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**DRAFT ALCOHOL MANAGEMENT STRATEGY AND DRAFT  
LOCAL ALCOHOL POLICY**

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**1. Purpose of report**

This paper reports back on the feedback from the community engagement programme on the role of alcohol in Wellington and seeks the Committee's approval of the draft Alcohol Management Strategy and draft Local Alcohol Policy to be released for public consultation.

**2. Executive summary**

The Sale and Supply of Alcohol Act 2012 allows councils to develop a local alcohol policy (LAP) that looks at the sale and availability of alcohol – including the number of outlets, their location, and conditions under which they can operate.

Councils that do not prepare a LAP will be subject to national maximum trading hours. The trading hours would be 8am–4am for on-licences (bars, clubs, and restaurants) and 7am–11pm for off-licences (liquor stores and supermarkets). The inability to set trading hours specific to areas in the city creates a risk for achieving our strategic goals.

In November 2012, the Council decided to begin the process by preparing an Alcohol Management Strategy (AMS). The AMS provides a broader context for the draft LAP. It takes a wider view of alcohol-related behaviour, how it can positively contribute to our aspirations for a dynamic central city with vibrant suburban centres, and how we can all play a part in reducing alcohol related harm.

The draft AMS and draft LAP was prepared with community input from a comprehensive early engagement programme called 'The Right Mix?'. The programme sought views on the role of alcohol in Wellington using a range of channels including ward-based workshops, targeted workshops, online discussion space, and by working with the cross-sectoral reference group, that has acted as a sounding board through the process of developing the draft AMS and draft LAP.

The report recommends the Council approves the draft AMS and draft LAP for public consultation. This will provide an opportunity for the public to comment on the proposals to promote the safe and responsible consumption of alcohol.

### **3. Recommendations**

Officers recommend that the Strategy and Policy Committee:

1. *Receive the information.*
2. *Note the feedback from the early community engagement programme (attached as Appendix 1).*
3. *Agree to consult on the draft Alcohol Management Strategy (attached as Appendix 2).*
4. *Determine that the Council has consulted with, and had due regard for the evidence and advice provided by, the Police, the inspectors, and the Medical Officer of Health as required under section 78(4) of the Sale and Supply of Alcohol Act 2012.*
5. *Determine that regard has been given to the matters in section 78(2) of that Act in preparing the draft Local Alcohol Policy (attached as Appendix 5).*
6. *Decide on the maximum trading hours for off-licences to be included in the Statement of Proposal (the draft Local Alcohol Policy) from the options outlined in section 5.3.4 of this report.*
7. *Recommend that Council adopt the Statement of Proposal attached (as Appendix 3) and to initiate the special consultative procedure under Section 83 of the Local Government Act 2002.*
8. *Note that, if the Statement of Proposal is approved for consultation:*
  - (a) *it will be publicly notified on 2 July and submissions will close on 2 August 2013; and,*
  - (b) *oral submissions will be heard from the week beginning 5 August; and,*
  - (c) *officers will report back to the Strategy and Policy Committee on 5 September with the results of public consultation, the final Alcohol Management Strategy, and the provisional Local Alcohol Policy*
9. *Agree that a Draft Local Alcohol Policy Hearings Subcommittee be established with the Terms of Reference outlined in Appendix 4.*
10. *Agree to delegate to the Chief Executive and the Social Portfolio Leader, the authority to amend the proposed Statement of Proposal to include any amendments agreed by the Committee and any associated minor consequential edits.*

## 4. Background

The Sale and Supply of Alcohol Act 2012 allows councils to develop a local alcohol policy. Under section 77(1), a LAP may include policies on any or all of the following matters relating to licensing (and no others):

- (a) location of licensed premises by reference to broad areas;
- (b) location of licensed premises by reference to proximity to premises of a particular kind or kinds;
- (c) location of licensed premises by reference to proximity to facilities of a particular kind or kinds;
- (d) whether further licences (or licences of a particular kind or kinds) should be issued for premises in the district concerned, or any stated part of the district;
- (e) maximum trading hours;
- (f) the issue of licences, or licences of a particular kind or kinds, subject to discretionary conditions;
- (g) one-way door restrictions.

The Act sets out the process which the Council must use to adopt a LAP. First, the Council must produce a draft policy. When producing the draft policy, the Council must have regard to the following factors set out in section 78(2) of the Act:

- (a) the objectives and policies of its district plan;
- (b) the number of licences of each kind held for premises in its district, and the location and opening hours of each of the premises;
- (c) any areas in which bylaws prohibiting alcohol in public places are in force;
- (d) the demography of the district's residents;
- (e) the demography of people who visit the district as tourists or holidaymakers;
- (f) the overall health indicators of the district's residents; and
- (g) the nature and severity of the alcohol-related problems arising in the district.

Furthermore, the Act says that a territorial authority must not produce a draft policy without having consulted the Police, inspectors, and Medical Officers of Health. Under the Act, the Council is able to ask the Police, inspectors, and Medical Officers of Health for any information they hold relating to any of the matters in paragraphs (c) to (g), and those persons are to make reasonable efforts to provide the Council with that information.

Once the Council has produced a draft LAP, and it decides to continue to have a LAP, it must consult on a draft LAP using the special consultative procedure.

Following deliberations on submissions on the draft LAP, and the Council continues to wish to have a LAP, it must then give public notice of the revised policy (called the "provisional LAP" in the Act), the rights of appeal against it, and the ground on which the appeal may be made. The earliest the Council can notify a provisional LAP is 18 December 2013.

A person or agency that made submissions as part of the special consultative procedure on a draft LAP, has 30 days after its public notification to appeal to the licensing authority against any element of the provisional LAP. The Police or Medical Officer of Health have a right to appeal an element whether or not they made a submission. Persons who do not make submissions do not have a right of appeal. The **only ground** on which an element of a provisional LAP can be appealed against is that it is unreasonable in light of the object of the Act. The object of the Act being 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”.

#### **4.1 Process to prepare the draft LAP**

The Strategy and Policy Committee received a scoping paper on the process to prepare a draft LAP on 8 November 2012. The Committee decided that the process should begin by preparing an Alcohol Management Strategy alongside a draft LAP. The AMS provides a broader context for the draft LAP. It takes a wider view of alcohol-related behaviour, how it can positively contribute to our aspirations for a dynamic central city with vibrant suburban centres, and how we can all play a part in reducing alcohol related harm. Two key elements of the process were a comprehensive early engagement programme and building a robust evidence-base on which to develop a draft LAP.

The engagement programme, called The Right Mix?, sought views on the role of alcohol in Wellington using a range of channels including ward-based workshops, targeted workshops, online discussion space, and by working with the cross-sectoral reference group, that as acted as a sounding board through the process of developing the draft LAP.

Building the evidence base began with undertaking a survey of a 1,000 residents asking about their views on alcohol, working with key stakeholders (such as the Police, medical Officer of health, the hospitality sector, supermarkets) to generate useful information, and commissioning our own surveys as information gaps emerged (such as a survey of on-licence purchasing and consumption patterns and a survey of university students).

## **5. Discussion**

### **5.1 Key themes emerging from the early engagement programme**

The engagement programme ran from February 4 until April 19, 2013. Significant effort was invested in promoting the early engagement programme, which led to a good response in terms of the volume and depth of feedback from the community. The reach of the engagement programme included:

261	submission forms completed via website
16	written submissions (submission forms, letters, and emails)
105	people attended a ward-based community meeting
89	people attended the licensee and youth workshops
7	meetings of Reference Group
185	registered for Loomio online discussion threads

- 643 posts on Loomio online discussion threads
- 88 City Housing tenants participated in CAP chats or Summit
- 2 workshops to explore a Māori cultural perspective
- 2 workshop exercises at the Pacific and Ethnic forum
- 6 briefing meetings with stakeholders for the forum hosted by the Council on June 13.

The engagement programme centred on a discussion document, which used the results from the residents' survey to trigger comment from the community. We received feedback, particularly from the hospitality sector, that this approach led to bias in how the issues were presented to the community. However, as this was a thematic and strategic early engagement activity, it is entirely appropriate to present issues in a manner that would provoke thought and feedback.

Appendix One contains a summary of feedback from the engagement programme based around the following themes:

- Pre-loading and side-loading
- Skewed late-night activity mix
- Public alcohol consumption - liquor ban
- Residents perceptions and expectations around personal and host responsibility
- Concern about excessive alcohol consumption and antisocial behaviour
- Outlet density
- Education and social marketing
- Perceptions of safety – particularly in the central city
- Trading hours
- Lack of transport options, especially public transport
- Proximity to certain facilities

## **5.2 Draft Alcohol Management Strategy and Implementation Plan**

The draft Alcohol Management Strategy (attached in Appendix Two) is a non-statutory strategy that provides a broader context for the Council's draft Local Alcohol Policy. It takes a wider view of alcohol and alcohol-related behaviour, how alcohol can positively contribute to our aspirations for a dynamic central city with vibrant suburban centres, and how we can all play a part in reducing alcohol-related harm. The draft AMS, and accompanying Implementation Plan, provides a vehicle to address community issues in a comprehensive manner by deploying regulatory and non-regulatory initiatives.

The outcomes sought by the draft strategy are:

- **reduced harm:** a reduction in the amount of harm caused by the excessive consumption of alcohol and drinking in public places and in vandalism
- **increased vibrancy:** an increase in late-night activity in the central city with less emphasis on alcohol consumption
- **improved amenity:** an improvement in suburban, inner-city and open space amenity.

- **greater personal responsibility:** an increase in the safe and responsible consumption of alcohol.
- **greater collaboration:** more shared responses to alcohol-related issues from licensees, local and central government, and community organisations.

The draft AMS identifies a suite of initiatives to achieve these outcomes. These have been grouped into the five focus areas as responses to key issues emerging from the early engagement programme. These are: pre-loading/side-loading, central city safety and vibrancy, community participation, alcohol at events, and sector collaboration.

The draft AMS includes a proposed implementation plan. The following are the proposed initiatives where the Council has a key role:

- Support initiatives to increase late-night non-alcohol activities
- Develop specific urban design plans for each Entertainment Precinct
- Improve late-night transportation options
- Improved street cleaning and rubbish collection in Entertainment Precincts
- Investigate ways to improve residential amenity in Entertainment Precincts
- Advocate to the Government on minimum pricing and price advertising
- Work with agencies on social marketing campaigns about pre-loading
- Widen and strengthen the Central City Liquor Ban
- Work with venue managers and event organisers to continuously improve alcohol management plans for large-scale events
- Develop a sponsorship policy for events and facilities, including a position on alcohol sponsorship.

### **5.3 Draft Local Alcohol Policy**

Overwhelming support for developing a local alcohol policy was expressed during the early engagement programme, although the outcomes sought from a policy were divergent. Preparing a LAP creates locally relevant policies for licensing within Wellington City to meet its strategic objectives and the needs of local communities. A LAP would also be an important tool to assist the District Licensing Committee act on behalf of the community and make decisions consistent with the object of the Act.

The draft LAP (attached in Appendix Three) is founded on a robust risk-assessment framework that incentivises best-practice, assesses risk, and limits activity at higher risk times to particular locations, which will lead to a hospitality and retail environment that promotes the safe and responsible sale and consumption of alcohol. The draft policy has responded to community concerns about alcohol-related harm and Wellington based evidence which shows that at particular locations in the city and during particular times, the harm experienced is disproportionate to the social and economic benefit.

The following outlines an assessment of the options available to the Council in determining the content of the draft LAP.

### 5.3.1 Decision to prepare a draft LAP

#### *Recommended approach:*

Prepare a draft LAP based on a risk-based policy model with a zone specific management framework.

#### *Rationale:*

There was overwhelming support for developing a local alcohol policy. During the early engagement programme, people told us that reducing the negative impact of alcohol consumption and building on positive experiences of alcohol consumption were important. Creating a regulatory environment that incentivises risk management, improves the quality of licensed drinking environments to reduce social harm and the regulatory costs associated with excessive consumption, particularly at higher risk times and in locations where harm is prevalent, is a reasonable approach.

#### *Other Options:*

<b>Not Preferred Options</b>	<b>Reason:</b>
Status quo – no LAP, rely on the provisions in Act	The default maximum trading hours in the Act did not adequately represent the strategic goals of the City nor address community concerns about the impact of excessive alcohol consumption.
Delay the development of LAP until after the Local Body elections in October	This would extend the time during which Wellington is subject to the default provisions in the Act around maximum trading hours.

### 5.3.2 Proximity to sensitive facilities

#### *Recommended approach:*

Create automatic triggers for public hearings for:

- high to medium risk applications in the Southern Zone within close proximity (100 metres) of another licensed premises or a sensitive facility
- any application adjacent to a sensitive facility
- high to medium risk or late trading applications in the Entertainment Precincts
- any application that receives public opposition

#### *Rationale:*

Creating automatic triggers for the public hearing of applications in specific circumstances puts a DLC in the best possible position to determine whether the proximity of the proposed licensed premises increases the possibility of alcohol-related harm.

### *Other Options:*

<b>Not Preferred Options</b>	<b>Reason:</b>
Status quo – rely on the default criteria in the Act.	The community has consistently expressed concern about the exposure of young people to activity around bottle stores and the impact on local amenity from licensed premises generally. The intent of the Act supports local community desire to have more say in decisions around the location of licensed premises. This is best done by including specific provisions in the policy that reflect the needs and expectations of communities rather than relying on the default criteria in the Act. It also gives communities and applicants greater certainty about how proximity will be considered by a District Licensing Committee.
Prohibit licensed premises locating near/adjacent to sensitive facilities	Diversity of activities in the central city and suburban centres is an essential element in creating healthy and functional urban areas. The risk assessment approach is considered a more appropriate mechanism to identify and manage the circumstances when the proximity of licensed premises to sensitive facilities is problematic.
Widen the scope of 'close proximity' (eg 500 metres)	Wellington City is compact city with distinct suburban communities whose boundaries are shaped by hills and the harbour. As such, widening the extent of 'close proximity' would significantly increase the probability the automatic hearing trigger would activate. This would unreasonably increase application costs and unduly raise community expectations that concerns about a licensed premises locating within say 500 metres of a school are valid.

### **5.3.3 Density of licensed premises**

#### *Recommended approach:*

Create automatic triggers for public hearings for:

- all new or renewal applications for high-risk applications in the Southern Zone
- all applications where density or proximity is raised by submitters as an issue

#### *Rationale:*

Creating automatic triggers for the public hearing of applications in the Southern Zone responds to a history of applications being opposed and research which shows that those who live in this area are disproportionately represented in alcohol-related harm data. Restricting the trigger to applications assessed as being high-risk under the risk assessment framework and valid public objections means best-practice premises are less likely to be affected.



### *Other Options:*

<b>Not Preferred Options</b>	<b>Reason:</b>
Status quo – rely on the default criteria in the Act	The community has consistently expressed concern about the prevalence of licensed premises, particularly bottle stores, in their local area. The intent of the Act supports local community desire to have more say in decisions around the number of licensed premises. This is best done by including specific provisions in the policy that reflect the needs and expectations of communities rather than relying on the default criteria in the Act. It also gives communities and applicants greater certainty about how density will be considered by a District Licensing Committee.
Establish a cap, or a sinking lid, on the number of licensed premises in an area.	Establishing area specific caps are likely to be ineffective given the relative population density of Wellington. A cap is also a blunt tool and would preclude best-practice premises capable of promoting safe and responsible alcohol consumption. The risk assessment approach is considered a more appropriate mechanism to consider when additional licensed premises may increase alcohol-related harm.

#### **5.3.4 Off-licence maximum trading hours**

The Committee is being asked to consider three options for the setting of maximum trading hours for off-licences:

- Option 1: Set the hours between 7am and 9pm
- Option 2: Set the hours between 7am and 11pm (the national maximum trading hours)
- Option 3: Set the hours between 7am and 11pm except for the central city and Southern Zone where the hours are 7am-9pm.

#### *The rationale for Option 1: Set the hours between 7am and 9pm*

The Council commissioned a survey looking at the off-licence purchasing patterns on Friday and Saturday night, which officers understand is the first time such research has been undertaken in New Zealand. The research showed a spike in alcohol-only supermarket purchases from 9pm (62% of purchases were alcohol-only 9pm compared to 18% at 6pm) and the time when immediate consumption of the purchased alcohol peaks at 9pm (74% of purchasers intended to drink the alcohol that night compared to 33% at 5pm).

These results indicate there is purchasing behaviour that would be conducive for excessive pre-loading and side-loading – particularly “topping-up” purchases. Preloading and side-loading is characterised by younger age groups 18-29 years of age who are typically price sensitive and more likely to be late-night customers (trading past 2.00am). International best practice supports restricting trading hours for off-licenses to allow a sufficient buffer to the late-night economy to the extent that these premises are closed before at risk groups typically move into the city.

If the Council were to adopt this option, a key consultation question would be: are people willing to sacrifice a degree of personal convenience to support an initiative designed to curb excessive pre-loading and side-loading?

### *The rationale for Option 2: Set the hours between 7am and 11pm*

While all decisions on trading hours requires balancing the rights of responsible drinkers with efforts to address harmful drinking, decisions about off-licence trading hours have an extra dimension because supermarkets and grocery stores sell a broader range of commodities. It means considerations about the proportionality of the option – the relative cost and benefits – changes because of the potential for wider base of consumers to be adversely effected by licensing decisions.

The other reason to consider retaining the national maximum trading hours is that any reduction in hours may merely shift purchasing patterns – a proportion of pre-loaders may purchase alcohol earlier in the evening – which means the reduction of trading hours may have little effect, or even fuel greater excessive pre-loading because people may start drinking earlier.

It should also be noted that the off-licence sector, particularly supermarkets, are seeking a much higher threshold of causality between the purchase of alcohol and alcohol-related harm. They also have much higher expectations about modelling the impact of trading hour decisions, which is widely acknowledged as being difficult due the complex array of factors that contribute to alcohol-related harm.

The only ground on which an element of a provisional LAP can be appealed is whether it is unreasonable in promoting the safe and responsible sale and consumption of alcohol or minimising alcohol related harm. It is likely that case law will determine how the evidential threshold for reasonableness is applied.

If the Council were to adopt this option, a key consultation question would be: are people willing to endure the consequences of excessive pre-loading and side-loading to retain personal shopping convenience?

### *The rationale for Option 3: More restrictive hours for the central city and the Southern Zone*

This option takes a more targeted approach. It would restrict off-licence trading hours in the central city on the basis that creating a buffer between off-licence availability and entertainment activities in and around on-licence premises may reduce alcohol-related harm from excessive side-loading. It would also mean that people wishing to remain in the central city while consuming alcohol are encouraged to drink in on-licences, which is a regulated environment, rather than in public places.

This option would also restrict off-licence trading hours in the Southern Zone on the basis that the Medical Officer of Health reports the over-representation of young men living in the south of the city in alcohol-related Emergency Department presentations is largely due to excessive pre-loading and side-loading.

*Other options:*

<b>Not Preferred Options</b>	<b>Reason:</b>
Begin maximum opening time at 9am.	Communities have expressed concern about alcohol being sold in the in the morning (before 9.00am), exposing children to licensed premises on their way to school. It is recognised that there are diverse kinds of off-licence premises, and that some premises, such as supermarkets, are designed in a manner that does not adversely affect the good order and amenity of local communities. That said, alcohol sold alongside household grocery items normalises the product which is clearly no ordinary commodity and fails to protect vulnerable people by reducing access to alcohol. On balance, the risk assessment approach is considered a more appropriate mechanism to consider when opening before 9am may increase alcohol-related harm or diminish amenity and good order.
Maximum trading hours beyond the default hours	Reducing the availability of alcohol is widely recognised as one of the key regulatory levers that can reduce alcohol-related harm. The aim of the policy is to reduce opportunities for excessive drinking and alcohol-related harm, while balancing the impact of restricted trading hours on licensees and responsible drinkers. International best practice supports restricting trading hours for off-licenses to allow a sufficient buffer to the late-night economy to the extent that these premises are closed before at risk groups typically move into the city. Further increasing off-licence trading hours increases the risk of excessive pre-loading and side-loading.

### **5.3.5 On-licence maximum trading hours**

*Recommended approach:*

Set maximum on-licence trading hours at:

- Entertainment Precinct: 7am-3am and 7am-5am for best-practice premises
- Central City: 7am-2am and 7am-3am for best-practice premises
- Suburban: 7am-Midnight

*Rationale:*

Crime and harm statistics demonstrate that late-night trading in the central city is inherently higher-risk. Ensuring operators are capable of managing their risk through a robust assessment framework and incentivising the investment in best practice through eligibility for late-trading is an effective way of mitigating this risk. This is supported by a three-tiered approach to maximum trading hours that:

- Provides incentives to operators to invest in best practice to secure later trading hours.
- Reduces harm and/or the potential for harm - staggering closing times reduces the likelihood of harmful outcomes by reducing conflict at congestion points and the demand on resources such as transport and policing services.

- Focuses the resources of the city into specific zones that can be better designed and intensively managed.
- Clearly defines what areas of the city you can expect to experience late-trading activity
- Protects local amenity where this is an overriding priority i.e. suburban centres

Confining activity at high risk times to specific locations in the central city enables clear communication of expectations, a targeting of resources, closer monitoring, and enforcement. When set alongside the application of specific conditions and incentivising licensees to reduce their risk profile, improves alcohol and patron management which contributes to the safety of both individuals and the community.

*Other Options:*

<b>Not Preferred Options</b>	<b>Reason:</b>
Status quo – national maximum trading hours	The default maximum trading hours in the Act do not adequately represent the strategic goals of the City nor the particular needs of local communities
Status quo – 3am standard limit/6.00am maximum where operator meets higher standard in current Liquor Licensing Policy	In setting the national maximum trading hours in the Act, the Government effectively drew a new line in the sand in terms of the general limits that should be applied. However, it also recognised that this one size fits all approach would not suit all communities and so put in place the provision for councils to develop LAPs that more accurately reflect the particular requirements of local settings. Crime and harm statistics demonstrate that the current licensing policy is failing to deliver a safe and responsible drinking environment where harm is minimised. This is best addressed by limiting trading beyond 3am to specifically design and managed precincts supported by a robust risk-management framework.
Standard maximum trading hours across the city	The proposed approach is consistent with Wellington’s District Plan, which mitigates the adverse environment effects from entertainment and commercial activity through a graduated set of rules which are more permissive in the central city and more restrictive in town and suburban centres to protect local amenity.
Standard maximum trading hours in the central city - one-way door policy	Incidents of violence and public nuisance typically spike after closing time when large groups of patrons affected by alcohol spill out into the public domain and come into contact with each other and compete for limited resources i.e. food, toilet facilities and public transport. Staggered trading hours provides for a better flow of people moving in and out of the city at high risk times. A one-way door policy would discourage safe and legitimate late-night activity in the street and open spaces and thus fail to support the City’s reputation as a nationally-significant entertainment destination.
Maximum trading hours beyond the default hours.	Maximum trading hours for on-licences beyond the maximum national trading hours applied equally across the entire central city will not promote a safe and responsible drinking environment where harm is minimised. A robust assessment framework that incentivises best practice, assesses risk and limits high risk activity at particular locations and during particular times will lead to a hospitality environment that promotes the safe and responsible supply and consumption

	<p>is a more effective approach. This approach also delivers on the City's strategic objectives and enhances the positive social and economic benefits the hospitality sector has to offer.</p> <p>The recommended approach does allow maximum trading hours beyond the default hours but this is limited to two Entertainment Precincts within the Central Area and is proposed on the basis that:</p> <ul style="list-style-type: none"> <li>• alcohol-related harm is more effectively managed by moving people away from some key locations in the city such as Te Aro Park</li> <li>• that there is a clear distinction between each zone and that activity at these high risk times is more appropriately concentrated in areas where surveillance, lighting, trading quality and enforcement can be concentrated</li> <li>• a risk based model is implemented to reduce risk associated with the late-night trading environment.</li> <li>• the Council commits to a broad range of initiatives and interventions that support best practice and environmental improvements.</li> </ul>
8am opening hour as per the default provisions	<p>The Council recognises the need for the hotels and hospitality sector to remain flexible and responsive to international and national events in respect of the demand for champagne breakfasts and related conference/event activities. As such, an 8.00am start for trading is considered too restrictive. The risk assessment approach is considered a more appropriate mechanism to consider when trading at 7:00am is appropriate without increasing alcohol-related harm or reducing good order and character.</p>
Reduced hours for Southern Zone	<p>The alcohol-related harm data does not indicate that on-licence trading is an issue for this area. Community concerns are similarly focused on the number and location of off licensed premises in the area.</p>

### 5.3.6 Discretionary conditions

#### *Recommended approach:*

- Provide a list of indicative discretionary conditions the DLC may consider when issuing a licence
- Specify the conditions that will appear on on-licences granted late-trading (trading beyond 2.00am)
- Specify the conditions that will appear on off-licences granted in entertainment zones or the Southern zone.

#### *Rationale:*

A range of discretionary conditions were considered having regard to the object of the Act and the Council's objectives in the draft LAP. Discretionary conditions relate to the management of licensed premises and address matters such as ensuring the safety of patrons, the maintenance of amenity and measures designed to support safer drinking environments. A range of conditions were considered having regard to legislative precedent, stakeholder consultation, and the advice of licensing inspectors.

Not Preferred Options	Reason:
Status Quo	While the provisions in the Act allow for a DLC to issue a licence subject to <i>any</i> reasonable conditions not inconsistent with the Act, the draft LAP is an opportunity to provide additional guidance and specific conditions as they relate to trading at high risk times and locations in the city

#### **5.4 Snapshot of alcohol-related statistics**

Evidence-based decision-making is an essential element of the local alcohol policy-making process. The Act goes so far as to specify the factors a council must have regard to when producing a draft policy. We have chosen to satisfy this requirement by producing a specific document that outlines relevant alcohol-related statistics (see Appendix Five). The snapshot is a repository for studies, statistics, and surveys relevant to a local alcohol policy and we have endeavoured, with varying degrees of success, to include contributions from key stakeholders.

#### **5.5 Consultation and Engagement**

The early engagement programme has generated a wealth of community perspectives that has contributed to the development of the draft AMS and draft LAP. With the adoption of the draft documents, engagement with the community shifts to a formal consultation phase.

Consultation on the draft AMS will focus on the proposed implementation initiatives, where submitters will be encouraged to share their views on the best non-regulatory approach to deliver on our strategic goals. Consultation on the draft LAP must use the Special Consultative Procedure where the emphasis is on written submissions and will not be augmented with online or social media discussions.

The consultation process is scheduled to start on July 2 and close on August 2. All participants in the early engagement programme will be alerted and every licensee will be contacted to make them aware the draft LAP has been released for consultation.

Engagement activities will focus on three public briefings scheduled in the first two weeks in July. These will be in a panel format and are intended to provide an opportunity for the public to ask questions prior to making written submissions.

##### **5.5.1 Hearing Subcommittee**

The Council must consult on the draft LAP using the Special Consultative Procedure. This means the Council must provide an opportunity for submitters to speak in support of their submission.

It is recommended a Hearings Subcommittee be established – comprising four members, chaired by the Social Portfolio Leader, with a quorum of 3 members. Terms of Reference for the Hearings Subcommittee can be found in Appendix Four.

The hearings are scheduled for the week beginning 5 August. There are likely to be large number of submissions, with a number being technical in nature. Hearings will need to be held in the evening and may spill into the following week to accommodate demand.

#### **5.6 Financial considerations**

There are no immediate financial implications from developing a draft Alcohol Management Strategy or draft Local Alcohol Policy.

#### **5.6 Long-term plan considerations**

The draft AMS and draft LAP contribute to the People-centred City and Dynamic Central City goals of the *Towards 2040: Smart Capital* strategy. The Council, through its Long Term Plan, makes a significant contribution to promoting Wellington City is an entertainment destination and fostering a vibrant night-time economy while contributing to the management of alcohol related behaviour.

## **6. Conclusion**

The report summarises the key themes emerging from a community engagement programme on the role of alcohol in Wellington. This feedback has been incorporated into a draft Alcohol Management Strategy and draft Local Alcohol Policy. The proposed approach to the draft LAP, which is centred on a robust risk-assessment framework that incentivises best-practice, assesses risk, and limits activity at higher risk times to particular locations, is considered to be reasonable in responding to matters raised during the early engagement programme and in achieving the object of the Act.

Contact Officers: *Jaime Dyhrberg, Service Development and Improvement Manager, and Giselle Bareta, Senior Advisor, Community Networks*

## SUPPORTING INFORMATION

### 1) Strategic fit / Strategic outcome

*The draft Alcohol Management Strategy and Local Alcohol Policy supports Council's overall vision of Wellington Towards 2040: Smart Capital. The strategy furthers Council's objectives around being a people centred city and developing a dynamic central city.*

### 2) LTP/Annual Plan reference and long term financial impact

*There are no immediate financial implications from preparing a draft Alcohol Management Strategy and Local Alcohol Policy. The Council will need to consider the extent it supports the implementation of the strategy in future annual plans.*

### 3) Treaty of Waitangi considerations

*None.*

### 4) Decision-making

*This is a significant decision. The report seeks approval to consult on a draft Local Alcohol Policy using the Special Consultative Procedure.*

### 5) Consultation

#### a) General consultation

*The paper outlines the comprehensive engagement programme to elicit community feedback to inform the draft strategy and policy.*

#### b) Consultation with Maori

*Mana whenua will be consulted on the draft strategy and policy.*

### 6) Legal implications

*Legal advice will be sought as required.*

### 7) Consistency with existing policy

*The Council has both an interest and responsibility for alcohol management in the city. That interest and responsibility comes from statutory requirements for alcohol licensing and the Council's responsibility for public places and for promoting a dynamic central city with vibrant suburban centres, and in reducing alcohol related harm.*