the bars closed at the same time.

Bars are doing well and an increased relationship with police would help more than punishing bars.

Increase CCTV and lighting

and enforce liquor ban fines and laws

Question 12: Do you have any other comments either about the content of the draft Local Alcohol Policy or about other matters you want included in the policy?

Please select one:

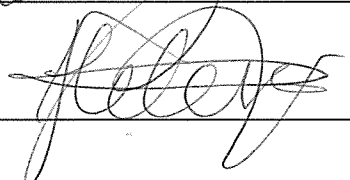
- I do not wish to discuss my submission at the hearings but give permission for Wellington Hospitality New Zealand to discuss my main points
- * I wish to discuss the main points of my submission at a hearing.

Your name: Heloise Kerr-Nemell

Contact address: 3/254 Mills St
Te Aro Wellington 6011

Phone Numbers: 0274055717

Email: heloise.kernemell@gmail.com

Signature:  Date: 19/7/2013

THE COUNCIL WILL NOT ACCEPT ANONYMOUS SUBMISSIONS

Only a person or agency that has made a submission on a draft LAP will be able to appeal against any element of the resulting provisional LAP.

Privacy statement: All submissions (including name and contact details) are published and made available to elected members of the Council and the public. Personal information supplied will be used for the administration and reporting back to elected members of the Council and the public as part of the consultation process. All information collected will be held by Wellington City Council, 101 Wakefield Street, Wellington. Submitters have the right to access and correct personal information. Return to Freepost 2199, The Right Mix, Wellington City Council, PO Box 2199, Wellington 6011.

* will make oral sub w Alex Barlow 515

HOW WE MANAGE ALCOHOL IN WELLINGTON SUBMISSION FORM



I wish to discuss the main points in my written submission at a hearing, to be held in early August 2013 (note oral submissions are given five minutes for individuals and 10 minutes for organisations).

I am completing this submission:

On my own behalf On behalf of a group or organisation

If you are representing a group or organisation, how many people do you represent?

Your name BERNARD O'SHAUGHNESSY

Organisation name (if applicable)

Organisation role (if applicable)

Contact address 139 DANIELL ST, NEWTOWN

Post code 6021

Phone number (day) 021.1888.289 Phone number (evening) —

Email (if applicable) BernardCaton@yahoo.co.nz

Signature [Handwritten Signature] bernardcaton@yahoo.co.nz

Date 8.7.13.

THIS IS AN APALLING CONSULTATION DOCUMENT.
ONE HAS TO READ 3 TO MAKE SENSE OF IT.
THIS IS WORST THAN THE NOSENSE
OVER MANNERS MALL CONSULTATION!
(INFORMATION OVERLOAD - PEOPLE SHOULD
HAVE A SIMPLE DOC!)

Privacy statement

All submissions (including name and contact details) are published and made available to elected members of the Council and the public. Personal information supplied will be used for the administration and reporting back to elected members of the Council and the public as part of the consultation process. All information collected will be held by Wellington City Council, 101 Wakefield Street, Wellington. Submitters have the right to access and correct personal information.



Noted left message

DRAFT LOCAL ALCOHOL POLICY

1. Please indicate your level of satisfaction with the following provisions in the draft LAP.

*If you disagree, please tell us what you would like the provision to be changed to.

1a. Under the proposed zone framework, late-night trading activity of bars and entertainment venues will be moved into a specific Entertainment Precinct to better manage the harm associated with trading at this time.

The proposed Entertainment Precinct boundaries are Courtenay Place (Kent Terrace) to Cuba Street (Abel Smith Street).

(section 9 of the draft LAP)

Creating an Entertainment Precinct: (please tick one only)

Strongly agree Agree Disagree Strongly disagree Don't know

Please give reasons:

YES, WELL COUNCIL CREATED THE NIGHTMARE
OF COURTENAY, SO NOW CLEAR IT UP.

1b. The proposed risk-based management framework reviews the suitability of all elements of the activity in relation to its impacts on the community, and provides a risk classification.

This classification will influence the licence fees charged by the Council and the types of conditions that may be applied to the licence. The lower the risk, the lower the fees charged by the Council and the fewer restrictions applied to the licence.

(section 8 of the draft LAP)

Risk-based management framework (please tick one only)

Strongly agree Agree Disagree Strongly disagree Don't know

Please give reasons:

NO, NO, NO.
NO DISCOUNT FOR ANY
BOOZE LICENCES.
THIS IS SHAMEFUL!

1c. The proposed maximum trading-hour restrictions for on-licensed venues (bars, restaurants, cafés).

Entertainment Precinct

7am–3am → YES

7am–5am maximum for best-practice premises → NO

Central Area

7am–2am → YES

7am–3am maximum for best-practice premises → NO

Suburban Centre

7am–midnight maximum YES

(section 9 of the draft LAP)

Entertainment Precinct maximum trading-hour restrictions for on-licensed venues

(please tick one only)

Strongly agree Agree Disagree Strongly disagree Don't know

Central Area maximum trading-hour restrictions for on-licensed venues (please tick one only)

Strongly agree Agree Disagree Strongly disagree Don't know

Suburban Centre maximum trading-hour restrictions for on-licensed venues (please tick one only)

Strongly agree Agree Disagree Strongly disagree Don't know

Please give reasons:

WHAT A Muddle!

IS THIS WHAT (YOU)

COUNCIL OFFICERS ARE TRYING

TO DO → CONFUSE EVERYBODY.

1d. The proposed maximum trading-hour restrictions of 7am–9pm for off-licensed venues (supermarkets, grocery stores, bottle stores).

(section 9 of the draft LAP)

Maximum trading-hour restrictions of 7am–9pm for off-licensed venues

(please tick one only)

Strongly agree Agree Disagree Strongly disagree Don't know

Please give reasons:

SHOULD BE 8 PM.
SEE MY ATTACHED SUBMISSIONS
(SAY NO TO THE 2 BIG SUPERMARKETS)

1e. Supermarkets, grocery and bottle stores (all off-licence venues) should be treated the same despite the different range of products they sell.

- Supermarket and grocery stores can sell only beer and wine
- Bottle stores can sell beer, wine, spirits and RTDs (ready-to-drink mixes)

Treating all off-licence venues the same (please tick one only)

Strongly agree Agree Disagree Strongly disagree Don't know

Please give reasons:

BUT ONLY IF THEY ALL
CLOSE AT 8pm

1f. The Council will look closely at applications for the sale and supply of alcohol at youth-focused occasions or events, or those likely to attract people under the legal purchase age of 18 years.

(section 9 of the draft LAP)

— BADLY WORDED QUESTION!

Council focus on applications for youth-focused occasions or events (please tick one only)

Strongly agree Agree Disagree Strongly disagree Don't know

* If you disagreed above, please give reasons

What does "look closely" mean!

Event Managements should lodge
a \$10K bond.

1g. The policy identifies circumstances that would trigger a District Licensing Committee hearing to deal with issues of density and proximity of licensed premises.

(section 10 of the draft LAP)

The proposed circumstances that would trigger a District Licensing Committee hearing to deal with issues of density and proximity of licensed premises (please tick one only)

Strongly agree Agree Disagree Strongly disagree Don't know

* If you disagreed above, please give reasons

YES - BUT RATIOS TO BE
1000 mts. (not 100!)

Not happy with this - I do not
believe in the independence
of the DLE!

1h. The proposed discretionary conditions that could be applied to a licence.

(section 11 of the draft LAP)

The proposed discretionary conditions (please tick one only)

Strongly agree Agree Disagree Strongly disagree Don't know

Please give reasons:

To be debated!

I'm really worried about this.

Who's discretion. Officers - No. No. No.
Where's the transparency?

2. Overall, do you agree with the direction of the draft Local Alcohol Policy? (please tick one only)

Strongly agree Agree Disagree Strongly disagree Don't know

(JUST Agree)

Please give reasons:

Yes, Nah,

Yes - Right

Wot a muddle, so a bad
booze Act is followed by a muddled LAP!

Please be as specific as possible to help us understand your views. It is helpful if you clearly state the page(s) and/or section number(s) of the draft LAP you are commenting on.)

3. What are the best aspects of the draft Local Alcohol Policy?

- ① To get commonsense into the CBA
- ② I have listed the page no's in my submission, tho I doubt that you will read them & acknowledge that.

4. What aspects of the draft Local Alcohol Policy do you think need to be changed?

HEAPS

- Less trading hours for off license
- NO Booze licenses for Supermarkets
- Increase license fees to be cost recoverable
- Cap license no's
(See my submissions)

5. Do you have any other comments either about the content of the draft Local Alcohol Policy or about other matters you want included in the policy?

✓/BS - HEAPS -
But will you read
& consider my submission.

DRAFT ALCOHOL MANAGEMENT STRATEGY

6. The proposed goals in the draft Alcohol Management Strategy are achievable (please tick one only)

- Strongly agree Agree Disagree Strongly disagree Don't know

Please give reasons:

ONLY IF YOU GET SOMEONE ABOUT RESTRICTING THE BIG SUPERMARKETS LICENSES

7. The initiatives proposed in the Implementation Plan (attached to the draft strategy) will deliver on the strategic goals (please tick one only)

- Strongly agree Agree Disagree Strongly disagree Don't know

Please give reasons:

Maybe - but you Council Officers always make up "STRATEGIC GOALS" THAT THEN YOUR SYSTEM ACHIEVES! THEN YOU HAVE THE CALL TO TROLL THE WORLD TO GET MEANINGLESS AWARDS TO PROVE HOW GREAT YOU ARE!

8. The initiatives proposed in the draft strategy will contribute to communities having a healthier relationship with alcohol (please tick one only)

- Strongly agree Agree Disagree Strongly disagree Don't know

Please give reasons:

MAYBE YES, MAYBE NO. TIME WILL TELL, MEANTIME WE COPE WITH A BAD BOOZEACT!

You may add more pages if you wish. Thank you for your submission.

You don't have to complete this section, but this information helps us to know who we are reaching. We use this for statistical purposes only. It will not be made publicly available.

Your Gender

- Male Female

Your age

- Under 18 years 18-29 years 30-39 years
 40-49 years 50-59 years 60 years and over

Your ethnicity

- New Zealand European Māori Samoan
 Cook Island Tongan Niuean
 Indian Chinese Other

fold here first

I DON'T WANT TO ANSWER ANY OF THESE QUESTIONS!

(REBUILD MANNERS MALL AS IT WAS A HERITAGE SITE)

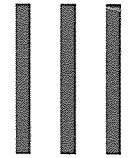
Fold, fasten and post this form to the Wellington City Council using the Freepost address below

fold here second

Freepost Authority No 2199



PO Box 2199, Wellington 6140, New Zealand



Freepost 2199
The Right Mix
Wellington City Council
PO Box 2199
Wellington 6011

Dear Chairperson
Booze Consideration sub committee of WCC.
Wellington.

I attached my submission in regards the Council's development of the LAP.
My submission is lengthy but then the matter is important. I advocate drinking in moderation but with responsibility.

Executive overview:

I say:

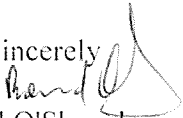
- a) reduce the hours of the big supermarkets trading to cease at 8pm, Tues to Sat.
- b) close all CBD bars at 3am, but have good hosts open late during special events.
- c) enhance, enlarge and reinforce Liquor Ban Areas.
- d) cap the number of booze licenses

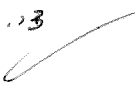
I say a lot more in my over 60 pages of submissions. I also indicate that I will attend an oral presentation.

I hope the Council does get the 'right mix' and be able to apply common sense from a very bad Act of Parliament that Central Government has past down to Local Authorities to cope with.

Good luck

Yours sincerely


Bernard O'Shaughnessy

12.7.13


A) Big Supermarkets Off Licenses

You know that more than 70% of beer and wine in NZ is sold via the two big supermarket chains, some at very cheap prices, and associated with high advertising budgets to push the items. The two supermarkets in NZ have become booze barns that sell food on the side.

The WCC survey and statistics prove the problem that supermarkets are in Wellington. Your stats showed that at 9pm 62% of supermarket sales were for booze only with no purchase of groceries. (Ref page 10 Report 3 (1215/52/IM)) Strategy & Policy Committee of 20 June 2013.

I support the idea that supermarkets should not be able to sell any alcohol after 8pm.

In fact I go further and submit that the hours of operation for booze sales by supermarkets should be:

Tues to Sat only and
between the hours of 12 noon and 8pm.

Your stats also show that the persons who buy booze late from the supermarkets are the very same ones who then pre load and side load, and then they go onto cause problems in the CBD, with the police and then with Health. Also of course the Police stats and Health stats showed you that it is the supply of booze from the big supermarkets that is causing the problems with crime, assaults, domestic violence and public disorder.

This is a major opportunity for the Council to take a positive stride for our society. I commend the brave Councilors who voted in support of the concept to hold supermarket hours at 9pm. I therefore condemn those who voted against the proposal.

I attach at Appendix A 7 pages of my submission to Council regarding my ideas and consideration of the booze matter. In relation to supermarkets I refer you to pages 4, & 5 (no 2 to 9).

B) Community Input.

I am an active member of the Newtown Residents' Association, the Newtown Business Association, on local churches Social Justice committees and on other political and social committees within Newtown, and Wellington. I was on a sub committee for the Newtown Residents Ass with two other members and we researched the issue of our community's stance to the forthcoming developments associated with the LAP. We then presented our findings and opinions to a full meeting of over 25 persons. (Note Newtown Residents has over 130 members on line). Consequently the Association forwarded their submission to Council. I attached it here as appendix B.

On page 3 you will note that the Association has a lot to say about sales of Alcohol from the two big supermarkets in our area. Listed is three aspects on supermarkets:

Hours of trading
Advertising &
Rubbish Generated.

It was agreed by the Association to have hours limited to 9pm or 10pm.

Also of note on page 2 the Association called for stronger enforcement of the Liquor Ban areas together with:

- a) greater publicity
- b) stronger penalties
- c) a 24 hour 'move on' notice.

C) Pub Hours.

I support the concept of staggered and varied closing hours of pubs in the CBD. But I would say the maximum closing time should be 3am. Then during any special events like 'the sevens, WOW, or concerts' bars be allowed to extend their hours to 4am. I agreed that greater emphasis could be put on 'host responsibilities' matters but reject that great hosts get a rebate of licensing fees! In my appendix A, I make some strong suggestions about pub responsibility, licensing fees and closing hours. I refer you to pages 1,2, 5 & 6.

D) Advertising of Alcohol:

I think the LAP should reflect the necessity for stronger controls on advertising of Alcohol. This means that the 2 big supermarkets should have less big posters showing booze specials both within and outside their stores. I think the supermarkets should restrict their 'junk mail drops' to only having 2% of ad space on booze. Note that at least once a month Pak & Sav seem to be having another "Wine and Beer" week. Sure proves that the supermarkets are booze merchants first, and sell groceries as an aside between 7am and 6pm!

E) Community Input on Booze Licenses.

I welcome the opportunity in the policy for the community to have a greater say. But I have some reservations as to how the policy will work. I have been active in my community, and other communities in opposing booze licenses. I attach at appendix C my submission dated 7 December 2012 objecting to a booze license application for an off-license to be established at 5 Newtown Ave, Newtown. The applicant saw common sense but only after more than 110 persons and organisations, plus petition, were presented to him, so he then withdrew his application. I totally reject the Council Officers notion that the opportunity to object to a booze license really only is allowed if "*one lives in the street effected.*" This indicates that the effect of booze is limited to within 100 mtrs of a booze outlet. What utter nonsense. If someone is drunk out the Hutt because they buy booze and preload then beat up your daughter, your wife, your grandmother, your friend, or anybody, that effects all of us.

But the new LAP doesn't do anything in addressing the issue of CAPPING the number of booze licenses. Council were strong, moral, and forward thinking when they adopted a policy on the use of Pokie machines and you have a sliding scale to reduce pokie machine use to 1 to every 300 residents. So I think the Council could have come up with a policy on capping the number of booze license.

How many booze licenses are too many? How many are too few?

Please refer to appendix A, pg 2 - 3, "C) Booze Licenses." I advocate that booze licenses should be capped at 1 for every 1000 residents. Thus booze licensees would carry a greater responsibility in using their license to make huge profits.

F) Liquor Bans & Enforcement.

I attended 3 forums run by the Council, and a number of other community meetings on Alcohol. At all the meetings a huge majority of persons of all ages called for a strengthening of the Liquor Ban areas.

I advocate that:

- a) the liquor ban area be enlarged to include all suburban shopping centres.
- b) all parks be included.
- c) but beaches be left 'open' except the notorious Oriental Bay!
- d) penalties for breaching the ban be increased.
- e) that those persons who breach a banned area or who present themselves at the hospital to dry out be given a "remorse" invoice of either paying 50% of the police/Health expenditure, (your stats suggest the cost is \$1200 per person per event) OR, opt to do two days volunteer work with the City Mission or AA Hope Centre in Newtown.
- f) a 24 hour 'move on' (trespass) order be available to be issued by the Police, or Host Licensees.
- g) that Police do more intervention, earlier, to warn wayward party goers to sober up, and go home.
- h) Breath test the pre loaders:

I particularly refer readers (Councillors & Council Officers) to Appendix A, pages 6 & 7 attached.

I even suggest that if I was Mayor (haha!) I would have a team of Police once a month be at the railway station and breath test all arriving persons coming off the trains and into the city. Everyone knows, and can see, that the trains on Fri and Sat nights between 7pm and 9pm have 30% of the travellers coming from out of the city, already preloaded, heading for Courtney Place.

Well, the Christchurch Police and Council arranged to breath test 5000 (yes, that's right five thousand) persons attending a school boy rugby match in the afternoon. And they did that for a couple of years to prevent public disorder of drunks fighting and not enjoying stupid rugby. (Google the event!).

My estimation is that if the Police turned away 200 to 300 persons from not going to the CBD Courtney Place each Fri/Sat then we wouldn't have half of the problems that are

there now. But also the big supermarkets should stop selling booze after 8pm, as they are the major cause of pre loading.

G) Costs of Booze Licenses.

Presently ratepayers subsidise the grant of booze license by 40%. Few ratepayers knew and when that information was spoken to at the booze forums, and on line, understandably people were shocked. I advocate that booze license costs be fully recoverable from the applicants. This must not only include the costs of compliance expenditure by the District Licensing Agency, but also any and all programmes associated by Council Officers for their involvement (staff time, research, publicity) in all alcohol matters be cost recoverable on licensees. This means any 'educational programmes' (such as trying to get intelligent university students to 'look after their mates') should also be paid for by the booze sellers, rather than hidden in the Council books across many budget areas.

How much has been spent by Council to develop this consultation process in regards to the policy of this LAP. 12 Officers have been working on the process. That's great, as we have to get the 'Right Mix.' But has the Council now spent \$100,000 in this process. Whatever is spent, I'm ok with it, but that should be a charge on booze licensees and their customers!

There is a controlling system across both State and Local Body interests in regards the administration of Pokie machines. So why not develop a capped system for Liquor Licenses. In effect, if Council invokes the policy being developed you are indeed developing a 'limitation' of licenses. But the limitation will come about for pubs as what you enforce to celebrate those who are "good hosts" as opposed to those that are not so good. Then of course it will take years for the Licensing authority/Police to close down some of these awful places. In regards off licenses, well the cafe scene regulates itself doesn't it, in so far as if your cafe doesn't get customers you go out of business.

But it's the Off Licenses that are available to straight out bottle stores and yes the ones I love to hate, the two big supermarket chains. One could argue that those licensees also are regulating themselves, as supposedly they are in stiff competition with each other, but yer right! But that is the very area of where I say a limitation of off licenses must occur, in that one concept should be that if a supermarket has an off License in John St, Newtown, then no other off license should be granted within 1000mtrs of that license. I say liquor license for off licenses should be:

- a) more expensive to obtain for big supermarkets (eg \$50,000 pa)
- b) contestable
- c) limited by distance (1000mtrs apart)
- d) transferable if within criteria

H) The Opinion of the Liquor Licensing Authority.

I attach as appendix D) ^{the} judgment in the case by myself against Newtown New World in 2009.

I think this decision is relevant for consideration in my submission for a number of reasons. The judge in this case has mentioned and suggested a number of points that are very relevant to this matter of the LAP.

Note:

- a) In regards a person having a greater interest than the public generally (to object):
Page 3 no 7. *"In this case the inspector has suggested a circle with a radius of one kilometre within which an objector must reside or have a business that could be affected."*
- b) Page 6 "After all, the business is a supermarket and not a bottle store. It is an interesting question to ask why liquor is given such prominence given the company's claim that it is a 'good corporate and community citizen.'"
- c) No 29, page 6. "we wonder whether the time has not come for supermarkets to consider marketing liquor more conservatively and in keeping with their status as a supermarket.....they are primarily a supermarket given the PRIVILEGE of being able to sell liquor as an adjunct to their core business."
- d) No 31 pg 7. "The company will be asked as a 'good corporate and community citizen' to produce a business plan" in relation to the display, sale and promotion of liquor.

In Conclusion I urge Councillors and Council Officers to take brave forward steps in developing the LAP and that moderation in drinking with responsibility apply.

Yours sincerely


Bernard O'Shaughnessy

**THE FOLLOWING ARE SUGGESTIONS FOR DISCUSSION:
PLEASE FEEL FREE TO GIVE TO OTHERS.**

The following ideas I wish to discuss with Councillors, Council Officers and other interested parties. These matters relate to the need of WCC to develop a LAP (Local Alcohol Plan). I believe in drinking with responsibility and in moderation.

A) LIQUOR BAN AREAS

Wellington's CBD had a Liquor Ban area then Aro Valley & Oriental Bay was added in. Newtown and linked areas of Mt Cook and Brooklyn were included in Aug 2010.

Liquor bans areas have proved a tremendous tool in the community to ensure people can go about their own business in public and have persons who just want to get drunk and be a pest, act with greater responsibility and drink in moderation.

To see how much the community improved in Newtown because of the Liquor Ban means there is now:

- less broken booze bottles in the Street
- less public fights
- less vomit and urine about after week-ends
- less crime
- less domestic violence

and a greater awareness for moderation in drinking, and support for those who do have drinking problems.

I made the submission to the Council at the time of gaining Newtown's Liquor Ban that my best option would be to have:

- a) all of Wellington City a liquor ban area excluding Maraka
- b) but have all beaches exempt, except Oriental Bay
- c) and all public events be liquor banned, and special licenses to be applied for if booze needed

Together with this I think the Police, Walkwise Staff, and parking wardens should have the authority to issue:

- a) an instant fine for drinking to excess in a public place
- b) a 'move on' notice as in Australia, being a 24 hour trespass notice to any person who is a nuisance in public because of too much booze

B) PUBLICANS/PUBS ROLE

Pub managers will now be charge of operating the 'one way door policy' under the new Act. It will be some time as to how the pubs handle that. But policy is now being developed. Sure the concept is to stop the bar hopping (pub crawling) that is now the norm in CBDs across the country and this is one little step by society to try and have some commonsense come back to our drinking habits but I will feel un easy if it is just a

18

way for one publican to off load the drunks onto the street because the pub has encouraged the punter to pour booze down their throats!

I think there should be a greater responsibility by bar managers to:

a) not accept anyone who is pre loaded and identification is easy to see who already has 'too much on board.'

b) if a person gets loaded on their premises then the bar manager must ensure the drunk goes home in a taxi or takes them home. The cost can be charge onto the punter when they sober up the next day or by credit card or invoice debit at the time.

Bar managers should, after any one person has scoffed \$30 worth of booze, then refuse further drinks, unless the customer sits down and eats a pub meal!

I think Publicans/pubs/hotels should pay a bond of \$10,000 pa to be drawn upon if boozed patrons become a problem at their pub, or leave their pub boozed. This is also raised under booze licenses.

C) BOOZE LICENSES

There are over 15,000 booze licenses nationally and Wellington has more than 720. That is double the figure in 1989. How many is too many, how few is too few. The new BAD ACT hasn't really addressed the issue but the NAT Govt opted out and has passed this down to Local Authorities. What a mess.

In Newtown we have more than 25 booze licenses between John St and the Zoo. That's all within one Kilometre! There is a booze license at the Zoo, and even one at Wakefield Hospital!

- 4 are pubs
- 16 are in cafes'
- 5 are off licenses being 2 major supermarkets (Countdown & New World) and 1 in Liquorland (a Trust) and 2 in small grocery shops.

The cafes' aren't a problem.

The 4 pubs aren't a major problem

Liquorland has and is always a problem BUT the bigger problem is the cheap booze being peddled by the two big supermarkets.

Remember 70% of booze in NZ (and Newtown, and Wellington) is sold via the two big supermarket chains, Progressive and Foodstuffs. In 2009 I obtained a judgement before the Liquor Licensing Authority against New World Newtown that included the statements from the judge that:

"Furthermore it is clear that advertising of alcohol plays a role in an underage persons' drinking decisions. And...

In summary, given current concerns about the impact of liquor abuse on our communities we wonder whether the time has not come for some supermarkets to consider marketing liquor more conservatively and in keeping with their status as a supermarket. and...

At the next renewal the company will be asked as a 'good corporate and community citizen to produce a business plan to address the following issues:

the sale of beer in single bottles

the display of liquor in specific parts of the store and

the advertising of liquor within and outside the store"

I advocate Council put a cap on booze licenses. Remember WCC took the moral and practical high ground by developing a Gambling License policy that caps the 'pokie' machine use at 1 to 300. I say that with booze licenses there should be a cap of 1 booze license for every 1000 persons. Of course it would be not easy to administer, but then the present system isn't either, and the costs of doing nothing is immense.

In 2009 NZ drank \$5billion of booze. 50% of that was sold via the two big supermarkets.

In 2008, the respectable Wellington based research company BERL was commissioned by the Ministry of Health and ACC to estimate the social and fiscal costs of alcohol abuse. They reported that the cost was \$5.7 billion, fiscal costs of \$1.2 billion and direct public expenditure of \$700 million by the Police, ACC and Prisons. The cost then is basically for every \$10 bottle of wine sold more than \$10 of damage is done within society.

So once again the taxpayer and the RATEpayers foot the bill. The NZ Law Commission states that 'over 80% of the adult population of 2.85 million drink at least occasionally' being \$85 million a week. ALAC research further and states that 760,000 drinkers binge drink regularly and 125,000 of them are younger than 17 years of age.

22% of ACC claims are alcohol related.

WCC's own recent survey (as reported by the Sunday Star Times 10 Feb 2013) states that:

84% of people have had at least one bad experience because of drink

77% believe that there are high rates of drunkenness on City Streets

53% pre load

21% felt unsafe in the city after dark

and so on, and so on, you have the survey results which are sad and sobering reading.

I say every booze license should only be granted for 18 months.

I think Booze licenses should be more expensive to obtain. Presently the taxpayer subsidises the expenditure of compliance and license operations. Every Booze License should cost \$5000 pa to obtain and retain.

I think every person who gets a booze license should pay a bond of \$50,000 - 00.

This to be retained by WCC, and if any damage is done by excessive boozing from such premises then costs be taken from the Bond.

As \$5 billion was drunk in 2009, that's about \$300,000 - 00 profit per license. So these little booze licenses are a great money spinner. But of course there is a huge difference of say New World Newtown or Countdown, Newtown selling \$2 million each pa of booze,

than a local cafe' selling \$20kpa. But I am sure that Council Officers can come up with a formula that is fair on all to have the following idea implemented.

I think that a % of sales of booze should be directly paid by licenses holders to
Vote:Health.

I think NO booze licenses should be granted if the location is within 500 mtrs of any school, hospital, Medical Centre, Rest Home unless those living in ANY area have the absolute total right to object. CBD would have to have its separate rules to accommodate the total booze mess caused by WCC in that area!

As there is now a special ratepayers tax on businesses in the CBD, well then a % of the rate gathered should be used to pay for the Police & Health services used in the CBD to clean up the mess cause by their booze product.

D) BOOZE LICENSES IN BIG SUPERMARKETS.

The booze licenses in the two big chain supermarkets are the MAJOR problem in NZ, Wellington and Newtown. I made the case, and I still do, to the Law Commission that the small corner dairy stores selling booze were not the problem. A few in South Auckland, Cannons Creek etc were a problem but why didn't the Police and Local Authority & Health move earlier rather than letting the problem develop. I went with an Indian delegation to Sir Geoff's hearings, and they represented 1600 dairy owners from Wellington to Hamilton. Yet the message is that the majority will be closed down by the new Booze Act.

Given that ONLY 1%....yes that's ONE PERCENT of booze was sold in small dairy/supermarkets surely it is not a problem. 70% of booze is sold via the big two supermarkets.

I am appalled that this society blamed the corner dairy owners when the big supply of booze clearly wasn't by them. This I see as a racist attack, and attack on small business owners, of the corner dairy owners who are 90% owned by Indians. Is our New Zealand Society now so controlled by big business interests that an individual hard working person is robbed, beaten up, and not protected by society whereby odd grocery items, smokes, chippies and yes booze cannot be sold from small dairies. Once all the small dairies are driven to the ground by the big supermarkets, where the hell are you gonna buy an ice cream cone from? The big supermarkets don't want to sell them!

Did you know now in NZ 100s of country pubs have gone or going out of business? Why, because the big supermarket sells cheap booze.

Do our Police and Health, and local authorities only protect BIG companies?

In relation to the big booze supermarkets I say:

1. The booze must be in ONE area only. The new ACT is confusing on this matter but the LAP must spell it out. The booze should not be in a 'free flow' customer area, but to an area off the main customer flow area. I support a shop within a shop concept.

(2) (4)

2. No booze sales only. That is everyone who buys say 2 bottles of wine must buy a minimum of \$20 worth of food.

3. No single bottle/cans sales

4. Booze sales be restricted between the hours of Tues to Sat, 12 noon to 9pm.

That's still 63 hours for the customer to purchase booze. Are we really ok that booze now can be purchased from the big supermarkets from 7am to 12midnight 7 days a week, that's 119 hours per week?

5. Big supermarkets should have less on display. I think booze areas should be limited to 5% of the shops selling area.

6. Limit the cheap booze sales. It seems Pak & Save, and now Countdown, seem to be having a 'Wine & Beer week' every other week. Remember before the last Booze Act in 1989 NO supermarkets sold booze! And wasn't our society better off for it.

7. Reduce advertising of booze both within supermarkets, also on their external windows, and also in their daily newspaper and junk mail ads.

8. All supermarkets should have a glass recycle big bin in their car park. I think that as one buys booze from the supermarket then the customer should take back the empties to the source. I am saddened by the increased amount of booze bottle in the streets of Wellington, and why should the ratepayers have to pay for the collecting of somebody else's dropped empties. It's alarming and saddening to drive around on green bin recycle day and see the extent to how full, and how many there are, of the green bins being fill of booze bottles. A little drive on recycle day show what streets, what suburbs and what areas really booze up large. Like I noticed in Karori, Wadestown and Seatoun there is a huge amount of booze bottles out on the street! Clearly big boozers!

9) Bond:

As stated above under licenses but I restate it, I think license holders and in particular the two big supermarkets should pay a percentage of their profit off booze to the Health vote. As in 2009 \$5 billion of booze was sold and 70% of that was in the two grocery shops of NZ. Each supermarket sold between \$1.7 and \$1.9 BILLION dollars worth of booze. You look at their annual returns and reports to shareholders. So here in 2013 they must be selling more than \$6 billion pa in booze. Given the report I referred to earlier from the BERL report of 2008 for every \$1 spent there is \$1 damage to society.

Howard Broad, Police Commissioner then in 2010, at a public meeting at Te Papa in answer to his own question stated that:

*"what's the worst 3 drug problems in New Zealand....
it's Alcohol, Alcohol & Alcohol".*

He then enlarged on that to say the drug "P", party drugs, Pot and all the other drugs combined are outstripped by the booze problem.

So the big supermarkets should pay. How come the big supermarkets are now in a discount war in regards trying to attract customers by selling cheap petrol. This means the ordinary shopper who pays a huge amount for bread, milk and basic items is

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subsidising the motorist, and yes I say also that the ordinary customer who shops for groceries which are over priced is subsidising the boozers!

Did anyone see the data last year that said the booze is cheaper than milk?

E) SPECIAL EVENTS.

a) Now days, in this wonderful world where everyone is a comedian, there has been an increase in 'public events' but of course with our Kiwi attitude that means we HAVE to have an alcoholic drink to enjoy ourselves.

Well local authorities DO have to adopt sensible policies and implement it in regards the sale and supply of booze. I don't think Council has done so in the near past, but now has the opportunity to catch up. The drunkenness of Courtney Place was CREATED by WCC and ENCOURAGED by WCC to become what it is today. Just like the boorish behaviour that the WCC and Parkin the Larkin Hotelier have encouraged for the Sevens. He said "*the sevens is more about dressing up and getting thrashed, rather than the rugby.*"

Look around the country when ever alcohol ban events are held, 100,000 people at Hagley Park, another huge crowd at Auckland xmas in the park, then a great time is held by all. But look at how the police say in Wellington, that even after a new year liquor free event, as soon as the punters hit 1am in Courtney Place all hell breaks loose because of the drunkenness.

I think it is time for the Police to charge all events holders for the policing that goes on because of these events. Why show the long suffering tax payer and RATEPAYER pay for these people who go out preloaded with the clear intention of getting wasted, then the Police and doctors and nurses have to clean up the mess!

I think all police time should be charged against any event organiser, and the price be filtered down to the cost of entry.

I think ALL special booze license should be PUBLICALLY NOTIFIED with the right of objection by anyone. Remember too much booze in one area effects everyone, everywhere. Special licenses should be restricted to 1 to 3 days of any particular event, unlike now some are granted for 6 months or even a year!

I think a bylaw should be made to provide for a "move on" notice to be issues by the Police, or security staff, or walk wise or parking wardens, to be given to persons who have had too much to drink and they should get out of the area for 24 hours. You will have seen such system on the Aussie cop shows and it seems to be great!

b) As the pre loading by persons coming into Wellington CBD, all heading for the well known drunken club spot of Courtney Place, usually on EVERY Friday and Sat nights, it's time for the Police and Council to act before these persons with attitude are allowed to roam loose.

(6)
Ag

Maybe, at least once a month, (if I was Mayor I would make it every week) have the police simply have breath testing blocks at entrances to Wellington. Like put a group of Police at the Railway station and breath test all those who get off.

Like stick a breath testing unit, on a rotation basis on all the lead roads into the CBD. I mean there isn't many roads there, like a block at Karori Tunnel, or Cobham Drive, or The Tce Tunnel surely would be a sobering experience for punters.

The sevens rugby event has been moving towards total disaster over the last few years because of the drunks going to the game, at the game and after the game. But just last year and this year greater emphasis was put on..."let's watch the rugby first and the booze is second." And there was a greater police and Council presence. And it has started to work. Also the Cake Tin management developed better systems of identifying punters so could throw them out earlier if needed.

So it shows that action can be taken and better commonsense invoked.

Is this idea crazy? Hang on a minute, 15 or even 10 years ago, if one had suggested that all fans of a college rugby game would be breath tested upon entry, you would have said that's crazy. But remember the logic of the Christchurch CC and Police who did just that and breath tested 5000 rugby fans to stop the drunken fights. That sobered up the fans, right!

I think both Health and Police should review their policies and make it harder to get booze licenses in the first place. Presently the system is a farce.

I offer these ideas as suggestions for discussion, debate and consideration. Please feel free to forward these ideas to anyone else who may be interested. I am more than happy to enlarge on any of these ideas and welcome discussion.

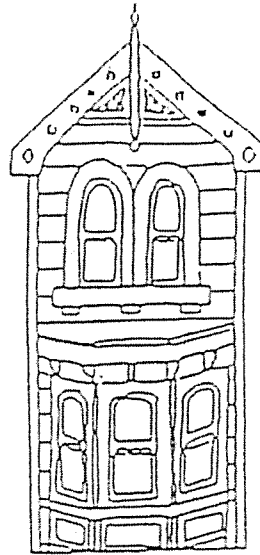
Yours sincerely

Bernard

BernardBoss@yahoo.co.uk

BN

(7)



Newtown Residents' Association (Inc.)

PO Box 7021
Wellington South

16 April 2013

Alcohol Management Planning.
Wellington City Council
PO Box 2199
Wellington

ALCOHOL PLANNING POLICY DEVELOPMENT

The Newtown Residents Association submits the following comments for consideration by the Alcohol Planning Policy Development. Our comments are from a wide range of members of our Association, compiled by a subcommittee and endorsed by a monthly meeting of the membership. Our submission is particularly Southern Ward and Newtown based and can also be read in a similar fashion for the central city. We believe in drinking in moderation with responsibility.

A) PUBLIC PLACES LIQUOR BAN

Our members support the continuation of the Liquor Ban in Newtown and the CBD. Newtown as a community gained much from the placing of a Liquor Ban on its streets. We had less broken glass, fewer drunks in the street, fewer public fights, and greater awareness by persons of addressing liquor problems.

It has to be recognized that Newtown is unique in that it has the Regional Hospital, (& Psychiatric Ward), AA Hope Recovery Program run by the Salvation Army, large areas of high Council Housing, a big university student population, high levels of mental health patients, half way houses, and a range of other Social Health programs to assist persons with a range of difficulties, be it social, mental, disabled, drink and drug issues. There are many active church programs, such as City Mission, Presbyterian Social Services, Salvation Army, PIC, to name a few.

With our large and diverse population means that a sector of our community are at risk to alcohol and drugs. The Liquor Ban brought a calmness to Newtown and took a lot of social, domestic and police pressure off. The Ban also enhanced our parks, play areas, and public streets.

However, the Association calls also for a strengthening of the Ban to reinforce its intent, educate new residents and seek further compliance. The law as it currently stands puts all the responsibility on people, other than the person who is drunk.

The liquor outlet/management or barman can be fined for serving someone who is drunk, but there does not seem to be any responsibility on intoxicated persons for getting that way. We do not mean here the recognised alcoholic. We refer to the individual or groups of individuals who preload to a state of intoxication before they hit the bright, or dim, lights of Courtney Place/Cuba street. The imbiber/drinker must be responsible for getting themselves into an intoxicated state. They do it deliberately and by choice.

To this end we recommend:

- a) Publicity be given to the Liquor Ban as to what it means, the area, and expectations. This needs to be done each year because of the changing nature of our population.
- b) Penalties be reviewed - we support more instant fines, and at higher amount.

We like the concept of a "24 Hour Move On Notice" being issued by the authorities (Police/WCC) to force the wayward person to take stock of their actions and go home to sober up.

We like the educational opportunity of any person who presents themselves at the Hospital of Fri/Sat nights, due to excess alcohol, be informed to how much has been spent by Police and Health workers on making them safe, and maybe they could when sober, complete a 'remorse' penalty of doing some community service.

B) CCTV:

We recommend an extension of the CBD CCTV cameras usage to help the WCC and Police identify persons who clearly look like they have pre loaded too much, and would cause problems later with their behavior.

Presently 16 cameras are in use, extensively in the Cuba St/Manners St/Courtney Place. We suggest other sites be identified such as John Street Intersection, Basin Reserve and Johnsonville Mall.

C) PUB CLOSING TIMES

The Association acknowledges that in Newtown with only 4 licensed pubs that have raised their standards the activity is rather small, the patrons don't generally cause any difficulties so 3am closing could be in order, as often the patronage is small at that point in the evening.

In the CBD however, the Association supports the one-way door policy that will be tried with the pubs trying that concept earlier, from 12 midnight. We in the Newtown Residents' Association also feel that closing hours in the CBD should be staggered so as to avoid a sudden huge crowd pouring out onto the streets and on to us nearby suburbs. We understand that the WCC together with the Police and the Hospitality Industry will address this issue.

D) SUPERMARKETS - HOURS OF TRADING

We recognize that the off license trading by the large supermarkets sells 70% of wine and beer in NZ. We have two major Supermarkets in Newtown being New World and Countdown, both have extensive ranges of alcohol for sale and on display.

Linked to the issue of pre loading we advocate the supermarkets shortening their hours of selling alcohol to either 9pm or 10pm on any one night.

Also we feel the supermarkets could do an "educational encouragement program" to encourage customers to buy food when purchasing large quantities of alcohol. Such a concept could be developed within the stores need to develop a "Good Corporate Citizen" policy that includes engagement with the community.

E) SUPERMARKETS - ADVERTISING

The Association acknowledges any shop the right to advertise its product. But we feel that the two big supermarkets could advertise their alcohol products less aggressively and more conservatively. This means that posters displaying cheap prices of beer or wine shouldn't be allowed on exterior windows and walls. The new Act points that way as well.

Internally within these shops we would also like the aggressive advertising we see to be toned down a bit. The new Act will be establishing what size of display areas will be allowed, and how many and we wait to see the development and compliance to that, suffice to say, we feel some alcohol selling areas are already too large, and distract from the core purpose of the supermarket to sell food.

Supermarkets run extensive campaigns in local and nation newspapers, as well as extensive mail box drop (junk) mail. The percentage of each ad runs to almost 20 to 25% focused on alcohol. We feel the supermarkets should roll back such over the top advertising.

F) SUPERMARKETS – RUBBISH GENERATED

Given the large sales by supermarkets we raise the following issues:

- a) given the large extend of broken glass of beer and wine found on our streets particularly during Fri/sat nights, or any special events, it may be timely for the producers and sellers to move away from glass and move to cans only.
- b) also to see a 'bounty' put on glass bottles whereby customers could take the empty wine bottles back to the store and get, say 10 cents. (note, some supermarkets charge you 10cents for the plastic bag, so why not be paid 10 cents for the return bottles to be placed in glass/can recycle bins in the supermarkets car parks.
- c) as there is also an increase in the amount of beer cartons/containers left in and around the supermarkets selling beer we think these supermarkets should provide at cost to them more rubbish recycle and general rubbish bins to stop what is happening. Particularly at the John St area.

G) LICENSING

COSTS: The Association does agree that the full cost of alcohol licensing should be cost recovery on the industry/applicant. We do understand that WCC is moving towards that, rather than the present situation where the ratepayer pays 40%.

The cost of community groups licensing supervised BYO zones at community events in public places should recognise this as a volunteer not-for-profit community group host-responsibility initiative (required under the Public Place Liquor Ban) – a public service, and as such be much cheaper than for commercial based temporary special licensed areas that are selling alcohol for profit. This licensing cost, and the requirement for 2 Licensed Bar Managers to be in attendance is not what the Association was lead to believe would be required during the public consultation prior to the Public Place Liquor Ban.

H) DENSITY OF LICENSES:

We acknowledge that density of license raises many issues as to how many, who decides is enough and engagement with community. We say there are too many, but we recognize the hundreds of licensees, such as cafe's and numerous pubs are responsible and provide an important aspect of Wellington's vibrancy, food culture and entrainment scene.

We look forward to see what the WCC develops to address the issue of license density. We would be interested as to how a cap on bottle store/off licenses would work, how the community could be involved without having to go the 'oppose' or 'objection' route.

There should be emphasis on the authorities to move earlier against any licensee who is not up to standard.

I) CULTURE CHANGE

The Association acknowledges our deep centered 'drinking culture' and although no one authority (or persons) can have a magic wand to cure the downside of our entrainment style, we are pleased to see positive changes. We all know that the rugby 7s some three years ago was heading for disaster, but with co operation between the hosts, Police, Council and the Rugby Union better outcomes have been achieved the last two years. This meant that punters could still rage and party, watch some great rugby, but whilst at the same time exercising a greater degree of personal and group responsibility.

The Association notes with disappointment the huge sale of Alcopops or RTDs, which includes a high sugar content and high alcohol level at 8%, and as these drinks are targeted at our youth, we feel the off licenses who sell these products (and the suppliers) should pull back on their excessive advertising campaigns in regards these products.

The Association would support any initiatives by WCC/Health Sector/Hospitality Industry for educational programs regarding a person's right to drink and socialise, but enhancing 'with responsibility for themselves and for others. Members of the Association have participated at the various forums the WCC has conducted. We look forward to the policy development outcomes.

As my other email says if you, or others in the project team require more detail, or have any questions please feel free to email, or to phone me on 389 7316 or 027 41 69 731

Our Association's members are very keen to improve our city's response to this important social issue.

Regards

Martin Hanley

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139a Daniell St
Newtown
Wellington
7th December 2012

To:
The Liquor Licensing Agency
Wakefield Street
Wellington City Council
Wellington.

Attention: Ms Burt/Ms Binnie

OBJECTION TO A BOOZE LICENSE

I hereby lodge this objection to a booze license application sought by Eastern Foods NaeNae Ltd for a booze license at 5 Newtown Avenue, Newtown as notified in the Dominion Post on the 27th November 2012. The applicant is Kumar Sami of NaeNae, Lower Hutt.

I say the applicant is NOT suitable to hold a booze license because section 4 of the Sale of Liquor Act 1989 would not be met if a license was granted.

In lodging my objection I state the following:

1) There are already more than 24 booze licenses in Newtown between John St (the North end) and at the Zoo (the South End).

2) 15 licenses are in Cafes

3) Wakefield Hospital has one

Then there are four pubs being:

4) the Zoo Bar

5) Bar Edward

6) The Office

7) Newtown Sports bar

Then there are 4 Off Licenses held by:

8) New World Newtown

9) Liquor Land (Constable St)

10) the new Countdown in John St

11) 4 Square Shop

New World Booze turnover is in excess of \$3 million per year. Liquorland would be up with that figure also. The MAJOR off license sellers are New World, LiquorLand and the new Countdown will sell tens of thousands of dollars of booze.

Background issues to note:

12) I obtained a modification to the booze license of New World Newtown in 2010. The Licensing authority made several conditions to their booze license and reduced their license to 18 months. New World still has to comply with the conditions and it will take another hearing to make them do so!

13) In 2009 and 2010 the Newtown Community were very concerned, angry and upset by the outrageous behavior of various individuals who were buying cheap booze, getting drunk on the streets, fighting and scaring people. This anger moved to the calling of a number of public meetings and at the Daniel Street Hall (just 60 mtrs from the proposed shop) over 76 persons attended a meeting, including the Area Commander of Police, two MPs, 4 Councillors (including Ms Wade-brown who was a councillor at that time) plus church, school and health groups, who all called for a liquor ban to be put in place.

14) a delegation of 6 persons (including me) attended Council meetings and lobbied for a liquor ban. Council moved to place a liquor ban on Newtown, Berhampore and Mt Cook in August 2010. The community had public safety restored, less broken bottles, less public fights and school children could go about their business without the hassle of drunks.

15) the Liquor ban also helped people with booze issues address those. If another off license opens in Newtown it would be a backwards step for the community.

16) I attach as exhibit A a document that is a copy of the Wellington City Council's "*Proposal to amend Liquor Control bylaw*"

I will highlight and make comments to the Licensing Authority on appeal.

Page 3 10 points

Page 4 6 points.

YOU HAVE TO CONSIDER THAT:

17) This proposed shop at 5 Newtown Avenue is

- a) less than 100 mtrs away from the very busy local library and computer hub
- b) less than 100 mtrs away from the Childrens play area on the corner of Constable St/Riddiford St
- c) less than 40 mtrs away from McDonalds
- d) less than 30 mtrs away from New World (which is already a major booze outlet open 7am to 11pm 7 days a week.
- e) less than 10 (TEN) mtrs away from a major entrance to Salvation Army Centre that runs after school and Hoilday programmes church, plus many meetings in the early and mid evenings 7 days a week.
- f) less than 100 mtrs away from a major WCC Housing complex (Te Aro Hou) which also has a playcentre and Community Hall where after school and holiday programmes are held. As well as many meetings at night. There would be over 400 children living in this complex, and many walk the local streets now in safety. Many go down Newtown Ave to the shops, McDonalds or school. It would be madness to have an off license in this Street.

ALSO THAT:

18) there are many schools that would all be within 500 mtrs of this proposed shop.

Schools: St Annes, Newtown.

(Both primary schools)

Then WSIS (Intermediate) is just to the South and hundreds of young students pass this area on their daily walk to and fro school.

There are more than 3 kindergarten/playcentres within 400 mtrs of this proposed shop.

ALSO THAT;

19) there are many churches close by that would be effected by this proposed shop like:

PIC

Chinese Baptist

St Cuthberts

Mansfield St Gospel

City Mission.

20) The City Mission has it's regional headquarters just 50 mtrs from this shop. I have worked there in the kitchen as a volunteer for over 5 years. Some times 2 to 3 times a week but in the last year just on Fridays. Breakfast and lunch is provided as in a soup kitchen status and the customers can range from 50 to 90 in a day. The majority of the customers are recovering drunks, or with Mental Health issues, or still with drink issues. To have another off license open here would be utter madness.

ALSO THAT;

21) Wakefield hospital is only 500 mtrs away

22) the Wellington Regional Hospital is only 700 mtrs away which includes the A&E Dept and the Psy Ward for Mental Health patients.

23) The Salvation Army AA Hope Centre is only 700 mtrs away with their 'Recovery' operations based there.

24) a Mental Health trust operates a 'half way' house in Horner St which is just 400mtrs away as well as the close by Mental Health 'drop in centre'

25) IHC has a number of homes in Newtown that are close by. I worked as a Community Support Worker at one of the homes for over 4 years and the problems before the liquor ban for customers was difficult

26) There are a number of Maori Refuge and Refuge homes in Newtown that would be effected by this shop

ALSO THAT:

27) even tho Newtown has a large population there is only one Community Police Constable and he comes under a new team set up in Kilbirnie. This was an issue in 2009 when the Area Commander agreed to put in an extra 10 constables for 6 months to 'clean up' Newtown criminal behaviour issues.

28) Newtown Avenue is a poorly lit Street. This was noted by a safety team from the WCC who met with the Newtown Business Group in 2010. It still is. Newtown Ave is difficult to drive down as it is narrow and parking causes a problem. At the Western end is a taxi rank so this street is a busy area.

ALSO THAT:

THE APPLICANTS ARE NOT SUITABLE FOR A BOOZE LICENSE BECAUSE:

29) These applicants operate the Naenae Liquor Store and there were numerous difficulties with that shop caused drunkenness in the area. I worked as a Team Leader of Life Guards at the Huia Swimming Pool in Lower Hutt and on occasions would work at the NaeNae Swimming pool to conduct swimming programmes. Lifeguards had to escort customers out to their cars because of the abuse from drunks. The Council put in a liquor ban but then had to extend it to include NaeNae Park.

30) The applicant showed no regard for the NaeNae community just as now he is showing no respect to the Newtown Community.

31) This building where the proposed booze shop is to be located is very run down and would just be downright 'sleazy.'

32) The Hygiene and health issues associated with this building would surely mean a booze shop shouldn't be allowed to operate here.

33) The applicants family who runs the fruit shop on the corner on Newtown Ave suffered greatly before a booze ban was invoked. They often had drunks spewing, urinating and fighting outside their shop and at the taxi rank. Yet they were not forthcoming in supporting the community's quest to get the ban. Now they want to sell the booze that causes the problems.

34) The requested hours of operation are 7am to 11pm 7 days a week, that's 112 hours per week to sell hard booze, including the high alcohol content RTD. (Ready to Drink)! Note that New World, 30 mtrs away is already open 7am to 10pm which is 105 hours per week. Also around the corner 120mtrs away is Liquor Land who open 77 hours per week, particularly of the Thurs/Fri & Sat nights 10am to 11pm. Thus there are already plenty of hours available to the boozer wanting to shop.

I AM OPPOSED TO ANY LIQUOR LICENSE BEING GRANTED, BUT IF IN THE ALTERNATIVE ONE IS CONSIDERED I WISH TO MAKE SUBMISSIONS TO THE LICENSING AUTHORITY AS TO THE FEW HOURS THAT SHOULD BE ALLOWED, SUCH AS 12 NOON TO 8PM, TUES TO SAT, SOME 40 HOURS PER WEEK ONLY.

I ALSO SAY THAT:

35) This applicant would be aware of the application by Vees' Liquor Planet who in December 2011 sought a license to open a booze off license opposite the Newtown Primary School. 600 people signed a petition against it, over 200 persons submitted objections and public meetings were held. Members of the Wellington Hospital opposed the application. Vee exercised common sense and reasonableness and withdrew his application. I ask and suggest that this applicant do likewise.

36) I attach with this objection:

- a) a list of exhibits that I would give detailed explanations to the Licensing Authority on Appeal &
- b) a copy of newspaper articles that I would also comment on.

THEREFORE I SAY THAT IN THE INTERESTS OF THE NEWTOWN COMMUNITY THE DISTRICT LICENSING AUTHORITY NOT GRANT THIS APPLICATION AND REFER THE APPLICATION TO THE LICENSING AUTHORITY FOR A HEARING.

I AM OPPOSED TO ANY LICENSE BEING GRANTED TO THIS APPLICANT.


Bernard O'Shaughnessy

Booze Licensing Objection:

LIST OF EXHIBITS.

- A) ~~Wellington City Council - "Proposal to amend Liquor Control Bylaw"~~
~~This indicate the reasons and problems in Newtown before the Liquor Ban was Introduced.~~
- B) New Plymouth High Court Ruling showing that "Community Interests" are able to be taken into account when considering the grant of a booze license
- C) Article from Dominion Post reporting on Newtown's objections to Vee application for a booze license which was then withdrawn because of strong community objection. (14/12/11)
- D) Police National Strategy showing statistics of the problems of booze
- E) Social Policy of Salvation Army (Nov 2009) showing the effects of booze is a dollar cost for every dollar spent. That is \$7 billion drunk in 2011 equals \$7 billion of health damage!
- F) Dom Post article showing the Wairarapa District Health Board opposing booze application.



taranakidailynews.co.nz

" EXHIBIT B "

Booze licence ruling praised

MATT RILKOFF Last updated 05:00 21/07/2011

A New Plymouth High Court ruling that will change the way liquor licences are granted has won the praise of national drug and alcohol reform groups.

In what has been hailed as a landmark decision, the court last week essentially ruled the Liquor Licensing Authority was able to take into account the impact on the community when assessing the suitability of new liquor off-licence applications.

Before this decision the LLA was limited by section 35 of the Sale of Liquor Act to examining the suitability of the applicant and operating hours and conditions only. If those were met the licence could be granted regardless of what the community may have wanted.

The ruling has been greeted with delight by Rebecca Williams, director of Auckland-based Alcohol Healthwatch.

"We have a number of communities in Auckland and across the country still concerned about the proliferation of outlets. This is one tool to address those concerns. Ultimately we want this spelled out in law," Ms Williams said.

In the meantime the precedent set by the High Court ruling could be the next best thing. She said it would give the LLA the confidence it needed to take account of what the community wanted when assessing off-licence applications.

"This isn't about prohibition. It's about respecting the rights of people to feel safe in their community and have a legitimate say of what needs to happen in society. At the moment this is driven by commercial interests," Ms Williams said.

Last December and despite massive community opposition, Shree Sai Holdings was issued a licence by the LLA to operate Sai Wholesale Liquor near the lower socio-economic New Plymouth suburbs of Westtown and Marfell.

In response a group of business people and community leaders appealed against the decision. Last week the High Court ruled that in issuing the licence the LLA did not take into account the object of the Sale of Liquor Act 1989, which aims to contribute to the reduction of liquor abuse.

The Alcohol Advisory Council of New Zealand (ALAC), a body set up to encourage moderation in the use of liquor, would not comment.

- Taranaki Daily News

~~13~~
~~120~~ 8

Exhibit C.

**THE
DOMINION
POST**

Neighbourhood to fight Newtown liquor store

Liquor outlet plans to open opposite school

Last updated 15:49 12/12/2011

ANDREW GORRIE/Fairfax NZ

Rowan Hunter-Hall, 7, sits in front of residents opposed to a liquor store in Newtown.

A Newtown neighbourhood has vowed to fight against a liquor store opening directly opposite the school, saying there is enough drunken mayhem in the suburb already.

Concerned parents, teachers and locals have begun a petition to stop Vee's Liquor Planet from opening on Riddiford Street, straight across from Newtown Primary School.

Parents fear the liquor store - which aims to stay open till 11pm on weeknights - will attract drunks to linger outside, and see them vandalising the school and use it as a drinking venue.

Their protest comes after more than 100 people in the Porirua suburb of Cannons Creek marched against the relicensing of a local liquor store after getting fed up with smashed beer bottles, used condoms and drunk people vandalising the school and neighbourhood.

Community objections stopped a new bottle store opening in Cannons Creek in 2008, and the community is celebrating a small victory after the temporary closure of Fantame Liquor Store following a Liquor Licensing Authority hearing.

Before the Wellington City Council liquor ban came into place in Newtown in August last year, parents would take their children to the school playground on weekends to find equipment covered with urine, broken glass, and vomit.

Newtown School principal Rhys McKinley said groups of youths would often use the school as a party site, inciting all sorts of drunken behaviour - including once when a playground fort was burnt down.

"There were broken bottles strewn around, our caretaker had to come in early to clean up the damaged playground...it's the sort of thing that is unfair on our children and on our community, and we don't want that happening."

Newtown Community Centre co-ordinator Anna Costley said studies had shown the number of liquor outlets in an area increased alcohol-related harm, and there were enough in Newtown already.

Alcohol advertising on the store's frontage would familiarise children with alcohol, with the availability of alcopops a real concern for youth.

"It's about the future of our children, they are going to grow up in a community where alcohol is really normalised, and do we want that?"

An emergency meeting to discuss concerns and encourage submissions to the Liquor Licencing Authority against the proposal would be held at Newtown School hall tomorrow evening, she said.

A notice advising the application of a liquor license had taken place was glued to the building's window today.

The Law Company confirmed their client Vee's Liquor Planet had applied for a liquor license, and said the owner was currently overseas.

14/9

then can we stop the drunks???

SK #10 07:18 am Dec 15 2011

It seems like the person who is opening must have done a gr8 research in the area and he looks confident as he can take well care of such stuffs. Says in the article as he has already notified the school about it and even if gets opened he is not accompanying any kids in store and in the other way around he can notify cops if any activity occurs in the School premises, that would be my suggestion to him. He seems responsible... Good Luck... And nice expressions of the boy.. Well taught by Mum..

Patrick #9 03:36 pm Dec 13 2011

Will the meeting also shut down New World's liquor section? It's the #1 booze outlet in Newtown - but soon to be joined by Countdown on John St.

Andrew #8 01:25 pm Dec 13 2011

Bring back the good old days where you could only buy achohol from bottle stores or the wholesales when they open open 6 days aweek and closed by 10pm. This will fix the promble in no time.

DeepRed #7 10:17 am Dec 13 2011

Past studies have drawn a proportional relationship between crime rates and the concentration of liquor stores in a locality. To name just one example, South Central Los Angeles, which until the 1992 riots had more liquor stores than the entire state of Pennsylvania & Rhode Island.

<http://www.bphc.org/chesj/resources/Best%20Practices/Campaign%20to%20shut%20down%20nuisance%20businesses.pdf>

Former Netown-er #6 10:14 am Dec 13 2011

I totally agree that there should not be a liquor store in that site!

It was bad enough during the years that I spent working in Newtown that there would be people drinking on the benches that line the street at 8am, not to mention the vomit, urine and graffiti that you would find as you walked into your workplace (as previously mentioned)!

Surely there is enough (if not too many) places to buy liquor (including one of the few New Worlds to have the alcohol section to be the first thing you walk through as you enter the store) to bring in another opposite a school, which has already had problems due to drinking and general vandalism.

I hope the local retailers have stood up and said something. I know I would have!

The City is Ours #5 01:34 am Dec 13 2011

We support this community in their efforts to stave of yet another liquor outlet while the area is "saturated". Enough already.

Mark Needham #4 09:57 pm Dec 12 2011

Well done , the community needs to keep control of their community. Does Newtown not already carry its share of social responsibility? What with the out patients from the Wellington psychiatric wards and the unfortunate individuals on the methadone program. Is newtown now expected to carry more than its share of drunken disorderly behavior?

Ad Feedback

Show 1-3 of 13 comments

Post comment

Name: _____
Required

Registration is not required to post a comment but if you sign in, you will not have to enter your details each



Framework for preventing and reducing
alcohol-related offending and victimisation

2010–2014



25

Commissioner's foreword



It is a pleasure to welcome you to the 2005 New Zealand Environment and Heritage Report. This report provides an overview of the progress made in the past year and sets out the key priorities for the next year.

The report will be a key document for you and your organisation in the next year.

Since my appointment as Commissioner in 2003, I have been proud to work with you and your organisation to improve the environment and heritage in New Zealand. It is a privilege to be able to share with you the progress we have made and the challenges we still face.

It is my hope that this report will provide you with the information you need to make informed decisions about the environment and heritage in New Zealand. I encourage you to share your views and ideas with me and my staff. Your input is essential to the success of our work.

I am confident that you will find this report a valuable resource for your organisation.

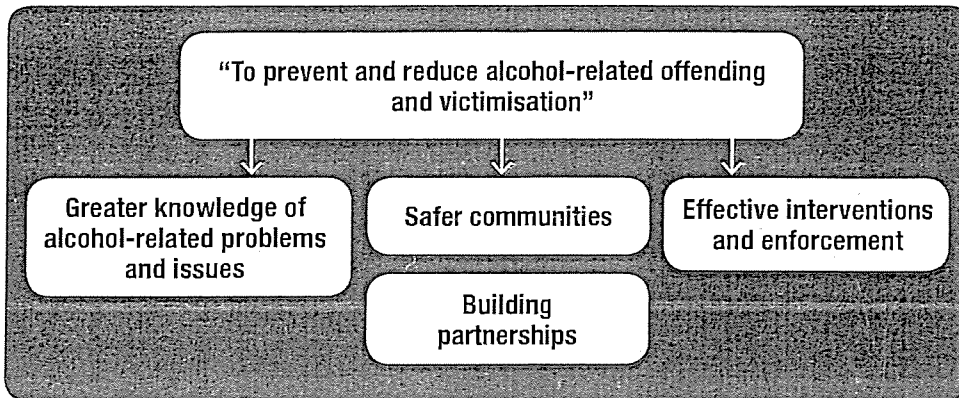
Howard Broad

Commissioner of the Environment and Heritage

RA

Our aim

The aim and outcomes of New Zealand Police's framework to reduce alcohol-related harm:



The outcomes of this strategy will be delivered through five main areas of activity – Prevention, Intelligence, Enforcement, Reassurance and Support (PIERS):

- Prevention** Police actions that will prevent and further reduce alcohol problems including problem solving in partnership with communities
- Intelligence** Police actions that will improve our knowledge and understanding of alcohol problems or issues
- Enforcement** Police actions that will directly impact on alcohol problems and issues through the deployment of Police resources
- Reassurance** Police actions that will improve public confidence in our ability to deal with alcohol problems or issues
- Support** Police actions that will improve non operational areas of policing in supporting our aims and strategies (e.g. training).

What Police has achieved so far

Since the launch of the Police Alcohol Action Plan in 2006 there have been significant increases in Police's enforcement levels of many alcohol-related activities. These include:

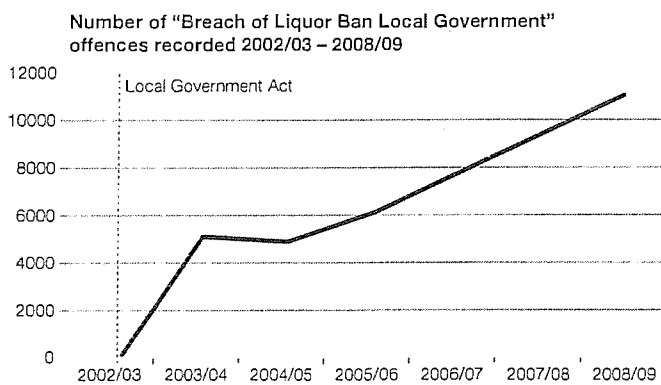
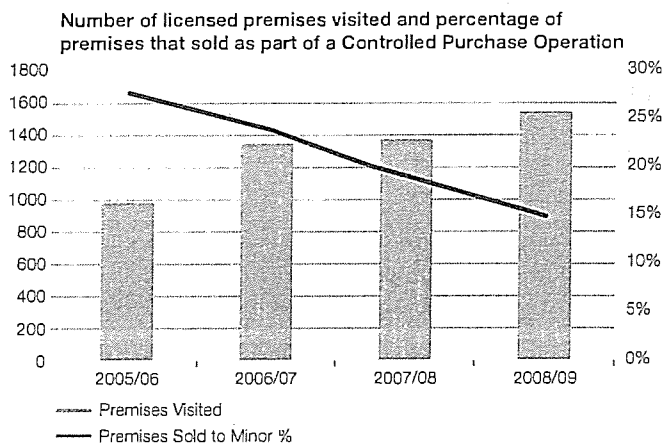
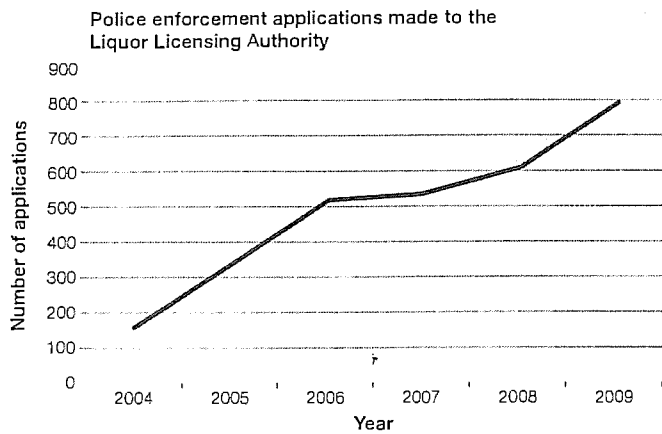
- The number of compliance checks of licensed premises has increased, with 15,041 visits undertaken in 2008/09;
- A 53% increase in the number of enforcement applications made to the Liquor Licensing Authority for the cancellation/suspension/variation of licences or manager certificates (516 Police applications in 2006 increased to 787 applications in 2009);
- The number of licensed premises checked through a Controlled Purchase Operation increased by 64% between 2004/05 and 2008/09. This has resulted in improved compliance by licensed premises, with a decrease in the percentage failure rate (licensed premises which sold to the minor) from 28% in 2005/06 to 15% in 2008/09;
- Since 2005/06 there have been approximately 1,500 additional breach of liquor ban offences per annum, with 11,081 recorded offences in 2008/09; and
- The number of breath tests undertaken by Police has doubled between 2006 and 2009 (1.6 million breath tests in 2006 up to 3.3 million in 2009).

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The use of high quality alcohol-related intelligence and data is now routinely used within Police, especially since the introduction of Police's Alco-link system.

Police continues to be a part of many strong partnerships reducing alcohol-related harm at both the national and local level. These partnerships have initiated and tested new ways of reducing alcohol-related harm.



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EXHIBIT "E"

Editorial

Alcohol—what to expect from SPPU

Just in ...

The issue we're exploring in this *In Touch* is alcohol—desirable, harmful or simply a commodity? The Law Commission has compiled a historic discussion document canvassing New Zealanders with a question that has dominated much of our past and could influence our future too: *Where (should) the balance lie between the benefits we derive from alcohol and the harms being experienced by individuals and society at large?* (The Law Commission, 2009).

The Editorial of Major Ian Kilgour starts our conversation with a summary of how the Social Policy Unit is engaging with the 'alcohol question'. Alan Johnson in *Just Politiking* explores some of the economic and political debates surrounding alcohol, and in *Just Speaking*, Major Lynette Hutson, the National Manager of Addiction Services, shares something of the Army's innovative engagement with addictive persons. Malcolm Irwin in *Just Theology* concludes our conversation with some theological thoughts on what The Salvation Army might add to the formation of a national alcohol policy.

Engage with these commentaries and invite others to explore with you what alcohol means for your own context.

The Unit's focus for some time has been preparation of papers addressing the issues and impacts of alcohol in NZ society. This is timely as throughout the year there has been a groundswell of public concern joining with expressions of concern and alarm from Government agencies and authorities about the harm caused by irresponsible drinking.

The Unit is gearing up for the release of its work and this will be done in a staged manner so as to gain maximum impact. It is important to note that papers and reports from SPPU are crafted for different audiences and will not be of universal interest. This is because we primarily target those who have influence in specific areas. For example, our paper on taxation and alcohol, 'Excising Excess', is very technical but is geared to those involved in tax reform and, in any event, the tax system is complex.

On Friday 30 October we made our written submission to the Law Commission's Review on Alcohol (available on the Army's website) and in mid-November we'll be releasing the paper on 'Excising Excess' prepared by Alan Johnson. At about the same time a discussion paper prepared by Malcolm Irwin entitled 'A Contest of Spirits' will be circulated. This paper will explore some of the debates that have informed the historical and enduring temperance position of The Salvation Army.

Later this year a report will be published on the findings and analysis of twenty focus groups drawn from Bridge clients and convened by Dr Bev James, an independent researcher, looking at the triggers that influenced people to start drinking and the pressures to drink excessively. This adds data and evidence for our research.

In March 2010 a full research document will be produced, summarising the above papers and introducing new material. This report, we believe, will be a substantial contribution to continuing debate on this vexing issue.

When facing complex questions about the use of alcohol, particularly given our Salvation Army stance, there are emerging tensions between principle, pragmatism and proof. While we may have a clear organisational and personal position, our arguments become tempered by the awareness that 'politics is the art of the possible'. So while not compromising on our Salvation Army principles, we recognise they apply to us as a matter of choice—not to others who will continue to use alcohol regardless. Nevertheless, we want to care about preventing harm to all people and the wider society.

IAN KILGOUR ian_kilgour@nzf.salvationarmy.org

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Sites we're seeing ...

The blogs ...

Duncan Cotterill
 LAWYERS

The Salvation Army would like to thank Duncan Cotterill Lawyers for their generous financial support to the Social Policy & Parliamentary Unit.

Next time ...
 An Ethical
 Christmas

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Just politicking ...

Taxing gin and sin

Around 1690, William of Orange, a Dutch aristocrat and husband of Queen Mary of England, imported gin from Holland to England. The drink was an immediate favourite, particularly with poorer people because it was easy and cheap to produce. An era variously known as the 'gin craze' or 'gin madness' followed for the next sixty years with the Government and religious leaders attempting to gain control of the drink and arrest the social problems it caused.

Between 1729 and 1751 the British Government introduced five Acts of Parliament in an attempt to control the drink. These Acts included the 1736 Gin Act, which attempted to impose a tax of 20 shillings a gallon on the retail sale of gin and to licence gin sellers. The 1736 Act was an abysmal failure as it drove gin production and sales underground. In 1743 there were riots in London in opposition to the tax on gin.

The 1751 Gin Act met with more success because it attempted to lower the tax on gin and to encourage the gin trade to become more legitimate. By the late 1750s the craze was dying out, mainly because grain prices rose as a consequence of bad harvests and the use of grain for gin became secondary to its value as food. It has even been argued that the popularity of gin was dealt a further blow in 1830 with the Sale of Beer Act, which removed the tax on beer and so made beer relatively more attractive as an alcoholic beverage, particularly for the poor.

From this history we can see that the idea of taxing a harmful product like liquor is not new. Such taxes have been called 'sin taxes' or sumptuary taxes because they are levied on goods or activities that are not seen to be socially desirable. The main targets of sin taxes have been liquor, tobacco and gambling, with most countries—including New Zealand—having a long history of imposing duties or excises on these.¹

The basic idea behind sin taxes is that if something costs you more, you are likely to buy less of it. So if this 'something' is harmful to you or society or both, then any reduction in consumption is good for you or society and perhaps both. Markets and the pursuit of profit cannot be relied upon to price their goods or services to a level that will reduce consumption to less harmful levels. Most likely, markets and private enterprise will do the exact opposite by encouraging greater consumption a 13 looking to supply excessive amounts of the good or activity. This means that the Government should intervene both by regulating the sale or provision of the good or service and by raising its price by imposing taxes.

There is, however, a conflict for Government in collecting taxes to reduce harmful or undesirable consumption by its citizens. Governments can and probably do become seduced by the revenue that these taxes provide, so are careful not to kill the proverbial golden goose by overtaxing the good or activity and driving down consumption too much.

Sin taxes, however, allow the taxing authority to appear virtuous by claiming to be reluctantly imposing a tax for the greater social good but saying little about what they intend to spend the tax revenue on. For example, in 1989 the New Zealand Government put in place the alcohol and tobacco tax regimes that we have today. In the commentary to the 1989 Budget the Government claimed that:

The basic case for heavier taxation on alcohol and on tobacco lies in the social costs of their consumption. In the case at least of alcohol, this is somewhat arbitrary, since everyone faces the higher taxes on alcohol but most drink only in moderation. Nevertheless, the Government believes that the social harm that can be caused by excessive consumption of alcohol justifies the collection of a separate tax related to the alcohol content of alcoholic beverages.²

While the Government offers the social cost of smoking and drinking a justification for its taxation of tobacco and liquor, there has been very

little work done on what these social costs actually are. If we had a better handle on both the nature and extent of the social costs from tobacco and liquor, and perhaps gambling, then we could have a decent public debate about the extent to which we as a society want such things in our lives. If as a society we agree that we need less tobacco, liquor and gambling then Government on our behalf could go about reducing these through a range of interventions including regulation, public education, more addiction programmes and taxation.

Estimating social costs is never an easy or uncontentious exercise. There will always be disputes over what sorts of things should or should not be included as social costs or social benefits, and there are serious ethical arguments against even trying to put a monetary value on some things such as a human life or a person's suffering. Inevitably, those who attempt to make such estimates are shot down by those for whom the findings are an 'inconvenient truth'. Their criticisms are seldom about the moral value of what it is being attempted but about the researchers' starting assumptions or methodologies.

A fine example of such a dispute emerged in July 2009 between researchers commissioned by public authorities to make estimates of the social costs of liquor in New Zealand and others who are or might be working for the business lobby.

In 2008, Wellington-based research company BERL was commissioned by the Ministry of Health and the Accident Compensation Commission to estimate the social and fiscal costs of alcohol abuse. It seems unlikely that the agencies commissioning the report did so without some ulterior motive of shifting the public debate around the costs of liquor in New Zealand society. BERL's report³ diligently identified huge social costs of \$5.7 billion per year, fiscal costs of around \$1.2 billion and direct public expenditures of \$700 million by the Police, ACC and prisons alone.

In response to such findings came the apparently independent analysis of academics Eric Crampton from the University of Canterbury and Matt Burgess from Victoria University. They suggested that BERL's methodology and starting assumptions were flawed and that the actual costs were just 5% of BERL estimates or around \$150 million. Crampton and Burgess's findings were applauded and promoted by Business Roundtable boss Roger Kerr.⁴

On the face of the evidence that we see and read it seems difficult to believe that the net cost of liquor in our communities is a mere \$150 million each year. The Police report that 31% of crime is alcohol-related (though not necessarily alcohol-caused) and that alcohol is a contributing factor in perhaps 80% of the domestic violence incidents that they are involved in. ALAC suggest that as many as one-in-five New Zealanders drink harmfully from time to time, and a recent report in the New Zealand Medical Journal suggests that 35% of injury-related attendances to A&E clinics are alcohol-related.⁵

The Law Commission's current review of New Zealand's liquor laws has provided us with an opportunity to examine the bigger picture of alcohol in our lives and to consider how we might bring about a cultural change that provides New Zealanders with a healthier attitude toward liquor. To bring about such cultural change requires effort and courage from our leaders both within Government and in civil society, including the churches.

While the Government cannot and probably should not be expected to engineer the necessary cultural change, the environment it creates through regulation, enforcement and taxation has a huge impact on the success or failure of attempts by others to promote healthier attitudes towards drinking and liquor. One of the first things the Government should do is to come clean on its underlying objectives for collecting alcohol taxes. Ideally, it should move its purpose from one of simply collecting revenue to one of using liquor taxes to reduce demand for and

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Just politicking ... (continued)

Taxing gin and sin

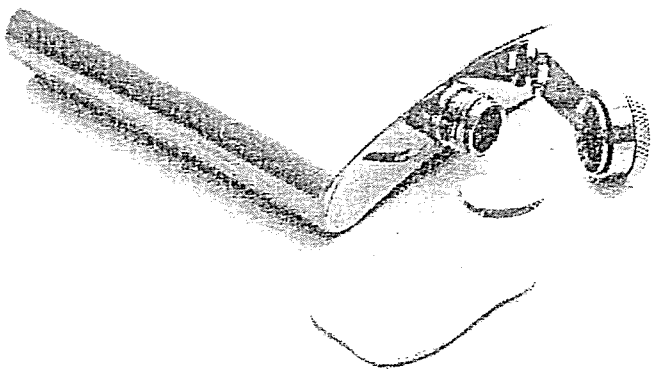
consumption of liquor.

If the Government does reconsider the role of taxation within a new campaign to reduce alcohol-related harm it would do well to remember the experience of our British forebears nearly three centuries ago. Lesson one is that there is a limit to how far a Government can go before the citizens begin reacting badly. Lesson two is that behaviours often change for unpredictable reasons. Lesson three is that a policy cannot be seen in isolation from other policies or approaches. These are harsh lessons that suggest that alcohol taxation isn't the cure-all that some suggest it could be.

Gin and sin are still with us, despite the taxes and the laws, the appeals and the recriminations. The solution may lie in taking a broader view of human behaviour and to work out what motivates us to change. Simply telling people what to do or what not to do hasn't proved very successful. Offering them choices and opportunities for alternative ways of living, might work.

ALAN JOHNSON alan_johnson@nz.salvationarmy.org

- 1 In 2008/09 the New Zealand Government raised \$829 million from alcohol excise duties, \$1,063 billion from tobacco excise duties and \$215 million from gaming duties. This is around 4% of the Government tax revenue. See p.51 of Financial Statements of the Government of New Zealand at www.treasury.govt.nz/government/financialstatements/yearend/jun09/fsgnz-year-jun09.pdf
- 2 This is cited on page 25 in Brian Easton's paper for the Alcohol Advisory Council (ALAC) titled 'Taxing Harm: Modernising Excise Duties', which is available on ALAC's website.
- 3 BERL authors Slack, A.; Nana, G.; Webster, M.; Stokes, F. & Wu, J. (2009). 'Cost of harmful alcohol and other drugs use'. BERL Economics for Department of Health and Accident Compensation Commission, available at www.berl.co.nz/874a1.
- 4 See Kerr's opinion piece in the NZ Herald on 7 July 2009 at www.nzherald.co.nz/news/article.cfm?c_id=1&objectid=10582879&pnum=0
- 5 Humphrey, G.; Casswell, S. & Han, D.Y. (2003). 'Alcohol and injury among attendees at a New Zealand emergency department'. *Journal of New Zealand Medical Association* 116(9)



Just speaking of ...

The Salvation Army's Addiction Services

From its earliest days The Salvation Army has dealt with people caught in addiction. Alcohol was the scourge of the poor and it was recognised that for many people the ability to control their consumption was lost. In an age where this uncontrolled use was viewed as being due to a lack of willpower, The Salvation Army's response stood out in contrast as being loving and compassionate.

William Booth's *'In Darkest England and the Way Out'* was a revolutionary approach to eradicating poverty and bringing people back into belonging in their communities. Saving the drunkards was included in this plan.

Here in Aotearoa New Zealand, The Salvation Army was similarly involved in responding to addiction from the start. Firstly, through our Prison Gate homes and then, in 1908, with the work commencing on Rotorua Island. The focus of society was still around moral weakness rather than a health condition but both men and women benefitted from the early support given by The Salvation Army.

Over the years, the concept of 'treatment' has emerged, along with the realisation that addiction is a treatable condition. The Salvation Army's involvement has been consistent and caring. We have also supported the families of those addicted and have provided a non-judgemental opportunity for people to live life differently. The understanding that spiritual transformation is a critical factor in recovery is fundamental to The Salvation Army's work in this area and continues to define us as treatment providers.

In 1959, the Wellington Bridge was opened as the first of the modern treatment service. Treatment at this point was all done residentially and usually for a six-month period. Gradually, Bridge Programmes commenced in Christchurch and Auckland, then Hamilton, Waikato, Whangarei, Dunedin and Invercargill. There are now Bridge Programmes in 15 locations.

Of greater significance has been the development of a broader continuum of services. One size does not fit all and the differing needs of addicts has led to a diverse range of treatment options. A person entering treatment today can expect a full assessment of their individual needs and circumstances. From there, a treatment plan is developed and this may include a period of residential support, a day programme, outpatient counselling, aftercare and referral to other supporting services. It could be a women-only option or it could be a programme where children accompany their parents.

Patterns of alcohol and drug use have changed significantly over the years. With the increase in marijuana use and the advent of a range of other drugs, treatment services have needed to find relevant and effective ways of responding to specific treatment needs. The refining and development of new treatment approaches has radically altered The Salvation Army's approach to treatment in the past decade and has enabled us to develop and grow our services and our treatment responses.

With the health reforms of the 1990s we were under pressure to look at whether our services were effective and responsive and whether or not we could do things better. As a result, the Bridge Model of Treatment was developed, which has taken us in a new direction. From the 'one size fits all' of residential treatment, we have developed a full range of services and our focus has shifted to giving people practical skills and knowledge of how they can overcome problems to live successfully in recovery. Included in this concept is the intention that people do best when they are connected with family/whanau and the community. Safe accommodation is critical, and employment or training gives people a sense of purpose and personal competence. Self-esteem rises when people have these elements in place.

The Bridge Model of Treatment consists of four elements: the context is The Salvation Army, the treatment theory is the Community Reinforcement Approach, the Twelve Steps is an effective and valuable addition, and the

Just speaking of ... (continued)

The Salvation Army's Addiction Services

concept of partnership is the fourth element.

The Community Reinforcement Approach focuses on helping people identify what things in their world work positively for them and what things harm them. The aim is to develop positive skills and find strategies to overcome negative aspects of a person's environment. The aim is to reintegrate people into their own family/whanau and community.

The concept of 'partnership' is another shift in how services are delivered. Increasingly, we recognise that people who come for help bring a range of skills and experience that will be the stepping stones to a new future in recovery. Instead of Bridge Programme staff being the experts and telling clients what to do, our focus is on walking alongside and guiding them to develop their own goals and their own solutions. Partnership also has another aspect in the Bridge Programme Model of treatment. We live in a bicultural nation, which is underpinned by the Treaty of Waitangi. We recognise that we have much to learn but also much to offer in our relationships with Maori and with the 24% of our client group who identify with Maori.

Another significant development is the range of aftercare services across the country. These services have developed as it was increasingly clear to us that people can gain insight and learning and make significant steps to change while attending a treatment programme, but that the critical point is when they return to their own world and try to implement the changes and live life in a completely different way to previously. This requires ongoing support, and so services have been expanded to ensure that this support is in place.

Recovery Churches are a vital and vibrant part of Bridge Programmes. The spiritual base of our programmes has always been in place, but these worship expressions allow people to explore a spiritual connection and relationship at their own pace and in their own way—with guidance and support.

In the past six years The Bridge Programme has grown significantly and further new expressions of service are being developed all the time. In the past year we have opened two new Bridge Programmes in Kaikohe and Kaitia, commenced the provision of Court-based assessments in Whangon, and opened a new residential facility in Hamilton. Preparations are underway to open a range of new services in Christchurch that will include beds for justice clients, extended treatment, and community-based support for women with their children and family work. A most exciting and innovative programme has been commenced—working with the Notorious Chapter of the Mongrel Mob to address their addiction issues. This programme takes whole families and works holistically with them in a seven-week residential programme followed by ongoing community support. It has the potential to address some of the most marginalised and disadvantaged people.

LYNETTE HUTSON lynette_hutson@nz.salvationarmy.org

Just theology ...

Alcohol—the debate, problems & questions

Alcohol is cloaked in ambiguity.¹ It is cultivated, brewed, distilled, packaged, promoted, distributed, taxed, sold, demanded, widely consumed and vigorously debated. A long line of interested groups compete to determine the meaning and place of alcohol and of drinking in our communities.

THE DEBATE

Bernard Orsman² described these divergent interests in a front-page article for the *The New Zealand Herald* and in only twenty-three sentences captured the incredible span, shape and deep intensity of the 'drinking debate' that has dominated our national history and is set to define something of our shared future.

The article headlined with 'Banks scraps booze law change' and stated: 'Liquor law changes which would have closed Auckland suburban bars before midnight will be scrapped after receiving a hostile reception from the hospitality industry.'

Orsman continued with the various interested voices.

The Mayor of Auckland, John Banks, who initially endorsed the draft law changes, was depicted as now saying: '... the liquor issue would have damaged a key constituency—with which [I have] had a long association.'

The Alcohol Advisory Council entered the conversation next, with the chief executive, Gerard Vaughan, commenting: 'We know that reducing hours is an effective means of reducing harm from alcohol.'

Maureen Gordon of Kings Arms spoke for the publicans: 'It would have sent good publicans to the wall. It would have been fatal to us.'

Sara Tucker of the Hospitality Association added: 'The policy would have seriously impacted on hundreds of businesses and jobs while not contributing to the reduction of alcohol related harm.'

And, lastly, there is the pragmatic voice of Inspector Andrew Coster of Auckland City Police, who is presented as saying that the police '... would keep working with the council on measures to improve the way the sale and supply of alcohol was managed.'

There it is: the 'drinking debate'. The disagreement, the discourses in dispute, the combative emotions, conflicting claims, the lobbying, the legislation, the players and stakeholders, the positioning (and re-positioning) of seemingly polar opposites. And at the centre of the fuss: how we're drinking.

THE PROBLEM

Alcohol is a major player in our national economy, a multi-billion-dollar industry that in 2008 made available the equivalent of 9.5 litres of pure alcohol for every New Zealander aged 15 and above. The industry employs some 7,270 people in the manufacturing of alcohol and more than 62,000 in the hospitality and retail services that surround it (liquor stores, pubs, cafes, restaurants, and clubs). The New Zealand Law Commission estimates that 'over 80 percent of the adult population of 2.98 million drink at least occasionally' and in 2008 'New Zealanders spent an estimated \$4 to \$5 billion ... on retail alcohol sales - roughly \$85 million per week'.³ The Alcohol Advisory Council (ALAC) has drilled down even further and gauged that 760,000 drinkers binge drink regularly, 125,000 of them younger than seventeen years old⁴.

The magnitude and economic worth of these numbers not only signal how culturally embedded alcohol is within our communities, but because of its everyday widespread use, how costly drinking can become to all of us when it is abused. Alcohol-misuse contributes to some 1000 preventable deaths every year, including injuries, road casualties, accidents, suicides and cancers. Young people (particularly males) aged between 15 and 29, and Maori and Polynesians bear a disproportionate amount of this

Just theology ... (continued)

Alcohol—the debate, problems & questions

alcohol-related harm. Alcohol-fueled anti-social behaviour and domestic violence is intimidatory and a recurring saboteur of how safe people feel at home or in public. Police statistics for 2007-2008 recorded that 30% of all criminal offending was committed by a person who had consumed alcohol before committing the offense. The Police had to act as taxi drivers and 'nursemaids' on 21,263 separate occasions in 2007-2008 for people who were considered excessively intoxicated and at risk to themselves or others. Alcohol-related crashes accounted for 30% of our total road toll in 2007. We collectively 'pay' for the presence of this alcohol-misuse in our communities through accidents⁵, taxes, personal injury, insurance fees, court costs, lost wages, inefficiency or reduced productivity, stretched police, judiciary, medical and penal resources, or even tragically, with the loss of life. The criticised BERL report has estimated that the 'social cost' of harmful alcohol use in New Zealand exceeds \$5 billion annually.⁶

These statistics and the painful human stories of excess inside of them have led the Law Commission to question: 'whether we have struck the right balance between the benefits consumers enjoy from the liberalisation of the laws regulating the sale and supply of alcohol and the harms associated with the abuse of alcohol'.⁷ The problem, in the legalese of the Commission, is how to 'design a suite of measures that will target the harm without damaging the interests of the reasonable drinker?'⁸ There is no hint of moving toward national prohibition or returning to wowerism. 'But', adds the Rt Hon Sir Geoffrey Palmer, President of the Law Commission, 'the preliminary evidence suggests the time has come to review the policy settings to reduce the excesses and curb the harm. That view has wide support. It is supported by a range of highly credible groups, including judges, medical specialists and police.'⁹

THE QUESTIONS

What could the voice of The Salvation Army add to the 'drinking debate'? What could we bring to the formation of a national alcohol policy? What could we contribute at the policy table?

Would we call on our history and look to Catherine and William Booth? How they framed the 'drinking question'? Catherine Booth argued strongly that alcohol 'not the abuse of it, but the drink itself, is an evil thing, in very truth a "mockery", the product of Satanic art and malice, (and is) to be rejected and eschewed by all who have any regard for their own or their neighbours' wellbeing'.¹⁰ Denouncing the 'demon drink', distancing oneself from its temptations, pledging abstinence¹¹, love of God and love of neighbour were interchangeable and practically indistinguishable for early 'Salvationists'. William Booth embraced the emerging scientific language of the nineteenth century and spoke of 'disease and habit'. He claimed that the simplistic moralism of 'mere lectures against the evil habit (were) ... of no avail'.¹² The 'drinking problem' is a 'disease' and a 'habit' and not simply a moral issue. The language of 'disease' located the responsibility of the 'drinking problem' within the pathology of the drinker, while the language of 'habit' located the sources of the 'drinking problem' within the pathology of a harmful 'drinking culture' and environment of excess. William Booth consequently concluded that the community had a critical take in defining and (re)solving the 'drinking problem': 'All this should predispose us to charity and sympathy. While recognising that the primary responsibility must always rest upon the individual, we may fairly insist that society, which by its habits, its customs, and its laws, has greased the slope upon which these poor creatures slide to perdition, shall seriously take in hand their salvation'.¹³ What would be the impact of these voices on the 'drinking debate'?

Would we draw on our vast experience in the rehabilitation and treatment of 'alcoholics'? The national website of The Salvation Army's Edge Programme claims that '... the ultimate goal of alcohol treatment is to

enable an individual to achieve lasting abstinence, but the immediate goals are to reduce alcohol abuse, improve the patient's ability to function, and minimise the medical and social complications of alcohol addiction and dependence' (www.drinking-problem.sab.org.nz). Our Bridge centres admitted 975 individuals in 2008 for intensive treatment—"individualised interventions" that help problematic drinkers and drug users with the skills, steps and tools necessary to change from a dependency on drinking and drugs to a greater sense of awareness, self-control and personal responsibility. What would be the impact of these voices on the review and restructuring of our national alcohol policy? Would they ironically support the advocates of liberalisation given that they too emphasise a concern for individualising the 'problem' and personal responsibility?

Would we look to the Scriptures? The Bible is not as clear cut on the 'drinking question' as we might like to imagine. There are over 200 references to drinking wine in the Scriptures. There is a strong caution against 'drinking to excess'¹⁴, a host of condemnations of drunkenness as a form of idolatrous or self-centered indulgence¹⁵ and a recognition that wine is a God-given creation to be treated carefully and used rightly.¹⁶ The implicit freedom that these Scriptures hold for individuals who choose to drink can never be exercised at the expense of the freedom of others. The Apostle Paul counselled a Corinthian church grappling with excessiveness: "I have the right to do anything", you say, but not everything is beneficial... not everything is constructive. No one should seek their own good, but the good of others' (1 Corinthians 10:23-25, NIV). And later, to the Galatian community: 'You, my brothers and sisters, were called to be free. But do not use your freedom to indulge the sinful nature; rather, serve one another humbly in love. For the entire law is fulfilled in keeping this one command: "love your neighbour as yourself"' (Galatians 5:13-14, NIV). Imagine if these Scriptures could make it to the policy table. How would these voices help (re)shape a national alcohol policy?

What if we enlarged the framing of the 'drinking debate' to include a critique of the cultural dominance of excess, the hegemony of over-consumption and over-production that is ruling New Zealand? What if we framed the 'drinking question' to be in essence a questioning (and possibly a re-imagining) of what we collectively value and of what kind of future we hope to share in together? How could these questions strengthen the scope of the 'drinking debate'?

The 'drinking question' is set to dominate the political debates of 2010 with the Law Commission due to release its final recommendations to government in March of next year. These debates constitute a critical juncture in our collective history, a moment we can all actively engage in to shape the feel and look of what our future could be together. What will you bring to the table?

MALCOLM IRWIN malcolm_irwin@nz.salvationarmy.org
 Blog with me at www.justcomment.org

1 See C. H. Cook, 2006, *Alcohol, Addiction and Christian Ethics for a historical analysis of the changing definitions of alcohol*.
 2 Bernard Orsman, 'Banks scraps booze law change', The New Zealand Herald, Auckland Edition, Monday September 28 2009.
 3 Law Commission, 2009, *Alcohol in our Lives*, An Issues Paper on the Reform of New Zealand's Liquor Laws.
 4 *Alcohol Abuse—Driver or Lubricant of Crime, Rethinking Crime and Punishment*, RECAP Newsletter, Issue 63, August 2009, cited at www.rethinking.org.nz
 5 Up to 22% of ACC claims are alcohol-related and for every 100 alcohol or drug impaired drivers killed in car crashes, 54 of their passengers and 42 sober road users die with them. Ministry of Transport Alcohol and Drug Crash Factsheet, 2008, cited in Law Commission, *ibid*.

Just theology . . . (continued)

Alcohol—the debate, problems & questions

- 6 See Business and Economic Research Limited (BERL) *Costs of Harmful Alcohol and Other Drug Use*, report prepared for the Ministry of Health and Accident Compensation Corporation, 2009, Wellington.
- 7 Law Commission, *ibid.*
- 8 Law Commission, *ibid.*
- 9 Rt Hon Sir Geoffrey Palmer SC, President Law Commission, *Sale of Liquor Project*, Media Release, 30 July 2009.
- 10 Catherine Booth, 1879, *Papers on Practical Religion*, S.W. Partridge and Co., London.
- 11 Catherine Booth insisted that to become a member of The Salvation Army adults had to sign a document entitled 'Articles of War' and pledge to 'abstain from the use of all intoxicating liquor, from the use of tobacco in any form, and from the non-medical use of all addictive drugs...'. Children (Junior Soldiers) could sign a simpler pledge of temperance. These documents continue to inform and shape what membership means in The Salvation Army.
- 12 William Booth, 1890, *In Darkest England and the Way Out*, The Salvation Army, London.
- 13 William Booth, *ibid.*
- 14 See Proverbs 20:1; 23:20-21; 23:29-35.
- 15 See Genesis 9:20-25; Isaiah 5:22; 19:14; 24:20; 28:1,7; 29:9; Jeremiah 25:27; 48:26; 51:39,57; Ezekiel 23:33; Joel 1:5; Habakkuk 2:15-16; Luke 21:34; Romans 13:13; 1 Corinthians 5:10-11; 6:9-10; 11:21; Galatians 5:19-21; Ephesians 5:18; 1 Thessalonians 5:7; 1 Timothy 3:2-4; Titus 2:2-8; 1 Peter 4:3.
- 16 See Genesis 14:18; 27:28; Exodus 29:40; Deuteronomy 14:26; Psalm 104:14-15; Ecclesiastes 9:7; Isaiah 25:6; 55:1; Amos 9:14; John 2:1-12; 1 Timothy 5:23.

A destitute man had turned up for the night. He often came, it seemed, there being no institutional arrangements in the city, and he was never refused. So there he was in the living room, hungry, dishevelled and dirty, getting stuck into the meal provided by the mother of the household. The point wasn't lost on the speaker or the young translator that the dance of language that had so eloquently expounded the good news to the poor and release to the captives was another thing with this unwelcome visitor expecting bread and bed and explaining as he noisily ate that his only alternative was another crime to ensure board of sorts in the local jail.

That night in Aizawl was an eye-opener for the preacher. But what really woke me up was another happening just the other week. I was on my way into Wellington to hear a theologian talk about Philippians 2, and was musing on the self-emptying of Christ and our calling to follow his example. Absorbed in pondering this lofty spiritual theme, I was startled when a man crossed my path asking for money. His brother, he said, was to have picked him up two hours before, and he had to get to Masterton, so could I help with the cash. Instantly judgement and fright kicked in, 'Sorry, mate, I haven't got any money on me'. Not true, as I had a fiver in my bag. The combination of suspicion (probably not a genuine case) and fear (he'll grab my bag) put an end to that short encounter. I scurried to the lecture, but the sub-text 'caring for people' in Paul's injunction: 'Let each of you ... look to the interests of others' (Philippians 2:4), rattled me then and still does.

In short, I'm working on just one phrase of the mission statement these days: 'caring for people'. Just imagine if the awkward, abortive encounter had resulted in:

- me and the stranger holding up our respective untruths to the light and so being able to look each other in the eye;
- a clearer understanding of what Gandhi had in mind with his phrase 'may it be the help they need';
- a way of being that shows the spirit of John Gowan's 'each other's tears attempt to dry';
- not fear, anxiety and suspicion in meeting others, but a discerning and generous openness;
- a grasp of the idea that even in a world in which a sixth of the population lives on less than a dollar a day, 11 million children under five die each year and well over 100 million children don't attend school. It isn't about handouts since dependency produces hostility, and we in our international Army are committed to comradeship with each other and collaboration with all who will fight for justice.

Just imagine!

WE
WELCOME
YOUR
FEEDBACK



SOCIAL POLICY AND
PARLIAMENTARY UNIT
NEW ZEALAND, FIJI
& TONGA TERRITORY

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(Handwritten initials/signature)

Just essays . . .

The Social Policy and Parliamentary Unit invited public contributions that discussed Walter Brueggemann's judgment that: 'The future hangs on a slice of bread, a welcoming bed, a shared coat'. Here is one of the best by Margaret Hay:

ESSAY BY MARGARET HAY

You can't beat a short description of your business. Like our beautiful little mission statement which in ten words describes the Army's mission in this territory as 'caring for people, transforming lives, reforming society by God's power'. The dream of those who hammered it out was that each morning every Salvationist from the newest junior soldier to the ripest veteran would when their feet hit the floor know what they were about that day. True, the international leadership of the time thought the statement too cryptic, and directed that an expanded version should be produced. But the tough little core statement stands, a working mission statement describing what the Army in New Zealand, Fiji and Tonga, by God's power and grace, is daily involved in.

Now, zooming over the horizon comes Brueggemann calling a spade a shovel with his bit of bread, available bed and second-hand coat as the guts of the thing. And here's SPPU pinning us down with the inaugural essay competition and the requirement to say something. Brueggemann's sentence has unnerving power, I'm finding, leaving me flustered, like the first disciples faced with a mass of hungry people and hearing their young Lord's even voice: 'You yourselves give them something to eat'. Which reminds me yet again that love of neighbour is the acid test of belief.

Caring is often seen as a soft option, the easy part of the mission statement. But not so, I'm finding. A couple of stories to illustrate. The first happened a few years ago after the Sunday night meeting in a thriving corps in Aizawl, the mountain capital of Mizoram, north-east India. The preacher gave a rattling talk from the peerless text in Luke 4 with a fantastic translator to a fired-up and largely young congregation. The meeting over, the translator invited us to his home for supper. When we arrived he was quietly but very evidently furious

THE DOMINION POST

(-Exhibit ^F)

DHB against new Wairarapa booze store

MATT STEWART Last updated 16:48 13/12/2011

Wairarapa District Health Board has opposed an application for a new liquor outlet in Masterton, saying staff have serious concerns about the number of liquor stores in the region.

Submissions closed today on an application with Masterton District Council to build a Liquor World bottle store on the corner of Harlequin and Queen Streets.

DHB chief executive Tracey Adamson said there was already 31 off-licences in Wairarapa and the region did not need any more.

"The abuse of alcohol and the drinking culture in New Zealand creates major costs for the health system. People fuelled by alcohol who crash cars and cause injury to innocent people are patched up in our emergency department and care for in our hospital wards. We are tired of picking up the pieces especially when these are avoidable costs."

The board and staff had serious concerns about the proliferation of liquor outlets throughout the region.

Wairarapa Hospital acute services charge nurse Vicki Hookham said emergency department staff saw first hand the impact of alcohol-related harm on health services.

"We see drunk, unruly people every Friday and Saturday night.

"Our staff get tired of the abuse and the extra work they cause but we have to rise above it. It is particularly difficult though for staff who work routinely every Saturday night - they cop it the most."

DHB chairman Bob Francis said the board had concerns about the increasing number of off licences in the region and the location of the proposed liquor outlet in Masterton.

"It is near UCOL, the Youth Centre known as "The Spot", a childcare centre and the YMCA. The location is inappropriate. We are also concerned about the number of liquor outlets which provide easy access to alcohol which is often abused.

"Alcohol abuse affects our whole community through addiction, loss of employment, family breakdown and domestic violence. The impact of alcohol abuse on the health system is intolerable."

- The Dominion Post

26
21

Licensing Objection:

LIST OF NEWSPAPERS ARTICLES

- 1) Crackdown of Sevens, showing problems of PRELOADING on booze. Dom Post 26 Nov 2011 ✓
- 2) ~~Vandals strike in Newtown: Wellingtonian 8.10.09~~
- 3) ~~Liquor Licence Challenged": Wellingtonian 5 Nov 2009~~
- 4) ~~Liquor battle lines drawn": Wellingtonian 28 Jan 2010~~
- 5) Police try to crack down on suburbs's drunks: Dompost 21 Jan 2010 ✓
- 6) 50,000 liquor ban warnings: Wellingtonian 5 Aug 2010 ✓
- 7) ~~Will Newtown New World move its liquor: Citylife news 8 Sept 2010~~
- 8) Supermarket sales boost liquor abuse say police: Dompost 29 Dec 2010 ✓
- 9) Abusive drunks make doctor feel like giving up: Dompost 10.6.2011 ✓
- 10) Emergency staff sick of treating abusive drunks: Dompost 10 June 2011 ✓
- 11) The vexed issue of school balls: Wellingtonian 16 June 2011 ✓
- 12) Most World Cup trouble likely from boozy locals: Syuff 6 July 2011 ✓
- 13) Booze ban for cup games: Stuff 25 July 2011 ✓
- 14) Zoombie walk & booze binge culture: Dom post letters ✓
- 15) Teen buys booze with ease in police blitz: Dom post 2011 ✓

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Crackdown on sevens boozing

"DOM POST"
Saturday
26 Nov 2011

Lane Nichols

IT'S the country's biggest dress-up party but authorities are vowing to crack down on alcohol abuse at next year's Wellington Sevens and prosecute anyone plying drunk fans with booze.

"Pre-loading" ticket-holders who binge ahead of games are also on notice. Drunks or anyone caught smuggling in their own alcohol will be denied entry to Westpac Stadium.

In a sevens first, police officers will be stationed at stadium liquor outlets during February's tournament to monitor alcohol sales and ensure grossly intoxicated fans are not served.

Inspector Simon Perry said



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are not served.

Inspector Simon Perry said police would also monitor waterfront bars ahead of games. Licensed premises that allowed pre-loading fans to get drunk would face prosecution under the Sale of Liquor Act.

"Our view of the sevens is the actual event at the stadium has become less important. It's a city-wide party."

Wellington City Council issued its own warning yesterday. Liquor inspectors would monitor bars during the sevens weekend and "if necessary enforce the law".

The council was also planning an "ease up" campaign to encourage responsible drinking.

Mr Perry said stadium systems to prevent drunkenness had not proven effective and intoxicated fans had continued to be served alcohol at previous tournaments.

Wellington Hospital emergency medicine specialist Paul Quigley said the measures would go some way towards decreasing alcohol-related harm, but more education campaigns were needed.

During the two-day tournament the emergency department was at its busiest with drunk, dehydrated and sunburnt people.

"I have to say that the stadium very rarely causes problems ... it's the downtown environment that causes the bigger problems."

Meanwhile, the Alcohol Advisory Council warned this week that the annual fixture was promoted as a "drinking event", encouraging spectators to abuse alcohol.

"The sevens is really in a league of its own," chief executive Gerard Vaughan said. "It's a two-day party. People's expectation is that that's what it's all about."

Men's party: An "ease up" campaign is planned for the rugby sevens.

'It's a festival of rugby. Part of that is providing food and drink to people and, clearly, alcohol is part of that.'

STEVE WALTERS
NEW ZEALAND INTERNATIONAL SEVENS

His concerns follow police warnings this week about "grossly intoxicated" young women and drunken brawls at the Toast Martinborough wine festival.

During the Rugby World Cup, Wellington Hospital emergency department staff said some drunk patients had reached "life-threatening" levels of intoxication, with drunkenness levels on a par with the Wellington Sevens.

And young women became so severely intoxicated at this year's sevens that police had called for reduced alcohol-related harm at future tournaments.

Marketed as "New Zealand's biggest sports festival", the event's website says sevens-goers can "party" at Westpac Stadium then play on at "party zones" in Courtenay Pl and Cuba St.

Tickets jumped in price this year but 10,100 two-day passes released last month were snapped up within three minutes.

One of the tournament's major sponsors is Speight's brewery.

New Zealand International Sevens general manager Steve

Walters denied the event was marketed around drinking and said the focus was on rugby.

"We're conscious this is a 10-hour event. It's a festival of rugby. Part of that is providing food and drink to people and, clearly, alcohol is part of that.

"There certainly is a big part of the crowd going along for the party. That is a big part of the tournament."

Mr Walters said rugby officials worked closely with police, the stadium and Spotless catering to ensure that the event was well managed, and did not want intoxicated patrons causing problems.

"We don't want anyone to be there spoiling it for themselves getting intoxicated, annoying other people and causing problems. So we'll certainly be doing all we can to limit that."

Asked why drunks had been served alcohol at previous tournaments, Mr Walters said Spotless held the liquor licence.

"Our expectation is we don't serve intoxicated people."

The vast majority of sevens-goers did not cause trouble and police were generally happy with the event, he said.

A Spotless spokeswoman said the company abided by relevant laws, developed alcohol management plans with organisers and police, and provided staff training on responsible alcohol service.

"It is in Spotless' interests to remain vigilant and to continue to monitor how it can improve patron safety at events."

30/24

Police try to cr

Dave Burgess
WELLINGTON

RESTRICTING the sale of alcohol to troublemakers, charging to use public toilets, and banning drunks from parks have been proposed by police in a bid to make Newtown safer.

But Wellington City Council's response is to have its Walkwise officers patrol the suburb, and to offer free graffiti-removal kits to businesses and residents.

The *Dominion Post* has obtained a copy of the *Problem Profile: Misuse of Alcohol in Newtown* report compiled by police after locals raised concerns about street drunks.

Residents are demanding a 24-hour liquor ban in the suburb.

The report identifies Newtown's drinking hotspots used by a group of "unkempt" men aged 30 to 40 who commit disorder-related offences.

Police recommend restricting the sale of alcohol from local shops to this group, although how this would be achieved is unclear.

The Foodstuffs-owned Newtown New World has been criticised for putting its alcohol section inside its front door.

Police believed Liquorland Newtown, owned by Trust House Community Group, was selling liquor below cost.

But the trust's operations general manager Allan Pollard disputed the claim. "I would have to see some of the proof from the police to know what they are talking about."

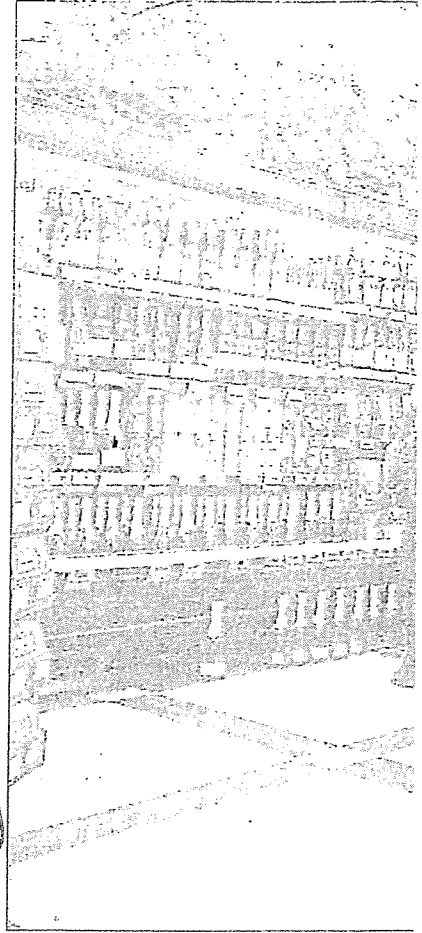
There were 1295 reported disorder offences in Newtown from January 2006 to May last year - a rate of about 7.5 a week.

Most offences were during summer, on Friday to Sunday from 8.30pm to 3am and during the three hours after midday.

Two drinking zones tackled in the report are Carrara Park and the children's play area on the corner of Constable and Riddiford streets.

Police believe drunks hang out at the play area because it has toilets. The report suggests Wellington City Council introduces a user pays scheme for the toilets.

It also wants to trespass drunks from Carrara Park and arrest them



Readily accessible: Newtown New World.

if they breach the conditions. Police also recommend the use of a mobile CCTV camera and the installation of a permanent camera at the intersection of Riddiford and Constable streets.

Wellington City Council's citizen engagement director Wendy Walker poured cold water on the use of surveillance cameras.

"CCTV is only useful in catching people, not preventing behaviour, so is not recommended at this stage, given the nature of incidents."

But Walkwise patrols would be used as the council monitored the situation during summer. Free graffiti-removal kits would also be on offer.

Ms Walker said the council was willing to talk to residents about introducing a user pays system for

Check down on suburbs' drunks



Supermarket acting like a 'bottle store'

Amanda Fisher

A WELLINGTON supermarket has had liquor licence curbed and been asked produce a plan of how it will sell alcohol like a "good corporate citizen".

Newtown New World's liquor licence was renewed for a reduced period of months - instead of the full three years - after Liquor Licensing Authority chairman Judge Edward Unwin questioned whether, given its emphasis on the sale of liquor, it was a "bottle store which also sells groceries".

The hearing was in response to Newtown resident Bernard O'Shaughnessy's objection to the licence renewal because of alcohol's position at the store's entrance and general liquor sale practices.

The authority also imposed a condition that the supermarket produce a business plan at the next renewal, covering the sale of beer in single bottles; the large display of liquor at the store entrance; the hours of sale between 7am and midnight; and the store's liquor advertising.

Mr O'Shaughnessy said he was disappointed with the outcome, which had implications for supermarkets in general as well as the hospitality industry.

"New Zealand has to address the binge drinking problem - we need more moderation and balance."

Newtown New World owner Gary Fisher would not comment, but Foodstuffs Wellington managing director Tony McNeil said the supermarket would look at the "very reasonable" suggestions.

Foodstuffs, which owns the New World brand, would recommend that Mr Fisher acknowledge the suggestions, but "that's between him and the Liquor Licensing Authority".

Foodstuffs would send recommendations to all stores not to place liquor at the front of stores or sell single bottles of alcohol. Any changes to liquor advertising and trading laws would not happen before Government review of liquor sale legislation, due out this year, Mr McNeil said.

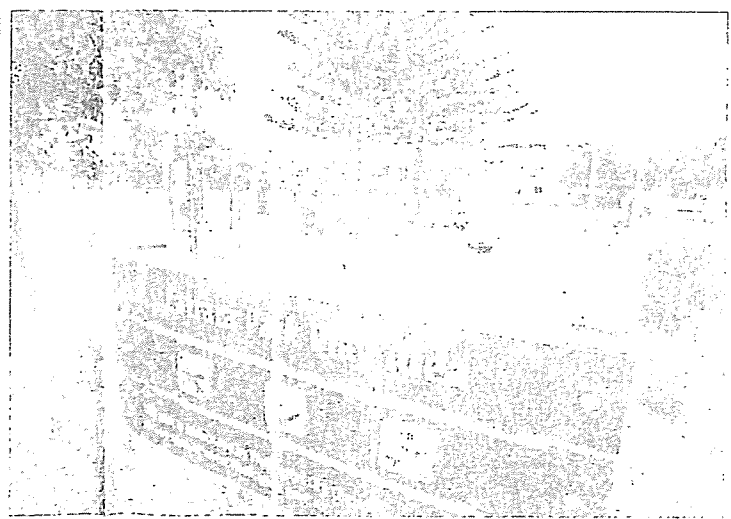
by Foodstuffs. has been criticised for setting up its alcohol section just inside its front door.

ms on the St toilets. "[But] there is no intention at this stage to pursue a liquor ban ... and we are unlikely to trespass in public places such as Carrara Park."

Newtown Residents Association spokesman Tom Law said the council's response was inadequate.

Association spokesman Tom Law said the council should implement a liquor ban in Newtown.

A liquor ban would give the association a tool they could use to deal with the behaviour of people who are under the influence of alcohol. The association also wants the council to carry out a safety audit of Carrara Park to look at street lighting, the use of CCTV cameras. The graffiti-removal kits were irrelevant to the problems highlighted in the report, Mr Law said.



Drinking hotspot: Newtown's Carrara Park is a favourite hangout for drunks. Police believe they are drawn to the play area because it has toilets.

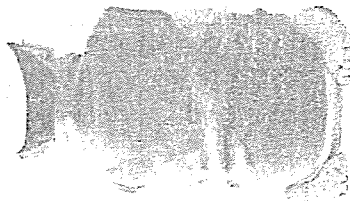
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Qantas Community Newspaper of the Year

The Wellingtonian

AUGUST 5, 2010

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SALAAM
Local mosques
open their doors
to non-Muslims



GENDER BENDER
Risqué cabaret
celebrates our
differences

50,000 liquor ban warnings

By JIM CHIFF

Police have issued formal warnings to an average of 20 people every day for the past seven years for breaches of Wellington's liquor ban.

The ban prohibits people consuming or carrying open containers of alcohol in public. Wellington police area commander Peter Cowan, confirmed through a police spokeswoman that police had issued more than

50,000 formal warnings under the ban, and made 2000 arrests.

The ban took effect from October 2003 and initially applied to the inner city on Friday and Saturday nights. The ban extended progressively to fulltime, then to Oriental Bay, Mt Victoria, Central Park and Aro Valley, and most recently to Newtown and Mount Cook.

The goal of the ban was to allow police to intervene early to manage the effects of liquor consumption

in public places, and associated anti-social behaviour.

Is the huge number of warnings a sign the ban is not working?

"No," said Wellington Mayor Kerry Prendergast.

"I think it shows the opposite." "My understanding is there has been a 9 per cent decrease in violent offences in public," she said.

"The ban is an early-intervention tool. You could argue that that represents a lot of serious offending that didn't hap-

pen."

Police crime statistics show no significant change over the past three years in Wellington, with 2347 violent offences reported in 2009. In 2002 there were 1707.

Reported public-place assaults in Wellington police district rose from 122 in the year to June 2009 to 136 in 2010.

Councillor Iona Pannett, who opposed a whole-city public liquor ban, said the police warning numbers could be a sign the ban

was not changing behaviour.

"It is absolutely the reason I voted against this," she said.

"It is about criminalising people and bringing ordinary people into contact with the police."

Inappropriate use of alcohol is a huge issue, Ms Pannett said. Rather than a prohibition of alcohol in public, a package of measures was needed to minimise alcohol's harm.

Inspector Cowan declined to comment further.

Handwritten signatures and initials at the bottom of the page.

Exhibition

8

Supermarket sales boost liquor abuse say police

THE DOMINION POST WEDNESDAY, DECEMBER 29, 2010

A2

NEWS

HARMFUL drinking is being fuelled by supermarkets, say Christchurch police, who have vowed to fight liquor licence applications by the stores.

Sergeant Al Lawn, who heads Christchurch police alcohol strategy and enforcement team, said he was disappointed that a licence had been granted for a new Countdown supermarket in Hornby.

The Liquor Licensing Authority approved the off-licence in November.

Police and the Christchurch City Council district licensing inspector opposed the application, saying the supermarket used cheap alcohol to attract customers.

Mr Lawn said selling alcohol cheaply encouraged "front-loading", where people drank heavily before going out. "We know that increases liquor abuse.

"The pricing over the last few years has had a major effect on front-loading, which is probably the biggest single issue in alcohol use in New Zealand.

"[Supermarkets] have morphed into off-licences that sell groceries. Beer and wine are their biggest-selling products."

That applied to all supermarkets. "They are all as bad as each other."

Police would gather evidence of supermarkets' pricing strategies and use it to oppose licence-renewal applications, he said.

The licence for Countdown Hornby runs for 12 months.

In its decision, the authority said the supermarket had "well-established strategies in place instructing its staff in alcohol-harm risk-management and server intervention".

There was no evidence to show it was an unsuitable applicant.

Riccarton-Wigram Community Board chairman Mike Mora said there were about 16 licensed premises within four square kilometres in Hornby and that was too many.

A spokeswoman for Countdown owner Progressive Enterprises said the company would abide by the licence rules. "Progressive Enterprises does not sell liquor below cost at any time."

The Press

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BA

Abusive drunks make doctor feel like giving up

Disorderly behaviour at Wellington Hospital

ANTONIO BRADLEY Last updated 05:00 10/06/2011

Drunk and abusive patients at Wellington Hospital's emergency department have made Linda Head reconsider whether she wants to continue being a doctor.

"They always swear at us. I've been hit once by a drunk patient but that was because I was trying to sew up his head

STORY: Hospital staff thanked with a punch

Otago University research, published today in the New Zealand Medical Journal, looked at how drunk patients affect staff and other patients in the ED and found a "significant" negative impact on the workload and safety of its staff.

Dr Head said drunk patients flowed into ED throughout the week, but peaked about 3am, when they would arrive in comas, or agitated and swearing, and sometimes trying to punch people.

"They just do it all the time. I don't take it personally. I don't particularly like a lot of the patients that I see, and it's made me think about whether or not I want to be a doctor ... having to deal with so many people that are just living such destructive lifestyles. It wasn't what I did medicine to do."

Of those patients who had not drunk themselves into comas, Dr Head had treated men with broken hands from punching, or injuries to their heads from being punched and kicked by others.

One woman required surgery to dislodge a stiletto heel from her forehead after another woman attacked her in Courtenay Place.

Dr Head said 99 per cent of people arriving in comas had drunk themselves into that state, but staff were still required to test for other possibilities.

"We can't exclude them having some other illness that's caused it, or an injury, so we end up having to scan their heads – CT scans – which are quite expensive."

A lot of hospital beds in the weekends and at night were taken from sober patients by drunks, many of them students whom it was unsafe to discharge because they could drown in their vomit.

Nurse Melanie Taankink said the number of drunk patients was increasing, but they were also getting younger. "It really affects me because I've got kids that age, and it makes me upset that they're getting into that so early and they're losing their innocence."

Staff expect binge-drinking patients after big events in the capital. "We all dread the days where we know there's going to be an event on. Student night – which is Wednesday night – Friday, Saturday, especially Saturday, when all the guys go out for drinks afterwards," Ms Taankink said.

She mostly treated females between 18 and 25 with "next to nothing on", who were semi-conscious and vomiting over themselves or the department.

"They go out and get drunk really quickly and then end up in here before they've even gone to town. They're very small they're very skinny.

"They're the type that probably don't eat all day to try and keep into their little skimpy outfits to go out. But they don't actually manage to get to town."

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28

Emergency staff sick of treating abusive drunks

ANTONIO BRADLEY Last updated 05:00 10/06/2011

A deluge of abusive drunks is straining Wellington Hospital's emergency department, clogging its systems and demoralising staff to such an extent that at least one doctor is considering leaving her job.

Nurses say they dread night shifts at the department and have told of constant verbal abuse and occasional physical assaults, damning research by Otago University reveals.

"They're very common events, which many of these frontline staff appear to endure stoically as part of the job," senior researcher Fiona Imlach Gunasekara said.

The research, done at Wellington Hospital and published in the New Zealand Medical Journal today, looked at how drunks affect staff and other patients and found a "significant" negative impact on the workload and safety of staff.

In all, 47 staff from the department, including doctors, nurses, ambulance officers and radiographers, gave their views. Those, 21 said they had been abused verbally and 13 – all nurses and ambulance officers – said they had been physically assaulted.

Emergency department doctor Linda Head told The Dominion Post a drunk patient had hit her after throwing a punch while she was trying to stitch his head.

One of the nurses interviewed by researchers said: "The culture of drinking needs to be looked at. A lot of the time, people will wake up in EDs in the morning and go, 'Oh God, what's happened?' and have a laugh and walk out. They don't realise how bad it is."

Wellington emergency department specialist Paul Quigley said the research showed the effect from drunk patients was greater than he had realised, especially on staff morale. Liquor laws needed to be changed and the department needed more staff at nights.

"This is not just people whingeing. This is not just doctors and nurses being high and mighty and better than everyone else. In fact, we go out drinking as well, but we don't end up in our own emergency department."

What Wellington hospital emergency department staff told researchers

On calling the police: "I have no hesitation in calling police, just cos they're drunk. If you assess someone and they're breathing, talking, yelling and going to physically hurt you, then they're probably just as safe in a police cell as they are waiting in the emergency department. As much as they have a right to be treated, we have a right to be safe in our work environment." – Nurse

On delays: "If you've got someone that's really pissed, they can cause problems while they're waiting, which means a lot of your time is wasted supervising them or even just keeping them in the back of your mind, so things do slow down." – Doctor

On ethics: "The drink-drivers that come in and absolutely destroy people's lives, and have absolutely no insight into what they've done at times, they are really hard to treat as well. Morally we have to be completely objective in our level of care, but it can be hard if you know that the person you are treating has killed two other people just because they do this drink-driving thing." – Nurse

On the drinking age: "We're getting examples of 12 to 14-year-olds drinking and ending up at ED. Those people have only been presenting to ED since the drinking age was lowered." – Nurse

- The Dominion Post

5 comments

[Post a comment](#)

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11

The Wellingtonian

The vexed issue of school balls

The tragic death this week of Auckland 17-year-old David Gaynor after a school ball has lessons for everyone.

It has become a big news story because it involves an exclusive private school, King's College.

Furthermore, David was the son of well-known businessman and media man Brian Gaynor. To add more spice, he had been drinking at a pre-ball hosted by former Fonterra boss Craig Norgate.

The fact that a rich school and high-profile business figures were involved should not cloud the central issue - school balls and their sometimes dire consequences.

The temptation is to focus on King's, which has had to endure several tragedies over the past year or two. But this is unfair to King's.

The well-publicised comment of former Cabinet minister John Banks that there were "serious issues" that required examining at the school tended to further confuse the situation.

Although some of those running their own agendas would enjoy having a crack at a notable private school, that is unfair in the David Gaynor case.

He was given alcohol at a pre-ball. When he attended the ball he was assessed as intoxicated, and his father was contacted. Brian Gaynor arrived and drove off with his son.

It is difficult to point to any area in which the school was remiss.

The issue is school balls in general, which seem to be more trouble than they are worth.

Certainly Wellington College and some other high schools around Wellington have decided that's the case.

There is no Wellington College ball these days, or at

least not one that the school involves itself with.

A group of senior students may decide to organise a function, but it has to be removed from the school grounds and does not involve the school.

The term "ball" is a misnomer anyway. The expression once conjured up visions of grand occasions with elegant dancing and music. Today a school ball is often little more than an opportunity for intoxicated teenagers to gather in formal surroundings.

Schools try all sorts of remedies in dealing with these annual headaches.

These range from having none at all to scheduling them for Sundays in the hope that the students might be inclined to moderate their drinking (generally unsuccessful because they merely skip school on Monday), to having strict alcohol bans.

The problem generally isn't the ball but the after-balls and, more recently, the pre-balls.

These gatherings are seldom subject to the same level of supervision. Alcohol (and often drugs) are freely available.

In no way should the school be held accountable for what happens at pre- and after-balls.

However, they will still be the first port of call if a tragedy occurs.

It's time more attention was paid to parents who bow to pressure from their teenagers and agree to host pre- and after-balls, and then don't do enough to ensure reasonable safety measures are in place.

They are the root cause of the problem, not the schools.

At school ball time, teenagers are crying out for a bit of decent guidance.

On such occasions they need their parents to step up. They need responsible parents, not just older mates.

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AB WJH

12

Most World Cup trouble likely from boozy locals

MICHELLE DUFF Last updated 05:00 06/07/2011

While Rugby World Cup organisers roll out initiatives to encourage Kiwis to be good hosts, police are expecting most the trouble during the tournament to come from boozed-up locals.

More than 70 officers will police the Wellington CBD during the eight games in the city, targeting areas around Westpac Stadium, and the fan zones near the wharewaka on the waterfront and Courtenay Place.

Wellington Hospital is preparing for a deluge of drunken presentations at the emergency department, with plans to set up a mobile triage centre in Tory St to treat and discharge people with "minor problems" from Courtenay Place.

Nationwide, police have had leave restrictions put in place, with the force expected to be at full strength during the two months of the tournament.

Rugby New Zealand 2011 is encouraging people to give visiting teams a "special welcome" by learning their anthems language, and supporting their fans.

Free online training is being offered to boost customer service skills, and a campaign to discourage fans from booing opposing teams is believed to be in the pipeline.

RNZ 2011 director Leon Grice said the aim was to "provide positive messages" about getting involved, rather than preaching about good behaviour.

"How we turn [visitors] into 85,000 walking brochures for New Zealand during the tournament is really important."

The Rugby World Cup police commander, Superintendent Grant O'Fee, said analysis of crime statistics after previous test matches showed riots after games were unlikely, regardless of the All Blacks' performance.

Any trouble was likely to stem from locals rather than tourists, who had paid big sums of money to come here.

"It might sound like a novel idea but people come here to watch the footy, not to get plastered ... it's not the international tourists. The problems we will have will be the local people who have too much to drink and come into town and get themselves in strife."

The quarterfinals weekend in Wellington on October 8 was expected to pose the biggest challenge for police.

Wellington Police Rugby World Cup head Inspector Simon Perry said police would bolster their presence around the stadium gates, helping security personnel with bag checks and monitoring liquor outlets.

- The Dominion Post

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NATIONAL

Booze ban plea for cup games

TOM HUNT Last updated 05:00 25/07/2011

A bid to ban booze from Wellington's Rugby World Cup games has been submitted by a Wellington citizens' advocacy group.

The move has been labelled "nonsense" by one Wellington city councillor – but has high level support from other corners.

Spotless Facility Services has had to apply for a new liquor licence for Westpac Stadium because during the tournament it becomes the Wellington Regional Stadium, a new entity.

6 The City is Ours group is opposing the licence application, saying the tournament has been marketed as a family and educational event and should not be linked to alcohol.

It said promotion of liquor at the tournament would be unattractive to overseas visitors, security at the stadium was unsuitable for selling liquor, and drunken behaviour would put pressure on hospitals.

The group's opposition comes as drinking at sporting events has been criticised.

Submissions to stop a liquor licence for this year's Hawke's Bay Racing Spring Carnival told of aggression, fighting, vomiting and people snorting drugs through rolled-up banknotes at previous events.

Judith Aitken, who sits on the Capital & Coast District Health Board and Greater Wellington regional council, has thrown her weight behind The City is Ours.

"It's hard to imagine what intellectual and ethical machinations it requires to even contemplate another liquor licence in our city," she said.

"The burden on our emergency services is just the tip of an intolerable situation – the private damage even worse."

0 Doug Sellman, of the National Addiction Centre at Otago University, supported The City is Ours bid but doubted it would be entirely successful.

However, he thought the group's opposition might lead to greater restrictions on the licence, such as limiting how much liquor people could buy.

Wellington city councillor John Morrison, who sits on the Wellington Regional Stadium Trust, has labelled the opposition as "utter nonsense" and a waste of time. "It's sort of a reminder of prohibition."

The City is Ours targeted the tournament because it was a high-profile target to peddle an anti-drinking message, he said.

Rugby World Cup 2011 spokesman Mike Jaspers said the priority was to ensure all fans had a "safe and enjoyable experience".

Games would have extra police and security, no spirits would be sold in public areas, and volunteer liquor-control monitors would watch the crowds and queues.

Submissions to the Rugby World Cup Authority closed on Friday.

- The Dominion Post

34 42 BB

in the crown of Wellington Maori. The nonsense has gone on long enough.

14

Heaven help us if

I note with my taxpayer hat on the number of arrests and injuries related to alcohol after the rugby sevens.

Heaven help us if we win the Rugby World Cup. As taxpayers we pay \$5.3 billion a year for alcohol-related damage - that is \$14.5 million a day. The excise take on alcohol in 2008 was \$907m.

There must be a reason for someone in charge not doing the maths. I don't believe that reason is our "drinking culture", as alcohol consumption is price-elastic and alcohol-related damage is worsened by advertising.

This month our select committee on alcohol law reform needs to hear from taxpayers that increasing the tax on alcohol and reducing advertising will limit the waste our corporate alcohol climate has created.

Go the All Blacks, and go the legislators - we will never have a better opportunity.

DR TONY FARRELL
Mt Maunganui

Zombie walk and booze binge culture

After watching the drunken zombie walk that is "our" sevens weekend, forgive me for not taking seriously any attempt at any level of government to curb our binge drinking culture.

Though it is bad enough that a blind eye is turned by all in authority, these gangs of testosterone-filled morons are given the key to our city and spurred on by your own publication to "party hard".

It seems the only ones profiting from this event are the bar owners and beer barons. Maybe they could spare some of their massive takings to hire some clean-up crews for those of us who have to live with their mess after the "party" is over.

BILL MOSS
Vogeltown

Israel doesn't offer friendship

Your correspondent David Horowitz,

editor-in-chief of the *salem Post*, is correct to express (Feb 3) Israel's fear that the movement sweeping the Middle East may result in a swathe of hostile regimes springing up.

But his analysis of Israel's responsibility is faulty.

I too once reported for *Jerusalem Post*, in the 1980s when it was a respected newspaper. The Right-wing government mouthpiece of today.

Israel has done the minimum to neutralise regional economic problems and has caused them with its invasions of Gaza and Lebanon.

He says Israel desperately wants to normalise relations, for the 44 years since it conquered the West Bank it has pursued policies to annex territory - creating "facts on the ground". It may have given up every inch of the Sinai but it wasn't Israel's land to begin with.

While Horowitz says Israel is not "some terrorist superpower" it certainly behaves that way with its state-sponsored assassinations.

He complains that Israel's Turkey has shifted - small wonder in the wake of the brutality which Israel dealt with the Turkish peace flotilla last year.

Horowitz says Israel desperately wants to normalise relations with neighbours, but it is only prepared to do so on its terms and for convenience, not out of genuine friendship.

SIMON LOUISE
Seatoun (Aberdeen)

We don't support bulldozing

An article (*Council expresses vote favours park over homes* 28) states that "the only member of the public to support the bulldozing option was Friends of the chairman John Lancashire".

This statement completely represents Friends' position. The point did Friends say they were houses bulldozed.

The expressway route proposed in the NZTA public



88

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813

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15

Teen buys booze with ease in police blitz

Michelle Duff

EVERY Wellington pub visited in a trans-Tasman policing operation sold alcohol to an underage person.

The on-licences were visited as part of Operation Unite on Friday and Saturday nights, the fourth joint campaign between New Zealand and Australian police to reduce the harm caused by alcohol.

All six on-licences visited in Wellington sold liquor to a 16-year-old male volunteer, who was accompanied by a 17-year-old male. The premises will be referred to the Liquor Licensing Authority for prosecution.

Acting Wellington district commander Inspector Richard Chambers said he was extremely disappointed with high number of bars that were caught in the controlled-purchase operation in central Wellington on Friday night - especially because it had been well publicised that police would be out in force.

"If the police are running operations that are targeting host responsibility and we get as many failures as we have, I'm concerned ... I'm surprised that people who apply for licences saying that they are going to be responsible clearly still aren't."

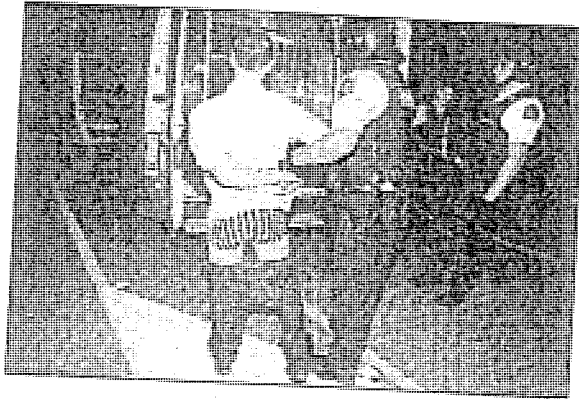
Hospitality Association Wellington regional manager Sara Tucker agreed the results were "very disappointing", but said most bar owners were well aware of their host responsibility.

Penalties for breaching the Sale of Liquor Act were severe, and often it came down to the poor judgment of individual bar staff.

"Most premises really do have good systems in place ... it comes down to the individual staff member always being alert to what happens in the bar, even on a busy night."

She was heartened, however, that the results were not mirrored in Hutt Valley, where only one of 10 pubs visited sold to the boy.

And bottle stores and super-



Caught short: Police take a tough line on unruly behaviour in Operation Unite, involving more than 1000 New Zealand officers. Photo: THE PRESS

CRACKDOWN ON BOOZE CULTURE

More than 1000 police from throughout New Zealand worked on Operation Unite on Friday and Saturday nights. They were joined by 113 people from agencies, including district licensing agencies, Public Health, Alac, Maori wardens and community patrols.

Provisional national results from Saturday night show:

- > 47 assaults were reported, compared with 17 on Friday night.
- > 289 arrests were made, 49 more than Friday night.
- > 165 alcohol intervention packs were given to people to encourage them to seek further help, 21 more than on Friday.
- > 2900 breath tests were given by mobile police patrols.
- > 27,560 drivers were breath tested at checkpoint operations.
- > 305 drivers returned a positive breath test, up from 162 on Friday.
- > 37 drivers are waiting for the results of blood samples taken -

- 9 more than on Friday night.
- > 182 other offences were disclosed at checkpoints.
- > 872 checks were made on hotels and bars.
- > 49 breaches of the Sale of Liquor Act were detected, seven fewer than on Friday night.
- > 43 people were arrested for breaches of a liquor ban, eight fewer than on Friday.
- > 342 warnings were given for breaches of the liquor ban, 164 more than Friday night.
- > 19 liquor infringement notices were issued.
- > 33 warnings were given for liquor infringement notices.
- > 42 on-licence premises were visited as part of controlled purchase operations.
- > 59 off-licence premises, such as bottle stores, were visited as part of the controlled purchase operations.
- > 24 outlets sold alcohol to the volunteers as part of the operations and will face further action. NZPA

markets fared better, with only one of the 12 off-licences visited in central Wellington selling alcohol to the minor. In the Hutt, none of the nine off-licences visited sold to him.

A total of 29 drink-drivers were caught, eight on Friday and 21 on Saturday night. There were 18 breaches of the liquor ban in the

district on Friday night, and 75 on Saturday.

Mr Chambers said: "Overall, I think it is disappointing really, because certainly the police put an enormous amount of effort into raising awareness into many of the issues that come with alcohol, and ... we still have a long way to go."

Catherine O'Sullivan in Wellington Toy than 200 hopeful tentative dance s them appear on s of-this-world gam of Wearableart Ay O'Sullivan, 26, sai jumpy but she dre

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See Page 7~~

IN THE MATTER

of the Sale of Liquor Act 1989

AND

IN THE MATTER

of an appeal by BERNARD O'SHAUGHNESSY pursuant to s.137 of the Act against a decision of the Wellington District Licensing Agency granting the renewal of an off-licence in respect of premises situated at 195 Riddiford Street, Newtown, Wellington, known as "Newtown New World"

BEFORE THE LIQUOR LICENSING AUTHORITY

Chairman: District Court Judge E W Unwin
Member: Dr J Horn

HEARING at WELLINGTON on 15 December 2009

APPEARANCES

Mr B T S K O'Shaughnessy – appellant
Mr S R Walker – for Garbak Enterprises Limited – in opposition
Mr M J Kemp and Ms J H Burt – Wellington District Licensing Agency Inspectors – to assist
Sergeant J R Thurston – NZ Police – to assist

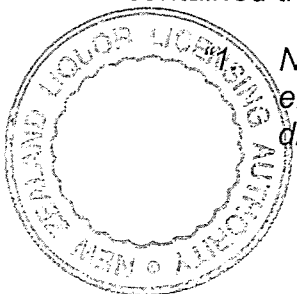
RESERVED DECISION OF THE AUTHORITY

Introduction

[1] This is an appeal brought by Bernard O'Shaughnessy against a decision of the Wellington District Licensing Agency. The Agency received an application from Garbak Enterprises Limited (hereafter called "the company") for the renewal of its off-licence in respect of premises situated in Riddiford Street in Newtown, Wellington. The company trades as a supermarket in the name of "Newtown New World" and is licensed to sell beer, wine and mead from Monday to Sunday between the hours of 7.00 am to 12.00 midnight. The licence fell due for renewal on 28 October 2009. No changes to the conditions of the licence were sought.

[2] There was no opposition to the application from either the Police or the District Licensing Agency Inspector. Public notification produced an objection from Mr O'Shaughnessy. He resides at 320 Mansfield Street in Newtown. His objection contained the following assertions:

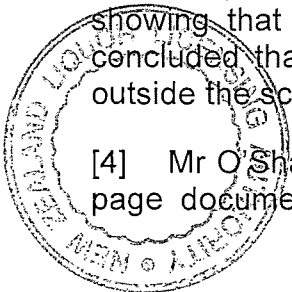
New World in Newtown has been a major contributor to the slide into a booze enhanced society in Newtown by the display, encouragement, cut price liquor drink products, and promotion of a "Must have booze attitude to enjoyment".



2. *New World at Newtown does supply liquor to young people aged 18 to 30 at low cost and to all persons of any age to booze and encourages customers by enticing them to purchase immediately booze as they enter the door, rather than focus on buying food for families.*
3. *New World has shown little regard to support local schools or charitable organisations.*
4. *Within the Licensing requirements of the Liquor Licensing Act 1989 a Licensee must "have the welfare of the Community" taken into consideration in being a seller of a product. I state that New World Newtown does not comply with this requirement.*
5. *New World has huge promotions of its liquor products, and the cheapness of that, by regular local and national radio, newspaper, TV advertisements and regular pamphlet letter box drops on a weekly cycle.*
6. *New World encourages drunkenness, lewdness on the street, and the local bad behaviours by its strength of liquor products in and around the whole of Newtown.*
7. *New World bulk buys and gains market share by its buying power, and sells cheap to encourages customers to booze, including the "dumping" of alien cheap booze (from Australia) onto Kiwis. Australia has wine 'lakes' and therefore dumps it onto New Zealand.*
8. *New World adds to the Drink Drive problems of New Zealand, the destruction of family and personal relationships.*
9. *New World has added to the destruction of a great decent society in New Zealand and Newtown by its liquor products.*
10. *New World Newtown has amazing long opening hours for booze in that persons of all ages can buy this liquor product from Monday to Sunday 7 am to 12 midnight, that's 119 hours in a week booze is encouraged particularly in its methods of advertising, promotion, cheap sales, and 'booze = fun = culture = excitement = a way of life.' The philosophy of New World is to encourage us all to, buy lots of cheap booze, drink lots and quickly, then call again to shop and renew the cycle of destruction."*

[3] The renewal application was considered by the Agency on 22 September 2009. A decision was issued 'on the papers'. The decision set out the criteria in s.45 of the Act to which the Agency (and this Authority) must have regard when considering the application. It confirmed that in the view of the Agency, Mr O'Shaughnessy did not reside in close proximity to the subject premises, and could not therefore demonstrate a greater interest in the application than the public generally as required by s.42(1) of the Act. The decision stated that the objector appeared to have concerns in principle about the impact of the sale of liquor on the wider community in general, but had not provided any documentation showing that the matters raised were an actual issue at the premises. The Agency concluded that pursuant to s.106(2)(b) of the Act the objection was based on grounds outside the scope of the Act. The application was accordingly granted without a hearing.

[4] Mr O'Shaughnessy exercised his right to appeal against the decision. He filed a five page document with the Authority. He argued that he lived about seven and a half



minutes walk away from the business and therefore had a greater interest in the application than the public generally. He also made a number of allegations about the company's owner, questioning the company's suitability.

[5] The appeal was received on 5 October last and was followed by further correspondence from Mr O'Shaughnessy by email containing other material and allegations. The appeal was placed on hold pending receipt of the filing fee. Prior to the hearing Mr O'Shaughnessy gave notice of his intention to speak Maori or as he described it, using Te Reo only. He alleged that it was his legal right to do so. He was advised that he had no such right. In accordance with the Act the appeal was conducted by way of a rehearing.

The Rehearing

[6] We were satisfied that Mr O'Shaughnessy has a greater interest in the application than the public generally. This conclusion is not based on his membership of such organisations as 'Tin Do' and/or 'BAB' or the fact that he was a long-term regular visitor to the supermarket. Our view is based on his proximity to the business. He lives no more than 500 metres from "Newtown New World".

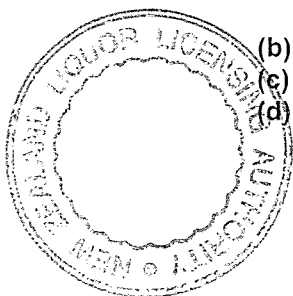
[7] In a recent decision *Liquor World Limited* LLA PH 1189/2009 we attempted to set out a number of principles and guidelines that apply when applications are made for an off-licence. This was because of general public misconceptions and/or misunderstandings about the licensing of new liquor outlets. The first principle and guideline is:

"Only people who have a greater interest in the application than the public generally can object. They can only object in relation to one or more of the criteria set out above. How people establish an interest in the application that is greater than any other member of the public, is a matter of judgement. In this case the Inspector has suggested a circle with a radius of one kilometre within which an objector must reside or have a business that could be affected. We think that although the proposal is generous, it is a fair and realistic suggestion (see s.32(1) and (3) of the Act)."

[8] We also believe that Mr O'Shaughnessy's objection did address one or more of the criteria set out in s.45 of the Act. For example, paragraph 10 of his objection set out above, clearly refers to the current trading hours and the company's ability to sell liquor for 119 hours each week. We accept that the issue of suitability was only raised in an oblique manner but that issue was developed in much greater detail during the re-hearing.

[9] At the commencement of the hearing, Mr O'Shaughnessy repeated his assertion that he intended to speak Maori and that he had the right to do so. The Maori Language Act 1987 confers the right to speak Maori **in certain legal proceedings**. The actual wording reads:

4. In any legal proceedings, the following persons may speak Maori, whether or not they are able to understand or communicate in English or any other language:
 - (a) Any member of the court, tribunal, or other body before which the proceedings are being conducted;
 - (b) Any party or witness;
 - (c) Any counsel;
 - (d) Any other person with leave of the presiding officer.



[10] This issue is whether an appeal to the Liquor Licensing Authority falls within the definition of 'legal proceedings'. These are defined by s.2 of the Maori Language Act as follows:

Legal proceedings means –

- (a) Proceedings before any court or tribunal named in the first schedule to this Act; and
- (b) Proceedings before any Coroner; and
- (c) Proceedings before any tribunal or other body that, by or pursuant to any enactment, has the powers, or some of the powers, of a Commission of Inquiry under the Commissions of Inquiry Act 1908 and is required to report upon any matter of particular interest to the Maori people or to any tribe or group of Maori people. (Emphasis ours).

[11] It was common ground that the Liquor Licensing Authority is not named in Schedule 1 to that Act. There are some tribunals that are subject to the Maori Language Act, including the Tenancy Tribunal and the Disputes Tribunal, but not this Authority. It is accepted that the Authority is a Commission of Inquiry pursuant to s.110(1) of the Sale of Liquor Act 1989. What Mr O'Shaughnessy could or would not accept was that the Authority is not required to report on any matter of particular interest to the Maori people. It is required to submit an annual report to the Minister but the subject of that report is limited to the Authority's proceedings and operations during the year, the workings of the Act, and the desirability or otherwise of amending it. It follows that Mr O'Shaughnessy did not have the right to speak Maori as he asserted.

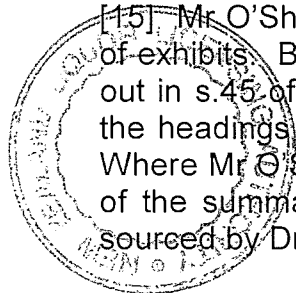
[12] Mr S R Walker appeared on the company's behalf. He stressed that there had been no issues about the manner in which the company had conducted the sale and delivery of liquor pursuant to the licence. He contended that there had been no breaches of the Act in the last three years and he noted that neither the Police nor the District Licensing Agency had opposed the renewal.

[13] Mr P W Gillman is the company's Management Support Officer and Risk Manager. He gave a very supportive reference as to the character and reputation of Mr Gary Baker, claiming that he was more than suitable to direct a company that held an off-licence. He confirmed that the company had been totally compliant with internal age compliance checks over the past three years. Furthermore he contended that no sales of liquor could be made otherwise than after the supervisor's key card had been swiped. He concluded:

"Mr Baker had brought his views to Newtown New World in ensuring his endeavours provide Newtown New World to be, and remain, a good 'corporate and community citizen'."

[14] Although Mr Gillman is the company's Risk Manager he was unable to say how many trespass notices had been issued by the company. However, he stressed that there was a culture of discipline and standards and that Mr Baker was a firm no-nonsense person particularly when it came to dealing with shoplifters. When asked why the liquor was placed at the store's entrance, Mr Gillman appeared to indicate that this was caused by competition from other supermarkets. Later he contended that there was a problem with space. Both explanations were inherently implausible.

[15] Mr O'Shaughnessy had approximately 81 pages of submissions and a large number of exhibits. By virtue of s.42(3) of the Act he is restricted in his objection to the criteria set out in s.45 of the Act. Accordingly we have attempted to summarise his objection under the headings of suitability, and the conditions of the licence (in particular, trading hours). Where Mr O'Shaughnessy strayed from the criteria, his submissions have not formed part of the summary. In particular we have ignored two Australian studies which had been sourced by Dr Paul Quigley and which arrived the day after the hearing.



[16] Mr O'Shaughnessy submitted that as an alternative to declining the renewal, we should impose a number of conditions on the licence. These suggestions included a condition restricting the display of liquor to a designated site, or behind a wall, or at the back of the shop. He submitted that there be a condition that a staff supervisor be required to be in attendance in the designated area. In addition he suggested that the trading hours be reduced to 1.00 pm to 7.00 pm Tuesday to Saturday.

[17] On the issue of suitability, Mr O'Shaughnessy made a number of unsubstantiated comments about the company's sole director (Mr Baker), and Mr P W Gillman, the company's management support officer and risk manager. There were claims of a large number of trespass orders, assaults on shoppers, and sales to minors. Mr O'Shaughnessy gave four illustrations of situations where unidentified people were alleged to have been assaulted. Given the lack of detail it was quite impossible to state whether his claims had any merit.

[18] However, Mr O'Shaughnessy's main concern was the large display of liquor surrounded by advertisements at the entranceway to the store. He described it as seven shelves high and 10 metres long. Nearby is another equally large display of beer. Mr O'Shaughnessy complained that the liquor was being sold below cost. He claimed that the liquor at the front entrance to the store had been moved from an area where it was supposed to be contained.

The Authority's Decision and Reasons

[19] When considering a renewal application for an off-licence, the criteria to which we must have regard are contained in s.45 of the Act as follows:

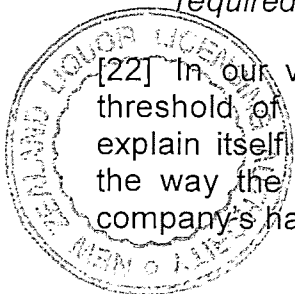
- [1] The suitability of the licensee:
- [2] The conditions attaching to the licence:
- [3] The manner in which the licensee has conducted the sale and delivery of liquor pursuant to the licence:
- [4] Any matters dealt with in any report made under section 43 of this Act.

[20] As we have already indicated, the two main issues relate to the company's suitability and whether the conditions of the licence (hours of operation) should remain unchanged. The company carries the onus of establishing its suitability to continue to hold the licence. The issue of suitability is not established without looking at the type of business being conducted and the manner in which liquor has been sold over the past three years. In this case there have been no reported breaches of the Act and there were no adverse reports from the District Licensing Agency Inspector or the Police.

[21] Mr O'Shaughnessy raised a number of issues about treatment of customers but they were general rather than specific. In *The Narrows Landing Limited* LLA PH 479/2003, we made the following comments:

"Nevertheless unless neighbours are prepared to provide details of when the breaches of the Act or the Resource Management Act occur and what action was taken, it would be difficult for them to overcome the threshold of factual information required to put the applicants to proof."

[22] In our view such generalised comments lacked sufficient detail to overcome the threshold of factual information that would have been necessary for the company to explain itself. However, Mr O'Shaughnessy raised a number of interesting points about the way the company marketed liquor to the public. In particular he referred to the company's habit of placing large volumes of liquor at the entrance to the store surrounded



by advertising and emphasising the low cost of the liquor. After all, the business is a supermarket and not a bottle store. It is an interesting question to ask why liquor is given such prominence given the company's claim that it is a 'good corporate and community citizen'.

[23] Mr O'Shaughnessy seemed to believe that the company was bound to have its liquor in a designated area. This is not so. Pursuant to the Act designations may only be imposed that restrict entry. All or part of the premises may be designated as restricted or supervised. For common sense reasons supermarkets are not designated. That is because their primary business is not the sale of liquor, so members of the public including persons under the age of 18 years have unrestricted entry to the premises.

[24] Consequently the company can technically display liquor all over the store. According to the evidence it has started to do so by displaying thousands of bottles of liquor where they can best dominate the view of members of the public (including young people) as they enter the supermarket. But in doing so the company hardly qualifies for its own self-description of a 'good corporate and community citizen'.

[25] There were other marketing issues raised at the hearing such as the advertising of liquor on the windows of the supermarket, the sale of beer in single bottles, the ability to sell liquor up to midnight and from 7.00 am. Given the company's emphasis on the sale of liquor it is pertinent to ask the question whether this business is a bottle store that also sells groceries?

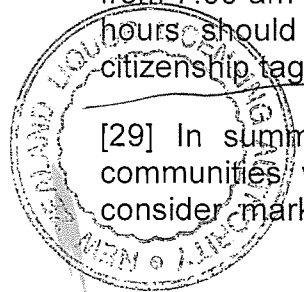
[26] We gained the impression from Mr Gillman that these questions had not really been considered by the company. He stated that the company was well aware that it was selling a legal drug and that there were certain rules in place in particular about selling to minors and intoxicated persons. Furthermore the company is governed by the national undertaking not to loss-lead liquor as part of its marketing strategy.

[27] In the recent Court of Appeal decision in *My Noodle Limited and ors v Queenstown-Lakes District Council and anor* [2009] NZCA 564, the Court made these comments:

"In our view, the Authority is not required to be sure that particular conditions will reduce liquor abuse. It is entitled to apply the equivalent of the precautionary principle in environmental law. If there is a possibility of meeting the statutory objective (as the Authority found there was in this case), then it is entitled to test whether that policy is a reality. In this case, it clearly intended to test its hypothesis and keep the matter under review."

[28] There is a growing body of research to suggest a significant and positive relationship between the retail availability of alcohol with increased alcohol consumption and alcohol-related harm. Furthermore it is clear that advertising of alcohol plays a role in an underage person's drinking decisions. Regrettably the Act prevents us from imposing conditions of the type proposed by Mr O'Shaughnessy. Furthermore his suggested trading hours were in our view unreasonable. On the other hand given the number of outlets available to members of the public, we question whether the ability to sell liquor from 7.00 am to midnight might not lead to liquor abuse issues. We think that the trading hours should be looked at by the company in its efforts to maintain its corporate citizenship tag.

[29] In summary, given current concerns about the impact of liquor abuse on our communities, we wonder whether the time has not come for some supermarkets to consider marketing liquor more conservatively and in keeping with their status as a



supermarket. We accept that there many supermarkets that do not aggressively display and market liquor in the way that was portrayed in this case. They have accepted that they are primarily a supermarket given the privilege of being able to sell liquor as an adjunct to their core business.

[30] In this case Mr O'Shaughnessy has failed to reach the threshold that is required to undermine the company's claim that it is a suitable entity to retain its off-licence. However, he did raise some interesting questions and issues about the some of the company's practices. The company failed to respond in a convincing way that it had given due consideration to the Act's objective. Accordingly we have decided that the company will have its licence renewed for a reduced period.

[31] At the next renewal the company will be asked as a 'good corporate and community citizen' to produce a business plan to address the following issues: the sale of beer in single bottles, the hours of sale, the display of liquor in specific parts of the store, and the advertising of liquor within and outside the store. We accept that the primary concern in this case is where the liquor is currently displayed. The company may of course adopt any new strategies well before the next renewal date.


[32] In making this decision we have also taken into account the provisions of s.4 of the Act as follows:

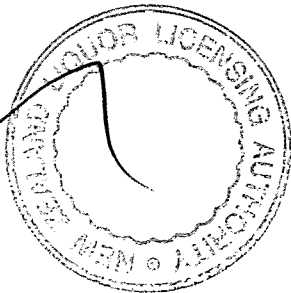
The object of this Act is to establish a reasonable system of control over the sale and supply of liquor to the public with the aim of contributing to the reduction of liquor abuse as far as that can be achieved by legislative means.

The Licensing Authority, every District Licensing Agency, and any Court hearing any appeal against any decision of the Licensing Authority, shall exercise its jurisdiction, powers and discretions under this Act in the manner that is most likely to promote the object of the Act.

[33] For the reasons we have attempted to articulate the decision of the Wellington District Licensing Agency is modified. The off-licence issued to Garbak Enterprises Limited is renewed for 18 months to 28 April 2011.

DATED at WELLINGTON this 13th day of January 2010


B M Holmes
Deputy Secretary



Online Submissions to Wellington City Council's Draft LAP

SUBMISSION No. **341**.....

1155am 7/8

Submitters Name:	Contact Address:	Email Address:	Phone Numbers:	
Max Kelly	13 McIntyre Avenue Mount Victoria Wellington 6011	maxkelly@ihug.co.nz	21433989	I wish to discuss the main points of my submission at a hearing.

Do you think that a designated Entertainment Precinct with later hours than the rest of the City CBD:			
Do you think that the Council should designate a specific Entertainment Precinct with later hours than the rest of the City CBD?	Is anti-competitive?	Will limit the evolution of the city's growth by limiting later trading to one designated area?	Will result in higher rents and increased costs for the bar / cafes / restaurants in the Entertainment Precinct?
No	Yes	Yes	Yes
Comments:			
The prospect of the Courtenay Place and Cuba St precincts being the only areas to be able to operate late into the morning, is very limiting. If a business is being properly managed, that is, operating within the terms of it's liquor licence and fulfilling it's host responsibilities, then irrespective of it's location it should be allowed to operate in a competitive fashion with all other areas of the inner city.			

<p>The proposed trading hours in the Entertainment Precinct for On-licenses (bars, nightclubs restaurants) are 7am-3am (7am-5am for best-practice premises). What do you think the latest trading hour in the Entertainment Precinct should be (if one is created)?</p>	<p>Outside of the Entertainment Precinct in the City CBD the proposed trading hours for On-licenses (bars, nightclubs, restaurants) are 7am-2am (7am-3am for best-practice premises). What do you think the latest trading hour in the City CBD should be?</p>
<p>Response</p>	<p>Response</p>
<p>6:00:00 a.m.</p>	<p>Comments:</p>
<p>Other (*Please comment)</p>	<p>Comments:</p> <p>6AM in line with the other areas of the city.</p>

<p>In Suburban Centres the proposed trading hours for On-licenses (bars, nightclubs, restaurants) are 7am-midnight. What do you think the maximum trading hour in Suburban Centres should be?</p>	<p>The policy proposes a 'wind down hour' protocol for premises open after 2am, whereby the lighting is turned up, the music turned down, and during this last hour the premises is open you could not purchase a drink (this in effect results in a closing time of an hour earlier than the licensed hour for the premises). Do you think this should be compulsory for all premises that are open after 2am?</p>
<p>Response</p>	<p>Comments:</p>
<p>Midnight</p>	<p>Response</p>
	<p>Comments:</p> <p>I'd agree to 30 minutes before closing that no alcohol be served, lighting turned up (20%-40%) and music down (20%-40%). This will signal that things are winding up for the night, but 1 hour is too long a period for this, especially for bars that only have a 3AM licence. The loss of revenue could potentially severely affect these businesses and thus reduce customer choice, should these businesses be forced out of business through the resulting loss of income. A reduction in choice is a reduction in cultural vibrancy.</p>

The Council are proposing the following conditions could be imposed on a licensed premise. Do you agree? Please select Yes or No for each proposed condition.

<p>No</p> <p>A 'one way door' after a set time whereby no one else is allowed into the premises but those inside may remain</p>	<p>A limit on the number of drinks sold in any one transaction after a certain time</p>	<p>A minimum number of security staff set by the Council</p>	<p>Compulsorily dedicated staff to manage all queues</p>	<p>A minimum number of Duty Managers</p>	<p>Premises to pick up litter within a certain area</p>	<p>Security staff to wear High Viz Vests</p>	<p>No glass drinking vessels permitted in any outside area past a certain time</p>	<p>All outside temporary furniture to be removed after a certain time</p>	<p>No loudspeaker, amplifier, or other audio equipment outside the premises.</p>	<p>Compulsorily CCTV</p>	<p>Comments:</p>
	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>No</p>	<p>No</p>	<p>No</p>	<p>Yes</p>	<p>One way doors' are not the answer, they leave too many people out on the street after a certain time of the night, it is on the streets where the majority of undesirable incidents occur, not within the licensed premises.</p>

Do you think the safety and vibrancy of the City Centre would be enhanced by the following?

Better public transport options at night	Yes	More lighting in the CBD	Yes	More CCTV cameras in public spaces	Yes	More street entertainment	Yes	More food trucks late at night	Yes	A chill out zone with water, food, transport information, medical assistance	Yes	More enforcement of liquor bans	Yes	An instant fine for being intoxicated and/or being a nuisance in a public place	Yes	A trespass from the city centre for 90 days if caught	Yes	Greater Police presence	Yes	Comments:
Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	All excellent ideas, especially fines and trespass notices for being overly intoxicated in a public place. I want to see much more food, cheap and otherwise being available on the streets at night, food trucks are a great idea.

<p>The proposed trading hours for Off-premises (supermarkets and bottle stores) are 7am-9pm. What do you think the maximum trading hours for Off-premises should be?</p>	<p>Do you think that supermarkets should have the same trading hours as other Off-premise venues such as bottle stores?</p>	<p>Comments:</p>
<p>Response</p>	<p>Response</p>	<p>Comments:</p>
<p>9:00:00 p.m.</p>	<p>Yes</p>	<p>The number of times I've seen obviously intoxicated persons buying large amounts of booze from the Chaffers New World after 10 or 11 at night, is ludicrous. Supermarkets should have no special privileges.</p>

<p>Overall, do you agree with the direction of the draft Local Alcohol Policy?</p>		
<p>Response</p>	<p>Please give reasons:</p>	<p>Do you have any other comments either about the content of the draft Local Alcohol Policy or about other matters you want included in the policy?</p>
<p>Agree</p>	<p>I think Council have listened to what has been said, and are responding well. However, the proof will be in final outcome of all this, that is all the vested interests, Council, Police, Food Vendors and Hospitality Operators working together successfully to help create a safe and fun environment for all.</p>	<p>I want to see a halt to the issuing of new Off Licences throughout the whole of greater Wellington, we already have a massive proliferation of them. I want a complete ban on the sale of alcohol in Dairies. I want all suburban off licensed premises closed by 8PM. This is all about Alcohol Harm Reduction, whilst maintaing Wellington Cities cultural vibrancy not about easy access to booze. Make it harder, less convenient to secure and the reduction in harm will surely follow. It is the pre-loading and side-loading of Alcohol, by drinkers, that the majority of Alcohol related problems stem from.</p>

orig.

MISSION No. 294

Giselle Bareta

From: Wellington City Council [webcentre@wcc.govt.nz]
Sent: Friday, 2 August 2013 12:18 p.m.
To: BUS: Alcohol Strategy
Subject: The Right Mix - Confirmation

The following details have been submitted from the Draft Alcohol Management Strategy and the Draft Local Alcohol Policy consultation form on the Wellington.govt.nz website:

PAGE 1 QUESTIONS

Submitter details:

First Name: Naginbhai (Neil) G.
Last Name: Patel
Street Address: 314 Willis Street
Suburb: Aro Valley
City: Wellington
Phone: 043845053
Email: global.immigration@xtra.co.nz

027 644 22000
021 027 36984

I would like to make an oral submission. Yes Phone number: 043845053

I am giving this feedback: on behalf of an organisation Organisation name: New Zealand Association of Dairies Groceries and Small Businesses

PAGE 2 QUESTIONS

Under the proposed zone framework, late-night trading activity of bars and entertainment venues (after 2am or until 3am at the latest) will be moved into a specific Entertainment Precinct in the city to better manage the harm associated with trading at this time.

Disagree

Comments: It will create monopolies. We want the status quo.

Risk-based management framework

Disagree

Comments: Original fee should cover all expenses.

Entertainment Precinct maximum trading-hour restrictions for on-licensed venues Disagree

Comments: It is better to have the same opening and closing time for all areas. 7am to 5am (the following day

Booked

492

Central Area maximum trading-hour restrictions for on-licensed venues

Disagree

Comments: 7am to 2am (the following day)

Suburban Centre maximum trading-hour restrictions for on-licensed venues

Disagree

Comments: 7am to 2am (the following day)

The proposed maximum trading-hour restrictions of 7am - 9pm for off-licensed venues (supermarkets, grocery stores, bottle stores) Strongly Disagree

Comments: Off licenses 7am to 1am the following day.

Treating all off-licence venues the same Disagree

Comments: Off Licenses should be able to sell spirits and RTD's. This is common in the United Kingdom.

PAGE 3 QUESTIONS

Council focus on applications for youth-focussed occasions or events Agree

Comments: They should encourage more dancing, entertainment and food.

The proposed circumstances that would trigger a District Licensing Committee hearing for dealing with issues of density and proximity of licensed premises

Disagree

Comments: Market should determine location.

The proposed discretionary conditions that could be applied to a licence.

Disagree

Comments: DLC should not have discretionary powers.

Overall, do you agree with the direction of the draft Local Alcohol Policy?

Disagree

Your comments (be specific): It is not correlative and substantive.

What are the best aspects of the draft Local Alcohol Policy?

None.

What aspects of the draft Local Alcohol Policy do you think need to be changed?

Off licenses 7am to 2am the following day

Do you have any other comments either about the content of the draft Local Alcohol Policy or about other matters you want included in the policy?

See enclosed submission.

Alcohol Policy or about other matters you want included in the policy?
See enclosed submission.

PAGE 4 QUESTIONS

The proposed goals in the draft Alcohol Management Strategy are achievable.

Disagree

Comments: It will cost allot of money and waste resources.

The initiatives proposed in the Implementation Plan (attached to the draft strategy) will deliver on the strategic goals.

Disagree

Comments:

The initiatives proposed in the draft strategy will contribute to communities having a healthier relationship with alcohol.

Strongly Disagree

Comments: It does not deal with the issues and it make it worse.

**NEW ZEALAND ASSOCIATION OF DAIRIES GROCERIES AND
SMALL BUSINESSES**

314 Willis St, PO Box 10591, Wellington, ph: 3845053, Email; nzadgsb@gmail.com

**The Mayor
Wellington City Council**

Re: Wellington City Council Local Alcohol Policy

Dear Celia,

We would like to amend our submission to read that all on licenses should have trading hours of 7am to 6am the following day and off licenses 7am to 2am the following day.

Regards,

**Naginbhai Neil G. Patel
President
New Zealand Association of Dairies Groceries and Small Businesses**

NEW ZEALAND ASSOCIATION OF DAIRIES GROCERIES AND SMALL BUSINESSES

314 Willis St, PO Box 10591, Wellington, ph: 3845053, Email; nzadgsb@gmail.com

**The Mayor
Wellington City Council**

Re: Wellington City Council Local Alcohol Policy

Dear Celia,

The New Zealand Association of Dairies, Groceries and Small Businesses would like to make the following submission regarding the Wellington City Councils Local Alcohol Policy (LAP).

Our Association has approximately 3600 honorary members and 45 financial members from all around New Zealand. Our members include owners of dairies, grocery stores and small businesses.

As an Association we represent a very important part of New Zealand's economy and culture as the nature and success of our businesses has a direct impact on employment, tax revenue, market price for commodities and a variety of other factors within our local communities.

Our members are very concerned with the Wellington City Councils draft Local Alcohol Policy, in particular:

1. Reduction in the hours of sale.
2. Treatment of off-licenses as the root cause of alcohol related issues.
3. Restrictions on license applications based on location.

The recent Alcohol Reform Bill has its genesis in a number of violent incidents involving grocery store owners in the South Auckland region some years ago.

In the aftermath of this violence, small business owners and members of the Indian community asked the government to do something to protect its citizens. Both Helen Clarke and John Key separately increased the size of the police force in southern Auckland, which has had the result of substantially reducing the violence against store owners.

These incidents also led to MP Lianne Dalziel proposing the Alcohol Reform Bill.

Unfortunately, the small business owners whose physical suffering set this in motion are now suffering financially as they are being made the scapegoats for alcohol abuse in New Zealand. Larger off-license holders and most on-license holders will see little change with the passing of this Bill or the implementation of the WCC's Local Alcohol Policy. Even more startling is the fact that those who are truly at fault, those abusing alcohol and committing acts of violence on store owners, will be the least affected.

Behaviour

Much of the support for decreased trading hours and other restrictions comes from statistics showing purchasing trends and assumptions regarding consumer behaviour based on that information.

Unfortunately this method can result in a skewed perspective: the information so far collected lacks correlative and substantive evidence that the proposed solutions will have the desired impact.

The undeniable fact is that the vast majority of off-license alcohol sales are made to responsible drinkers who are also purchasing grocery items. Statistics regarding crimes, disorderly behaviour and abusive drinking, as well as the public's perception of these as issues, are an aberration in a larger pattern and the result of a very small minority of consumers.

Changing the location or trading hours will have little effect on that minority; the biggest impact will be felt by the responsible consumers and retailers. Those who want to binge drink or to 'pre-load' before visiting an on-license will purchase alcohol earlier or in a different location without missing a step.

Any attempt to analyse the behaviour of those who are abusing alcohol with regards to where how and when they are purchasing and consuming alcohol is inherently flawed as it focuses on supply and not demand. If the demand for and willingness to abuse alcohol exists the conditions of sale become irrelevant.

Focusing on educating those who are consuming alcohol and those who are selling it is the only way to effectively change this behaviour. Ensuring that people on both sides understand the nature of the product and its possible harmful effects ensures responsible drinking no matter what the conditions of sale, visa versa a lack of understanding will result in excessive consumption and criminal behaviour under even the most stringent of regulations.

National Legislation and local Policy should focus on educating the public and training proprietors, setting up checks to make sure this training and education is being put into practice and punishing individuals when it is not.

Economic Impact

Small businesses form the backbone of local economies. They provide employment opportunities, collect tax revenue for the national and local Governments and act as community hubs. Many of these small businesses are family owned and operated meaning that their survival is a central part of many families lives.

The proposed Local Alcohol Policy will substantially favour larger retailers and penalise smaller outlets.

The economic recovery has been very slow for Wellington. With investment being directed towards Auckland and Christchurch in particular, Wellington has struggled to maintain growth. This Draft Policy will not help to improve that growth. We need to support our local and small businesses owners.

For example; there are approximately 174 vendors in Wellington who will lose 35 hours per week. Assuming a single employee at \$14 per hour, that's \$4,433,520 in lost wages per year. The Government will lose the PAYE from these wages and the GST from the products that would have been sold.

Small stores are the primary distributors of City Council products and services such as rubbish bags, parking coupons and snapper cards. The products and services are offered by the owners at what is essentially a less than 2% margin. Consumers prefer to purchase these at smaller stores for convenience.

Smaller grocery stores also form an integral part of tourism in Wellington. Visitors to the city are more likely to visit a smaller store than a larger retailer. Visitors want access to the same products as they would find in large supermarkets but don't want to travel across the city to get them. Smaller retailers and grocery stores also generally provide more direct and personable customer service; these behind the counter are more likely to give directions, give change for coin operated machines and answer questions about the local area. These interactions often form a fundamental part of a visitor's assessment of a city and its citizens.

When the original Act came in 1989, small business owners made large investments in order to stay competitive. Licensing fees, training, costs, display and shelving are all very expensive. We estimate that the average small grocery store has spent approximately \$30,000 as a requirement for that Act. If these businesses cannot renew their licenses, many of which have been held for 10 years, this investment will be lost to the bait and switch of changing legislation.

Enforcement and Policing

The genesis of the Alcohol Reform Bill was the violence that occurred a number of years ago in South Auckland. No such deaths have occurred in Wellington and there is no good reason to have the LAP here deviate from the default trading hours in the Act.

Under the 1989 Act, and the new amended 2012 Act, there are strict regulations on the sale of alcohol to minors or intoxicated individuals. The Police also have the authority to arrest individuals who are behaving inappropriately. Our members are concerned that the Act is not being enforced and the Police are not being given the resources to deal with those who break it.

It is clear that enforcing alcohol bans in public and even non revolving doors for on-licenses will have a greater impact on pre loading and side loading. The Draft Policy instead focuses on punishing small business owners in particular instead of enforcing the current law and targeting those who break it.

The Association asks that the City Councils Local Alcohol Policy not change the hours for the sale of alcohol. We ask that the Policy allow trading hours of 7am to 1am the following day for the City and 7am to 10pm for the suburbs.

We ask that the Council not include proximity or density restrictions in its LAP.

We ask that the Council acknowledge that small grocery store owners are not the root cause of alcohol abuse in New Zealand. We ask that the City Council that more off-licences should be issued in Wellington as long as the operators are qualified and have a General Managers Certificate.

We ask that the Council focus more on educating the public about responsible drinking and enforcing the law as it is.

Regards,

Naginbhai Neil G. Patel
President
New Zealand Association of Dairies Groceries and Small Businesses

Submitters Name:	Contact Address:	Email Address:	Phone Numbers:	
Jason Deane	16F / 9 chews Lane Wellington	jason.deane@trinitygroup.co.nz	272496691	I wish to discuss the main points of my submission at a hearing.

5/8th Q&A → called a cell message 10.28am re: booking a submission time.
 Booked & confirmed 7/8th @ 1.40pm.

Do you think that a designated Entertainment Precinct with later hours than the rest of the City CBD:

<p>Do you think that the Council should designate a specific Entertainment Precinct with later hours than the rest of the City CBD?</p>	<p>Is anti-competitive?</p>	<p>Will limit the evolution of the city's growth by limiting later trading to one designated area?</p>	<p>Will result in higher rents and increased costs for the bar / cafes / restaurants in the Entertainment Precinct?</p>	<p>Comments:</p>
<p>No</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	

<p>The proposed trading hours in the Entertainment Precinct for On-licenses (bars, nightclubs restaurants) are 7am-3am (7am- 5am for best-practice premises). What do you think the latest trading hour in the Entertainment Precinct should be (if one is created)?</p>	<p>Outside of the Entertainment Precinct in the City CBD the proposed trading hours for On-licenses (bars, nightclubs, restaurants) are 7am-2am (7am-3am for best-practice premises). What do you think the latest trading hour in the City CBD should be?</p>
<p>Response</p>	<p>Comments:</p>
<p>6:00:00 a.m.</p>	<p>Response</p>
<p>Comments:</p>	<p>Other (*Please comment)</p>
<p>6am the same as the entertainment precinct</p>	

	<p>In Suburban Centres the proposed trading hours for On-licenses (bars, nightclubs, restaurants) are 7am-midnight. What do you think the maximum trading hour in Suburban Centres should be?</p>	<p>The policy proposes a 'wind down hour' protocol for premises open after 2am, whereby the lighting is turned up, the music turned down, and during this last hour the premises is open you could not purchase a drink (this in effect results in a closing time of an hour earlier than the licensed hour for the premises). Do you think this should be compulsory for all premises that are open after 2am?</p>
<p>Response</p>	<p>Comments:</p>	<p>Response</p>
<p>3:00:00 a.m.</p>	<p>if they are currently operating to this time.</p>	<p>No</p> <p>Comments:</p> <p>This is ridiculous. What is the definition of "wind down", and what does it even mean? What does it hope to achieve?</p>

The Council are proposing the following conditions could be imposed on a licensed premise. Do you agree? Please select Yes or No for each proposed condition.

No	A 'one way door' after a set time whereby no one else is allowed into the premises but those inside may remain	No	A limit on the number of drinks sold in any one transaction after a certain time	No	A minimum number of security staff set by the Council	Compulsorily dedicated staff to manage all queues	No	A minimum number of Duty Managers	No	Premises to pick up litter within a certain area	No	Security staff to wear High Viz Vests	No	No glass drinking vessels permitted in any outside area past a certain time	No	All outside temporary furniture to be removed after a certain time	No	No loudspeaker, amplifier, or other audio equipment outside the premises.	No	Compulsorily CCTV	Comments:
																					Most of the above is already being done by good operators, it doesnt need to be made into law.

Do you think the safety and vibrancy of the City Centre would be enhanced by the following?																				
										Comments:										
Better public transport options at night	Yes	More lighting in the CBD	Yes	More CCTV cameras in public spaces	Yes	More street entertainment	Yes	More food trucks late at night	Yes	A chill out zone with water, food, transport information, medical assistance	Yes	More enforcement of liquor bans	Yes	An instant fine for being intoxicated and/or being a nuisance in a public place	Yes	A trespass from the city centre for 90 days if caught	Yes	Greater Police presence	Yes	All great ideas, and they would be immediately effective. so why arent these being implemented? Effective change, and policy is needed, these would all have a positive effect on the vibrancy and safety of the CBD.

<p>The proposed trading hours for Off-premises (supermarkets and bottle stores) are 7am-9pm. What do you think the maximum trading hours for Off-premises should be?</p>	<p>Response</p>	<p>Comments:</p>
<p>Do you think that supermarkets should have the same trading hours as other Off-premise venues such as bottle stores?</p>	<p>Response</p>	<p>Comments:</p>
<p>9:00:00 p.m.</p>	<p>the reduced trading hours will help with supply of pre-loading.</p>	<p>I think they could have an extra hour until 10pm, except for any right next to/close to the entertainment precinct.</p>
	<p>No</p>	

<p>Overall, do you agree with the direction of the draft Local Alcohol Policy?</p>		
<p>Response</p>	<p>Please give reasons:</p>	<p>Do you have any other comments either about the content of the draft Local Alcohol Policy or about other matters you want included in the policy?</p>
<p>Strongly Disagree</p>	<p>they are reactive policy decisions effecting the majority of socialisers, but I believe will have little impact. The issues are crated my the minority of people in bars. They are trying to reduce hours and over regulate to try to change drinking behaviour and the issues caused by the minority.</p>	<p>I think the citys energy and dynamics will be changed substantially by the proposed LAP policies, and will result in a much lesser hospitality and entertainment offering for Wellington. I am concerned what immediate and on going effects this will cause with people out at night and their experience. Where will they go at 4am from the 18th December? What will happen to these dis-placed people? What will happen over Summer in Wellington when we host the number of large, successful and famous events held here? I hope the city night life is able to be revived next year after the new SSoA Act takes effect, by well thought out and sensible policy making with the Wellington LAP. But that does not seem to be the case currently.</p>

Online Submissions to Wellington City Council's Draft LAP

2.10 7/8
 individual.

Submitters Name:	Contact Address:	Email Address:	Phone Numbers:	
Johnny wallace-wilks	Level 1, cable car lane, lambton quay	Jrsww@icloud.com	274657758	I wish to discuss the main points of my submission at a hearing.

Do you think that a designated Entertainment Precinct with later hours than the rest of the City CBD:

<p>Do you think that the Council should designate a specific Entertainment Precinct with later hours than the rest of the City CBD?</p>	<p>Is anti-competitive?</p>	<p>Will limit the evolution of the city's growth by limiting later trading to one designated area?</p>	<p>Will result in higher rents and increased costs for the bar / cafes / restaurants in the Entertainment Precinct?</p>	<p>Comments:</p>
<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	

<p>The proposed trading hours in the Entertainment Precinct for On-licenses (bars, nightclubs restaurants) are 7am-3am (7am- 5am for best-practice premises). What do you think the latest trading hour in the Entertainment Precinct should be (if one is created)?</p>	<p>Outside of the Entertainment Precinct in the City CBD the proposed trading hours for On-licenses (bars, nightclubs, restaurants) are 7am-2am (7am-3am for best-practice premises). What do you think the latest trading hour in the City CBD should be?</p>
<p>Response</p>	<p>Comments:</p>
<p>Other (*Please comment)</p>	<p>Response</p> <p>Other (*Please comment)</p>
<p>Comments:</p> <p>24 hour license. See case studies in England of bars choosing their own closing hours shows a reduction in brawls, vandalism and binge drinking.</p>	<p>Comments:</p> <p>24 hour license. If the public know that they only have a finite amount of time to drink then that is going to have a negative effect on binge drinking. Having all the time of the night to takes the pressure off and let's people enjoy themselves.</p>

	<p>In Suburban Centres the proposed trading hours for On-licenses (bars, nightclubs, restaurants) are 7am-midnight. What do you think the maximum trading hour in Suburban Centres should be?</p>	<p>The policy proposes a 'wind down hour' protocol for premises open after 2am, whereby the lighting is turned up, the music turned down, and during this last hour the premises is open you could not purchase a drink (this in effect results in a closing time of an hour earlier than the licensed hour for the premises). Do you think this should be compulsory for all premises that are open after 2am?</p>
<p>Response</p>	<p>Comments:</p>	<p>Response:</p> <p>Comments:</p>
<p>Midnight</p>	<p>In suburbia the need for midnight closing will help family's and workers</p>	<p>No</p>

The Council are proposing the following conditions could be imposed on a licensed premise. Do you agree? Please select Yes or No for each proposed condition.

<p>A 'one way door' after a set time whereby no one else is allowed into the premises but those inside may remain</p>	<p>A limit on the number of drinks sold in any one transaction after a certain time</p>	<p>A minimum number of security staff set by the Council</p>	<p>Compulsory dedicated staff to manage all queues</p>	<p>A minimum number of Duty Managers</p>	<p>Premises to pick up litter within a certain area</p>	<p>Security staff to wear High Viz Vests</p>	<p>No glass drinking vessels permitted in any outside area past a certain time</p>	<p>All outside temporary furniture to be removed after a certain time</p>	<p>No loudspeaker, amplifier, or other audio equipment outside the premises.</p>	<p>Compulsory CCTV</p>	<p>Comments:</p>
<p>No</p>	<p>No</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p></p>

Do you think the safety and vibrancy of the City Centre would be enhanced by the following?

Better public transport options at night	Yes	More lighting in the CBD	Yes	More CCTV cameras in public spaces	Yes	More street entertainment	Yes	More food trucks late at night	Yes	A chill out zone with water, food, transport information, medical assistance	Yes	More enforcement of liquor bans	No	An instant fine for being intoxicated and/or being a nuisance in a public place	No	A trespass from the city centre for 90 days if caught being a nuisance	No	Greater Police presence	Yes	Comments:
Yes																				Being intoxicated shouldn't be punishable being a nuisance absolutely yes.

<p>The proposed trading hours for Off-premises (supermarkets and bottle stores) are 7am-9pm. What do you think the maximum trading hours for Off-premises should be?</p>	<p>Do you think that supermarkets should have the same trading hours as other Off-premise venues such as bottle stores?</p>
<p>Response</p>	<p>Response</p>
<p>Other (*Please comment)</p>	<p>Comments:</p> <p>Again 24 hour licensing would make the public less inclined to binge over a small space of time. They could take the time to relax and enjoy it with no pressure</p>
<p>Comments:</p>	<p>Comments:</p>
<p>Yes</p>	<p>Yes</p>

<p>Overall, do you agree with the direction of the draft Local Alcohol Policy?</p>		
<p>Response</p> <p>Strongly Disagree</p>	<p>Please give reasons:</p> <p>This is seriously not going to help the fact that we have a binge drinking problem. If people want to get drunk they are going to do so. Keeping them in bars longer is a much healthier environment for them to be in, monitored and looked after by professionals.</p>	<p>Do you have any other comments either about the content of the draft Local Alcohol Policy or about other matters you want included in the policy?</p>

Online Submissions to Wellington City Council's Draft LAP

<p>Submitters Name: johnny wallace</p>	<p>Contact Address: 254b ohiro rd</p>	<p>Email Address: jrsww@hotmail.com</p>	<p>Phone Numbers: 274657758</p>	<p>I wish to discuss the main points of my submission at a hearing.</p>
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Do you think that a designated Entertainment Precinct with later hours than the rest of the City CBD:			
Do you think that the Council should designate a specific Entertainment Precinct with later hours than the rest of the City CBD?	Is anti-competitive?	Will limit the evolution of the city's growth by limiting later trading to one designated area?	Will result in higher rents and increased costs for the bar / cafes / restaurants in the Entertainment Precinct?
Yes	Yes	Yes	Yes
Comments:			

<p>The proposed trading hours in the Entertainment Precinct for On-licenses (bars, nightclubs restaurants) are 7am-3am (7am-5am for best-practice premises). What do you think the latest trading hour in the Entertainment Precinct should be (if one is created)?</p>	<p>Outside of the Entertainment Precinct in the City CBD the proposed trading hours for On-licenses (bars, nightclubs, restaurants) are 7am-2am (7am-3am for best-practice premises). What do you think the latest trading hour in the City CBD should be?</p>
<p>Response</p> <p>6:00:00 a.m.</p>	<p>Response</p> <p>5:00:00 a.m.</p>
<p>Comments:</p>	<p>Comments:</p>

<p>Response 1:00:00 a.m.</p>	<p>In Suburban Centres the proposed trading hours for On-licenses (bars, nightclubs, restaurants) are 7am-midnight. What do you think the maximum trading hour in Suburban Centres should be?</p>	<p>The policy proposes a 'wind down hour' protocol for premises open after 2am, whereby the lighting is turned up, the music turned down, and during this last hour the premises is open you could not purchase a drink (this in effect results in a closing time of an hour earlier than the licensed hour for the premises). Do you think this should be compulsory for all premises that are open after 2am?</p>
<p>Response</p>	<p>Comments:</p>	<p>Response</p>
<p>Response</p>	<p>Comments:</p>	<p>Comments:</p>

The Council are proposing the following conditions could be imposed on a licensed premise. Do you agree? Please select Yes or No for each proposed condition.

<p>A 'one way door' after a set time whereby no one else is allowed into the premises but those inside may remain</p>	<p>A limit on the number of drinks sold in any one transaction after a certain time</p>	<p>A minimum number of security staff set by the Council</p>	<p>Compulsorily dedicated staff to manage all queues</p>	<p>A minimum number of Duty Managers</p>	<p>Premises to pick up litter within a certain area</p>	<p>Security staff to wear High Viz Vests</p>	<p>No glass drinking vessels permitted in any outside area past a certain time</p>	<p>All outside temporary furniture to be removed after a certain time</p>	<p>No loudspeaker, amplifier, or other audio equipment outside the premises.</p>	<p>Compulsorily CCTV</p>	<p>Comments:</p>
<p>No</p>	<p>Yes</p>	<p>No</p>	<p>No</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p></p>

Do you think the safety and vibrancy of the City Centre would be enhanced by the following?										Comments:
Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	
Better public transport options at night	More lighting in the CBD	More CCTV cameras in public spaces	More street entertainment	More food trucks late at night	A chill out zone with water, food, transport information, medical assistance	More enforcement of liquor bans	An instant fine for being intoxicated and/or being a nuisance in a public place	A trespass from the city centre for 90 days if caught	Greater Police presence	
Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	

<p>The proposed trading hours for Off-premises (supermarkets and bottle stores) are 7am-9pm. What do you think the maximum trading hours for Off-premises should be?</p>	<p>Do you think that supermarkets should have the same trading hours as other Off-premise venues such as bottle stores?</p>
<p>Response</p> <p>Midnight</p>	<p>Response</p> <p>Yes</p>
<p>Comments:</p>	<p>Comments:</p>

<p>Overall, do you agree with the direction of the draft Local Alcohol Policy?</p>		
<p>Response</p> <p>Strongly Disagree</p>	<p>Please give reasons:</p>	<p>Do you have any other comments either about the content of the draft Local Alcohol Policy or about other matters you want included in the policy?</p>

appoint ment 2.15pm 7/8 individual.

Online Submissions to Wellington City Council's Draft LAP

Submitters Name:	Contact Address:	Email Address:	Phone Numbers:	
Daniel Hartell	1 Akatea St, Berhampore, Wellington	yinyangbutterfly@yahoo.com	226109579	I wish to discuss the main points of my submission at a hearing.

Do you think that a designated Entertainment Precinct with later hours than the rest of the City CBD:			
Do you think that the Council should designate a specific Entertainment Precinct with later hours than the rest of the City CBD?	Is anti-competitive?	Will limit the evolution of the city's growth by limiting later trading to one designated area?	Will result in higher rents and increased costs for the bar / cafes / restaurants in the Entertainment Precinct?
No	Yes	Yes	Yes
<p>Comments:</p> <p>Not all people have the same idea of what constitutes an entertaining night out. Likewise, not all people operate on the same timetable. Restricting the hours and locations of licensed venues will only reinforce the damaging binge-drinking culture we see at present, while unfairly discriminating against those who may wish to participate in a different scene, or live according to their own timetable. I very much enjoy going out for a drink with friends, and the opportunity to enjoy live music, however I do not enjoy being in a crowded bar with throngs of drunken idiots. As someone who has worked in many of the venues within the proposed entertainment precinct, I firmly believe licensing hours need to be extended, not restricted, so that those aspects that are damaging can be spread out and minimised, rather than concentrated and intensified.</p>			

<p>The proposed trading hours in the Entertainment Precinct for On-licenses (bars, nightclubs restaurants) are 7am-3am (7am- 5am for best-practice premises). What do you think the latest trading hour in the Entertainment Precinct should be (if one is created)?</p>	<p>Outside of the Entertainment Precinct in the City CBD the proposed trading hours for On-licenses (bars, nightclubs, restaurants) are 7am-2am (7am-3am for best-practice premises). What do you think the latest trading hour in the City CBD should be?</p>
<p>Response</p>	<p>Comments:</p>
<p>Other (*Please comment)</p>	<p>Response</p>
<p>Other (*Please comment)</p> <p>Forcing all bars to eject their patrons en masse at the same time will only cause problems on the streets, in particular increasing the likelihood of violence (including acts of violence committed by police officers, who often become antagonistic and brutal on busy nights). Restricting opening hours also denies those of us who live nocturnally the opportunity to drink in a safe, social environment, which is quite simply cultural discrimination, and therefore despicable.</p>	<p>Comments:</p>
<p>Other (*Please comment)</p>	<p>See comment above.</p>

<p>Response</p>	<p>In Suburban Centres the proposed trading hours for On-licenses (bars, nightclubs, restaurants) are 7am-midnight. What do you think the maximum trading hour in Suburban Centres should be?</p>	<p>The policy proposes a 'wind down hour' protocol for premises open after 2am, whereby the lighting is turned up, the music turned down, and during this last hour the premises is open you could not purchase a drink (this in effect results in a closing time of an hour earlier than the licensed hour for the premises). Do you think this should be compulsory for all premises that are open after 2am?</p>	<p>Comments:</p>
<p>Other (*Please comment)</p>	<p>There should be no restriction on hours. There is no one time that is appropriate for all individuals and communities, and so licensing hours must be decided on a case by case basis.</p>	<p>Response</p>	<p>Comments:</p>
<p>Other (*Please comment)</p>	<p>There should be no restriction on hours. There is no one time that is appropriate for all individuals and communities, and so licensing hours must be decided on a case by case basis.</p>	<p>No</p>	<p>If you insist on treating people like naughty children, then that is likely to be the behaviour you will induce. Putting the onus of responsibility back onto individuals is necessary in order for those few individuals causing harm to act more responsibly.</p>

The Council are proposing the following conditions could be imposed on a licensed premise. Do you agree? Please select Yes or No for each proposed condition.

	A 'one way door' after a set time whereby no one else is allowed into the premises but those inside may remain	A limit on the number of drinks sold in any one transaction after a certain time	A minimum number of security staff set by the Council	Compulsory dedicated staff to manage all queues	A minimum number of Duty Managers	Premises to pick up litter within a certain area	Security staff to wear High Viz Vests	No glass drinking vessels permitted in any outside area past a certain time	All outside temporary furniture to be removed after a certain time	No loudspeaker, amplifier, or other audio equipment outside the premises.	Compulsory CCTV	Comments:
No	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	No		Dictating to people when they can and can not drink is just rude. Also, it could hardly be deemed hospitable to be removing furniture from around patrons, as this makes them feel unwelcome. However, requiring premises to take responsibility for the safety of their patrons, and to minimise any negative impact on the neighbourhood around the venue caused by noise and litter, is entirely appropriate.

Do you think the safety and vibrancy of the City Centre would be enhanced by the following?										Comments:										
Better public transport options at night	Yes	More lighting in the CBD	Yes	More CCTV cameras in public spaces	Yes	More street entertainment	Yes	More food trucks late at night	Yes	A chill out zone with water, food, transport information, medical assistance	No	More enforcement of liquor bans	No	An instant fine for being intoxicated and/or being a nuisance in a public place	No	A trespass from the city centre for 90 days if caught being a nuisance	No	Greater Police presence	No	An over-bearing police presence, particularly considering their often heavy-handed approach when dealing with even minor incidents, will only create resentment and anger.

<p>The proposed trading hours for Off-premises (supermarkets and bottle stores) are 7am-9pm. What do you think the maximum trading hours for Off-premises should be?</p>	<p>Do you think that supermarkets should have the same trading hours as other Off-premise venues such as bottle stores?</p>
<p>Response</p>	<p>Response</p>
<p>Other (*Please comment)</p>	<p>Comments:</p> <p>There is no justifiable reason to restrict alcohol sales to certain times. If a person is not intoxicated, they should be able to buy alcohol any time they wish to.</p>
<p>Comments:</p>	<p>Comments:</p>
<p>Yes</p>	<p>Yes</p>

<p>Overall, do you agree with the direction of the draft Local Alcohol Policy?</p>		
<p>Response</p>	<p>Please give reasons:</p>	<p>Do you have any other comments either about the content of the draft Local Alcohol Policy or about other matters you want included in the policy?</p>
<p>Strongly Disagree</p>	<p>Overall, the general direction of the draft seems misguided, ignorant, discriminatory, and likely to cause far more problems than it solves.</p>	<p>While there is clearly a widespread culture of alcohol abuse in this country, it will not be solved by restricting opening hours. Quite contrarily, there is reason to believe it was such restrictions that helped reinforce this culture (remember the 6 o'clock swill?). Nor will it be solved by increasing the cost of alcohol, as this only affects the poor in society, further increasing social inequality, which has been proven to increase rates of alcohol abuse. From my own experience being involved in both the production and distribution of alcohol, I believe that making alcohol more readily and easily available is the best way to encourage responsible drinking habits, and reduce binge drinking. If people always had access to more than they needed, they'd be far less likely to think they "might as well just finish it off." In those minority of cases where alcoholism develops, the alcohol abuse should be viewed as a symptom, not the cause of the problem. It is the underlying emotional damage that needs to be addressed in this situation. Only when it becomes acceptable to admit weakness and ask for help will these incidents of alcohol abuse as a form escapism be addressed. Simply using legislation and policing to attack the problem will only have negative consequences for all involved.</p>

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Youth Council Submission on the Alcohol Management Strategy

Oral Submission:

The Wellington City Youth Council would also like to make an oral submission. Please contact Jack Marshall, Chair of Wellington City Youth Council on 0211866186 or jackmarshallnz@gmail.com to confirm details.

About the Wellington City Youth Council:

- The Wellington City Youth Council is an advisory body to the Wellington City Council, meeting fortnightly every Wednesday to discuss youth related issues and projects in the city.
- The Youth Council aims to represent members of wellington city youth between the ages of 12 – 24, providing a youth perspective on Wellington City Council proposals and draft strategies, as well as encouraging young people to engage in local governance.

Notes:

- On March 23rd 2013, the Youth Council held a Youth Workshop in partner with the Wellington Boys and Girls Institute as part of the public consultation on the Draft Alcohol Management Strategy.
- The results of the workshop were inspiring and the Youth Council would like to continue to emphasize the importance of acknowledging young people in the management of alcohol in the city.
- The Youth Council appreciates the Council's acknowledgement in the complex nature of alcohol related harm, particularly the fact that it is not just a youth problem. We especially encourage the Council's positive outlook of alcohol management in creating a cool and vibrant city, not only to encourage young people to drink sensibly but to create a safer and more attractive nightlife for all.

Sad
Boyle
rang.



Feedback on Initiatives of the Strategy:

1. Preloading and sideloading

The Youth Council appreciates that the Council has acknowledged this as a problem, not only as a safety measure but also for the negative appeal it often creates for participating in the city's nightlife, especially for young people.

1.1 Limiting off-licences between 7am-9pm will be effective in making a step towards changing habits of preloading. From a youth perspective, preloading and sideloading is often a result of high town prices for drinks, leading many young people to stock up on cheap liquor at off-licence premises.

1.1.2 The Youth Council believes that these limits would need to be in a form of a cut off zone rather than a cut off time, for example a separate area that can be closed off or locked away. For supermarkets this may mean rearranging stores, for dairys it could mean using locked cabinets or behind the counter sales.

1.1.3 We also believe it would be important for the Council to support businesses while customers get used to the change by providing staff for transition enforcement, as well as providing clear marketing, particularly to young people that it is happening before it happens.

1.1.4 Zones may be better or easier to implement, so we suggest starting off with suburbs most affected by preloading and then expanding out to the rest of inner city Wellington.

1.2 Capital Hosts will need to be extensive in order to improve the quality and the compliance of supermarkets and bottle stores to operate responsibly, particularly to enforce the new off-licence regulations if they are adopted.

1.3 The Youth Council are also in favour of the Council advocating to central government for minimum pricing of alcohol for off-licence premises to encourage better social drinking in town and discourage pre-loading.

1.4 Working with HPA to make social marketing campaigns will be necessary and important as people need to be taught how to drink responsibly. Often this information is not taught in schools, discussed by peers or modelled by parents.

1.4.1 Rather than duplicating the HPA campaigns we feel there is potential for an effective campaign using apps, facebook, social media, video and online Council websites.

1.5 Widening the central city liquor ban to the Southern Ward is a good idea to reduce the rates of alcohol related harm, violence and crime in the area, as well as discourage people pre-loading on the streets.

1.5.1 However extending the liquor to the Southern Ward should be contingent on the support of the Southern community.

1.5.2 The Youth Council also supports extending the city liquor ban to include some private property such as carparks.

1.5.3 The boundaries of the liquor ban also needs to be directed and communicated clearly to the public, particularly young people as not many know where the boundaries are.

1.6 We believe that improving the identification of intoxicated people entering events is not the issue, as drunk people are often quite obvious. It would be better to focus on policing and enforcement, such as supporting staff to refuse entry for those arriving intoxicated and enforce consequences for those who enter events intoxicated.

2. Late night activity in the central city

The Youth Council agrees with the communities concerns that there is a high emphasis on excessive alcohol consumption late at night and the harm that culture causes. Although that is definitely an issue not to be sidelined, we also agree that there needs to be a focus on creating a positive, welcoming and alcohol friendly city.

2.1 Establishing an entertainment precinct is a fantastic idea, and it should be a system that is based on rewarding businesses who have the best practice in managing alcohol.

2.1.1 The Youth Council believes that the focus on having a mix of activities that are both alcohol & non-alcohol related is particularly rewarding. It not only opens up the city to different demographics, particularly young people who cannot drink, but it also encourages a positive image of the city nightlife and breaks down the social pressures of needing to consume alcohol when out late in town.

2.1.2 There is the possibility of the entertainment precinct being restrictive of businesses outside its boundaries, such as Hawthorn lounge, Little Beer Quarter, St Johns, Meow, D4, Blend, 3C, and The Hop Garden.

- 2.1.3 These outskirt businesses contain a different crowd compared to the 'out to get drunk towners', and are more relaxed and there for a chat (e.g. little beer quarter, Havana club).
- 2.1.4 As such, businesses outside the precinct may want the freedom to open later when they have a good crowd in, so it does seem like they are being 'punished' for the once a month or so they want to open.
- 2.1.5 The Youth Council suggests that permits to open late should be available for businesses who are responsible and have high standards of practice and are outside the zone, particularly for special occasions, such as 21st parties.
- 2.2 The Youth Council support the initiative to increase non-alcohol related activities, particularly the idea of chill out zones such as markets, food stalls and circus entertainment.
- 2.2.1 Events in the early evening can be aimed at families and later events should still be age appropriate, exposing young people who are not legal to consume alcohol to excessive drinking is not good.
- 2.3 There definitely needs to be a focus on urban design to encourage a vibrant entertainment precinct, such as better seating and lighting, as well as more transport stands for taxis and buses (even opening up a certain street in town for drop offs/pick ups as Courtney place seems to always be congested).
- 2.4 The Youth Council encourages improving late-night transport to expand the appeal of coming into the entertainment precinct by people living out in the suburbs.
- 2.4.1 Having more frequent late-night bus services i.e. on the half hour would be good rather than the hour, as it would diversify the drinking and non-drinking crowd and encourage small drinkers who avoid getting 'stuck' in town to stay a bit later.
- 2.4.2 Also having fixed taxi fares or discounts on taxi fares when you buy a few drinks is a great idea, as people will have an assured and cheap way of getting home safely.
- 2.5 There also needs to be improved cleaning and rubbish collection in the city as tidy and well lit streets creates the feeling that the area is looked after and should be respected, essentially discouraging bad behaviour.
- 2.6 Investigating ways of improving residential amenity, residents & businesses is a bit vague, and it could turn into an avenue for people to vent rather than create productive outcomes.

3. Communities having a greater say on alcohol availability.

3.1 A regulatory body is needed to issue consents and we believe for it to work, it must be made compulsory for the body to consult with the community.

3.1.1 However if the community were not given adequate information or on top of it themselves, they would just end up approving things and then realise they were surrounded by alcohol venues.

3.2 We believe there still does need to be some limits on proximity to schools, and the number of premises near schools and therefore community consultation is vital.

3.3 We feel there should be different standards for restaurants than bottle stores, and thus local community opinion should be considered.

3.4 We encourage the Council to invest in marketing as well as social media to make communities aware of proposed alcohol venues.

4. Alcohol consumption events

The Youth Council recognise that there is a great deal of concern around alcohol related harm during particular events in the city.

4.1 The Council should work with event organisers to improve risk management plans and enforce consequences for being intoxicated at public events, such as the wrist bands at the Sevens which can be stripped as a result of intoxication.

4.1.1 However, we believe that confiscating tickets would result in angry customers, particularly if the event was expensive, so support for security staff at events is absolutely necessary.

4.1.2 Nevertheless, it would be an effective deterrent as people would learn quickly their limits in what is acceptable, increasing their personal responsibility for their preloading intake.

4.2 The Youth Council feels that a full calendar of non-alcohol activities is a great idea but may be ambitious as it would be a huge undertaking to create lots of events that are relevant and attract crowds.

4.2.1 There is the risk of events becoming repetitive or 'the norm' and people are more likely to come if certain events are not available all the time.

4.2.2 Also late nights and families with young children don't really mix, most families would probably be home round 9-10pm.

4.2.3 Nevertheless, these events should be reevaluated soon after its implementation to see if it was enjoyable and effective in drawing in people to the city.

4.3 The Youth Council understands that sponsored events help create better and more spectacular events due to the greater funding, however sponsorship should not be limited alcohol sponsors of events and activities and there needs to be a focus on gaining other corporate sponsors to fund events.

4.3.1 Young people who are not legally entitled to consume alcohol are vulnerable to the sheer amount of advertising in their surroundings such as alcohol billboards and tv adds that make drinking look appealing and tie alcohol to the particular event.

5. Working together to minimise harm

The Youth Council applaud the Council's initiative to increase cross-sector collaboration, and identify small and measurable 'hands on' ways that can encourage information sharing, communication, and best alcohol practise and management.

6. Success measures

The Youth Council believe that a successful strategy should be measurable in the diversity of late-night traders, rather than the number.

**Wellington City Council - Draft Local Alcohol Policy
Submission**

29th July 2013

To whom it may concern

Here is the personal submission for Jeremy Smith.

I am one of the owners of the Trinity Group and I am Branch President for the Wellington Branch of Hospitality NZ. I have been involved in the Trinity Group for over 10 years.

In my 10 years in the industry I have been part of a number of changes in the Wellington market. Most the changes have had an adverse effect for the on-premise license holders with market share (approx. 15%) being lost to the supermarkets and more competition. On a positive note Hospitality in Wellington has come of age. The quality of the bars and restaurants has improved dramatically, the operators have worked with council and the police in lifting their game and I believe the attitude of our customers has positively improved. The Wellington hospitality and tourism sector can be proud of our achievements and this is supported by the amazing events that are run in our city. WOW, International Arts festival, concerts, theatre and sporting events.

Hospitality is not a tap that can be turned on and off, our sector depends on the passion, vision and commitment of the business owners to create and invest in the large variety of establishments we have today (I can assure you it is not about the money). We need to ensure that we retain the passion, variety and demand whilst the new act is implemented.

Whilst I understand that WCC has been given a difficult job under the new Sale and Supply of Alcohol Act, I can say with certainty that the Draft LAP in its current form will not work.

hooked.

JS

There are a number of factors that need to be taken into consideration in looking at the Council's responsibility and looking at what is needed in terms of the LAP. I have trolled through considerable amounts of the raw data before reaching my conclusions and recommendations:

- There is no need to need to make changes just because as councilors you feel you need to do something. The majority of the proposals in the LAP will not make any difference to the amount of alcohol purchased or to people's behaviour.
- The cost of implementing the LAP in its current form will be prohibitive (Council will need to employ a small army to manage and administer the many discretionary conditions and the complicated risk matrix). If these costs are passed on to the business owners it will just put more pressure on the business – please speak to sensible people in our organization about the incremental costs.
- A simple cost benefit analysis will show that costs will go up, revenue will go down, jobs will be lost for what will be a near zero change in behaviour (as there is not personal accountability) and in all likelihood a very minor drop in sales (remember 75% of the sales is Off-license). So why should we be impacting the city's revenue earning ability if the changes do not make any significant difference. The hospitality sector generates revenue of \$700,000,000 per annum and the late night economy 4am to 7am is \$41,000,000 of which \$11,500,000 goes to wages. (See research done in Christchurch for their cost vs benefit analysis)
- You have had the Police and Health making very bold statements about the harm and that nothing good happens after 3am. Reading through the police data, crime in Wellington reduced in the past 18 months between 10% -15%. The triage centre in Courtenay Place closed as it was not needed. We do not have a city that is out of control. Yes we have a good Police force and that is great it also shows with their current resources they can make a difference with crime in our city. We do not need to shut the city down to help the Police do their job.

- It appears reading the data that the Police are taking a soft approach when enforcing the Wellington City Liquor Bans. We have said for some time for the Liquor Bans to work they need to be enforced.
- On the latest health statistics, the per capita consumption of Alcohol has come down in the past 12 months – this I believe is due to education and awareness.
- The Wellington hospitality sector provide a wide variety of food, music, entertainment and vibrancy from breakfast through to late night to the entire market – people should be allowed to choose when they want to socialize and be entertained. Entertainment is the key ingredient.
- Implementing the LAP as is will result in business closures and job losses. I know as an industry we have made every effort to work with Council in trying to find alternative solutions and we have compromised in looking at reduced trading hours – 5am in the city. We are committed to working in finding reasonable solutions but we will not sit back and see our businesses harmed.
- To run a successful business the investors need some certainty. Under the new Act and proposed LAP, the continuity of the business is undermined. With public hearings for License renewals and a long list of discretionary license conditions, I am being asked to run my business on a year to year basis. How can I as a good operator enter into long term leases or borrow money to invest if my license could be terminated or not renewed at the drop of a hat (Unfortunately the process will be fairly subjective). This process will undermine business confidence and the good business owners and operators will move away, landlords will be reluctant to encourage hospitality and banks will be a lot more wary.
- We have discussed personal accountability as a viable alternative to changing attitudes and behaviour (drink driving is a good example). I am proposing that WCC develop local law that empowers the Police to issue spot fines and trespass notices to people who are intoxicated in a public place (work has been done of the framework of this law –so it is viable and possible). For me and my industry this is the big test for Council – do you want to be seen to be doing something or actually doing something that will make a difference.

JR

- We do not need to have blanket regulations to regulate or manage the small percentage of people who do not drink responsibly (one size should not fit all). Do not punish the majority for the indiscretions of the minority.
- The Hospitality sector in Wellington is well run and the majority of the owners and managers are very good at their jobs – we do not need to implement regulation across the board that is focused on the very small minority of rogue operators. There are other ways of either closing the rogue operators down or encouraging them to join the herd. Do not apply regulation for all that is aimed at the lowest common denominator.
- I have been involved in the Wellington LAP process right from the beginning and I am convinced that the process used by Council is flawed. I was uncomfortable right from the beginning when the first public surveys were done along with the on-line survey. All the questions were very leading and only focused on the potential harm and nothing in the process has convinced me otherwise. It appears that the policy team had an end goal in mind and all their work was focused on finding the information to support that position. None of the HNZ data was used in any of the documentation presented to Council or the public and yet data that was misleading or flawed was presented as factual. There is no data or evidence from the police showing that crime increases after 3am and information relating to a significant reduction in crime was omitted from the data.
- I had a conversation with a consultant and they asked me, if WCC was going to reduce the industry's trading hours would there be a corresponding reduction in my rates and council fees - I had to inform him it will be just the opposite, my fees and costs will increase for the privilege of having my business curtailed. He failed to see the logic.
- It has always been my approach to work with the authorities to try and find win: win sensible solutions to challenges we jointly face. I remain committed to working towards a workable solution. Having said that I will not take a backward step when it comes to ensuring that unworkable regulation does not get implemented.

JB

Recommendations:

Trading Hours:

Wellington City (NO PRECINCT CONCEPT)

- 7am - 3am close city wide with a 5am or possibly a 6am option
 - 5am application is automatic for the current venues with late licenses and a 12 month application process for any other venue wanting a late license.
 - Current rules and regulations for applying for a later license and retaining a late license remain in place.

Suburbs and Southern Zone

- 7am to 1am (venues need to have options for functions and we do not want to drive people into the city if not required).

Hotels

- The proposed solution is sensible for house guests and mini bars

Off-License (Bottle stores and supermarkets)

- All off-licenses need to be treated the same)
- 7am to 11pm (default) as we do not think it will make any real difference closing the sites earlier.
- Pricing/curb loss leading – Work needs to be done with the supermarkets in a joint project to discourage the current loss leading – use corporate responsibility as the thin edge of the wedge. There is a win:win solution.

Other Conditions:

Do not over regulate and keep it simple:

- No to a wind down Hour (not manageable/pointless/unethical/ignores there is a natural wind down period)
- Better public transport (there is no point in closing businesses at 5am if the first train only goes at 6am – this will result in problems in the city)

JS

- Discretionary DLC conditions – this is aimed at creating an administrative nightmare and allowing a subjective process to destroy good businesses. Take them out.
- The proposed risk management structure is a joke – overly complicated, not cost effective and it allows an administrator to do as they please on a subjective basis – we do not want administrators in Wellington running the hospitality sector. We need dynamic business people to run our businesses not bureaucrats.

Fees

Keep the fees simple and cost effective. The Government has given good guidelines for calculation base fees. We do not need to go through a complicated process just to justify charging higher fees to some businesses. The objective should not be about job creation in Council at the expense of destroying businesses in the city.

I have documents in more detail which give the reasons for my proposals.

I do wish to be heard during the oral submission process.

Regards



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individual

APPENDIX 1

I do not believe that the proposed LAP has found any effective balance between the economic and tourism benefits of hospitality in Wellington versus reducing harm from alcohol and improving safety in our city. These changes will lead to the direct reduction of vibrancy, enjoyment and economic growth of Wellington's hospitality offering and our reputation as a leading hospitality and events destination in NZ.

○ Overall the Draft LAP assumes everybody socializes and drinks irresponsibly and all on & off license holders are average or poor operators. On this basis the Draft LAP makes no effort to focus the regulation on the reasonably small group of people who do drink irresponsibly or on the small group of license holders who do not take their obligations seriously. We run the risk of damaging the hospitality sector because rules focus on the lowest common denominator.

○ Based on some stats provided by the police in 2012 there were 86 assaults reported in Te Aro for the year. Assuming the majority of the assaults happened at night, there are approximately 600,000 visitors to the Te Aro area each year after 7pm (11,600 per week conservative estimate). This means that there is 0.0143% risk of being assaulted in Te Aro. We want to bring this risk down, but over regulation is not the solution.

We ask WCC to not implement regulation for the sake of regulation or because as councilors you want to be seen to be doing something. We can effect change without over regulating.



HOURS AND PRECINCTS:

(I have used the WCC submission Framework as a base)

Entertainment Precinct trading hours: (there should not be a precinct)

I recommend this is put at 5am or possibly 6am default to ensure we continue to develop a vibrant hospitality city. I don't see a reason to have to reduce hours from the current closing times in place. I don't see a need for changing something that currently works. A precinct erodes the ability of the city to grow and evolve, it gives a competitive advantage to the businesses in the precinct and could result in rents increasing because of the predetermined area)

Central Area Trading hours:

This should remain at 3am, with the ability to apply for a 6am license. There is no reason to try and force people back into the city prior to this time. This will happen naturally if the city is vibrant and diverse. This reduced trading time in the central area will create a new problem in the city with forced migration at about 2am of large groups trying to get to bars as people will not just stop socializing at 2am.

Suburban & Southern Zone Areas:

This should be set at a base of 1am with a possible maximum of 3am, in line with the venues current licensing hours (eg The Realm has a 3am license and there have been no issues at the site for many years). Businesses should not be forced to operate with less hours than they currently have and be forced to send people into town earlier than they currently have to. There is no reason to try and force people back into the city prior to the current closing times for bars.

Off license trading hours:

The current hours are too long and only encourage pre loading and side loading. But I do not see a change in hours having any impact on the volume of liquor sold, so I can live with the default hours.

DISCRETIONARY CONDITIONS TO BE IMPOSED ON BARS

One way door:

We strongly disagree with this. We don't see a need for a legislated one way door policy at all. There is No categorical evidence or proof these are effective

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to a point that they should be legislated. This should be used as a discretionary tool for operators, or agreed within a charter. A one way door policy in the CBD will only push people into the city earlier from suburbs and in big numbers all at one time to make the cut off time. Having this discretionary tool for the DLC will create chaos and confusion and give some operators an unfair competitive advantage. These cannot be used with just some venues.

Wind down Period:

Why is this needed? What's the definition of "wind down" and how will this be policed and measured? This does not need to be regulated by authorities. Trying to implement this would simply be a default early close. A wind down period will in effect shorten the license the trading hours of the venue. We question the legality of issuing a license for specified trading hours and then reducing them through a compulsory condition. A wind down period will encourage the wrong behaviour from customers, will be very costly to enforce and manage and it ignores the fact that venues have a natural wind down period.

Other Discretionary conditions:

I strongly disagree with all the proposed discretionary conditions. To begin with there is a lack of required detail with the policies under this section. They are too general and there is always concern with having them presented so vaguely what the final requirements will be for these. The Act talks about "reasonable conditions not inconsistent with the Act". From an operational and economic perspective, I can say with my experience as an operator that as these have been vaguely presented this causes real concern that none of these can be considered as "reasonable". This is where legislation crosses the line to become too imposing, restrictive, dictatorial and costly for business owners. They are extreme measures to regulate a business owner with. They have no allowance or conditions which focus on personal accountability of the individuals, it has a narrow focus on over-regulating the operator and staff.

There would be additional agency enforcement costs to maintain these discretionary conditions and then these costs will be passed onto the operators. I also see serious problems around setting standards and the process of monitoring these conditions and then additional issues and disagreement around the measuring and policing the conditions in a fair and consistent manner.

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Good operators don't need to be legislated on how to run a business. You have experienced operators who know how to run their business well, who are still committed to the city and its growth as long as they feel they have a fair economic environment in which they can actually operate within and survive in. According to Police, Council and Health Agencies they all agree that the majority of Wellington venues are well run and don't need additional regulation and conditions.

Detailed comment on the discretionary conditions

- Limiting number of drinks: (covered by host responsibility rules)
- Minimum security staff: (no need to legislate, the venue manager decides this)
- Dedicated staff to manage queues: (no need to legislate, door staff and the manager makes these decisions – the Police from time to time can make recommendations)
- Minimum number of DM: (only one DM is needed – the DM decides on the number of experienced staff they need – addressed by host responsibility rules)
- Pick up litter within a certain area: (good operators do this)
- Security staff in High Viz jackets: (To be worked in conjunction with the Police – no need to regulate)
- No glass drinking vessels outside area past a certain time: (depends on the venue and the number of customers at any one time – venue managers can make this decision)
- Outside temporary furniture to be removed after a certain time: (depends on the venue, number of customers and circumstances – the manager can make a sensible judgment call on this)
- No loudspeakers, amps or audio outside the premises: (it is up to the venue manager to manage the music volume levels inside and outside – this does not need to be further regulated)
- Compulsory CCTV: (this can be very expensive and not always needed)

Most of the above is already being done by good operators and doesn't need to be enforced by law. As soon as it is a legal requirement (more legislation on best practice) then as soon as a staff member forgets to do any of the above,

JTS

we can be prosecuted. This will provide more scope for authorities to police and punish. This could be a simple human error, slight unintentional slip, or any number of other legitimate reasons the condition is not being done within a small time window.

Special Licenses:

With the proposed reduction in trading hours from 6am to 5am there will be a greater need for special licenses. We need Council to have an open view to genuine special license applications, ensuring the approach is to support these, not block them at every opportunity.

DECISION MAKING FRAMEWORK

DLC: We are concerned that the list of discretionary conditions proposed for the DLC to use is too wide and unnecessary. The end result is that all discretionary conditions will become compulsory conditions. It will become very costly for the conditions to be managed and impossible for licensed venues to implement cost effectively.

If the risk criteria and the discretionary conditions are implemented as proposed, it will be almost impossible to effectively apply for and retain a late license. It will also be very difficult to retain licenses on renewal and the cost of doing so will be prohibitive.

As business owners we need to protect our investment in our business or at least have the ability to repay bank loans. If our licenses need to go to public consultation every year or so for license renewal and we run the risk of not having the license renewed, or renewed with all kinds of extra conditions, it will be impossible to secure leases or funding to invest in the business. The impact of the LAP and DLC conditions will put people out of business and will close the door to good responsible business people entering the sector.

Setting of fees for license holders:

WCC does not need to have extra fees, all that is needed is to implement the fee structure calculated by Government in the act.

The direction the Council is currently taking we are concerned that the rules and risk analysis is so complicated Council will need an army to implement and

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manage the process. This will result in license fees going through the roof. The LAP process was not intended to be an empire building exercise within the Council.

Our strong view is to keep it simple. The majority of license holders run good responsible businesses. Do not create rules to manage at the lowest common denominator.

If you want to drive good operators out of the industry and attract the fly by nighters who do not care if they lose their license – then the proposed LAP and fee structure is heading in the right direction.

In Christchurch the Council ran a cost benefit research and the conclusion drawn from the research is that the LAP may have a 1% impact on the volume of alcohol purchased, but the cost associated in implementing and managing the LAP by far exceeded this possible benefit. Wellington will be in the same position except it looks like the cost to Council and the impact on businesses will exceed those of Christchurch. So there does not appear to be any justification in continuing down this over regulated road.

Each license renewal to go to hearing

All high risk or entertainment precinct licenses will go to public hearing. Is this only if there is public opposition, or for every renewal?? This is ridiculous; it will be costly and time consuming. There is already ability for people to object to a license application or renewal. This process does not have to be made compulsory. This should only occur if in fact there is a genuine objection from Authorities or the public.

Risk Assessment

This will be flawed. Who will be the people measuring and assessing this to ensure accuracy and fairness and consistency? What expertise and qualifications will they have in hospitality, alcohol management and commercial viability of a business? The draft proposal automatically puts just about every Tavern License into the high risk category, which means all Tavern Licensees run the risk of being over regulated and have the risk of their license fees being increased significantly.

Under current legislation the Police work on a graduated response model, where they assess and gather information on licensed premises based on a

range of measurement criteria and interaction with the venue. On this basis the Police usually have a pretty good indicator on which businesses are higher risk than others. However even this model and approach has many flaws. There is no need for Council staff or DLC members to be assessing all venues at the lowest common denominator. Not every operator works to the minimum standards, it's quite the opposite.

Effect a change in the mix of licensed activity, away from drinking focused on "entertainment activity"

What does this mean? What's wrong with the current mix? What does entertainment activity look like? There is no definition or clarity about what is trying to be achieved here.

The LAP does not recognize that the hospitality sector already does provide amazing entertainment. Just because we do not have a door charge it does not detract from the fact that it is entertainment. There is a wide variety of live music, DJs, lighting and atmosphere to entertain our customers. We know that post 2am many of our customers are more interested in dancing, socializing and making new friends than they are in purchasing, this is why we have a natural gradual wind down period in the venues.

Please do not confuse charging and ticketing with entertainment. Free entertainment is just as effective.

Staff and Employment

The added regulation will discourage people considering hospitality careers or part time work in the industry. This added regulation will only lead to additional pressure on staff who already carry a large responsibility under the current act. This pressure will only make hiring, developing and holding hospitality staff harder, as they weigh up the enjoyment and remuneration they receive, outweighed by the risk and regulation they face. They will simply say, why bother, it used to be fun and rewarding, now it's risky and stressful.

Number of assaults in the Wellington area

The continued improvement of the hospitality sector is having an effect on the overall safety of the city. The number of assaults have dramatically reduced in

2012. Police statistics show there was a dramatic reduction in assaults for the Te Aro area. In 2011 there was 147 assaults, while in 2012 this was reduced to 86. A reduction of 41%. This is a combination of effective policing, good door security and a change in attitude of the people.

SUMMARY:

I support effective and positive initiatives to help make the city safer and more vibrant, such as:

- Better public transport and taxis, this is critical and needs to be addressed.
- More lighting in CBD and problem areas.
- More CCTV cameras in problem areas, with adequate monitoring.
- Consider a Chill out zone in busy areas. Offer first aid /water /time out area.
- Significantly more enforcement for liquor ban areas and extend these.
- Instant fines from Police for intoxication or disorderly or anti-social behaviour in public.
- Trespass notices issued by Police to trespass public from specific areas or zones that have licensed premises operating for periods of 24-48 hours.
- Greater Police presence to deal with the minority of drinkers who do cause problems and anti-social behaviour in public areas.

We do not see any of the suggested LAP policy changing behaviour of those drinking and causing the problems, especially issues such as pre loading, and anti-social behavior. There could be an argument some of the proposals could even encourage bad drinking behaviour outside licensed premises. To conclude, it seems everyone agrees that well run licensed premises are the safest place to drink and socialize, are an important part of the Wellington economy. Let's find a sensible LAP that supports operators and the industry, while finding a balance to continue Wellington's reputation as a leading and thriving hospitality destination and allow it to continue to contribute to the economic growth of Wellington City.

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Wellington City (NO PRECINCT CONCEPT)

- 7am - 3am close city wide with a 5am or possibly a 6am option
 - 5am application is automatic for the current venues with late licenses and a 12 month application process for any other venue wanting a late license.
 - Current rules and regulations for applying for a later license and retaining a late license remain in place.

Suburbs and Southern Zone

- 7am to 1am (venues need to have options for functions and we do not want to drive people into the city if not required).

Hotels

- The proposed solution is sensible for house guests and mini bars

Off-License (Bottle stores and supermarkets)

- All off-licenses need to be treated the same)
- 7am to 11pm (default) as we do not think it will make any real difference closing the sites earlier.
- Pricing/curb loss leading – Work needs to be done with the supermarkets in a joint project to discourage the current loss leading – use corporate responsibility as the thin edge of the wedge. There is a win:win solution.

Other Conditions:

Do not over regulate and keep it simple:

- No to a wind down Hour (not manageable/pointless/unethical/ignores there is a natural wind down period)
- Better public transport (there is no point in closing businesses at 5am if the first train only goes at 6am – this will result in problems in the city)



- Discretionary DLC conditions – this is aimed at creating an administrative nightmare and allowing a subjective process to destroy good businesses. Take them out.
- The proposed risk management structure is a joke – overly complicated, not cost effective and it allows an administrator to do as they please on a subjective basis – we do not want administrators in Wellington running the hospitality sector. We need dynamic business people to run our businesses not bureaucrats.

Fees

Keep the fees simple and cost effective. The Government has given good guidelines for calculation base fees. We do not need to go through a complicated process just to justify charging higher fees to some businesses. The objective should not be about job creation in Council at the expense of destroying businesses in the city.

I have documents in more detail which give the reasons for my proposals.

I do wish to be heard during the oral submission process.

Regards



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APPENDIX 1

I do not believe that the proposed LAP has found any effective balance between the economic and tourism benefits of hospitality in Wellington versus reducing harm from alcohol and improving safety in our city. These changes will lead to the direct reduction of vibrancy, enjoyment and economic growth of Wellington's hospitality offering and our reputation as a leading hospitality and events destination in NZ.

Overall the Draft LAP assumes everybody socializes and drinks irresponsibly and all on & off license holders are average or poor operators. On this basis the Draft LAP makes no effort to focus the regulation on the reasonably small group of people who do drink irresponsibly or on the small group of license holders who do not take their obligations seriously. We run the risk of damaging the hospitality sector because rules focus on the lowest common denominator.

Based on some stats provided by the police in 2012 there were 86 assaults reported in Te Aro for the year. Assuming the majority of the assaults happened at night, there are approximately 600,000 visitors to the Te Aro area each year after 7pm (11,600 per week conservative estimate). This means that there is 0.0143% risk of being assaulted in Te Aro. We want to bring this risk down, but over regulation is not the solution.

We ask WCC to not implement regulation for the sake of regulation or because as councilors you want to be seen to be doing something. We can effect change without over regulating.



HOURS AND PRECINCTS:

(I have used the WCC submission Framework as a base)

Entertainment Precinct trading hours: (there should not be a precinct)

I recommend this is put at 5am or possibly 6am default to ensure we continue to develop a vibrant hospitality city. I don't see a reason to have to reduce hours from the current closing times in place. I don't see a need for changing something that currently works. A precinct erodes the ability of the city to grow and evolve, it gives a competitive advantage to the businesses in the precinct and could result in rents increasing because of the predetermined area)

Central Area Trading hours:

This should remain at 3am, with the ability to apply for a 6am license. There is no reason to try and force people back into the city prior to this time. This will happen naturally if the city is vibrant and diverse. This reduced trading time in the central area will create a new problem in the city with forced migration at about 2am of large groups trying to get to bars as people will not just stop socializing at 2am.

Suburban & Southern Zone Areas:

This should be set at a base of 1am with a possible maximum of 3am, in line with the venues current licensing hours (eg The Realm has a 3am license and there have been no issues at the site for many years). Businesses should not be forced to operate with less hours than they currently have and be forced to send people into town earlier than they currently have to. There is no reason to try and force people back into the city prior to the current closing times for bars.

Off license trading hours:

The current hours are too long and only encourage pre loading and side loading. But I do not see a change in hours having any impact on the volume of liquor sold, so I can live with the default hours.

DISCRETIONARY CONDITIONS TO BE IMPOSED ON BARS

One way door:

We strongly disagree with this. We don't see a need for a legislated one way door policy at all. There is No categorical evidence or proof these are effective



to a point that they should be legislated. This should be used as a discretionary tool for operators, or agreed within a charter. A one way door policy in the CBD will only push people into the city earlier from suburbs and in big numbers all at one time to make the cut off time. Having this discretionary tool for the DLC will create chaos and confusion and give some operators an unfair competitive advantage. These cannot be used with just some venues.

Wind down Period:

Why is this needed? What's the definition of "wind down" and how will this be policed and measured? This does not need to be regulated by authorities. Trying to implement this would simply be a default early close. A wind down period will in effect shorten the license the trading hours of the venue. We question the legality of issuing a license for specified trading hours and then reducing them through a compulsory condition. A wind down period will encourage the wrong behaviour from customers, will be very costly to enforce and manage and it ignores the fact that venues have a natural wind down period.

Other Discretionary conditions:

I strongly disagree with all the proposed discretionary conditions. To begin with there is a lack of required detail with the policies under this section. They are too general and there is always concern with having them presented so vaguely what the final requirements will be for these. The Act talks about "reasonable conditions not inconsistent with the Act". From an operational and economic perspective, I can say with my experience as an operator that as these have been vaguely presented this causes real concern that none of these can be considered as "reasonable". This is where legislation crosses the line to become too imposing, restrictive, dictatorial and costly for business owners. They are extreme measures to regulate a business owner with. They have no allowance or conditions which focus on personal accountability of the individuals, it has a narrow focus on over-regulating the operator and staff.

There would be additional agency enforcement costs to maintain these discretionary conditions and then these costs will be passed onto the operators. I also see serious problems around setting standards and the process of monitoring these conditions and then additional issues and disagreement around the measuring and policing the conditions in a fair and consistent manner.



Good operators don't need to be legislated on how to run a business. You have experienced operators who know how to run their business well, who are still committed to the city and its growth as long as they feel they have a fair economic environment in which they can actually operate within and survive in. According to Police, Council and Health Agencies they all agree that the majority of Wellington venues are well run and don't need additional regulation and conditions.

Detailed comment on the discretionary conditions

- Limiting number of drinks: (covered by host responsibility rules)
- Minimum security staff: (no need to legislate, the venue manager decides this)
- Dedicated staff to manage queues: (no need to legislate, door staff and the manager makes these decisions – the Police from time to time can make recommendations)
- Minimum number of DM: (only one DM is needed – the DM decides on the number of experienced staff they need – addressed by host responsibility rules)
- Pick up litter within a certain area: (good operators do this)
- Security staff in High Viz jackets: (To be worked in conjunction with the Police – no need to regulate)
- No glass drinking vessels outside area past a certain time: (depends on the venue and the number of customers at any one time – venue managers can make this decision)
- Outside temporary furniture to be removed after a certain time: (depends on the venue, number of customers and circumstances – the manager can make a sensible judgment call on this)
- No loudspeakers, amps or audio outside the premises: (it is up to the venue manager to manage the music volume levels inside and outside – this does not need to be further regulated)
- Compulsory CCTV: (this can be very expensive and not always needed)

Most of the above is already being done by good operators and doesn't need to be enforced by law. As soon as it is a legal requirement (more legislation on best practice) then as soon as a staff member forgets to do any of the above,



we can be prosecuted. This will provide more scope for authorities to police and punish. This could be a simple human error, slight unintentional slip, or any number of other legitimate reasons the condition is not being done within a small time window.

Special Licenses:

With the proposed reduction in trading hours from 6am to 5am there will be a greater need for special licenses. We need Council to have an open view to genuine special license applications, ensuring the approach is to support these, not block them at every opportunity.

DECISION MAKING FRAMEWORK

DLC: We are concerned that the list of discretionary conditions proposed for the DLC to use is too wide and unnecessary. The end result is that all discretionary conditions will become compulsory conditions. It will become very costly for the conditions to be managed and impossible for licensed venues to implement cost effectively.

If the risk criteria and the discretionary conditions are implemented as proposed, it will be almost impossible to effectively apply for and retain a late license. It will also be very difficult to retain licenses on renewal and the cost of doing so will be prohibitive.

As business owners we need to protect our investment in our business or at least have the ability to repay bank loans. If our licenses need to go to public consultation every year or so for license renewal and we run the risk of not having the license renewed, or renewed with all kinds of extra conditions, it will be impossible to secure leases or funding to invest in the business. The impact of the LAP and DLC conditions will put people out of business and will close the door to good responsible business people entering the sector.

Setting of fees for license holders:

WCC does not need to have extra fees, all that is needed is to implement the fee structure calculated by Government in the act.

The direction the Council is currently taking we are concerned that the rules and risk analysis is so complicated Council will need an army to implement and

manage the process. This will result in license fees going through the roof. The LAP process was not intended to be an empire building exercise within the Council.

Our strong view is to keep it simple. The majority of license holders run good responsible businesses. Do not create rules to manage at the lowest common denominator.

If you want to drive good operators out of the industry and attract the fly by nighters who do not care if they lose their license – then the proposed LAP and fee structure is heading in the right direction.

In Christchurch the Council ran a cost benefit research and the conclusion drawn from the research is that the LAP may have a 1% impact on the volume of alcohol purchased, but the cost associated in implementing and managing the LAP by far exceeded this possible benefit. Wellington will be in the same position except it looks like the cost to Council and the impact on businesses will exceed those of Christchurch. So there does not appear to be any justification in continuing down this over regulated road.

Each license renewal to go to hearing

All high risk or entertainment precinct licenses will go to public hearing. Is this only if there is public opposition, or for every renewal?? This is ridiculous; it will be costly and time consuming. There is already ability for people to object to a license application or renewal. This process does not have to be made compulsory. This should only occur if in fact there is a genuine objection from Authorities or the public.

Risk Assessment

This will be flawed. Who will be the people measuring and assessing this to ensure accuracy and fairness and consistency? What expertise and qualifications will they have in hospitality, alcohol management and commercial viability of a business? The draft proposal automatically puts just about every Tavern License into the high risk category, which means all Tavern Licensees run the risk of being over regulated and have the risk of their license fees being increased significantly.

Under current legislation the Police work on a graduated response model, where they assess and gather information on licensed premises based on a



range of measurement criteria and interaction with the venue. On this basis the Police usually have a pretty good indicator on which businesses are higher risk than others. However even this model and approach has many flaws. There is no need for Council staff or DLC members to be assessing all venues at the lowest common denominator. Not every operator works to the minimum standards, it's quite the opposite.

Effect a change in the mix of licensed activity, away from drinking focused on "entertainment activity"

What does this mean? What's wrong with the current mix? What does entertainment activity look like? There is no definition or clarity about what is trying to be achieved here.

The LAP does not recognize that the hospitality sector already does provide amazing entertainment. Just because we do not have a door charge it does not detract from the fact that it is entertainment. There is a wide variety of live music, DJs, lighting and atmosphere to entertain our customers. We know that post 2am many of our customers are more interested in dancing, socializing and making new friends than they are in purchasing, this is why we have a natural gradual wind down period in the venues.

Please do not confuse charging and ticketing with entertainment. Free entertainment is just as effective.

Staff and Employment

The added regulation will discourage people considering hospitality careers or part time work in the industry. This added regulation will only lead to additional pressure on staff who already carry a large responsibility under the current act. This pressure will only make hiring, developing and holding hospitality staff harder, as they weigh up the enjoyment and remuneration they receive, outweighed by the risk and regulation they face. They will simply say, why bother, it used to be fun and rewarding, now it's risky and stressful.

Number of assaults in the Wellington area

The continued improvement of the hospitality sector is having an effect on the overall safety of the city. The number of assaults have dramatically reduced in



2012. Police statistics show there was a dramatic reduction in assaults for the Te Aro area. In 2011 there was 147 assaults, while in 2012 this was reduced to 86. A reduction of 41%. This is a combination of effective policing, good door security and a change in attitude of the people.

SUMMARY:

I support effective and positive initiatives to help make the city safer and more vibrant, such as:

- Better public transport and taxis, this is critical and needs to be addressed.
- More lighting in CBD and problem areas.
- More CCTV cameras in problem areas, with adequate monitoring.
- Consider a Chill out zone in busy areas. Offer first aid /water /time out area.
- Significantly more enforcement for liquor ban areas and extend these.
- Instant fines from Police for intoxication or disorderly or anti-social behaviour in public.
- Trespass notices issued by Police to trespass public from specific areas or zones that have licensed premises operating for periods of 24-48 hours.
- Greater Police presence to deal with the minority of drinkers who do cause problems and anti-social behaviour in public areas.

We do not see any of the suggested LAP policy changing behaviour of those drinking and causing the problems, especially issues such as pre loading, and anti-social behavior. There could be an argument some of the proposals could even encourage bad drinking behaviour outside licensed premises. To conclude, it seems everyone agrees that well run licensed premises are the safest place to drink and socialize, are an important part of the Wellington economy. Let's find a sensible LAP that supports operators and the industry, while finding a balance to continue Wellington's reputation as a leading and thriving hospitality destination and allow it to continue to contribute to the economic growth of Wellington City.

JDS