

9. DRAFT ALCOHOL POLICY



| | |
|--|--|
| Officer responsible Director of Policy | Author Terence Moody, DDI 941-8834 |
|--|--|

The purpose of this report is to inform the Committee on the submissions received from the initial consultation phase on the discussion document on the proposed alcohol policy, and to recommend that a draft alcohol policy now be approved for release for public consultation.

INTRODUCTION

On 22 May 2003, the Council approved the release of a discussion document on a proposed alcohol policy for initial stakeholder and public consultation. The aim of this phase was to seek the views of stakeholder groups and to assist the Council in developing a draft alcohol policy for wider public consultation.

The discussion document was made available for comment to the following stakeholders and to the public through the Council's Have Your Say website. The stakeholders who were provided directly with the document were as follows:

- All holders of sale of liquor licences
- Alcohol and Drug Association NZ
- Alcoholics Anonymous
- Alcoholic Liquor Advisory Council
- Canterbury District Health Board
- Canterbury Youth Workers Collective
- Christchurch Alcohol Action Project
- Chartered Clubs Association
- Child Youth and Family
- Christchurch School of Medicine and Health Sciences
- Christchurch City Mission
- Community and Public Health (Medical Officer of Health)
- Community Boards
- Healthy Christchurch
- He Oranga Pounamu
- Hospitality Association of New Zealand (Canterbury Branch)
- New Zealand Police
- Sports Canterbury
- Sports Clubs Association of New Zealand
- Safer Christchurch
- Salvation Army
- Te Runanga o Ngai Tahu

Submissions closed on 14 July 2003. A Subcommittee consisting of four members of the Regulatory and Consents Committee was established to hear the submissions from stakeholder groups. It was agreed that the Subcommittee would then report back to the Committee on the submissions and would recommend a draft alcohol policy (attached). This part of the process is now completed.

THE SUBMISSIONS

Over 1,000 copies of the discussion document were sent to the stakeholders listed, in addition to it being placed on the Have Your Say website and advertised in a newspaper. Four submissions were received online and 29 in writing, making a total of 33. Of these nine were heard by the Subcommittee.¹

The questions about the use of legislation were commented on by the greater number of submitters with a wide range of views provided. As the submissions were from a wide range of organisations the views expressed were also wide in some cases.

¹ These were: Hospitality Association of New Zealand (Canterbury Branch), New Zealand Police, Salvation Army, Youth Party Network, Canterbury District Health Board, Beer Wine and Spirits Council, Department of Child, Youth and Family Services (Southern Region), Field of Dreams, Sale of Liquor Inspector.

Considerable comment was made on the issue of controls on special licences. The majority indicated that hours of operation to 1am in Living zones were generally acceptable. In Business zones the indication was that up to 3am would in most cases be suitable.

There was no agreement regarding the number of special licences that could be issued in relation to any premises. Submissions ranged from an “industry approach” that the Sale of Liquor Act 1989 did not restrict the matter, and therefore must be dealt with on a case to case basis; to a limit of five per year.

The issue of licences on the special days, contained in the Act and being Good Friday, Easter Sunday, Christmas Day, and before 1pm on Anzac Day, provide some comment. These ranged from no provision, except that allowed in the Act, to treating the period up to 3am as an extension of the previous night as was allowed for with Sunday trading before the Act was amended.

The period of prior notification of special licence applications was likewise a subject of varying views, although there was support for the 10 working days in general as being suitable but with some provision for a shorter period when this was genuinely unavoidable.

The comments on the hours of operation provided a range of views. The question raised related to providing for a break between drinking sessions for premises with 24-hour licences but the comments also were made on other suggested hours for closing. The industry submissions pointed out that the Act made provision for such hours and therefore no “blanket” hours restriction should be put in place. The converse view was put forward by the Police and supported by the Canterbury Area Health Board and a number of other submitters including some Community Boards.

There seemed to be general acceptance that a 3am closing was suitable for most business zones, but more particularly those in the central city. The Police provided some evidence for the increase in offences in the central city after 3am in support of their submission.

In, or adjacent to, living zones some concern was expressed about the seeming conflict of a 11pm closing contained in the City Plan and the 1am closure often accepted for special licences.

The majority of submitters indicated that they supported the liquor ban but a number suggested it should be either extended in times or applied to other areas. With the change in the provisions of the Local Government Act 2002 the matter of any changes will need to be considered by the Council through that avenue at a later date.

The matter of developing a stakeholder’s forum, or the introduction of an Alcohol Accord, was commented on by just over half of the submitters. Most supported an examination of the proposal except one industry group who considered the policy should be developed before any consideration is given to any Alcohol Accord or similar forum.

Just over half the submitters commented on the matter of the Council becoming more involved in education around alcohol related issues. Of these a greater percentage supported some more involvement by the Council and some suggested this should be by producing outcome statements. Conversely others saw this educational role to be more appropriately undertaken through central Government organisations or those funded by central government.

Of those commenting on the Council’s current policy on advertising and sponsorship, just under half of all submitters, most considered the present policy was adequate but could be extended in some cases and questions were raised regarding its implementation and monitoring.

Few (about a third) commented on the matter of gaming but the majority of these considered the two matters should be considered in tandem.

In addition, just under half of the submitters made comments on the “other matters” section of the discussion document. Most of these made reference to the inclusion of outcomes in the LTCCP relating to reducing or minimising alcohol related harm as being required. Some mentioned the need to address youth problems in this regard. The Police raised a number of issues regarding licensed premises including door staff, events for minors, and the licensing of “party buses”.

DISCUSSION

The Subcommittee carefully examined all submissions and heard those that presented in person. The view was held that the Sale of Liquor Act 1989 had created a primary role for local authorities in a legal sense and this constrained, to a degree, actions that could be taken by the Council. It was considered that a number of matters should be addressed in the Alcohol Policy that would clarify certain matters regarding hours of operation for special licences and this has been done in the attached draft Alcohol Policy.

The Subcommittee had undertaken to send out the Proposed Alcohol Policy draft to submitters for further written comment by 22 September before forwarding it to the Council for adoption. It was also agreed that a more detailed operational policy should be prepared by staff to accompany the Council policy once it was released.

The Subcommittee, in its deliberations, was advised that the fee for administering the issue of special licences as required under the Act did not reflect the true costs. As these fees were set by legislation it was considered that the Council should seek to have the fee increased to more properly reflect the costs of such activities.

Staff

- Recommendation:**
1. That the Regulatory and Consents Committee recommend to the Council that the attached draft Alcohol Policy be released for public consultation.
 2. That the Committee recommend that the Council approach the Minister of Justice to seek an increase in the fees under Regulation 29(1)(g) of the Sale of Liquor Regulations 1990.

Chairman's

- Recommendation:**
1. That the Committee consider the optimal timing for public consultation on the draft alcohol policy, preferably before Christmas, but taking into account other consultation processes already underway.
 2. That the Committee note that once the draft policy is approved in its final form, Council officers will be required to process all special licence applications in accordance with the policy.